



330834

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Transportation (Dockery) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "You Talk, You Walk Act."

Section 2. Section 316.3035, Florida Statutes, is created to read:

316.3035 Wireless communications devices prohibited; persons under 18.-

(1)(a) A person younger than 18 years of age may not operate a motor vehicle while using a wireless communications



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13 device or telephone in any manner.

14 (b) This subsection does not apply to a person using an  
15 electronic wireless communications device to:

16 1. Report illegal activity;

17 2. Summon medical or other emergency help; or

18 3. Prevent injury to a person or property.

19 (2) Enforcement of this section by state or local law  
20 enforcement agencies must be accomplished only as a secondary  
21 action when an operator of a motor vehicle has been detained for  
22 a suspected violation of another provision of this chapter,  
23 chapter 320, or chapter 322.

24 (3) A person who violates this section commits a  
25 noncriminal traffic infraction, punishable as a nonmoving  
26 violation as provided in chapter 318, and shall have his or her  
27 driver's license suspended for 30 days as set forth in s.  
28 322.27.

29 Section 3. Subsection (1) of section 322.27, Florida  
30 Statutes, is amended to read:

31 322.27 Authority of department to suspend or revoke  
32 license.—

33 (1) Notwithstanding any provisions to the contrary in  
34 chapter 120, the department is hereby authorized to suspend the  
35 license of any person without preliminary hearing upon a showing  
36 of its records or other sufficient evidence that the licensee:

37 (a) Has committed an offense for which mandatory revocation  
38 of license is required upon conviction. A law enforcement agency  
39 must provide information to the department within 24 hours after  
40 any traffic fatality or when the law enforcement agency  
41 initiates action pursuant to s. 316.1933;



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42 (b) Has been convicted of a violation of any traffic law  
43 which resulted in a crash that caused the death or personal  
44 injury of another or property damage in excess of \$500;

45 (c) Is incompetent to drive a motor vehicle;

46 (d) Has permitted an unlawful or fraudulent use of such  
47 license or has knowingly been a party to the obtaining of a  
48 license by fraud or misrepresentation or to display, or  
49 represent as one's own, any driver's license not issued him or  
50 her. Provided, however, no provision of this section shall be  
51 construed to include the provisions of s. 322.32(1);

52 (e) Has committed an offense in another state which if  
53 committed in this state would be grounds for suspension or  
54 revocation; ~~or~~

55 (f) Has committed a second or subsequent violation of s.  
56 316.172(1) within a 5-year period of any previous violation; ~~or~~

57 (g) Has committed a violation of s. 316.3035. The person  
58 shall have his or her driver's license suspended for 30 days.

59 Section 4. This act shall take effect October 1, 2010.

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause  
64 and insert:

65 A bill to be entitled  
66 An act relating to the use of an electronic wireless  
67 communications device while driving; providing a short  
68 title; creating s. 316.3035, F.S.; prohibiting a  
69 person younger than 18 years of age from operating a  
70 motor vehicle while using a wireless communications



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71 device or telephone; providing exceptions; providing  
72 for enforcement as a secondary action; providing  
73 penalties; amending s. 322.27, F.S.; providing for the  
74 suspension of a person's driver's license for a  
75 violation of s. 316.3035, F.S.; providing an effective  
76 date.