

1                   A bill to be entitled  
2       An act relating to hands-free driving; amending s.  
3       316.305, F.S.; revising a short title; revising  
4       legislative intent; providing definitions; prohibiting  
5       a person from operating a motor vehicle while  
6       supporting the weight of a wireless communications  
7       device in a handheld manner; providing an exception;  
8       requiring that sustained use of a wireless  
9       communications device by a person operating a motor  
10      vehicle be conducted through a hands-free accessory  
11      until such use is terminated; revising exceptions to  
12      the prohibition; providing penalties; providing for  
13      the distribution and use of certain proceeds;  
14      authorizing a law enforcement officer to issue a  
15      warning during a specified time period; providing for  
16      future repeal; amending s. 316.306, F.S.; revising  
17      penalty provisions relating to the use of a wireless  
18      communications device in a handheld manner in certain  
19      circumstances; providing for the distribution and use  
20      of certain proceeds; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24       **Section 1.   Section 316.305, Florida Statutes, is amended**  
25   **to read:**

26           316.305 Wireless communications devices; use in a handheld  
27 manner prohibited ~~prohibition~~.—

28           (1) This section may be cited as the "Florida Hands-Free  
29 ~~Ban on Texting While~~ Driving Law."

30           (2) It is the intent of the Legislature to:

31           (a) Improve roadway safety for all vehicle operators,  
32 vehicle passengers, bicyclists, pedestrians, and other road  
33 users.

34           (b) Prevent crashes related to the use of wireless  
35 communications devices in a handheld manner ~~act of text~~  
36 ~~messaging~~ while driving a motor vehicle.

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

40           (d) Authorize law enforcement officers to stop motor  
41 vehicles and issue citations to persons who are supporting the  
42 weight of a wireless communications device in a handheld manner  
43 ~~texting~~ while driving.

44           (3) As used in this section, the term:

45           (a) "Handheld manner" means holding a wireless  
46 communications device in one or both hands or physically  
47 supporting the weight of the device with any other part of the  
48 body.

49           (b) "Hands-free accessory" means an attachment to or a  
50 built-in feature of a wireless communications device which

51 allows the operator of a motor vehicle to engage in  
52 interpersonal communication or otherwise use such device other  
53 than in a handheld manner.

54 (c) "Wireless communications device":

55 1. Means a handheld device used or capable of being used  
56 in a handheld manner to:

57 a. Transmit or receive a voice message; initiate, receive,  
58 or maintain a telephone call; or otherwise engage in  
59 interpersonal voice communication;

60 b. Receive or transmit text-based or character-based  
61 messages or otherwise engage in interpersonal nonvoice  
62 communication;

63 c. Record or display videos or images;

64 d. Enter, access, or store data; or

65 e. Connect to the Internet or any communications service  
66 as defined in s. 812.15(1).

67 2. Includes, but is not limited to, a cellular telephone,  
68 smartphone, tablet computer, laptop computer, two-way messaging  
69 device, electronic gaming device, or device capable of  
70 displaying videos or images. The term does not include a  
71 citizens band radio, a citizens band radio hybrid, a commercial  
72 two-way radio communications device or its functional  
73 equivalent, a subscription-based emergency communications  
74 device, a prescribed medical device, an amateur or ham radio  
75 device, or an in-vehicle security, navigation, communications,

76 | or remote diagnostics system.

77 |       (4)-(3)(a) A person may not operate a motor vehicle while  
78 | supporting the weight of manually typing or entering multiple  
79 | letters, numbers, symbols, or other characters into a wireless  
80 | communications device in a handheld manner except to activate,  
81 | deactivate, initiate, or terminate a feature or function of the  
82 | device, including a hands-free accessory. Sustained use of a  
83 | wireless communications device by a person operating a motor  
84 | vehicle must be conducted through a hands-free accessory until  
85 | such use is terminated. ~~or while sending or reading data on such~~  
86 | ~~a device for the purpose of nonvoice interpersonal~~  
87 | ~~communication, including, but not limited to, communication~~  
88 | ~~methods known as texting, e-mailing, and instant messaging. As~~  
89 | ~~used in this section, the term "wireless communications device"~~  
90 | ~~means any handheld device used or capable of being used in a~~  
91 | ~~handheld manner, that is designed or intended to receive or~~  
92 | ~~transmit text or character-based messages, access or store data,~~  
93 | ~~or connect to the Internet or any communications service as~~  
94 | ~~defined in s. 812.15 and that allows text communications. For~~  
95 | ~~the purposes of this paragraph, A motor vehicle that is~~  
96 | ~~stationary is not being operated and is not subject to the~~  
97 | ~~prohibition in this paragraph.~~

98 |       (b) Paragraph (a) does not apply to a motor vehicle  
99 | operator who is:

100 |       1. Performing official duties as an operator of an

101 authorized emergency vehicle as defined in s. 322.01, a law  
102 enforcement or fire service professional, or an emergency  
103 medical services professional.

