

By Senator Flores

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1                                   A bill to be entitled  
2       An act relating to traffic safety; providing a short  
3       title; amending s. 316.0075, F.S.; prohibiting the use  
4       of electronic communications devices by certain  
5       drivers; providing a definition; providing exceptions;  
6       providing penalties; amending s. 322.08, F.S.;  
7       providing for a voluntary checkoff on driver license  
8       applications to permit contributions to the AAA  
9       Foundation for Traffic Safety; providing that such  
10      contributions are not considered income of a revenue  
11      nature for purposes of a service charge; providing an  
12      effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. This act may be cited as the "Minor Traffic  
17 Safety Act."

18       Section 2. Section 316.0075, Florida Statutes, is amended  
19 to read:

20       316.0075 Operator use of commercial mobile radio services  
21 and electronic communications devices.—

22       (1) Regulation of operator or passenger use of commercial  
23 mobile radio services and other electronic communications  
24 devices in a motor vehicle is expressly preempted to the state.

25       (2) (a) A person younger than 18 years of age who is driving  
26 or in actual physical control of a motor vehicle on the roads of  
27 this state may not use any type of mobile telecommunications  
28 device.

29       (b) "Mobile telecommunications device" means a wireless

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30 telephone, computer, or other electronic device used to access  
31 the facilities of a communications service as defined in s.  
32 812.15 for the purpose of transmitting or receiving voice or  
33 nonvoice communications or signals including, but not limited  
34 to, computer data, electronic mail or messages, games, music,  
35 pictures, sound, speech, text, or video. The term "mobile  
36 telecommunications device" includes, but is not limited to, a  
37 cellular telephone or cellular telephone accessory appliance,  
38 computer or computer accessory appliance, game machine, personal  
39 digital assistant, or text messaging device, or the functional  
40 equivalent of any such device.

41 (c) This subsection does not apply:

42 1. If the motor vehicle is stopped and the engine is not  
43 running or the motor vehicle is stopped completely outside the  
44 normal flow of traffic.

45 2. If the person is contacting emergency communications  
46 E911 system services or otherwise reporting an emergency or  
47 criminal or suspicious activity to governmental authorities.

48 3. If the person is using a mobile telecommunications  
49 device for navigation purposes.

50 (d) A violation of this subsection is a noncriminal traffic  
51 infraction, punishable as a nonmoving violation as provided in  
52 chapter 318.

53 Section 3. Subsection (7) of section 322.08, Florida  
54 Statutes, is amended to read:

55 322.08 Application for license; requirements for license  
56 and identification card forms.—

57 (7) The application form for an original, renewal, or  
58 replacement driver license or identification card must include

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59 language permitting the following:

60 (a) A voluntary contribution of \$1 per applicant, which  
61 contribution shall be deposited into the Health Care Trust Fund  
62 for organ and tissue donor education and for maintaining the  
63 organ and tissue donor registry.

64 (b) A voluntary contribution of \$1 per applicant, which  
65 shall be distributed to the Florida Council of the Blind.

66 (c) A voluntary contribution of \$2 per applicant, which  
67 shall be distributed to the Hearing Research Institute,  
68 Incorporated.

69 (d) A voluntary contribution of \$1 per applicant, which  
70 shall be distributed to the Juvenile Diabetes Foundation  
71 International.

72 (e) A voluntary contribution of \$1 per applicant, which  
73 shall be distributed to the Children's Hearing Help Fund.

74 (f) A voluntary contribution of \$1 per applicant, which  
75 shall be distributed to Family First, a nonprofit organization.

76 (g) A voluntary contribution of \$1 per applicant to Stop  
77 Heart Disease, which shall be distributed to the Florida Heart  
78 Research Institute, a nonprofit organization.

79 (h) A voluntary contribution of \$1 per applicant to Senior  
80 Vision Services, which shall be distributed to the Florida  
81 Association of Agencies Serving the Blind, Inc., a not-for-  
82 profit organization.

83 (i) A voluntary contribution of \$1 per applicant for  
84 services for persons with developmental disabilities, which  
85 shall be distributed to The Arc of Florida.

86 (j) A voluntary contribution of \$1 to the Ronald McDonald  
87 House, which shall be distributed each month to Ronald McDonald

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88 House Charities of Tampa Bay, Inc.

89 (k) Notwithstanding s. 322.081, a voluntary contribution of  
90 \$1 per applicant, which shall be distributed to the League  
91 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
92 organization.

93 (l) A voluntary contribution of \$1 per applicant to Prevent  
94 Child Sexual Abuse, which shall be distributed to Lauren's Kids,  
95 Inc., a nonprofit organization.

96 (m) A voluntary contribution of \$1 per applicant, which  
97 shall be distributed to Prevent Blindness Florida, a not-for-  
98 profit organization, to prevent blindness and preserve the sight  
99 of the residents of this state.

100 (n) Notwithstanding s. 322.081, a voluntary contribution of  
101 \$1 per applicant to the state homes for veterans, to be  
102 distributed on a quarterly basis by the department to the State  
103 Homes for Veterans Trust Fund, which is administered by the  
104 Department of Veterans' Affairs.

105 (o) A voluntary contribution of \$1 per applicant to the  
106 Disabled American Veterans, Department of Florida, which shall  
107 be distributed quarterly to Disabled American Veterans,  
108 Department of Florida, a nonprofit organization.

109 (p) A voluntary contribution of \$1 per applicant for Autism  
110 Services and Supports, which shall be distributed to Achievement  
111 and Rehabilitation Centers, Inc., Autism Services Fund.

112 (q) A voluntary contribution of \$1 per applicant to Support  
113 Our Troops, which shall be distributed to Support Our Troops,  
114 Inc., a Florida not-for-profit organization.

115 (r) A voluntary contribution of \$1 or more per applicant,  
116 which shall be distributed to the Auto Club Group Traffic Safety

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117 Foundation, Inc., a not-for-profit organization.

118 (s) Notwithstanding s. 322.081, a voluntary contribution of  
119 \$1 per applicant to aid the homeless. Contributions made  
120 pursuant to this paragraph shall be deposited into the Grants  
121 and Donations Trust Fund of the Department of Children and  
122 Families and used by the State Office on Homelessness to  
123 supplement grants made under s. 420.622(4) and (5), provide  
124 information to the public about homelessness in the state, and  
125 provide literature for homeless persons seeking assistance.

126 (t) A voluntary contribution of \$1 per applicant, which  
127 shall be distributed to the AAA Foundation for Traffic Safety, a  
128 nonprofit organization.

129  
130 A statement providing an explanation of the purpose of the trust  
131 funds shall also be included. For the purpose of applying the  
132 service charge provided under s. 215.20, contributions received  
133 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue  
134 nature.

135 Section 4. This act shall take effect January 1, 2016.