



461142

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2015	.	
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	.	

The Committee on Communications, Energy, and Public Utilities (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

316.305 Wireless communications devices; prohibition.—

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

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



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11 (a) Improve roadway safety for all vehicle operators,
12 vehicle passengers, bicyclists, pedestrians, and other road
13 users.

14 (b) Prevent crashes related to the act of using a wireless
15 communications device ~~text messaging~~ while driving a motor
16 vehicle.

17 (c) Reduce injuries, deaths, property damage, health care
18 costs, health insurance rates, and automobile insurance rates
19 related to motor vehicle crashes.

20 (d) Authorize law enforcement officers to stop motor
21 vehicles and issue citations as a primary ~~secondary~~ offense to
22 persons who are using a wireless communications device ~~texting~~
23 while driving.

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

25 1. Dialing, talking on, or listening to, a wireless
26 communications device for the purpose of interpersonal
27 communication;

28 2. Manually typing or entering multiple letters, numbers,
29 symbols, or other characters into a wireless communications
30 device or while sending or reading data on such a device for the
31 purpose of nonvoice interpersonal communication, including, but
32 not limited to, communication methods known as texting, e-
33 mailing, and instant messaging; or

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

36
37 As used in this section, the term "wireless communications
38 device" means any handheld device that is used or capable of
39 being used in a handheld manner; ~~;~~ that is designed or intended



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40 to receive interpersonal communication, ~~or~~ transmit text or
41 character-based messages, access or store data, or connect to
42 the Internet or any communications service as defined in s.
43 812.15; and that allows text communications. For the purposes of
44 this paragraph, a motor vehicle that is stationary is not being
45 operated and is not subject to the prohibition in this
46 paragraph.

47 (b) Paragraph (a) does not apply to a motor vehicle
48 operator who is:

49 1. Performing official duties as an operator of an
50 authorized emergency vehicle as defined in s. 322.01, a law
51 enforcement or fire service professional, or an emergency
52 medical services professional.

53 2. Reporting an emergency or criminal or suspicious
54 activity to law enforcement authorities.

55 3. Receiving messages that are:

56 a. Related to the operation or navigation of the motor
57 vehicle;

58 b. Safety-related information, including emergency,
59 traffic, or weather alerts;

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

61 d. Radio broadcasts.

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

63 ~~5. Conducting wireless interpersonal communication that~~
64 ~~does not require manual entry of multiple letters, numbers, or~~
65 ~~symbols, except to activate, deactivate, or initiate a feature~~
66 ~~or function.~~

67 ~~6. Conducting wireless interpersonal communication that~~
68 ~~does not require reading text messages, except to activate,~~



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69 ~~deactivate, or initiate a feature or function.~~

70 ~~5.7.~~ Operating an autonomous vehicle, as defined in s.
71 316.003, in autonomous mode.

72 6. Conducting wireless interpersonal communication through
73 the use of a hands-free electronic device. The term "hands-free
74 electronic device" means a mobile electronic device that has an
75 internal feature or function or that is equipped with an
76 attachment or addition, whether or not permanently part of such
77 mobile electronic device, by which a user engages in
78 conversation without the use of either hand.

79 (c) Only in the event of a crash resulting in death or
80 personal injury, a user's billing records for a wireless
81 communications device or the testimony of or written statements
82 from appropriate authorities receiving such communications
83 ~~messages~~ may be admissible as evidence in any proceeding to
84 determine whether a violation of paragraph (a) has been
85 committed.

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

89 (b) Any person who commits a second or subsequent violation
90 of paragraph (3) (a) within 5 years after the date of a prior
91 conviction for a violation of paragraph (3) (a) commits a
92 noncriminal traffic infraction, punishable as a moving violation
93 as provided in chapter 318.

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



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98 ~~chapter 320, or chapter 322.~~

99 Section 2. This act shall take effect October 1, 2015.

100

101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to wireless communications devices;

107 amending s. 316.305, F.S.; renaming the act as the

108 "Florida Ban on Handheld Wireless Communications While

109 Driving Law"; prohibiting a person from operating a

110 motor vehicle while dialing, talking on, or listening

111 to, a wireless communications device for the purpose

112 of interpersonal communication or while using a

113 wireless communications device to view or post an

114 electronic message or initiate a command to the

115 Internet; revising exceptions; defining the term

116 "hands-free electronic device"; revising legislative

117 intent to authorize law enforcement officers to issue

118 citations as a primary offense to persons who are

119 using a wireless communications device while driving;

120 removing a provision that required enforcement of the

121 prohibitions only as a secondary action; providing an

122 effective date.