

By Senator Altman

24-01058B-11

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A bill to be entitled  
 An act relating to traffic safety; creating the Alex  
 Brown Act; amending s. 316.0075, F.S.; prohibiting the  
 use of handheld cellular telephones and other handheld  
 electronic communications devices by drivers under 18  
 years of age; providing exceptions; providing  
 penalties; providing an effective date.

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

Section 1. This act may be cited as the "Alex Brown Act."

Section 2. Section 316.0075, Florida Statutes, is amended  
 to read:

316.0075 Operator use of commercial mobile radio services  
 and electronic communications devices.—

(1) Regulation of operator or passenger use of commercial  
 mobile radio services and other electronic communications  
 devices in a motor vehicle is expressly preempted to the state.

(2) (a) A person who has not attained 18 years of age and is  
 driving or in actual physical control of a motor vehicle on the  
 roads of this state may not use any type of handheld cellular  
 telephone or other handheld electronic communications device.

(b) This subsection does not apply:

1. To a device that is designed for hands-free use and the  
 person is using it in that manner.

2. When the motor vehicle is stopped and the engine is not  
 running.

(c) A violation of this subsection is a noncriminal traffic  
 infraction, punishable as a moving violation as provided in

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30 chapter 318. Upon a second or subsequent violation of this  
31 subsection, in addition to the penalties for a moving violation  
32 under chapter 318, the department shall suspend the person's  
33 driver's license and privilege to drive for a period of 6  
34 months.

35 Section 3. This act shall take effect October 1, 2011.