



618632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2011	.	
	.	
	.	
	.	

The Committee on Transportation (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

316.3035 Wireless communications devices prohibited;
persons under 18.-

(1)(a) A person younger than 18 years of age may not
operate a motor vehicle while using a wireless communications



618632

13 device or telephone in any manner.

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

16 1. Report illegal activity;

17 2. Summon medical or other emergency help; or

18 3. Prevent injury to a person or damage to property.

19 (2) Enforcement of this section by state or local law
20 enforcement agencies must be accomplished only as a secondary
21 action when an operator of a motor vehicle has been detained for
22 a suspected violation of another provision of this chapter,
23 chapter 320, or chapter 322.

24 (3) A person who violates this section commits a
25 noncriminal traffic infraction, punishable as a nonmoving
26 violation as provided in chapter 318, and shall have his or her
27 driver's license suspended for 30 days as set forth in s.
28 322.27.

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

31 318.14 Noncriminal traffic infractions; exception;
32 procedures.—

33 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
34 person cited for a violation of chapter 316, s. 320.0605, s.
35 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2), ~~or~~
36 (3), or (4), s. 322.1615, s. 322.19, or s. 1006.66(3) is charged
37 with a noncriminal infraction and must be cited for such an
38 infraction and cited to appear before an official. If another
39 person dies as a result of the noncriminal infraction, the
40 person cited may be required to perform 120 community service
41 hours under s. 316.027(4), in addition to any other penalties.



618632

42 Section 4. Paragraph (a) of subsection (2) of section
43 318.1451, Florida Statutes, is amended to read:

44 318.1451 Driver improvement schools.—

45 (2) (a) In determining whether to approve the courses
46 referenced in this section, the department shall consider course
47 content designed to promote safety, driver awareness, crash
48 avoidance techniques, awareness of the risks associated with
49 using handheld electronic communication devices while operating
50 a motor vehicle, and other factors or criteria to improve driver
51 performance from a safety viewpoint. The department is
52 authorized to require that course curricula be updated to meet
53 evolving driver-safety issues.

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

56 320.02 Registration required; application for registration;
57 forms.—

58 (15)

59 (o) Notwithstanding s. 26 of chapter 2010-223, Laws of
60 Florida, the application form for motor vehicle registration and
61 renewal registration must include a provision permitting a
62 voluntary contribution of \$1 or more per applicant, to be
63 distributed to the Auto Club South Traffic Safety Foundation, a
64 nonprofit organization. Funds received by the foundation shall
65 be used to improve traffic safety culture in communities through
66 effective outreach, education, and activities that will save
67 lives, reduce injuries, and prevent crashes. The foundation must
68 comply with s. 320.023.

69
70 For the purpose of applying the service charge provided in s.



618632

71 215.20, contributions received under this subsection are not
72 income of a revenue nature.

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

75 322.0261 Driver improvement course; requirement to maintain
76 driving privileges; failure to complete; department approval of
77 course.—

78 (5) In determining whether to approve a driver improvement
79 course for the purposes of this section, the department shall
80 consider course content designed to promote safety, driver
81 awareness, crash avoidance techniques, awareness of the risks
82 associated with using handheld electronic communication devices
83 while operating a motor vehicle, and other factors or criteria
84 to improve driver performance from a safety viewpoint. The
85 department is authorized to require that course curricula be
86 updated to meet evolving driver safety issues.

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

89 322.08 Application for license; requirements for license
90 and identification card forms.—

91 (7) The application form for an original, renewal, or
92 replacement driver's license or identification card shall
93 include language permitting the following:

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

98 (b) A voluntary contribution of \$1 per applicant, which
99 contribution shall be distributed to the Florida Council of the



618632

100 Blind.

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

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

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

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

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

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

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

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

124 (k) Notwithstanding s. 322.081, a voluntary contribution of
125 \$1 per applicant, which shall be distributed to the League
126 Against Cancer/La Liga Contra el Cancer, a not-for-profit
127 organization.

128 (l) A voluntary contribution of \$1 per applicant to Prevent



618632

129 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
130 Inc., a nonprofit organization.

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

135 (n) Notwithstanding s. 322.081, a voluntary contribution of
136 \$1 per applicant to the state homes for veterans, to be
137 distributed on a quarterly basis by the department to the State
138 Homes for Veterans Trust Fund, which is administered by the
139 Department of Veterans' Affairs.

140 (o) Notwithstanding s. 26 of chapter 2010-223, Laws of
141 Florida, a voluntary contribution of \$1 or more per applicant to
142 the Auto Club South Traffic Safety Foundation, a nonprofit
143 organization. Funds received by the foundation shall be used to
144 improve traffic safety culture in communities through effective
145 outreach, education, and activities that will save lives, reduce
146 injuries, and prevent crashes. The foundation must comply with
147 s. 322.081.

