

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 cellular  
 4           telephone while operating a motor vehicle except when  
 5           using a headset or hands-free device; providing  
 6           exemptions; providing a penalty; providing for enforcement  
 7           only as a secondary 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. This act may be cited as "Heather's Law."

12           Section 2. Cellular telephones.-

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

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

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

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

31       Section 3. This act shall take effect July 1, 2010.