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LEGISLATIVE ACTION

Senate

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House

The Committee on Infrastructure and Security (Simpson)
recommended the following:

1 **Senate Amendment to Amendment (594074) (with title**
2 **amendment)**

3
4 Delete lines 98 - 116
5 and insert:

6 (5)-(4) (a) Any person who violates this section commits a
7 noncriminal traffic infraction, punishable as a moving
8 violation, as provided in chapter 318, and shall have 3 points
9 assessed against his or her driver license as set forth in s.
10 322.27. For a first offense under this section, in lieu of the



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11 penalty specified in s. 318.18 and the assessment of points, a
12 person who violates this section may elect to participate in a
13 distracted driving safety program approved by the Department of
14 Highway Safety and Motor Vehicles. Upon completion of such
15 program, the penalty specified in s. 318.18 and associated costs
16 may be waived by the clerk of the court and the assessment of
17 points must be waived ~~Any person who violates paragraph (3) (a)~~
18 ~~commits a noncriminal traffic infraction, punishable as a~~
19 ~~nonmoving violation as provided in chapter 318.~~

20 (b) The clerk of the court may dismiss a case and assess
21 court costs in accordance with s. 318.18(11) (a) for a nonmoving
22 traffic infraction for a person who is cited for a first time
23 violation of this section if the inattentive or distracted
24 driving conduct resulting in the violation is for the use of a
25 personal wireless communications device and the person shows the
26 clerk proof of purchase of equipment that enables his or her
27 personal wireless communications device to be used in a hands-
28 free manner ~~Any person who commits a second or subsequent~~
29 ~~violation of paragraph (3) (a) within 5 years after the date of a~~
30 ~~prior conviction for a violation of paragraph (3) (a) commits a~~
31 ~~noncriminal traffic infraction, punishable as a moving violation~~
32 ~~as provided in chapter 318.~~

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Between lines 148 and 149

37 insert:

38 authorizing a clerk of the court to dismiss a case and
39 assess court costs under certain circumstances;