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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 1286 and 1287

insert:

Section 22. Section 61.13016, Florida Statutes, is amended
to read:

61.13016 Suspension of driver ~~driver's~~ licenses and motor
vehicle registrations.—

(1) The driver ~~driver's~~ license and motor vehicle
registration of a support obligor who is delinquent in payment



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11 or who has failed to comply with subpoenas or a similar order to
12 appear or show cause relating to paternity or support
13 proceedings may be suspended. When an obligor is 15 days
14 delinquent making a payment in support or failure to comply with
15 a subpoena, order to appear, order to show cause, or similar
16 order in IV-D cases, the Title IV-D agency may provide notice to
17 the obligor of the delinquency or failure to comply with a
18 subpoena, order to appear, order to show cause, or similar order
19 and the intent to suspend by regular United States mail that is
20 posted to the obligor's last address of record with the
21 Department of Highway Safety and Motor Vehicles. When an obligor
22 is 15 days delinquent in making a payment in support in non-IV-D
23 cases, and upon the request of the obligee, the depository or
24 the clerk of the court must provide notice to the obligor of the
25 delinquency and the intent to suspend by regular United States
26 mail that is posted to the obligor's last address of record with
27 the Department of Highway Safety and Motor Vehicles. In either
28 case, the notice must state:

29 (a) The terms of the order creating the support obligation;

30 (b) The period of the delinquency and the total amount of
31 the delinquency as of the date of the notice or describe the
32 subpoena, order to appear, order to show cause, or other similar
33 order that ~~which~~ has not been complied with;

34 (c) That notification will be given to the Department of
35 Highway Safety and Motor Vehicles to suspend the obligor's
36 driver ~~driver's~~ license and motor vehicle registration unless,
37 within 20 days after the date that the notice is mailed, the
38 obligor:

39 1.a. Pays the delinquency in full and any other costs and



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40 fees accrued between the date of the notice and the date the
41 delinquency is paid;

42 b. Enters into a written agreement for payment with the
43 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
44 cases; or in IV-D cases, complies with a subpoena or order to
45 appear, order to show cause, or a similar order; ~~or~~

46 c. Files a petition with the circuit court to contest the
47 delinquency action; ~~and~~

48 d. Demonstrates that he or she receives reemployment
49 assistance or unemployment compensation pursuant to chapter 443;

50 e. Demonstrates that he or she is disabled and incapable of
51 self-support or that he or she receives benefits under the
52 federal Supplemental Security Income or Social Security
53 Disability Insurance programs;

54 f. Demonstrates that he or she receives temporary cash
55 assistance pursuant to chapter 414; or

56 g. Demonstrates that he or she is making payments in
57 accordance with a confirmed bankruptcy plan under chapter 11,
58 chapter 12, or chapter 13 of the United States Bankruptcy Code,
59 11 U.S.C. ss. 101 et seq.; and

60 2. Pays any applicable delinquency fees.

61
62 If an ~~the~~ obligor in a non-IV-D case ~~cases~~ enters into a written
63 agreement for payment before the expiration of the 20-day
64 period, the obligor must provide a copy of the signed written
65 agreement to the depository or the clerk of the court. If an
66 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph
67 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before
68 expiration of the 20-day period, the obligor must provide the



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69 applicable documentation or proof to the depository or the clerk
70 of the court.

71 (2) (a) Upon petition filed by the obligor in the circuit
72 court within 20 days after the mailing date of the notice, the
73 court may, in its discretion, direct the department to issue a
74 license for driving privilege ~~privileges~~ restricted to business
75 purposes only, as defined by s. 322.271, if the person is
76 otherwise qualified for such a license. As a condition for the
77 court to exercise its discretion under this subsection, the
78 obligor must agree to a schedule of payment on any child support
79 arrearages and to maintain current child support obligations. If
80 the obligor fails to comply with the schedule of payment, the
81 court shall direct the Department of Highway Safety and Motor
82 Vehicles to suspend the obligor's driver ~~driver's~~ license.

