

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 pursuant to s. 316.304,
 13 Florida Statutes, or a hands-free device, a person may not
 14 operate a motor vehicle on a street or highway while dialing or
 15 sending a telephone call on a cellular telephone or while
 16 listening to or speaking on a cellular telephone, as defined in
 17 s. 817.4821, Florida Statutes.

18 (2) This section does not apply to:

19 (a) A law enforcement officer or an emergency vehicle
 20 operator using a cellular telephone in the line of duty;

21 (b) A person using a cellular telephone in order to report
 22 illegal activity;

23 (c) A person using a cellular telephone in order to summon
 24 medical or other emergency help; or

25 (d) A person using a cellular telephone in order to
 26 prevent injury or damage to a person or property.

27 (3) A violation of this section is a noncriminal traffic
 28 infraction, punishable as a nonmoving violation as provided in

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29 chapter 318, Florida Statutes. However, this section may be
30 enforced by a state or local law enforcement officer only as a
31 secondary action when the operator of a motor vehicle has been
32 detained for a suspected violation of any provision of chapter
33 316, chapter 320, or chapter 322, Florida Statutes.

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