

By Senator Grall

29-00729-25

20251318__

1 A bill to be entitled
2 An act relating to hands-free driving; amending s.
3 316.305, F.S.; revising a short title; revising
4 legislative intent; defining terms; prohibiting a
5 person from operating a motor vehicle while using a
6 wireless communications device in a handheld manner;
7 providing an exception; requiring that sustained use
8 of a wireless communications device by a person
9 operating a motor vehicle be conducted through a
10 hands-free accessory until such use is terminated;
11 revising exceptions to the prohibition; removing
12 obsolete provisions; providing penalties; amending s.
13 316.306, F.S.; revising penalty provisions relating to
14 the use of wireless communications devices in a
15 handheld manner in certain circumstances; conforming
16 provisions to changes made by the act; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 316.305, Florida Statutes, is amended to
22 read:

23 316.305 Wireless communications devices; use in a handheld
24 manner prohibited ~~prohibition.~~-

25 (1) This section may be cited as the "Florida Hands-Free
26 ~~Ban on Texting While Driving~~ Law."

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

28 (a) Improve roadway safety for all vehicle operators,
29 vehicle passengers, bicyclists, pedestrians, and other road

29-00729-25

20251318__

30 users.

31 (b) Prevent crashes related to the use of a wireless
32 communications device in a handheld manner ~~act of text messaging~~
33 while driving a motor vehicle.

34 (c) Reduce injuries, deaths, property damage, health care
35 costs, health insurance rates, and automobile insurance rates
36 related to motor vehicle crashes.

37 (d) Authorize law enforcement officers to stop motor
38 vehicles and issue citations to persons who are using wireless
39 communications devices in a handheld manner ~~texting~~ while
40 driving.

41 (3) As used in this section, the term:

42 (a) "Handheld manner" means holding a wireless
43 communications device in one or both hands or physically
44 supporting the device with any other part of the body.

45 (b) "Hands-free accessory" means an attachment to or a
46 built-in feature of a wireless communications device which
47 allows the operator of a motor vehicle to engage in
48 interpersonal communication or otherwise use such device other
49 than in a handheld manner.

50 (c) "Wireless communications device":

51 1. Means a handheld device used or capable of being used in
52 a handheld manner to:

53 a. Transmit or receive a voice message; initiate, receive,
54 or maintain a telephone call; or otherwise engage in
55 interpersonal voice communication;

56 b. Receive or transmit text-based or character-based
57 messages or otherwise engage in interpersonal nonvoice
58 communication;

29-00729-25

20251318__

59 c. Record or display videos or images;

60 d. Enter, access, or store data; or

61 e. Connect to the Internet or any communications service as
62 defined in s. 812.15(1).

63 2. Includes, but is not limited to, a cellular telephone,
64 smartphone, tablet computer, laptop computer, two-way messaging
65 device, electronic gaming device, or device capable of
66 displaying videos or images. The term does not include a
67 citizens band radio, a citizens band radio hybrid, a commercial
68 two-way radio communications device or its functional
69 equivalent, a subscription-based emergency communications
70 device, a prescribed medical device, an amateur or ham radio
71 device, or an in-vehicle security, navigation, communications,
72 or remote diagnostics system.

73 (4) (a)-(3)-(a) A person may not operate a motor vehicle while
74 using manually typing or entering multiple letters, numbers,
75 symbols, or other characters into a wireless communications
76 device in a handheld manner except to activate, deactivate,
77 initiate, or terminate a feature or function of the device,
78 including a hands-free accessory. Sustained use of a wireless
79 communications device by a person operating a motor vehicle must
80 be conducted through a hands-free accessory until such use is
81 terminated. or while sending or reading data on such a device
82 for the purpose of nonvoice interpersonal communication,
83 including, but not limited to, communication methods known as
84 texting, e-mailing, and instant messaging. As used in this
85 section, the term "wireless communications device" means any
86 handheld device used or capable of being used in a handheld
87 manner, that is designed or intended to receive or transmit text

29-00729-25

20251318__

88 ~~or character-based messages, access or store data, or connect to~~
89 ~~the Internet or any communications service as defined in s.~~
90 ~~812.15 and that allows text communications. For the purposes of~~
91 ~~this paragraph,~~ A motor vehicle that is stationary is not being
92 operated and is not subject to the prohibition in this
93 paragraph.

94 (b) Paragraph (a) does not apply to a motor vehicle
95 operator who is:

96 1. Performing official duties as an operator of an
97 authorized emergency vehicle as defined in s. 322.01, a law
98 enforcement or fire service professional, or an emergency
99 medical services professional.

