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### 1. GENERAL PRINCIPLES

**When Do You Become An Adult In Florida?** For most purposes, you are legally recognized as an adult in Florida on your 18th birthday. This is often referred to as the age of majority.1

**What Are Some Of The Legal Rights That You Gain When You Turn 18?** When you turn 18, you gain certain adult rights. These rights include the right to vote2, the right to make contracts, the right to sue on your own behalf, the right to make a will3, the right to marry without parental permission4, the right to get non-emergency medical treatment without your parents' consent5, and the right to live independently from your parents6. You, however, do not gain the right to purchase alcoholic beverages until the age of 21.

**What Are Some Legal Responsibilities You Gain When You Turn 18?** Now as an adult, if you break the law, you will be tried as an adult and can be sentenced to an adult prison. Additionally, your parents are not required to support you (unless a court orders otherwise). Furthermore, because you can make binding agreements with others (called contracts), you can also now be sued. United States citizens at least 18 years of age may be called to jury duty. Finally, all males must register for the selective service within 30 days of their 18th birthday.

**What Is Emancipation?**

Emancipation is the act by which a minor (under the age of 18), gains all the rights and responsibilities of an adult. An emancipated minor has the legal capacity to act as an adult. An emancipated minor is no longer entitled to the benefits of being a minor. The minor’s parents no longer have a legal responsibility to support the minor. The Department of Children and Families will not intervene to protect the minor’s welfare as DCF would for an un-emancipated minor.

Emancipation does not change the effect of laws which restrict behavior by a minimum age. For example, an emancipated minor cannot drink until age 21 or vote until age 18.7

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1 See, generally, § 1.01(13), Fla. Stat., for the definition of “minor.”
6 Chapter 743, Fla. Stat.
7 For more information on emancipated minors, refer to Chapter 743, Fla. Stat.
2. CONSUMER PROTECTION (BUYING AND REPAIRING CARS)

Does the Law Protect You If You Bought A “Lemon”? Florida’s
Motor Vehicle Warrant Enforcement Act is commonly referred to
as the “Lemon Law.” If a “motor vehicle” purchased or leased in
Florida has a defect or condition that substantially impairs the use,
value or safety of the vehicle, you must report the problem to the
manufacturer or authorized service agent (typically the car dealer-
shop) during the “Lemon Law Rights Period” (the first 24 months
after the original delivery of the motor vehicle to a consumer) in
order to exercise rights under the Lemon Law. Defects or condi-
tions that result from an accident, abuse, neglect, modification, or
alteration of the vehicle by persons other than the manufacturer
or its authorized service agent are not included.

The Lemon Law defines “motor vehicle” to include new and
demonstration motor vehicles; trucks weighing 10,000 pounds or
less gross vehicle weight; recreational vehicles (other than the
living facilities); and leased vehicles if the lessee is responsible
for repairs. In addition, if a car is transferred directly to another
consumer from the original purchaser within the first 24 months
after its original purchase, the transferee can also seek redress
under the lemon law, with the original lemon law time frames
still in effect.

Must The Manufacturer Or Dealer Repair The Defect Or Con-
dition Covered By The Warranty? The Lemon Law requires a
manufacturer to correct a vehicle “nonconformity” (as defined
by the statute)” within a reasonable number of attempts.” Two
“presumptions” are created under the law to help determine
what constitutes a reasonable number of attempts. Under the
first, if the manufacturer or authorized service agent has been
unable to fix the same defect after three attempts, the consumer
must send written notification of the need for repair to the manu-
facturer by registered or express mail to give the manufacturer
one final opportunity to cure the defect. The manufacturer must
respond within 10 days of its receipt of the notice and direct the
consumer to a reasonably accessible repair facility within a rea-
sonable time after the consumer’s receipt of the response. After
the vehicle has been delivered to the designated repair facility,
the manufacturer has 10 days to fix the defect (for recreational
vehicles, the manufacturer has 45 days (not 10) to correct the
nonconformity). If the nonconformity has not been corrected at
the final repair attempt, the vehicle is presumed to be a Lemon.
In addition, if the manufacturer fails to comply with either of the
above time requirements, the manufacturer effectively waives its
opportunity for a final repair attempt.

Alternatively, under the second presumption, if the vehicle is in
and out of the authorized repair shop for repair of one or more
nonconformities for 15 or more cumulative days, the consumer
must give written notification of this fact to the manufacturer (not
the dealer), by registered or express mail. After the manufacturer’s
receipt of the notification, the manufacturer or its authorized ser-
vice agent must have at least one opportunity to inspect or repair
the vehicle. If the vehicle has been out of service for repair of one
or more nonconformities for a cumulative total of 30 days, it is
presumed to be a Lemon, whether or not the vehicle has been repaired (the time frame is 60 days for an RV).

Note, however, that these are presumptions; a consumer may be able to show, under a particular set of circumstances, that fewer than three repair attempts, or less than 30 days out of service, constitutes a "reasonable number of attempts," and that the manufacturer has failed in its duty under the statute.

What If The Manufacturer Fails To Correct The Nonconformity Within A Reasonable Number Of Attempts? If the manufacturer fails to correct one or more nonconformities within a reasonable number of attempts, the manufacturer must either repurchase or replace the vehicle. The consumer has a right to choose a refund rather than a replacement.

If a manufacturer has established an informal dispute settlement program certified by the Florida Department of Legal Affairs, the consumer must first resort to relief under the program before making claim for replacement or a refund.

If the consumer resorts to a manufacturer’s certified informal dispute settlement program and a decision is not rendered within 40 days, or if the consumer is not satisfied with the decision, or if the manufacturer does not have a certified informal dispute settlement program, the consumer may request arbitration by contacting The Lemon Law Hotline at (800) 321-5366, or by calling 850-414-3500 if out-of-state, and asking for a Request for Arbitration form.

The Florida New Motor Vehicle Arbitration Board is administered by the Office of the Attorney General. If the request for arbitration is approved, the board will hear the dispute within 40 days and render a decision within 60 days of the date of approval. If the decision is in favor of the consumer, the manufacturer must comply with the decision within 40 days after receipt of the written decision. Once the arbitration board rules on the case, either side can then appeal the decision in court.8

Can A Repair Shop Charge You More Than The Estimate For Repairs? If the repairs cost over $100, the repair shop must give you a written estimate unless you request to be notified only if the repairs exceed a specified amount.9 The shop can charge 10 percent or $10 over the estimate, whichever is greater, but not more than an additional $50 without your authorization.10

Can The Repair Shop Charge For Diagnosing A Problem Prior To Doing A Repair Estimate? Yes, but the shop must tell you about this charge and get your acceptance of the charge prior to the diagnostic work.11

8 For more information, refer to Chapter 681, Florida Statutes.
10 § 559.905, Fla. Stat.
Can You Get Your Car Back If You Disagree With The Repair Shop On The Bill? It is unlawful for any motor vehicle repair shop to fail to return any customer's motor vehicle because the customer refused to pay for unauthorized repairs or because the customer has refused to pay for repair charges in excess of the final estimate. However, if the repair shop claims the work was performed under a proper written estimate, the repair shop may file a lawsuit to place a possessory lien against the vehicle. If this occurs, you can pay the amount of the repair plus storage charges less any payments as a bond to the clerk of the circuit court. The clerk will then issue a certificate which you deliver to the shop to pick up the car. The repair shop then must sue to get their money within 60 days, and may request the court order a public sale of the vehicle to satisfy the lien. If the repair shop does not sue within 60 days, the clerk of the court shall return the bond money to you. No motor vehicle repair shop may refuse to return a customer's motor vehicle by virtue of any miscellaneous lien.

3. CONTRACTS

What Is A Contract? A contract is an enforceable oral or written agreement between two or more people. The formation of a contract is accomplished when there is an offer and acceptance between the contracting parties and the exchange of "consideration" (that is, something of value).

What Happens If You Signed A Contract Before You Turned 18? With a few exceptions, contracts entered into by minors are not enforceable and may be rescinded. However, contracts of necessity, like food or shelter, are typically binding despite having been entered into by a minor. Minors may also be able to enter contracts for educational purposes or, in some circumstances, under the "Home, Farm and Business Loans Act". Contracts made by minors for artistic or creative services or for professional sports may be approved by a court. Once a minor marries, contracts entered into by the minor are enforceable even though the minor has not yet reached the age of majority.

What Are Some Examples Of The Kinds Of Contracts You May Enter Into As An Adult? Some of the contracts you may enter into as an adult include employment contracts, school loans,

14 § 559.917, Fla. Stat.
17 § 743.05, Fla. Stat.
18 § 743.04, Fla. Stat.
19 § 743.08, Fla. Stat.
20 § 743.01, Fla. Stat.
house or car purchases, installment loan contracts for purchases (televisions, cell phones, computers, etc.), rental contracts, insurance contracts, contracts for services and credit card agreements.

**Does A Contract Have To Be In Writing?** Not necessarily. However, if the contract is for your payment of another person’s debt\(^{21}\), if it concerns real estate\(^{22}\), if it lasts more than one year\(^{23}\), or if it transfers property after death (i.e. a will)\(^{24}\), it must be in a signed writing.

**Why Are Written Contracts Useful?** If a problem arises, a written contract would offer proof of the agreed-upon terms and conditions between the people making the contract (parties). This may be beneficial in a court of law. With some exceptions, a court may not accept evidence about oral terms of the contract if there is a written contract that is complete on its face. Of note, parties are presumed to know the terms and conditions of the contract and what their responsibilities are when they sign the contract. Never sign a contract or other legal document without understanding what it means.

**What Should You Do If You Are Asked To Sign A Contract?** Read the contract carefully and make sure you understand all of it, cross out any parts that are not what you agreed to and write in the parts of the agreement you want that do not appear in the written contract. Initial the changes and have the other party do the same to indicate his/her agreement to the terms. Do not sign a contract with any blank space on it. Make sure the other party signs the contract and get a copy of the fully executed contract for your records.

**What Happens If You Do Not Complete The Contract Or Miss Payments?** If you fail to complete the contract or miss payments, without a legal basis to do so, you can be sued. You will be given a chance to defend yourself and the court will then determine if the claim brought against you is valid under the circumstances. If it is valid, you may have to pay money, do certain acts or refrain from doing other acts for breaching the contract depending on what is provided for in the contract and/or by applicable law.

4. **CREDIT**

**Why Is Maintaining Good Credit Important?** Credit is valuable. The importance of how much credit you have and how you use it goes far beyond shopping. Whether you have good or poor credit can affect where you live and even where you work, because your credit record may be considered by prospective employers. It is important to understand how credit is awarded or denied and what you can do if you are treated unfairly.

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21 §§ 725.01 and 687.0304, Fla. Stat.
22 § 689.01, Fla. Stat.
How Do I Achieve And Maintain A Good Credit Rating? The short answer is: buy items on credit, pay for those items on time, and repeat this process for an extended period of time with various lenders in order to establish a credit history. A credit rating is intended to measure your ability to repay a debt. Lenders look at your past record of paying bills, your individual account credit limit in relation to the account high balance, and your income or other sources of money in determining whether to extend credit. Therefore, having a reliable source of income and maintaining a savings account in case of emergencies makes it easier to pay bills on time, thereby ultimately contributing to a good credit rating.

What Are The Major Laws That Regulate Credit? The major federal laws that regulate credit are the Fair Credit Reporting Act, Equal Credit Opportunity Act, Fair Credit Billing Act, and Fair Debt Collection Practices Act. The Fair Credit Reporting Act promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. It also controls the use of credit reports and requires consumer reporting agencies to maintain correct and complete files. According to this Act, you have a right to review your credit report and to have incorrect information corrected. You have the right to know if you have been denied credit, insurance, or employment based on a credit report.

The Equal Credit Opportunity Act requires that individual creditors apply credit standards in a fair manner, so that all consumers are given an equal chance to obtain credit. It does not require all creditors to have the same standards, nor does it guarantee approval of loan applications. In reviewing your credit application, lenders cannot discriminate on the basis of sex, color, marital status, race, religion, national origin, age, income from assistance programs, or if you exercise your rights under the Consumer Protection Act. The only acceptable criteria are your ability and intent to repay funds borrowed. The Fair Credit Billing Act provides for the prompt correction of errors on open-end credit accounts (department store credit accounts, for example) and protects consumers’ credit ratings while they are settling disputes. Under this law, if a consumer is disputing a charge, creditors cannot report the consumer’s account as delinquent. This applies to open-end credit instruments, such as credit cards, revolving charge accounts, and overdraft checking. Consumers who question an item are responsible for notifying the creditor in writing within 60 days of receiving the bill. The creditor must acknowledge the notice within 30 days and may not do anything to damage the consumer’s credit rating while the item is in dispute.

