



128554

LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Transportation, Tourism, and Economic Development (Grall) recommended the following:

Senate Amendment

Delete lines 166 - 251
and insert:
operating equipment or in a school zone while flashing beacons
are activated.-

~~(1) For purposes of this section, the term "wireless
communications device" has the same meaning as provided in s.
316.305(3)(a). The term includes, but is not limited to, a cell
phone, a tablet, a laptop, a two-way messaging device, or an~~



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11 ~~electronic game that is used or capable of being used in a~~
12 ~~handheld manner. The term does not include a safety, security,~~
13 ~~or convenience feature built into a motor vehicle which does not~~
14 ~~require the use of a handheld device.~~

15 ~~(2) It is the intent of the Legislature to:~~

16 ~~(a) Improve roadway safety in school and work zones for all~~
17 ~~vehicle operators, vehicle passengers, bicyclists, pedestrians,~~
18 ~~and other road users.~~

19 ~~(b) Prevent crashes related to the act of driving while~~
20 ~~using a wireless communications device in a handheld manner when~~
21 ~~operating a motor vehicle while the vehicle is in motion.~~

22 ~~(c) Reduce injuries, deaths, property damage, health care~~
23 ~~costs, health insurance rates, and automobile insurance rates~~
24 ~~related to motor vehicle crashes.~~

25 ~~(d) Authorize law enforcement officers to stop motor~~
26 ~~vehicles and issue citations to persons who are driving in~~
27 ~~school or work zones while using a wireless communications~~
28 ~~device in a handheld manner as provided in subsection (3).~~

29 ~~(3)(a)1. A person may not operate a motor vehicle while~~
30 ~~using a wireless communications device in a handheld manner in a~~
31 ~~designated school crossing, school zone, or work zone area as~~
32 ~~defined in s. 316.003(112). This subparagraph shall only be~~
33 ~~applicable to work zone areas if construction personnel are~~
34 ~~present or are operating equipment on the road or immediately~~
35 ~~adjacent to the work zone area. For the purposes of this~~
36 ~~paragraph, a motor vehicle that is stationary is not being~~
37 ~~operated and is not subject to the prohibition in this~~
38 ~~paragraph.~~

39 ~~2. Effective January 1, 2020, a law enforcement officer may~~



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40 ~~stop motor vehicles and issue citations to persons who are~~
41 ~~driving while using a wireless communications device in a~~
42 ~~handheld manner in violation of subparagraph 1.~~

43 ~~(b) Paragraph (a) does not apply to a motor vehicle~~
44 ~~operator who is:~~

45 ~~1. Performing official duties as an operator of an~~
46 ~~authorized emergency vehicle as defined in s. 322.01, a law~~
47 ~~enforcement or fire service professional, or an emergency~~
48 ~~medical services professional.~~

49 ~~2. Reporting an emergency or criminal or suspicious~~
50 ~~activity to law enforcement authorities.~~

51 ~~3. Receiving messages that are:~~

52 ~~a. Related to the operation or navigation of the motor~~
53 ~~vehicle;~~

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

56 ~~c. Data used primarily by the motor vehicle; or~~

57 ~~d. Radio broadcasts.~~

58 ~~4. Using a device or system in a hands-free manner for~~
59 ~~navigation purposes.~~

60 ~~5. Using a wireless communications device hands-free or~~
61 ~~hands-free in voice-operated mode, including, but not limited~~
62 ~~to, a factory-installed or after-market Bluetooth device.~~

63 ~~6. Operating an autonomous vehicle, as defined in s.~~
64 ~~316.003, in autonomous mode.~~

65 ~~(c) A law enforcement officer who stops a motor vehicle for~~
66 ~~a violation of paragraph (a) must inform the motor vehicle~~
67 ~~operator of his or her right to decline a search of his or her~~
68 ~~wireless communications device and may not:~~



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69 ~~1. Access the wireless communications device without a~~
70 ~~warrant.~~

71 ~~2. Confiscate the wireless communications device while~~
72 ~~awaiting issuance of a warrant to access such device.~~

73 ~~3. Obtain consent from the motor vehicle operator to search~~
74 ~~his or her wireless communications device through coercion or~~
75 ~~other improper method. Consent to search a motor vehicle~~
76 ~~operator's wireless communications device must be voluntary and~~
77 ~~unequivocal.~~

78 ~~(d) Only in the event of a crash resulting in death or~~
79 ~~serious bodily injury, as defined in s. 316.027, may a user's~~
80 ~~billing records for a wireless communications device, or the~~
81 ~~testimony of or written statements from appropriate authorities~~
82 ~~receiving such messages, be admissible as evidence in any~~
83 ~~proceeding to determine whether a violation of subparagraph~~
84 ~~(a)1. has been committed.~~

85 ~~(e) Law enforcement officers must indicate the type of~~
86 ~~wireless communications device in the comment section of the~~
87 ~~uniform traffic citation.~~

88 ~~(4)(a) A Any person who violates s. 316.305(4)(a) on any~~
89 ~~roadway when construction personnel are present or are operating~~
90 ~~equipment on the road or immediately adjacent to the work zone~~
91 ~~area, or in a school zone during periods in which the~~
92 ~~restrictive speed limit is enforced and flashing beacons are~~
93 ~~activated, this section commits a noncriminal traffic~~
94 ~~infraction,~~