



Legal Survival Guide

FLORIDA LAWS YOU SHOULD KNOW

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All statutory references are to the 2020 version of the Florida Statutes. Since the law is continually changing, some provisions in this Guide may become outdated before the next publication. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

1. GENERAL PRINCIPLES

When do you become an adult in Florida? For most legal 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, in Florida 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 them to do so otherwise). Furthermore, because you can make binding agreements with others (called contracts), you can also now be sued. All United States citizens, who are 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. At that point, 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

2. CONSUMER PROTECTION (BUYING AND REPAIRING CARS)

Does the law protect you if you bought a “Lemon”? Yes. The Florida's Motor Vehicle Warrant Enforcement Act is commonly referred to as the “Lemon Law” may provide assistance. If a “motor vehicle” that is purchased or leased in Florida has a defect or condition that substantially impairs the use, value or safety of the vehicle, you

¹ See, generally, § 1.01(13), Fla. Stat., for the definition of “minor.”

² § 97.041, Fla. Stat.

³ § 732.501, Fla. Stat.

⁴ § 741.04, Fla. Stat.

⁵ §743.064, Fla. Stat.

⁶ Chapter 743, Fla. Stat.

⁷ For more information on emancipated minors, refer to Chapter 743, Fla. Stat.

must report the problem to the manufacturer or authorized service agent (*typically the car dealership*) 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. However, any defects or conditions 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 any new and demonstration motor vehicles; trucks weighing 10,000 pounds or less gross vehicle weight; recreational vehicles, 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 time frames still in effect.

Must the manufacturer or dealer repair the defect or condition covered by the warranty? The Lemon Law requires a manufacturer to correct a vehicle's "nonconformity" (as defined by the statute) "within a reasonable number of attempts." Two options are listed under the law to help determine what constitutes a reasonable number of attempts. First, if the manufacturer or authorized service agent has been unable to fix the same defect after three attempts, the consumer may send written notification of the need for repair to the manufacturer 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 reasonable 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.

Or second, 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 may 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 service 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 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 to get refund rather than a replacement vehicle.

If a manufacturer has established an informal dispute settlement program certified by the Florida Department of Legal Affairs, the consumer must first resort to that 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 the Florida New Motor Vehicle Arbitration Board, 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.

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.⁸ The shop can charge 10% or \$10 over the estimate, whichever is greater, but no more than an additional \$50 without your authorization.⁹

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 you to accept the charge prior to the diagnostic work.¹⁰

Can you get your car back if you disagree with the repair shop on the bill? Yes. In Florida, it is unlawful for any motor vehicle repair shop to fail to return a 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.¹¹ 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

⁸ § 559.909, Fla. Stat.

⁹ § 559.905, Fla. Stat.

¹⁰ § 559.905, Fla. Stat.

¹¹ § 559.909, Fla. Stat.

vehicle.¹² 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.¹³ The clerk will then issue a certificate which you deliver to the shop to pick up the car. The repair shop would need to sue to get their money within 60 days and may request the court order a public sale of the vehicle to satisfy the lien.¹⁴ 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.¹⁵

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 purposes¹⁶ or, in some circumstances, under the “Home, Farm and Business Loans Act”¹⁷. Contracts made by minors for artistic or creative services or for professional sports may be approved by a court¹⁸. Once a minor marries, contracts entered into by the minor are enforceable even though the minor has not yet reached the age of majority¹⁹.



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, 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 debt²⁰, if it concerns real estate²¹, if it lasts more than

¹² Part II, Chapter 713, Fla. Stat.

¹³ § 559.917, Fla. Stat.

¹⁴ § 713.585, Fla. Stat.

¹⁵ § 559.919, Fla. Stat.

¹⁶ § 743.05, Fla. Stat.

¹⁷ § 743.04, Fla. Stat.

¹⁸ § 743.08, Fla. Stat.

¹⁹ § 743.01, Fla. Stat.

²⁰ §§ 725.01 and 687.0304, Fla. Stat.

²¹ § 689.01, Fla. Stat.

one year²², or if it transfers property after death (i.e. a will)²³, 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 precious. The value of how much credit you have and how you use it goes far beyond shopping. Whether you have good or poor credit can likely affect where you live and even where you work, because your credit history may be considered by prospective employers. It is important to understand how credit is awarded or denied and what steps you can take if you are treated unfairly.

How do you 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 numerous lenders in order to establish a credit history. A credit rating is designed to measure your ability to repay a debt. Lenders look at your history of paying bills on time, 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. Having a

²² Chapters 670-680, Fla. Stat.

²³§ 732.502, Fla. Stat.

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 fundamental federal laws that regulate credit are the Fair Credit Reporting Act²⁴, Equal Credit Opportunity Act²⁵, Fair Credit Billing Act²⁶, and Fair Debt Collection Practices Act²⁷.

The Fair Credit Reporting Act values 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 a fair 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 disputes 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 services. 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 harm 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 does not allow 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

²⁴ 15 U.S.C. § 1681.

²⁵ 15 U.S.C. § 1691 et seq.

²⁶ 15 U.S.C. § 1601 et seq.

²⁷ 15 U.S.C. § 1692.

consumer debt from pretending to be 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 misrepresenting 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 debt²⁸.

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 and 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 status²⁹. Lenders may only make decisions based on the borrower’s ability and intent to repay the loan. A married person who is not employed outside the home 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, visit the [Federal Financial Literacy and Education Commission’s website](#). To find out more information about your credit rating and obtain a free credit report, 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 free credit report. If you would like more information, you may purchase additional accessibility from each agency or from various credit assistance organizations.

²⁸ 15 U.S.C. §1681c.

²⁹ § 725.07, Fla. Stat.

Are student loans different in how they are legally treated? Yes, in some noteworthy 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 the [Federal Student Aid website](#).

