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1                   A bill to be entitled  
2           An act relating to traffic safety; providing a short  
3           title; amending s. 316.0075, F.S.; prohibiting the use  
4           of handheld cellular telephones and other electronic  
5           communications devices by drivers under 18 years of  
6           age and persons driving school buses; providing  
7           exceptions; providing penalties; amending s. 318.14,  
8           F.S.; providing citation procedures for violations;  
9           amending s. 322.08, F.S.; providing for a voluntary  
10          checkoff on driver's license applications to permit  
11          contributions to the AAA Foundation for Traffic  
12          Safety; providing that such contributions are not  
13          considered income of a revenue nature for purposes of  
14          a service charge; creating s. 322.144, F.S.; requiring  
15          the Department of Highway Safety and Motor Vehicles to  
16          issue a distinctive placard when issuing or reissuing  
17          a driver's license to a person under a certain age;  
18          requiring such person to display the placard at all  
19          times while operating a motor vehicle; providing  
20          penalties; amending s. 322.16, F.S.; restricting the  
21          number of certain passengers permitted in a vehicle  
22          operated by a person under a certain age; providing  
23          for exceptions; providing penalties; providing an  
24          effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:  
27

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

30           Section 2. Section 316.0075, Florida Statutes, is amended  
 31 to read:

32           316.0075 Operator use of commercial mobile radio services  
 33 and electronic communications devices.—

34           (1) Regulation of operator or passenger use of commercial  
 35 mobile radio services and other electronic communications  
 36 devices in a motor vehicle is expressly preempted to the state.

37           (2) (a) A person who has not attained 18 years of age and  
 38 is driving or in actual physical control of a motor vehicle on  
 39 the roads of this state may not use any type of hand-held  
 40 cellular telephone or other hand-held electronic communications  
 41 device.

42           (b) A person who is driving or in actual physical control  
 43 of a school bus transporting any student to a public or private  
 44 school on the roads of this state may not use any type of hand-  
 45 held cellular telephone or other hand-held electronic  
 46 communications device.

47           (c) This subsection does not apply:

48           1. To a device that is designed for hands-free use and the  
 49 person is using it in that manner.

50           2. When the motor vehicle is stopped and the engine is not  
 51 running.

52           (d) A violation of this subsection is a noncriminal  
 53 traffic infraction, punishable as a nonmoving violation as  
 54 provided in chapter 318.

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

57 318.14 Noncriminal traffic infractions; exception;  
58 procedures.—

59 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
60 person cited for a violation of chapter 316, s. 320.0605, s.  
61 320.07(3)(a) or (b), s. 322.065, s. 322.144(2), s. 322.15(1), s.  
62 322.16(2), ~~or (3)~~, or (4), s. 322.1615, s. 322.19, or s.  
63 1006.66(3) is charged with a noncriminal infraction and must be  
64 cited for such an infraction and cited to appear before an  
65 official. If another person dies as a result of the noncriminal  
66 infraction, the person cited may be required to perform 120  
67 community service hours under s. 316.027(4), in addition to any  
68 other penalties.

69 Section 4. Subsection (7) of section 322.08, Florida  
70 Statutes, is amended to read:

71 322.08 Application for license; requirements for license  
72 and identification card forms.—

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

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

80 (b) A voluntary contribution of \$1 per applicant, which  
81 contribution shall be distributed to the Florida Council of the  
82 Blind.

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

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

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

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

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

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

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

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

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

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

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111 Prevent Child Sexual Abuse, which shall be distributed to  
 112 Lauren's Kids, Inc., a nonprofit organization.

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

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

122 (o) A voluntary contribution of \$1 per applicant to the  
 123 Disabled American Veterans, Department of Florida, which shall  
 124 be distributed quarterly to Disabled American Veterans,  
 125 Department of Florida, a nonprofit organization.

126 (p) A voluntary contribution of \$1 per applicant, which  
 127 shall be distributed to the AAA Foundation for Traffic Safety, a  
 128 nonprofit organization.

129  
 130 A statement providing an explanation of the purpose of the trust  
 131 funds shall also be included. For the purpose of applying the  
 132 service charge provided in s. 215.20, contributions received  
 133 under paragraphs (b)-(p) ~~(b)-(o)~~ are not income of a revenue  
 134 nature.

135 Section 5. Section 322.144, Florida Statutes, is created  
 136 to read:

137 322.144 Identifying placards for minors.-

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138       (1) When the department issues or reissues a license for  
139 the operation of motor vehicles to a person who has not attained  
140 18 years of age, the department shall also issue to the person a  
141 placard that can be placed in a motor vehicle so as to be  
142 visible from the front and rear of the vehicle. Each side of the  
143 placard shall have markings or color which shall be obviously  
144 separate and distinct from all other placards issued by the  
145 department and shall bear a warning that the person must display  
146 the placard at all times while operating a motor vehicle.

147       (2) A driver who has not attained 18 years of age must  
148 display the placard issued under this section at all times while  
149 operating a motor vehicle. The placard must be displayed so as  
150 to be visible from the front and rear of the vehicle.

151       (3) A person who violates subsection (2) commits a  
152 noncriminal traffic infraction, punishable as a nonmoving  
153 violation as provided in chapter 318.

154       Section 6. Subsections (4), (5), and (6) of section  
155 322.16, Florida Statutes, are amended and renumbered as  
156 subsections (5), (6), and (7), respectively, and a new  
157 subsection (4) is added to that section, to read:

158       322.16 License restrictions.—

159       (4) A person who holds a driver's license who is under 18  
160 years of age may not operate a motor vehicle with more than one  
161 passenger in the vehicle who is under 18 years of age, unless  
162 any additional passenger or passengers under 18 years of age are  
163 siblings or children of the driver, whether related by the whole  
164 or half blood, by affinity, or by adoption.

165       (5)~~(4)~~ The department may, upon receiving satisfactory

166 evidence of any violation of the restriction upon such a  
 167 license, except a violation of paragraph (1)(d), subsection (2),  
 168 ~~or~~ subsection (3), or subsection (4), suspend or revoke the  
 169 license, but the licensee is entitled to a hearing as upon a  
 170 suspension or revocation under this chapter.

171 (6)~~(5)~~ It is a misdemeanor of the second degree,  
 172 punishable as provided in s. 775.082 or s. 775.083, for any  
 173 person to operate a motor vehicle in any manner in violation of  
 174 the restrictions imposed under paragraph (1)(c).

175 (7)~~(6)~~ Any person who operates a motor vehicle in  
 176 violation of the restrictions imposed under paragraph (1)(a),  
 177 paragraph (1)(b), subsection (2), ~~or~~ subsection (3), or  
 178 subsection (4) commits a noncriminal traffic infraction,  
 179 punishable as ~~will be charged with~~ a moving violation as  
 180 provided in ~~and fined in accordance with~~ chapter 318.

181 Section 7. This act shall take effect October 1, 2012.