



418368

576-02392-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to the use of wireless communications devices while driving; amending s. 316.305, F.S.; revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; requiring deposit of fines into the Emergency Medical Services Trust Fund; deleting a provision requiring that enforcement of the Florida Ban on Texting While Driving Law be accomplished only as a secondary action; requiring a law enforcement officer to inform a person who is stopped for texting while driving of the person's right to decline a search of his or her wireless communications device; requiring a law enforcement officer to record the race and ethnicity of a violator when issuing a citation for a violation of this section; requiring all law enforcement agencies to maintain such information and forward the information to the Department of Highway Safety and Motor Vehicles in a form and manner determined by the department; beginning on a specified date, requiring the department to annually report the data to the Governor and Legislature; providing requirements for the report; providing an effective date.



418368

576-02392-18

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

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29 Section 1. Paragraph (d) of subsection (2) and subsection
30 (5) of section 316.305, Florida Statutes, are amended, and
31 subsections (6) and (7) are added to that section, to read:

32 316.305 Wireless communications devices; prohibition.—

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

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

37 (5) Notwithstanding s. 318.21, all proceeds collected
38 pursuant to s. 318.18 for a violation of this section shall be
39 remitted to the Department of Revenue for deposit into the
40 Emergency Medical Services Trust Fund of the Department of
41 Health Enforcement of this section by state or local law
42 enforcement agencies must be accomplished only as a secondary
43 action when an operator of a motor vehicle has been detained for
44 a suspected violation of another provision of this chapter,
45 chapter 320, or chapter 322.

46 (6) A law enforcement officer shall inform a person who is
47 stopped for texting while driving of the person's right to
48 decline a search of his or her wireless communications device.

49 (7) When a law enforcement officer issues a citation for a
50 violation of this section, the law enforcement officer must
51 record the race and ethnicity of the violator. All law
52 enforcement agencies must maintain such information and report
53 the information to the department in a form and manner
54 determined by the department. Beginning February 1, 2019, the
55 department shall annually report the data collected under this



418368

576-02392-18

56 subsection to the Governor, the President of the Senate, and the
57 Speaker of the House of Representatives. The data collected must
58 be reported at least by statewide totals for local law
59 enforcement agencies, state law enforcement agencies, and state
60 university law enforcement agencies. The statewide total for
61 local law enforcement agencies shall combine the data for the
62 county sheriffs and the municipal law enforcement agencies.

63 Section 2. This act shall take effect October 1, 2018.