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 account or filing tax returns in your name. Identity theft can inflict long lasting damage to your credit status because the thief is not going to pay back any loans the thief took out in your name.



How can you protect yourself 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. As mentioned above, you may obtain your free credit report every twelve months at: www.annualcreditreport.com. You may also purchase credit monitoring services 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 takes away 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 required 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.” The fact that you have been deprived of your freedom of movement in some significant manner may amount 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 necessary³⁰.



³⁰ §§ 901.16, 901.17, and 901.18, 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 jail³¹. If questioned by police, you should be told 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 police officer does not ask you any questions.

Some important rights to remember are:

- The right to remain silent;
- 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).

If you do not wish to answer police questions, you must say that you want to remain silent. If in doubt, simply do not speak. To get your right to an attorney, you must say that you want an attorney to represent you. As soon as you say you want to remain silent or request an attorney, all police questioning must stop.

What basic things should you remember if arrested? You should always remember your right to remain silent. Officers are serious when they tell you that anything you say can and will be used as evidence against you in court. Probably the most common mistake made by anyone following an arrest is the decision to answer police questions. Confessions make up a significant portion of evidence in all convictions. You also have the right to have an attorney present during police questioning. This does not mean the officers have to stop their investigation to wait for the arrival of an attorney, but they cannot ask you questions without an attorney being present, if you ask for one. Once you have identified yourself to police, you may refuse to make any statement, or you can discuss the case with anyone. Keep in mind, any information you give can be used as evidence against you in court. Law enforcement officers cannot force or threaten you into answering questions and cannot offer you anything in exchange for your answering questions. If you begin answering police questions but later change your mind, you may always stop answering questions. However, you must be clear to the police that you are exercising your right to remain silent.

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 told of the

³¹ §§ 901.21 and 901.24, Fla. Stat.

criminal charges against you, bail will be set, and you will be asked if you can afford an attorney.

What if a person cannot afford to hire an attorney? If you cannot afford an attorney, the judge will appoint an attorney to represent you. If the judge does not offer to appoint an attorney, ask for one. Unless you hire an attorney, you do not have an attorney until the judge appoints one to assist you.³²

What does it mean to be released on bail? Bail is designed to guarantee your appearance in court for a criminal charge, and is what allows you to get out of jail after you are arrested.

Unless charged with a crime punishable by life imprisonment or death, every person charged with a crime is 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. Bail is the type of pretrial release that involves using money to get out of jail.³³

When the court “sets bail,” it is requiring that a specific amount of money be deposited with the clerk of the court or sheriff to allow you out of jail³⁴. This is also known as “setting bond.” Most bonds are eligible to be posted by a bondsman. Typically, a bondsman will charge a 10% fee of the total bond amount. For example, if the court sets a \$5,000 cash or professional bond, you would have the option of either 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. 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.³⁵, unlawfully spray a fire extinguisher³⁶, falsely

³² Florida Rule of Criminal Procedure 3.111.

³³ Florida Rule of Criminal Procedure 3.131.

³⁴ Chapter 903, Fla. Stat.

³⁵ §322.212, Fla. Stat.

³⁶ §806.10, Fla. Stat.

report child abuse³⁷, possess an illegal drug³⁸, or commit vandalism that causes more than \$1,000 damage³⁹, you may be charged with 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 adults⁴⁰.

Can your juvenile record be used against you after becoming an adult? Yes. It is a common misconception that juvenile records are automatically wiped clean once someone turns 18. All prior criminal acts, including juvenile criminal offenses, may be considered for adult sentencing purposes.⁴¹ Even if your juvenile criminal record is not used against you officially for adult sentencing purposes, prosecutors will often take into consideration someone's entire prior criminal history when deciding how to treat someone who is arrested of a crime as an adult.

Can you have your record sealed or expunged? Maybe, depending on your charge, and whether you have ever been convicted of a crime. Sealing your record only restricts access by the general public to an arrest record. Expunction totally removes the record of an arrest. In Florida, you can generally only seal or expunge one arrest record; you cannot remove the record of multiple unrelated arrests. Whether you are eligible to seal or expunge depends on the type of criminal charge and what happened with the criminal charge when you went to court. If you have been convicted of a crime, any crime, then you are unfortunately ineligible to seal or expunge an arrest record.⁴²

Even if you seal or expunge an arrest record, it is important to keep in mind that government agencies may still be able to access your criminal history record. If you are interested in joining the military, law enforcement, or certain professions (medicine, law, teaching), you should assume your arrest record will be discovered. For more information on sealing or expunging your criminal record, please visit the [Florida Department of Law Enforcement's website](#).

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



³⁷ §39.205, Fla. Stat.

³⁸ §893.13, Fla. Stat.

³⁹ §806.13, Fla. Stat.

⁴⁰ §§ 985.556, 985.557, 985.56 and 985.565, Fla. Stat.

⁴¹ Chapter 921, Fla. Stat.

⁴² §§ 943.0515, 943.059, and 943.0585, Fla. Stat.

a \$500.00 fine.⁴³ If you possess a forged (altered), counterfeit (falsely produced), or 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.⁴⁴ Also, giving a fake ID to a law enforcement officer can be a crime, *if* the officer has detained you and actually runs the name you give him/her through a computer database.⁴⁵

6. DRINKING LAWS

What is the legal drinking age in Florida? The current legal drinking age in Florida is 21.⁴⁶

Why can't you drink at age 18? Drinking alcohol is a privilege regulated by state law. The Florida Legislature has the power to determine who may legally drink alcoholic beverages, and under what conditions. The Florida Legislature has determined that the legal drinking age, in Florida, is 21. It is a crime to possess or drink alcohol, if you are not 21.⁴⁷

What happens if you are arrested for driving under the influence? Driving while under the influence of alcoholic beverages or a controlled substance (DUI) is one of the most serious traffic violations an individual can commit, and is a crime.

