



TABLE OF CONTENTS

Page

1. GENERAL PRINCIPLES	3
2. CONSUMER PROTECTION	3
3. CONTRACTS	5
4. THE COURT SYSTEM	7
5. CREDIT	9
6. CRIMINAL CHARGES	11
7. DRINKING LAWS.....	14
8. DRIVING	16
9. ENVIRONMENTAL RESPONSIBILITY	18
10. EMPLOYMENT	19
11. FEDERAL INCOME TAX AND FICA.....	20
12. JURY DUTY	22
13. LANDLORD/TENANT	23
14. MARRIAGE	25
15. PATERNITY ISSUES	26
16. VOTING	27
17. SELECTIVE SERVICE SYSTEM.....	28
18. TEXT AND DRIVING	29
19. SEXUAL CYBERHARASSMENT.....	30
20. IMPORTANT TELEPHONE NUMBERS ...	30

1. GENERAL PRINCIPLES

When Do You Become An Adult In Florida? In Florida, for most purposes, you become a legal adult on your 18th birthday. See generally § 1.01(13), *Fla. Stat.* This is often referred to as the age of majority. (For exceptions, please see “Drinking Laws.”)

Why Is It Important To Know Your Legal Rights And Responsibilities When You Become An Adult? When you are 18, you have adult rights including the right to vote (§ 97.041, *Fla. Stat.*), to make contracts, to sue on your own behalf, to make a will (§ 732.501, *Fla. Stat.*), to get non-emergency medical treatment without your parent’s consent (§ 743.064, *Fla. Stat.*), and to live independently from your parent’s control (Chapter 743, *Fla. Stat.*).

What Is Emancipation? Emancipation is the act by which a minor, who had limited legal rights and additional legal privileges, gains all the rights and responsibilities of an adult. An emancipated minor has the legal capacity to act as an adult. This means the minor is no longer treated differently under the law and is free of the legal control and custody of his/her parents. However, an emancipated minor is no longer entitled to the benefits of being a minor, either. His/her parents no longer have a legal responsibility to support him/her and the Department of Children and Families will not intervene to protect his/her welfare as they would that of 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 he/she is 21 years old or vote until he/she is 18 years old. For more information, refer to Chapter 743, *Fla. Stat.*

What Are Some Of These “New” Adult Responsibilities? If you break the law, you will be tried as an adult and can be sentenced to an adult prison. Unless a court orders otherwise, your parents are not required to support you, so you may have to support yourself. In addition, because you can make binding agreements with others (called contracts), you can also be sued. People over 18 may be called to jury duty. Males must register for the selective service. See generally § 743.07, *Fla. Stat.*

2. CONSUMER PROTECTION

CARS

Does The Law Protect Me If I Bought A “Lemon”? Under the Florida Lemon Law (Motor Vehicle Warrant Enforcement Act), if a new or demonstration motor vehicle purchased or leased in Florida on or after January 1, 1989 has a defect or condition covered by the manufacturer’s warranty which substantially impairs the use, value or safety of the vehicle, you should report the problem to the manufacturer or authorized dealer. The Lemon Law applies to new and demonstration motor vehicles. The Lemon Law does not cover used motor vehicles. All sales and most long-term leases of automobiles and trucks of 10,000 pounds or less gross vehicle weight, and self-propelled recreational vehicles are covered by the law. The mechanical and

structural components of recreational vehicles are also covered, but the interior fixtures such as chairs or lights, or living quarters are not. The law applies to any major problem reported to the manufacturer or its authorized service agent during the first 18 months or 24,000 miles of operation, whichever occurs first. At the time of purchase or lease of a new or demonstration motor vehicle, the manufacturer must provide to the consumer a booklet prepared by the Office of the Attorney General entitled "Preserving Your Rights Under "The Florida Lemon Law."

The provisions of the law still apply after the rights period has expired if the consumer has notified the manufacturer or its authorized service agent of a defect during that period.

If the manufacturer or authorized service agent has been unable to fix the same defect after three attempts, the consumer must send written notification of the need for repair to the manufacturer by registered or express mail to give the manufacturer one final opportunity to cure the defect. The manufacturer must direct the consumer to a reasonably accessible repair facility within 10 days of its receipt of the written notification. After the vehicle has been delivered to the designated repair facility, the manufacturer has 10 days to fix the defect. If the manufacturer fails to comply with either of the above requirements within the time provided, the consumer does not have to give the manufacturer a final repair opportunity.

If the vehicle has been out of service for repair of major problems for a cumulative total of 30 days, the consumer must send written notification of this fact to the manufacturer by registered or express mail after 15 or more days, and give the manufacturer or authorized service agent an opportunity to inspect or repair the vehicle.

If the manufacturer cannot correct a defect after all the prescribed steps have been taken, the manufacturer shall repurchase the vehicle for the full purchase price, plus expenses, minus a reasonable charge for use or upon payment by the consumer of the reasonable charge for use, replace the vehicle with one acceptable to the consumer, plus pay expenses. The consumer has a right to choose a refund rather than a replacement.

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

If the consumer resorts to a manufacturer's certified informal dispute settlement program and a decision is not rendered within 40 days, or if the consumer is not satisfied with the decision, or if the manufacturer does not have a certified informal dispute settlement program, the consumer may request arbitration by the Florida New Motor Vehicle Arbitration Board by contacting the Division of Consumer Services at the Lemon Law Hotline

(850) 488-2221 or (800) 321-5366 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.

For more information, refer to Chapter 681 of the *Florida Statutes*.

Can A Repair Shop Charge Me 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 (§ 559.909, *Fla. Stat.*). The shop can charge 10 percent or \$10 over the estimate, whichever is greater, but not more than an additional \$50 without your authorization (§ 559.905, *Fla. Stat.*).

Can The Repair Shop Charge For Diagnosing A Problem Prior To Doing A Repair Estimate? Yes, but the shop must tell you about this charge and get your acceptance of the charge prior to the diagnostic work (§ 559.905, *Fla. Stat.*).

