

RESOLUTION NO. 17-2454

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION MAKING TEXTING WHILE DRIVING A PRIMARY OFFENSE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in 2013, the State of Florida passed the “Florida Ban on Texting While Driving Law,” prohibiting any person from operating motor vehicle while manually typing any letters, numbers, symbols or character into a mobile device (“Texting Law”); and

**WHEREAS**, the Texting Law made its provisions enforceable only as a secondary driving offense—that is enforceable only after the operator of a motor vehicle has been detained for suspected violation of another primary offense under Chapter 316, 320, and/or 322, Florida Statutes; and

**WHEREAS**, Florida is one of few states where texting and driving is not a primary offense; and

**WHEREAS**, texting while driving continues to be a dangerous, distracted-driver activity, which has increasingly been the cause of traffic delays and serious motor vehicle accidents, some leading to serious injury and death; and

**WHEREAS**, if texting while driving was classified as a primary offense, police officers would be better equipped to stop distracted, texting drivers, discouraging the behavior broadly throughout the community; and

**WHEREAS**, the Town Commission finds that urging the Florida Legislature to pass legislation making texting while driving a primary offense is in the best interest of the Town and public safety.

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

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Urging Florida Legislature to Pass Legislation Making Texting While Driving a Primary Offense.** The Florida Legislature is hereby urged to pass legislation making texting while driving a primary offense, allowing police officers to stop directly distracted drivers before such drivers can cause traffic accidents, injuries and loss of life.

**Section 3. Transmittal.** The Town Clerk is hereby directed to transmit this Resolution to the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Governor of the State of Florida, and such individuals of the Florida Legislature and staff as deemed appropriate by the Town Manager to ensure that the Town's position is clearly received and understood.

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

PASSED AND ADOPTED this 10<sup>th</sup> day of October, 2017.

Motion by Commissioner Gielchinsky

Second by Commissioner Karukin.



DANIEL DIETCH, MAYOR

ATTEST:



Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

  
Town Attorney

FINAL VOTE ON ADOPTION:

Mayor Daniel Dietch	<u>yes</u>
Vice-Mayor Barry Richard Cohen	<u>Absent</u>
Commissioner Barry Richard Cohen	<u>YES</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>