**Texting and driving -- now a primary offense but is it a Catch-22?**

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**By:** [Heather Leigh](https://www.abcactionnews.com/heatherleigh)
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ST. PETERSBURG, Fla. — Put down your phone and keep your eyes on the road!

Starting July 1, law enforcement in the state of Florida have the right to pull you over if they see you texting while driving.

The law was passed earlier this year and makes texting and driving a primary offense. But there are several loopholes in the law that have local agencies worried about enforcement.

Yolanda Fernandez, a spokeswoman for the St. Pete Police Department, detailed a scenario under the new law. She says while an officer can pull you over, they must have proof you were illegally texting and driving. She says before an officer get’s that proof they must inform you of your rights.

"By law, I have to tell you that 'you have the right not to give your phone to me as if I ask for it, do you understand that?'” she said. If the driver says yes, the next question is, "Would you give me your phone to look at? And the driver can simply say no,” she said.

Fernandez says if the driver refused, the officer would end the traffic stop right then and let the person go.

Drivers in St. Pete told ABC Action News it is a catch 22, and doesn’t achieve the outcome lawmakers seemed to be looking for.

"It’s a waste of time. You just wasted my time by pulling me over,” said Samiha Shamseddine. “No, I wouldn’t hand my phone over.”

"I just don’t think it makes any sense, I think there’s too many loopholes with in the law — too many roadblocks,” said Joel Dominguez. "Don’t get me wrong, I don’t want anybody texting and driving but the law itself, the way that it works, it just doesn’t seem to make sense.”

There are also exceptions to the law and situations where you can legally text while behind the wheel.

"You’re allowed to text if you’re receiving a weather alert, you’re allowed to check on your GPS or input an address for your GPS,” she said. "It’s really hard to tell sometimes, well was that person lost and just checking their GPS on the phone over they actually texting?”

Which is why she says looking at the drivers phone is the only way to prove what they were actually doing.

“Yeah, that’s the main problem with this law,” said Dominguez. "It’s full of what if’s.”

You can also text while at a red light or stop sign.

Fernandez says a separate law that starts towards the end of the year will make it illegal to hold your phone at all while in a construction or school zone. She says that will be much easier to enforce.

"It may be easier to tell if somebody is using their phone or not versus what are they using their phone for,” she said.

A memo went out to all St. Pete PD officers to better explain the law and the agency is providing additional training ahead of the roll out.

"There’s always a chance for someone to make a mistake and that’s one of the reasons that before the law comes out our legal department puts out a legal memo and there’s training that’s done," she said.

The Pinellas County Sheriffs office says they are making sure deputies are aware of the law but are not offering additional training. Same with deputies in Polk county.

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