The Fair Debt Collection Practices Act promotes the fair treatment of consumers by prohibiting debt collectors from using unfair, deceptive, or abusive practices. The Act prohibits calls to a debtor before 8:00 a.m. and after 9:00 p.m. A debt collector is not allowed to communicate with anyone other than the debtor.
or the debtor’s attorney, without express permission. Creditors may not give false, misleading, or threatening statements. The Act subjects debt collectors to actual damages, attorney’s fees, and costs. Similarly, section 559.72, Florida Statutes, prohibits anyone collecting a consumer debt from simulating a law enforcement officer or a representative of any governmental agency, threatening force or violence, threatening to disclose information regarding the debt to another, or misrepresent that the collection effort is from an attorney.

### How Long Does It Take To Clear A Bad Credit Report?
It depends on the seriousness of the past problems and the accuracy of the consumer report. If you believe there is inaccurate information on your credit report, you must follow the proper procedures to dispute the errors in accordance with the Fair Credit Billing Act. If the negative information is accurate, the Fair Credit Reporting Act also prevents certain credit information from being included on consumer reports if that information is more than seven or ten years old, depending on the type of debt.29

### What Is Collateral?
Collateral is anything of value that can be taken by the lender if you do not pay back the loan. Loans that are granted based upon collateral are called “secured loans” (i.e., a home mortgage or car note). The lender wants to identify property owned by the borrower which has a value at least equal to the amount of the loan so that the property can be used to pay back the debt if you are unable to repay the loan. If the collateral’s value is not worth equal to or more than the amount of the outstanding debt, the lender may seek a deficiency judgment against you for the difference. There is another type of loan called an “unsecured loan” which does not require collateral, but is based on the user’s ability to pay (i.e., credit cards, student loans).

### Can A Lender Have Different Rules For Making Loans To Women And Men?
No. It is unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status.30 Lenders may only make decisions based on the borrower’s ability and intent to repay the loan. A married person who does not have an outside job might have problems obtaining a loan unless that person has sufficient collateral to provide security for the loan. If the person’s spouse has a good credit rating, the spouse could guarantee the loan as a co-signor or provide other security to support the loan.

For further information on credit, you can visit www.mymoney.gov. To find out more information about your credit rating and obtain a free credit report you can visit www.annualcreditreport.com to receive your credit report from the three major agencies: Experian, Transunion, and Equifax. This website allows you to receive one free credit report from each of these three agencies every twelve months. However, these reports do not include your credit score. Some additional detailed information may also be missing from your credit report. If you would like more information, you may purchase additional accessibility from each agency or from various credit assistance organizations.

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29 15 U.S.C. §1681c
30 § 725.07, Fla. Stat.
Are Student Loans Different In How They Are Legally Treated?
Yes, in some important ways. Generally, student loans CANNOT be discharged in bankruptcy, unlike most other forms of credit, with some exceptions in disability. Therefore, you should be particularly careful when taking out student loans, whether they are from the federal government or from private banks. If your student loans are federally provided, various payment and discharge options are available. For example, IBR (Income-Based Repayment) reduces monthly payments to 15% of your annual discretionary income divided into twelve monthly payments. Also, if successfully paid for a certain number of years, the remaining balance will be forgiven (though you may owe federal income tax on the forgiven amount.) For more information, see studentaid.ed.gov/sa/repay-loans.

What Is Identity Theft And How Does It Affect Your Credit?
Identity theft occurs when someone steals your sensitive personal information, such as your name and social security number and uses this information to commit fraud. This may include opening a credit card or filing tax returns in your name. Identity theft can greatly damage your credit status because the thief is not going to pay back any loans the thief took out in your name.

How Can I Protect Myself From Identity Theft?
First, protect your sensitive personal information as much as possible. Also, regularly obtain your credit report and check it for any accounts you did not open. You can obtain your free credit report every twelve months at: https://www.annualcreditreport.com/. You can also purchase credit monitoring or “freeze” your credit through various services but make sure you exercise your own due diligence even if you purchase such a service.

5. CRIMINAL CHARGES
When Are You Under Arrest?
You are arrested when a law enforcement officer takes you into custody or otherwise deprives you of your freedom of movement in any significant way, in order to hold you to answer for a criminal offense. Police officers, under Florida law, are obligated to identify themselves and to advise you that you are under arrest and the reason for your arrest, unless you try to flee or forcibly resist before the officer can give you this information. You may be under arrest even though no one has actually used the word “arrest” or any other comparable word. The fact that you have been deprived of your freedom of movement in some significant manner may amount legally to an arrest. Ordinarily, private citizens do not have power to arrest another citizen in Florida, but may assist police officers in making arrests if the officer feels such assistance is necessary.

31 §§ 901.16 and 901.17, Fla. Stat.
If You Are Arrested For A Criminal Offense, What Do You Have A Right To Expect From The Arresting Officer(s)? If arrested, you can expect to be searched for weapons by the police and taken to jail. If questioned, you should be advised of your rights under the United States Constitution, in what is commonly called Miranda warnings. It is important to realize that you do not have to have your rights read to you if the officer does not ask you any questions.

To properly invoke your right to an attorney, you must state un-equivocally your desire for representation. Statements such as “maybe I should have an attorney” are generally insufficient. As soon as you request an attorney, all questioning must stop. Some officers may attempt to influence your decision to invoke your right to remain silent, or may try to question you in ways that you might not realize could lead to incriminating statements. If in doubt, simply do not speak. If you do not wish to answer questions you must state, very clearly, that you are invoking your right to remain silent. Some important rights to remember are:

- The right to remain silent;
- The right against self-incrimination;
- The right to have an attorney present WHILE being questioned;
- The right to stop answering questions at any time, even if you have started answering questions;
- The right to know the crime or crimes with which you have been charged;
- The right to know the identity of the police officers who are dealing with you.
- The right to communicate by telephone with your attorney, family, friends, or bondsperson as soon as practicable after you are brought into the police station (The police have a right to complete their booking procedures before you are allowed to use the telephone);

What Basic Things Should You Remember If Arrested? First and foremost, you should remember your right to remain silent. Officers are serious when they tell you that anything you say can and will be used against you in court. Probably the most common mistake made by anyone following an arrest is the decision not to remain silent. Confessions make up a significant portion of all convictions. You also have the right to have an attorney present during questioning. This does not mean the officers have to stop their investigation to wait for the arrival of an attorney to oversee what they are doing, but they cannot ask you questions without an attorney being present, if you invoke your right to one. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone. On the other hand, you may choose to answer questions or sign papers. Keep in mind, any information you give can be used as evidence against you in

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32 §§ 901.21 and 901.211, Fla. Stat.
court. Law enforcement officers cannot force or threaten you into answering questions and cannot offer leniency in exchange for any written or oral statements. If you want to remain silent and end an interrogation you have to break your silence and state unequivocally that you are invoking your right to an attorney and will not answer any further questions. Otherwise the police can continue asking questions of a person who refuses to talk as long as the police want, in hopes that the person will eventually give them some information.

How Soon After An Arrest Must You Appear Before A Judge? If you are arrested and placed in jail, an “initial appearance,” usually called “first appearance,” before a judge must occur within 24 hours of your arrest. At first appearance, you will be apprised of the charges against you and asked if you understand the charges. At this hearing, bail will be set and you will be asked if you can afford an attorney. For less serious offenses, you might be permitted to enter a guilty or no contest plea at first appearance, if you would like to do so. You are under no obligation to plead at first appearance.

What If A Person Cannot Afford To Hire An Attorney? If you cannot afford an attorney, the judge may appoint an attorney from the Public Defender’s Office to represent you. If the judge does not offer to appoint a Public Defender, ask for one. Unless you hire an attorney, you do not have an attorney until the judge appoints a Public Defender. An attorney from the Public Defender’s Office will be in court during first appearances. First appearance hearings are only held to determine whether probable cause exists to support the arrest, and what an appropriate bond amount should be. It is likely you will not get a chance to speak to this attorney about your case during first appearance. The attorney likely will not know much about the case and will likely tell you to not say anything to anyone until the attorney who will actually represent you can talk to you. It is important to remember that prosecutors are also present at first appearance, and anything you say about your case can and will be used against you.

What Does It Mean To Be Released On Bail? Bail is designed to guarantee your appearance in court. Unless charged with a capital offense or an offense punishable by life imprisonment, and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinances shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure your presence at trial or assure the integrity of the judicial process, you may be denied pretrial release. The court will require that a specific amount of money be deposited with the clerk of the court or sheriff to satisfy bail. Sometimes the court allows a deposit of a bond or title to a vehicle or home. Most bonds are eligible to be posted by a bondsman. Typically, a bondsman will charge 10% of the total bond fee. For example, if a $5,000 cash or professional bond is set, you would have the option of either

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33 Florida Rule of Criminal Procedure 3.130.
34 Florida Rule of Criminal Procedure 3.111.
35 Chapter 903, Fla. Stat.
posting the full $5,000 in cash, which would be placed in the court registry, or you could pay a bondsman $500. In either case you would be bonded out of jail. Usually a member of the family must get the money, give the money to the clerk or sheriff and then show the receipt in order to get you released. Private bail bondspersons can be called from the jail.36 Money paid to a bondsman will not be given back to you at the end of your case; it is considered the fee for the bondsman. It is basically how the bondsman makes a living. If you deposit a cash bond into the Court registry, that money, minus any court costs or fees (if you enter a plea or are found guilty), will be returned to you at the close of your case. If you fail to appear in court for your court dates, an arrest warrant will be issued and your bond will be forfeited.

**Is It True That A Seemingly Minor Action Can Be A Felony In Florida?** Yes. For example, if you falsely apply for an I.D. or unlawfully spray a fire extinguisher, falsely report child abuse, or are in possession of an illegal substance, you may be charged with a felony. Committing vandalism that causes more than $1,000 damage is a felony.

**Can A Person Younger Than 18 Be Treated As An Adult With Criminal Sanctions Such As A Prison Sentence?** Yes. This usually happens for very serious crimes. The age of the person charged plays a role in this determination as well, but it is important to remember that Florida is one of the leading states in the country in charging juveniles as adults37.

**Can My Juvenile Record Be Used Against Me After I Become An Adult?** No. It is a common misconception that juvenile records are automatically wiped clean once someone turns 18. All prior criminal acts may be considered for sentencing purposes38. Furthermore, even if your juvenile record is not used against you officially for sentencing purposes, oftentimes prosecutors will take into consideration someone's entire prior history when deciding how harshly they want to treat someone.

**Can You Have Your Record Sealed Or Expunged?** Maybe, depending on your charge, as well as your prior criminal record. Further, certain conditions and exceptions apply. For example, sealing your record only restricts access by the general public. Federal, state, county and city agencies may still access your criminal history record. Expunction of your record totally removes your criminal record; however, agencies will be able to know that the criminal record has been removed and can obtain the record through a court order. There are other exceptions where you may not deny or fail to acknowledge a sealed or expunged criminal charge. In addition, sealing or expunging your record in Florida may have no impact on private firm or federal databases. Your record may still be available through private companies that purchase such information from the state and counties. Employers and the general public may still have access to these records through the private companies. While an individual may lawfully

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36 Florida Rule of Criminal Procedure 3.13.
38 Chapter 921, Fla. Stat.
deny or fail to acknowledge the sealed or expunged criminal information, there are numerous exceptions to the rule. The criminal history record of a minor maintained by Florida Department of Law Enforcement will automatically be expunged at the age of 21, so long as the person did not commit a forcible felony between the ages of 18 and 21, was not adjudicated as an adult for a forcible felony committed as a minor, and was not adjudicated delinquent for certain sexual offenses. It is important to keep in mind that if you are interested in joining the military, you should presume the military will find out about your record during the enlistment process. There is no official statute creating this type of presumption, but from a practical standpoint it is safe to assume your recruiter will find out. For more information on sealing or expunging your criminal record, please visit http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx.

What are the penalties for a fake ID? It depends on the ID itself. If you present another’s true ID with their permission as your own, you risk a second degree misdemeanor. Penalties for such a crime can include a maximum jail sentence of up to 60 days and/or 6 months’ probation, and a $500.00 fine. If you possess a forged (altered) or counterfeit (falsely produced) ID, or possess a stolen ID, you risk a third degree felony. Penalties for these offenses can include a maximum of 5 years in prison and/or on probation, and a $5,000.00 fine. Also, giving a fake ID to a law enforcement officer can be a crime, if the officer actually runs the name you give him or her through a computer database.

6. DRINKING LAWS

What Is The Legal Drinking Age In Florida? The current legal drinking age in Florida is 21.

Why Can’t You Drink At Age 18? Drinking is a privilege regulated by state laws. The legislature has the power to determine who and under what conditions a person may drink alcoholic beverages.

