

RESOLUTION NO. _____

A RESOLUTION OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE.

WHEREAS, texting while driving makes the likelihood of a crash 23 times greater than driving while not distracted, according to Virginia Tech Transportation Institute; and

WHEREAS, distracted driving is driving while performing another activity that shifts the driver's attention away from driving; and

WHEREAS, texting while driving is a form of distracted driving; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) reported an estimated total of 967,000 crashes in the United States involving distracted drivers in 2014; and

WHEREAS, in 2014, approximately 431,000 people were injured in crashes in the United States involving distracted drivers, according to the NHTSA; and

WHEREAS, according to the NHTSA, 3,179 people in the United States were killed in 2014 in crashes involving distracted drivers; and

WHEREAS, the concern of the American public over distracted driving has grown exponentially, resulting in the first-ever national distracted driving enforcement and advertising campaign in April 2014 by the United States Department of Transportation; and

WHEREAS, in April 2015, the United States Transportation Secretary continued the national campaign by announcing the "U Drive. U Text. U Pay." campaign for Distracted Driving Awareness Month; and

WHEREAS, the degree of cognitive distraction associated with mobile phone use is so high that drivers using mobile phones exhibit greater impairment than legally intoxicated drivers, according to a study conducted by the University of Utah; and

WHEREAS, a number of local jurisdictions have made it illegal to use hand-held cellular devices while driving; and

WHEREAS, during the 2002 regular session, the Florida Legislature enacted Chapter 2002-179, Law of Florida (Senate Bill 358), which preempted local governments from regulating the use of electronic communication devices in motor vehicles; and

WHEREAS, on September 30, 2009, President Barack Obama issued an executive order prohibiting federal employees from texting while driving owned, leased, or rented government vehicles or driving and texting with government-supplied equipment; and

WHEREAS, on October 27, 2010, the Federal Motor Carrier Safety Administration enacted a ban prohibiting commercial vehicle drivers from texting while driving; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board urged all states to prohibit the use of cellular telephones and text messaging while behind the wheel of a motor vehicle; and

WHEREAS, during the 2013 regular session, the Florida Legislature passed the Florida Ban on Texting While Driving Law, which made texting while driving a noncriminal traffic infraction; and

WHEREAS, as of March 2016, 46 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have banned texting while driving for all drivers; and

WHEREAS, of the 46 states that have banned texting while driving, all but 5 have made texting while driving a primary offense; and

WHEREAS, Florida is among the 5 states that do not enforce texting while driving as a primary offense, but instead as a secondary offense; and

WHEREAS, a secondary offense is an offense for which a law enforcement officer can issue a ticket only if a driver has been pulled over for committing another traffic violation; and

WHEREAS, the Florida Legislature has considered bills that would make texting while driving a primary offense, however, to date, such bills have not been passed; and

WHEREAS, the Nassau County Board of County Commissioners urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, this _____ day of October, 2017, that:

1. The Board hereby urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.
2. The Board hereby directs the Clerk of the Board to transmit a certified copy of this Resolution to the Governor, the Senate President, the Speaker of the House, and members of the Nassau County Legislative Delegation.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER
Its: Chairman

Attest as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:

MICHAEL S. MULLIN