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A bill to be entitled
 An act relating to use of wireless communications devices while driving; amending s. 316.305, F.S.; revising a short title; prohibiting the use of handheld cellular telephones and other handheld wireless communications devices for voice communication by drivers; providing exceptions; providing penalties; revising penalties for driving while using such device for nonvoice communication; removing a provision for enforcement of specified provisions as a secondary action; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(1) This section may be cited as the "Florida Ban on Wireless Communications Devices ~~Texting~~ While Driving Law."

(2) It is the intent of the Legislature to:

(a) Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users.

(b) Prevent crashes related to the act of text messaging while driving a motor vehicle.

HB 1313

2015

27 (c) Reduce injuries, deaths, property damage, health care
28 costs, health insurance rates, and automobile insurance rates
29 related to motor vehicle crashes.

30 (d) Authorize law enforcement officers to stop motor
31 vehicles and issue citations as a secondary offense to persons
32 who are texting while driving.

33 (3) (a) A person who is driving or in actual physical
34 control of a motor vehicle on the roads of this state may not
35 use any type of handheld cellular telephone or other handheld
36 wireless communications device for text or voice communication.
37 A person may not operate a motor vehicle while manually typing
38 or entering multiple letters, numbers, symbols, or other
39 characters into a wireless communications device or while
40 sending or reading data on such a device for the purpose of
41 nonvoice interpersonal communication, including, but not limited
42 to, communication methods known as texting, e-mailing, and
43 instant messaging. As used in this section, the term "wireless
44 communications device" means any handheld device used or capable
45 of being used in a handheld manner, that is designed or intended
46 to receive or transmit voice, text, or character-based messages,
47 access or store data, or connect to the Internet or any
48 communications service as defined in s. 812.15 and that allows
49 voice or text communications. The prohibition in this paragraph
50 does not apply to a person using a device that is designed for
51 hands-free use if the person is using such device in a hands-
52 free manner. For the purposes of this paragraph, a motor vehicle

53 that is stationary is not being operated and is not subject to
54 the prohibition in this paragraph.

55 (b) Paragraph (a) does not apply to a motor vehicle
56 operator who is:

57 1. Performing official duties as an operator of an
58 authorized emergency vehicle as defined in s. 322.01, a law
59 enforcement or fire service professional, or an emergency
60 medical services professional.

61 2. Reporting an emergency or criminal or suspicious
62 activity to law enforcement authorities.

63 3. Receiving messages that are:

64 a. Related to the operation or navigation of the motor
65 vehicle;

66 b. Safety-related information, including emergency,
67 traffic, or weather alerts;

68 c. Data used primarily by the motor vehicle; or

69 d. Radio broadcasts.

70 4. Using a device or system for navigation purposes.

71 5. Conducting wireless interpersonal communication that
72 does not require manual entry of multiple letters, numbers, or
73 symbols, except to activate, deactivate, or initiate a feature
74 or function.

75 6. Conducting wireless interpersonal communication that
76 does not require reading text messages, except to activate,
77 deactivate, or initiate a feature or function.

78 7. Operating an autonomous vehicle, as defined in s.

HB 1313

2015

79 316.003, in autonomous mode.

80 (c) Only in the event of a crash resulting in death or
81 personal injury, a user's billing records for a wireless
82 communications device or the testimony of or written statements
83 from appropriate authorities receiving such messages may be
84 admissible as evidence in any proceeding to determine whether a
85 violation of paragraph (a) has been committed.

86 (4) (a) Any person who violates paragraph (3) (a) commits a
87 noncriminal traffic infraction, punishable as a moving ~~nonmoving~~
88 violation as provided in chapter 318.

89 (b) Upon a second or subsequent violation of this section,
90 in addition to the penalties for a moving violation under
91 chapter 318, the department shall suspend the person's driver
92 license and privilege to drive for a period of 6 months. ~~Any~~
93 ~~person who commits a second or subsequent violation of paragraph~~
94 ~~(3) (a) within 5 years after the date of a prior conviction for a~~
95 ~~violation of paragraph (3) (a) commits a noncriminal traffic~~
96 ~~infraction, punishable as a moving violation as provided in~~
97 ~~chapter 318.~~

98 ~~(5) Enforcement of this section by state or local law~~
99 ~~enforcement agencies must be accomplished only as a secondary~~
100 ~~action when an operator of a motor vehicle has been detained for~~
101 ~~a suspected violation of another provision of this chapter,~~
102 ~~chapter 320, or chapter 322.~~

103 Section 2. This act shall take effect October 1, 2015.