What Happens If You Drive After You Have Been Drinking? Driving while under the influence of alcoholic beverages or a controlled substance (D.U.I.) is one of the most serious traffic violations an individual can commit. In fact, it is classified as a crime and in some circumstances a felony. If you are found guilty of driving while under the influence (D.U.I.), you are subject to heavy penalties. These penalties include possible imprisonment of up to six months, a loss of your driver’s license for up to one year, a fine up to $2,000 in addition to court costs, completion of a substance abuse course and driving course, and 50 hours of community service (16 hours with the sheriff’s work detail), along with an electronic alcohol monitor worn at all times. The vehicle you were driving must be impounded. The penalties are even

40 § 322.32, Fla. Stat.
41 § 322.212, Fla. Stat.
42 § 901.36, Fla. Stat.
43 § 562.11, Fla. Stat.
44 § 316.190, Fla. Stat.
more serious if your blood alcohol level is .20 or higher or if there were passengers in the vehicle under the age of 18 years old. A D.U.I. is a crime with almost uniform sentencing results. In most instances, a judge cannot deviate from imposing the punishments mandated by the Legislature, even if a judge thinks a certain punishment is not appropriate or necessary.

If you are intoxicated and in a vehicle with the keys, the vehicle does NOT have to be running for you to be charged with D.U.I. Actual physical control can be established where a person is in a vehicle with the means to drive, regardless of whether the vehicle is in motion or even running. This includes cases where individuals have been charged and convicted with D.U.I. for sleeping in a car.

If you operate a motor vehicle in the State of Florida, you are subject to the “implied consent” law. This means that because you are operating a motor vehicle in the State of Florida, you have agreed to take a chemical test if a law enforcement officer has a reasonable suspicion that you are under the influence of an alcoholic beverage or controlled substance. A urine test can be requested if drugs are suspected.

A blood test can be requested under some circumstances (traffic accident). In 2016, the U.S. Supreme Court ruled that police need to obtain a search warrant to obtain a blood draw for D.U.I. arrests. (See section below entitled Can You be Required to Provide a Blood Sample if You Are Suspected of Driving Under the Influence?) If you have a Florida driver’s license, the statement, “Operation of a motor vehicle constitutes consent to any sobriety test required by law” appears along the bottom.

These tests are to determine your blood alcohol or drug level to find out how much alcohol or drugs are in your bloodstream. If you refuse to take the test, you are subject to a suspension of your driver’s license for a period of one year for a first refusal and a period of 18 months if your driving privilege has been previously suspended for refusing to submit to such a test. In addition, refusing to submit to a test for the second time is actually a first degree misdemeanor itself. People have been charged with DUI and refusing to consent to a breath test. You do not have the right to have your own doctor give you the test at the time of the arrest, and you do not have the right to have an attorney present when you take such a test. You do have the right to have a second test administered by a physician or a laboratory technician of your choice. However, the second test must be paid for by you.

Police officers have the power to suspend your driver’s license on the spot for a D.U.I. arrest. When police officers seize a license,

they issue a traffic citation and a suspension order. Although the officer will physically take your driver’s license, you should keep the actual ticket that gets issued for the D.U.I. This will act as your driver’s license for the next 10 days. To earn reinstatement, drivers cited under this law must pay costs and fines. Hardship licenses are available under certain limited circumstances upon request, but not for at least 30 days after being charged.

If you refuse to take the test, your license will be suspended by the Department of Highway Safety and Motor Vehicles. Upon receipt of the law enforcement officer’s sworn statement that you refused, the department will notify you in writing by certified mail to your last known address that your license has been suspended unless a notice of suspension has already been served by a police officer. Therefore, it is very important that your correct address appears on your driver license. If it does not, you should immediately correct it with the Department of Highway Safety and Motor Vehicles. Failing to timely change your address on your driver license can be the basis for another charge. You then have the right to a hearing before a hearing officer concerning the refusal, but only if you or your attorney files for the hearing within a strict deadline (10 days). At this hearing, the hearing officer is concerned with four issues:

- Was there reasonable suspicion to stop you for driving while under the influence of alcoholic beverages or a controlled substance? Unusual or hazardous driving might be the reason for stopping you. The arresting officer must have cause to believe you were driving or in actual physical control of the vehicle, while under the influence in order to detain you.
- Were you placed under lawful arrest?
- Did you refuse to submit to the test after being requested to do so by a law enforcement officer?
- Did the law enforcement officer tell you that your right to drive would be suspended for one year if you refused to submit to the test?

Your license can be suspended even though you are later found not guilty of the driving while under the influence charge. The suspension is civil in nature, is based on an administrative hearing, and is entirely separate from the criminal charge of D.U.I. Therefore, you may want to consult an attorney for advice about such a hearing.47

Can You Be Required To Provide A Blood Sample If You Are Suspected Of Driving Under The Influence? Maybe. Section 316.1933, Florida Statutes, requires a person to submit to the administration of a blood test where an officer has probable cause (enough evidence to make a reasonable person believe a crime has been committed) to believe that a motor vehicle driven by someone who is under the influence of alcohol or certain controlled substances has caused the death or “serious bodily injury” of a human being. The term “serious bodily injury” means an injury to any

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person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. This law specifically allows law enforcement to use reasonable force, if necessary, to require such person to submit to the administration of the blood test. This law does not require the alleged victim to submit to the blood sample testing.

Under this law, officers are not allowed to personally draw blood; only qualified hospital staff can do this. Furthermore, even if an officer does not request a blood draw, hospital staff are allowed to notify law enforcement if a blood test taken for another reason related to a car accident injury reveals the presence of an illegal amount of alcohol or certain chemical substances in the person’s system, regardless of other privacy rights a patient may have in his/her own records.

In 2016, the U.S. Supreme Court ruled that police need to obtain a search warrant to obtain a blood draw for D.U.I. arrests unless there is a justified emergency. It is unclear how this decision will affect the requirements set forth in section 316.1933, which does not require a warrant, only an accident resulting in “serious bodily injury” for a blood draw.

The law regarding blood draws applies to traditional alcohol-impaired driving, in addition to being under the influence of any other controlled substances. Therefore, it is possible to be convicted of a D.U.I. if your blood alcohol level is .00, if you were under the influence of marijuana, cocaine, Xanax, or any other substance regulated by Chapter 893 of the Florida Statutes.

In 2017, a nurse in Utah was forcibly detained by a police officer after refusing to take the blood of an unconscious patient whose vehicle had been hit by a driver who was fleeing the police. The body camera footage of the arrest made national news. The woman was ultimately released at the scene and settled with the police instead of filing a lawsuit, but the incident has sparked national debate regarding this issue.

**What Is The Open Container Law?** It is unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle or while a passenger in or on a vehicle being operated. Any operator of a vehicle who violates this law is guilty of a noncriminal moving traffic violation and will be fined. A passenger of a vehicle who violates this law is also guilty of a noncriminal nonmoving traffic violation and will also be fined.

In 2009, there were 20,085 alcohol related traffic accidents in Florida resulting in 1,004 deaths and 14,130 injuries. To steer clear of many problems associated with alcohol, always use a designated driver or a ride sharing platform. This may not only protect your license, but also your life.

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7. DRIVING

Is Driving A Right Or A Privilege? Driving is a privilege regulated by the State of Florida. It carries great responsibility.49

Do You Lose Your Driver License If You Drop Out Of School Before You Reach 18 Or Before You Earn Your Diploma? Yes. Florida law requires that students under age 18 be enrolled in an educational program and satisfactorily meet relevant attendance requirements in order to apply for or retain a driver license. Students under 18 who have unsatisfactory attendance records or drop out of school will have their license suspended. A student under the age of 18 whose license has been suspended may have the license reinstated one time by improving attendance or returning to school.50 This law does not apply to anyone above the age of 18. For more information, contact the Department of Education (Bureau of Family & Community Outreach at 850-245-9954) or the website https://www.fldoe.org/Family/dropoutp/strategies.asp#drpr.

What If You Leave a Gas Station Without Paying For Gasoline? In addition to possible theft charges, you are also subject to losing your driver license.51

What If You Receive A Ticket Out Of State? If you are guilty of an out of state driving infraction, points will be assessed against your Florida driver license.52

Do You Have To Have Car Insurance? According to Florida law, if you own a motor vehicle with four or more wheels you must carry at least $10,000 of personal injury protection insurance (PIP) also known as no-fault insurance. A minimum of $10,000 of property damage liability insurance is also mandatory.53 Failure to provide proof of insurance may result in a suspension of your driving privilege, including your vehicle tag and registration.54

What Does PIP Insurance Cover? Personal injury protection insurance (PIP) provides coverage regardless of whether you cause an accident (are “at-fault”). PIP is designed to reduce the necessity of suing for reimbursement of medical expenses and lost wages incurred as a result of auto accidents. PIP may pay for 80% of reasonable and necessary medical expenses, 60% of lost wages and $5,000 for death benefits.55 As of 2013, Florida’s PIP statute provides for medical expense coverage only if treatment is given within 14 days of the accident. Thereafter, only reasonable follow-up care related to diagnoses made at the

49 For more information, refer to Chapter 322, Fla. Stat.
50 §§ 322.091 and 1003.27, Fla. Stat.
52 § 322.27, Fla. Stat.
54 § 316.646, Fla. Stat.
initial visit are covered. Medical benefit coverage is capped at $2,500 unless a medical doctor, dentist, physician assistant or advanced registered nurse practitioner has found an “emergency medical condition.” Only then can you receive $10,000 in medical benefit coverage.56

Who Is Covered Under PIP Insurance? For accidents that happen in Florida, PIP covers you and relatives who live in your home, certain passengers, and others who drive your car with your permission. Pedestrians and bicyclists may also be covered under PIP if they are Florida residents and are injured as a result of a collision with a vehicle required to carry no fault insurance.

What Happens If You Have An Accident Outside Of Florida? You are responsible for reporting the accident to your insurance carrier wherever an accident occurs and may be subject to criminal and/or civil liability in the location of the accident. If you are found guilty or in default of the suit outside of Florida, you may still be held liable in Florida and be subject to the consequences of the judgment depending on the type of the matter. For accidents that happen outside of Florida, but inside the United States or Canada, PIP insurance covers you and relatives who live in your home. In these cases, you must be driving your own vehicle. Persons other than you or your relatives are not covered.

Who Is Covered Under Property Damage Liability Insurance? Every owner or registrant of a motor vehicle is required to purchase $10,000 of property damage liability insurance, as well as PIP insurance. A $30,000 combined limit of property damage and bodily injury liability is a legal option. This coverage pays for damage you or members of your family cause to other people’s property while driving. The term “property” may include a fence, telephone pole or building, as well as another car. Coverage applies even if you drive someone else’s car. Depending on the terms and conditions of your insurance policy, it may also include anyone else who uses your car with your permission.57

Is It Unlawful To Play Your Car Radio At A Loud Volume? Section 316.3045(1), Florida Statutes, provides that it is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound making device or instrument from within the motor vehicle so that it is audible at a distance of 25 feet or more from the motor vehicle or is louder than necessary for the convenient hearing of persons inside the vehicle, in areas adjoining churches, schools, or hospitals.58

UPDATE: The Florida Supreme Court, however, has determined this statute is invalid. In the State of Florida vs. Richard T. Catalano, 104 So. 3d 1069 (Fla. 2012), the Supreme Court ruled that section 316.3045(1)(a) is an unreasonable restriction on the freedom of expression. The Court also found that the statute is unconstitutionally overbroad, but not unconstitutionally vague.59

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56 § 627.736, Fla. Stat.
57 § 324.021(9)(b)3., Fla. Stat.
The Court also found section 316.3045(3) is not severable from the remainder of the statute.

**Can Your Parents Look At Your Driving Records?** Yes. The Department of Highway Safety is required to make the driving records of teens available for viewing by the parents or guardians of the minor via the internet, free of charge. The availability of free records to parents ceases after the minor becomes 18 years old.59

**Is It Unlawful To Point A Laser?** Yes. It is unlawful for a person to willfully shine, point or focus a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft.60

For more information regarding driving, please visit the website at [www.flhsmv.gov/index.html](http://www.flhsmv.gov/index.html).

**8. EMPLOYMENT**

**How Do Laws Regulate Your Workplace?** You can expect to work in a safe environment. Private employers may be fined for unsafe working conditions under the federal Occupational Safety and Health Act. The Florida Workers’ Compensation law61 provides protection for workers injured on the job. If you are injured, you must notify your employer immediately to ensure your rights are protected. Finally, unemployment compensation provides payments to individuals who have lost their jobs through layoffs or other specific reasons.62 To get more information, contact the Florida Department of Economic Opportunity, [http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/claimants](http://www.floridajobs.org/job-seekers-community-services/reemployment-assistance-center/claimants).

**Are There Laws Governing How Much You Must Be Paid?** Yes. There is both a federal and Florida minimum wage for covered employees.63 The 2019 minimum wage is $8.46 per hour, effective January 1, 2019.

**Will I Be Given A Written Employment Contract?** Typically, no. Most employers do not issue written contracts because Florida is an “at will” employment state. At-will employees may be terminated for any reason, except for an illegal reason. Generally, employees who do work under an employment contract (which includes a union contract for workplaces that have unions) can only be terminated for reasons specified in the contract.