Immediately after your arrest, you will most likely be subject to the "implied consent" law. As a condition of having the privilege to operate a motor vehicle in the State of Florida, you have agreed to take a chemical test if a law enforcement officer has probable cause to believe you are under the influence of an alcoholic beverage or controlled substance. Depending on the facts leading to your arrest, the police may request a breath test, urine test, or blood test to find out how much alcohol or what kind of drugs are in your bloodstream. 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. If you test above the legal breath/blood alcohol limit of .08 (DUBAL- "driving with unlawful breath/blood alcohol level"), your license will be suspended for 6 months for a first DUBAL offense, or 1 year for a second or more time. If you refuse to take the requested test, your driver's license will be suspended for a period of 1 year for a first refusal and 18 months if your driving privilege has been previously suspended for refusing to submit to such a test⁴⁸. A suspension imposed under the "implied consent" law (an administrative suspension) starts on the date of arrest and is completely separate from the criminal court case. In addition, refusing to submit to a test for the second time is actually a crime itself. You do have the right to challenge an

⁴³ § 322.32, Fla. Stat.

⁴⁴ § 322.212, Fla. Stat.

⁴⁵ § 901.36, Fla. Stat.

⁴⁶ § 562.11, Fla. Stat.

⁴⁷ § 562.111, Fla. Stat.

⁴⁸ § 316.1932, Fla. Stat.

administrative suspension, but the request must be made within 10 days from the date of your arrest to Florida Department of Highway Safety and Motor Vehicles.

If you are convicted of DUI, you are subject to heavy penalties. These penalties include possible imprisonment of up to 6 months, a loss of your driver's license for up to 1 year (this license revocation is different than the suspension for DUBAL or refusing a test, and starts the date of conviction), a fine up to \$1,000 in addition to court costs, completion of a substance abuse course, 50 hours of community service, and the vehicle you were driving must be impounded.⁴⁹ The penalties are even more serious if your blood alcohol level was .15 or higher or if there were passengers in the vehicle under the age of 18 years old⁵⁰. In some circumstances where a person has previous DUI convictions, or causes death or serious bodily injury to another person, then they will be charged with a felony, and could face prison time and a permanent loss of driver's license.

Due to the consequences of a DUI arrest and conviction, you may want to immediately consult with an attorney for advice regarding your case and defenses, and determine if you are eligible for a "business purposes only" permit, which allows for specified restricted driving during a suspension or revocation.

Can you be required to provide a blood sample if you are suspected of driving under the influence? Maybe, but it depends on the facts surrounding the DUI arrest.

Section 316.1933, Florida Statutes, requires a person to submit to 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. "Serious bodily injury" means an injury to any 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. Under this law, officers are not allowed to personally draw blood; only qualified hospital staff can do this. In 2013, the U.S. Supreme Court ruled that police need to obtain a search warrant to obtain a blood draw for DUI arrests *unless there is a justified emergency* ("exigent circumstances").⁵¹ For example, a later Florida court ruling has found an emergency justifying a forced blood draw, when an arrested defendant was taken to the hospital after being involved in an accident causing "serious bodily injury" to another, and law enforcement had concern



⁴⁹ § 316.193, Fla. Stat.

⁵⁰ § 316.193(4), Fla. Stat.

⁵¹ Missouri v. McNeely, 133 S.Ct. 1552 (2013).

that the blood alcohol level would decrease before a breath test could be given – evidence for a serious offense would be lost.⁵² This is why the facts of a DUI arrest control whether the police can force a person to give a blood sample.

The police may also request a blood sample from a person being treated at a hospital, *if* the police have probable cause to believe the person was driving under the influence of alcohol, *and* the police believe giving the person a breath test is impossible.⁵³ This is not a forced blood draw; but this is a police request under Florida’s “implied consent” law. If the person refuses the request, his/her license will be suspended for 1 year, or 18 months if he/she has refused a test before.

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 fined⁵⁴.

Can you be arrested for DUI if the car wasn’t moving when the police showed up? 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 DUI. 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. There are many cases where individuals have been charged with and convicted of DUI for sleeping in a car.

7. DRIVING

Is driving a right or a privilege? Driving is a privilege regulated by the State of Florida. It carries great responsibility.⁵⁵



Do you lose your driver’s license if you drop out of school before you reach age 18 or before you earn your high school diploma? Yes. Florida law requires that students under the age of 18 be enrolled in an educational program and satisfactorily meet relevant attendance requirements in order to apply for or retain a driver’s license. Students who are under 18 and 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.⁵⁶ This law does not apply to anyone over

⁵² State v. Quintanilla, 276 So.3d 941 (Fla. 3d DCA 2019).

⁵³ §316.1932, Fla. Stat.

⁵⁴ § 316.1936, Fla. Stat.

⁵⁵ For more information, refer to Chapter 322, Fla. Stat.

⁵⁶ §§ 322.091 and 1003.27, Fla. Stat.

the age of 18. For more information, contact the Department of Education (Bureau of Family & Community Outreach at 888-665-5055) or [review their website](#).

What if you leave a gas station without paying for gasoline? If you leave a gas station, without paying for gasoline you are subject to losing your driver's license. You may also be charged with theft.⁵⁷

What if you receive a ticket out of state? If you are found guilty of an out of state driving infraction, points will be assessed against your Florida driver's license.⁵⁸

Do you have to have car insurance? Yes. 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. It is also mandatory that you have a minimum of \$10,000 of property damage liability insurance.⁵⁹ Failure to provide proof of insurance may result in a suspension of your driving privilege, including your vehicle tag and registration.⁶⁰

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 up to 80% of reasonable and necessary medical expenses, 60% of lost wages and \$5,000 for death benefits.⁶¹ 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 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" and then can you receive up to the \$10,000 in medical benefit coverage.⁶²

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 auto 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 at fault. 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

⁵⁷ § 812.014(5), Fla. Stat.

⁵⁸ § 322.27, Fla. Stat.

