HSJ 05: HANDS-FREE DRIVING
STAFF ANALYSIS

PROPOSAL INFORMATION			
SUBMITTING COUNTY:	Collier County		
SPONSOR CONTACT:	Dan Kowal, Chair Board of County Commissioners bridget.corcoran@collier.gov; 239.252.2055		
FAC COMMITTEE:	Health, Safety & Justice (HSJ)	**CROSS-CLAIMS:**	N/A
FAC STAFF:	T. Graham	**DATE:**	October 2, 2026

This staff analysis is based on the proposal as submitted and does not reflect an adopted position of the Florida Association of Counties.

POLICY PROPOSAL:

FAC supports the passage of hands-free legislation during the 2027 legislative session to improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users.

I. SUMMARY:

Collier County requests FAC support for hands-free legislation during the 2027 legislative session to improve roadway safety. Florida already prohibits texting while driving statewide and restricts handheld device use in designated school crossings, school zones, and active work zones, but it has no general statewide handheld prohibition. The change could be made by amending s. 316.305, F.S., with conforming changes to s. 316.306, F.S. The proposal is neutral as to home rule, and a noncriminal traffic prohibition is exempt from the restrictions in Article VII, section 18, of the Florida Constitution; local implementation costs and potential savings are indeterminate.

II. PRESENT SITUATION:

Existing Statewide Prohibition

Section 316.305, F.S., the Florida Ban on Texting While Driving Law, prohibits manually entering multiple characters, or sending or reading data, for nonvoice interpersonal communication while operating a vehicle. A stationary vehicle is excluded. Under s. 316.305(3), F.S., exceptions cover specified official emergency duties, reporting emergencies or suspicious activity, navigation, safety information, certain communications without manual text entry or reading, and autonomous operation. The statute does not generally prohibit holding a phone for a voice call outside the zones covered by s. 316.306, F.S.

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Careless driving is separately prohibited. Under s. 316.1925, F.S., a driver must operate a vehicle carefully and prudently under the circumstances without endangering life, limb, or property, so unsafe driving involving a phone can violate this provision even when the phone use does not violate the texting statute.

School and Work Zone Restrictions
Section 316.306(1), F.S., prohibits handheld wireless device use in designated school crossings and school zones, and in work zones when construction personnel are present or operating equipment on or immediately adjacent to the work zone. Stationary vehicles are excluded. Subsection (3) provides exceptions for specified emergency duties and reports, certain operational and safety information, hands-free navigation and communications, and autonomous operation.

Current Penalties and Driver Education
Under s. 316.305(4), F.S., a first texting violation is a noncriminal, nonmoving infraction with a $30 base civil penalty under s. 318.18(2), F.S. A second or subsequent violation within five years of a prior conviction is a moving infraction, generally carrying a $60 base penalty under s. 318.18(3)(a), F.S., and three points. Under s. 316.306(4), F.S., a school or work zone handheld violation is also a moving infraction with a $60 base penalty and three points. Court costs and applicable fees are additional, and s. 322.27(3)(d), F.S., provides other point consequences when unlawful device use causes a crash.

Under s. 316.306(4), F.S., a driver with a first zone violation may elect an approved wireless device driving safety program. Completion requires that points be waived, and the clerk may waive the statutory penalty and associated costs. The clerk may also dismiss a first violation upon proof of purchase of hands-free equipment, subject to court costs. FLHSMV administers the program through Chapter 15B-16, F.A.C., including Rules 15B-16.002 (approval), 15B-16.003 (completion certificates), and 15B-16.005 (completion).

Enforcement and County Practice
Under s. 316.640(2) and (3), F.S., sheriffs and municipal police already enforce state traffic laws. Sections 316.305(5) and 316.306(6), F.S., permit a stop for a violation and require agencies to record, maintain, and report the race and ethnicity of persons cited. County agencies also respond to crashes, investigate incidents, and provide emergency services, and a broader prohibition would be implemented through these existing enforcement and response systems.

Safety Evidence
NHTSA's "Understanding the Problem" and teen driving materials classify visual and manual phone activities, including dialing, texting, and browsing, as sources of increased crash risk. The proposal's 23-times figure refers to texting in those materials, not all phone

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interactions. A hands-free requirement would address handheld use but would not eliminate every form of driver distraction.

FLHSMV's 2023 Traffic Crash Facts distracted driver injury tables list 8,775 entries in the electronic communication device category, including 16 fatal and 103 incapacitating injury entries. The report cautions that an event may have multiple contributing causes and that injury counts can overlap across categories. These figures show documented harm, but they are not a count of distinct crashes that a hands-free law would prevent.

The Governors Highway Safety Association's June 2026 distracted driving summary reports general handheld cellphone bans in 33 states and the District of Columbia. The proposal would extend Florida law beyond its current zone restrictions.

III. EFFECT OF THE PROPOSAL:

The proposal would establish a statewide restriction on using wireless communications devices in a handheld manner while driving. The proposal identifies ss. 316.305 and 316.306, F.S., but does not specify a penalty schedule, exceptions, or enforcement procedures.

To create a statewide hands-free standard, an amendment to s. 316.305, F.S., would broaden the existing texting prohibition to cover sustained handheld device use. The bill would need to define a wireless communications device, handheld use, and a hands-free accessory, and specify any permitted brief activation of a feature. It would also need to decide whether the current stationary vehicle exclusion remains and distinguish permitted mounted or integrated systems from prohibited handheld use.

Section 316.306, F.S., would need matching amendments to avoid conflicting definitions, penalties, or exceptions between the statewide rule and school or work zones. The Legislature could retain a distinct zone provision or consolidate overlapping requirements. Repeal of the zone statute is not necessary to achieve the policy goal, but any consolidation would need to preserve or expressly replace its education, reporting, privacy, and fine distribution provisions.