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59 § 322.20(13), Fla. Stat.
60 § 784.062, Fla. Stat.
61 Chapter 440, Fla. Stat.
63 §29 USC 201, et. seq. and § 448.110, Fla. Stat.
So What Are Some Of The Illegal Reasons That Employers Cannot Use As A Basis For Firing Someone? Generally, Florida employers are prohibited from refusing to hire, fire, or otherwise taking adverse action against employees because of discrimination based on your race, sex, age, religion, national origin, handicap, disability, marital status, pregnancy, jury service, or possessing the sickle cell trait. In addition, Florida also has laws prohibiting retaliation against certain whistleblowers by both public and private employers. Florida law also protects employees from being discharged, threatened with discharge, intimidated, or coerced for filing a valid claim for workers' compensation for a work related injury.

Can A Potential Employer Check My Background? Yes, but employers must comply with the federal Fair Credit Reporting Act when using background checks done by consumer reporting agencies. See https://www.consumer.ftc.gov/articles/pdf-0044-background-checks.pdf. For certain occupations, Florida law specifies the type and level of checks to be conducted. If an employer conducts a background check and determines you are disqualified for the position based on the results or has reasonable cause to believe that grounds exist for termination or denial of employment as a result of background screening, it must notify you in writing, stating the specific record that indicates the grounds for termination or disqualification. The only basis for contesting the disqualification is proof of mistaken identity, but you may qualify for an exemption. It is your responsibility to contest the disqualification or to request exemption from disqualification. Employers who conduct background checks should keep the results confidential.

At What Age Can A Minor Begin Work? Minors can begin working for a business entity at the age of 14, but are limited in the types of jobs they may perform and the hours they may work. For more information regarding the limitations of working minors, and your rights under the child labor law, contact the Child Labor Section of Florida’s Department of Business and Professional Regulation at (800) 226-2536.

Are You Entitled To A Break At Work? Generally, no. In Florida, minors cannot work more than four consecutive hours without a 30-minute uninterrupted break. Once an employee reaches 18 years of age, neither state nor federal law makes provisions for breaks, except in certain regulated occupations, like commercial truck drivers. Breaks for adults are at the discretion of the employer and are usually established by company policy. For more information on Florida employment issues, you can visit https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/xperthr/pages/florida-labor-and-employment-law-overview.aspx.

64 §§ 40.271, 448.07, 448.075; and 448.102, Fla. Stat., and Ch. 760, Fla. Stat.
66 §§112.3187 and 448.102, Fla. Stat.
67 Ch. 435, Fla. Stat.
9. ENVIRONMENTAL RESPONSIBILITY

Florida has a very unique and idyllic environment encompassing its water, air, earth, and wildlife. Our social responsibility regarding use and preservation of Florida’s natural resources requires our due diligence and compliance with federal and state laws. Twenty million Florida residents and nearly 100 million annual visitors are equally responsible for acknowledging and protecting our environment.

Environmental Awareness. Many products used in daily home and business activities are considered hazardous and MUST be contained and disposed of legally. Examples include:

- used crankcase oil, AC coolants, and engine fluids
- solvents and pool chemicals
- batteries and electronic hardware
- paper and plastic packaging
- herbicides, pesticides, and fertilizers
- medicines and medical packaging

Federal and Florida laws require people to pay for clean up hazardous materials if improperly stored or disposed of. The websites http://www.dep.state.fl.us/ and http://www.dep.state.fl.us/ contain guidelines and contact information regarding proper disposal.

Recommended Practices. Reduce your use of plastic and paper packaging (grocery bags and water bottles), consume less potable water with restrictive shower heads and low volume toilets. Irrigate only when necessary. Use native flora and landscaping near your home. Use energy efficient lighting and AC systems as needed. See more tips at http://www.dep.state.fl.us/green/tips/default.htm.

Many animals and birds are protected species under law. The Florida Wildlife Commission lists hundreds of endangered species. Your local wildlife center and state parks are excellent sources of information. Protected animals include the Florida panther, manatee, scrub jay, and gopher tortoise to name a few.

Florida is experiencing rapidly rising seas. A large coastal population, porous bedrock, frequent tropical storms, and poor drainage exacerbate the problem. Widespread areas are likely to see sea level rise and storm surge totals over 4 additional feet in 10 years. Information on SurgingSeas.org is useful.

What Other Resources Are Available? An excellent source of information updated weekly is the Florida Department of Environmental Protection fdep.gov. The home page lists regulatory plans, public notices, pending legislation, news articles, and educational calendars. Your local police and fire departments may also have information regarding disposal of waste and amnesty programs.
10. FEDERAL INCOME TAX AND FICA

Why Do You Have To Pay Income Tax? Your federal income tax pays your share of the cost of running the federal government and the cost of the services it provides, including the military, roads, bridges, education, and much more. The Internal Revenue Service ("IRS") is the federal agency responsible for collecting income tax. With the support of federal laws requiring employers and banks to report your salary and other earnings, the IRS is very effective in collecting taxes, imposing fines and interest, and criminally prosecuting people who do not pay the entire tax they owe.

How Does Federal Income Tax Work? Most employers are required to withhold your estimated income tax from your pay. When you start working, your employer will have you fill out an IRS Form W-4. You report the number of exemptions from income tax that you want your employer to use when it calculates the taxes it will withhold from your pay. The tax year runs from January 1 through December 31 for income tax purposes. Employers have until January 31st to send you your Form W-2, which will list how much you earned and how much was withheld for income tax and for other mandatory withholdings. Generally, the fewer exemptions you claim, the more tax is withheld through the year. If you don’t have enough withheld, you will have to pay taxes when you file your tax return. Typically, tax returns must be postmarked or transmitted by e-filing on or before April 15. Your "return" is the IRS form you use to report your income, usually Form 1040 or 1040A or 1040EZ. This form helps you calculate how much you must pay or how much you are entitled to have refunded from the amount your employer withheld. Forms and instructions for completing them are available from the IRS on-line. In addition, many libraries and post offices offer free paper copies. You can also call the IRS and request that they mail the forms to you.

The IRS provides mobile applications and online tools to assist you in calculating your taxes and tracking your refund, available through the website described below.

What Is FICA? FICA stands for the Federal Insurance Contributions Act. It is also referred to as the "payroll tax." This is money that your employer is required to withhold from your pay and match with its own contribution to fund Social Security and Medicare. Social Security provides income to the elderly, the disabled and the children of deceased workers. Medicare provides payment for medical services to the elderly and disabled. Your payments through FICA and the time period you make these payments affect the benefits you receive if you are disabled or when you retire.

Are You Eligible For An Education-Related Tax Credit? You (or your parents if you are a dependent) may be eligible for a tax credit for certain higher education-related expenses. The IRS website provides information and an interactive tool to help you determine eligibility at: https://www.irs.gov/help/ita/am-i-eligible-to-claim-an-education-credit.
Where Can You Get More Information And Assistance? The IRS website provides a wealth of information and assistance: http://www.irs.gov. Be careful - many websites try to look like the IRS website and get you to buy information and services that IRS provides free. You may choose to seek paid tax advice but do not mistake a for-profit business for the free services and information provided by the IRS. The IRS provides toll free telephone assistance Monday through Friday from 7 a.m. and 7 p.m. at 1-800-829-1040. Lower income people are eligible for free tax preparation assistance, and there are more than 12,000 free tax preparation sites nationwide. You can also order free IRS publications on a wide range of tax topics.

11. JURY DUTY

What Are The Qualifications For Serving On A Jury? You must be at least 18, a citizen of the United States, a resident of Florida, and have a valid driver license or identification card issued by the Department of Highway Safety and Motor Vehicles or an executed affidavit as prescribed in Section 40.011, Florida Statutes.69

If You Are Called For Jury Duty, Will You Automatically Serve As A Juror? No. More people are called than will be chosen as jurors. People may be excused from a jury by the judge or one of the attorneys for a variety of reasons. However, a prospective juror may not be struck from a jury for a discriminatory reason or for being a member of a protected class (such as women, minorities, or the hearing impaired).

Who Will Be Excused From Jury Duty? The judge will excuse a governor, lieutenant governor, a cabinet officer, a full-time law enforcement officer, a clerk of the court, or a judge. A judge will also excuse a person who is involved in the case, who is physically incapacitated, or who is being prosecuted for any crime or has been convicted of certain crimes unless the individual's civil rights have been restored.70

In addition, the judge may excuse other persons upon showing of hardship, extreme inconvenience, or public necessity; a person 70 years of age or older; a person who has served as a juror in any court in his or her county within the previous year; a person who is responsible for the care of a person with certain disabilities; an expectant mother; or a parent who is not employed full-time and has custody of a child under age six (6).71

A person may be permanently excused from jury duty if the request is accompanied by a written statement from a licensed physician due to mental illness, intellectual disability, senility, or other physical or mental incapacity, or if the person is permanently incapable of caring for himself or herself.72

69 § 40.01, Fla. Stat.
70 § 40.013, Fla. Stat.
72 § 40.013(9), Fla. Stat.
Do Jurors Get Paid? Yes. In Florida state court, jurors who are not employed regularly or who do not continue to be paid their regular wages while serving as a juror are paid $15 per day for the first three days of jury service and $30 per day starting on the fourth day of jury service and each day afterward, but they are not paid for travel from their home. Jurors serving a federal court are normally paid $50 per day and a mileage rate for travel. If your circuit allows jurors to donate their service, the juror may irrevocably donate the compensation to one of several specified entities.

Will You Lose Your Job Or Your Pay When You Have Jury Duty? You cannot lose your job because of your jury duty. However, State law does not require employers to continue to pay wages to employees who are on jury duty. There are some county ordinances (e.g., Broward County) that require some employers to pay some employees for their jury service. Check with your county government to find out whether or not your employer is required to pay you wages while you are on jury duty.

How Are People Selected For Jury Duty? In each county, the clerk of the court selects at random enough juror candidates from driver license lists to fill a jury. If selected for jury duty, you will receive a notice in the mail. You must appear at the location indicated when notified or contact the clerk of the court if you have a problem. Failure to appear may result in a fine not to exceed $100.00 being imposed by the judge and may be considered contempt of court.

12. LANDLORD/TENANT

Is A Written Lease For A Residence Necessary? A written lease is not required, but it is a good idea because a lease defines what the landlord (owner) and the tenant (renter) must do. In the absence of a written lease, some lease terms may not be enforceable.

What Happens If You Break A Lease? There are rare circumstances that might allow you to break the lease; however, in most cases you may be sued, and held liable for damages, unpaid rent, advertising, expenses, court costs, attorney’s fees, etc. You may also lose your deposit depending on the provision of the lease.

How Much Notice Must A Landlord Give The Tenant To Move Out Of The Residence? Unless the lease states some specific period of time, the amount of notice depends on the rent payable

73 § 40.24, Fla. Stat.
75 § 40.271, Fla. Stat.
76 § 40.24(3), Fla. Stat.
77 §§ 40.011, 40.02, and 40.225, Fla. Stat.
78 § 40.23, Fla. Stat.
period. If the rent is paid every week, the landlord must give seven
days’ notice prior to the end of the weekly period. If the rent is
paid every month, the landlord must give 15 days’ notice before
the end of the month.79 If the tenant continues to occupy the
premises after the expiration of the lease (without permission)
or if the landlord has terminated the rental agreement for any of
the reasons allowed under the Landlord and Tenant Act and the
tenant does not move, the landlord can start eviction procedures
and/or increased rental payments. In the case of non-payment
of rent, the landlord must serve the tenant with a written notice
allowing 3 days (excluding weekends and legal holidays) in
which to pay the rent or move. In order to gain possession of
the dwelling, the landlord must file suit in court, providing the
court with a copy of the three-day notice. The tenant then has
5 days, excluding weekends and legal holidays, to respond in
writing to the court and to post the amount of rent claimed to be
due in the court registry; unless the tenant is claiming that the
rent was already paid. If the tenant does not respond or a judg­
ment is entered against the tenant, the clerk of the county court
will issue a writ of possession to the sheriff and the tenant will
have only 24 hours’ notice prior to eviction.80
Florida law does not allow the landlord to use self-help eviction.
The landlord is not allowed to:
• Shut off the utilities (water, gas, electricity, etc.) even if the
service is in the landlord’s name.
• Change the locks or use any boot lock or similar device,
except for repair, maintenance or replacement.
• Remove the outside doors, locks, roof, walls or windows.
• Remove the tenant’s personal property from the dwelling
unit unless proper legal action has been taken.
If this occurs, the tenant may sue for actual and consequential
damages or three months’ rent, whichever is greater, plus court
costs and attorneys’ fees.81

Should A Tenant Get Interest On A Security Deposit Or Ad­

vance Rent? A landlord may hold a security deposit or advance
rent in a separate non-interest bearing account or in a separate
interest-bearing account with the tenant receiving interest.82

How Can The Tenant Tell If The Landlord Is Using An Interest
Or Non-Interest Bearing Account? The landlord must notify the
tenant in writing within 30 days of receiving the security deposit
or advance rent how and where the money is held.83

Can The Tenant Get His Or Her Security Deposit Back? Once
a tenant vacates the premises at the end of the rental agreement
or abandonment with proper notice to the landlord, the landlord
has 15 days to refund the security deposit or 30 days to send
a certified letter to the tenant imposing a claim on the deposit

79 § 83.57, Fla. Stat.
80 § 83.56, Fla. Stat.
81 §§ 83.64, 83.67, and 83.51, Fla. Stat.
82 § 83.49, Fla. Stat.
83 § 83.49, Fla. Stat.
and stating the amount and the reason for the claim. If this notice is not sent as required, the landlord forfeits the right to impose a claim. Should the tenant, however, fail to give the landlord at least 7 days written notice prior to vacating, the landlord is not required to send the written notice of claim. Unless the tenant objects in writing to the landlord within 15 days of receipt of the claim letter, the landlord must return the deposit less the landlord’s claim within 30 days of the date of the landlord’s claim notice. After the tenant objects the matter may be taken to court in the event the parties cannot reach an agreement.  