Can I Get My Car Back If I Disagree With The Repair Shop On The Bill? It is unlawful for any motor vehicle repair shop to fail to return any customer's motor vehicle because the customer refused to pay for unauthorized repairs or because the customer has refused to pay for repair charges in excess of the final estimate in violation of a written estimate (§ 559.909, *Fla. Stat.*). However, if work was performed under a proper written estimate, the repair shop may institute a possessory lien against the vehicle under part II of chapter 713 of Florida Statutes. 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 (§ 559.909, *Fla. Stat.*).

The clerk will issue a certificate which you deliver to the shop to pick up the car. The repair shop then must sue to get their money within 60 days. If the repair shop does not sue within 60 days, the clerk of the court shall return the bond money to you. Release of the bond money does not prohibit the shop from filing suit later (§ 559.909, *Fla. Stat.*). No motor vehicle repair shop may refuse to return a customer's motor vehicle by virtue of any miscellaneous lien (§ 559.919, *Fla. Stat.*).

3. CONTRACTS

What Is A Contract? A contract is an enforceable oral or written agreement between two or more people. See generally, <http://legal-dictionary.thefreedictionary.com/Contract>.

What Happens If I Signed A Contract Before I Turned 18?

With a few exceptions, contracts entered into by minors are not enforceable and may be rescinded. Contracts of necessity, like food or shelter, are typically binding despite having been entered into by a minor. Minors may also be able to enter contracts for educational purposes (§ 743.05, *Fla. Stat.*) or, in some circumstances, under the “Home, Farm and Business Loans Act” (§ 743.04, *Fla. Stat.*). Contracts made by minors for artistic or creative services or for professional sports may be approved by the probate court (§ 743.08, *Fla. Stat.*). Once a minor marries, contracts entered into by the minor are enforceable even though the minor has not yet reached the age of consent (§ 743.01, *Fla. Stat.*).

What Kinds Of Contracts Will I Enter Into As An Adult? Some of the contracts you may enter into as an adult include employment contracts (§ 743.04, *Fla. Stat.*), school loans (§ 743.05, *Fla. Stat.*), house or car purchases (§ 743.045, *Fla. Stat.*), installment loan contracts for purchases (televisions, stereos, computers, etc.) (§ 743.044, *Fla. Stat.*), rental contracts (§ 743.045, *Fla. Stat.*), insurance contracts (Chapter 627, *Fla. Stat.*), contracts for services and credit card agreements (Chapter 743, *Fla. Stat.*).

Does A Contract Have To Be In Writing? Not necessarily. However, if the contract is for your payment of another person’s debt (§ 725.01, and § 687.0304, *Fla. Stat.*), if it concerns real estate (§ 689.01, *Fla. Stat.*), if it lasts more than one year (Chapter 670-680, *Fla. Stat.*), or if it transfers property after death (i.e. a will) (§ 732.502, *Fla. Stat.*), 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, a person is 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 I Do If I Am 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. Do not sign a contract with any blank space on it. Make sure the other party signs the contract and get a copy of it for your records.

What Happens If I Don’t Complete The Contract Or Miss Payments? If you fail to complete the contract or miss payments, you can be sued. You will be given a chance to defend yourself and the court will then determine if the claim is valid. If it is valid, you may have to pay money, do certain acts or refrain from doing other acts for breaking the contract depending on

what is fair and just. If you fail to pay a judgment, the court may order your property seized to satisfy it.

4. THE COURT SYSTEM

What Are Florida's Various Courts? Courts in Florida are divided into county courts, circuit courts, district courts of appeal, and the Florida Supreme Court. Trials are held in county courts and circuit courts. If a party believes a county court or circuit court decided a case in error, he/ she may ask that the case be reviewed by a higher court. This is called an appeal. County court cases are appealed to the circuit court; circuit court cases are appealed to the district courts of appeal. For complaints affecting a person's license, registration or certification to practice a profession or trade, or for certain other decisions made by state regulatory agencies, there is an administrative hearing process through the Division of Administrative Hearings (DOAH) which must be completed before the agency decision is challenged in the courts (Chapter 120, *Fla. Stat.*). DOAH also houses the Office of Judges of Compensation Claims for those individuals who have a worker's compensation claim (Chapter 440, *Fla. Stat.*). 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, the courts of appeal. For more information, refer to Title V, Florida Statutes.

What Types Of Cases Are Considered By The County Courts? Some less serious criminal offenses (misdemeanors, punishable by fines and/or county jail up to one year), traffic offenses and civil cases where the amount claimed is under \$15,000 are handled in the county court.

Disputes under \$5,000 are handled in the small claims division of the county court (§ 34.01, *Fla. Stat.*).

QUICK FACTS ABOUT THE COUNTY COURT

A county court judge must be an attorney for five years (except if the population is less than 40,000 in that county) in good standing with The Florida Bar, an elector (resident) of the county where he/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. Should a vacancy occur during a term, the Governor may appoint a replacement from a list of nominated qualified attorneys.

What Types Of Cases Are Heard By The Circuit Court? All serious criminal offenses (felonies, punishable by fines and/or prison of at least 1 year and 1 day), matters involving the property of a person who has died (probate), guardianships, juvenile matters for those under age 18, civil cases where the amount claimed is more than \$15,000, divorces and most actions involving real estate are heard by the circuit court (§ 26.012, *Fla. Stat.*). Appeals from most county court decisions and from final

orders of local government code enforcement boards are heard by the Circuit Courts.

QUICK FACTS ABOUT THE CIRCUIT COURT

A circuit court judge must be an attorney for five years, in good standing with The Florida Bar, an elector (resident) of the county where he/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. Should a vacancy occur during the term, the governor may appoint a replacement from a list of nominated qualified attorneys.

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 nonfinal orders, and by general law it has the power to review final actions taken by state agencies. Additionally each district court has the authority to issue extraordinary writs as necessary to perform its duties.

QUICK FACTS ABOUT THE DCA

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

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

QUICK FACTS ABOUT THE FLORIDA SUPREME COURT

There are seven Supreme Court justices and each is appointed by the governor from a list of nominated qualified attorneys. Each justice must be an attorney for ten years in good standing with the Florida Bar, and two justices may be selected from a state wide pool of qualified applicants. A justice may

serve until the mandatory retirement age of 70. The governor must appoint a justice from each of the five geographical areas that contain the district courts of appeal. 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 I Need An Attorney To File A Civil Case In Court? An attorney is not required for an individual to file a case in court. If the claim is based on a written document, you should bring it with you when you file a claim. The court clerk's office has simple forms for you to complete if the amount involved is less than \$15,000. However, it is usually best to talk with an attorney before handling a case in court yourself.

