

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Infrastructure and Security

CS/HB 107 — Wireless Communications While Driving

by Transportation and Infrastructure Subcommittee and Reps. Toledo, Slosberg, and others (CS/CS/CS/CS/SB 76 by Rules Committee; Judiciary Committee; Innovation, Industry, and Technology Committee; Infrastructure and Security Committee; and Senators Simpson, Passidomo, Hooper, Mayfield, Book, Rouson, Berman, Perry, Taddeo, Cruz, and Stewart)

The bill changes current enforcement of the ban on texting while driving from a secondary offense to a primary offense, which will allow a law enforcement officer to stop a vehicle solely for texting while driving.

The bill creates a new section of statute titled “school and work zones; prohibition on the use of a wireless communications device in a handheld manner.” It authorizes enforcement of a ban on the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area as a primary offense punishable as a moving violation. The bill provides for enforcement only by a warning from October 1, 2019, through December 31, 2019, after which a person may be issued a citation.

For both texting while driving and use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or work zone the bill:

- Allows for a statewide public education and awareness campaign;
- Requires a law enforcement officer to inform the motor vehicle operator that he or she has a right to decline a search of his or her wireless communications device;
- Prohibits a law enforcement officer from accessing the wireless communications device without a warrant, confiscating the device while waiting for the issuance of a warrant, or using coercion or other improper method to convince the operator to provide access to such device without a warrant; and
- Requires a law enforcement officer to record the race and ethnicity of a person issued a citation for texting while driving or for the use of a wireless communications device in a handheld manner while operating a motor vehicle in a designated school crossing, school zone, or active work zone area.

If approved by the Governor, these provisions take effect July 1, 2019, with a later effective date of October 1, 2019, for the implementation of the prohibition on the use of a wireless communications device in a handheld manner in school and work zones.

Vote: Senate 33-5; House 108-7