The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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 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 driving while text messaging when operating a motor vehicle while the vehicle is in motion.

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

(d) Authorize law enforcement officers to stop motor vehicles and issue citations as a secondary offense to persons who are texting while driving as provided in subsection (3).

(3)(a)1. 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 on such a device for the purpose of nonvoice 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, 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 that allows text 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.

2. a. During the period of October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are texting...
while driving for the purposes of informing and educating such persons. This sub-subparagraph shall stand repealed on October 1, 2020.

b. After December 31, 2019, a law enforcement officer may stop motor vehicles and issue citations to persons who are texting while driving.

(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.

   (c) Only in the event of a crash resulting in death or serious bodily injury, as defined in s. 316.027 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.

   (4)(a) Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, as provided in chapter 318, and shall have 3 points assessed against his or her driver license as set forth in s. 322.27. For a first offense under this section, in lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates this section may elect to participate in a distracted driving safety program approved by the Department of Highway Safety and Motor Vehicles. Upon completion of such program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived. Any person who violates paragraph (3)(a) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

   (b) Any person who commits a second or subsequent violation of paragraph (3)(a) within 5 years after the date of a prior conviction for a violation of paragraph (3)(a) commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

   (5) Notwithstanding s. 318.21, all proceeds collected
pursuant to s. 318.18 for violations of this section must 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. (1) The Department of Highway Safety and Motor
Vehicles, in consultation with the Department of Transportation,
may implement a statewide campaign to raise awareness and
prevent drivers from driving while distracted. The Department of
Highway Safety and Motor Vehicles may use television messaging,
radio broadcasts, print media, digital strategies, social media,
and any other form of messaging deemed necessary and appropriate
by the department to implement the campaign.

(2) The Department of Highway Safety and Motor Vehicles may
contract with counties, local law enforcement agencies, safety
councils, and public schools to assist with planning and
conducting the statewide driving while distracted safety and
public awareness campaign in a manner that encourages compliance
with s. 316.305, Florida Statutes.

Section 3. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2019.

And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to texting while driving; amending s. 316.305, F.S.; prohibiting a person from texting while driving; authorizing a law enforcement officer during a specified period to stop motor vehicles to issue warnings to persons who are driving while distracted; providing for repeal of a provision; authorizing a law enforcement officer, after a specified date, to stop motor vehicles and issue citations to persons who are driving while distracted; revising exceptions to such prohibition; revising crash results for which a user’s billing records for a wireless communications device or the testimony of or written statements from certain authorities are admissible as evidence; providing penalties for driving while distracted; authorizing participation in a distracted driving safety program for a first offense, in lieu of specified penalties; requiring the deposit of fines into the Emergency Medical Services Trust Fund; deleting a provision requiring that enforcement of this section be accomplished only as a secondary action; authorizing the Department of Highway Safety and Motor Vehicles, in consultation with the Department of Transportation, to implement a statewide campaign to raise awareness and prevent drivers from driving while distracted; authorizing the department to use certain messaging to implement the campaign; authorizing the department to contract with certain entities for certain purposes; providing contract authority; providing an effective