

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 1241](#)

**TITLE:** Hands-free Driving

**SPONSOR(S):** Blanco and Rizo

**COMPANION BILL:** [SB 1152](#) (Grall)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Government Operations](#)

18 Y, 0 N, As CS



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill creates the following additional penalties for any person who commits careless driving while using a wireless communications device in a handheld manner: a fine of \$60 and one additional point assessed to the person's driver license. The bill authorizes first time offenders to participate in a wireless communications device driving safety program, in lieu of the imposition of additional penalties. Additionally, the bill provides certain exceptions to the prohibition and requires a law enforcement officer, who stops a vehicle for a violation of careless driving while also using a wireless communications device in a handheld manner, to inform the vehicle operator of his or her right to decline a search of his or her device. Lastly, the bill prohibits law enforcement from taking certain actions without a warrant or consent from the vehicle operator and provides that a user's billing records and other specified records are admissible as evidence in certain circumstances.

### Fiscal or Economic Impact:

The bill may have a positive indeterminate fiscal impact on state government and a positive economic impact on the private sector.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill provides that if a person is found to have committed [careless driving](#) while supporting the weight of a wireless communications device<sup>1</sup> in a handheld manner, except to activate, deactivate, initiate, or terminate a feature or function of the device, then such person will be, in addition to penalties associated with a careless driving violation:

- Fined an additional \$60.
- Have one additional point assessed against his or her driver license. (Sections [1](#), [2](#), and [3](#))

The \$60 fine collected for this violation must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to ensure the availability and accessibility of trauma services. (Section [2](#))

For a first offense of careless driving while also using a wireless communications device in a handheld manner, in lieu of the assessment of an additional point and an additional fee, a person may elect to participate in a [wireless communications device driving safety program](#) approved by the Department of Highway Safety and Motor Vehicles. Upon completion of such program, the additional fine and assessment of a point is required to be waived. (Section [1](#))

<sup>1</sup> The bill defines the term "wireless communications device" as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service and that allows text communications.

**STORAGE NAME:** h1241.GOS

**DATE:** 2/12/2026

A vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition. Additionally, the prohibition does not apply to a vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional.
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
- Receiving messages that are related to the operation or navigation of the vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the vehicle; or radio broadcasts.
- Using a device or system in a hands-free manner for navigation purposes.
- Using a wireless communications device hands-free or hands-free in voice-operated mode, including a factory-installed or after-market Bluetooth device.
- Operating an autonomous vehicle in an autonomous mode. (Section [1](#))

The bill provides that a law enforcement officer who stops a vehicle for a violation of careless driving while using a wireless communications device in a handheld manner must inform the vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

- Access the wireless communications device without a warrant.
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device.
- Obtain consent from the vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a vehicle operator's wireless communications device must be voluntary and unequivocal. (Section [1](#))

The bill provides that only in the event of a crash resulting in death or serious bodily injury may a user's billing records for a wireless communications device, or the testimony of or written statements from appropriate authorities receiving such messages, be admissible as evidence in any proceeding to determine whether a violation has been committed. (Section [1](#))

The bill is effective date on July 1, 2026. (Section [8](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have a positive, indeterminate fiscal impact on state government by creating an additional fine that may be remitted to the Department of Revenue for deposit into the Department of Health's Emergency Medical Services Trust Fund.

### **PRIVATE SECTOR:**

If individuals elect to take the Wireless Communications Device (WCD) driving safety course in lieu of the additional penalties, then the approved providers of the WCD courses may see a positive indeterminate economic impact.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Careless Driving**

Current law requires that any person operating a vehicle upon the streets or highways within the state must drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person.<sup>2</sup> Any person who fails to drive in such

<sup>2</sup> [S. 316.1925\(1\), F.S.](#)

a manner commits careless driving, which is punishable as a moving violation that carries a \$60 fine, plus court costs, which could result in a total fine up to \$158.<sup>3</sup> Additionally, three points may be assessed against the violator's driver license<sup>4</sup> for a moving violation.<sup>5</sup>

## Florida Ban on Texting While Driving Law

### Prohibition

The Florida Ban on Texting While Driving Law prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.<sup>6</sup> The term “wireless communications device” is defined as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the internet or any communications service and that allows text communications.<sup>7</sup>

A motor vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition.<sup>8</sup>

Additionally, the prohibition does not apply to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional.
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities.
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts.
- Using a device or system for navigation purposes.
- 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.
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function.
- Operating an autonomous vehicle with the automated driving system engaged.<sup>9</sup>

<sup>3</sup> Florida Court Clerks and Comptrollers, [2025 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording](#), p. 48 (last visited Feb. 7, 2026).

<sup>4</sup> Department of Highway Safety and Motor Vehicles, [Points & Point Suspensions](#) (last visited Feb 7, 2026). Points are assigned based on the type of conviction and remain on the driver record for at least five years from the date of disposition. If a driver accumulates too many points in a set time period, his or her driving privileges will be suspended. For example, accumulating 12 points within a year will suspend a driver license for 30 days; 18 points within 18 months will suspend a driver license for three months; and 24 points within 36 months will suspend a driver license for one year.

<sup>5</sup> Department of Highway Safety and Motor Vehicles, [Appendix "C"](#) (last visited Feb. 7, 2026).

