

By Senator Rich

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1 A bill to be entitled
2 An act relating to the use of cellular telephones;
3 prohibiting the use of a cellular telephone while
4 operating a motor vehicle except when using a headset
5 or hands-free device; providing exemptions; providing
6 a penalty; providing for enforcement only as a
7 secondary offense; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Cellular telephones.—

12 (1) Except when using a headset pursuant to s. 316.304,
13 Florida Statutes, or a hands-free device, a person may not
14 operate a motor vehicle on a street or highway while dialing or
15 sending a telephone call on a cellular telephone or while
16 listening to or speaking on a cellular telephone, as defined in
17 s. 817.4821, Florida Statutes.

18 (2) This section does not apply to:

19 (a) A law enforcement officer or an emergency vehicle
20 operator using a cellular telephone in the line of duty;

21 (b) A person using a cellular telephone in order to report
22 illegal activity;

23 (c) A person using a cellular telephone in order to summon
24 medical or other emergency help; or

25 (d) A person using a cellular telephone in order to prevent
26 injury or damage to a person or property.

27 (3) A violation of this section is a noncriminal traffic
28 infraction, punishable as a nonmoving violation as provided in
29 chapter 318, Florida Statutes. However, this section may be

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30 enforced by a state or local law enforcement officer only as a
31 secondary action when the operator of a motor vehicle has been
32 detained for a suspected violation of any provision of chapter
33 316, chapter 320, or chapter 322, Florida Statutes.

34 Section 2. This act shall take effect July 1, 2010.