

By Senator Altman

24-00779B-11

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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 school 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, Inc.; amending s. 322.0261, F.S.;
21 requiring course content of driver improvement schools
22 to include awareness training about using certain
23 electronic devices while driving; authorizing the
24 department to update school content requirements;
25 amending s. 322.08, F.S.; providing for a voluntary
26 check-off on driver's license application forms to
27 make a contribution to the Auto Club South Traffic
28 Safety Foundation, Inc.; amending s. 322.095, F.S.;
29 requiring traffic law and substance abuse education

24-00779B-11

20111840__

30 program content to include awareness of using certain
31 electronic devices while driving; authorizing the
32 department to update program 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; amending s. 322.1615, F.S.; requiring
40 the parent or guardian of certain minors to attest
41 that they have a specified number of hours of driving
42 experience in order to apply for a Class E driver's
43 license; providing an effective date.

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45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. This act may be cited as the "Minor Traffic
48 Safety Act."

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

51 316.3035 Wireless communications devices prohibited;
52 persons under 18.—

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

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

58 1. Report illegal activity;

24-00779B-11

20111840__

59 2. Summon medical or other emergency help; or

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

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

66 (3) A person who violates this section commits a
67 noncriminal traffic infraction, punishable as a nonmoving
68 violation as provided in chapter 318, and shall have his or her
69 driver's license suspended for 30 days as set forth in s.
70 322.27.

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

73 318.14 Noncriminal traffic infractions; exception;
74 procedures.—

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

84 Section 4. Paragraph (a) of subsection (2) of section
85 318.1451, Florida Statutes, is amended to read:

86 318.1451 Driver improvement schools.—

87 (2) (a) In determining whether to approve the courses

24-00779B-11

20111840__

88 referenced in this section, the department shall consider course
89 content designed to promote safety, driver awareness, crash
90 avoidance techniques, awareness of the risks associated with
91 using a handheld electronic communication device while operating
92 a motor vehicle, and other factors or criteria to improve driver
93 performance from a safety viewpoint. The department is
94 authorized to require that course curricula be updated to meet
95 evolving driver-safety issues.

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

98 320.02 Registration required; application for registration;
99 forms.—

100 (15)

101 (o) The application form for motor vehicle registration and
102 renewal registration must include language permitting a
103 voluntary contribution of \$1 or more per applicant, which shall
104 be distributed to the Auto Club South Traffic Safety Foundation,
105 Inc., and used by the foundation to improve traffic safety
106 culture through effective outreach, education, and activities
107 that will save lives, reduce injuries, and prevent crashes.

108
109 For the purpose of applying the service charge provided in s.
110 215.20, contributions received under this subsection are not
111 income of a revenue nature.

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

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

24-00779B-11

20111840__

117 (5) In determining whether to approve a driver improvement
118 course for the purposes of this section, the department shall
119 consider course content designed to promote safety, driver
120 awareness, crash avoidance techniques, awareness of the risks
121 associated with using a handheld electronic communication device
122 while operating a motor vehicle, and other factors or criteria
123 to improve driver performance from a safety viewpoint. The
124 department is authorized to require that course curricula be
125 updated to meet evolving driver safety issues.

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

128 322.08 Application for license; requirements for license
129 and identification card forms.—

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

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

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

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

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

24-00779B-11

20111840__

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

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

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

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

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

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

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

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

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

174 (n) Notwithstanding s. 322.081, a voluntary contribution of

24-00779B-11

20111840__

175 \$1 per applicant to the state homes for veterans, to be
176 distributed on a quarterly basis by the department to the State
177 Homes for Veterans Trust Fund, which is administered by the
178 Department of Veterans' Affairs.

179 (o) A voluntary contribution of \$1 or more per applicant,
180 which shall be distributed to the Auto Club South Traffic Safety
181 Foundation, Inc., and used by the foundation to improve traffic
182 safety culture through effective outreach, education, and
183 activities that will save lives, reduce injuries, and prevent
184 crashes.

