

By Senator Wilson

33-00088A-09

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

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

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12 Section 1. This act may be cited as "Heather's Law."

13 Section 2. Cellular telephones.-

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

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

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

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30 detained for a suspected violation of chapter 316, chapter 320,
31 or chapter 322, Florida Statutes.

32 Section 3. This act shall take effect July 1, 2009.