

Committee on Transportation

CS/CS/CS/SB 52 — Use of Wireless Communications Devices While Driving

by Judiciary Committee; Communications, Energy, and Public Utilities Committee; Transportation Committee; Senators Detert, Montford, Margolis, Richter, Latvala, Abruzzo, Benacquisto, Soto, and Sachs

CS/CS/CS/SB 52 creates the “Florida Ban on Texting While Driving Law.” The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation punishable by a \$60 fine plus court costs. The bill allows for the admissibility of a person’s wireless communications device billing records as evidence in the event of a crash resulting in death or personal injury.

In addition to the fines, a violation of the unlawful use of a cell phone which results in a crash will result in 6 points added to the offender’s driver license record and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in 2 points added to the offender’s driver license record in addition to the points for the moving violation.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-1; House 110-6