



Transportation & Infrastructure Subcommittee

September 18, 2019
12:30 PM – 2:30 PM
Reed Hall

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Wednesday, September 18, 2019 12:30 pm

End Date and Time: Wednesday, September 18, 2019 02:30 pm

Location: Reed Hall (102 HOB)

Duration: 2.00 hrs

Update by the Department of Highway Safety and Motor Vehicles on the implementation of Chapter 2019-44, Laws of Florida (CS/HB 107), relating to wireless communications while driving

Presentation by the Department of Transportation on the SunPass Centralized Customer Service System

NOTICE FINALIZED on 09/11/2019 4:08PM by Denson.Tori



FLHSMV
FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLES



Implementation of Ch. 2019-44 (HB 107) Wireless Communications While Driving

**PUT IT
DOWN**
Focus on driving.

House Transportation & Infrastructure Subcommittee 9/18/2019

FLHSMV
FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLES



Background (s. 316.305, F.S.)

Effective July 1, House Bill 107 (*Ch. 2019-44*) became law, which changed enforcement of the existing texting while driving ban from a secondary offense to a primary offense. No changes were made to existing penalties and exemptions to the texting ban.

The new law also prohibits law enforcement officers from accessing devices without a warrant, and requires officers to record and report violators' race and ethnicity.

Penalties:

Non-moving violation

\$30 fine (base cost)

0 points on driver license

Enforcement

In most circumstances, Florida Highway Patrol (FHP) Troopers are issuing warnings for texting and driving through December 31, 2019, to educate drivers of the new law. Exceptions apply in extremely dangerous driving situations.

Warnings

From July 1st through September 17th, there have been **438** **warnings** issued by FHP.

** The department does not capture warnings issued by other law enforcement agencies.*

Uniform Traffic Citations

From July 1st through September 11th, there have been **542** **citations** issued statewide by all law enforcement agencies.



Handheld prohibition in school zones & work zones *(s. 316.306, F.S.)*

Section 2. goes into effect on October 1st where wireless communications devices can only be used in a hands-free manner when driving in a designated school crossing, school zone, or active work zone area.

FHP Troopers and law enforcement agencies will educate the motoring public through warnings until December 31, 2019, at which time a citation may be issued for a violation of the law.

Clerks of the Court may dismiss a case and assess court costs if a first time violator presents proof of purchase of equipment that enables a personal wireless communications device to be used in a hands-free manner.

Penalties:

Non-criminal infraction, moving violation

\$60 fine

3 points on driver license

Handheld prohibition in school zones & work zones (continued)

Wireless Communications Device Driving Safety Program

The new law states, “*any person who violates s. 316.306, F.S. commits a noncriminal traffic infraction, punishable as a moving violation, and shall have 3 points assessed against his or her driver license. However, in lieu of this penalty, a **first offender under this section may elect to participate in a wireless communications device driving safety program approved by the department.***”

The department is in the final rulemaking process to implement this portion of law, which establishes the framework of the new safety course that will soon be made available to the public.

Other Implementation Tasks

- Roadside Education - Informational “tear-off” sheets have been provided to FHP Troopers.
- FHP Training
- Annual Report - Beginning February 1, 2020, FLHSMV will submit a report to the Governor and Legislature consisting of violator data (race and ethnicity) provided by law enforcement agencies statewide.

FLORIDA **Wireless Communications While Driving Law**

TEXTING AND DRIVING

Effective **July 1, 2019**, motorists may be stopped by a law enforcement officer for texting and driving.
Section 316.305, Florida Statutes

FIRST OFFENSE
Is a non-moving traffic violation with a base \$30 fine, not including additional court costs or other fees, and no points assessed against the motorist's driver license.

SECOND OFFENSE
within five years is a moving traffic violation, with a base \$60 fine, not including court costs and other fees, and 3 points assessed against the motorist's driver license.

HANDS-FREE IN SCHOOL AND WORK ZONES

Wireless communication devices can only be used in a hands-free manner when driving in a designated school crossing, school zone, or active work zone area.

Effective **October 1, 2019**, motorists may receive a warning for a violation of this section and effective **January 1, 2020**, motorists may receive a citation for a violation of this section.
Section 316.306, Florida Statutes

ANY OFFENSE
Is a moving traffic violation, with a base \$60 fine, not including court costs and other fees, and 3 points assessed against the motorist's driver license.

For more information, go to flhsmv.gov/focusondriving.
If you've received a citation, go to flhsmv.gov/citations.

FLHSMV  FDOT

Public Awareness Campaign

FLHSMV is instituting the *Put It Down: Focus on Driving* campaign to help ensure all motorists are aware of the new Wireless Communications While Driving Law.

The Department is partnering with:

- Florida Department of Transportation (FDOT)
- Florida Sheriffs Association
- Florida Police Chiefs Association
- AAA – The Auto Club Group



Focus on driving.

- FDOT has allocated \$400,000 in grant funds starting July 29 that includes: billboards, radio, digital audio and video ads through September 30, 2019.
- FLHSMV is supplementing FDOT's ads through strategically placed earned media efforts, community outreach events, and tear sheets for law enforcement officers as well as rack cards in FLHSMV and tax collector offices.
- Additional paid, earned and social media marketing efforts, in partnership with FDOT, will be conducted throughout the year.

Reminder:

Commercial Motor Vehicle Drivers

- In 2013, Florida law adopted the federal regulations related to mobile phone usage and texting for commercial motor vehicle (CMV) drivers.
- No CMV driver shall use a hand-held mobile telephone or engage in texting while driving a commercial motor vehicle.
- No motor carrier shall allow or require its drivers to use a hand-held mobile telephone or require its drivers to engage in texting while driving a commercial motor vehicle.
- Penalties: \$500 (first offense), \$1,000 and 60-day disqualification (second), \$2,750 and 120-day disqualification (third)

QUESTIONS????
