

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING ADOPTION OF LEGISLATION PROHIBITING TEXTING WHILE DRIVING; DIRECTING THE CITY ATTORNEY TO EXPLORE AVENUES FOR LOCAL ORDINANCE IRRESPECTIVE OF FLORIDA STATUTE 316.0075; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The National Safety Council estimates approximately 1.3 million crashes occur each year while drivers are utilizing phones or engaged in text messaging; and

WHEREAS, In December 2011, the National Transportation Safety Board (NTSB) called for the first-ever nationwide ban on driver use of portable electronic devices (PEDs) while operating a motor vehicle; and

WHEREAS, Despite overwhelming data indicating the significant contribution such PEDs have in accidents, the Florida Legislature refuses pass legislation to protect Floridians and its' visitors from such hazards as texting while driving; and

WHEREAS, given the narrow streets and numerous bicycles in the City of Key West, our island is especially vulnerable to distracted drivers; and

WHEREAS, despite the City's desire and willingness to enact legislation to prohibit all texting while driving, the Florida Legislature has taken the incredible step to prohibit local communities from adequately protecting their citizens;

WHEREAS, Florida Statute section 316.0075 expressly

prohibits the City of Key West from the "[r]egulation of operator or passenger use of commercial mobile radio services and other electronic communications devices in a motor vehicle ..."

WHEREAS, several bills have been introduced in the 2012 Florida Legislative Session to combat distracted driving. Such bills include Senate bill 416 and companion House Bill 299, which attempt to enact the "Florida Ban on Texting While Driving Law".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City of Key West urges the Florida Legislature to act responsibly in protecting its' citizens and visitors by passing SB 416 and HB 299, and similar measures to help reduce distracted driving.

Section 2: That the City Attorney is directed to evaluate all potential avenues to combat distracted driving irrespective of Florida Statute 316.0075, including review of Miami-Dade County's prohibition on hand held devices in school zones.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2012.

Filed with the Clerk _____, 2012.

MARK ROSSI, VICE MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK