

By Senator Altman

24-00267-10

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1 A bill to be entitled
2 An act relating to state uniform traffic control;
3 creating s. 316.3035, F.S.; prohibiting the use of
4 electronic communication devices to send or receive
5 text-based communications while operating a motor
6 vehicle; providing exceptions; providing for
7 enforcement; 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. Section 316.3035, Florida Statutes, is created
12 to read:

13 316.3035 Use of electronic communication devices.—

14 (1) A person may not use an electronic communication device
15 to compose, send, read, or view a text-based communication while
16 operating a motor vehicle on a street or highway. As used in
17 this section, the term "text-based communication" means a
18 digital communication that is manually created to be
19 electronically transmitted between physical devices, and
20 includes text messaging, e-mail, instant messaging, paging, or a
21 command or request to access an Internet page.

22 (2) This section does not apply to:

23 (a) Law enforcement officers or emergency medical services
24 personnel in the performance of their official duties;

25 (b) A person requesting medical or emergency assistance;

26 (c) A person reporting illegal activity, a traffic accident
27 or crash, or a road hazard that threatens other vehicles;

28 (d) A person using a mobile data terminal that is
29 permanently mounted in a vehicle to communicate for the purpose

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30 of passenger transport, freight or package delivery, or vehicle
31 dispatching for emergency road service or roadside assistance;
32 or

33 (e) A person managing controls related to vehicle safety
34 equipment or permanently installed audio equipment.

35 (3) A violation of this section is a noncriminal traffic
36 infraction, punishable as a nonmoving violation as provided in
37 chapter 318.

38 Section 2. This act shall take effect July 1, 2010.