

**By** the Committee on Communications, Energy, and Public Utilities; and Senators Perry, Garcia, Mayfield, Rodriguez, and Campbell

579-00930-18

201890c1

1                                   A bill to be entitled  
2       An act relating to the use of wireless communications  
3       devices while driving; amending s. 316.305, F.S.;  
4       revising the legislative intent relating to the  
5       authorization of law enforcement officers to stop  
6       motor vehicles and issue citations to persons who are  
7       texting while driving; requiring deposit of fines into  
8       the Emergency Medical Services Trust Fund; deleting a  
9       provision requiring that enforcement of the Florida  
10      Ban on Texting While Driving Law be accomplished only  
11      as a secondary action; requiring a law enforcement  
12      officer to inform a person who is stopped for texting  
13      while driving of the person's right to decline a  
14      search of his or her wireless communications device;  
15      providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. Paragraph (d) of subsection (2) and subsection  
20       (5) of section 316.305, Florida Statutes, are amended, and  
21       subsection (6) is added to that section, to read:

22       316.305 Wireless communications devices; prohibition.—

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

24       (d) Authorize law enforcement officers to stop motor  
25       vehicles and issue citations ~~as a secondary offense~~ to persons  
26       who are texting while driving.

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

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30 Emergency Medical Services Trust Fund of the Department of  
31 Health ~~Enforcement of this section by state or local law~~  
32 ~~enforcement agencies must be accomplished only as a secondary~~  
33 ~~action when an operator of a motor vehicle has been detained for~~  
34 ~~a suspected violation of another provision of this chapter,~~  
35 ~~chapter 320, or chapter 322.~~

36 (6) A law enforcement officer shall inform a person who is  
37 stopped for texting while driving of the person's right to  
38 decline a search of his or her wireless communications device.

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