⁵⁹ § 324.021, Fla. Stat.

⁶⁰ § 316.646, Fla. Stat.

⁶¹ § 627.736, Fla. Stat.

⁶² § 627.736, Fla. Stat.

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 in the State of Florida 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 also a legal option. This coverage pays for damage you or members of your family may 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.⁶³

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.⁶⁴

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.⁶⁵

For more information regarding driving, please visit the [Florida Highway Safety and Motor Vehicles website](#).

8. EMPLOYMENT

How do laws regulate workplace safety? 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 (OSHA). The Florida Workers' Compensation law⁶⁶ provides protection for workers injured on the job. If you are injured, you must notify your employer immediately to ensure your rights are protected.



Are there laws governing how much you must be paid? Yes. Federal and Florida law mandate minimum wages for covered employees.⁶⁷ As of January 1, 2021, the Florida minimum wage is \$8.65 per hour. However, on September 30, 2021, the Florida minimum wage will rise to \$10.00 per hour.

⁶³ § 324.021(9)(b)3., Fla. Stat.

⁶⁴ § 322.20(13), Fla. Stat.

⁶⁵ § 784.062, Fla. Stat.

⁶⁶ Chapter 440, Fla. Stat.

⁶⁷ 29 U.S.C. 206; § 448.110, Fla. Stat.; Art. X, § 24, Fla. Const.

Will you 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. Likewise, at-will employees may resign their employment at any time for any 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.

What are some of the illegal reasons that employers cannot use as a basis to fire someone? It is illegal for an employer to refuse to hire, fire, or otherwise take adverse action against you because of your race, sex, age, religion, national origin, handicap, disability, marital status, pregnancy, jury service, or possessing the sickle cell trait.⁶⁸ In addition, Florida has laws prohibiting retaliation against certain whistleblowers by both public and private employers.⁶⁹ 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.⁷⁰

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. For certain occupations, Florida law specifies the type and level of checks to be conducted.⁷¹ Employers who conduct background checks should keep the results confidential.

At what age can a minor begin work? In Florida, minors can begin working at the age of 14, but are limited in the types of jobs they may perform and the hours they may work until they turn 18.⁷² 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. However, if you are an adult you are not entitled to work breaks, except in certain regulated occupations, like commercial truck driving. Breaks for adults are at the discretion of the employer and are usually established by company policy.

Who is eligible to receive unemployment compensation? Unemployment compensation provides payments to individuals who were working but lost their jobs

⁶⁸ 42 U.S.C. § 2000e-2; 29 U.S.C. § 623; 42 U.S.C. § 12112; §§ 40.271, 448.07, 448.075, 448.102, Fla. Stat.; Ch. 760, Fla. Stat.

⁶⁹ §§ 112.3187 and 448.102, Fla. Stat.

⁷⁰ § 440.205, Fla. Stat.

⁷¹ Ch. 435, Fla. Stat.

⁷² Ch. 450, Fla. Stat.

through layoffs or other specific reasons.⁷³ To get more information, contact the [Florida Department of Economic Opportunity](#).

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-one million Florida residents and over 125 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 engine 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 properly store and dispose of hazardous material. The [Environmental Protection Agency \(EPA\)](#) and [Florida Department of Environmental Protection \(DEP\)](#) websites contain guidelines and contact information regarding proper storage and disposal of hazardous materials.

Recommended Practices. Reduce your use of plastic and paper packaging (grocery bags and water bottles), consume less potable water with restrictive shower heads, low volume toilets, and energy efficient appliances. 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 [Florida Department of Environmental Protection's website](#).

Many animals and birds are protected species under the law. The Florida Fish and Wildlife Conservation Commission [lists hundreds of endangered and threatened species](#). Protected animals include the Florida panther, manatee, scrub jay, and gopher tortoise, to name a few.

Florida's coastal communities face challenges dealing with increasingly complex flooding, erosion and habitat shifts. Florida Department of Environmental Protection's [Office of Resilience and Coastal Protection](#) offers resources to prepare Florida's coastline for the effects of climate change, especially rising sea levels.

⁷³ Chapter 443, Fla. Stat.

What other resources are available? An excellent source of information is the [Florida Department of Environmental Protection's website](#). 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 recycling 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 whether you have multiple jobs or dependents and your employer uses this information 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 31 to send you a Form W-2 for the preceding year, 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 1040-SR. 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 at [IRS.gov](https://www.irs.gov).

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.

What if you don't receive a regular "paycheck" from an employer?

If you are self-employed or work as an "independent contractor" (who receives a Form 1099-MISC instead of a Form W-2), neither estimated federal income tax nor the FICA taxes are withheld from your income and you could have a tax liability when you file your return. You may be required to make periodic estimated tax payments in order to avoid penalties for underpaying or failing to make estimated payments throughout the year. More information about whether you are required to make estimated payments and how to calculate them can be found on the [IRS website](#).

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.

Where can you go to get help preparing your tax return? IRS-certified volunteers provide free basic income tax return preparation with electronic filing to qualified individuals. Lower income individuals and families are eligible for free tax preparation assistance, and there are more than 12,000 free tax preparation sites nationwide. You can find a location near you [on the IRS website](#).

What can you do if you can't file your tax return on time? The IRS allows individual taxpayers an automatic extension of time (until October 15) to file their tax return, so long as Form 4868 is filed on or before April 15. There are penalties for late filing that will accrue if you do not file the extension form by April 15, or if you ultimately file after the October 15 extension date. Even if you cannot afford to pay the full amount of the tax owed, you should still file your return timely to prevent the accumulation of any additional penalties.

If you owe more than you can afford to pay, what options do you have? There is no extension of time to pay taxes you owe, so interest and penalties will accrue from the day the tax is due – April 15 of the filing year. The IRS is a formidable creditor, and may garnish your wages or levy your bank account if you do not make an arrangement to pay your taxes. Depending upon your financial circumstances, you may be able to arrange an installment payment plan with the IRS. If the amount that you owe is greater than \$25,000 or you are having a difficult time resolving your tax debt with the IRS directly, you may want to consider contacting a tax attorney who can assist you in negotiating with the IRS.

