

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Slosberg offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 139 and 140, insert:

5 Section 3. Subsections (4) and (5) of section 316.305,
6 Florida Statutes, are amended to read:

7 316.305 Wireless communications devices; prohibition.—

8 (3) (a) A person may not operate a motor vehicle while
9 manually typing or entering multiple letters, numbers, symbols,
10 or other characters into a wireless communications device or
11 while sending or reading data on such a device for the purpose
12 of nonvoice interpersonal communication, including, but not
13 limited to, communication methods known as texting, e-mailing,
14 and instant messaging. As used in this section, the term

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15 "wireless communications device" means any handheld device used
16 or capable of being used in a handheld manner, that is designed
17 or intended to receive or transmit text or character-based
18 messages, access or store data, or connect to the Internet or
19 any communications service as defined in s. 812.15 and that
20 allows text communications. For the purposes of this paragraph,
21 a motor vehicle that is stationary is not being operated and is
22 not subject to the prohibition in this paragraph.

23 (b) Paragraph (a) does not apply to a motor vehicle
24 operator who is:

25 1. Performing official duties as an operator of an
26 authorized emergency vehicle as defined in s. 322.01, a law
27 enforcement or fire service professional, or an emergency
28 medical services professional.

29 2. Reporting an emergency or criminal or suspicious
30 activity to law enforcement authorities.

31 3. Receiving messages that are:

32 a. Related to the operation or navigation of the motor
33 vehicle;

34 b. Safety-related information, including emergency,
35 traffic, or weather alerts;

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

37 d. Radio broadcasts.

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

39 5. Conducting wireless interpersonal communication that
40 does not require manual entry of multiple letters, numbers, or

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41 symbols, except to activate, deactivate, or initiate a feature
42 or function.

43 6. Conducting wireless interpersonal communication that
44 does not require reading text messages, except to activate,
45 deactivate, or initiate a feature or function.

46 7. Operating an autonomous vehicle, as defined in s.
47 316.003, in autonomous mode.

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

54 (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits
55 a noncriminal traffic infraction, punishable as a nonmoving
56 violation as provided in chapter 318. For a violation committed
57 in a legally posted school zone or designated school crossing,
58 the amount of the fine prescribed for the violation shall be
59 doubled.

60 (b) A ~~Any~~ person who commits a second or subsequent
61 violation of paragraph (3) (a) within 5 years after the date of a
62 prior conviction for a violation of paragraph (3) (a) commits a
63 noncriminal traffic infraction, punishable as a moving violation
64 as provided in chapter 318. For a violation committed in a
65 legally posted school zone or designated school crossing,
66 regardless of where the violation with respect to a prior

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67 conviction was committed, the amount of the fine prescribed for
68 the violation shall be doubled.

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

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

77 Between lines 7 and 8, insert:

78 amending s. 316.305, F.S.; revising penalties for violations of
79 the Florida Ban on Texting While Driving Law; providing enhanced
80 penalties for such violations when committed in a school zone or
81 school crossing; removing requirement that specified provisions
82 be enforced as a secondary action by a law enforcement agency;