

By Senator Wilson

33-00209-08

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1 A bill to be entitled
2 An act relating to the use of cellular telephones;
3 prohibiting the use of a cellular telephone while
4 operating a motor vehicle except when using a headset or
5 hands-free device; providing exemptions; providing a
6 penalty; providing for enforcement only as a secondary
7 offense; providing an effective date.

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

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11 Section 1. Cellular telephones.--

12 (1) Except when using a headset as allowed in s. 316.304,
13 Florida Statutes, or a hands-free device, a person may not
14 operate a motor vehicle on the highways of this state while
15 dialing or sending a telephone call or text message on a cellular
16 telephone or while listening to or speaking on a cellular
17 telephone. As used in this section, the term "cellular telephone"
18 has the same meaning as in s. 817.4821, Florida Statutes.

19 (2) This section does not prohibit the use of a cellular
20 telephone for safety or law enforcement purposes if the use is
21 approved by the Department of Highway Safety and Motor Vehicles.

22 (3) A violation of this section is a noncriminal traffic
23 infraction, punishable as a nonmoving violation as provided in
24 chapter 318, Florida Statutes. However, this section may be
25 enforced by a state or local law enforcement agency only as a
26 secondary action when the operator of a motor vehicle has been
27 detained for a suspected violation of chapter 316, chapter 320,
28 or chapter 322, Florida Statutes.

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