104 2. Reporting an emergency or criminal or suspicious  
105 activity to law enforcement authorities.

106 3. Receiving messages that are:

107 a. Related to the operation or navigation of the motor  
108 vehicle;

109 b. Safety-related information, including emergency,  
110 traffic, or weather alerts;

111 c. Data used primarily by the motor vehicle; or

112 d. Radio broadcasts.

113 ~~4. Using a device or system for navigation purposes.~~

114 ~~5. Conducting wireless interpersonal communication that~~  
115 ~~does not require manual entry of multiple letters, numbers, or~~  
116 ~~symbols, except to activate, deactivate, or initiate a feature~~  
117 ~~or function.~~

118 ~~6. Conducting wireless interpersonal communication that~~  
119 ~~does not require reading text messages, except to activate,~~  
120 ~~deactivate, or initiate a feature or function.~~

121 4.7. Operating an autonomous vehicle, as defined in s.  
122 316.003(3), with the automated driving system engaged.

123 (c) A law enforcement officer who stops a motor vehicle  
124 for a violation of paragraph (a) must inform the motor vehicle  
125 operator of his or her right to decline a search of his or her

wireless communications device and may not:

1. Access the wireless communications device without a warrant.

2. Confiscate the wireless communications device while awaiting issuance of a warrant to access such device.

3. Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.

(d) 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) ~~(4)~~ (a) A ~~Any~~ person who violates paragraph (4) (a) ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) A ~~Any~~ person who commits a second or subsequent violation of paragraph (4) (a) ~~(3) (a)~~ within 5 years after the date of a prior conviction for a violation of paragraph (4) (a) ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(6) Notwithstanding s. 318.21, of all proceeds collected

151 pursuant to s. 318.18 for violations of paragraph (4) (a):

152 (a) Fifty percent must be remitted to:

153 1. The county for any violations occurring in any  
154 unincorporated areas of the county or to the municipality for  
155 any violations occurring in the incorporated boundaries of the  
156 municipality in which the violations occurred; or

157 2. If the citation for such violation is issued by an  
158 officer of the Florida Highway Patrol or another state law  
159 enforcement agency, the issuing state agency.

160 (b) Fifty percent must be used exclusively for educational  
161 programs and activities related to driver safety and the  
162 prevention of distracted driving, including, but not limited to:

163 1. Instructional programs in high schools, Florida College  
164 System institutions, and state universities.

165 2. Educational outreach conducted in partnership with  
166 public and private postsecondary institutions.

167 3. Programs directed toward members of the United States  
168 Armed Forces and military communities.

169 4. Public awareness campaigns regarding the dangers and  
170 economic costs associated with distracted driving.

171 5. Development of instructional materials and outreach  
172 media promoting hands-free driving.

173 6. Supporting law enforcement agencies in conducting  
174 public education and warning campaigns in conjunction with  
175 enforcement-supported and compliance-oriented efforts to reduce

176 violations of this section.

177 (7)-(5) When a law enforcement officer issues a citation  
178 for a violation of this section, the law enforcement officer  
179 must record the race and ethnicity of the violator. All law  
180 enforcement agencies must maintain such information and report  
181 the information to the department by April 1 annually in a form  
182 and manner determined by the department. Beginning July 1, 2023,  
183 the department shall annually report the data collected under  
184 this subsection to the Governor, the President of the Senate,  
185 and the Speaker of the House of Representatives. The data  
186 collected must be reported at least by statewide totals for  
187 local law enforcement agencies, state law enforcement agencies,  
188 and state university law enforcement agencies. The statewide  
189 total for local law enforcement agencies shall combine the data  
190 for the county sheriffs and the municipal law enforcement  
191 agencies.

192 (8) Effective July 1, 2026, through December 31, 2026, a  
193 law enforcement officer may stop a motor vehicle to issue a  
194 verbal or written warning to a person who violates this section  
195 for the purpose of informing and educating such person of this  
196 section. This subsection is repealed January 1, 2027.

197 **Section 2. Section 316.306, Florida Statutes, is amended**  
198 **to read:**

199 316.306 Penalties for school and work zones; prohibition  
200 on the use of a wireless communications device in a handheld



201 manner or on any roadway when construction personnel are present  
202 or operating equipment.—

203 ~~(1) For purposes of this section, the term "wireless~~  
204 ~~communications device" has the same meaning as provided in s.~~  
205 ~~316.305(3) (a). The term includes, but is not limited to, a cell~~  
206 ~~phone, a tablet, a laptop, a two-way messaging device, or an~~  
207 ~~electronic game that is used or capable of being used in a~~  
208 ~~handheld manner. The term does not include a safety, security,~~  
209 ~~or convenience feature built into a motor vehicle which does not~~  
210 ~~require the use of a handheld device.~~

211 ~~(2) It is the intent of the Legislature to:~~

212 ~~(a) Improve roadway safety in school and work zones for~~  
213 ~~all vehicle operators, vehicle passengers, bicyclists,~~  
214 ~~pedestrians, and other road users.~~

