

1 A bill to be entitled
 2 An act relating to the use of wireless communications
 3 devices while operating a motor vehicle; creating s.
 4 316.3035, F.S.; defining the term "wireless
 5 communications device"; providing exceptions to the
 6 applicability of the act; providing that a person who
 7 causes the death of another person while operating a
 8 motor vehicle and using a wireless communications
 9 device commits vehicular homicide; providing
 10 penalties; providing an effective date.

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

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 14 Section 1. Section 316.3035, Florida Statutes, is created
 15 to read:

16 316.3035 Death caused by motor vehicle operator using
 17 wireless communications devices; vehicular homicide.-

18 (1) As used in this section, the term "wireless
 19 communications device" means any device that is designed or
 20 intended to receive or transmit text or character-based
 21 messages, to access or store data, or to connect to the Internet
 22 or any communications service as defined in s. 812.15 which
 23 allows text communications.

24 (2) This section does not apply to a person using a
 25 wireless communications device for emergency purposes,
 26 including, but not limited to, an emergency call to a law
 27 enforcement agency, health care provider, fire department, or
 28 other emergency services agency or entity.

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29 (3) A person who causes the death of a person while
30 operating a motor vehicle and using a wireless communications
31 device to send or receive text messages commits vehicular
32 homicide, as defined in s. 782.071.

33 Section 2. This act shall take effect July 1, 2013.