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A bill to be entitled
An act relating to hands-free driving; amending s. 316.1925, F.S.; prohibiting a person who violates careless driving provisions from operating a vehicle while using a wireless communications device in a handheld manner; providing additional penalties for a person who violates careless driving provisions and operates a vehicle while using a wireless communications device in a handheld manner; authorizing first-time offenders to participate in a wireless communications device driving safety program in lieu of the imposition of additional penalties; providing exceptions to such prohibition; requiring a law enforcement officer who stops a vehicle for a violation of careless driving provisions and finds that the operator of the vehicle is 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 wireless communications device; prohibiting the law enforcement officer from taking certain actions without a warrant or consent from the vehicle operator; providing that a user's billing records for a wireless communications device or the testimony of or written statements from certain authorities are admissible as evidence in crashes

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26 resulting in death or serious bodily injury for
27 certain purposes; amending s. 318.18, F.S.; providing
28 an additional fine for a violation of careless driving
29 provisions while using a wireless communications
30 device in a handheld manner; requiring the deposit of
31 such fine into the Emergency Medical Services Trust
32 Fund of the Department of Health; amending s. 322.27,
33 F.S.; conforming provisions to changes made by the
34 act; amending ss. 316.1575, 316.1576, 316.1923, and
35 316.306, F.S.; conforming cross-references; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 **Section 1. Section 316.1925, Florida Statutes, is amended**
41 **to read:**

42 316.1925 Careless driving.—

43 (1) (a) Any person operating a vehicle upon the streets or
44 highways within the state shall drive the same in a careful and
45 prudent manner, having regard for the width, grade, curves,
46 corners, traffic, and all other attendant circumstances, so as
47 not to endanger the life, limb, or property of any person.
48 Failure to drive in such manner shall constitute careless
49 driving and a violation of this section.

50 (b) (2) Any person who violates paragraph (1) (a) this

51 section shall be cited for a moving violation, punishable as
52 provided in chapter 318.

53 (2) (a) Any person who violates subsection (1) while
54 supporting the weight of a wireless communications device as
55 defined in s. 316.306(1), in a handheld manner, except to
56 activate, deactivate, initiate, or terminate a feature or
57 function of the device, shall, in addition to the penalty in
58 paragraph (1) (b), be:

59 1. Fined an additional \$60 as set forth in s. 318.18(25).
60 2. Have 1 additional point assessed against his or her
61 driver license as set forth in s. 322.27(3)(d).

62 (b) For a first offense under paragraph (a), in lieu of
63 the assessment of an additional point and an additional fine, a
64 person who violates this subsection may elect to participate in
65 a wireless communications device driving safety program approved
66 by the department. Upon completion of such program, the
67 assessment of an additional fine and an additional point must be
68 waived.

69 (c) This subsection does not apply to a stationary vehicle
70 or a vehicle operator who is:

71 1. Performing official duties as an operator of an
72 authorized emergency vehicle as defined in s. 322.01, a law
73 enforcement or fire service professional, or an emergency
74 medical services professional.

75 2. Reporting an emergency or criminal or suspicious

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76 activity to law enforcement authorities.

77 3. Receiving messages that are:

78 a. Related to the operation or navigation of the vehicle;

79 b. Safety-related information, including emergency,

80 traffic, or weather alerts;

81 c. Data used primarily by the vehicle; or

82 d. Radio broadcasts.

83 4. Using a device or system in a hands-free manner for
84 navigation purposes.

85 5. Using a wireless communications device hands-free or
86 hands-free in voice-operated mode, including, but not limited
87 to, a factory-installed or after-market Bluetooth device.

88 6. Operating an autonomous vehicle, as defined in s.
89 316.003(3), in autonomous mode.

90 (d) A law enforcement officer who stops a vehicle for a
91 violation of this subsection must inform the vehicle operator of
92 his or her right to decline a search of his or her wireless
93 communications device and may not:

94 1. Access the wireless communications device without a
95 warrant.