How Long Do I Have To File A Lawsuit? The length of time you have to file a lawsuit varies by the type of case (Chapter 95, *Fla. Stat.*). 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. The service allows you to meet with an attorney for an initial consultation at costs ranging from \$25 to \$50.

5. CREDIT

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

How Do I Achieve and Maintain A Good Credit Rating? There are a number of ways, including: maintaining a savings account, buying items on credit and paying for them on time, having a reliable source of income and establishing a credit history. A credit rating is intended to measure your ability to repay a debt. Lenders look at your past record of paying bills, your individual account credit limit in relation to the account high balance, and your income or other sources of money in determining whether to extend credit.

What are the Major Laws that Regulate Credit? The major federal laws that regulate credit are the Fair Credit Reporting Act, Equal Credit Opportunity Act, Fair Credit Billing Act and Fair Debt Collection Practices Act.

The Fair Credit Reporting Act promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies. It also controls the use of credit reports and requires consumer reporting agencies to maintain correct and complete files. According to this act, you have a right to review your credit report and to have incorrect information corrected. You have

the right to know if you have been denied credit, insurance, or employment based on a credit report.

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

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

How Long Does It Take To Clear A Bad Credit Report? It depends on the seriousness of the past problems and the accuracy of the consumer report. If you believe there is inaccurate information on your credit report; you must follow the proper procedures to dispute the errors in accordance with the Fair Credit Billing Act. The Fair Credit Reporting Act also prevents certain credit information from being included on consumer reports if that information is more than seven years old (U.S.C § 605).

What Is Collateral? Collateral is anything of value that can be taken by the lender if you do not pay back the loan. Loans that are granted based upon collateral are called "secured loans" (i.e., a home mortgage or car note). The lender wants to identify property owned by the borrower which has a value at least equal to the amount of the loan so that the property

can be used to pay back the debt if you are unable to repay the loan. If the collateral's value is not worth equal to or more than the amount of the outstanding debt, the lender may seek a deficiency judgment against you for the difference. There is another type of loan called an "unsecured loan" which does not require collateral, but is based on the user's ability to pay (i.e., credit cards, student loans).

Can A Lender Have Different Rules For Making Loans To Women And Men? No. It is unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status (§ 725.07, *Fla. Stat.*). Lenders may only make decisions based on the borrower's ability and intent to repay the loan. A married person who does not have an outside job might have problems obtaining a loan unless that person has sufficient collateral to provide security for the loan. If the person's spouse has a good credit rating, the spouse could guarantee the loan as a co-signor or provide other security to support the loan.

For further information on credit you can visit www.mymoney.gov. To find out more information about your credit rating and obtain a free credit report you can visit the three reporting agencies at their Web sites: www.equifax.com, www.transunion.com, and www.experian.com. You are entitled to one free credit report per year from each of these reporting agencies.

6. CRIMINAL CHARGES

When Are You Under Arrest? You are arrested when law enforcement officers take you into custody or otherwise deprive you of your freedom of movement in any significant way, in order to hold you to answer for a criminal offense. Police officers, under Florida law, are obligated to identify themselves and to advise you that you are under arrest and why, unless you try to flee or forcibly resist before the officer can give you this information. You may even be under arrest even though no one has actually used the word "arrest" or any other comparable word, although this is rather rare. The fact that you have been deprived of your freedom of movement in some significant manner may amount legally to an arrest. Ordinarily, private citizens do not have power of arrest in Florida; but may assist police officers in making arrests if the officer feels such assistance is necessary. (§ 901.16 and § 901.17, *Fla. Stat.*).

If Someone Is Arrested For A Criminal Offense, What Does He Or She Have A Right To Expect From The Arresting Officer(s)? If arrested, you can expect to be searched for weapons by the police and taken to jail (§ 901.21 and § 901.211, *Fla. Stat.*). If questioned, you will be advised of your rights under the United States Constitution, in what is commonly called Miranda warnings. It is important to realize that you do not have to have your rights read to you if the officer does not ask you any questions. This happens more than you may think it would. As soon as you request an attorney, all questioning must stop. If you do not wish to answer questions you must state, very clearly, that you are

invoking your right to remain silent. Once this right is invoked, all questioning must stop. Some important rights to remember are the right to remain silent; no one can be forced to incriminate himself/herself. Another important right is the right to the presence of an attorney WHILE being questioned (§ 901.24, *Fla. Stat.*). You also have the right to stop answering questions at any time, even if you've started answering questions.

- You have a right to know the crime or crimes with which you have been charged.
- You have a right to know the identity of the police officers who are dealing with you.
- You have the right to communicate by telephone with your attorney, family, friends, or bondsperson as soon after you are brought into the police station as practicable. The police have a right to complete their booking procedures before you are allowed to use the telephone.

What Basic Things Should A Person Remember If Arrested?

First and foremost you should remember your right to remain silent. Officers are not kidding around when they tell you that anything you say can and will be used against you in court. You also have the right to have an attorney present during questioning. This does not mean the officers have to stop their investigation to wait for the arrival of an attorney to oversee what they are doing, but they cannot ask you questions without an attorney being present, if you invoke your right to one. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone. On the other hand, you may choose to answer questions or sign papers. However, 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 leniency in exchange for any written or oral statements. If you want to remain silent and end an interrogation you have to break your silence and state unequivocally that you are invoking your right to an attorney and will not answer any further questions. Otherwise the police can just keep shooting questions at a person who refuses to talk as long as the police want, in hopes that the person will eventually give them some information. Yes, this might be confusing, just recall that if you want to remain silent you have to speak up to end the interrogation, and you must be very clear of your intention and desire to stop talking. Properly trained police officers will almost always comply with an invocation of your right to remain silent. In fact, once you invoke this right a properly trained police officer will usually not engage you in conversation again, and probably won't talk to you even if you're the one trying to re-start the conversation.

How Soon After An Arrest Must A Person 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 an initial appearance, you will be apprised of the charges against you and asked if you

understand the charges. In most cases bail will be set and you will be asked if you can afford an attorney. For less serious offenses, you might be permitted to enter a guilty or no contest plea at first appearance. (Florida Rule of Criminal Procedure 3.130.)

