

By Senator Thompson

12-00210-16

2016134\_\_

1                   A bill to be entitled  
2       An act relating to driving safety; amending s.  
3       316.305, F.S.; revising the definition of "wireless  
4       communications device"; creating s. 316.306, F.S.;  
5       prohibiting the use of cellular telephones and other  
6       wireless communications devices by drivers while in a  
7       school zone or school crossing or on school district  
8       property; providing penalties; providing an effective  
9       date.

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

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13       Section 1. Paragraph (a) of subsection (3) of section  
14       316.305, Florida Statutes, is amended to read:

15       316.305 Wireless communications devices; prohibition.—

16       (3) (a) A person may not operate a motor vehicle while  
17       manually typing or entering multiple letters, numbers, symbols,  
18       or other characters into a wireless communications device or  
19       while sending or reading data on such a device for the purpose  
20       of nonvoice interpersonal communication, including, but not  
21       limited to, communication methods known as texting, e-mailing,  
22       and instant messaging. As used in this section, the term  
23       "wireless communications device" means any handheld device used  
24       or capable of being used in a handheld manner, that is designed  
25       or intended to receive or transmit voice, text, or character-  
26       based messages; ~~;~~ access or store data; ~~;~~ or connect to the  
27       Internet or any communications service as defined in s. 812.15  
28       and that allows text communications. For the purposes of this  
29       paragraph, a motor vehicle that is stationary is not being

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30 operated and is not subject to the prohibition in this  
31 paragraph.

32 Section 2. Section 316.306, Florida Statutes, is created to  
33 read:

34 316.306 Use of cellular telephone or wireless  
35 communications device in school zone; prohibition.-

36 (1) A person may not operate a motor vehicle in a legally  
37 posted school zone or designated school crossing or on school  
38 district property while using any type of cellular telephone or  
39 wireless communications device as defined in s. 316.305 or while  
40 sending or reading data on such a device for the purpose of  
41 communication, including, but not limited to, texting, e-  
42 mailing, and instant messaging.

43 (2) A person who violates this section commits a  
44 noncriminal traffic infraction, punishable as a moving violation  
45 as provided in chapter 318.

46 Section 3. This act shall take effect October 1, 2016.