

By Senator Gibson

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1 A bill to be entitled
2 An act relating to wireless communications devices;
3 amending s. 316.305, F.S.; prohibiting a person from
4 operating a motor vehicle while dialing, or talking or
5 listening on, a wireless communications device for the
6 purpose of interpersonal communication or while using
7 a wireless communications device to view or post an
8 electronic message or initiate a command to the
9 Internet; revising the exceptions; defining the term
10 "hands-free electronic device"; requiring the
11 Department of Highway Safety and Motor Vehicles to
12 provide an educational awareness campaign that informs
13 the motoring public about the Florida Ban on Handheld
14 Wireless Communications While Driving Law; requiring
15 the Department of Transportation to notify the
16 motoring public about the Florida Ban on Handheld
17 Wireless Communications While Driving Law; conforming
18 provisions to changes made by the act; providing an
19 effective date.

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

22
23 Section 1. Section 316.305, Florida Statutes, is amended to
24 read:

25 316.305 Wireless communications devices; prohibition.—

26 (1) This section may be cited as the "Florida Ban on
27 Handheld Wireless Communications ~~Texting~~ While Driving Law."

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

29 (a) Improve roadway safety for all vehicle operators,

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30 vehicle passengers, bicyclists, pedestrians, and other road
31 users.

32 (b) Prevent crashes related to the act of using a wireless
33 communications device ~~text messaging~~ while driving a motor
34 vehicle.

35 (c) Reduce injuries, deaths, property damage, health care
36 costs, health insurance rates, and automobile insurance rates
37 related to motor vehicle crashes.

38 (d) Authorize law enforcement officers to stop motor
39 vehicles and issue citations as a secondary offense to persons
40 who are using a wireless communications device ~~texting~~ while
41 driving.

42 (3) (a) A person may not operate a motor vehicle while:

43 1. Dialing, or talking or listening on, a wireless
44 communications device for the purpose of interpersonal
45 communication;

46 2. Manually typing or entering multiple letters, numbers,
47 symbols, or other characters into a wireless communications
48 device or while sending or reading data on such a device for the
49 purpose of nonvoice interpersonal communication, including, but
50 not limited to, communication methods known as texting, e-
51 mailing, and instant messaging; or

52 3. Using a wireless communications device to view or post
53 an electronic message or initiate a command to the Internet.

54
55 As used in this section, the term "wireless communications
56 device" means any handheld device that is used or capable of
57 being used in a handheld manner; ~~it~~ that is designed or intended
58 to receive interpersonal communication, ~~or~~ transmit text or

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59 character-based messages, access or store data, or connect to
60 the Internet or any communications service as defined in s.
61 812.15; and that allows text communications. For the purposes of
62 this paragraph, a motor vehicle that is stationary is not being
63 operated and is not subject to the prohibition in this
64 paragraph.

65 (b) Paragraph (a) does not apply to a motor vehicle
66 operator who is:

67 1. Performing official duties as an operator of an
68 authorized emergency vehicle as defined in s. 322.01, a law
69 enforcement or fire service professional, or an emergency
70 medical services professional.

71 2. Reporting an emergency or criminal or suspicious
72 activity to law enforcement authorities.

73 3. Receiving messages that are:

74 a. Related to the operation or navigation of the motor
75 vehicle;

76 b. Safety-related information, including emergency,
77 traffic, or weather alerts;

78 c. Data used primarily by the motor vehicle; or

79 d. Radio broadcasts.

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

81 ~~5. Conducting wireless interpersonal communication that~~
82 ~~does not require manual entry of multiple letters, numbers, or~~
83 ~~symbols, except to activate, deactivate, or initiate a feature~~
84 ~~or function.~~

85 ~~6. Conducting wireless interpersonal communication that~~
86 ~~does not require reading text messages, except to activate,~~
87 ~~deactivate, or initiate a feature or function.~~

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88 5.7. Operating an autonomous vehicle, as defined in s.
89 316.003, in autonomous mode.

90 6. Conducting wireless interpersonal communication through
91 the use of a hands-free electronic device. The term "hands-free
92 electronic device" means a mobile electronic device that has an
93 internal feature or function or that is equipped with an
94 attachment or addition, whether or not permanently part of such
95 mobile electronic device, by which a user engages in
96 conversation without the use of either hand.

97 (c) Only in the event of a crash resulting in death or
98 personal injury, a user's billing records for a wireless
99 communications device or the testimony of or written statements
100 from appropriate authorities receiving such communications
101 ~~messages~~ may be admissible as evidence in any proceeding to
102 determine whether a violation of paragraph (a) has been
103 committed.

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

107 (b) Any person who commits a second or subsequent violation
108 of paragraph (3) (a) within 5 years after the date of a prior
109 conviction for a violation of paragraph (3) (a) commits a
110 noncriminal traffic infraction, punishable as a moving violation
111 as provided in chapter 318.

112 (5) Enforcement of this section by state or local law
113 enforcement agencies must be accomplished only as a secondary
114 action when an operator of a motor vehicle has been detained for
115 a suspected violation of another provision of this chapter,
116 chapter 320, or chapter 322.

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117 (6) The Department of Highway Safety and Motor Vehicles
118 must provide an educational awareness campaign informing the
119 motoring public about the Florida Ban on Handheld Wireless
120 Communications While Driving Law. The Department of
121 Transportation must notify the motoring public via message
122 boards or existing roadway signs about the Florida Ban on
123 Handheld Wireless Communications While Driving Law.

124 Section 2. This act shall take effect July 1, 2015.