

**RESOLUTION No. 18-37**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, 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 an letters, numbers, symbols or character into a mobile device (“Texting Law”); and

**WHEREAS**, the Texting Law made its provisions enforceable only 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**, texting while driving makes the likelihood of a crash 23 times greater than driving while not distracted, according to the Virginia Tech Transportation Institute; and

**WHEREAS**, in 2014, the National Highway Traffic Safety Administration (“NHTSA”) reported an estimated today of 967,000 crashes in the United States involving distracted drivers, with over 3,170 people killed as a result; and

**WHEREAS**, the degree of cognitive distraction associated with cellular telephone use so high that drivers using cellular telephones exhibit greater impairment than illegally intoxicated drivers, according to a University of Utah study; and

**WHEREAS**, the Florida Legislature is currently considering bills that would make texting while driving a primary offense; however, to date, such bills have not passed, allowing texting while driving to remain a secondary driving offense in Florida; 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 more broadly throughout the community; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, 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. Recommended Position.** The Florida Legislature is hereby strongly urged to pass legislation making texting while driving a primary offense, allowing police officers to stop directly distracted drivers before such drivers can cause further traffic, accidents, and loss of life.

**Section 3. Transmittal.** The City 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 City Manager, to ensure that the City's position with this regard is clearly received and understood.

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

The foregoing Resolution was offered by Councilwoman Fraga who moved its adoption.

The motion was seconded by Vice Mayor Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 13 day of February, 2018.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:  
  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY