

By the Committee on Transportation; and Senator Altman

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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 driver's 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.

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

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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's license suspended for 30 days as set forth in s.
66 322.27.

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

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

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

80 Section 4. Paragraph (a) of subsection (2) of section
81 318.1451, Florida Statutes, is amended to read:

82 318.1451 Driver improvement schools.—

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

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88 a motor vehicle, and other factors or criteria to improve driver
89 performance from a safety viewpoint. The department is
90 authorized to require that course curricula be updated to meet
91 evolving driver-safety issues.

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

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

96 (15)

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

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

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

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

116 (5) In determining whether to approve a driver improvement

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

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

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

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

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

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

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

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

145 (e) A voluntary contribution of \$1 per applicant, which

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146 shall be distributed to the Children's Hearing Help Fund.

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

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

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

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

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

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

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

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

173 (n) Notwithstanding s. 322.081, a voluntary contribution of
174 \$1 per applicant to the state homes for veterans, to be

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175 distributed on a quarterly basis by the department to the State
176 Homes for Veterans Trust Fund, which is administered by the
177 Department of Veterans' Affairs.

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

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

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

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

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

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

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

214 322.16 License restrictions.—

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

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

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

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

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233 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
234 license, but the licensee is entitled to a hearing as upon a
235 suspension or revocation under this chapter.

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

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

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