**Does The Landlord Have a Right to Enter the Tenant’s Residence?** The landlord or those hired to perform work for the landlord may enter the residence from time to time to inspect the premises; make necessary or agreed repairs, decorations, alterations, or improvements; supply agreed services; or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors. The landlord may also enter the residence without the consent of the tenant, in case of emergency, when the tenant unreasonably withholds consent, or when the tenant is absent from the dwelling for a time equal to one-half of the rental period (unless, the tenant has notified the landlord of the absence and paid the rent).  

**What Must The Landlord Do To Maintain The Premises?** The landlord must follow all applicable building, housing and health codes and statutes. This usually means keeping roofs, windows, screens, doors, floors, steps, porches, exterior walls, foundations, and structural components in good repair and the plumbing in reasonable working condition. Unless otherwise agreed in writing, for any rentals other than a single family house or duplex, the landlord also must provide for locks and keys, the clean and safe condition of common areas, removal of garbage and provide garbage receptacles, extermination of rodents, roaches, ants and termites, functioning facilities for heat during winter, hot water and running water. The tenant may be charged for utilities, water, fuel and garbage removal.  

**What Must The Tenant Do To Maintain The Premises?** The tenant must also follow applicable building, housing and health codes and statutes. The tenant has an obligation to keep the premises clean and sanitary; remove garbage; keep plumbing fixtures clean, sanitary and in repair; use equipment and appliances in a reasonable manner; not destroy, deface or remove property of the landlord or allow those visiting to do so; and to conduct him or herself, family and others in a manner which does not disturb neighbors or breach the peace.

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84 § 83.49, Fla. Stat.
85 § 83.53, Fla. Stat.
86 § 83.51, Fla. Stat.
87 § 83.52, Fla. Stat.
Do You Have To Pay Rent If The Property Is Under Foreclosure?
A tenant is liable according to the terms of the lease. The filing of a foreclosure suit does not typically terminate a lease, and a failure to pay rent may result in breach of contract (See WHAT HAPPENS IF YOU BREAK A LEASE? above). In some cases, the tenant may be required to pay rental payments to the foreclosing party. A tenant may also have certain rights in a foreclosure suit to protect himself/herself. You may need to contact your legal representative regarding your particular rights during a foreclosure suit.


13. MARRIAGE

How Old Must A Person Be To Get Married?
A person, who is 18, can marry without parental consent. However, if under 18 but at least 17, and the couple is not more than 2 years apart in age, the couple may marry with parental consent.88

How Do I Get A Marriage License?
A marriage license is issued by the clerk of the circuit court.89 Blood tests are no longer required in Florida.

Is A Wife Required To Take Her Husband’s Last Name?
No. It is customary in the United States that a wife take her husband’s last name (or surname as it is legally called), but it is not required by law. If the wife takes her husband’s surname, she should change her name on her Social Security card, driver license, voter registration, credit cards, bank accounts, and inform others with whom she does business or holds a license.

What Are Grounds For Divorce In Florida?
Florida is a “no-fault” divorce state, meaning the court need not find either party at fault to dissolve a marriage. It is sufficient to show only that the marriage is irretrievably broken.90

If You Get A Divorce, How Is Your Property Divided?
Florida is known as an equitable distribution state. This means that the courts have the power to decide how property and debts obtained during a marriage should be fairly divided upon divorce. Even though fault is not an issue in granting the dissolution, the division of property and possessions, responsibility for support and custody of children may become contested matters.91

89 § 741.01, Fla. Stat.
90 § 61.052, Fla. Stat.
91 See generally § 61.052; § 61.12; § 61.14; § 61.19; § 61.075; and § 61.077, Fla. Stat.
**What About Alimony?** After equitable distribution has been made, the court may consider the award of alimony. The court may grant alimony to either the husband or the wife. In awarding alimony, the court considers many factors necessary to do equity and justice between the husband and wife. For more information, please review The Florida Bar publication: [https://www.floridabar.org/public/consumer/pamphlet010/](https://www.floridabar.org/public/consumer/pamphlet010/).

**Is Same-Sex Marriage Legal In Florida?** Yes. In 2015, the Supreme Court of the United States ruled all states are required to issue marriage licenses to same-sex couples and to recognize same-sex marriages validly performed in other jurisdictions.

**14. MEDICAL MARIJUANA IN FLORIDA**

**Is Medical Marijuana Legal In Florida?** Yes. Article X, Section 29 of the Florida Constitution and Section 381.986, Florida Statutes permits and regulates the use of medical marijuana. Marijuana is a Schedule I drug under both Florida and Federal law. Federal Law still prohibits the use of marijuana even when used medically.

**Who Is Allowed To Use Medical Marijuana In Florida?** A Qualified Patient. A Qualified Patient is defined as a Florida resident who: (i) has been diagnosed with a Debilitating Medical Condition; (ii) has a Physician Certification; and (iii) has a valid qualifying Patient Identification Card issued by the Florida Department of Health.

**What Qualifies As A Debilitating Medical Condition?**

- Cancer
- Epilepsy
- Glaucoma
- HIV
- AIDS
- Post-Traumatic Stress Disorder (PTSD)
- Amyotrophic lateral sclerosis (ALS)
- Crohn’s disease
- Parkinson’s disease
- Multiple sclerosis
- Other debilitating medical conditions comparable to those listed above, for which the physician believes the benefits of marijuana use will likely outweigh the potential health risks to the patient
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification
- Chronic non-malignant pain

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92 § 61.08, Fla. Stat.
93 § 381.966, Fla. Stat.
94 Florida Constitution Article X, Section 29 (b) (1) and (10); § 381.986(2), Fla. Stat.
Can Anyone Other Than The Qualified Patient Be In Possession Of Medical Marijuana? Yes. Qualified Patients are allowed to designate a "Caregiver." Only one Caregiver at a time may be designated for each individual Qualified Patient unless the Qualified Patient:

- is a minor and the Caregivers are his or her parents or legal guardians;
- is an adult who has an intellectual or developmental disability that prevents him or her from caring for himself or herself and the Caregivers are his or her parents or legal guardians; or
- is admitted to a hospice program.  

What Are The Requirements To Become A Caregiver? The Caregiver must be over 21 and must: (i) agree in writing to assist the Qualified Patient's medical use of marijuana; (ii) be registered in the medical marijuana use registry as a Caregiver; (iii) must successfully complete a Caregiver certification course; and (iv) pass a background screening.

The Caregiver may not be: (i) a qualified physician; (ii) employed or have a monetary interest in a medical marijuana treatment center; and (iii) may not receive compensation for providing this service to a Qualified Patient except for actual expenses.

Who Can Prescribe Medical Marijuana? A Florida licensed medical physician or osteopathic physician must hold an active, unrestricted physician license, completed a medical marijuana course and examination required by the Department, treated the patient (in person, physical examinations) for at least three months immediately before the patient's registration (qualified patient), obtained voluntary written informed consent from the patient for the treatment, determined the risks of medical marijuana to be reasonable; and registered as the physician ordering the low-THC cannabis or medical marijuana for a 45-day supply. Further, the physician must submit the qualified patient's treatment plan quarterly to the University of Florida, College of Pharmacy, and cannot be a medical director employed by a medical marijuana dispensing organization. There are additional timely reporting requirements for each physician prescribing medical marijuana. Physicians who violate the prescribing practices shall be subject to licensure disciplinary actions as well as criminal penalties.

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95 § 381.986(6), Fla. Stat
96 Florida Constitution Article X, Section 29 (b) (7); § 381.986(6), Fla. Stat
97 Chapter 458, Fla. Stat.
99 § 381.986(3) and (4), Fla. Stat.
May A Qualified Patient Vape Medical Marijuana? Yes. Medical marijuana may be vaped through a vape pen, which is formally referred to as a “marijuana delivery device” in the statute. The statute defines a marijuana delivery device as “[a]n object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient.”

May A Qualified Patient Eat Medical Marijuana? Yes. They may purchase an “edible” from a medical marijuana treatment center.

May A Qualified Patient Smoke Medical Marijuana? No. At this time, the law prohibits a Qualified Patient from smoking medical marijuana.

May A Qualified Patient Grow His Or Her Own Marijuana Plants? No.

Can Medical Marijuana Be Consumed Everywhere? No. Medical marijuana may not be consumed:

- in public places unless it is low-THC marijuana;
- on public transportation, or in a school bus, a vehicle, an aircraft, or a motorboat unless it is low-THC marijuana;
- in a correctional institute;
- at a qualified patient’s place of employment unless permitted by the employer;
- on the grounds of a preschool, primary school, or secondary school except that each school district must make accommodations for students who are qualified patients to use their medical marijuana.

Can A Qualified Patient Use Medical Marijuana And Then Drive? No. Qualified Patients may still be arrested for impaired driving.

Is It A Crime To Use Marijuana Without A Medical Need? Yes. A qualified patient shall: have a debilitating medical condition, have the appropriate identification card; only use medical marijuana in permitted places, not transfer the medical marijuana to anyone else, and be placed in the compassionate use registry by the physician prescribing the medical marijuana. Fraudulent representation shall be a first degree misdemeanor.
15. MENTAL HEALTH & SUBSTANCE ABUSE

Is Someone You Know In Need Of Mental Health Or Substance Abuse Services? There are procedures by which an individual can seek intervention for persons who have mental health or substance abuse problems that reach a certain threshold.

What Is The Baker Act?
The Baker Act is a Florida Statute that permits the involuntary admission of a person to a treatment facility for a mental health examination. An adult may be held for up to seventy-two hours for the involuntary examination. The examination period for a minor (someone who is seventeen or younger) is shorter. The examination will be conducted if there is reason to believe that the person has a mental illness and because of that illness, the person has either (a) refused voluntary examination or (b) is unable to determine for himself or herself whether examination is necessary; and (a) without care or treatment, the person is likely to suffer neglect or refuse to care for himself or herself, which poses a real and present threat of substantial harm or (b) there is a substantial likelihood that without care or treatment, the person will cause serious bodily harm to himself or herself or others.

Many times people hear of law enforcement or a mental health professionals (counselors, psychologists, or psychiatrists) committing a person to a facility. But this ability is not restricted to just family members or professionals. There are provisions in the Baker Act that permit any adult with direct personal knowledge of the person’s mental health impairment and course of prior treatment to apply to the court for the same type of involuntary examination.

If a friend, family member, or other person with personal knowledge files the appropriate documents with the Clerk of Court, a Judge may issue an Order directing the Sheriff to take the person to a treatment facility for an involuntary mental health examination.

Following the examination, one of the following actions must be taken:

1. The person must be released, unless they are charged with a crime, in which case the person must be returned to the custody of a law enforcement officer; or
2. The person must be released for voluntary outpatient treatment; or
3. The person, unless they are charged with a crime, will be asked to consent to placement as a voluntary patient and, if such consent is given, the person will be admitted as a voluntary patient; or
4. A petition for involuntary services must be filed in the circuit court if inpatient treatment is found to be necessary. This is the start of a possible involuntary psychiatric commitment that would continue until the person is determined to be healthy enough for release.
What Is The Marchman Act? The Marchman Act is a Florida Statute that provides for the voluntary or involuntary commitment of a person for a substance abuse assessment. The Petition asking the Court to force a person to be assessed must show that there are good faith reasons to believe that: (1) the person is substance abuse impaired, (2) because of such impairment, the person has lost the power of self-control with respect to substances, and (3) either the (a) person has inflicted or is likely to inflict physical harm on himself/herself or others or (b) the person's judgment has been so impaired because of substance abuse that the person is incapable of appreciating the need for substance abuse services and to make rational decisions about their need for substance abuse services. If the person has previously refused to submit to substance abuse assessment and treatment, that should be stated in the Petition.

