

1                                   A bill to be entitled  
 2           An act relating to the use of a wireless  
 3           communications device while operating a motor vehicle;  
 4           creating s. 316.3035, F.S.; defining the term  
 5           "wireless communications device"; providing a criminal  
 6           penalty if a person operating a motor vehicle while  
 7           using a wireless communications device causes the  
 8           death of a human being or an unborn child; providing  
 9           an effective date.

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

Section 1. Section 316.3035, Florida Statutes, is created to read:

316.3035 Death caused by motor vehicle operator using a wireless communications device; criminal penalty.-

(1) As used in this section, the term "wireless communications device" has the same meaning as provided in s. 316.305.

(2) A person who causes the death of a human being or an unborn child as provided in s. 782.071 while operating a motor vehicle and using a wireless communications device in violation of s. 316.305 commits:

(a) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; or

(b) A felony of the first degree, punishable as provided

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27 in s. 775.082, s. 775.083, or s. 775.084, if:

28 1. At the time of the accident, the person knew, or should  
29 have known, that the accident occurred; and

30 2. The person failed to give information and render aid as  
31 required by s. 316.062.

32 Section 2. This act shall take effect July 1, 2015.