A bill to be entitled

An act relating to texting while driving; amending s. 316.305, F.S.; revising legislative intent; authorizing law enforcement officers, during a specified timeframe, to stop motor vehicles to issue verbal or written warnings to persons who are texting while driving; specifying the purpose for such stops; repealing the authorization as of a specified date; authorizing law enforcement officers, after a specified date, to stop motor vehicles and issue citations to persons who are texting while driving; adding a circumstance under which a wireless communications device user’s billing records or related testimony or statements may be admissible as evidence in certain proceedings; providing penalties; authorizing participation in a distracted driving safety program in lieu of the specified penalties for first-time offenders; requiring the deposit of related fines into the Emergency Medical Services Trust Fund; deleting a provision requiring that enforcement 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 safety and public awareness campaign; authorizing the Department of Highway Safety and Motor Vehicles to use certain messaging to implement the campaign; authorizing the department to contract with certain entities for certain purposes; providing effective dates.
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 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 primary 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 from 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

CODING: Words strucken are deletions; words underlined are additions.
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.