148
149 A statement providing an explanation of the purpose of the trust
150 funds shall also be included. For the purpose of applying the
151 service charge provided in s. 215.20, contributions received
152 under paragraphs (b)-(o) ~~(b)-(n)~~ are not income of a revenue
153 nature.

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

156 322.095 Traffic law and substance abuse education program
157 for driver's license applicants.-



618632

158 (1) The Department of Highway Safety and Motor Vehicles
159 must approve traffic law and substance abuse education courses
160 that must be completed by applicants for a Florida driver's
161 license. The curricula for the courses must provide instruction
162 on the physiological and psychological consequences of the abuse
163 of alcohol and other drugs, the societal and economic costs of
164 alcohol and drug abuse, the effects of alcohol and drug abuse on
165 the driver of a motor vehicle, awareness of the risks associated
166 with using handheld electronic communication devices while
167 operating a motor vehicle, and the laws of this state relating
168 to the operation of a motor vehicle. All instructors teaching
169 the courses shall be certified by the department. The department
170 is authorized to require that course curricula be updated to
171 meet evolving driver safety issues.

172 Section 9. Present subsections (4), (5), and (6) of section
173 322.16, Florida Statutes, are renumbered as subsections (5),
174 (6), and (7), respectively, and amended, and a new subsection
175 (4) is added to that section, to read:

176 322.16 License restrictions.—

177 (4) (a) A person who has not attained 18 years of age may
178 not operate a motor vehicle while more than three passengers are
179 in the vehicle who have not attained 18 years of age unless
180 accompanied by a driver who holds a valid license to operate the
181 type of vehicle being operated and who is at least 21 years of
182 age. This subsection does not apply to passengers who are
183 siblings or children of the driver, whether related by whole or
184 half blood, by affinity, or by adoption.

185 (b) State and local law enforcement agencies shall enforce
186 this subsection only as a secondary action when the driver of a



618632

187 motor vehicle has been detained for a suspected violation of
188 another section of this chapter, chapter 316, or chapter 320.

189 (c) This subsection applies to any person younger than 18
190 years of age who is issued a driver's license on or after
191 October 1, 2011.

192 (5)~~(4)~~ The department may, upon receiving satisfactory
193 evidence of any violation of the restriction upon such a
194 license, except a violation of paragraph (1)(d), subsection (2),
195 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
196 license, but the licensee is entitled to a hearing as upon a
197 suspension or revocation under this chapter.

198 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable
199 as provided in s. 775.082 or s. 775.083, for any person to
200 operate a motor vehicle in any manner in violation of the
201 restrictions imposed under paragraph (1)(c).

202 (7)~~(6)~~ Any person who operates a motor vehicle in violation
203 of the restrictions imposed under paragraph (1)(a), paragraph
204 (1)(b), subsection (2), ~~or~~ subsection (3), or subsection (4)
205 will be charged with a moving violation and fined in accordance
206 with chapter 318.

207 Section 10. This act shall take effect July 1, 2011.

208
209 ===== T I T L E A M E N D M E N T =====

210 And the title is amended as follows:

211 Delete everything before the enacting clause
212 and insert:

213 A bill to be entitled
214 An act relating to motor vehicles; providing a short
215 title; creating s. 316.3035, F.S.; prohibiting a



618632

216 person younger than 18 years of age from operating a
217 motor vehicle while using a wireless communications
218 device or telephone; providing exceptions; providing
219 for enforcement as a secondary action; providing a
220 penalty; amending s. 318.14, F.S.; providing
221 procedures for a citation issued following a violation
222 of certain restrictions, to conform to changes made by
223 the act; amending s. 318.1451, F.S.; requiring that
224 the course content of driver improvement schools
225 include awareness training about using certain
226 electronic devices while driving; authorizing the
227 Department of Highway Safety and Motor Vehicles to
228 update course content requirements; amending s.
229 320.02, F.S.; providing for a voluntary check-off on
230 motor vehicle registration forms to make a
231 contribution to the Auto Club South Traffic Safety
232 Foundation, Inc.; amending s. 322.0261, F.S.;

233 requiring course content of driver improvement schools
234 to include awareness training about using certain
235 electronic devices while driving; authorizing the
236 department to update course content requirements;
237 amending s. 322.08, F.S.; providing for a voluntary
238 check-off on driver's license application forms to
239 make a contribution to the Auto Club South Traffic
240 Safety Foundation, Inc.; amending s. 322.095, F.S.;

241 requiring traffic law and substance abuse education
242 program content to include awareness of using certain
243 electronic devices while driving; authorizing the
244 department to update course content requirements;



618632

245 amending s. 322.16, F.S.; restricting the number of
246 passengers under the age of 18 permitted in a vehicle
247 operated by a person under the age of 18 unless
248 accompanied by a driver at least 21 years of age;
249 providing exceptions; providing for secondary
250 enforcement; providing penalties; providing for
251 applicability; providing an effective date.