

**RESOLUTION NO. 09-59**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER 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**, the Town of Cutler Bay (The "Town") finds that text messaging while operating a motor vehicle is a grave threat to the well-being of motor vehicle operators, passengers, and other persons in the vicinity of roadways including pedestrians and cyclists; and

**WHEREAS**, the Town Council is deeply concerned about the continued state pre-emption of local action, provided by 316.0075 F.S., 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 Town Council believes that it is in the best interest of the health safety, and welfare of residents of the Town 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 TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

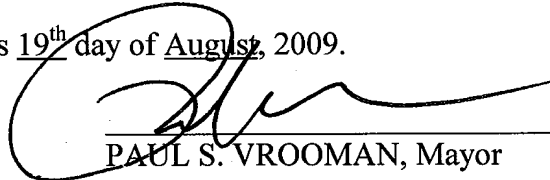
**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Support.** The Town of Cutler Bay (the "Town") hereby supports legislation that either bans the practice of text messaging while operating a motor vehicle or in the alternative allows local communities to enact their own ban.

**Section 3. Transmittal.** That the Town Clerk is hereby directed to transmit copies of this Resolution to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, any Members of the Florida House of Representatives or Florida Senate introducing legislation in accordance with the terms of this Resolution, and the Mayors and Members of the governing bodies of the municipalities within Miami-Dade County.

**Section 4. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 19<sup>th</sup> day of August, 2009.


  
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PAUL S. VROOMAN, Mayor

Attest:

  
\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

  
\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.L.  
Town Attorney

Moved By: Councilmember Bell  
Seconded By: Councilmember Sochin

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	<u>YES</u>
Vice Mayor Edward P. MacDougall	<u>YES</u>
Councilmember Peggy R. Bell	<u>YES</u>
Councilmember Timothy J. Meerbott	<u>YES</u>
Councilmember Ernest N. Sochin	<u>YES</u>