A Marchman Act petition may be filed by person's spouse, guardian, relative, a private practitioner, the director of a licensed service provider, or any person with personal knowledge of the person's substance abuse impairment and course of prior treatment. If the appropriate documents are filed with the Clerk of Court, a Judge may issue an Order directing the Sheriff to take the person for an involuntary substance abuse assessment or schedule the matter for a hearing. Once the assessment has been completed, a different petition must be filed with the Court requesting the Court to order the substance abuse treatment. The treatment may be outpatient or inpatient, depending on what the assessment recommends and what the Judge determines is appropriate. An individual can be detained pursuant to a court order for failing to submit to assessments and/or treatment.

Where Do You Go To Get Help For Someone? The Clerk of Court in the county where the individual resides will have sample forms and documents that can be used to get someone help. The papers are required to be notarized and sworn under penalty of perjury. A Judge assigned to hear those cases in the county will review the Petitions and sign whatever orders the Judge deems appropriate. There may be hearings scheduled at which both the concerned person and the impaired or ill person are required to appear. Counsel is normally available for the impaired or ill persons, if requested.

It is a good thing to try to get help for someone who needs it - mental illness and substance abuse are both problems that can make it very hard for a person to realize on his or her own that he or she needs help until it is too late.

16. PATERNITY ISSUES

What If You Cannot Take Care Of Your Child? Under Florida’s Safe Haven law, a parent may drop off a new-born within seven days of birth at any hospital emergency room, staffed fire rescue station, or staffed emergency medical service station in the state of Florida. The person
leaving the baby is not required to answer any questions. A parent of a newborn infant left at a hospital, emergency medical services station, or fire station under the “Safe Haven” law may claim his or her newborn infant up until the court enters a judgment terminating his or her parental rights which is approximately 30 days. A claim for the newborn infant must be made to the entity having physical or legal custody of the newborn infant or to the circuit court before whom proceedings involving the newborn infant are pending. 107

What Happens If A Baby Is Left In An Unsafe Place Instead Of A Designated “Safe Haven Location”? The person that left the baby at an unsafe place may face criminal charges.

Why Should You Establish Paternity Of Your Child? Paternity is the legal establishment of relationship between a father and a child either administratively or by a court of law. DNA testing is the primary method for determining paternity. While signing a birth certificate creates a rebuttable presumption of a father’s paternity, the mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless the court enters an order stating otherwise. 108

If unmarried, establishing paternity gives the parents of the child the legal right to seek an order for child support, parental responsibility, time sharing and a parenting plan with the minor child. 109

What Happens To Children During A Divorce? You and your spouse can work out the parenting issues, avoid or minimize the harm to the children and avoid a court fight. However, if you are unable to resolve these issues, the court must decide them for you. Both parents have an affirmative duty under Florida law to promote a good relationship between the children and the other parent. Each parent has the responsibility of making day-to-day decisions regarding the children’s care, maintenance and welfare while the children are in his or her care. The parents should at all times conduct themselves and their activities in a way that will promote the welfare and best interests of the children. Each parent must notify the other parent promptly of any serious illness or accident affecting the children.

For more information on paternity issues, visit the following website:
Child support in Florida: http://floridarevenue.com/childsupport/Pages/paternity.aspx

17. POLICE ENCOUNTERS

The primary duty of a police officer is to protect people and property. They maintain order, catch lawbreakers, and work to prevent crimes. In carrying out their law enforcement duties, police officers have contact with those in the communities they serve in order to get information and to gather evidence.
Can the Police Stop, Question, Or Search You?

A police officer can ask to speak to you at any time. The duration of the encounter and whether your response is voluntary or mandatory differs depending on the nature of the stop. Generally, there are three types of interactions with the police:

1) **Consensual Voluntary Encounter**- If a police officer stops you without a warrant, probable cause, or reasonable suspicion that you committed, are committing, or are about to commit a crime and asks a question unrelated to any specific investigation or crime, you may refuse to speak with the officer and walk away. In reality, it is often difficult to tell whether the officer is conducting an investigation based on the question he or she asks you; therefore, it is a good idea to be polite and ask the officer, ‘Am I free to go?’ If the officer says ‘yes,’ then you are free to leave.

2) **Investigative Stop**- Section 901.151, Florida Statutes is known as Florida’s “stop and frisk law.” This statute codifies the principles outlined by the United States Supreme Court in *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). If the police officer has reasonable, articulable suspicion that you have committed, are committing, or are about to commit a crime in violation of state or federal criminal laws or the criminal ordinances of any city or county, the officer may conduct a brief investigatory stop. Mere suspicion is not enough to support a stop.110. During this stop, you are not free to leave and the officer may temporarily detain you for as long as reasonably necessary to ascertain your identity and to conduct an investigation and/or dispel his or her suspicion. The officer is also required to detain you in the immediate vicinity of the encounter. The officer may also frisk you or pat you down if he or she has a reasonable fear for the officer’s safety or for the safety of others.

3) **Arrest**- In order to put you under arrest, the police officer must believe you have committed a crime. When a police officer significantly deprives you of your freedom of movement or detains you in order to question you about a crime or take you into custody, you are legally considered under arrest. You could be under arrest even though the officer has not used the word “arrest.” In order to be considered under arrest, it must be evident that, under the totality of the circumstances, a reasonable person in your position would feel that you are not free to leave or end the encounter with police.111

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110 *Popple v. State*, 626 So. 2d 185 (Fla. 1993)
111 *Abraham v. State*, 155 So. 3d 491 (Fla. 3d DCA 2015).
If you are arrested, the police officer may search your person and the area within your immediate presence for the purpose of protecting the officer from attack, preventing you from escaping, or discovering the fruits of crime.112

When A Police Officer Knocks On The Door Of Your Home, Are You Required To Let Him Or Her In? It is important that you make sure the person at the door is a law enforcement officer. Once the officer has provided sufficient identification, he or she may ask permission to enter your home. Unless the officer has a warrant, you have the right to refuse the officer access to your home. Nevertheless, you should politely ask the officer why the officer has come to your home because he/she may be conducting an investigation or may have information regarding problems or concerns in your neighborhood or the safety of your family or property.

When Can The Police Pull Over Your Vehicle? Generally, a traffic stop is considered reasonable—and therefore legal—if police: 1) have a legitimate reason (called “reasonable suspicion”) for stopping the motorist in the first place, and 2) conduct the roadside detention in a reasonable manner. Officers cannot randomly engage in roving stops of drivers to check licenses and registrations. A police officer also must only detain you during a traffic stop for a reasonable amount of time to issue a citation.

In 1990, the United States Supreme Court ruled in Michigan Department of State Police v. Sitz, 496 U.S. 444 (1990), that sobriety checkpoints, also called DUI roadblocks, are permitted. The Florida Supreme Court established standards for this procedure in State v. Jones, 483 So. 2d 433 (Fla. 1986). Law enforcement officials must conduct sobriety checkpoints so as to minimize the discretion of field officers. Written guidelines should cover in detail the procedures that field officers are to follow at the roadblock, and police should provide both proper lighting and sufficient warning on the roadway in advance of the stop.

May The Police Search Your Vehicle After You Have Been Stopped? Generally, no. However, the police are allowed to search your car without a search warrant if there is probable cause to believe that there is evidence of a crime or contraband located in your car. The scope of a warrantless search of an automobile is defined by the object of the search and the places in which there is probable cause to believe that it may be found. For example: An officer pulls you over for speeding. You roll down your window and the odor of marijuana is apparent to the officer. The officer may now search your vehicle without a warrant. The officer may search any place where the marijuana may be found which includes the center console, glove box, and even the trunk of the vehicle.

Can You Be Arrested For Failing To Cooperate With Police? The failure to answer questions posed by the police, in and of itself, does not provide probable cause to arrest you. Other relevant conduct or circumstances may lead an officer to conduct an investigative stop. Keep in mind that section 901.36, Florida

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112 § 901.21, Fla. Stat.
Statutes, provides that giving false information to the police during a valid investigative stop or during an arrest is a misdemeanor. Running from or fleeing the police, without some additional suspicion that a crime has been committed and that you are the person that committed the crime, will not be sufficient probable cause to sustain an arrest. However, Florida’s Uniform Traffic Control Law provides that under certain circumstances, it is unlawful to flee or to willfully fail or refuse to comply with an order of a law enforcement officer.113 In reality, police officers have to make split-second decisions while investigating allegations that a crime has been committed. Therefore, when a person runs from or flees the police in any way, it is often interpreted to mean the person has something to hide, which may cause the police to be more interested in asking that person questions regarding the allegations that a crime has been committed.

**What Should You Remember To Do Whenever You Encounter A Police Officer?**

- Be polite. Remain calm.
- Avoid sudden movements. Keep your hands where the officer can see them.
- Comply with the officer’s lawful requests.
- Report any inappropriate behavior by the officer to authorities after the encounter has concluded.

### 18. SELECTIVE SERVICE SYSTEM

**What Is The Selective Service System?** The Selective Service System is an agency under the authority of the Executive Branch of the federal government. The U.S. President appoints and the U.S. Senate confirms the agency’s director. Its legislative authority is the Military Selective Service Act. It operates independently of any other agency, including the Department of Defense.

**What Is The Purpose Of The Selective Service System?**

The Selective Service maintains a system which would rapidly provide personnel for the U.S. military services in a fair and equitable manner in the event a conscription order (draft) was authorized by Congress and ordered by the President. Following a draft, the Selective Service would also manage an alternative service program for conscientious objectors.

**Who Must Register?** All male U.S. citizens must register with the Selective Service System within 30 days of his 18th birthday. Selective Service may accept a late registration, but not after a man has reached his 26th birthday. Male immigrants living in the U.S. between the ages of 18 and 25 must also register, regardless of their legal right to be in the country. For purposes of Selective

Service registration, determination of who is "male" is based on gender at birth, not gender identity or gender modified by gender reassignment surgery.

Who Is Exempt From Registration? There are very few exemptions from registration. If a man is serving on active duty in the Armed Forces prior to reaching the age of 18, he does not have to register upon reaching the age of 18; however, if he leaves active duty prior to reaching age 26, he must timely register after his discharge from active duty. Those attending a U.S. Service Academy or certain other U.S. military colleges are also exempt so long as they remain enrolled in the academy or on active duty status; such men must register upon withdrawing from the academy or leaving active duty service. Non-immigrant non-citizens in the U.S. on student, visitor, tourist or diplomatic visas are also exempt from registration. A man who is confined to a home for medical reasons (and unable to leave without medical assistance), or placed in a hospital, nursing home, long-term care facility or mental institution, prior to his 18th birthday is exempt from registration for so long as the homebound confinement or institutional placement continues.

How Do You Register? The easiest and fastest way for a man who has a valid social security number to register is online. Registration may also be done at most high schools or any United States Post Office. For more information and for males who have a social security number and wish to register online, please visit www.sss.gov.

Currently, 27 states (including Florida) include as part of their application for a driver’s permit, license or identification card a statement telling applicants that by applying for a permit, license or ID card they are consenting to have their information automatically used to register them with Selective Service. In these “automatic” states, consent to registration is a requirement of obtaining driving privileges (or a government-issued ID card). Thirteen other states provide an option to get registered with the Selective Service as a part of an eligible male applicant’s application for a driver’s permit, license or ID card.

What Happens If You Are Required To Register, But You Do Not Do So? The Selective Service System cannot be fair and equitable without a high level of compliance with the law. Under the Military Selective Service Act, refusal to register can be punished by imprisonment of up to 5 years or a fine of not more than $10,000, or both imprisonment and a fine. Those who fail to register are also not eligible for certain programs and benefits at both the Federal and state level, if those programs or benefits have been linked to registration. These include government jobs; student financial aid, loans or grants; security clearances; job training; and other government aid. Non-citizen males of age must register to protect their future hopes of becoming a citizen.

114 §322.0515, Fla. Stat.
19. SEXUAL CYBERHARASSMENT

In 2015, Florida became the 16th state to enact a law criminalizing the posting of sexually explicit images of other people without their consent.\textsuperscript{115} Anyone who violates this law may be guilty of a first-degree misdemeanor punishable by up to one year in jail and a $1,000 fine for the first offense. Any subsequent offense is a third-degree felony, punishable by up to five years in prison and a $5,000 fine.

The statute also authorizes a law enforcement officer to arrest, without a warrant, any person that he or she has probable cause to believe has committed sexual cyberharassment.

20. SOCIAL MEDIA RESPONSIBILITY

Social media sites are developed as a tool to communicate with others by sharing personal information, photos, videos, comments and more. Community sites with user-generated content should be used responsibly. As is the case with this site, links to websites and other resources operated by third parties are provided solely as a convenience to the user.