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

98 3. Obtain consent from the vehicle operator to search his
99 or her wireless communications device through coercion or other
100 improper method. Consent to search a vehicle operator's wireless

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101 communications device must be voluntary and unequivocal.

102 (e) Only in the event of a crash resulting in death or
103 serious bodily injury, as defined in s. 316.027(1), may a user's
104 billing records for a wireless communications device, or the
105 testimony of or written statements from appropriate authorities
106 receiving such messages, be admissible as evidence in any
107 proceeding to determine whether a violation of this subsection
108 has been committed.

109 **Section 2. Subsection (25) is added to section 318.18,
110 Florida Statutes, to read:**

111 318.18 Amount of penalties.—The penalties required for a
112 noncriminal disposition pursuant to s. 318.14 or a criminal
113 offense listed in s. 318.17 are as follows:

114 (25) In addition to any other penalty, \$60 for a violation
115 of s. 316.1925(2), prohibiting careless driving while using a
116 wireless communications device in a handheld manner. The
117 additional \$60 collected under this subsection shall be remitted
118 to the Department of Revenue for deposit into the Emergency
119 Medical Services Trust Fund of the Department of Health to be
120 used as provided in s. 395.4036.

121 **Section 3. Paragraph (d) of subsection (3) of section
122 322.27, Florida Statutes, is amended to read:**

123 322.27 Authority of department to suspend or revoke driver
124 license or identification card.—

125 (3) There is established a point system for evaluation of

126 convictions of violations of motor vehicle laws or ordinances,
127 and violations of applicable provisions of s. 403.413(6)(b) when
128 such violations involve the use of motor vehicles, for the
129 determination of the continuing qualification of any person to
130 operate a motor vehicle. The department is authorized to suspend
131 the license of any person upon showing of its records or other
132 good and sufficient evidence that the licensee has been
133 convicted of violation of motor vehicle laws or ordinances, or
134 applicable provisions of s. 403.413(6)(b), amounting to 12 or
135 more points as determined by the point system. The suspension
136 shall be for a period of not more than 1 year.

137 (d) The point system shall have as its basic element a
138 graduated scale of points assigning relative values to
139 convictions of the following violations:

140 1. Reckless driving, willful and wanton—4 points.

141 2. Leaving the scene of a crash resulting in property
142 damage of more than \$50—6 points.

143 3. Careless driving while using a wireless communications
144 device in a handheld manner—1 point.

145 4.3. Unlawful speed, or unlawful use of a wireless
146 communications device, resulting in a crash—6 points.

147 5.4. Passing a stopped school bus:

148 a. Not causing or resulting in serious bodily injury to or
149 death of another—4 points.

150 b. Causing or resulting in serious bodily injury to or

151 death of another—6 points.

152 c. Points may not be imposed for a violation of passing a
153 stopped school bus as provided in s. 316.172(1)(a) or (b) when
154 enforced by a school bus infraction detection system pursuant to
155 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
156 when enforced by a school bus infraction detection system
157 pursuant to s. 316.173 may not be used for purposes of setting
158 motor vehicle insurance rates.

159 6.5. Unlawful speed:

160 a. Not in excess of 15 miles per hour of lawful or posted
161 speed—3 points.

162 b. In excess of 15 miles per hour of lawful or posted
163 speed—4 points.

164 c. Points may not be imposed for a violation of unlawful
165 speed as provided in s. 316.1895 or s. 316.183 when enforced by
166 a traffic infraction enforcement officer pursuant to s.
167 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
168 when enforced by a traffic infraction enforcement officer
169 pursuant to s. 316.1896 may not be used for purposes of setting
170 motor vehicle insurance rates.

171 7.6. A violation of a traffic control signal device as
172 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

173 However, points may not be imposed for a violation of s.
174 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
175 stop at a traffic signal and when enforced by a traffic

176 infraction enforcement officer. In addition, a violation of s.
177 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
178 stop at a traffic signal and when enforced by a traffic
179 infraction enforcement officer may not be used for purposes of
180 setting motor vehicle insurance rates.

