

By Senator Simpson

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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 revising the short title; revising legislative intent;
 5 prohibiting a person from operating a motor vehicle
 6 while listening or talking on a wireless
 7 communications device for the purpose of voice
 8 interpersonal communication; redefining the term
 9 "wireless communications device" to include voice
 10 communications; conforming provisions to changes made
 11 by the act; requiring deposit of fines into the
 12 Emergency Medical Services Trust Fund; deleting a
 13 provision requiring that enforcement of this section
 14 be accomplished only as a secondary action; providing
 15 an effective date.

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

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 19 Section 1. Subsection (1), paragraphs (b) and (d) of
 20 subsection (2), and subsections (3) and (5) of section 316.305,
 21 Florida Statutes, are amended to read:

22 316.305 Wireless communications devices; prohibition.—

23 (1) This section may be cited as the "Florida Ban on
 24 Wireless Communications Devices ~~Texting~~ While Driving Law."

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

26 (b) Prevent crashes related to the act of using a wireless
 27 communications device ~~text messaging~~ while driving a motor
 28 vehicle.

29 (d) Authorize law enforcement officers to stop motor

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30 vehicles and issue citations as ~~a secondary offense~~ to persons
31 who are using a wireless communications device ~~texting~~ while
32 driving.

33 (3) (a) A person may not operate a motor vehicle while
34 manually typing or entering multiple letters, numbers, symbols,
35 or other characters into a wireless communications device or
36 while sending or reading data or listening or talking on such a
37 device for the purpose of nonvoice or voice interpersonal
38 communication, including, but not limited to, communication
39 methods known as texting, e-mailing, and instant messaging. As
40 used in this section, the term "wireless communications device"
41 means any handheld device used or capable of being used in a
42 handheld manner which, ~~that~~ is designed or intended to receive
43 or transmit text or character-based messages, access or store
44 data, or connect to the Internet or any communications service
45 as defined in s. 812.15 and which ~~that~~ allows text and voice
46 communications. For the purposes of this paragraph, a motor
47 vehicle that is stationary is not being operated and is not
48 subject to the prohibition in this paragraph.

49 (b) Paragraph (a) does not apply to a motor vehicle
50 operator who is:

51 1. Performing official duties as an operator of an
52 authorized emergency vehicle as defined in s. 322.01, a law
53 enforcement or fire service professional, or an emergency
54 medical services professional.

55 2. Reporting an emergency or criminal or suspicious
56 activity to law enforcement authorities.

57 3. Receiving messages that are:

58 a. Related to the operation or navigation of the motor

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vehicle;

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

c. Data used primarily by the motor vehicle; or

d. Radio broadcasts.

4. Using a device or system for navigation purposes.

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

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

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

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

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

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88 ~~chapter 320, or chapter 322.~~

89 Section 2. This act shall take effect October 1, 2019.