

RESOLUTION NO. 2044-10

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING A STATE BAN ON THE USE OF 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 City of Winter Park (the “City”) 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 City is deeply concerned about the continued state preemption 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 2009, 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 nineteen 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, Colorado, Connecticut, Illinois, Louisiana, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Virginia, 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 City believes that it is in the best interest of the health, safety, and welfare of residents of the City 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; and

WHEREAS, text messaging while driving continues to be an issue of concern throughout this nation, as evidenced by a USA today article published on January 27, 2010, and other recent articles in respected publications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

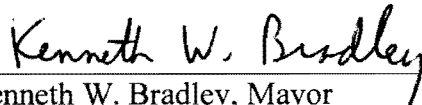
Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by this reference.

Section 2. Support. The City hereby supports legislation that bans text messaging while operating a motor vehicle or in the alternative allows local communities to enact their own ban.

Section 3. Transmittal. That the City 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 the City of Winter Park.

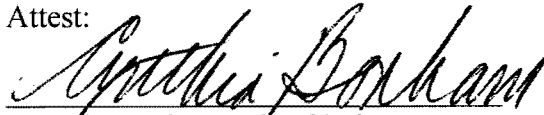
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 8th day of February 2010.



Kenneth W. Bradley, Mayor

Attest:



Cynthia Bonham, City Clerk