

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

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

14 316.0075 Operator use of commercial mobile radio services
 15 and electronic communications devices.—

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

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

24 (b) This subsection does not apply:

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

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

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29 (c) A violation of this subsection is a noncriminal
30 traffic infraction, punishable as a moving violation as provided
31 in chapter 318. Upon a second or subsequent violation of this
32 subsection, in addition to the penalties for a moving violation
33 under chapter 318, the department shall suspend the person's
34 driver's license and privilege to drive for a period of 6
35 months.

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