

By 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 a
7 penalty; amending s. 318.14, F.S.; providing
8 procedures for a citation issued following a violation
9 of certain restrictions, to conform to changes made by
10 the act; amending s. 318.1451, F.S.; requiring that
11 the course content of driver improvement schools
12 include awareness training about using certain
13 electronic devices while driving; authorizing the
14 Department of Highway Safety and Motor Vehicles to
15 update course content requirements; amending s.
16 320.02, F.S.; providing for a voluntary check-off on
17 motor vehicle registration forms to make a
18 contribution to the Auto Club South Traffic Safety
19 Foundation; amending s. 322.0261, F.S.; requiring
20 course content of driver improvement schools to
21 include awareness training about using certain
22 electronic devices while driving; authorizing the
23 department to update course content requirements;
24 amending s. 322.08, F.S.; providing for a voluntary
25 check-off on driver license application forms to make
26 a contribution to the Auto Club South Traffic Safety
27 Foundation; amending s. 322.095, F.S.; requiring
28 traffic law and substance abuse education program
29 content to include awareness of using certain

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

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

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

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

45 316.3035 Wireless communications devices prohibited;
46 persons under 18.-

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

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

52 1. Report illegal activity;

53 2. Summon medical or other emergency help; or

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

55 (2) A person who violates this section commits a
56 noncriminal traffic infraction, punishable as a nonmoving
57 violation as provided in chapter 318, and shall have his or her
58 driver license suspended for 30 days as set forth in s. 322.27.

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

61 318.14 Noncriminal traffic infractions; exception;
62 procedures.—

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

72 Section 4. Paragraph (a) of subsection (2) of section
73 318.1451, Florida Statutes, is amended to read:

74 318.1451 Driver improvement schools.—

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

84 Section 5. Paragraph (s) is added to subsection (15) of
85 section 320.02, Florida Statutes, to read:

86 320.02 Registration required; application for registration;
87 forms.—

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88 (15)

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

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100 For the purpose of applying the service charge provided in s.
101 215.20, contributions received under this subsection are not
102 income of a revenue nature.

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

105 322.0261 Driver improvement course; requirement to maintain
106 driving privileges; failure to complete; department approval of
107 course.—

108 (5) In determining whether to approve a driver improvement
109 course for the purposes of this section, the department shall
110 consider course content designed to promote safety, driver
111 awareness, crash avoidance techniques, awareness of the risks
112 associated with using handheld electronic communication devices
113 while operating a motor vehicle, and other factors or criteria
114 to improve driver performance from a safety viewpoint. The
115 department is authorized to require that course curricula be
116 updated to meet evolving driver safety issues.

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

119 322.08 Application for license; requirements for license
120 and identification card forms.—

121 (7) The application form for an original, renewal, or
122 replacement driver license or identification card shall include
123 language permitting the following:

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

128 (b) A voluntary contribution of \$1 per applicant, which
129 contribution shall be distributed to the Florida Council of the
130 Blind.

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

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

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

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

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

144 (h) A voluntary contribution of \$1 per applicant to Senior
145 Vision Services, which shall be distributed to the Florida

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146 Association of Agencies Serving the Blind, Inc., a not-for-
147 profit organization.

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

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

154 (k) Notwithstanding s. 322.081, a voluntary contribution of
155 \$1 per applicant, which shall be distributed to the League
156 Against Cancer/La Liga Contra el Cancer, a not-for-profit
157 organization.

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

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

165 (n) Notwithstanding s. 322.081, a voluntary contribution of
166 \$1 per applicant to the state homes for veterans, to be
167 distributed on a quarterly basis by the department to the State
168 Homes for Veterans Trust Fund, which is administered by the
169 Department of Veterans' Affairs.

170 (o) A voluntary contribution of \$1 per applicant to the
171 Disabled American Veterans, Department of Florida, which shall
172 be distributed quarterly to Disabled American Veterans,
173 Department of Florida, a nonprofit organization.

174 (p) A voluntary contribution of \$1 per applicant for Autism

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175 Services and Supports, which shall be distributed to Achievement
176 and Rehabilitation Centers, Inc., Autism Services Fund.

177 (q) A voluntary contribution of \$1 per applicant to Support
178 Our Troops, which shall be distributed to Support Our Troops,
179 Inc., a Florida not-for-profit organization.

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

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

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

196 322.095 Traffic law and substance abuse education program
197 for driver's license applicants.—

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

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

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

216 322.16 License restrictions.—

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

225 (b) This subsection applies to any person younger than 18
226 years of age who is issued a driver license on or after October
227 1, 2013.

228 (5)(4) The department may, upon receiving satisfactory
229 evidence of any violation of the restriction upon such a
230 license, except a violation of paragraph (1)(d), subsection (2),
231 ~~or~~ subsection (3), or subsection (4), suspend or revoke the
232 license, but the licensee is entitled to a hearing as upon a

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233 suspension or revocation under this chapter.

234 (6)~~(5)~~ It is a misdemeanor of the second degree, punishable
235 as provided in s. 775.082 or s. 775.083, for any person to
236 operate a motor vehicle in any manner in violation of the
237 restrictions imposed under paragraph (1)(c).

238 (7)~~(6)~~ Any person who operates a motor vehicle in violation
239 of the restrictions imposed under paragraph (1)(a), paragraph
240 (1)(b), subsection (2), ~~or~~ subsection (3), or subsection (4)
241 will be charged with a moving violation and fined in accordance
242 with chapter 318.

243 Section 10. This act shall take effect July 1, 2013.