

1                                   A bill to be entitled  
 2           An act relating to use of an electronic communications  
 3           device while driving; creating s. 316.3035, F.S.;  
 4           prohibiting composing, sending, reading, or viewing a text  
 5           message on an electronic communications device while  
 6           operating a motor vehicle on a roadway; providing a  
 7           definition; providing exceptions; providing for  
 8           construction; providing penalties; providing an effective  
 9           date.

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

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13           Section 1. Section 316.3035, Florida Statutes, is created  
 14           to read:

15           316.3035 Use of electronic communications devices.--

16           (1) A person shall not operate a motor vehicle while using  
 17           an electronic communications device to compose, send, read, or  
 18           view a text-based communication if the motor vehicle is on a  
 19           roadway as defined in s. 316.003(42). "Text-based communication"  
 20           means any digital communication manually created by a person to  
 21           be transmitted electronically between physical devices and  
 22           includes text messaging, e-mail, instant messaging, paging, and  
 23           a command or request to access an Internet site.

24           (2) This section does not apply to:

25           (a) A police officer or emergency medical services  
 26           personnel in the performance of official duties.

27           (b) A person requesting medical or emergency assistance.

28           (c) A person reporting illegal activity, a traffic

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29 accident or crash, or a road hazard that threatens drivers.

30 (d) A member of the Armed Forces of the United States  
31 while operating a military vehicle.

32 (e) A person in a motor vehicle at rest in a shoulder lane  
33 or lawfully parked.

34 (3) This section shall not be construed to authorize the  
35 seizure and forfeiture of an electronic communications device  
36 unless otherwise provided by law.

37 (4) A violation of this section is a noncriminal traffic  
38 infraction, punishable as a nonmoving violation as provided in  
39 chapter 318.

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