A bill to be entitled
An act relating to the use of wireless communications
devices while driving; amending s. 316.305, F.S.;
revising the short title; revising legislative intent;
prohibiting a person from operating a motor vehicle
while using a wireless communications device for the
purpose of nonvoice or voice interpersonal
communication; redefining the term "wireless
communications device" to include voice
communications; conforming provisions to changes made
by the act; requiring deposit of fines into the
Emergency Medical Services Trust Fund; deleting a
provision requiring that enforcement be accomplished
only as a secondary action; providing an effective
date.

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

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."
(2) It is the intent of the Legislature to:
(b) Prevent crashes related to the act of using a wireless communications device text messaging while driving a motor vehicle.

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

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

(b) Paragraph (a) does not apply to a motor vehicle operator who is:
1. Performing official duties as an operator of an authorized emergency vehicle as defined in s. 322.01, a law enforcement or fire service professional, or an emergency medical services professional.
2. Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
3. Receiving messages that are:
   a. Related to the operation or navigation of the motor vehicle;
   b. Safety-related information, including emergency, traffic, or weather alerts;
   c. Data used primarily by the motor vehicle; or
   d. Radio broadcasts.
4. Using a device or system for navigation purposes.
5. Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function.
6. Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function.
7. Operating an autonomous vehicle, as defined in s. 316.003, in autonomous mode.
8. Only in the event of a crash resulting in death or personal injury, a user’s billing records for a wireless...
communications device or the testimony of or written statements from appropriate authorities receiving such messages may be admissible as evidence in any proceeding to determine whether a violation of paragraph (a) has been committed.

(5) Notwithstanding s. 318.21, all proceeds collected pursuant to s. 318.18 for a violation of this section shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health Enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another provision of this chapter, chapter 320, or chapter 322.

Section 2. This act shall take effect October 1, 2019.