181 8.7. Unlawfully driving a vehicle through a railroad-
182 highway grade crossing—6 points.

183 9.8. All other moving violations (including parking on a
184 highway outside the limits of a municipality)—3 points. However,
185 points may not be imposed for a violation of s. 316.2065(11);
186 and points may be imposed for a violation of s. 316.1001 only
187 when imposed by the court after a hearing pursuant to s.
188 318.14(5).

189 10.9. Any moving violation covered in this paragraph,
190 excluding unlawful speed and unlawful use of a wireless
191 communications device, resulting in a crash—4 points.

192 11.10. Any conviction under s. 403.413(6)(b)—3 points.

193 12.11. Any conviction under s. 316.0775(2)—4 points.

194 13.12. A moving violation covered in this paragraph which
195 is committed in conjunction with the unlawful use of a wireless
196 communications device within a school safety zone—2 points, in
197 addition to the points assigned for the moving violation.

198 **Section 4. Paragraph (b) of subsection (3) of section
199 316.1575, Florida Statutes, is amended to read:**

200 316.1575 Obedience to traffic control devices at railroad-

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201 highway grade crossings.—

202 (3) A person who violates this section commits a
203 noncriminal traffic infraction, punishable pursuant to chapter
204 318 as:

205 (b) If the infraction resulted from the operation of a
206 vehicle, as a moving violation.

207 1. For a first violation, the person must pay a fine of
208 \$500 or perform 25 hours of community service and shall have 6
209 points assessed against his or her driver license as set forth
210 in s. 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~

211 2. For a second or subsequent violation, the person must
212 pay a fine of \$1,000 and shall have an additional 6 points
213 assessed against his or her driver license as set forth in s.
214 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~

215 **Section 5. Subsection (3) of section 316.1576, Florida
216 Statutes, is amended to read:**

217 316.1576 Insufficient clearance at a railroad-highway
218 grade crossing.—

219 (3) A person who violates this section commits a
220 noncriminal traffic infraction, punishable as a moving violation
221 as provided in chapter 318.

222 (a) For a first violation, the person must pay a fine of
223 \$500 or perform 25 hours of community service and shall have 6
224 points assessed against his or her driver license as set forth
225 in s. 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~

226 (b) For a second or subsequent violation, the person must
227 pay a fine of \$1,000, shall have an additional 6 points assessed
228 against his or her driver license as set forth in s.
229 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~, and, notwithstanding s.
230 322.27(3)(a), (b), and (c), shall have his or her driving
231 privilege suspended for not more than 6 months.

232 **Section 6. Subsection (1) of section 316.1923, Florida
233 Statutes, is amended to read:**

234 316.1923 Aggressive careless driving.—"Aggressive careless
235 driving" means committing two or more of the following acts
236 simultaneously or in succession:

237 (1) Exceeding the posted speed as defined in s.
238 322.27(3)(d)6.b. ~~s. 322.27(3)(d)5.b.~~

239 **Section 7. Paragraph (a) of subsection (4) of section
240 316.306, Florida Statutes, is amended to read:**

241 316.306 School and work zones; prohibition on the use of a
242 wireless communications device in a handheld manner.—

243 (4) (a) Any person who violates this section commits a
244 noncriminal traffic infraction, punishable as a moving
245 violation, as provided in chapter 318, and shall have 3 points
246 assessed against his or her driver license as set forth in s.
247 322.27(3)(d)9. ~~s. 322.27(3)(d)8.~~ For a first offense under this
248 section, in lieu of the penalty specified in s. 318.18 and the
249 assessment of points, a person who violates this section may
250 elect to participate in a wireless communications device driving

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251 safety program approved by the Department of Highway Safety and
252 Motor Vehicles. Upon completion of such program, the penalty
253 specified in s. 318.18 and associated costs may be waived by the
254 clerk of the court and the assessment of points must be waived.

255 **Section 8.** This act shall take effect July 1, 2026.