

1 A bill to be entitled
2 An act relating to texting while driving; amending s.
3 316.305, F.S.; revising penalties for violations of
4 the Florida Ban on Texting While Driving Law;
5 providing enhanced penalties for such violations when
6 committed in a school zone or school crossing;
7 removing requirement that specified provisions be
8 enforced as a secondary action by a law enforcement
9 agency; providing an effective date.

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

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13 Section 1. Subsections (4) and (5) of section 316.305,
14 Florida Statutes, are 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 text or character-based

26 | messages, access or store data, or connect to the Internet or
27 | any communications service as defined in s. 812.15 and that
28 | allows text communications. For the purposes of this paragraph,
29 | a motor vehicle that is stationary is not being operated and is
30 | not subject to the prohibition in this paragraph.

31 | (b) Paragraph (a) does not apply to a motor vehicle
32 | operator who is:

33 | 1. Performing official duties as an operator of an
34 | authorized emergency vehicle as defined in s. 322.01, a law
35 | enforcement or fire service professional, or an emergency
36 | medical services professional.

37 | 2. Reporting an emergency or criminal or suspicious
38 | activity to law enforcement authorities.

39 | 3. Receiving messages that are:

40 | a. Related to the operation or navigation of the motor
41 | vehicle;

42 | b. Safety-related information, including emergency,
43 | traffic, or weather alerts;

44 | c. Data used primarily by the motor vehicle; or

45 | d. Radio broadcasts.

46 | 4. Using a device or system for navigation purposes.

47 | 5. Conducting wireless interpersonal communication that
48 | does not require manual entry of multiple letters, numbers, or
49 | symbols, except to activate, deactivate, or initiate a feature
50 | or function.

51 6. Conducting wireless interpersonal communication that
52 does not require reading text messages, except to activate,
53 deactivate, or initiate a feature or function.

54 7. Operating an autonomous vehicle, as defined in s.
55 316.003, in autonomous mode.

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

62 (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits
63 a noncriminal traffic infraction, punishable as a nonmoving
64 violation as provided in chapter 318. For a violation committed
65 in a legally posted school zone or designated school crossing,
66 the amount of the fine prescribed for the violation shall be
67 doubled.

68 (b) A ~~Any~~ person who commits a second or subsequent
69 violation of paragraph (3) (a) within 5 years after the date of a
70 prior conviction for a violation of paragraph (3) (a) commits a
71 noncriminal traffic infraction, punishable as a moving violation
72 as provided in chapter 318. For a violation committed in a
73 legally posted school zone or designated school crossing,
74 regardless of where the violation with respect to a prior
75 conviction was committed, the amount of the fine prescribed for

76 | the violation shall be doubled.

77 | ~~(5) Enforcement of this section by state or local law~~
78 | ~~enforcement agencies must be accomplished only as a secondary~~
79 | ~~action when an operator of a motor vehicle has been detained for~~
80 | ~~a suspected violation of another provision of this chapter,~~
81 | ~~chapter 320, or chapter 322.~~

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