

1                                   A bill to be entitled  
 2           An act relating to wireless communications devices;  
 3           amending s. 316.305, F.S.; prohibiting a person from  
 4           operating a motor vehicle while dialing, or talking or  
 5           listening on, a wireless communications device for the  
 6           purpose of interpersonal communication or while using  
 7           a wireless communications device to view or post an  
 8           electronic message or initiate a command to the  
 9           Internet; revising the exceptions; defining the term  
 10          "hands-free electronic device"; requiring the  
 11          Department of Highway Safety and Motor Vehicles to  
 12          provide an educational awareness campaign that informs  
 13          the motoring public about the Florida Ban on Handheld  
 14          Wireless Communications While Driving Law; requiring  
 15          the Department of Transportation to notify the  
 16          motoring public about the Florida Ban on Handheld  
 17          Wireless Communications While Driving Law; conforming  
 18          provisions to changes made by the act; providing an  
 19          effective date.

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

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 23           Section 1.   Section 316.305, Florida Statutes, is amended  
 24   to read:

25           316.305   Wireless communications devices; prohibition.—  
 26           (1)   This section may be cited as the "Florida Ban on

27 Handheld Wireless Communications Texting While Driving Law."

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

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

32 (b) Prevent crashes related to the act of using a wireless  
33 communications device ~~text messaging~~ while driving a motor  
34 vehicle.

35 (c) Reduce injuries, deaths, property damage, health care  
36 costs, health insurance rates, and automobile insurance rates  
37 related to motor vehicle crashes.

38 (d) Authorize law enforcement officers to stop motor  
39 vehicles and issue citations as a secondary offense to persons  
40 who are using a wireless communications device ~~texting~~ while  
41 driving.

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

43 1. Dialing, or talking or listening on, a wireless  
44 communications device for the purpose of interpersonal  
45 communication;

46 2. Manually typing or entering multiple letters, numbers,  
47 symbols, or other characters into a wireless communications  
48 device or while sending or reading data on such a device for the  
49 purpose of nonvoice interpersonal communication, including, but  
50 not limited to, communication methods known as texting, e-  
51 mailing, and instant messaging; or

52 3. Using a wireless communications device to view or post

53 an electronic message or initiate a command to the Internet.

54  
55 As used in this section, the term "wireless communications  
56 device" means any handheld device that is used or capable of  
57 being used in a handheld manner;~~;~~ that is designed or intended  
58 to receive interpersonal communication, ~~or~~ transmit text or  
59 character-based messages, access or store data, or connect to  
60 the Internet or any communications service as defined in s.  
61 812.15; and that allows text communications. For the purposes of  
62 this paragraph, a motor vehicle that is stationary is not being  
63 operated and is not subject to the prohibition in this  
64 paragraph.

65 (b) Paragraph (a) does not apply to a motor vehicle  
66 operator who is:

67 1. Performing official duties as an operator of an  
68 authorized emergency vehicle as defined in s. 322.01, a law  
69 enforcement or fire service professional, or an emergency  
70 medical services professional.

71 2. Reporting an emergency or criminal or suspicious  
72 activity to law enforcement authorities.

73 3. Receiving messages that are:

74 a. Related to the operation or navigation of the motor  
75 vehicle;

76 b. Safety-related information, including emergency,  
77 traffic, or weather alerts;

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

79 d. Radio broadcasts.

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

81 ~~5. Conducting wireless interpersonal communication that~~  
82 ~~does not require manual entry of multiple letters, numbers, or~~  
83 ~~symbols, except to activate, deactivate, or initiate a feature~~  
84 ~~or function.~~

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

88 5.7. Operating an autonomous vehicle, as defined in s.  
89 316.003, in autonomous mode.

90 6. Conducting wireless interpersonal communication through  
91 the use of a hands-free electronic device. The term "hands-free  
92 electronic device" means a mobile electronic device that has an  
93 internal feature or function or that is equipped with an  
94 attachment or addition, whether or not permanently part of such  
95 mobile electronic device, by which a user engages in  
96 conversation without the use of either hand.

97 (c) Only in the event of a crash resulting in death or  
98 personal injury, a user's billing records for a wireless  
99 communications device or the testimony of or written statements  
100 from appropriate authorities receiving such communications  
101 ~~messages~~ may be admissible as evidence in any proceeding to  
102 determine whether a violation of paragraph (a) has been  
103 committed.

104 (4) (a) Any person who violates paragraph (3) (a) commits a

105 noncriminal traffic infraction, punishable as a nonmoving  
106 violation as provided in chapter 318.

107 (b) Any person who commits a second or subsequent  
108 violation of paragraph (3)(a) within 5 years after the date of a  
109 prior conviction for a violation of paragraph (3)(a) commits a  
110 noncriminal traffic infraction, punishable as a moving violation  
111 as provided in chapter 318.

112 (5) Enforcement of this section by state or local law  
113 enforcement agencies must be accomplished only as a secondary  
114 action when an operator of a motor vehicle has been detained for  
115 a suspected violation of another provision of this chapter,  
116 chapter 320, or chapter 322.

117 (6) The Department of Highway Safety and Motor Vehicles  
118 must provide an educational awareness campaign informing the  
119 motoring public about the Florida Ban on Handheld Wireless  
120 Communications While Driving Law. The Department of  
121 Transportation must notify the motoring public via message  
122 boards or existing roadway signs about the Florida Ban on  
123 Handheld Wireless Communications While Driving Law.

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