

By Senator Garcia

36-00316-17

2017144__

1 A bill to be entitled

2 An act relating to the use of wireless communications
3 devices while driving; amending s. 316.305, F.S.;
4 providing for primary enforcement of the Florida Ban
5 on Texting While Driving Law for drivers age 18 or
6 younger; requiring deposit of fines into the Emergency
7 Medical Services Trust Fund; providing an effective
8 date.

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

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12 Section 1. Paragraph (d) of subsection (2) and subsection
13 (5) of section 316.305, Florida Statutes, are amended, and
14 subsection (6) is added to that section, to read:

15 316.305 Wireless communications devices; prohibition.—

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

17 (d) Authorize law enforcement officers to stop motor
18 vehicles and issue citations ~~as a secondary offense~~ to persons
19 who are texting while driving.

20 (5) Enforcement of this section by state or local law
21 enforcement agencies may be accomplished as a primary action
22 when an operator of a motor vehicle is 18 years of age or
23 younger. Otherwise, such enforcement must be accomplished only
24 as a secondary action when an operator of a motor vehicle has
25 been detained for a suspected violation of another provision of
26 this chapter, chapter 320, or chapter 322.

27 (6) Notwithstanding s. 318.21, all proceeds collected
28 pursuant to s. 318.18 for a violation of this section shall be
29 remitted to the Department of Revenue for deposit into the
30 Emergency Medical Services Trust Fund of the Department of
31 Health.

32 Section 2. This act shall take effect July 1, 2017.