

RESOLUTION NO. 13-2143

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF SURFSIDE, FLORIDA; URGING THE  
HONORABLE GOVERNOR AND FLORIDA  
LEGISLATURE TO BAN TEXTING WHILE  
DRIVING; PROVIDING FOR AUTHORIZATION;  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, according to a December, 2011 survey from the International Association for the Wireless Telecommunications Industry, there are an estimated 331.6 million wireless subscriber connections in the U.S., which outnumber the total U.S. population; and

**WHEREAS**, these statistics reflect a rapid and substantial increase in the number of wireless subscriptions from 203,600 in June, 1985; and

**WHEREAS**, the number of text messages sent also has risen dramatically to approximately 2.3 trillion text messages sent during calendar year 2011, up from 15.8 billion text messages sent during calendar year 2006, the first year in which text message data was collected by the International Association for the Wireless Telecommunications Industry; and

**WHEREAS**, according to a June 2011 national survey by the American Automobile Association (AAA) Foundation, 94 percent of drivers consider texting while driving a serious threat; and

**WHEREAS**, public concern over distracted driving has resulted in a number of jurisdictions making it illegal to use hand-held cellular telephones for talking or texting or both while driving; and

**WHEREAS**, during the 2002 regular session, the Florida Legislature enacted Chapter 2002-179, Laws of Florida (HB 358), which preempted local governments from regulating the use of electronic communications devices in motor vehicles; and

**WHEREAS**, on December 13, 2011, the National Transportation Safety Board urged all U.S. states to ban drivers from using electronic devices while driving, including for text messaging, after several investigations found that texting was the cause of deadly accidents; and

**WHEREAS**, as of May, 2012, 37 states and the District of Columbia have banned texting while driving for all drivers, and another five states have banned texting while driving for holders of learner's permits, drivers under age 21, school bus drivers and/or public transit operators, according to a National Conference of State Legislatures survey; and

**WHEREAS**, Florida is one of only eight states, along with Arizona, Hawaii, Montana, New Mexico, Ohio, South Carolina and South Dakota, that have not imposed any ban on texting while driving, whether for all drivers or limited groups of drivers; and

**WHEREAS**, in recent years, bills have been filed in the Florida Legislature each session that would ban talking or texting or both while driving, but these bills have not passed; and

**WHEREAS**, bills were filed for consideration during the Florida Legislature's 2012 session that would have banned texting while driving enforced as a secondary offense, SB 416 by Senator Nancy C. Detert (R – Venice) and HB 299 by Representative Ray Pilon (R – Sarasota) but these bills did not pass; and

**WHEREAS**, the Town of Surfside strongly supports passage of legislation during the Florida Legislature's 2013 session that would ban texting while driving.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above and foregoing are true and correct and are incorporated herein by reference.

**Section 2. Approval and Authorization.** The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

**Section 3. Direction to the Town Clerk.** The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the Miami-Dade County Municipal Clerk, The Honorable Governor, and The State of Florida Legislature to urge the Florida Legislature to pass legislation that would ban texting while driving.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12 day of March 2013.

Motion by <sup>vice Mayor</sup> Commissioner Karukin, second by Commissioner Graubart.

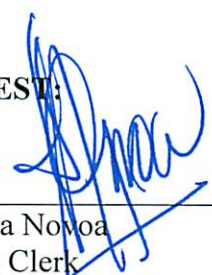
FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart  
Commissioner Michelle Kligman  
Commissioner Marta Olchyk  
Vice Mayor Michael Karukin  
Mayor Daniel Dietch


yes  
yes  
Absent  
yes  
yes

  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Nowoa  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Linda Miller, Interim Town Attorney