

By Senator Soto

14-00032-14

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1                                   A bill to be entitled  
 2       An act relating to the use of wireless communications  
 3       devices while operating a motor vehicle; creating s.  
 4       316.3035, F.S.; defining the term "wireless  
 5       communications device"; providing a criminal penalty  
 6       if a person operating a motor vehicle while using a  
 7       wireless communications device causes the death of a  
 8       human being or a viable fetus; providing an effective  
 9       date.

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

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 13       Section 1. Section 316.3035, Florida Statutes, is created  
 14 to read:

15       316.3035 Death caused by motor vehicle operator using a  
 16 wireless communications device; criminal penalty.-

17       (1) As used in this section, the term "wireless  
 18 communications device" has the same meaning as provided in s.  
 19 316.305.

20       (2) A person who causes the death of a human being or a  
 21 viable fetus as provided in s. 782.071 while operating a motor  
 22 vehicle and using a wireless communications device in violation  
 23 of s. 316.305 commits:

24       (a) A felony of the second degree, punishable as provided  
 25 in s. 775.082, s. 775.083, or s. 775.084; or

26       (b) A felony of the first degree, punishable as provided in  
 27 s. 775.082, s. 775.083, or s. 775.084, if:

28       1. At the time of the accident, the person knew, or should  
 29 have known, that the accident occurred; and

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30           2. The person failed to give information and render aid as  
31 required by s. 316.062.

32           Section 2. This act shall take effect July 1, 2014.