

By Representative Diaz de la Portilla

1 A bill to be entitled
 2 An act relating to the use of a cellular
 3 telephone while operating a motor vehicle
 4 within a school zone; creating s. 316.1897,
 5 F.S.; defining the terms "cellular telephone"
 6 and "hands-free device"; prohibiting a person
 7 from using a cellular telephone that is not
 8 equipped with a hands-free device while
 9 operating a motor vehicle in a school zone
 10 during a time when the reduced speed limit is
 11 in effect; providing that such traffic
 12 infraction is punishable as a moving violation;
 13 amending s. 318.18, F.S.; providing a penalty
 14 for violating s. 316.1897, F.S.; amending s.
 15 316.1895, F.S.; providing requirements for
 16 signs that designate a school zone; requiring
 17 the Department of Transportation to establish
 18 standards for the signs; providing an effective
 19 date.

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

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 23 Section 1. Section 316.1897, Florida Statutes, is
 24 created to read:

25 316.1897 Use of cellular telephone while operating a
 26 motor vehicle within a school zone prohibited.--

27 (1) As used in this section, the term:

28 (a) "Cellular telephone" means a device capable of
 29 sending or receiving telephone communications without an
 30 access line, including, but not limited to, an analog, a
 31 digital, or a wireless telephone.

1 (b) "Hands-free device" means an internal or external
2 device, attachment, or addition to a cellular telephone or
3 motor vehicle, regardless of whether the device is permanently
4 installed, which allows the operator of the motor vehicle to:
5 1. Maintain both hands, or prosthetic device or aid in
6 the case of a physically disabled person, on the applicable
7 steering device; and
8 2. Hear surrounding sound.
9 (2) A person may not use a cellular telephone while
10 operating a motor vehicle within a school zone during any time
11 when the reduced speed limit for the school zone is in effect
12 unless the cellular telephone is used with a hands-free
13 device.
14 (3) A person who violates this section commits a
15 noncriminal traffic infraction, punishable as a moving
16 violation as provided in chapter 318.
17 Section 2. Paragraph (c) is added to subsection (5) of
18 section 318.18, Florida Statutes, to read:
19 318.18 Amount of civil penalties.--The penalties
20 required for a noncriminal disposition pursuant to s. 318.14
21 are as follows:
22 (5)
23 (c) Sixty dollars for a violation of s. 316.1897,
24 using a cellular telephone without a hands-free device while
25 operating a motor vehicle in a school zone when the reduced
26 speed limit is in effect.
27 Section 3. Subsection (6) of section 316.1895, Florida
28 Statutes, is amended to read:
29 316.1895 Establishment of school speed zones,
30 enforcement; designation.--
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1 (6) Permanent signs designating school zones and
2 school zone speed limits must ~~shall~~ be uniform in size and
3 color, and must clearly designate ~~shall have~~ the times during
4 which the restrictive speed limit is enforced and during which
5 a person is prohibited from operating a motor vehicle within
6 the school zone while using a cellular telephone without a
7 hands-free device ~~clearly designated thereon~~. The Department
8 of Transportation shall establish adequate standards for the
9 signs.

10 Section 4. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Prohibits a person from using a cellular telephone while operating a motor vehicle within a school zone during the hours when the reduced speed limit is in effect unless the operator uses a hands-free device. Provides that a person who violates such prohibition commits a moving violation. Provides a fine of \$60. Requires that signs for a school zone designate the times during which the prohibition is in effect.