

By Senator Sachs

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1 A bill to be entitled
2 An act relating to texting while driving; amending s.
3 316.305, F.S.; revising penalties for violations of
4 the Florida Ban on Texting While Driving Law to
5 include enhanced penalties for such violations when
6 committed in a school zone or school crossing;
7 removing the requirement that specified provisions be
8 enforced as a secondary action by a law enforcement
9 agency; providing an effective 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 316.305, Florida Statutes, is amended to
14 read:

15 316.305 Wireless communications devices; prohibition.—

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

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

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

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

24 (c) Reduce injuries, deaths, property damage, health care
25 costs, health insurance rates, and automobile insurance rates
26 related to motor vehicle crashes.

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

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30 (3) (a) A person may not operate a motor vehicle while
31 manually typing or entering multiple letters, numbers, symbols,
32 or other characters into a wireless communications device or
33 while sending or reading data on such a device for the purpose
34 of nonvoice interpersonal communication, including, but not
35 limited to, communication methods known as texting, e-mailing,
36 and instant messaging. As used in this section, the term
37 "wireless communications device" means a ~~any~~ handheld device
38 used or capable of being used in a handheld manner, which ~~that~~
39 is designed or intended to receive or transmit text or
40 character-based messages, access or store data, or connect to
41 the Internet or any communications service as defined in s.
42 812.15 and which ~~that~~ allows text communications. For the
43 purposes of this paragraph, a motor vehicle that is stationary
44 is not being operated and is not subject to the prohibition in
45 this paragraph.

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

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

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

54 3. Receiving messages that are:

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

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

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

60 d. Radio broadcasts.

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

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

66 6. Conducting wireless interpersonal communication that
67 does not require reading text messages, except to activate,
68 deactivate, or initiate a feature or function.

69 7. Operating an autonomous vehicle, as defined in s.
70 316.003, in autonomous mode.

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

77 (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a
78 noncriminal traffic infraction, punishable as a nonmoving
79 violation as provided in chapter 318. For a violation committed
80 in a legally posted school zone or designated school crossing,
81 the amount of the fine prescribed for the violation shall be
82 doubled.

83 (b) A ~~Any~~ person who commits a second or subsequent
84 violation of paragraph (3) (a) within 5 years after the date of a
85 prior conviction for a violation of paragraph (3) (a) commits a
86 noncriminal traffic infraction, punishable as a moving violation
87 as provided in chapter 318. For a violation committed in a

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88 legally posted school zone or designated school crossing,
89 regardless of where the violation with respect to a prior
90 conviction was committed, the amount of the fine prescribed for
91 the violation shall be doubled.

92 ~~(5) Enforcement of this section by state or local law~~
93 ~~enforcement agencies must be accomplished only as a secondary~~
94 ~~action when an operator of a motor vehicle has been detained for~~
95 ~~a suspected violation of another provision of this chapter,~~
96 ~~chapter 320, or chapter 322.~~

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