



031306

CHAMBER ACTION

Senate

House

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1 The Committee on Transportation (Margolis) recommended the
2 following **substitute for amendment (689782)**:

4 Senate Amendment (with title amendment)

5 Delete everything after the enacting clause

6 and insert:

8 Section 1. Section 316.305, Florida Statutes, is created
9 to read:

10 316.305 Cellular telephones.--

11 (1) Except when using a headset as allowed in s. 316.304,
12 or a hands-free device, a person may not operate a motor vehicle
13 on a state, county, or municipal road while dialing or sending a
14 telephone call or text message on a cellular telephone or while
15 listening to or speaking on a cellular telephone. As used in



031306

16 this section, the term "cellular telephone" has the same meaning
17 as provided in s. 817.4821.

18 (2) This section does not prohibit the use of a cellular
19 telephone by:

20 (a) Law enforcement personnel while carrying out their
21 duties;

22 (b) Emergency response personnel while carrying out their
23 duties; or

24 (c) Any driver attempting to contact law enforcement
25 personnel or emergency response personnel.

26 (3) A violation of this section is a noncriminal traffic
27 infraction, punishable as a nonmoving violation as provided in
28 chapter 318. However, this section may be enforced by a state or
29 local law enforcement agency only as a secondary action when the
30 operator of a motor vehicle has been detained for a suspected
31 violation of this chapter, chapter 320, or chapter 322.

32 Section 2. This act shall take effect July 1, 2008.

34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete everything before the enacting clause
37 and insert:

38 A bill to be entitled

39 An act relating to the use of cellular telephones;

40 creating s. 316.305, F.S.; prohibiting the use of a

41 cellular telephone while operating a motor vehicle

42 except when using a headset or hands-free device;

43 providing exemptions; providing a penalty; providing for

Bill No. SB 266



031306

44 enforcement only as a secondary offense; providing an
45 effective date.