

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0235/P1dn
ARG:wlj:rs

October 26, 2011

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, this substitute amendment is very similar to 2005 AB-76. I note that there are various options for the penalty provision in this draft. Under current law, violations of the inattentive driving prohibition in s. 346.89 give rise to a penalty of either: 1) a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year (see s. 346.95 (1)); or 2) a forfeiture of not less than \$20 nor more than \$400 (see s. 346.95 (2)). This bill adopts the penalty under option 1. I note that a texting violation gives rise to the penalty under option 2. As another option, I could create a new subsection in s. 346.95 that replicates the penalty on page 3, lines 7 and 8, of 2011 AB 291.

I note that 2011 AB 131 pertains to similar subject matter. Do you want this substitute amendment to include any definition of "wireless telecommunications device," such as that appearing at page 3, lines 1 to 6, of AB 131?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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