100 2. Reporting an emergency or criminal or suspicious
101 activity to law enforcement authorities.

102 3. Receiving messages that are:

103 a. Related to the operation or navigation of the motor
104 vehicle;

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

107 c. Data used primarily by the motor vehicle; or

108 d. Radio broadcasts.

109 4. ~~Using a device or system for navigation purposes.~~

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

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

29-00729-25

20251318__

117 ~~7.~~ Operating an autonomous vehicle, as defined in s.
118 316.003(3), with the automated driving system engaged.

119 (c) A law enforcement officer who stops a motor vehicle for
120 a violation of paragraph (a) must inform the motor vehicle
121 operator of his or her right to decline a search of his or her
122 wireless communications device and may not:

123 1. Access the wireless communications device without a
124 warrant.

125 2. Confiscate the wireless communications device while
126 awaiting issuance of a warrant to access such device.

127 3. Obtain consent from the motor vehicle operator to search
128 his or her wireless communications device through coercion or
129 other improper method. Consent to search a motor vehicle
130 operator's wireless communications device must be voluntary and
131 unequivocal.

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

138 (5) (a) ~~(4) (a)~~ A ~~Any~~ person who violates paragraph (4) (a)
139 ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a
140 nonmoving violation as provided in chapter 318.

141 (b) A ~~Any~~ person who commits a second or subsequent
142 violation of paragraph (4) (a) ~~(3) (a)~~ within 5 years after the
143 date of a prior conviction for a violation of paragraph (4) (a)
144 ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a
145 moving violation as provided in chapter 318.

29-00729-25

20251318__

146 ~~(6)~~⁽⁵⁾ When a law enforcement officer issues a citation for
147 a violation of this section, the law enforcement officer must
148 record the race and ethnicity of the violator. All law
149 enforcement agencies must maintain such information and report
150 the information to the department by April 1 annually in a form
151 and manner determined by the department. Beginning July 1, 2023,
152 the department shall annually report the data collected under
153 this subsection to the Governor, the President of the Senate,
154 and the Speaker of the House of Representatives. The data
155 collected must be reported at least by statewide totals for
156 local law enforcement agencies, state law enforcement agencies,
157 and state university law enforcement agencies. The statewide
158 total for local law enforcement agencies shall combine the data
159 for the county sheriffs and the municipal law enforcement
160 agencies.

161 Section 2. Section 316.306, Florida Statutes, is amended to
162 read:

163 316.306 Penalties for School and work zones; prohibition on
164 the use of a wireless communications device in a handheld manner
165 on any roadway when construction personnel are present or
166 operating equipment.—

167 (1) ~~For purposes of this section, the term "wireless~~
168 ~~communications device" has the same meaning as provided in s.~~
169 ~~316.305(3)(a). The term includes, but is not limited to, a cell~~
170 ~~phone, a tablet, a laptop, a two-way messaging device, or an~~
171 ~~electronic game that is used or capable of being used in a~~
172 ~~handheld manner. The term does not include a safety, security,~~
173 ~~or convenience feature built into a motor vehicle which does not~~
174 ~~require the use of a handheld device.~~

29-00729-25

20251318__

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

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

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

182 ~~(c) Reduce injuries, deaths, property damage, health care~~
183 ~~costs, health insurance rates, and automobile insurance rates~~
184 ~~related to motor vehicle crashes.~~

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

189 ~~(3)(a)1. A person may not operate a motor vehicle while~~
190 ~~using a wireless communications device in a handheld manner in a~~
191 ~~designated school crossing, school zone, or work zone area as~~
192 ~~defined in s. 316.003(112). This subparagraph shall only be~~
193 ~~applicable to work zone areas if construction personnel are~~
194 ~~present or are operating equipment on the road or immediately~~
195 ~~adjacent to the work zone area. For the purposes of this~~
196 ~~paragraph, a motor vehicle that is stationary is not being~~
197 ~~operated and is not subject to the prohibition in this~~
198 ~~paragraph.~~

199 ~~2. Effective January 1, 2020, a law enforcement officer may~~
200 ~~stop motor vehicles and issue citations to persons who are~~
201 ~~driving while using a wireless communications device in a~~
202 ~~handheld manner in violation of subparagraph 1.~~

203 ~~(b) Paragraph (a) does not apply to a motor vehicle~~

29-00729-25

20251318__

204 operator who is:

205 ~~1. Performing official duties as an operator of an~~
206 ~~authorized emergency vehicle as defined in s. 322.01, a law~~
207 ~~enforcement or fire service professional, or an emergency~~
208 ~~medical services professional.~~

