



919764

LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete lines 17 - 74

and insert:

Handheld Wireless Communications Texting While Driving Law."

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

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

(b) Prevent crashes related to the act of using a wireless



919764

11 communications device ~~text messaging~~ while driving a motor
12 vehicle.

13 (c) Reduce injuries, deaths, property damage, health care
14 costs, health insurance rates, and automobile insurance rates
15 related to motor vehicle crashes.

16 (d) Authorize law enforcement officers to stop motor
17 vehicles and issue citations ~~as a secondary offense~~ to persons
18 who are using a wireless communications device ~~texting~~ while
19 driving.

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

21 1. Dialing, or talking or listening on, a wireless
22 communications device for the purpose of interpersonal
23 communication;

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

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

32
33 As used in this section, the term "wireless communications
34 device" means a ~~any~~ handheld device that is used or capable of
35 being used in a handheld manner; ~~7~~ that is designed or intended
36 to receive interpersonal communication, ~~or~~ transmit text or
37 character-based messages, access or store data, or connect to
38 the Internet or any communications service as defined in s.
39 812.15; and that allows text communications. For the purposes of



919764

40 this paragraph, a motor vehicle that is stationary is not being
41 operated and is not subject to the prohibition in this
42 paragraph.

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

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

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

51 3. Receiving messages that are:

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

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

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

57 d. Radio broadcasts.

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

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

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

66 5.7. Operating an autonomous vehicle, as defined in s.
67 316.003, in autonomous mode.

68 6. Conducting wireless interpersonal communication through



919764

69 the use of a hands-free electronic device. The term "hands-free
70 electronic device" means a mobile electronic device that has an
71 internal feature or function or that is equipped with an
72 attachment or addition, whether or not permanently part of such
73 mobile electronic device, by which a user engages in
74 conversation without the use of either hand.

75 (c) Only in the event of a crash resulting in death or
76 personal injury, a user's billing records for a wireless
77 communications device or the testimony of or written statements
78 from appropriate authorities receiving such communications
79 ~~messages~~ may be

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete lines 2 - 4

84 and insert:

85 An act relating to wireless communications devices;
86 amending s. 316.305, F.S.; revising the short title;
87 prohibiting a person from operating a motor vehicle
88 while dialing, or talking or listening on, a wireless
89 communications device for the purpose of interpersonal
90 communication or while using a wireless communications
91 device to view or post an electronic message or
92 initiate a command to the Internet; revising the
93 exceptions to the prohibition; defining the term
94 "hands-free electronic device"; revising the penalties
95 for violations of the Florida Ban on Handheld Wireless
96 Communications While Driving Law to