

RESOLUTION NO. 2018-043

RESOLUTION OF THE MAYOR AND CITY COUNCIL STRONGLY URGING THE STATE LEGISLATURE TO STRENGTHEN THE FLORIDA BAN ON TEXTING WHILE DRIVING LAW BY MAKING IT A FIRST OFFENSE.

WHEREAS, Emily Slosberg of the Florida House of Representatives, and others, and Rene Garcia of the Florida Senate, sponsored bills in the last legislative session to strengthen the ban on texting while driving, but the bills failed to pass — House bill Nos. 33, and 121 – Senate bill Nos. 72, and 90; and

WHEREAS, Florida has a ban on texting while driving which can only be enforced as a secondary offense if the law enforcement officer stops a motorist on a suspected violation of a primary offense of the uniform traffic laws; and

WHEREAS, according to the National Highway Traffic Safety Administration, sending or reading a text message takes a person's eyes off the road for five seconds, which at 55 mph is the equivalent of driving the length of a football field with one's eyes closed; and

WHEREAS, misuse of personal wireless communications devices while driving has resulted in personal injury and deaths to pedestrians and occupants of motor vehicles alike; and

WHEREAS, in particular, students while walking to or from school face an increased risk of injury, disfigurement or death from inattentive drivers operating vehicles while using smart devices through school zones; and

WHEREAS, at the Westland Hialeah High School, and at the Mater Academy Charter School in Hialeah Gardens, students have been maimed, injured, and their lives have been endangered or lost due to driver distraction while driving through the school zone texting, emailing or instant messaging; and

WHEREAS, Hialeah and Hialeah Gardens are sixth in the Nation in student pedestrian casualties as a consequence of distracted drivers operating their wireless devices in school zones; and

WHEREAS, the Mayor and the City Council of the City of Hialeah hereby strongly urge the Florida Legislature take up action and pass legislation strengthening the ban on texting while driving by making it a first offense.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

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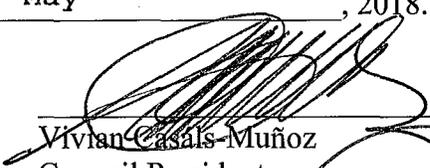
Section 1. The foregoing facts and recitations contained in the preamble to this Resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The City of Hialeah strongly urges the Senate and House of Representatives to pass legislation strengthening the Florida Ban on Texting While Driving Law by making a first offense as proposed by Representative Sobel and Senator Garcia.

Section 3. The City Clerk is directed to send a certified copy of this Resolution to the Florida League of Cities, Miami-Dade League of Cities, the Clerk for the Senate and House of Representatives, and such other authorities as may be appropriate.

Section 4: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

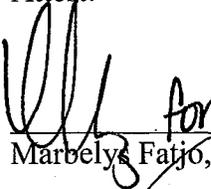
PASSED AND ADOPTED this 22 day of May, 2018.



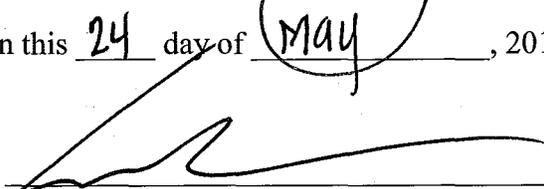
Vivian Casals-Muñoz
Council President

Attest:

Approved on this 24 day of MAY, 2018.

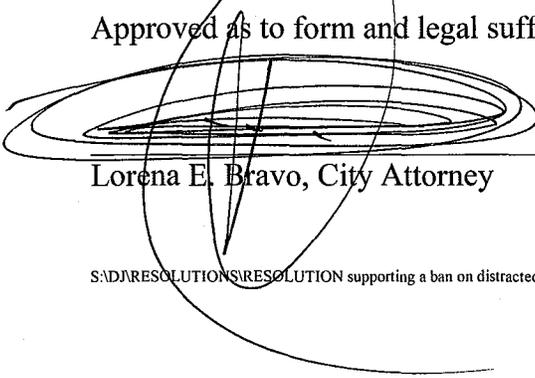


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Resolution was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, Hernandez and Cuenca-Fuente voting "Yes" and Garcia-Martinez absent.