<sup>6</sup> [S. 316.305\(3\)\(a\), F.S.](#)

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> [S. 316.305\(3\)\(b\), F.S.](#)

### Enforcement and Penalties

A law enforcement officer who stops a motor vehicle for a violation of the Florida Ban on Texting While Driving Law is required to inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

- Access the wireless communications device without a warrant.
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device.
- Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.<sup>10</sup>

Only in the event of a crash resulting in death or personal injury, may a user's billing records for a wireless communications device or the testimony of or written statements from appropriate authorities receiving such messages be admissible as evidence in any proceeding to determine whether a violation has been committed.<sup>11</sup>

A first violation of the ban on texting while driving is punishable as a nonmoving violation and carries a \$30 fine plus court costs,<sup>12</sup> which could result in a total fine up to \$108.<sup>13</sup> A second or subsequent violation of the ban committed within five years after the date of a prior conviction is a moving violation and carries a \$60 fine plus court costs,<sup>14</sup> which could result in a total fine up to \$158.<sup>15</sup>

### **Ban on the Use of Wireless Communications Devices in a Handheld Manner in School and Work Zones**

#### Prohibition and Enforcement

In addition to the ban on texting while driving, law enforcement officers are authorized to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or work zone area<sup>16</sup> while using a wireless communications device in a handheld manner.<sup>17</sup> The term wireless communications device has the same meaning as the Florida Ban on Texting While Driving Law but specifically lists certain devices as being included within that term: a cell phone, a tablet, a laptop, two-way messaging device, or an electronic game that is used or capable of being used in a handheld manner. The term does not include a safety, security, or convenience feature built into a motor vehicle which does not require the use of a handheld device.<sup>18</sup>

The ban on the use of wireless communications devices in a handheld manner in school and work zones has almost identical exceptions and enforcement procedures as the Florida Ban on Texting While Driving Law.<sup>19</sup> However, the ban on the use of a wireless communications device in a handheld manner in school and work zones expressly allows the use of a wireless communications device if it is operated in a hands-free or hands-free in voice-operated mode, including, a factory-installed or after-market Bluetooth device while driving.<sup>20</sup>

<sup>10</sup> [S. 316.305\(3\)\(c\), F.S.](#)

<sup>11</sup> [S. 316.305\(3\)\(d\), F.S.](#)

<sup>12</sup> [S. 316.305\(4\)\(a\), F.S.](#) See also ch. 318, F.S.

<sup>13</sup> Florida Court Clerks and Comptrollers, [2025 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording, p. 43](#) (last visited Feb. 7, 2026).

<sup>14</sup> [S. 316.305\(4\)\(b\), F.S.](#) See also Ch. 318, F.S.

<sup>15</sup> Florida Court Clerks and Comptrollers, [2025 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording, p. 48](#) (last visited Feb. 7, 2026).

<sup>16</sup> [Section 316.003\(111\), F.S.](#), defines work zone as the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic. [Section 316.306\(3\)\(a\), F.S.](#), provides that the prohibition on work zone areas is only applicable if the construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

<sup>17</sup> [Ss. 316.306\(2\) and 316.306\(3\)\(a\), F.S.](#)

<sup>18</sup> [S. 316.306\(1\), F.S.](#)

<sup>19</sup> [S. 316.306\(3\), F.S.](#)

<sup>20</sup> *Id.*

## Penalties

A first violation of the ban on the use of wireless communications devices in a handheld manner in school and work zones is punishable as a noncriminal traffic infraction, punishable as a moving violation,<sup>21</sup> and a violator will have three points assessed against his or her driver license.<sup>22</sup> For a first offense, in lieu of the \$60 fine, additional court costs, and the assessment of points, a person may elect to participate in a [wireless communications device driving safety program](#) approved by the DHSMV.<sup>23</sup> Upon completion of such program, the penalty and associated costs may be waived by the clerk of the court and the assessment of points must be waived.<sup>24</sup> Additionally, the clerk of the court may dismiss a case and assess court costs for a nonmoving traffic infraction for a person who is cited for a first-time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.<sup>25</sup> All the proceeds collected from such penalties must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.<sup>26</sup>

## RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/SB 1318</a> - Traffic Offenses	Tant/ Grall	Passed the Senate on April 9, 2025, and died in the House.

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Government Operations Subcommittee</a>	18 Y, 0 N, As CS	2/11/2026	Toliver	Walker
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Removed provisions prohibiting the holding of a wireless communications device (WCD) in a handheld manner while operating a vehicle.</li> <li>Created additional penalties for any person who commits careless driving while using a WCD in a handheld manner.</li> <li>Authorized first time offenders to participate in a WCD driving safety program, instead of receiving the additional penalties.</li> <li>Required a law enforcement officer to inform the vehicle operator of his or her right to decline a search of his or her device and prohibited a law enforcement officer from taking specified actions without a warrant or consent from the vehicle operator.</li> </ul>			
<a href="#">State Affairs Committee</a>				

<sup>21</sup> Chapter 318, F.S. See Florida Court Clerks and Comptrollers, [2025 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording, p. 50](#) (last visited Feb. 7, 2026). Such violation carries a \$60 fine plus court costs, which could result in a total fine up to \$158.

<sup>22</sup> [S. 316.306\(4\)\(a\), F.S.](#)

<sup>23</sup> Department of Highway Safety and Motor Vehicles, [Wireless Communications Device Course](#) (last visited Feb 7, 2026). There are currently 11 DHSMV approved providers of the Wireless Communications Device Safety Program. The course is typically 90 minutes long and costs range from \$24.50 to \$44.95.

<sup>24</sup> *Id.*

<sup>25</sup> [S. 316.306\(4\)\(b\), F.S.](#)

<sup>26</sup> [S. 316.306\(5\), F.S.](#)

**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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