



914702

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
10/24/2017	.	
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The Committee on Communications, Energy, and Public Utilities (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (1), paragraphs (b) and (d) of subsection (2), and subsections (3) and (5) of section 316.305, Florida Statutes, are 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."



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

12 (b) Prevent crashes related to the act of using a wireless
13 communications device ~~text messaging~~ while driving a motor
14 vehicle.

15 (d) Authorize law enforcement officers to stop motor
16 vehicles and issue citations ~~as a secondary offense~~ to persons
17 who are using a wireless communications device ~~texting~~ while
18 driving.

19 (3) (a) A person may not operate a motor vehicle while
20 manually typing or entering multiple letters, numbers, symbols,
21 or other characters into a wireless communications device or
22 while sending or reading data or listening or talking on such a
23 device for the purpose of nonvoice or voice interpersonal
24 communication, including, but not limited to, communication
25 methods known as texting, e-mailing, and instant messaging. As
26 used in this section, the term "wireless communications device"
27 means any handheld device used or capable of being used in a
28 handheld manner, that is designed or intended to receive or
29 transmit text or character-based messages, access or store data,
30 or connect to the Internet or any communications service as
31 defined in s. 812.15 and that allows text and voice
32 communications. For the purposes of this paragraph, a motor
33 vehicle that is stationary is not being operated and is not
34 subject to the prohibition in this paragraph.

35 (b) Paragraph (a) does not apply to a motor vehicle
36 operator who is:

37 1. Performing official duties as an operator of an
38 authorized emergency vehicle as defined in s. 322.01, a law
39 enforcement or fire service professional, or an emergency



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40 medical services professional.

41 2. Reporting an emergency or criminal or suspicious
42 activity to law enforcement authorities.

43 3. Receiving messages that are:

44 a. Related to the operation or navigation of the motor
45 vehicle;

46 b. Safety-related information, including emergency,
47 traffic, or weather alerts;

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

49 d. Radio broadcasts.

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

51 ~~5. Conducting wireless interpersonal communication that~~
52 ~~does not require manual entry of multiple letters, numbers, or~~
53 ~~symbols, except to activate, deactivate, or initiate a feature~~
54 ~~or function.~~

55 ~~6. Conducting wireless interpersonal communication that~~
56 ~~does not require reading text messages, except to activate,~~
57 ~~deactivate, or initiate a feature or function.~~

58 5.7. Operating an autonomous vehicle, as defined in s.
59 316.003, in autonomous mode.

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

66 (5) Notwithstanding s. 318.21, all proceeds collected
67 pursuant to s. 318.18 for a violation of this section shall be
68 remitted to the Department of Revenue for deposit into the



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69 Emergency Medical Services Trust Fund of the Department of
70 Health ~~Enforcement of this section by state or local law~~
71 ~~enforcement agencies must be accomplished only as a secondary~~
72 ~~action when an operator of a motor vehicle has been detained for~~
73 ~~a suspected violation of another provision of this chapter,~~
74 ~~chapter 320, or chapter 322.~~

75 Section 2. This act shall take effect October 1, 2018.

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled

82 An act relating to the use of wireless communications
83 devices while driving; amending s. 316.305, F.S.;
84 revising the short title; revising legislative intent;
85 prohibiting a person from operating a motor vehicle
86 while listening or talking on a wireless
87 communications device for the purpose of voice
88 interpersonal communication; redefining the term
89 "wireless communications device" to include voice
90 communications; conforming provisions to changes made
91 by the act; requiring deposit of fines into the
92 Emergency Medical Services Trust Fund; deleting a
93 provision requiring that enforcement of this section
94 be accomplished only as a secondary action; providing
95 an effective date.