What If A Person Cannot Afford To Hire An Attorney? If you cannot afford an attorney, the judge will appoint an attorney from the Public Defender's Office to represent you. An attorney from the Public Defender's Office will be in court. However, most likely you will not get a chance to speak to this attorney about your case during this court appearance. The attorney won't know anything about the case and will most likely tell you to not say anything to anyone until the attorney who will actually represent you can talk to you. It's also important to remember at First Appearance prosecutors are also present, and anything you say about your case can and will be used against you. (Florida Rule of Criminal Procedure 3.111.)

What Does It Mean To Be Released On Bail? Bail is designed to guarantee your appearance in court. Unless charged with a capital offense or an offense punishable by life imprisonment, and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinances shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure your presence at trial or assure the integrity of the judicial process, you may be denied pretrial release. The court will require that a specific amount of money be deposited with the clerk of the court or sheriff to satisfy bail (Chapter 903, *Fla. Stat.*). Sometimes the court allows deposit of a bond or title to a vehicle or home. Most bonds are eligible to be posted by a bondsman. Typically a bondsman will charge 10% of the total bond fee. For example, if a \$5,000 cash or professional bond is set, you would have the option of either 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 (Florida Rule of Criminal Procedure 3.131.)

Is It True, A Seemingly Minor Action Would Be A Felony In Florida? Yes. For example, if you falsely apply for an I.D. or unlawfully spray a fire extinguisher, or falsely report child abuse.

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. (§ 985.556, § 985.557, and § 985.565, *Fla. Stat.*).

Can My Juvenile Record Be Used Against Me After I Become An Adult? Yes. It's a common misconception that juvenile records are automatically wiped clean once someone turns 18, but all prior criminal acts may be considered for sentencing purposes

(Chapter 921, *Fla. Stat.*). Furthermore, even if your juvenile record isn't used against you officially, oftentimes prosecutors will take into consideration someone's entire prior history when deciding how harshly they want to treat someone.

Can I Have My Record Sealed Or Expunged? Maybe, depending on your charge, as well as your prior criminal record. Further, certain conditions and exceptions apply. For example, sealing your record only restricts access by the general public. Federal, state, county and city agencies may still access your criminal history record. Expunction of your record totally removes your criminal record, however agencies will be able to know that the criminal record has been removed, and can obtain the record through a court order. There are other exceptions where you may not deny or fail to acknowledge a sealed or expunged criminal charge. In addition, sealing or expunging your record in Florida may have no impact on private firm or federal databases. Your record may still be available through private companies that purchase such information from the state and counties. Employers and the general public may still have access to these records through the private companies. While an individual may lawfully deny or fail to acknowledge the sealed or expunged criminal information, there are numerous exceptions to the rule. For more information on sealing or expunging your criminal record, please visit <http://www.fdle.state.fl.us/content/getdoc/c83dd888-ef7a-448e-9a96-ba69fc4181f7/Seal-and-Expunge-Home.aspx> External Link.

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 include up to: an arrest, a maximum jail sentence of up to 60 days and/or 6 months' probation, and a \$500.00 fine (§ 322.32, *Fla. Stat.*). If you possess a forged (altered) or counterfeit (falsely produced) ID, or possess a stolen ID, you risk a third degree felony. Penalties include up to: an arrest, a maximum of 5 years prison and/or probation, and a \$5,000.00 fine (§ 322.212, *Fla. Stat.*).

7. DRINKING LAWS

What Is The Legal Drinking Age In Florida? The current legal drinking age in Florida is 21 (§ 562.11, *Fla. Stat.*).

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

What Happens If I Drive After I Have Been Drinking? Driving while under the influence of alcoholic beverages or a controlled substance is one of the most serious traffic violations an individual can commit. In fact, it is classified as a crime and in some circumstances a felony. If you are found guilty of driving while under the influence (DUI), you are subject to heavy penalties for the first offense. These include possible imprisonment of up to six months, a loss of your driver's license for up to one year,

a fine up to \$2,000 in addition to court costs, completion of a substance abuse course and driving course and 50 hours of community service (16 hours with the sheriff's work detail), along with an electronic alcohol monitor worn at all times (§ 316.193, *Fla. Stat.*). The vehicle you were driving must be impounded. The penalties are even more serious if your blood alcohol level is .20 or higher or if there were passengers in the vehicle under the age of 18 years old (§ 316.1934, *Fla. Stat.*).

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

If you operate a motor vehicle in the State of Florida, you are subject to the "implied consent" law. This means that because you are operating a motor vehicle in the State of Florida, you have agreed to take a chemical test if the officer has a reasonable suspicion that you are under the influence of an alcoholic beverage or controlled substance. A urine test can be requested if drugs are suspected. A blood test can be requested under some circumstances (traffic accident). If you have a Florida driver's license, the statement, "I hereby consent to any chemical test for sobriety as required by law" appears directly above your signature.

These tests are to determine your blood alcohol or drug level to find out how much alcohol or drugs are in your bloodstream. If you refuse to take the test, you are subject to a suspension of your driver's license for a period of one year for a first refusal and a period of 18 months if your driving privilege has been previously suspended for refusing to submit to such a test (§ 316.1939, *Fla. Stat.*). In addition, refusing to submit to a test for the second time is actually a first degree misdemeanor itself. People have been charged with DUI and refusing to consent to a breath test. You do not have the right to have your own doctor give you the test at the time of the arrest, and you do not have the right to have an attorney present when you take such a test. You do have the right to have a second test administered by a physician or a laboratory technician of your choice. However, the second test must be paid for by you.

Police officers have the power to suspend your driver's license on the spot for a DUI arrest. When police officers seize a license, they issue a traffic citation, and a suspension order. Although the officer will physically take your driver's license, you should keep the actual ticket that gets issued for the DUI. This will act as your driver's license for the next 10 days. To earn reinstatement, drivers cited under this law must pay costs and fines. Hardship licenses are available under certain limited circumstances upon request, but not for at least 30 days after being charged.