215 ~~(b) Prevent crashes related to the act of driving while~~  
216 ~~using a wireless communications device in a handheld manner when~~  
217 ~~operating a motor vehicle while the vehicle is in motion.~~

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

221 ~~(d) Authorize law enforcement officers to stop motor~~  
222 ~~vehicles and issue citations to persons who are driving in~~  
223 ~~school or work zones while using a wireless communications~~  
224 ~~device in a handheld manner as provided in subsection (3).~~

225 ~~(3)(a)1. A person may not operate a motor vehicle while~~

~~using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(112). This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. 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. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.~~

~~(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;~~

~~e. Data used primarily by the motor vehicle; or~~

~~d. Radio broadcasts.~~

~~4. Using a device or system in a hands-free manner for navigation purposes.~~

~~5. Using a wireless communications device hands-free or hands-free in voice-operated mode, including, but not limited to, a factory-installed or after-market Bluetooth device.~~

~~6. Operating an autonomous vehicle, as defined in s. 316.003, in autonomous mode.~~

~~(c) A law enforcement officer who stops a motor vehicle for a violation of paragraph (a) must inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:~~

~~1. Access the wireless communications device without a warrant.~~

~~2. Confiscate the wireless communications device while awaiting issuance of a warrant to access such device.~~

~~3. Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.~~

~~(d) Only in the event of a crash resulting in death or serious bodily injury, as defined in s. 316.027, may a user's~~

276 ~~billing records for a wireless communications device, or the~~  
277 ~~testimony of or written statements from appropriate authorities~~  
278 ~~receiving such messages, be admissible as evidence in any~~  
279 ~~proceeding to determine whether a violation of subparagraph~~  
280 ~~(a)1. has been committed.~~

281 ~~(c) Law enforcement officers must indicate the type of~~  
282 ~~wireless communications device in the comment section of the~~  
283 ~~uniform traffic citation.~~

284 ~~(1)-(4)-(a)~~ A Any person who violates s. 316.305(4)(a) in  
285 any school zone as described in s. 316.1895 or on any roadway  
286 when construction personnel are present or are operating  
287 equipment on the road or immediately adjacent to the work zone  
288 area ~~this section~~ commits a noncriminal traffic infraction,  
289 punishable as a moving violation, as provided in chapter 318,  
290 and shall pay a fine of \$150 and have 3 points assessed against  
291 his or her driver license. A person who commits a second  
292 violation shall pay a fine of \$250 and have 3 points assessed  
293 against his or her driver license. A person who commits a third  
294 violation shall pay a fine of \$500, have 4 points assessed  
295 against his or her driver license, and have his or her driver  
296 license suspended for 90 days, ~~and shall have 3 points assessed~~  
297 ~~against his or her driver license as set forth in s.~~  
298 ~~322.27(3)(d)8.~~

299 (a) For a first violation ~~offense under this section,~~ in  
300 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 wireless communications device driving safety program approved by the Department of Highway Safety and Motor Vehicles. Upon completion of such program, the penalties ~~penalty~~ specified in this subsection and s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

(b) The clerk of the court may dismiss a case and assess court costs in accordance with s. 318.18(12)(a) for a nonmoving traffic infraction for a person who is cited for a first ~~time~~ violation ~~of this section~~ if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.

~~(2)-(5)~~ Notwithstanding s. 318.21, of all proceeds collected pursuant to subsection (1) and s. 318.18 for violations of this section:

(a) Fifty percent must be remitted to:

1. The county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in the incorporated boundaries of the municipality in which the violations occurred; or

2. If the citation for such violation is issued by an officer of the Florida Highway Patrol or another state law enforcement agency, the issuing state agency.

(b) Fifty percent must be used exclusively for educational

programs and activities related to driver safety and the prevention of distracted driving, including, but not limited to:

1. Instructional programs in high schools, Florida College System institutions, and state universities.

2. Educational outreach conducted in partnership with public and private postsecondary institutions.

3. Programs directed toward members of the United States Armed Forces and military communities.

4. Public awareness campaigns regarding the dangers and economic costs associated with distracted driving.

5. Development of instructional materials and outreach media promoting hands-free driving.

6. Supporting law enforcement agencies in conducting public education and warning campaigns in conjunction with enforcement-supported and compliance-oriented efforts to reduce violations of this section ~~Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.~~

(3)-(6) When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must:

(a) Indicate in the comment section of the uniform traffic citation the type of wireless communications device that was used to commit the violation.

(b) Record the race and ethnicity of the violator. All law

enforcement agencies must maintain such information and must report such information to the department in a form and manner determined by the department. Beginning February 1, 2020, the department shall annually report the data collected under this paragraph ~~subsection~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies is a combination of ~~must combine~~ the data for the county sheriffs and the municipal law enforcement agencies.

**Section 3.** This act shall take effect July 1, 2026.