Generally, when using social media, it is a common assumption that all users are solely responsible for their content – including posts, comments, likes, shares, tweets, re-tweets, follows and favorites. As a general rule, nothing on social media is private. Keep in mind all content posted on social media is subject to lawful requests made by governmental and judicial authorities.

- Practicing favorable online behavior is best achieved when adhering to these social media etiquette standards:
  - Do not post any comments, photos, videos, etc. that suggest or encourage illegal activity
  - Avoid violating any laws and regulations, including intellectual property (IP) rights and others regarding content that you send or receive

IP is divided into two categories:

- Industrial Property – patents, trademarks and industrial designs
- Copyright – includes works of art, literature, music and computer programs

- Never transmit any material in any manner that is disruptive, threatening, profane, abusive, harassing, embarrassing,

\textsuperscript{115} § 784.049, Fla. Stat.
tortious, defamatory, obscene, libelous or is an invasion of another's privacy

- Never transmit any material that is hateful or racially, ethnically or otherwise offensive

- Avoid sending unsolicited or unauthorized advertising, promotional materials or any other form of solicitation

- Never upload any software that could breach cyber security, such as malware, viruses, key loggers, trojans, etc.

- If you affiliate your job with your personal social media profile, keep in mind you are representing both yourself and your employer

- Get acquainted with the unique privacy and security policies of each social media networking site and third party site you use

21. TEXTING AND DRIVING

Can You Text While You Are Driving A Car? No, you cannot operate a motor vehicle while manually typing or texting or emailing on a wireless device, or while sending or reading data on such a device. This law was created to prevent car accidents resulting from texting while driving. Law enforcement officers can stop motor vehicles and issue citations as a primary offense to people who are texting while driving.116 “Primary offense” means a law enforcement officer can stop your vehicle if they suspect you are violating this law even if you aren’t violating any other traffic laws (such as speeding or reckless driving).

Are There Any Other Limitations On The Use Of Wireless Devices While Driving? In 2019, a new law117 was implemented which prohibits using a wireless communications device (defined to include without limitation a cell phone, tablet, laptop, two-way messaging device or electronic game that is used or capable of being used in a handheld manner) in a handheld manner in any school crossing, school zone or work zone (when workers are present). A work zone is an area on any public highway or street where construction, repair, maintenance or other street work is being performed or where one or more lanes are closed to traffic.

What If You Need To Call 911? The reporting of an emergency or criminal or suspicious activity to law enforcement authorities is one of the exceptions to this law.

What If Your Navigation System, Road Alerts, Or Radio Comes Through Your Phone? Can You Still Use It? Yes, a driver can receive messages related to the operation or navigation of the motor vehicle, safety-related information (such as emergency,

116 § 316.305, Fla. Stat., known as the “Florida Ban on Texting While Driving Law”, as recently amended during the 2019 Legislative session.
117 § 316.306, Fla. Stat
traffic, or weather alerts), data used primarily by the motor vehicle, or radio broadcasts.

**What If Your Car Allows You To Use Voice Commands To Operate Your Wireless Device; Is Operating Your Device With Voice Commands A Violation Of The Law?** This law is intended to improve highway safety by prohibiting nonvoice wireless communication. Using voice commands which do not require manual entry of text or the reading of text messages, except to activate, deactivate, or initiate a feature or function, is not prohibited by this law.

**If You Are Stopped On Suspicion Of Texting While Driving, Are You Required To Allow The Law Enforcement Officer To Search Your Wireless Device?** The law requires an officer to inform you of your right to decline a search of your wireless device. If you decline, the officer may not access your device without first obtaining a search warrant from a judge, nor may the officer confiscate your device while waiting to obtain a warrant to access it. The officer is not allowed to obtain your consent to access your device by coercion or other improper methods. Your consent for a law enforcement officer to search your device must be “voluntary and unequivocal”.

**What Will Happen If You Get Into A Car Accident?** In the event of a crash resulting in death or personal injury, the billing records for your wireless communications device, or the testimony of or written statements from appropriate authorities receiving such messages, may be admissible as evidence in any proceeding to determine if you were texting while driving in violation of the law at the time of the accident.

**What Is The Punishment For Violating This Law?** A violation of the Florida Ban on Texting While Driving Law is a noncriminal traffic infraction punishable as a nonmoving violation. However, a second or subsequent violation within 5 years after the date of a prior violation is punishable as a moving violation.

Any violation of the new law (§316.306, Fla. Stat.) is a noncriminal traffic infraction punishable as a moving violation and results in the assessment of 3 points against your driver’s license. First time offenders may elect to participate in a wireless communications device driving safety program after which any penalties and costs may be waived and the assessment of points must be waived. If you are a first-time offender and provide the clerk of court with proof of purchase of equipment enabling your wireless device to be used in a hands-free manner, the clerk may dismiss the case and assess court costs for a nonmoving infraction.

A court appearance is not generally required for a violation of this law, but any other offense for which you are also cited may require you to appear in court. Always read any traffic citation carefully and consult an attorney if you are unsure of your rights and obligations.

**Does This Law Apply If Your Car Is Stopped?** Good question. In general, a person is considered to be “operating” a motor vehicle simply by being in actual physical control of the vehicle, whether it is moving or not. But for purposes of this law, a motor vehicle that is stationary is not being operated and is therefore not subject to the prohibitions of this law.
Isn’t There An Increased Risk Of Improper Law Enforcement Behavior Now That Texting While Driving Is A Primary Offense? In order to deter improper racial or ethnic “profiling”, the law now requires a law enforcement officer to record the race and ethnicity of the violator on any citation for violation of Sections 316.305 or 316.306. Law enforcement agencies are required to maintain this information and report it to the Department of Highway Safety and Motor Vehicles, which will send the reported data to the Governor and State Legislature on an annual basis.

22. THE COURT SYSTEM

What Are Florida’s Various Courts? Courts in Florida are divided into county courts, administrative courts, circuit courts, district courts of appeal, and the Florida Supreme Court. Trials are held in county courts, administrative courts, and circuit courts. If a party believes a trial court decided a case in error, the party may ask that the case be reviewed by a higher court. This is called an appeal. County court cases are appealed to the circuit court; administrative court and circuit court cases are appealed to the district courts of appeal (DCAs).

County and circuit court judges are elected. District court judges and Supreme Court justices are appointed by the Governor. However, when a judicial vacancy occurs on a county or circuit court, the Governor appoints a successor after receiving a list of nominees from a Judicial Nominating Commission (JNC).

In addition to state courts, a lawsuit may be brought in the federal court system in cases involving or arising under federal law or for large claims involving citizens of different states. Federal district courts are the trial courts in the federal system, and federal circuit courts are the federal courts of appeal. For more information, refer to Title V, Florida Statutes.

What Types Of Cases Are Considered By The County Courts? Cases involving misdemeanor criminal offenses (which are punishable by fines and/or county jail up to one year), traffic offenses, and civil cases where the amount claimed is under $15,000 ($30,000 starting January 1, 2020) are handled in the county court. Disputes under $5,000 are handled in the small claims division of the county court.118

QUICK FACTS ABOUT THE COUNTY COURT

A county court judge must be an attorney for five years (except if the population is less than 40,000 in that county) in good standing with The Florida Bar, an elector (resident) of the county where he or she is to serve, and is usually elected by the public to serve a six-year term. A county court judge may be re-elected.

118 § 34.01, Fla. Stat
County court judges may be elected to an open seat or appointed by the Governor in circumstances when the judicial vacancy occurs on a date other than at the expiration of the current (retiring or resigning) judge’s term. When there is an election for an open seat, the judge is elected for a six year term. When there is an appointment by the Governor, the judge is up for re-election within the first two years after the appointment. During any such election referenced above, lawyers may run against the trial court judge. If the judge receives no opposition, then the judge commences a new six year term on the January following the election cycle.

**What Types Of Cases Are Heard By The Circuit Court?**
Cases involving felony criminal offenses (which are punishable by fines and/or prison of at least 1 year and 1 day), matters involving the property of a person who has died (probate), guardianships, juvenile matters for those under age 18, civil cases where the amount claimed is more than $15,000 ($30,000 starting January 1, 2020), divorces, and most actions involving real estate, are heard by the circuit court. Appeals from most county court decisions and from final orders of local government code enforcement boards are heard by the Circuit Courts.

**QUICK FACTS ABOUT THE CIRCUIT COURT**
A circuit court judge must be an attorney for five years, in good standing with The Florida Bar, an elector (resident) of the circuit where he or she is to serve, and is usually elected by the public to serve a six year term. A circuit court judge may be re-elected. Circuit court judges may be elected to an open seat or appointed by the Governor in circumstances when the judicial vacancy occurs on a date other than at the expiration of the current (retiring or resigning) judge’s term. When there is an election for an open seat, the judge is elected for a six year term. When there is an appointment by the Governor, the judge is up for re-election within the first two years after the appointment. During any such election referenced above, lawyers may run against the trial court judge. If the judge receives no opposition, then the judge commences a new six year term on the January following the election cycle.

**What Types Of Cases Are Heard By The Division Of Administrative Hearings (DOAH)?**
DOAH judges preside over a variety of cases that impact the entire state of Florida, one or more regions of Florida, or cases that can substantially impact the lives of particular individuals. For example, DOAH judge hears cases involving employment discrimination, licensure discipline involving numerous professions, environmental and land use disputes, exceptional education disputes, Baker Act cases, birth-related neurological injury cases, and medical malpractice arbitration proceedings. Additionally, ALJs travel to all parts of Florida every month to preside over child support cases.

DOAH also houses the Office of Judges of Compensation Claims for those individuals who have a worker’s compensation claim.

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120 Chapter 440, Fla. Stat.
QUICK FACTS ABOUT THE DIVISION OF ADMINISTRATIVE HEARINGS
The Administration Commission, consisting of the governor and the cabinet, appoints a director to head DOAH, and the appointee must be confirmed by the Senate. The director serves as DOAH’s chief judge and can appoint a deputy chief judge. The chief judge and the deputy chief judge have administrative duties and conduct formal hearings. The chief judge is charged with the duty to hire the ALJs. Section 120.65, Florida Statutes (2017) requires that all ALJs be members of The Florida Bar with a minimum of five years of experience practicing law. The minimum qualifications for ALJs are identical to the minimum requirements for circuit court judges. Much like the federal court system in Florida, DOAH’s internal organization is based on geography as the cases are divided between three Districts: Northern, Middle, and Southern.

What Types Of Cases Are Heard By The District Courts Of Appeal? Each court can hear appeals from final judgments of lower courts, it can review certain non-final orders, and by general law it has the power to review final actions taken by state agencies. Additionally each district court has the authority to issue extraordinary writs as necessary to perform its duties.

QUICK FACTS ABOUT THE DCA
There are five district courts of appeal throughout the state. District court judges are appointed by the governor from a list of nominated qualified attorneys; each must be an attorney for five years in good standing with The Florida Bar and an elector (resident) of the district where he or she is to serve. District judges are subject to retention election every six years. This means that regardless of when the judge is appointed, each judge’s name appears on the next general election ballot, and the public may vote to retain or remove that judge from office.

What Types Of Cases Are Heard By The Florida Supreme Court? The Florida Supreme Court’s jurisdiction is limited by the Florida Constitution. This means it can only decide certain kinds of cases. The court must review final orders imposing death sentences, decide cases involving the discipline of attorneys, review district court decisions declaring a Florida statute or provision of the Florida Constitution unconstitutional, bond validations, certain other state agency orders, and may review cases involving disagreements of district courts of appeal on the same issue of law. The court has discretionary review of most matters, and few cases referred to the court will be heard. The court may render advisory opinions to the governor when asked. All Florida attorneys are subject to the authority of the court should someone file a complaint with The Florida Bar regarding an attorney’s conduct.

QUICK FACTS ABOUT THE FLORIDA SUPREME COURT
There are seven Supreme Court justices and each is appointed by the governor from a list of nominated qualified attorneys. Each justice must be an attorney for ten years in good standing with the Florida Bar. A justice may serve until the mandatory retirement age of 70. The governor must appoint a justice from each of the five geographical areas that contain the district courts of appeal, and two justices may be selected from a state-wide pool of qualified applicants. Supreme Court justices are subject to
retention election. Regardless of when the justice is appointed, each justice’s name appears on the next general election ballot, and the public may vote to retain or remove that justice from office.

**Do You Need An Attorney To File A Civil Case In Court?** An attorney is not required for an individual to file a case in court. If the claim is based on a written document, you should bring it with you when you file a claim. The court clerk’s office has simple forms for you to complete if the amount involved is less than $15,000. However, it is usually best to talk with an attorney before handling a case in court yourself.

**How Long Do You Have To File A Lawsuit?** The length of time you have to file a lawsuit varies by the type of case. If you have a possible claim or want to file a lawsuit, consult an attorney as soon as possible to protect your rights. The Florida Bar and local bar associations operate lawyer referral services to assist you in finding an attorney for your special needs.

