

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1418

INTRODUCER: Senator Altman

SUBJECT: Traffic Safety

DATE: April 7, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Pre-meeting
2.			CU	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill creates the “Alex Brown Act” which bans the use of a handheld electronic communication device while operating a motor vehicle for persons under the age of 18. A violation of this act is a noncriminal traffic infraction punishable as a moving violation.

This bill substantially amends s. 316.0075 of the Florida Statutes.

II. Present Situation:

Currently, there are no laws that prohibit the use of mobile communication devices while operating a motor vehicle in Florida. Twenty-eight states and the District of Columbia, ban all cell phone use by novice drivers, and thirty states and D.C. also ban text messaging by all operators of motor vehicles.¹

Section 316.0075, F.S., grants the state preemption for regulation of mobile radio services and other communication devices in a motor vehicle.

Alex Brown died on her way to school after was ejected from her vehicle when it overturned. Cell phone records show that she was text messaging just moments before she lost control of the vehicle.² Her parents have since started the Remember Alex Brown Foundation to educate drivers of the harm of using a cell phone while operating a vehicle.³

¹ Governor’s Highway Safety Association accessed April 7, 2011. (www.ghsa.org/html/stateinfo/laws/cellphone_laws.html)

² <http://www.silverstreakonline.com/news/2010/04/14/assembly-teaches-students-about-dangers-of-texting-while-driving/>

³ <http://www.bust2day.org/>

According to the U.S. Department of Transportation, texting is the most dangerous distraction while driving because it takes eyes off the road, hands off the wheel, and mind off what is happening.⁴ In 2009, 20 percent of injury related crashes involved a distracted driver. According to a study conducted by the University of Utah, when a driver uses a cell phone their reactions are comparable to a driver with a blood alcohol level of .08.

III. Effect of Proposed Changes:

This bill prohibits any person under the age of 18 who is driving or is otherwise in physical control of a motor vehicle, from using any handheld cellular telephone or other handheld mobile communication device. However, the prohibition does not apply to such persons while using a hands-free device. Further, the prohibition does not apply to such persons if the vehicle is stopped and the motor is not running.

Violations of this provision will be considered a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S., which can result in the assessment of a fine and court costs of up to \$184. A second or subsequent violation will result in the suspension of the violator's drivers license for 6 months in addition to the fine and court costs.

This bill will take effect October 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons under the age of 18 who use a mobile communication device while driving and are found in violation of this bill will have to pay a penalty and court costs up to \$184. In

⁴ <http://distraction.gov/stats-and-facts/index.html>

addition to these penalties, a second or subsequent violation will result in the suspension of the violator's driver's license being suspended for six months.

C. Government Sector Impact:

According to the Florida Department of Highway Safety and Motor Vehicles, this bill will result in positive fiscal impacts for state and local government due to the collection of penalties from violators. Additional revenues may be generated from the fees associated with the reinstatement of a driver's license after a second offense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.