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

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

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

See Chapter 316, *Fla. Stat.*

What Is The Open Container Law? It is unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle or while a passenger in or on a vehicle being operated. Any operator of a vehicle who violates this law is guilty of a noncriminal moving traffic violation and will be fined. A passenger of a vehicle who violates this law is also guilty of a noncriminal nonmoving traffic violation and will also be fined (§ 316.1936, *Fla. Stat.*).

8. DRIVING

Is Driving A Right Or A Privilege? Driving is a privilege regulated by the State of Florida. It carries great responsibility. For more information, refer to Chapter 322, *Fla. Stat.*

Do I Lose My Driver License If I Drop Out Of School Before I Reach 18 Or Before I Earn My Diploma? Yes. Florida law requires that students under age 18 be enrolled in an educational program and satisfactorily meet relevant attendance requirements in order to apply for or retain a driver license. Students under 18 who have unsatisfactory attendance records or drop out of school will have their license suspended. A student under the age of 18 whose license has been suspended may have the license reinstated one time by improving attendance or returning to school (§ 232.19; § 322.09; and § 322.091, *Fla. Stat.*). This law does not apply to anyone above the age of 18. For more information, contact the Department of Education (the telephone number is listed on the last page of this pamphlet) or the website <https://www.fldoe.org/Family/dropoutp/strategies.asp#drpr> External Link.

Do I Have To Have Car Insurance? According to Florida law, if you own a motor vehicle with four or more wheels you must carry at least \$10,000 of personal injury protection insurance (PIP) also known as no-fault insurance. A minimum of \$10,000 of property damage liability insurance is also mandatory (§ 324.021, *Fla. Stat.*). Failure to provide proof of insurance may result in a suspension of your driving privilege, including your vehicle tag and registration.

What If I Drive Off Without Paying For Gasoline? In addition to possible theft charges, you are also subject to losing your driver license (§ 812.014, *Fla. Stat.*).

What If I Receive A Ticket Out Of State? If you are guilty of an out of state driving infraction, points will be assessed against your Florida driver license (§ 322.27, *Fla. Stat.*).

What Does PIP Insurance Cover? Personal injury protection insurance (PIP) covers you regardless of whether you cause an accident (are “at-fault”) or not, up to the limits of the policy. PIP is designed to reduce the necessity of suing for reimbursement of injuries in auto accidents. PIP pays for 80% of reasonable and necessary medical expenses, 60% of lost wages and \$5,000 for death benefits (§ 324.021, *Fla. Stat.*).

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 are also covered if they are Florida residents.

What Happens If I Have An Accident Outside Of Florida? You are responsible for reporting the accident to your insurance carrier wherever an accident occurs and may be subject to criminal and/or civil liability in the location of the accident. If you are found guilty or in default of the suit outside of Florida, you may still be held liable in Florida and be subject to the consequences of the judgment depending on the type of the matter. For accidents that happen outside of Florida, but inside the United States or Canada, PIP insurance covers you and

relatives who live in your home. In these cases, you must be driving your own vehicle. Persons other than you or your relatives are not covered.

Who Is Covered Under Property Damage Liability Insurance? All drivers are required to purchase \$10,000 of property damage liability insurance as well as PIP insurance. A \$30,000 combined limit of property damage and bodily injury liability is a legal option. This coverage pays for damage you or members of your family cause to other people's property while driving. The term "property" may include a fence, telephone pole or building, as well as another car. Coverage applies even if you drive someone else's car. Depending on the terms and conditions of your insurance policy, it may also include anyone else who uses your car with your permission (§ 324.021(9)(b)(1), *Fla. Stat.*).

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

Can My Parents Look At My Driving Records? Yes. The Department of Highway Safety is required to make the driving records of teens available for viewing by the parent 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 (§ 322.201(13), *Fla. Stat.*).

Is it unlawful to use 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 (§ 784.062, *Fla. Stat.*).

For more information regarding driving, please visit the website at www.flhsmv.gov/index.html External Link.

9. ENVIRONMENTAL RESPONSIBILITY

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

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

- used crankcase oil, AC coolants, and engine fluids
- solvents and pool chemicals

- batteries and electronic hardware
- paper and plastic packaging
- herbicides, pesticides, and fertilizers
- medicines and medical packaging

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

Recommended Practices. Reduce your use of plastic and paper packaging (grocery bags and water bottles), consume less potable water with restrictive shower heads and low volume toilets. Irrigate only when necessary. Use native flora and landscaping near your home. Use energy efficient lighting and AC systems as needed. See more tips at <http://www.dep.state.fl.us/green/tips/default.htm>. Many animals and birds are protected species under law. The Florida Wildlife Commission lists hundreds of endangered species. Your local wildlife center and state parks are excellent sources of information. Protected animals include the Florida panther, manatee, scrub jay, and gopher tortoise to name a few. Learn to combat invasive species in Florida by NOT releasing aquarium fish, reptiles, plants, live bait, or other exotic species into the wild or your neighborhood. Clean your boat, off road vehicle, boots, and other gear after every excursion into Florida's non developed areas to prevent transportation of stowaway pests and weed seeds. Enjoy the wildlife but do not feed them human food. Civil and criminal penalties are possible under federal and state law for illegal conduct.

What other resources are available? Additional excellent sources of information are epa.gov, fws.gov, and floridaconservation.org. Your local library has films, e-books, audio books and other items of interest pertaining to the use, misuse, and preservation of our unique Florida ecosystem. Your local police and fire departments may also have information regarding disposal of waste and amnesty programs.

10. EMPLOYMENT

How Do Laws Regulate My Workplace? You can expect to work in a safe environment. Private employers may be fined for unsafe working conditions under the federal Occupational Safety and Health Act. The Florida Workers' Compensation law (Chapter 440, *Fla. Stat.*) provides protection for workers injured on the job. You must notify your employer immediately to ensure your rights are protected. Finally, unemployment compensation provides financial payments to individuals who have lost their jobs through layoffs or other specific reasons. See Chapter 443, *Fla. Stat.* To get more information, contact the Florida Department of Economic Opportunity, <http://www.floridajobs.org/job-seekers-community-services>.