### 23. U.S. IMMIGRATION & CITIZENSHIP

**Does The U.s. Provide Protection For Immigrants That Arrived As Children?** Deferred Action for Childhood Arrivals ("DACA") was an American immigration policy that allowed some individuals who entered the U.S. as minors, and had either entered or remained in the country illegally, to receive a renewable two-year period of deferred action from deportation and to be eligible for a work permit or Employment Authorization Document ("EAD"). In 2017, the Federal Government announced that it was ending the program. If you currently have DACA, you will be allowed to retain both DACA and your work authorization until they expire, unless terminated or revoked. The U.S. Citizenship & Immigration Service ("USCIS") will adjudicate, on an individual, case by case basis properly filed DACA requests and applications that were pending at the time the end of the program was announced.

**Who Is Allowed To Provide You With Immigration Legal Services?** Only a licensed attorney or an accredited representative working for a Department of Justice ("DOJ") recognized organization can give you legal advice.

**How Do You Know You Are Sending Your Information To The U.S. Citizenship & Immigration Service?** USCIS is a governmental entity and WILL NOT ask you to do any of the following:

- Transfer money to an individual;
- Pay Immigration fees using Western Union or PayPal;
- Pay fees to a person on the phone or by email (You can pay some immigration fees online only if you use myUS-CIS.gov.);

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121 Chapter 95, Fla. Stat.
• Pay to download USCIS forms (The forms are free on the website. You can also get forms at your local USCIS office or by calling 800-870-3676 and order the forms over the phone).

**What Is Required For Employment In The U.S.?** Lawful Permanent Residency is required for employment in the U.S. You are not allowed to work in the United States unless you have a permanent resident card, informally referred to as a “Green Card”, an Employment Authorization Document (“EAD” or work permit”), or an employment-related visa which allows you to work for a particular employer. If you are in the United States on a student visa or if you are about to graduate and are applying for Optional Practical Training (OPT), talk with your foreign student advisor (designated school official) at your school before you take any job.

**Who Is Eligible For Lawful Permanent Residency?** A person seeking to apply for Lawful Permanent Residency (“a Green Card”) may be eligible under one of the categories listed below:

• as an immediate relative of a U.S. citizen if you are the spouse of a U.S. citizen;
• as an unmarried child under the age of 21 of a U.S. citizen or a parent of a U.S. citizen who is at least 21 years old;
• as a relative of a U.S. citizen or relative of a lawful permanent resident under the family-based preference categories;
• as a family member of a U.S. citizen, meaning you are the: unmarried son or daughter of a U.S. citizen and you are 21 years old or older, married son or daughter of a U.S. citizen or brother or sister of a U.S. citizen who is at least 21 years old;
• as the family member of a lawful permanent resident, meaning you are the: spouse of a lawful permanent resident unmarried child under the age of 21 of a lawful permanent resident or a married son or daughter of a lawful permanent resident 21 years old or older;
• as an immigrant worker if you are a third preference immigrant worker, meaning you are a: skilled worker (meaning your job requires a minimum of 2 years training or work experience), or as an unskilled worker (meaning you will perform unskilled labor requiring less than 2 years training or experience);
• as a Special Immigrant Juvenile (“SIJ”) (a foreign juvenile in the United States who has been abused, abandoned, or neglected;
• as an Asylee or Refugee;
• as a crime or human trafficking victim; or
• as an abused spouse, child, or parent; or
• as a victim of battery or extreme cruelty.

**Are You Allowed To Start Your Own Business In The United States?** The Department of Homeland Security (“DHS”) has published a rule to improve the ability of certain promising start-up founders to begin growing their companies within the United States and help improve our nation’s economy through increased capital
spending, innovation and job creation. Under this rule, DHS may use its "parole" authority to grant a period of authorized stay, on a case-by-case basis, to foreign entrepreneurs who demonstrate that their stay in the United States would provide a significant public benefit through the potential for rapid business growth and job creation. Eligible entrepreneurs may be granted a stay of up to 30 months, with the possibility to extend the period by up to 30 additional months if they meet certain criteria, in the discretion of DHS. Eligibility may be extended to up to three entrepreneurs per start-up entity, as well as spouses and children. Entrepreneurs granted stays will be eligible to work only for their start-up business. Their spouses may apply for work authorization in the United States, but their children will not be eligible. An applicant would need to demonstrate that he or she meets certain criteria required by the Department.

What Are The Rights And Responsibilities Of Permanent Residents? As a permanent resident (Green Card holder), you have the right to: live permanently in the United States provided you do not commit any actions that would make you removable under immigration law, work in the United States at legal work of your qualification and choosing, and be protected by all laws of the United States, your state of residence and local jurisdictions.

As a permanent resident, you are required to obey all laws of the United States, the states, and localities; required to file your income tax returns and report your income to the U.S. Internal Revenue Service; expected to support the democratic form of government and not to change the government through illegal means and required; and if you are a male age 18 through 25, to register with the Selective Service.

What Are The Rights & Responsibilities Of U.S. Citizens? As a citizen, you have many rights, including freedom to express yourself, freedom to worship as you wish, right to a prompt, fair trial by jury, right to vote in elections for public officials, right to apply for federal employment requiring U.S. citizenship, right to run for elected office and freedom to pursue "life, liberty, and the pursuit of happiness."

As a citizen, you are required to support and defend the Constitution; stay informed of the issues affecting your community; participate in the democratic process; respect and obey federal, state, and local laws, respect the rights, beliefs, and opinions of others; participate in your local community; pay income and other taxes honestly and on time to federal, state, and local authorities; serve on a jury when called upon; and defend the country if the need should arise.

How Do You Apply For Citizenship In The U.S.? Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act ("INA"). To apply for naturalization, file Form N-400, Application for Naturalization. You may qualify for naturalization if you have been a permanent resident for at least 5 years and meet all other

122 Please note that some jobs will be limited to U.S. citizens for security reasons.
eligibility requirements, you have been a permanent resident for 3 years or more and meet all eligibility requirements to file as a spouse of a U.S. citizen, you have qualifying service in the U.S. armed forces and meet all other eligibility requirements and your child may qualify for naturalization if you are a U.S. citizen, the child was born outside the U.S., the child is currently residing outside the U.S., and all other eligibility requirements are met. 

**Note:** You may already be a U.S. citizen and not need to apply for naturalization if your biological or adoptive parent(s) became a U.S. citizen before you reached the age of 18.

### 24. VOTING

**Who Can Register To Vote?**

Generally, you may become a registered voter in Florida if you 1) are at least 18 years old, 2) are a citizen of the United States, 3) are a legal resident of Florida, 4) are a legal resident of the county in which you seek to register, and 5) you register pursuant to the Florida Election Code, so long as you have not been adjudicated mentally incapacitated with respect to voting nor have not been convicted of certain violent felonies without having voting rights restored by the Governor and Cabinet vote to restore their voting rights on a case by case basis. In November 2018, Florida voters approved Amendment 4 that automatically restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment does not apply to those convicted of murder or sexual offenses. You may preregister on or after your 16th birthday and may vote in any election occurring on or after your 18th birthday.123

In order to register to vote, you must take an oath to defend the United States Constitution and the Constitution of the State of Florida124 and fill out a uniform statewide voter registration application.125 A person who willfully swears or affirms falsely to any oath in connection with voting or who willfully submits any false voter registration information commits a felony of the third degree.126

**How Can You Register To Vote?** You may register to vote the following ways:

1) Register through the Department of Highway Safety and Motor Vehicles (DMV) when visiting a DMV for services provided by that department;127

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125 § 97.052, Fla. Stat.
2) Apply through voter registration agencies (offices that provide public assistance, offices that provide state funded programs for persons with disabilities, Armed Forces Recruitment Offices, the Center for Independent Living, and public libraries);128

3) Register through a qualifying educational institution where you are enrolled;129

4) Apply through a third party voter registration organization registered with the State of Florida;130

5) Obtain a voter registration application from the Fish and Wildlife Conservation Commission;131

6) Apply by mail or in person at your local supervisor of elections office; or

Beginning October 1, 2017, you may submit an online voter registration application.132 https://registertovoteflorida.gov/en/Registration/CMS

Is There A Deadline To Register To Vote? With limited exceptions for the military, you must register to vote at least twenty-nine (29) days before Election Day.133 You may update your name, address, and signature for the purposes of an upcoming election during this twenty-nine day period for closing the registration books.134

Can You Vote If You Will Not Be In Your Voting District On Election Day Or Cannot Appear? Yes, assuming you are already registered, you may make a request in person or in writing to the Supervisor of Election to provide you with a Vote-by-Mail (formerly absentee) ballot.135 “Vote-by-Mail” refers to voting a ballot received by mail or picked up by or for a voter who is unable or un-willing to go to the polls to vote during early voting or Election Day. You do not have to be absent from the county or have an excuse to request a Vote-by-Mail ballot. When you receive your ballot, follow the ballot instructions carefully to ensure that your ballot is properly completed, returned timely, and counted. A Vote-by-Mail ballot must be received by the Supervisor of Elections for the county in which you are registered no later than 7 p.m. on Election Day.136 Additionally, please keep in mind that, as a convenience to voters, Florida has allowed early voting throughout the State since 2004.137 Early voting begins on the 10th day before an election that contains a state or federal race and ends on the 3rd day before an election. Early voting may be held for a

128 § 97.058, Fla. Stat.; Rule 1S-2.048, F.A.C.
129 §§ 97.0583 and 97.021(33), Fla. Stat.
130 § 97.0575, Fla. Stat.; Rule 1S-2.042, F.A.C.
maximum of 12 hours, but no less than 8 hours per day. Your Supervisor of Elections may hold early voting for elections that are not held in conjunction with state or federal elections, at his or her discretion.

Remember, Florida is a closed primary state. If you wish to vote in a partisan primary election, you must be a registered voter in the party for which the primary is being held. All registered voters, regardless of party affiliation, can vote in a primary election 1) for nonpartisan candidates, 2) on local referendum questions, and 3) for partisan races if all candidates for an office have the same party affiliation and the winner of the primary election will not face any opposition in the general election.

Where Will You Vote On Election Day? Each county in Florida is divided into numbered voting precincts. You will be assigned a polling place within your precinct where you will go to vote. Your voting precinct can change depending upon the address of your legal residence. On Election Day, you are supposed to vote in the precinct where you have your legal residence and in which you are registered. If you move from the precinct in which you are registered, you may vote in the precinct to which you have moved your legal residence, if the change of residence is within the same county or the precinct to which you have moved your legal residence is within a county that uses an electronic database as a precinct register at the polling place, and you complete an affidavit.

Typically, after you register to vote, you will be notified of your voting precinct. Nevertheless, it is wise to check your local Supervisor of Elections’ website for your current precinct location before you go to your polling place on Election Day.

Do You Need Identification To Vote? At the polls, you will be asked to provide a current and valid picture identification. Approved forms of picture identification are:

- Florida driver’s license,
- Florida identification card issued by the Department of Highway Safety and Motor Vehicles, United States passport,
- debit or credit card,
- Military identification,
- student identification retirement center identification,
- Neighborhood association identification,
- public assistance identification,
- Veteran health identification card issued by the United States Department of Veterans Affairs,
- A license to carry a concealed weapon or firearm, and

139 Fla. Const. Art. VI, § 5
• An employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.\(^{141}\)

If your photo identification does not contain your signature, you will be asked to provide an additional identification that includes a signature. If you do not have the proper identification, you will be provided a provisional ballot. The county canvassing board (the Supervisor of Elections, a County Court Judge, and the Chair of the Board of County Commissioners) will determine the validity of the ballot pursuant to section 101.048, Florida Statutes.

**What Times Are Polls Open On Election Day?** Polls are open from 7:00 am until 7:00 pm on Election Day. Any voter who is standing in line at the official closing of the polls is eligible to cast a vote.\(^ {142}\)

\(^{141}\) § 101.043, Fla. Stat.

\(^{142}\) §101.031, Fla. Stat.
Once you turn 18 years old, you are legally considered an adult in this country. But what does that actually mean? From the right to cast your vote in the next election to entering into a lease for your first apartment to serving on a jury, you are about to enter a new and exciting world of rights, responsibilities and obligations. In order to be prepared to “adult,” it is essential that you understand how the law will impact your daily life.

The Florida Bar’s #JustAdulting Legal Survival Guide will provide you with the information you need to become knowledgeable on legal guidelines affecting those 18 and older. The guide covers a variety of topics such as: consumer protection, the court system, credit, criminal charges, drinking laws, employment, federal income tax, marriage, landlord-tenant issues, voting and more.

The #JustAdulting Legal Survival Guide is a great first step toward understanding how critical the law is in your adult life. It is available for free through a mobile Web app. It can be obtained by visiting www.JustAdulting.com on a mobile device and following the download instructions.