

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

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27 in 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

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.