

By Senator Altman

24-00532-12

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1                                   A bill to be entitled  
2           An act relating to motor vehicles; providing a short  
3           title; creating s. 316.3035, F.S.; prohibiting a  
4           person younger than 18 years of age from operating a  
5           motor vehicle while using a wireless communications  
6           device or telephone; providing exceptions; providing  
7           for enforcement as a secondary action; providing a  
8           penalty; amending s. 318.14, F.S.; providing  
9           procedures for a citation issued following a violation  
10          of certain restrictions, to conform to changes made by  
11          the act; amending s. 318.1451, F.S.; requiring that  
12          the course content of driver improvement schools  
13          include awareness training about using certain  
14          electronic devices while driving; authorizing the  
15          Department of Highway Safety and Motor Vehicles to  
16          update course content requirements; amending s.  
17          320.02, F.S.; providing for a voluntary check-off on  
18          motor vehicle registration forms to make a  
19          contribution to the Auto Club South Traffic Safety  
20          Foundation; amending s. 322.0261, F.S.; requiring  
21          course content of driver improvement schools to  
22          include awareness training about using certain  
23          electronic devices while driving; authorizing the  
24          department to update course content requirements;  
25          amending s. 322.08, F.S.; providing for a voluntary  
26          check-off on the driver license application forms to  
27          make a contribution to the Auto Club South Traffic  
28          Safety Foundation; amending s. 322.095, F.S.;  
29          requiring traffic law and substance abuse education

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30 program content to include awareness of using certain  
31 electronic devices while driving; authorizing the  
32 department to update course content requirements;  
33 amending s. 322.16, F.S.; restricting the number of  
34 passengers under the age of 18 permitted in a vehicle  
35 operated by a person under the age of 18 unless  
36 accompanied by a driver at least 21 years of age;  
37 providing exceptions; providing for secondary  
38 enforcement; providing penalties; providing for  
39 applicability; providing an effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. This act may be cited as the "Minor Traffic  
44 Safety Act."

45 Section 2. Section 316.3035, Florida Statutes, is created  
46 to read:

47 316.3035 Wireless communications devices prohibited;  
48 persons under 18.-

49 (1) (a) A person younger than 18 years of age may not  
50 operate a motor vehicle while using a wireless communications  
51 device or telephone in any manner.

52 (b) This subsection does not apply to a person using a  
53 wireless communications device to:

- 54 1. Report illegal activity;  
55 2. Summon medical or other emergency help; or  
56 3. Prevent injury to a person or damage to property.

57 (2) Enforcement of this section by state or local law  
58 enforcement agencies must be accomplished only as a secondary

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59 action when an operator of a motor vehicle has been detained for  
60 a suspected violation of another provision of this chapter,  
61 chapter 320, or chapter 322.

62 (3) A person who violates this section commits a  
63 noncriminal traffic infraction, punishable as a nonmoving  
64 violation as provided in chapter 318, and shall have his or her  
65 driver license suspended for 30 days as set forth in s. 322.27.

66 Section 3. Subsection (1) of section 318.14, Florida  
67 Statutes, is amended to read:

68 318.14 Noncriminal traffic infractions; exception;  
69 procedures.—

70 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
71 person cited for a violation of chapter 316, s. 320.0605, s.  
72 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~  
73 (3), or (4), s. 322.1615, s. 322.19, or s. 1006.66(3) is charged  
74 with a noncriminal infraction and must be cited for such an  
75 infraction and cited to appear before an official. If another  
76 person dies as a result of the noncriminal infraction, the  
77 person cited may be required to perform 120 community service  
78 hours under s. 316.027(4), in addition to any other penalties.

79 Section 4. Paragraph (a) of subsection (2) of section  
80 318.1451, Florida Statutes, is amended to read:

81 318.1451 Driver improvement schools.—

82 (2)(a) In determining whether to approve the courses  
83 referenced in this section, the department shall consider course  
84 content designed to promote safety, driver awareness, crash  
85 avoidance techniques, awareness of the risks associated with  
86 using handheld electronic communication devices while operating  
87 a motor vehicle, and other factors or criteria to improve driver

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88 performance from a safety viewpoint. The department is  
89 authorized to require that course curricula be updated to meet  
90 evolving driver-safety issues.

