

By Senator Crist

12-01522B-09

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1                   A bill to be entitled  
2           An act relating to motor vehicle operators;  
3           prohibiting persons younger than 18 from using any  
4           electronic handheld device while operating a motor  
5           vehicle; providing a surcharge for the violation;  
6           providing for enforcement only as a secondary offense;  
7           authorizing the issuance of a warning and safety  
8           literature in lieu of the surcharge; providing an  
9           effective date.

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

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13           Section 1. (1) A person younger than 18 years of age may  
14 not operate a motor vehicle on the highways of this state while  
15 operating any electronic handheld device.

16           (2) A violation of this section is a noncriminal traffic  
17 infraction, punishable as a \$50 surcharge to any moving  
18 violation as provided in chapter 318, Florida Statutes. However,  
19 this section shall be enforced by a state or local law  
20 enforcement agency only as a secondary action when the operator  
21 of a motor vehicle has been issued a citation for a violation of  
22 chapter 316, chapter 320, or chapter 322, Florida Statutes. The  
23 issuing officer may, in lieu of the surcharge, issue a warning  
24 or provide to the operator of the vehicle safety literature that  
25 is approved by the Department of Highway Safety and Motor  
26 Vehicles.

27           Section 2. This act shall take effect January 1, 2010.