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LEGISLATIVE ACTION

Senate

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House

Floor: 2/AD/2R

04/15/2025 06:06 PM

Senator Ingoglia moved the following:

1 **Senate Substitute for Amendment (739236) (with title**
2 **amendment)**

3
4 Before line 14
5 insert:

6 Section 1. Subsection (4) of section 316.305, Florida
7 Statutes, is amended to read:

8 316.305 Wireless communications devices; prohibition.-

9 (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a
10 noncriminal traffic infraction, punishable as a moving ~~nonmoving~~
11 violation as provided in chapter 318, and shall have 3 points



12 assessed against his or her driver license as set forth in s.
13 322.27(3)(d)8.

14 (b) A ~~Any~~ person who commits a second or subsequent
15 violation of paragraph (3)(a) within 5 years after the date of a
16 prior conviction for a violation of paragraph (3)(a) commits a
17 noncriminal traffic infraction, punishable as a moving violation
18 as provided in chapter 318, and shall have 4 points assessed
19 against his or her driver license for the purposes of s. 322.27.

20 (c) In lieu of the penalty specified in s. 318.18 and the
21 assessment of points, a person who violates paragraph (3)(a) may
22 elect to participate in a distracted driving safety program
23 approved by the department. Upon the person's completion of such
24 program, the penalty specified in s. 318.18 and associated costs
25 may be waived by the clerk of the court and the assessment of
26 points must be waived.

27 Section 2. Paragraph (a) of subsection (4) of section
28 316.306, Florida Statutes, is amended to read:

29 316.306 School and work zones; prohibition on the use of a
30 wireless communications device in a handheld manner.-

31 (4) (a) A ~~Any~~ person who violates this section commits a
32 noncriminal traffic infraction, punishable as a moving
33 violation~~7~~ as provided in chapter 318, and shall have 3 points
34 assessed against his or her driver license as set forth in s.
35 322.27(3)(d)8. ~~For a first offense under this section,~~ In lieu
36 of the penalty specified in s. 318.18 and the assessment of
37 points, a person who violates this section may elect to
38 participate in a distracted ~~wireless communications device~~
39 driving safety program approved by the Department of Highway
40 Safety and Motor Vehicles. Upon the person's completion of such



231840

41 program, the penalty specified in s. 318.18 and associated costs
42 may be waived by the clerk of the court and the assessment of
43 points must be waived.

44 Section 3. Subsection (1) and paragraph (d) of subsection
45 (6) of section 318.1451, Florida Statutes, are amended to read:

46 318.1451 Driver improvement schools.—

47 (1) (a) The department shall approve and regulate the
48 courses of all driver improvement schools, as the courses relate
49 to ss. 318.14(9), 322.0261, and 322.291, including courses that
50 use technology as a delivery method.

51 (b) The department shall create a 4-hour basic driver
52 improvement course specifically related to distracted driving
53 which must include, but need not be limited to, testimonials
54 from people whose lives have been affected by death or injury
55 caused by distracted driving and which driver improvement
56 schools shall offer to persons electing to participate in a
57 distracted driving safety program pursuant to s. 316.305(4)(c)
58 or s. 316.306(4)(a).

59 (6) The department shall adopt rules establishing and
60 maintaining policies and procedures to implement the
61 requirements of this section. These policies and procedures may
62 include, but shall not be limited to, the following:

63 (d) *Course content.*—The department shall set and modify
64 course content requirements to keep current with laws and safety
65 information. The department shall annually review changes made
66 to major traffic laws of this state, including s. 316.126(1)(b),
67 and shall require course content for courses referenced in this
68 section to be modified in accordance with changes relevant to
69 the courses. Course content includes all items used in the



231840

70 conduct of the course. All basic driver improvement courses must
71 include at least 1 hour dedicated to distracted driving which
72 must include, but need not be limited to, testimonials from
73 people whose lives have been affected by death or injury caused
74 by distracted driving.

75

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

77 And the title is amended as follows:

78 Delete lines 2 - 10

79 and insert:

80 An act relating to driver safety; amending s. 316.305,
81 F.S.; revising penalties for the use of a wireless
82 communications device while operating a motor vehicle;
83 authorizing certain persons to participate in a
84 distracted driving safety program approved by the
85 Department of Highway Safety and Motor Vehicles;
86 authorizing the waiver of certain penalties and
87 associated costs, and requiring the waiver of the
88 assessment of points, upon completion of such program;
89 amending s. 316.306, F.S.; authorizing a person to
90 participate in a distracted driving safety program,
91 upon completion of which certain penalties and
92 associated costs may, and the assessment of points
93 must, be waived for certain offenses; amending s.
94 318.1451, F.S.; requiring the department to create a
95 specified driver improvement course related to
96 distracted driving which driver improvement schools
97 shall offer to certain persons; requiring basic driver
98 improvement courses to include certain content



231840

99 relating to distracted driving; amending s. 322.095,
100 F.S.; specifying the age at which an applicant for a
101 driver license must complete a traffic law and
102 substance abuse education course; amending s.
103 322.1615, F.S.; requiring an applicant for a learner's
104 driver license to complete a certain driver education
105 course approved by the department; providing an
106 effective date.