Are there laws governing how much I must be paid? Yes. There is both a federal and Florida minimum wage for covered employees. (§29 USC 201, et. seq. and § 448.110, *Fla. Stat.*)

Will I be given a written employment contract? Typically no. Most employers do not issue written contracts. Instead, in Florida, employees are presumed to be “at will.” At-will employees may be terminated for any reason, so long as it’s not illegal. 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.

So what are some of the illegal reasons that employers cannot use as a basis for firing someone?

Generally, Florida employers are prohibited from refusing to hire, firing, or otherwise taking adverse action against employees because of discrimination based on your race, sex, age, religion, national origin, handicap, disability, marital status, pregnancy, jury service, or possessing the sickle cell trait. (§§ 40.271, 448.07, 448.075; and 448.102, *Fla. Stat.*, and Ch. 760, *Fla. Stat.*). In addition, Florida also has laws prohibiting retaliation against certain whistleblowers by both public and private employers. (§§112.3187, 448.102, *Fla. Stat.*)

Can my background be checked? Yes, but background checks done by consumer reporting agencies for employers are generally governed by the federal fair Credit reporting Act. See <http://www.consumer.ftc.gov/articles/0157-employment-background-checks>. For certain occupations, Florida law specifies the type and level of checks to be conducted. See, e.g., Ch. 435, *Fla. Stat.*

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

Am I entitled to a break at work? Yes, if you are a minor. Florida law requires that minors work no more than four consecutive hours without a 30-minute uninterrupted break. See Chapter 450, Part I, *Fla. Stat.*, generally. Once an employee reaches 18 years of age, neither state nor federal law makes provisions for breaks except in certain regulated occupations, like commercial truck drivers. Breaks for adults are at the discretion of the employer and are usually established through company policy.

For more information on Florida employment issues, you can visit <http://www.employmentlawhandbook.com/state-employment-and-labor-laws/florida/>.

11. FEDERAL INCOME TAX AND FICA

Why do I 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 don't pay the entire tax they owe.

How does federal income tax work? Most employers are required to withhold your estimated income tax from your pay. When you start working your employer will have you fill out an IRS Form W-4. You report the number of exemptions from income tax that you want your employer to use when it calculates the taxes it will withhold from your pay. The tax year runs from January 1st through December 31st for income tax purposes. Employers have until January 31st to send you your Form W-2 which will list how much you earned and how much was withheld for income tax and for FICA. 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. Tax returns must be postmarked or transmitted by efilings by April 15th. Your "return" is the IRS form you use to report your income, usually Form 1040 or 1040A or 1040EZ. This form helps you calculate how much you must pay or how much you are entitled to have refunded from the amount your employer withheld. If your employer doesn't withhold taxes, then it should provide you with an IRS Form 1099 at the end of the year stating what you earned. You must file your return with your W-2 or your 1099 (people with more than one job will have more than one W-2 or 1099). Keep records of the money you spend on child care, medical expenses, uniforms, equipment or other work expenses, education costs, contributions to charity and interest you paid on loans so that you can calculate any authorized deductions from your taxes. Many Americans find that the "standard deduction" every taxpayer can claim results in lower taxes than itemizing allowable deductions. An entire industry has developed to help people minimize their income taxes. Almost \$125 Billion in tax refunds were issued by mid-February 2015. Minimizing your taxes with legitimate exemptions and deductions is smart; evading taxes by not filing, failing to report income or lying about exemptions, deductions or your finances can result in criminal charges.

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.

Where can I get more information and assistance? The IRS website provides a wealth of information and assistance: <http://www.irs.gov>. Be careful - many websites try to look like the IRS website and get you to buy information and services that IRS provides free. You may choose to seek paid tax advice but don't mistake a for-profit business for the free services and information provided by the IRS. The IRS provides toll free telephone assistance Monday through Friday from 7 a.m. and 7 p.m. at 1-800-829-1040. Lower income people are eligible for free tax preparation assistance, and there are more than 12,000 free tax preparation sites nationwide. You can also order free IRS publications on a wide range of tax topics.

12. 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 you must have a valid driver license (§ 40.01, *Fla. Stat.*), or identification card issued by the Department of Highway Safety and Motor vehicle or an executed affidavit as prescribed in (§ 40.011, *Fla. Stat.*).

If You Are Called For Jury Duty, Will You Always 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 any reason based on a protected class (women, minorities, hearing impaired).

Who Will Be Excused From Jury Duty? The judge will excuse a governor, lieutenant governor, a cabinet officer, a sheriff, a deputy, a municipal police 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 a crime or has been convicted of certain crimes unless the individual's civil rights have been restored.

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 one year; a person who is responsible for the care of a person with certain disabilities, an expectant mother; or a parent of a child under age six who is not employed full-time (§ 40.013, *Fla. Stat.*).

Do Jurors Get Paid? Yes. In Florida state court, jurors who are not employed regularly or continuing to be paid are paid \$15 per day for the first three days and \$30 per day starting on the fourth day of jury service and each day afterward, but they are not paid for travel from their home. Jurors serving a federal court are normally paid \$40 per day and 25¢ per mile (§ 40.24, *Fla. Stat.*). If your circuit allows jurors to donate their service, the juror may irrevocably donate the compensation to one of several specific entities.

Will I Lose My Job Or My Pay When I Have Jury Duty? You cannot lose your job because of your jury duty, but employers are not required to continue to pay wages to employees who are on jury duty under State law (§ 40.24, *Fla. Stat.*). However, 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 jurors from driver license lists to fill a jury. If selected for jury duty, you will receive a notice in the mail. You must appear at the location indicated when notified or contact the clerk of the court if you have a problem. Failure to appear may result in a fine not to exceed \$100.00 being imposed by the judge and may be considered contempt of court (§ 40.23, *Fla. Stat.*).

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

How Much Notice Must A Landlord Give The Tenant To Move Out Of The Residence? Unless the lease states some specific period of time, the amount of notice depends on the rent payable 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 (§ 83.57, *Fla. Stat.*). If the tenant continues to occupy the premises after the expiration of the lease (without permission) or if the landlord has terminated the rental agreement for any of the reasons allowed under the Landlord and Tenant Act and the tenant does not move, the landlord can start eviction procedures and/or increased rental payments. In the case of non-payment of rent, the landlord must serve the tenant with a written notice allowing 3 days (excluding weekends and legal holidays) in which to pay the rent or move. In order to gain possession of the dwelling, the landlord must file suit in court, providing the court with a copy of the three-day notice. The tenant then has 5 days, excluding weekends and legal holidays, to respond in writing to the court and to post the amount of rent claimed to be due in the court registry; unless the tenant is claiming that the rent was already paid. If the tenant does not respond or a 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 (§ 83.56, *Fla. Stat.*).

