

1                                   A bill to be entitled  
 2           An act relating to use of wireless communications  
 3           devices while driving; amending s. 316.305, F.S.;  
 4           revising the Florida Ban on Texting While Driving Law;  
 5           removing a provision that requires enforcement as a  
 6           secondary action; providing an effective date.

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

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 10           Section 1.   Section 316.305, Florida Statutes, is amended  
 11   to read:

12           316.305   Wireless communications devices; prohibition.—

13           (1)   This section may be cited as the "Florida Ban on  
 14   Texting While Driving Law."

15           (2)   It is the intent of the Legislature to:

16           (a)   Improve roadway safety for all vehicle operators,  
 17   vehicle passengers, bicyclists, pedestrians, and other road  
 18   users.

19           (b)   Prevent crashes related to the act of text messaging  
 20   while driving a motor vehicle.

21           (c)   Reduce injuries, deaths, property damage, health care  
 22   costs, health insurance rates, and automobile insurance rates  
 23   related to motor vehicle crashes.

24           (d)   Authorize law enforcement officers to stop motor  
 25   vehicles and issue citations ~~as a secondary offense~~ to persons  
 26   who are texting while driving.

27           (3) (a)   A person may not operate a motor vehicle while  
 28   manually typing or entering multiple letters, numbers, symbols,

29 | or other characters into a wireless communications device or  
30 | while sending or reading data on such a device for the purpose  
31 | of nonvoice interpersonal communication, including, but not  
32 | limited to, communication methods known as texting, e-mailing,  
33 | and instant messaging. As used in this section, the term  
34 | "wireless communications device" means any handheld device used  
35 | or capable of being used in a handheld manner, that is designed  
36 | or intended to receive or transmit text or character-based  
37 | messages, access or store data, or connect to the Internet or  
38 | any communications service as defined in s. 812.15 and that  
39 | allows text communications. For the purposes of this paragraph,  
40 | a motor vehicle that is stationary is not being operated and is  
41 | not subject to the prohibition in this paragraph.

42 | (b) Paragraph (a) does not apply to a motor vehicle  
43 | operator who is:

44 | 1. Performing official duties as an operator of an  
45 | authorized emergency vehicle as defined in s. 322.01, a law  
46 | enforcement or fire service professional, or an emergency  
47 | medical services professional.

48 | 2. Reporting an emergency or criminal or suspicious  
49 | activity to law enforcement authorities.

50 | 3. Receiving messages that are:

51 | a. Related to the operation or navigation of the motor  
52 | vehicle;

53 | b. Safety-related information, including emergency,  
54 | traffic, or weather alerts;

55 | c. Data used primarily by the motor vehicle; or

56 | d. Radio broadcasts.

57 4. Using a device or system for navigation purposes.

58 5. Conducting wireless interpersonal communication that  
59 does not require manual entry of multiple letters, numbers, or  
60 symbols, except to activate, deactivate, or initiate a feature  
61 or function.

62 6. Conducting wireless interpersonal communication that  
63 does not require reading text messages, except to activate,  
64 deactivate, or initiate a feature or function.

65 7. Operating an autonomous vehicle, as defined in s.  
66 316.003, in autonomous mode.

67 (c) Only in the event of a crash resulting in death or  
68 personal injury, a user's billing records for a wireless  
69 communications device or the testimony of or written statements  
70 from appropriate authorities receiving such messages may be  
71 admissible as evidence in any proceeding to determine whether a  
72 violation of paragraph (a) has been committed.

73 (4) (a) Any person who violates paragraph (3) (a) commits a  
74 noncriminal traffic infraction, punishable as a nonmoving  
75 violation as provided in chapter 318.

76 (b) Any person who commits a second or subsequent  
77 violation of paragraph (3) (a) within 5 years after the date of a  
78 prior conviction for a violation of paragraph (3) (a) commits a  
79 noncriminal traffic infraction, punishable as a moving violation  
80 as provided in chapter 318.

81 ~~(5) Enforcement of this section by state or local law~~  
82 ~~enforcement agencies must be accomplished only as a secondary~~  
83 ~~action when an operator of a motor vehicle has been detained for~~  
84 ~~a suspected violation of another provision of this chapter,~~

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85 | ~~chapter 320, or chapter 322.~~

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