209 ~~2. Reporting an emergency or criminal or suspicious~~
210 ~~activity to law enforcement authorities.~~

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

212 ~~a. Related to the operation or navigation of the motor~~
213 ~~vehicle;~~

214 ~~b. Safety related information, including emergency,~~
215 ~~traffic, or weather alerts;~~

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

217 ~~d. Radio broadcasts.~~

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

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

223 ~~6. Operating an autonomous vehicle, as defined in s.~~
224 ~~316.003, in autonomous mode.~~

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

229 ~~1. Access the wireless communications device without a~~
230 ~~warrant.~~

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

29-00729-25

20251318__

233 ~~3. Obtain consent from the motor vehicle operator to search~~
234 ~~his or her wireless communications device through coercion or~~
235 ~~other improper method. Consent to search a motor vehicle~~
236 ~~operator's wireless communications device must be voluntary and~~
237 ~~unequivocal.~~

238 ~~(d) Only in the event of a crash resulting in death or~~
239 ~~serious bodily injury, as defined in s. 316.027, may a user's~~
240 ~~billing records for a wireless communications device, or the~~
241 ~~testimony of or written statements from appropriate authorities~~
242 ~~receiving such messages, be admissible as evidence in any~~
243 ~~proceeding to determine whether a violation of subparagraph~~
244 ~~(a)1. has been committed.~~

245 ~~(c) Law enforcement officers must indicate the type of~~
246 ~~wireless communications device in the comment section of the~~
247 ~~uniform traffic citation.~~

248 ~~(4)(a) A Any person who violates s. 316.305(4)(a) on any~~
249 ~~roadway when construction personnel are present or are operating~~
250 ~~equipment on the road or immediately adjacent to the work zone~~
251 ~~area this section commits a noncriminal traffic infraction,~~
252 ~~punishable as a moving violation, as provided in chapter 318,~~
253 ~~and shall pay a fine of \$150 and have 3 points assessed against~~
254 ~~his or her driver license. A person who commits a second~~
255 ~~violation shall pay a fine of \$250 and have 3 points assessed~~
256 ~~against his or her driver license. A person who commits a third~~
257 ~~violation shall pay a fine of \$500, have 4 points assessed~~
258 ~~against his or her driver license, and have his or her driver~~
259 ~~license suspended for 90 days, and shall have 3 points assessed~~
260 ~~against his or her driver license as set forth in s.~~
261 ~~322.27(3)(d)8.~~

29-00729-25

20251318__

262 (a) For a first violation ~~offense under this section~~, in
263 lieu of the penalty ~~specified in s. 318.18~~ and the assessment of
264 points, a person ~~who violates this section~~ may elect to
265 participate in a wireless communications device driving safety
266 program approved by the Department of Highway Safety and Motor
267 Vehicles. Upon completion of such program, the penalties ~~penalty~~
268 specified in this section and s. 318.18 and associated costs may
269 be waived by the clerk of the court and the assessment of points
270 must be waived.

271 (b) The clerk of the court may dismiss a case and assess
272 court costs in accordance with s. 318.18(12)(a) for a nonmoving
273 traffic infraction for a person who is cited for a first ~~time~~
274 violation ~~of this section~~ if the person shows the clerk proof of
275 purchase of equipment that enables his or her personal wireless
276 communications device to be used in a hands-free manner.

277 (2) ~~(5)~~ Notwithstanding s. 318.21, all proceeds collected
278 pursuant to s. 318.18 for violations under ~~of~~ this section must
279 be remitted to the Department of Revenue for deposit into the
280 Emergency Medical Services Trust Fund of the Department of
281 Health.

282 (3) ~~(6)~~ When a law enforcement officer issues a citation for
283 a violation under ~~of~~ this section, the law enforcement officer
284 must:

285 (a) Indicate in the comment section of the uniform traffic
286 citation the type of wireless communications device that was
287 used to commit the violation.

288 (b) Record the race and ethnicity of the violator. All law
289 enforcement agencies must maintain such information and must
290 report such information to the department in a form and manner

29-00729-25

20251318__

291 determined by the department. Beginning February 1, 2020, the
292 department shall annually report the data collected under this
293 paragraph ~~subsection~~ to the Governor, the President of the
294 Senate, and the Speaker of the House of Representatives. The
295 data collected must be reported at least by statewide totals for
296 local law enforcement agencies, state law enforcement agencies,
297 and state university law enforcement agencies. The statewide
298 total for local law enforcement agencies is a combination of
299 ~~must combine~~ the data for the county sheriffs and the municipal
300 law enforcement agencies.

301 Section 3. This act shall take effect July 1, 2025.