

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
INDIAN RIVER COUNTY, FLORIDA, ENCOURAGING THE FLORIDA  
LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE  
TEXTING WHILE DRIVING A PRIMARY TRAFFIC OFFENSE**

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, 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, the National Highway Traffic Safety Administration (NHTSA) reported an estimated total of 967,000 crashes in the United States involving distracted drivers in 2014, resulting in 3,179 deaths and approximately 431,000 injuries; 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, 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, 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 vehicles; 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 secondary infraction; 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, despite making texting while driving a secondary offense, The Florida Department of Highway Safety and Motor Vehicles (FDHSMV) reports that distracted driving crashes have increased 26% since 2013; and

WHEREAS, according to statistics from the FDHSMV, Indian River County had 2,360 crashes in calendar year 2016 and 383 of those (16%) were distracted driving crashes with 21 resulting in incapacitating injuries and 5 fatalities; and

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

RESOLUTION NO. \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that:

1. The Board hereby urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.

2. The Clerk to the Board is hereby directed to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Members of the Indian River County Legislative Delegation.

3. This item shall be included as a priority matter for the 2018 Legislative Package when it is presented to the Board.

The resolution was oved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Chairman Joseph E. Flescher	_____
Vice Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
William K. DeBraal  
Deputy County Attorney