Florida law does not allow the landlord to use self-help eviction. The landlord is not allowed to:

- a. Shut off the utilities (water, gas, electricity, etc.) even if the service is in the landlord's name.
- b. Change the locks or use any boot lock or similar device, except for repair, maintenance or replacement.
- c. Remove the outside doors, locks, roof, walls or windows.
- d. 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 (§ 83.64; § 83.67; and § 83.51, *Fla. Stat.*)

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. (§ 83.49, *Fla. Stat.*).

How Can The Tenant Tell If The Landlord Is Using An Interest Or Non-Interest Bearing Account? The landlord must notify the tenant in writing within 30 days of receiving the security deposit or advance rent how and where the money is held (§ 83.49, *Fla. Stat.*).

Can The Tenant Get His Or Her Security Deposit Back? Once a tenant vacates the premises at the end of the rental agreement or abandonment with proper notice to the landlord, the landlord has 15 days to refund the security deposit or 30 days to send a certified letter to the tenant imposing a claim on the deposit 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. (§ 83.49, *Fla. Stat.*).

Does The Landlord Have a Right to Come into the Tenant's Residence? The landlord or those hired to perform work for the landlord may enter the residence from time to time to inspect the premises; make necessary or agreed repairs, decorations, alterations, or improvements; supply agreed services; or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors. The landlord may also

enter the residence without the consent of the tenant, in case of emergency, when the tenant unreasonably withholds consent, or when the tenant is absent from the dwelling for a time equal to one-half of the rental period (unless, the tenant has notified the landlord of the absence and paid the rent. § 83.53, *Fla. Stat.*).

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 rental 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 (§ 83.51, *Fla. Stat.*).

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 (§ 83.52, *Fla. Stat.*)

Do I 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 I 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. 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 <https://csapp.800helpfla.com/CSPublicApp/AZGuide/AZSearchResult.aspx#610731406>.

14. MARRIAGE

How Old Must A Person Be To Get Married? A person 18 can marry without parental consent (§ 741.04, *Fla. Stat.*). However, if under 18 but at least 16, parental consent is needed (§ 741.0405, *Fla. Stat.*).

How Do I Get A Marriage License? A marriage license is issued by the clerk of the circuit court (§ 741.01, *Fla. Stat.*). Blood tests are no longer required in Florida.

Is A Wife Required To Take Her Husband's Last Name? It is customary in the United States that a wife take her husband's last name (or surname as it is legally called), but it is not required by law. If the wife takes her husband's surname, she should change her name on her Social Security card, driver license, voter registration, credit cards, bank accounts, and inform others with whom she does business or holds a license.

What Are Grounds For Divorce In Florida? Florida is a "no-fault" divorce state, meaning the court need not find either party at fault to dissolve a marriage. It is sufficient to show only that the marriage is irretrievably broken (§ 61.052, *Fla. Stat.*).

If I Get A Divorce, How Is My Property Divided? Florida is known as an equitable distribution state. This means that the courts have the power to decide how property and debts obtained during a marriage should be fairly divided upon divorce. Even though fault is not an issue in granting the dissolution, the division of property and possessions, responsibility for support and custody of children may become contested matters. See generally § 61.052; § 61.12; § 61.14; § 61.19; § 61.075; and § 61.077, *Fla. Stat.*

What About Alimony? After equitable distribution has been made, the court may consider the award of alimony. The court may grant alimony to either the husband or the wife. In awarding alimony, the court considers many factors necessary to do equity and justice between the husband and wife (§ 61.12, *Fla. Stat.*). For more information, please review The Florida Bar publication: Divorce in Florida.

15. PATERNITY ISSUES

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

What Happens If A Baby Is Left In An Unsafe Place Instead Of A Designated "Safe Haven Location"? The person will face criminal charges.

"Why Should I Establish Paternity of My 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 (§ 744.310, *Fla. Stat.*). If unmarried, establishing paternity gives the parents of the child the legal right to seek an order for child support, parental responsibility, time sharing and a parenting plan with the minor child.

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

For more information on paternity issues, visit the following websites:

Paternity testing: <http://americanpregnancy.org/prenatal-testing/paternity-testing/>

Child support in Florida: <http://dor.myflorida.com/dor/childsupport/paternity.html>

Relevant Florida Statutes: Chapter 742 Determination of Parentage

16. VOTING

Who Can Register To Vote? Any person who is 1) at least 18 years old, 2) a citizen of the United States, and 3) a legal resident of Florida may register to vote in local, state, or federal elections, so long as the person has not been adjudicated mentally incapacitated with respect to voting nor has not been convicted of a felony without having voting rights restored for. A person wishing to register to vote must be a legal resident of the county in which that person seeks to register. A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday. (§ 97.041, *Fla. Stat.*)

Persons wishing to register must take an oath and fill out the uniform voter registration application. (§§ 97.051, 97.052, 97.053, and 97.0535, *Fla. Stat.*) Each county in Florida has a Supervisor of Elections. (§ 98.015, *Fla. Stat.*) Each local Supervisor of Elections is charged with entering new voter registrations into the statewide voter registration system. The public can locate information about local Supervisors of Elections at http://dos.elections.myflorida.com/supervisors/supervisor_elections.asp.

May I Vote If I Will Not Be In My Voting District On Election Day Or Cannot Appear? Yes, assuming you are already registered, you may make a request in person or in writing to the Supervisor of Election to provide you with an absentee ballot. (§ 101.62, *Fla. Stat.*) When you receive your ballot, follow the ballot instructions carefully to ensure that your ballot is properly completed, returned timely, and counted. An absentee ballot must be received by the Supervisor of Elections for the county in which you are registered no later than 7 p.m. on election day. (§§101.65 and 101.69, *Fla. Stat.*).

