



639304

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 04/01/2025 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Rules (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
electronic game that is used or capable of being used in a~~



639304

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~~
40 ~~stop motor vehicles and issue citations to persons who are~~



639304

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:~~

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



639304

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,