185
186 A statement providing an explanation of the purpose of the trust
187 funds shall also be included. For the purpose of applying the
188 service charge provided in s. 215.20, contributions received
189 under this subsection ~~paragraphs (b) - (n)~~ are not income of a
190 revenue nature.

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

193 322.095 Traffic law and substance abuse education program
194 for driver's license applicants.-

195 (1) The Department of Highway Safety and Motor Vehicles
196 must approve traffic law and substance abuse education courses
197 that must be completed by applicants for a Florida driver's
198 license. The curricula for the courses must provide instruction
199 on the physiological and psychological consequences of the abuse
200 of alcohol and other drugs, the societal and economic costs of
201 alcohol and drug abuse, the effects of alcohol and drug abuse on
202 the driver of a motor vehicle, awareness of the risks associated
203 with using a handheld electronic communication device while

24-00779B-11

20111840__

204 operating a motor vehicle, and the laws of this state relating
205 to the operation of a motor vehicle. All instructors teaching
206 the courses shall be certified by the department. The department
207 is authorized to require that course curricula be updated to
208 meet evolving driver safety issues.

209 Section 9. Present subsections (4), (5), and (6) of section
210 322.16, Florida Statutes, are renumbered as subsections (5),
211 (6), and (7), respectively, and amended, and a new subsection
212 (4) is added to that section, to read:

213 322.16 License restrictions.—

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

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

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

229 (5) ~~(4)~~ The department may, upon receiving satisfactory
230 evidence of any violation of the restriction upon such a
231 license, except a violation of paragraph (1)(d), subsection (2),
232 ~~or~~ subsection (3), or subsection (4), suspend or revoke the

24-00779B-11

20111840__

233 license, but the licensee is entitled to a hearing as upon a
234 suspension or revocation under this chapter.

235 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable
236 as provided in s. 775.082 or s. 775.083, for any person to
237 operate a motor vehicle in any manner in violation of the
238 restrictions imposed under paragraph (1)(c).

239 (7)~~(6)~~ Any person who operates a motor vehicle in violation
240 of the restrictions imposed under paragraph (1)(a), paragraph
241 (1)(b), subsection (2), ~~or~~ subsection (3), or subsection (4)
242 will be charged with a moving violation and fined in accordance
243 with chapter 318.

244 Section 10. Section 322.1615, Florida Statutes, is amended
245 to read:

246 322.1615 Learner's driver's license.—

247 (1) The department may issue a learner's driver's license
248 to a person who is at least 15 years of age and who:

249 (a) Has passed the written examination for a learner's
250 driver's license;

251 (b) Has passed the vision and hearing examination
252 administered under s. 322.12;

253 (c) Has completed the traffic law and substance abuse
254 education course prescribed in s. 322.095; and

255 (d) Meets all other requirements set forth in law and by
256 rule of the department.

257 (2) When operating a motor vehicle, the holder of a
258 learner's driver's license must be accompanied at all times by a
259 driver who:

260 (a) Holds a valid license to operate the type of vehicle
261 being operated;

24-00779B-11

20111840__

262 (b) Is at least 21 years of age; and

263 (c) Occupies the closest seat to the right of the driver of
264 the motor vehicle.

265 (3) A person who holds a learner's driver's license may
266 operate a vehicle only during daylight hours, except that the
267 holder of a learner's driver's license may operate a vehicle
268 until 10 p.m. after 3 months following the issuance of the
269 learner's driver's license.

270 (4) A licensee who violates subsection (2) or subsection
271 (3) is subject to the civil penalty imposed for a moving
272 violation as set forth in chapter 318.

273 (5) When a person younger than 18 years of age who holds a
274 learner's driver's license applies for a Class E driver's
275 license, he or she must submit a form that complies with the
276 requirements of s. 322.09(1)(a) and is signed by the minor's
277 parent or guardian attesting that the minor has attained a
278 minimum of 50 hours of practice driving under the supervision of
279 a licensed driver who is at least 21 years of age, 10 hours of
280 which must be driving at night.

281 Section 11. This act shall take effect July 1, 2011.