Where can you get more information? The [IRS website](#) provides a wealth of information and assistance. Be careful – many websites try to look like the IRS website to fool you into buying information and services that the IRS provides free. You may choose to seek paid tax advice but don't get scammed by a for-profit business which is trying to sell the free services and information provided by the IRS. You can also view free IRS publications on a wide range of tax topics on the IRS website. The IRS

provides toll free telephone assistance Monday through Friday from 7 a.m. and 7 p.m. at 1-800-829-1040.

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.⁷⁴

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.⁷⁵

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).⁷⁶ A full-time student between the ages of 18 and 21 attending high school, or any state university, private postsecondary educational institution, Florida College System institution, or career center shall be excused from jury service if the student requests to be excused.⁷⁷

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.⁷⁸

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

⁷⁴ § 40.01, Fla. Stat.

² § 40.013, Fla. Stat.

⁷⁶ § 40.013, Fla. Stat.

⁷⁷ § 40.013 (11), Fla. Stat.

⁷⁸ § 40.013(9), Fla. Stat.

home.⁷⁹ Jurors serving a federal court are normally paid \$50 per day and a mileage rate for travel.⁸⁰ 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.⁸¹ However, State law does not require employers to continue to pay wages to employees who are on jury duty.⁸² 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.⁸³ 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.⁸⁴

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? The right to remain in possession, based on a written lease, will continue until the end of the term of the lease, unless the lease is terminated for cause. For oral leases, the amount of notice depends on the rent payable 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.

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-

⁷⁹ § 40.24, Fla. Stat.

⁸⁰ 28 U.S.C. § 1871.

⁸¹ § 40.271, Fla. Stat.

⁸² § 40.24(3), Fla. Stat.

⁸³ §§ 40.011, 40.02, and 40.225, Fla. Stat.

⁸⁴ § 40.23, Fla. Stat.

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 into the court registry or ask the Court to determine how much money is owed if the tenant is claiming that the rent was already paid. If the tenant does not respond to the complaint or a judgment 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 from the time the writ is posted on the tenant's door.

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.

Should a tenant get interest on a security deposit or advance 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.

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.

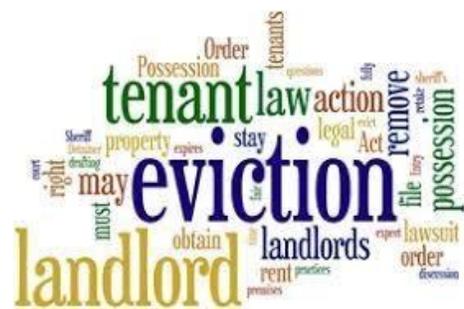
Can the tenant get his or her security deposit back? Once a tenant vacates the premises at the end of the rental agreement or abandons the property with proper notice to the landlord, the landlord has 15 days to refund the security deposit or 30 days to send a certified letter to the tenant imposing a claim on the deposit 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, after providing reasonable notice. 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. If the tenant provides written notice informing the landlord that the tenant will withhold rent if the defects are not repaired within seven days, and the defects are not repaired after the time period expires, the tenant may then lawfully withhold the rent that comes due until such time as the repairs are made. If an eviction is file, lawful withholding is a complete defense and the judge can determine the "diminution of value" of the property in the unrepaired condition to determine how much rent is actually owed.

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.



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.

For more information concerning landlord and tenant law, you can visit the [Florida](#)

[Department of Agriculture and Consumer Services' web page](#) on landlord/tenant law in Florida.

13. MARRIAGE

How old must a person be to get married? A person who is 18 can marry without parental consent. However, a person who is at least 17 years old may obtain a marriage license only with written parental consent *and* if the older party to the marriage is not more than 2 years older than the younger party to the marriage.⁸⁵

How do you get a marriage license? A marriage license is issued by the clerk of the circuit court or by a county court judge.⁸⁶ Blood tests are no longer required in Florida. You can apply for a marriage license in any county in Florida, even if you do not get married there. The license is valid for 60 days after issuance.⁸⁷

Who can perform a marriage ceremony? Ordained ministers of any church, ordained clergy, judges, clerks of the circuit court, and notaries public of Florida can perform a marriage ceremony.⁸⁸

Is a wife required to take her husband's last name? No. A wife is not required by law to take her husband's last name (or surname as it is legally called). If the wife takes her husband's surname, she should change her name on her Social Security card, driver license, passport, 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 simply plead that the marriage is irretrievably broken.⁸⁹

If you get a divorce, how is your property divided? Florida is known as an equitable distribution state. This means that although the court begins with the presumption that marital assets and debts are to be divided equally, the court has the power to decide how property and debts obtained during a marriage should be fairly divided upon divorce.⁹⁰ Even though fault is not an issue in granting the dissolution, the division of property and possessions, and the responsibility for support and custody of children, may become contested matters.⁹¹

What about alimony? After equitable distribution has been made, the court may consider the award of alimony to either the husband or the wife. In awarding alimony, the requesting spouse must demonstrate a need for alimony and the ability of the other

⁸⁵ §741.04, Fla. Stat.

⁸⁶ § 741.01, Fla. Stat.

⁸⁷ § 741.041, Fla. Stat.

⁸⁸ § 741.07, Fla. Stat.

⁸⁹ § 61.052, Fla. Stat.

⁹⁰ § 61.075, Fla. Stat.

⁹¹ See generally § 61.052; § 61.12; § 61.14; § 61.19; § 61.075; and § 61.077, Fla. Stat.

party to pay. The court then considers many factors to determine the proper type and amount of alimony.⁹² For more information, review The Florida Bar’s consumer pamphlet, “[Divorce in Florida](#).”

