

1                   A bill to be entitled  
 2           An act relating to texting while driving; amending s.  
 3           316.305, F.S.; revising a short title and legislative  
 4           intent; revising penalties for violations of  
 5           provisions relating to texting while driving;  
 6           providing enhanced penalties for violations committed  
 7           in a school zone or school crossing; requiring law  
 8           enforcement agencies to adopt policies prohibiting  
 9           racial profiling in the enforcement of such  
 10          provisions; removing a requirement that enforcement be  
 11          accomplished as a secondary action; providing an  
 12          effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1.   Section 316.305, Florida Statutes, is amended  
 17   to read:

18           316.305   Wireless communications devices; prohibition.—

19           (1)   This section may be cited as the "Dori Slosberg and  
 20   Anthony Branca Distracted Driving Act ~~Florida Ban on Texting~~  
 21   ~~While Driving Law.~~"

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

23           (a)   Improve roadway safety for all vehicle operators,  
 24   vehicle passengers, bicyclists, pedestrians, and other road  
 25   users.

26 (b) Prevent crashes related to the act of text messaging  
27 while driving a motor vehicle.

28 (c) Reduce injuries, deaths, property damage, health care  
29 costs, health insurance rates, and automobile insurance rates  
30 related to motor vehicle crashes.

31 (d) Authorize law enforcement officers to stop motor  
32 vehicles and issue citations ~~as a secondary offense~~ to persons  
33 who are texting while driving.

34 (3) (a) A person may not operate a motor vehicle while  
35 manually typing or entering multiple letters, numbers, symbols,  
36 or other characters into a wireless communications device or  
37 while sending or reading data on such a device for the purpose  
38 of nonvoice interpersonal communication, including, but not  
39 limited to, communication methods known as texting, e-mailing,  
40 and instant messaging. As used in this section, the term  
41 "wireless communications device" means any handheld device used  
42 or capable of being used in a handheld manner, that is designed  
43 or intended to receive or transmit text or character-based  
44 messages, access or store data, or connect to the Internet or  
45 any communications service as defined in s. 812.15 and that  
46 allows text communications. For the purposes of this paragraph,  
47 a motor vehicle that is stationary is not being operated and is  
48 not subject to the prohibition in this paragraph.

49 (b) Paragraph (a) does not apply to a motor vehicle  
50 operator who is:

- 51           1. Performing official duties as an operator of an  
 52 authorized emergency vehicle as defined in s. 322.01, a law  
 53 enforcement or fire service professional, or an emergency  
 54 medical services professional.
- 55           2. Reporting an emergency or criminal or suspicious  
 56 activity to law enforcement authorities.
- 57           3. Receiving messages that are:
- 58           a. Related to the operation or navigation of the motor  
 59 vehicle;
- 60           b. Safety-related information, including emergency,  
 61 traffic, or weather alerts;
- 62           c. Data used primarily by the motor vehicle; or
- 63           d. Radio broadcasts.
- 64           4. Using a device or system for navigation purposes.
- 65           5. Conducting wireless interpersonal communication that  
 66 does not require manual entry of multiple letters, numbers, or  
 67 symbols, except to activate, deactivate, or initiate a feature  
 68 or function.
- 69           6. Conducting wireless interpersonal communication that  
 70 does not require reading text messages, except to activate,  
 71 deactivate, or initiate a feature or function.
- 72           7. Operating an autonomous vehicle, as defined in s.  
 73 316.003, in autonomous mode.
- 74           (c) Only in the event of a crash resulting in death or  
 75 personal injury, a user's billing records for a wireless

76 | communications device or the testimony of or written statements  
77 | from appropriate authorities receiving such messages may be  
78 | admissible as evidence in any proceeding to determine whether a  
79 | violation of paragraph (a) has been committed.

80 |       (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits  
81 | a noncriminal traffic infraction, punishable as a nonmoving  
82 | violation as provided in chapter 318. For a violation committed  
83 | in a legally posted school zone or designated school crossing,  
84 | the amount of the fine prescribed for the violation shall be  
85 | doubled.

86 |       (b) A ~~Any~~ person who commits a second or subsequent  
87 | violation of paragraph (3) (a) within 5 years after the date of a  
88 | prior conviction for a violation of paragraph (3) (a) commits a  
89 | noncriminal traffic infraction, punishable as a moving violation  
90 | as provided in chapter 318. For a violation committed in a  
91 | legally posted school zone or designated school crossing,  
92 | regardless of where the violation with respect to a prior  
93 | conviction was committed, the amount of the fine prescribed for  
94 | the violation shall be doubled.

95 |       (5) Each law enforcement agency in this state shall adopt  
96 | a policy to prohibit the practice of racial profiling in the  
97 | enforcement of this section ~~by state or local law enforcement~~  
98 | ~~agencies must be accomplished only as a secondary action when an~~  
99 | ~~operator of a motor vehicle has been detained for a suspected~~  
100 | ~~violation of another provision of this chapter, chapter 320, or~~

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101 | ~~chapter 322.~~

102 |       Section 2. This act shall take effect July 1, 2018.