



689782

CHAMBER ACTION

Senate

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House

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

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

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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



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

34 And the title is amended as follows:

35 Delete everything before the enacting clause
36 and insert:

37 A bill to be entitled
38 An act relating to the use of cellular telephones;
39 creating s. 316.305, F.S.; prohibiting the use of a
40 cellular telephone while operating a motor vehicle
41 except when using a headset or hands-free device;
42 providing exemptions; providing a penalty; providing for

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enforcement only as a secondary offense; providing an

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effective date.