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 sex-same 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.⁹³

What qualifies as a Debilitating Medical Condition?⁹⁴

- 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



Can anyone other than the Qualified Patient be in possession of medical marijuana? Yes. Qualified Patients are allowed to designate a “Caregiver.” Only one

⁹² § 61.08, Fla. Stat.

⁹³ § 381.986, Fla. Stat.

⁹⁴ Florida Constitution Article X, Section 29 (b) (1) and (10); § 381.986(2), Fla. Stat.

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.⁹⁵

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.⁹⁶

Who can prescribe medical marijuana? A Florida licensed medical physician⁹⁷ or osteopathic physician⁹⁸ who holds an active, unrestricted physician license and has completed a medical marijuana course and examination. Before prescribing medical marijuana, the physician must have treated the patient (in person, physical examinations) for at least three months, 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.

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.”⁹⁹

May a Qualified Patient eat medical marijuana? Yes. They may purchase an “edible” from a medical marijuana treatment center.¹⁰⁰

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.

⁹⁸ Chapter 459, Fla. Stat.

⁹⁹ § 381.986, Fla. Stat.

¹⁰⁰ § 381.986, Fla. Stat.

May a Qualified Patient smoke medical marijuana? Yes, a Qualified Patient who is over 18 years of age may smoke their medical marijuana if they have been seen by a qualified physician who has issued a physician certification.

Qualified Patients who are under 18 year of age are treated differently. A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient who is under 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with that determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking.

May a Qualified Patient buy, use, and possess a bong, etc., to smoke their medical marijuana? Yes. 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 *except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.*”¹⁰¹ Another part of the statute states that a Qualified Patient and their Caregiver may purchase a marijuana delivery device from a vendor other than a medical marijuana treatment center. F.S.S. § 381.986(14)(b).

May a Qualified Patient smoke medical marijuana in public places? No.

May a Qualified Patient grow his or her own marijuana plants? No.¹⁰²

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.¹⁰³

¹⁰¹ § 381.986(1)(g), Fla. Stat. (emphasis added).

¹⁰² § 381.986, Fla. Stat.

¹⁰³ § 381.986, Fla. Stat.

Can a Qualified Patient use medical marijuana and then drive? No. Qualified Patients may still be arrested for impaired driving.¹⁰⁴

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.¹⁰⁵

Can an employer fire you for using medical marijuana if you have a valid prescription? Yes. If your employer has a drug-free workplace policy that prohibits the use of marijuana, Florida law permits employers to enforce their policies. You should consult with your employer prior to starting use of medical marijuana.

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 help for persons who have mental health or substance abuse problems that reach a certain level.

What is the Baker Act? The Baker Act is a Florida law that allows 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 1.(a) refused voluntary examination *or* (b) is unable to determine for himself or herself whether examination is necessary; *and* 2.(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.¹⁰⁶

Many times people hear of law enforcement or 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.

¹⁰⁴ § 316.193, Fla. Stat.

¹⁰⁵ § 381.986(12), Fla. Stat.

¹⁰⁶ § 394.463, Fla. Stat.

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:

- 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
- The person must be released for voluntary outpatient treatment; or
- 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
- 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 law that provides for the voluntary or involuntary commitment of a person for a substance abuse assessment. The request asking the Court (a petition) 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, (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, or (c) the person will likely suffer from neglect, threatening the person's well-being, if they do not receive treatment.¹⁰⁷ 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 the 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

¹⁰⁷ Fla. Stat. §397.675.

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 for mental health or substance abuse treatment. 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 Court hearings scheduled at which both the concerned person and the impaired or ill person are required to appear. An attorney is normally available for the impaired or ill persons, if requested.

Mental Health & Substance Abuse



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. PARENTING / PATERNITY ISSUES

What if you cannot take care of your new baby? Under Florida’s Safe Haven law, a parent may drop off a newborn 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 and has the right to remain anonymous. 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. 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.¹⁰⁸

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.¹⁰⁹ If unmarried, establishing paternity gives the parents of the child the legal

¹⁰⁸ § 383.50, Fla. Stat.

¹⁰⁹ § 744.301, Fla. Stat.

right to seek an order for child support, parental responsibility, time sharing and a parenting plan with the minor child.¹¹⁰

How to establish paternity if parents are unmarried? Paternity can be established administratively (in a Department of Revenue case for child support, for example), by filing a stipulation of paternity with the clerk of court, by affidavit of paternity, a notarized voluntary acknowledgement of paternity, or a voluntary acknowledgement of paternity, that is witnessed by two individuals and signed under penalty of perjury by both parties, or by filing a Petition for Paternity in circuit court.¹¹¹

What happens to children during a divorce? Preferably 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 based on the best interests of the child(ren). It is the public policy of the state of Florida that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing.¹¹²

For more information on paternity issues, visit the [Florida Department of Revenue's web page on paternity](#).

17. POLICE ENCOUNTERS

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 speaks with you, 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** - If the police officer has reasonable, articulable suspicion that you have committed, are committing, or are about to commit a crime in violation of any city, county, state, or federal law, the officer may conduct a brief investigatory stop. 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

¹¹⁰ Chapter 742, Fla. Stat.

¹¹¹ § 742.10, Fla. Stat.

¹¹² § 61.13, Fla. Stat.

officer is 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.¹¹³

- 3) **Arrest** - In order to put you under arrest, the police officer must have probable cause 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.¹¹⁴

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 evidence of the crime.¹¹⁵

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 random 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

¹¹³ § 901.151, Fla. Stat. (“stop and frisk” law); see also, Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

¹¹⁴ Abraham v. State, 155 So. 3d 491 (Fla. 3d DCA 2015).

¹¹⁵ § 901.21, Fla. Stat.