91 Section 5. Paragraph (o) is added to subsection (15) of  
92 section 320.02, Florida Statutes, to read:

93 320.02 Registration required; application for registration;  
94 forms.—

95 (15)

96 (o) Notwithstanding s. 26 of chapter 2010-223, Laws of  
97 Florida, the application form for motor vehicle registration and  
98 renewal registration must include a provision permitting a  
99 voluntary contribution of \$1 or more per applicant, to be  
100 distributed to the Auto Club South Traffic Safety Foundation, a  
101 nonprofit organization. Funds received by the foundation shall  
102 be used to improve traffic safety culture in communities through  
103 effective outreach, education, and activities that will save  
104 lives, reduce injuries, and prevent crashes. The foundation must  
105 comply with s. 320.023.

106  
107 For the purpose of applying the service charge provided in s.  
108 215.20, contributions received under this subsection are not  
109 income of a revenue nature.

110 Section 6. Subsection (5) of section 322.0261, Florida  
111 Statutes, is amended to read:

112 322.0261 Driver improvement course; requirement to maintain  
113 driving privileges; failure to complete; department approval of  
114 course.—

115 (5) In determining whether to approve a driver improvement  
116 course for the purposes of this section, the department shall

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117 consider course content designed to promote safety, driver  
118 awareness, crash avoidance techniques, awareness of the risks  
119 associated with using handheld electronic communication devices  
120 while operating a motor vehicle, and other factors or criteria  
121 to improve driver performance from a safety viewpoint. The  
122 department is authorized to require that course curricula be  
123 updated to meet evolving driver safety issues.

124 Section 7. Subsection (7) of section 322.08, Florida  
125 Statutes, is amended to read:

126 322.08 Application for license; requirements for license  
127 and identification card forms.—

128 (7) The application form for an original, renewal, or  
129 replacement driver ~~driver's~~ license or identification card shall  
130 include language permitting the following:

131 (a) A voluntary contribution of \$1 per applicant, which  
132 contribution shall be deposited into the Health Care Trust Fund  
133 for organ and tissue donor education and for maintaining the  
134 organ and tissue donor registry.

135 (b) A voluntary contribution of \$1 per applicant, which  
136 contribution shall be distributed to the Florida Council of the  
137 Blind.

138 (c) A voluntary contribution of \$2 per applicant, which  
139 shall be distributed to the Hearing Research Institute,  
140 Incorporated.

141 (d) A voluntary contribution of \$1 per applicant, which  
142 shall be distributed to the Juvenile Diabetes Foundation  
143 International.

144 (e) A voluntary contribution of \$1 per applicant, which  
145 shall be distributed to the Children's Hearing Help Fund.

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146 (f) A voluntary contribution of \$1 per applicant, which  
147 shall be distributed to Family First, a nonprofit organization.

148 (g) A voluntary contribution of \$1 per applicant to Stop  
149 Heart Disease, which shall be distributed to the Florida Heart  
150 Research Institute, a nonprofit organization.

151 (h) A voluntary contribution of \$1 per applicant to Senior  
152 Vision Services, which shall be distributed to the Florida  
153 Association of Agencies Serving the Blind, Inc., a not-for-  
154 profit organization.

155 (i) A voluntary contribution of \$1 per applicant for  
156 services for persons with developmental disabilities, which  
157 shall be distributed to The Arc of Florida.

158 (j) A voluntary contribution of \$1 to the Ronald McDonald  
159 House, which shall be distributed each month to Ronald McDonald  
160 House Charities of Tampa Bay, Inc.

161 (k) Notwithstanding s. 322.081, a voluntary contribution of  
162 \$1 per applicant, which shall be distributed to the League  
163 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
164 organization.

165 (l) A voluntary contribution of \$1 per applicant to Prevent  
166 Child Sexual Abuse, which shall be distributed to Lauren's Kids,  
167 Inc., a nonprofit organization.

168 (m) A voluntary contribution of \$1 per applicant, which  
169 shall be distributed to Prevent Blindness Florida, a not-for-  
170 profit organization, to prevent blindness and preserve the sight  
171 of the residents of this state.