Additionally, please keep in mind that, as a convenience to voters, Florida has allowed early voting throughout the State since 2004. (§101.657, *Fla. Stat.*) Early voting begins on the 10th day before an election that contains a state or federal race and ends on the 3rd day before an election. Early voting may be held for a maximum of 12 hours, but no less than 8 hours per day. Your Supervisor of Elections may hold early voting for elections that are not held in conjunction with state or federal elections, at his/her discretion.

Where Do I Vote? After you register to vote, you will be notified of your voting precinct. A voting precinct is a place close to the area in which you live where you will go to vote. There are usually multiple voting precincts within a county and your precinct's location can change depending upon your address. On election day, you are supposed to vote in the election precinct where you have your legal residence and in which you are registered. If you move from the precinct in which you are registered, you may vote in the precinct to which you have moved your legal residence, if the change of residence is within the same county or the precinct to which you have moved your legal residence is within a county that uses an electronic database as a precinct register at the polling place, and you completes an affirmation. (§ 101.045, *Fla. Stat.*) It is wise to check your local Supervisor of Elections' website for your current precinct location prior to Election Day.

Do I Need Identification to Vote? At the polls, you will be asked to provide a current and valid picture identification with signature. Approved forms of picture identification are: Florida driver's license, Florida identification card issued by the Department of Highway Safety and Motor Vehicles, United States passport, debit or credit card, military identification, student identification, retirement center identification, neighborhood association identification, and public assistance identification. (§ 101.043, *Fla. Stat.*) If your photo identification does not contain your signature, you will be asked to provide an additional identification that includes a signature. If you do not have the proper identification, you will be provided with a provisional ballot. The county canvassing board (the Supervisor of Elections, a County Court Judge, and the Chair of the Board of County Commissioners) will determine the validity of the ballot pursuant to § 101.048, *Fla. Stat.*

17. SELECTIVE SERVICE SYSTEM

What is Selective Service System? The Selective Service

System is an agency under the authority of the Executive Branch of the federal government. The U.S. president appoints and the senate confirms the agency's director. Its legislative authority is the Military Selective Service Act.

What is the mission of the Selective Service System? There is a two part mission. First is to deliver untrained manpower to the armed forces in the time of emergency as determined by the Department of Defense. The second part is to administer 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 turning 18. Male aliens 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. Non-citizen males of age must register to protect their future hopes of becoming a citizen. Those who fail to register could be denied job benefits, student loans, and other government aid. Currently, 40 states including Florida have as part of their driver's license application a consent that by applying for a license the applicant is consenting to have their information used to register them with selective service.

How do I register? Registration may be done at any United States Post Office. For more information and for males who have a social security number and wish to register online, please visit www.sss.gov.

18. TEXTING AND DRIVING

Can I text while I am 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 now stop motor vehicles and issue citations as a secondary offense to people who are texting while driving. See § 316.305, *Fla. Stat.*

What if I 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 new law.

What if my navigation system, road alerts, or radio comes through my phone? Can I still use it? Yes, a driver can receive messages related to the operation or navigation of the motor vehicle, safety-related information, including emergency, traffic, or weather alerts, and data used primarily by the motor vehicle, or radio broadcasts.

My car has voice commands for my wireless device, is using this a violation of the law? Conducting wireless communication that does not require manual entry of text except to activate, deactivate, or initiate a feature or function is not a violation of this law. Additionally, conducting wireless communication that does not require the reading of text messages except to activate, deactivate, or initiate a feature or function is also allowed.

What will happen if I get into a car accident? In the event of a crash resulting in death or personal injury, a user's billing records

for a 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 whether a violation of the law has been committed.

What is the punishment for violating this law? Generally, a violation of the law is punishable as a nonmoving violation. However, a person who commits a second or subsequent violation within 5 years after the date of a prior conviction for a violation of the law commits a noncriminal traffic infraction, punishable as a moving violation.

Does this law apply if my car is stopped? No, a motor vehicle that is stationary is not being operated and is therefore not subject to the prohibitions of this law.

19. SEXUAL CYBERHARASSMENT

In 2015, Florida became the 16th state to enact a law criminalizing the posting of sexually explicit images of other people without their consent. ***Florida Statutes 784.049 Sexual cyberharassment.***—makes this action a first-degree misdemeanor punishable by up to one year in jail and a \$1,000 fine for the first offense. Any subsequent offense is a third-degree felony, punishable by up to five years in prison and a \$5,000 fine.

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

20. IMPORTANT TELEPHONE NUMBERS

AIDS Hotline

(800) FLA-AIDS (352-2437)

Spanish Language Hotline

(800) 545-SIDA

Creole Language Hotline

(800) AIDS-101

TDD/TTY Hotline

(888) 503-7118

The Florida Bar Statewide Lawyer Referral Service

(800) 342-8011

Department of Financial Services

(850) 413-3132

Department of Financial Services Consumer Helpline

(800) 342-2762

DUI Programs Coordinating Office

(850) 487-1227

Department of Agriculture and Consumer Service

(800) 435-7352 or (850) 488-3022

Department of Business and Professional Regulation

(850) 487-1395

U.S. Equal Employment Opportunity Commission

(800) 669-4000

TTY number

(800) 669-6820

Florida Commission on Human Relations

(800) 342-8170

TDD ASCII Callers

(800) 955-1339

TDD Baudot Callers

(800) 955-8771

Voice Callers

(800) 955-8770

Lemon Law Hotline

(800) 321-5366

Workers' Compensation

(800) 742-2214 or

(850) 413-1601

Agency for Workforce Innovation

(850) 245-7105

Division of Unemployment Compensation

(866) 778-7356

Office of Legislative Information

(800) 342-1827

Office of the State Courts Administrator

(850) 922-5081

Selective Service System

(847) 688-2567

Department of Education School Improvement Services

(850) 245-0426

Internal Revenue Service Tax Form Distribution Service

(800) 829-3676

Bureau of Archives and Records Management — Office of Secretary of State

(850) 487-2180

The material in this pamphlet represents general information on the laws in Florida and should not be deemed legal advice. All statutory references are to the 2015 version of the Florida Statutes. Since the law is continually changing, some provisions in this pamphlet 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.

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27 - Just Adulting - Ultimate Legal Guide - Eng.indd



Legal Survival Guide for New Adults

By The Florida Bar

Law Related Education Committee



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

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



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