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 based on the plain smell of the marijuana. The officer may search any place where the marijuana may be found which includes the center console, glove box, the trunk of the vehicle, and even any bag in the vehicle that is large enough to hold marijuana.

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 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.¹¹⁶ 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.

¹¹⁶ §§316.072 and 316.1935, Fla. Stat.

I've been the victim of a crime, what rights do I have?

In November of 2018, Florida voters approved a Constitutional Amendment called Marsy's Law¹¹⁷ which gave victims of a crime certain rights during the criminal proceedings including the right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family; the right to confer with the prosecutor on any settlement offers; and the right to be noticed for all hearings. Ask the officer for more information and be sure to read any victim pamphlets the officer provides to you to learn more about these rights.

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 U.S. Federal Government. The U.S. President appoints, and the U.S. Senate confirms the agency's director. The Selective Service System's legislative authority is the Military Selective Service Act¹¹⁸. The Selective Service System operates independently of any other agency, including the Department of Defense.

What is the purpose of the Selective Service System? The Selective Service System maintains an active standby organization that would rapidly provide personnel for the U.S. Armed Forces in a fair and equitable manner in the event a conscription order (draft) was authorized by the U.S. Congress and ordered by the U.S. 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 procedure(s).



Who is exempt from registration? There are few exemptions from the registration requirement. 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-

¹¹⁷ Article I, Section 16 of the Florida Constitution.

¹¹⁸ <https://www.sss.gov/wp-content/uploads/2020/02/Military-Selective-Service-Act.pdf>.

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. Please contact sss.gov for further possible exemptions from the registration requirement.

What happens if you are required to register, but you do not? The Selective Service System cannot be fair and equitable without a high level of compliance with the law. According to the Selective Service Agency, failure to register, if required to do so, is a felony punishable by imprisonment of up to 5 years and/or a fine of not more than \$250,000. Those who fail to register may also not be eligible for certain programs and benefits at both the Federal and state level, if those programs or benefits have been linked to registration. These programs and benefits include government jobs; student financial aid, loans, or grants; security clearances; job training; and other government aid. Non-citizen males of age should register to protect their future hopes of becoming a citizen.

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 sss.gov.

Many states and territories (including Florida¹¹⁹) include as part of their application for, or renewal of, 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 the applicant with Selective Service. In these "automatic" states, consent to registration is a requirement of obtaining driving privileges (or a government-issued ID card). Several 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.

19. SEXUAL CYBER HARASSMENT

What is sexual cyber harassment?

In 2015, Florida became the 16th state to enact a law criminalizing the posting of sexually explicit images of other people without their consent.¹²⁰ The image posted must be one in which the depicted person had a reasonable expectation of privacy and that was published or disseminated for no legitimate purpose, and with the intent of causing substantial emotional distress to the depicted person.

¹¹⁹ §322.0515, Fla. Stat.

¹²⁰ § 784.049, Fla. Stat.

What is a sexually explicit image? This means any image depicting nudity or depicting a person engaging in sexual conduct.¹²¹

What happens if someone posts one of these images? A person who willfully and maliciously sexually cyber harasses another person commits a first-degree misdemeanor which is punishable by up to one year in jail and a \$1,000 fine for the first offense. For any subsequent offense, the person commits a third-degree felony which is punishable by up to five years in prison and a \$5,000 fine.¹²²

The victim may also initiate a civil action against the perpetrator which may include injunctive relief, monetary damages, and reasonable attorney's fees and costs.¹²³

20. SOCIAL MEDIA RESPONSIBILITY



Social media sites are developed as a tool to communicate with others by sharing personal information, photos, videos, comments, keeping up with current events, and more.

Community sites with user-generated content should be used responsibly. As is the case with the Legal Survival Guide 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. When posting online, you should always assume that 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, tortious, defamatory, obscene, libelous or is an invasion of another's privacy.

¹²¹ § 784.049(2)(d), Fla. Stat.

¹²² § 784.049(3)(a) and (b), Fla. Stat.

¹²³ § 784.049(4), Fla. Stat.

- Never transmit any material that is hateful, racially, ethnically, or otherwise offensive. Cyber-bullying is never appropriate.
- Avoid sending unsolicited or unauthorized advertising, promotional materials, or any other form of solicitation.
- Never upload any software that could breach cybersecurity, such as malware, viruses, keyloggers, trojans, etc.
- If you connect your job with your personal social media profile, keep in mind you are representing both yourself and your employer.

Exercising proper netiquette rules when communicating through social media platforms will ensure responsible use of internet resources. Using social media to promote yourself can be an excellent way to highlight your successes. Get acquainted with the unique privacy and security policies of each social media networking site and third-party site you use. Knowing the pros and cons social media provides can ensure you benefit from the educational, positive, and entertainment value these resources can provide.

21. STUDENT LOANS

How do you find out about student loans? If you apply for financial aid for undergraduate college or graduate school, you may be offered loans as part of your school's financial aid offer. A loan is money you borrow and must pay back with interest.¹²⁴ Student loans can come from the federal government, from private sources such as a bank or financial institution, or from other organizations.

Why are the loan details important? Before you take out a loan, it's important to understand that a loan is a legal obligation that makes you responsible for repaying the amount you borrow with interest. If you decide to take out a loan, make sure you understand who is making the loan and the terms and conditions of the loan. Even though you don't have to begin repaying your federal student loans right away, you shouldn't wait to understand your responsibilities as a borrower.

How do you apply for student loans? The first step in getting student aid is completing the [Free Application for Federal Student Aid \(FAFSA\)](#).¹²⁵ The website features a number of tutorial videos on obtaining a student loan and responsible borrowing.

What should you be concerned about when taking out a student loan? General guidelines for responsible borrowing are:

- Keep track of how much you're borrowing. Think about how the amount of your loans will affect your future finances, and how much you can afford to repay. Your student loan payments should be only a small percentage of your salary after you

¹²⁴ <https://studentaid.ed.gov/sa/types/loans>.

