

2025994e1

A bill to be entitled
An act relating to driver safety; amending s. 316.305, F.S.; revising penalties for the use of a wireless communications device while operating a motor vehicle; authorizing certain persons to participate in a distracted driving safety program approved by the Department of Highway Safety and Motor Vehicles; authorizing the waiver of certain penalties and associated costs, and requiring the waiver of the assessment of points, upon completion of such program; amending s. 316.306, F.S.; authorizing a person to participate in a distracted driving safety program, upon completion of which certain penalties and associated costs may, and the assessment of points must, be waived for certain offenses; amending s. 318.1451, F.S.; requiring the department to create a specified driver improvement course related to distracted driving which driver improvement schools shall offer to certain persons; requiring basic driver improvement courses to include certain content relating to distracted driving; amending s. 322.095, F.S.; specifying the age at which an applicant for a driver license must complete a traffic law and substance abuse education course; amending s. 322.1615, F.S.; requiring an applicant for a learner's driver license to complete a certain driver education course approved by the department; providing an effective date.

2025994e1

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

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

316.305 Wireless communications devices; prohibition.—

(4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a noncriminal traffic infraction, punishable as a moving ~~nonmoving~~ 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(3) (d) 8.

(b) A ~~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, and shall have 4 points assessed against his or her driver license for the purposes of s. 322.27.

(c) In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates paragraph (3) (a) may elect to participate in a distracted driving safety program approved by the department. Upon the person's 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.

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

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

(4) (a) A ~~Any~~ person who violates this section commits a noncriminal traffic infraction, punishable as a moving

2025994e1

59 violation~~7~~ as provided in chapter 318, and shall have 3 points
60 assessed against his or her driver license as set forth in s.
61 322.27(3)(d)8. ~~For a first offense under this section,~~ In lieu
62 of the penalty specified in s. 318.18 and the assessment of
63 points, a person who violates this section may elect to
64 participate in a distracted ~~wireless communications device~~
65 driving safety program approved by the Department of Highway
66 Safety and Motor Vehicles. Upon the person's completion of such
67 program, the penalty specified in s. 318.18 and associated costs
68 may be waived by the clerk of the court and the assessment of
69 points must be waived.

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

72 318.1451 Driver improvement schools.—

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

77 (b) The department shall create a 4-hour basic driver
78 improvement course specifically related to distracted driving
79 which must include, but need not be limited to, testimonials
80 from people whose lives have been affected by death or injury
81 caused by distracted driving and which driver improvement
82 schools shall offer to persons electing to participate in a
83 distracted driving safety program pursuant to s. 316.305(4)(c)
84 or s. 316.306(4)(a).

85 (6) The department shall adopt rules establishing and
86 maintaining policies and procedures to implement the
87 requirements of this section. These policies and procedures may

2025994e1

88 include, but shall not be limited to, the following:

89 (d) *Course content.*—The department shall set and modify
90 course content requirements to keep current with laws and safety
91 information. The department shall annually review changes made
92 to major traffic laws of this state, including s. 316.126(1)(b),
93 and shall require course content for courses referenced in this
94 section to be modified in accordance with changes relevant to
95 the courses. Course content includes all items used in the
96 conduct of the course. All basic driver improvement courses must
97 include at least 1 hour dedicated to distracted driving which
98 must include, but need not be limited to, testimonials from
99 people whose lives have been affected by death or injury caused
100 by distracted driving.

101 Section 4. Subsection (1) of section 322.095, Florida
102 Statutes, is amended to read:

103 322.095 Traffic law and substance abuse education program
104 for driver license applicants.—

105 (1) Each applicant for a driver license who is 18 years of
106 age or older must complete a traffic law and substance abuse
107 education course, unless the applicant has been licensed in
108 another jurisdiction or has satisfactorily completed a
109 Department of Education driver education course offered pursuant
110 to s. 1003.48.

111 Section 5. Subsection (1) of section 322.1615, Florida
112 Statutes, is amended to read:

113 322.1615 Learner's driver license.—

114 (1) The department may issue a learner's driver license to
115 a person who is at least 15 years of age and who:

116 (a) Has passed the written examination for a learner's

2025994e1

driver license;

(b) Has passed the vision and hearing examination administered under s. 322.12;

(c) Has satisfactorily completed a driver education course approved by the department which meets or exceeds the Department of Education Driver Education/Traffic Safety-Classroom 1900300 current course description ~~the traffic law and substance abuse education course prescribed in s. 322.095;~~ and

(d) Meets all other requirements set forth in law and by rule of the department.

Section 6. This act shall take effect July 1, 2025.