Bill language would also need to specify first and repeat offense classifications, fines, points, course options, and any treatment of crash-related violations, with corresponding changes to ss. 318.18 and 322.27, F.S., if those consequences change.

Implementation would require an effective date, consistent officer training, public education, citation guidance, and FLHSMV updates. The bill would need to address existing search protections and demographic reporting. If driver education options change, FLHSMV would review the related Chapter 15B-16, F.A.C., rules and program requirements, and any new local education or reporting duties would need to be stated and funded in the bill.

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IV. COUNTY IMPACT:

The proposal would apply statewide and affect all 67 counties and municipal law enforcement agencies. Counties with higher traffic volumes would see more enforcement and crash response activity, but the proposal provides no county-by-county impact estimate.

- Sheriffs and municipal police would enforce the amended state standard, distinguishing prohibited handheld conduct from the statutory exceptions and applying the final citation and reporting requirements.
- Counties may coordinate public education with FLHSMV, schools, employers, and community partners. County fleet policies and employee training would also need review, particularly for navigation and official emergency duties.
- Counties would face potential training, citation processing, court administration, and data system costs. Under the noncriminal framework described in Section III and s. 318.13(3), F.S., the violation itself would not carry a jail sentence.
- Additional considerations for counties include state implementation funding, any new reporting duties, and allocation of fine revenue. Fewer crashes could reduce emergency response and infrastructure repair demands, but the amount cannot be projected from the current record.

Protective of Home Rule: Neutral. The proposal would change a uniform statewide traffic standard without creating a new restriction on county operational authority.

V. FISCAL IMPACT:

Indeterminate. A fiscal estimate requires the final penalty structure, agency implementation requirements, and a defined funding source.

State Government

FLHSMV and state law enforcement would incur costs for materials, training, citation systems, driver records, and program administration. Fine collections would change with the number of violations, payment rates, education waivers, and statutory distribution. The 2026 House staff analysis projected an indeterminate positive state revenue impact for its additional careless-driving fine, but that estimate concerned the narrower committee substitute and does not establish the fiscal impact of HSJ 05.

Local Government

County and municipal agencies would incur implementation and enforcement costs, and clerks would process additional citations or course completion records. The proposal does not identify a new local funding match or mandatory locally funded campaign. Any savings from fewer crashes would depend on compliance and the law's effect on crash frequency and severity, and the record does not support a dollar estimate of county or municipal savings.

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Fine proceeds would not necessarily be available to offset local enforcement costs. Ordinary traffic revenues are distributed under s. 318.21, F.S., while s. 316.306(5), F.S., directs its penalty proceeds to the Department of Health Emergency Medical Services Trust Fund. A broader law would need to retain or specify the applicable distribution and account for existing emergency and trauma funding.

Private Sector and Economic Context
Drivers may need hands-free equipment and would face fines or points for prohibited conduct. Employers may need to update fleet procedures, and approved course providers could see changes in enrollment. Potential reductions in medical expenses, property damage, congestion, or insurance costs cannot be quantified for this proposal.

The proposal's $340 billion figure comes from NHTSA's The Economic and Societal Impact of Motor Vehicle Crashes, 2019 (Revised), published in 2023, which estimates the national economic cost of all motor vehicle crashes in 2019. It is not a current Florida cost estimate, a measure limited to cellphone crashes, or projected savings from hands-free legislation.

Unfunded Mandate (Art. VII, s. 18, Fla. Const.): No.

VI. LEGISLATIVE & FAC HISTORY:

Enacted Legislation

- 2013: CS/CS/CS/SB 52 created the Florida Ban on Texting While Driving Law through section 1, chapter 2013-58, Laws of Florida. It initially required secondary enforcement and took effect October 1, 2013.
- 2019: CS/HB 107, chapter 2019-44, Laws of Florida, removed the secondary enforcement limitation effective July 1, 2019, and created the school and work zone handheld restriction effective October 1, 2019. The zone provision began with warnings, followed by citations beginning January 1, 2020.

Recent Unsuccessful Legislation

- 2025: HB 501, Hands-free Driving, Representative Tant: The statewide hands-free proposal received no committee hearing and died in Government Operations Subcommittee on June 16, 2025.
- 2025: CS/SB 1318, Traffic Offenses, Senator Grall: The bill cleared its Senate committees and passed the Senate on April 9, 2025, by a vote of 29 to 7. It died in House messages on June 16, 2025.
- 2026: CS/HB 1241, Hands-free Driving, Representative Blanco: The original bill proposed a statewide restriction. The Government Operations Subcommittee adopted a narrower substitute on February 11, 2026, tying additional penalties to careless driving while using a device in a handheld manner. The substitute was

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not a general statewide handheld prohibition, and it died in State Affairs Committee on March 13, 2026.

- 2026: SB 1152, Traffic Offenses, Senator Grall: The bill proposed a broader statewide hands-free standard and did not receive a committee hearing. It died in Transportation on March 13, 2026.

FAC Policy and Guiding Principles

2025: The HSJ-2 staff analysis, "Use of Handheld Devices While Driving," addressed amending s. 316.305, F.S., to prohibit handheld wireless device use while driving.

2026: FAC's Legislative Action Plan, "Use of Handheld Devices While Driving" (page 16), supports amending s. 316.305, F.S., to prohibit handheld wireless device use while driving. HSJ 05 addresses the same policy for the 2027 session.

BoCC Action

The Collier County BoCC voted to support the proposal. The proposal also has support from Alachua, Broward, Gadsden, Indian River, Leon, Miami-Dade, and Osceola counties.

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