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**RESOLUTION NO. 09-83**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING A STATE BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, recognizing that operation of a motor vehicle in a safe manner is crucial to the quality of life of all visitors and residents of Palmetto Bay and, in particular, school children, the Village in March of 2007 passed Resolution 07-24, which requested the State to preclude cellular telephone usage in a school zone; and

**WHEREAS**, the Village of Palmetto Bay further finds that text messaging while operating a motor vehicle on any roadway is a grave threat to the well-being of motor vehicle operators, passengers, and other persons, including pedestrians and cyclists; and

**WHEREAS**, the Village Council is deeply concerned about the continued state pre-emption of local action, provided by 316.0075 Florida Statutes., with regard to this issue without corresponding legislation banning or otherwise regulating text messaging while operating a motor vehicle; and

**WHEREAS**, as reported by the Miami Herald, in July of this year the National Highway Traffic Safety Administration reported that even back in 2002 – before text messaging was as widespread as it is today – there were 955 deaths and 240,000 crashes attributable to drivers using cell phones, either through the use of text messaging or talking on their cell phone; and

**WHEREAS**, there are already ten states (as well as Washington, D.C.) that have recognized the danger in this practice and have banned text messaging while driving: Alaska, Arkansas, California, Connecticut, Louisiana, Minnesota, New Jersey, Utah, Virginia, and Washington; and

**WHEREAS**, as reported by the Miami Herald, according to a study authored by the Transport Research Laboratory in the United Kingdom – and confirmed by Car and Driver Magazine – drivers reaction time slowed by as much as 35 percent when reading or text messaging, almost triple the effect on reaction time of drinking enough alcohol to be legally impaired; and

**WHEREAS**, the Village Council believes that it is in the best interest of the health safety, and welfare of residents of the Village for the State to either ban the practice of text messaging while operating a motor vehicle or in the alternative to allow local communities to enact their own ban.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

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2           **Section 1.**     The above recitals are true and correct and are incorporated herein by this  
3 reference.  
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5           **Section 2.**     The Village of Palmetto Bay hereby supports legislation that either bans  
6 the practice of text messaging while operating a motor vehicle or in the alternative allows local  
7 communities to enact their own ban.  
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9           **Section 3.**     That the Village Clerk is hereby directed to transmit copies of this  
10 Resolution to the Governor of the State of Florida, the President of the Florida Senate, the  
11 Speaker of the Florida House of Representatives, any Members of the Florida House of  
12 Representatives or Florida Senate introducing legislation in accordance with the terms of this  
13 Resolution, the Florida League of Cities, the Miami-Dade County League of Cities, and the  
14 Mayors and Members of the governing bodies of the municipalities within Miami-Dade County,  
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16           **Section 4.**     This resolution shall take effect immediately upon approval.  
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18 PASSED and ADOPTED this 5<sup>th</sup> day of October, 2009.  
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22 Attest:



23 Meighan Rader  
24 Village Clerk  
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26 Eugene P. Flinn, Jr.  
27 Mayor  
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29 APPROVED AS TO FORM:  
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31 Eve A. Boutsis,  
32 Village Attorney  
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34 **FINAL VOTE AT ADOPTION:**  
35

36 Council Member Ed Feller	<u>YES</u>
37 Council Member Howard J. Tendrich	<u>YES</u>
38 Council Member Shelley Stanczyk	<u>YES</u>
39 Vice-Mayor Brian W. Pariser	<u>YES</u>
40 Mayor Eugene P. Flinn Jr.	<u>YES</u>