172 (n) Notwithstanding s. 322.081, a voluntary contribution of  
173 \$1 per applicant to the state homes for veterans, to be  
174 distributed on a quarterly basis by the department to the State

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175 Homes for Veterans Trust Fund, which is administered by the  
176 Department of Veterans' Affairs.

177 (o) A voluntary contribution of \$1 per applicant to the  
178 Disabled American Veterans, Department of Florida, which shall  
179 be distributed quarterly to Disabled American Veterans,  
180 Department of Florida, a nonprofit organization.

181 (p) Notwithstanding s. 26 of chapter 2010-223, Laws of  
182 Florida, a voluntary contribution of \$1 or more per applicant to  
183 the Auto Club South Traffic Safety Foundation, a nonprofit  
184 organization. Funds received by the foundation shall be used to  
185 improve traffic safety culture in communities through effective  
186 outreach, education, and activities that will save lives, reduce  
187 injuries, and prevent crashes. The foundation must comply with  
188 s. 322.081.

189  
190 A statement providing an explanation of the purpose of the trust  
191 funds shall also be included. For the purpose of applying the  
192 service charge provided in s. 215.20, contributions received  
193 under paragraphs (b)-(p) ~~(b)-(e)~~ are not income of a revenue  
194 nature.

195 Section 8. Subsection (1) of section 322.095, Florida  
196 Statutes, is amended to read:

197 322.095 Traffic law and substance abuse education program  
198 for driver's license applicants.—

199 (1) The Department of Highway Safety and Motor Vehicles  
200 must approve traffic law and substance abuse education courses  
201 that must be completed by applicants for a Florida driver  
202 ~~driver's~~ license. The curricula for the courses must provide  
203 instruction on the physiological and psychological consequences

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204 of the abuse of alcohol and other drugs, the societal and  
205 economic costs of alcohol and drug abuse, the effects of alcohol  
206 and drug abuse on the driver of a motor vehicle, awareness of  
207 the risks associated with using handheld electronic  
208 communication devices while operating a motor vehicle, and the  
209 laws of this state relating to the operation of a motor vehicle.  
210 All instructors teaching the courses shall be certified by the  
211 department. The department is authorized to require that course  
212 curricula be updated to meet evolving driver safety issues.

213 Section 9. Present subsections (4), (5), and (6) of section  
214 322.16, Florida Statutes, are renumbered as subsections (5),  
215 (6), and (7), respectively, and amended, and a new subsection  
216 (4) is added to that section, to read:

217 322.16 License restrictions.—

218 (4) (a) A person who has not attained 18 years of age may  
219 not operate a motor vehicle while more than three passengers are  
220 in the vehicle who have not attained 18 years of age unless  
221 accompanied by a driver who holds a valid license to operate the  
222 type of vehicle being operated and who is at least 21 years of  
223 age. This subsection does not apply to passengers who are  
224 siblings or children of the driver, whether related by whole or  
225 half blood, by affinity, or by adoption.

226 (b) State and local law enforcement agencies shall enforce  
227 this subsection only as a secondary action when the driver of a  
228 motor vehicle has been detained for a suspected violation of  
229 another section of this chapter, chapter 316, or chapter 320.

230 (c) This subsection applies to any person younger than 18  
231 years of age who is issued a driver license on or after October  
232 1, 2012.



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233        (5)~~(4)~~ The department may, upon receiving satisfactory  
234 evidence of any violation of the restriction upon such a  
235 license, except a violation of paragraph (1)(d), subsection (2),  
236 ~~or~~ subsection (3), or subsection (4), suspend or revoke the  
237 license, but the licensee is entitled to a hearing as upon a  
238 suspension or revocation under this chapter.

239        (6)~~(5)~~ It is a misdemeanor of the second degree, punishable  
240 as provided in s. 775.082 or s. 775.083, for any person to  
241 operate a motor vehicle in any manner in violation of the  
242 restrictions imposed under paragraph (1)(c).

243        (7)~~(6)~~ Any person who operates a motor vehicle in violation  
244 of the restrictions imposed under paragraph (1)(a), paragraph  
245 (1)(b), subsection (2), ~~or~~ subsection (3), or subsection (4)  
246 will be charged with a moving violation and fined in accordance  
247 with chapter 318.

248        Section 10. This act shall take effect July 1, 2012.