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**A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL  
URGING THE FLORIDA LEGISLATURE TO ENACT  
LEGISLATION THAT WOULD MAKE TEXTING WHILE  
DRIVING A PRIMARY OFFENSE; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**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**, 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**, in 2014, 3,179 people were killed in crashes in the United States involving distracted drivers, according to the NHTSA; 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 University of Utah study; 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, Laws of Florida (Senate Bill 358), which preempted local governments from regulating the use of electronic communications devices in motor

1 vehicles; and  
2

3 **WHEREAS**, on September 30, 2009, President Barack Obama issued an  
4 executive order prohibiting federal employees from texting while driving owned, leased,  
5 or rented government vehicles or driving and texting with government-supplied  
6 equipment; and  
7

8 **WHEREAS**, on October 27, 2010, the Federal Motor Carrier Safety  
9 Administration enacted a ban prohibiting commercial vehicle drivers from texting while  
10 driving; and  
11

12 **WHEREAS**, on December 13, 2011, the National Transportation Safety Board  
13 urged all states to prohibit the use of cellular telephones and text messaging while  
14 behind the wheel of a motor vehicle; and  
15

16 **WHEREAS**, during the 2013 regular session, the Florida Legislature passed the  
17 Florida Ban on Texting While Driving Law, which made texting while driving a  
18 noncriminal traffic infraction; and  
19

20 **WHEREAS**, as of March 2016, 46 states, the District of Columbia, Puerto Rico,  
21 Guam and the U.S. Virgin Islands have banned texting while driving for all drivers; and  
22

23 **WHEREAS**, of the 46 states that have banned texting while driving, all but five  
24 have made texting while driving a primary offense; and  
25

26 **WHEREAS**, Florida is among the five states that do not enforce texting while  
27 driving as a primary offense, but instead as a secondary offense; and  
28

29 **WHEREAS**, a secondary offense is an offense for which a law enforcement  
30 officer can issue a ticket only if a driver has been pulled over for committing another  
31 traffic violation; and  
32

33 **WHEREAS**, the Florida Legislature has considered bills that would make texting  
34 while driving a primary offense, however, to date, such bills have not been passed,  
35 allowing texting while driving to remain a secondary offense in Florida; and  
36

37 **WHEREAS**, the Council of the Village of Wellington, Florida desires to urge the  
38 Florida Legislature to enact legislation that would make texting while driving a primary  
39 offense.  
40

41 **NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S**  
42 **COUNCIL** that:  
43

44 **SECTION 1.** The Wellington Council urges the Florida Legislature to enact  
45 legislation that would make texting while driving a primary offense.  
46

1        **SECTION 2.** The Wellington Council hereby directs the Village Clerk to transmit  
2 a certified copy of this resolution to the Governor of Florida, President of the Florida  
3 Senate, Speaker of the Florida House of Representatives, and the Palm Beach County  
4 State Legislative Delegation.  
5

6        **SECTION 3.** This Resolution shall become effective immediately upon adoption.  
7

8        **PASSED AND ADOPTED** this 26th day of September 2017.  
9

10       **ATTEST:**

**WELLINGTON**

11  
12  
13 By: \_\_\_\_\_  
14        Chevelle D. Nubin, Village Clerk  
15

By: \_\_\_\_\_  
      Anne Gerwig, Mayor  
16

17 **APPROVED AS TO FORM**  
18 **AND LEGAL SUFFICIENCY**  
19

20  
21 By: \_\_\_\_\_  
22        Laurie Cohen, Village Attorney