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1 A bill to be entitled
2 An act relating to traffic safety; creating s.
3 316.901, F.S.; directing a law enforcement officer who
4 observes a person committing a moving violation while
5 using a handheld mobile telecommunications device to
6 indicate on the citation that the person was using a
7 handheld mobile telecommunications device while
8 committing the violation and whether the violation
9 occurred within a school zone; requiring the person
10 cited to appear before a designated official; defining
11 the term "mobile telecommunications device"; amending
12 s. 318.14, F.S.; providing additional penalties for
13 any moving violation committed while using a handheld
14 mobile telecommunications device; amending s. 318.19,
15 F.S.; requiring a person cited for a moving violation
16 while using a handheld mobile telecommunications
17 device to appear before a designated official;
18 providing an effective date.

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

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22 Section 1. Section 316.901, Florida Statutes, is created
23 to read:

24 316.901 Moving violation while using a handheld mobile
25 telecommunications device.—A law enforcement officer who
26 observes a person committing a moving violation while using a
27 handheld mobile telecommunications device shall cite the person
28 for the moving violation and indicate on the citation that the

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29 person was using a handheld mobile telecommunications device
30 while committing the violation and whether the violation
31 occurred within a school zone. A person cited for a moving
32 violation while using a handheld mobile telecommunications
33 device must appear before a designated official and pay the
34 penalties prescribed pursuant to s. 318.14(5). For purposes of
35 this section, a "mobile telecommunications device" means a
36 wireless telephone or other device used to access the services
37 of a commercial mobile radio service for the purpose of sending
38 or receiving voice, text, or other data, including, but not
39 limited to, computer data, electronic mail, electronic messages,
40 games, music, images, and video. The term "mobile
41 telecommunications device" includes, but is not limited to, a
42 cellular telephone, cellular telephone accessory device,
43 computer, game machine, personal digital assistant, and text
44 messaging device, but does not include a pager as defined in 47
45 C.F.R. s. 22.99.

46 Section 2. Subsection (5) of section 318.14, Florida
47 Statutes, is amended to read:

48 318.14 Noncriminal traffic infractions; exception;
49 procedures.—

50 (5) Any person electing to appear before the designated
51 official or who is required so to appear shall be deemed to have
52 waived his or her right to the civil penalty provisions of s.
53 318.18. The official, after a hearing, shall make a
54 determination as to whether an infraction has been committed. If
55 the commission of an infraction has been proven, the official
56 may impose a civil penalty not to exceed \$500, except that in

57 cases involving unlawful speed in a school zone or involving
58 unlawful speed in a construction zone, the civil penalty may not
59 exceed \$1,000; or require attendance at a driver improvement
60 school, or both. If the person is required to appear before the
61 designated official pursuant to s. 318.19(1) and is found to
62 have committed the infraction, the designated official shall
63 impose a civil penalty of \$1,000 in addition to any other
64 penalties and the person's driver's license shall be suspended
65 for 6 months. If the person is required to appear before the
66 designated official pursuant to s. 318.19(2) and is found to
67 have committed the infraction, the designated official shall
68 impose a civil penalty of \$500 in addition to any other
69 penalties and the person's driver's license shall be suspended
70 for 3 months. If the person is required to appear before the
71 designated official pursuant to s. 318.19(6) and is found to
72 have committed the infraction while using a handheld mobile
73 telecommunications device, the person shall pay \$50 in addition
74 to the penalty imposed by the official and any other costs and
75 penalties imposed. If the person is required to appear before
76 the designated official pursuant to s. 318.19(6) and is found to
77 have committed the infraction while using a handheld mobile
78 telecommunications device within a school zone, the person shall
79 pay \$100 in addition to the penalty imposed by the official and
80 any other costs and penalties imposed. If the official
81 determines that no infraction has been committed, no costs or
82 penalties shall be imposed and any costs or penalties that have
83 been paid shall be returned.

84 (a) Moneys received from the mandatory civil penalties

85 imposed pursuant to this subsection upon persons required to
 86 appear before a designated official pursuant to s. 318.19(1) or
 87 (2) shall be remitted to the Department of Revenue and deposited
 88 into the Department of Health Emergency Medical Services Trust
 89 Fund to provide financial support to certified trauma centers to
 90 assure the availability and accessibility of trauma services
 91 throughout the state.

92 (b) Funds deposited into the Emergency Medical Services
 93 Trust Fund under this section shall be allocated as follows:

94 1.(a) Fifty percent shall be allocated equally among all
 95 Level I, Level II, and pediatric trauma centers in recognition
 96 of readiness costs for maintaining trauma services.

97 2.(b) Fifty percent shall be allocated among Level I,
 98 Level II, and pediatric trauma centers based on each center's
 99 relative volume of trauma cases as reported in the Department of
 100 Health Trauma Registry.

101 Section 3. Subsections (4) and (5) of section 318.19,
 102 Florida Statutes, are amended, and subsection (6) is added to
 103 that section, to read:

104 318.19 Infractions requiring a mandatory hearing.—Any
 105 person cited for the infractions listed in this section shall
 106 not have the provisions of s. 318.14(2), (4), and (9) available
 107 to him or her but must appear before the designated official at
 108 the time and location of the scheduled hearing:

109 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

110 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 111 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

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112 (6) Any moving violation under chapter 316 while using a
113 handheld mobile telecommunications device.

114 Section 4. This act shall take effect October 1, 2012.