¹²⁵ <https://studentloans.gov/myDirectLoan/index.action>.

graduate, so it's important not to borrow more than you need for your school-related expenses.¹²⁶

- Research starting salaries in your field. Ask your school for starting salaries of recent graduates in your field of study to get an idea of how much you are likely to earn after you graduate.
- Understand the terms of your loan and keep copies of your loan documents. When you sign your promissory note, you are agreeing to repay the loan according to the terms of the note even if you don't complete your education, can't get a job after you complete the program, or you didn't like the education you received.
- Make payments on time. You are required to make payments on time even if you don't receive a bill, repayment notice, or a reminder. You must pay the full amount required by your repayment plan, as partial payments do not fulfill your obligation to repay your student loan on time.

Keep in touch with your loan servicer. Notify your loan servicer when you graduate; withdraw from school; drop below half-time status; transfer to another school; or change your name, address, or Social Security number. You also should contact your servicer if you're having trouble making your scheduled loan payments. Your servicer has several options available to help you keep your loan in good standing.

22. 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.¹²⁷ "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 law¹²⁸ 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

¹²⁶ <https://studentaid.ed.gov/sa/types/loans>.

¹²⁷ § 316.305, Fla. Stat., known as the "Florida Ban on Texting While Driving Law", as recently amended during the 2019 Legislative session.

¹²⁸ § 316.306, Fla. Stat.

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, 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.

23. 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.¹²⁹ 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 valued under \$15,000.00 are appealed to the circuit court; administrative court and circuit court cases are appealed to the district courts of appeal (DCAs).



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 \$30,000

¹²⁹ <https://www.flcourts.org/Florida-Courts>.

are handled in the county court. Disputes under \$8,000 are handled in the small claims division of the county court.¹³⁰

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, a 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.
- 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 on the next general election ballot after a full year after the appointment.

What types of cases are heard by the circuit court? The circuit court hears an array of cases ranging from felony criminal offenses, matters involving property of a person who has died (probate), guardianships, juvenile matters, civil cases where the amount claimed is more than \$30,000, divorces, and most actions involving real estate.¹³¹

Cases involving felony criminal offenses, punishable by fines and/or prison of at least 1 year and 1 day. Appeals from many 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, a 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 on the next general election ballot after a full year after the appointment.

What types of cases are heard by the Division of Administrative Hearings (DOAH)?

DOAH Administrative Law Judges (ALJ) 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, ALJs hear cases involving

¹³⁰ § 34.01, Fla. Stat.

¹³¹ § 26.012, Fla. Stat.

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.¹³²

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 a 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

¹³² Chapter 440, Fla. Stat.

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 Florida 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 75.
- 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.
- Florida 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 Clerk of Court's office has simple forms for you to complete if the amount involved is less than \$30,000. 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.¹³³ 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.

24. 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.

¹³³ Chapter 95, Fla. Stat.

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 [my.USCIS.gov](https://my.uscis.gov)); or
- 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.

Can non-U.S. residents start their own business in the United States? Although the Department of Homeland Security (“DHS”) had previously published a rule that allowed foreign entrepreneurs to stay in the United States for a period of time, DHS proposed to eliminate this rule in 2018. While DHS recognizes that some foreign entrepreneurs may face difficulty establishing eligibility under existing nonimmigrant and immigrant categories, options are still available for some foreign entrepreneurs. The United States has [visa classifications](#) that can be used by certain entrepreneurs or investors coming to the United States, e.g., E-2 treaty investor nonimmigrant classification, EB-5 immigrant classification, INA sections 101(a)(15)(E), 203(b)(5).

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 choosing¹³⁴, 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 and 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

¹³⁴ Please note that some jobs will be limited to U.S. citizens for security reasons.

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 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.

What do I need to know to take the naturalization (citizenship) test? USCIS has revised the civics portion of the naturalization test. All applicants for naturalization with a filing date (also known as a received date) on or after Dec. 1, 2020, will be required to take the 2020 version of the civics test. For more information, visit [USCIS' 2020 Version of the Civics Test web page](#). Applicants for naturalization with a filing date before Dec. 1, 2020, are required to take the 2008 version of the civics test.

25. VOTING

When can you register to vote? You may preregister to vote on or after your 16th birthday, and may vote in any election occurring on or after your 18th birthday.¹³⁵ Exceptions to this right are set out in the Florida Election Code.



When you register, you must take an oath to defend the United States Constitution and the Constitution of the State of Florida¹³⁶ and fill out a registration application.¹³⁷ This information, and the step-by-step process, including online applications, can be found at the [Florida Department of State's website](#).

¹³⁵ § 97.041, Fla. Stat.

¹³⁶ § 97.051, Fla. Stat.

¹³⁷ § 97.052, Fla. Stat.

In order to vote in primary elections in Florida, you must be a registered voter in the party for which the primary is being held;¹³⁸ a few exceptions apply.¹³⁹

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.¹⁴⁰

Can you vote if you cannot appear in person? Yes, assuming you are registered, you may “Vote-by-Mail”. When you receive your ballot, follow the ballot instructions carefully to ensure that your ballot is properly completed, returned timely, and counted. Additionally, please keep in mind that, as a convenience to voters, Florida has allowed early voting throughout the State since 2004.¹⁴¹

Where do 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. If you move, some options are available to you to vote more locally.¹⁴²

Do you need identification to vote? At the polls, you will be asked to provide a current and valid picture identification. Refer to the Florida voter’s website above for a current list of acceptable proof of identification.

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.¹⁴³

¹³⁸ §101.021, Fla. Stat.

¹³⁹ Fla. Const. Art. VI, § 5

¹⁴⁰ §§97.055 and 97.0555, Fla. Stat.

¹⁴¹ §101.657, Fla. Stat.

¹⁴² § 101.045, Fla. Stat.

¹⁴³ §101.031, Fla. Stat.