

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**
 22 **to 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
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
52 in 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;
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
62 as 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
74 while using manually typing or entering multiple letters,
75 numbers, symbols, or other characters into a wireless

76 | communications device in a handheld manner except to activate,
77 | deactivate, initiate, or terminate a feature or function of the
78 | device, including a hands-free accessory. Sustained use of a
79 | wireless communications device by a person operating a motor
80 | vehicle must be conducted through a hands-free accessory until
81 | such use is terminated. ~~or while sending or reading data on such~~
82 | ~~a device for the purpose of nonvoice interpersonal~~
83 | ~~communication, including, but not limited to, communication~~
84 | ~~methods known as texting, e-mailing, and instant messaging. As~~
85 | ~~used in this section, the term "wireless communications device"~~
86 | ~~means any handheld device used or capable of being used in a~~
87 | ~~handheld manner, that is designed or intended to receive or~~
88 | ~~transmit text or character-based messages, access or store data,~~
89 | ~~or connect to the Internet or any communications service as~~
90 | ~~defined in s. 812.15 and that allows text communications. For~~
91 | ~~the purposes of this paragraph,~~ A motor vehicle that is
92 | stationary is not being operated and is not subject to the
93 | prohibition in this 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.~~

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
120 for 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
128 search his or her wireless communications device through
129 coercion or other improper method. Consent to search a motor
130 vehicle operator's wireless communications device must be
131 voluntary and 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.

146 (6) (5) When a law enforcement officer issues a citation
147 for a violation of this section, the law enforcement officer
148 must 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**
162 **to read:**

163 316.306 Penalties for School and work zones; prohibition
164 ~~on the~~ use of a wireless communications device in a handheld
165 manner 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.~~

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

176 ~~(a) Improve roadway safety in school and work zones for~~
177 ~~all vehicle operators, vehicle passengers, bicyclists,~~
178 ~~pedestrians, 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~~
200 ~~may 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~~
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~~

226 ~~for 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.~~

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

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 subsection and s. 318.18 and associated costs
269 may be waived by the clerk of the court and the assessment of
270 points 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
283 | for a violation under ~~of~~ this section, the law enforcement
284 | officer 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
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.

HB 501

2025

301

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