83 (b) The obligor must serve a copy of the petition on the
84 Title IV-D agency in IV-D cases or on the depository or the
85 clerk of the court in non-IV-D cases. When an obligor timely
86 files a petition to set aside a suspension, the court must hear
87 the matter within 15 days after the petition is filed. The court
88 must enter an order resolving the matter within 10 days after
89 the hearing, and a copy of the order must be served on the
90 parties. The timely filing of a petition under this subsection
91 stays the intent to suspend until the entry of a court order
92 resolving the matter.

93 (3) If the obligor does not, within 20 days after the
94 mailing date on the notice, pay the delinquency; ~~or~~ enter into a
95 written payment agreement; ~~or~~ comply with the subpoena, order to
96 appear, order to show cause, or other similar order; ~~or~~ or file a
97 motion to contest; or satisfy sub-subparagraph (1)(c)1.d., sub-



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98 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
99 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
100 the depository or clerk of the court in non-IV-D cases, may
101 ~~shall~~ file the notice with the Department of Highway Safety and
102 Motor Vehicles and request the suspension of the obligor's
103 driver ~~driver's~~ license and motor vehicle registration in
104 accordance with s. 322.058.

105 (4) The obligor may, within 20 days after the mailing date
106 on the notice of delinquency or noncompliance and intent to
107 suspend, file in the circuit court a petition to contest the
108 notice of delinquency or noncompliance and intent to suspend on
109 the ground of mistake of fact regarding the existence of a
110 delinquency or the identity of the obligor. The obligor must
111 serve a copy of the petition on the Title IV-D agency in IV-D
112 cases or depository or clerk of the court in non-IV-D cases.
113 When an obligor timely files a petition to contest, the court
114 must hear the matter within 15 days after the petition is filed.
115 The court must enter an order resolving the matter within 10
116 days after the hearing, and a copy of the order must be served
117 on the parties. The timely filing of a petition to contest stays
118 the notice of delinquency and intent to suspend until the entry
119 of a court order resolving the matter.

120 (5) The procedures prescribed in this section and s.
121 322.058 may be used to enforce compliance with an order to
122 appear for genetic testing.

123 Section 23. Section 322.055, Florida Statutes, is amended
124 to read:

125 322.055 Revocation or suspension of, or delay of
126 eligibility for, driver ~~driver's~~ license for persons 18 years of



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127 age or older convicted of certain drug offenses.-

128 (1) Notwithstanding the provisions of s. 322.28, upon the
129 conviction of a person 18 years of age or older for possession
130 or sale of, trafficking in, or conspiracy to possess, sell, or
131 traffic in a controlled substance, the court shall direct the
132 department to revoke the driver ~~driver's~~ license or driving
133 privilege of the person. The period of such revocation shall be
134 1 year ~~2 years~~ or until the person is evaluated for and, if
135 deemed necessary by the evaluating agency, completes a drug
136 treatment and rehabilitation program approved or regulated by
137 the Department of Children and Families ~~Family Services~~.
138 However, the court may, in its sound discretion, direct the
139 department to issue a license for driving privilege ~~privileges~~
140 restricted to business or employment purposes only, as defined
141 by s. 322.271, if the person is otherwise qualified for such a
142 license. A driver whose license or driving privilege has been
143 suspended or revoked under this section or s. 322.056 may, upon
144 the expiration of 6 months, petition the department for
145 restoration of the driving privilege on a restricted or
146 unrestricted basis depending on length of suspension or
147 revocation. In no case shall a restricted license be available
148 until 6 months of the suspension or revocation period has
149 expired.

150 (2) If a person 18 years of age or older is convicted for
151 the possession or sale of, trafficking in, or conspiracy to
152 possess, sell, or traffic in a controlled substance and such
153 person is eligible by reason of age for a driver ~~driver's~~
154 license or privilege, the court shall direct the department to
155 withhold issuance of such person's driver ~~driver's~~ license or



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156 driving privilege for a period of 1 year ~~2 years~~ after the date
157 the person was convicted or until the person is evaluated for
158 and, if deemed necessary by the evaluating agency, completes a
159 drug treatment and rehabilitation program approved or regulated
160 by the Department of Children and Families ~~Family Services~~.
161 However, the court may, in its sound discretion, direct the
162 department to issue a license for driving privilege ~~privileges~~
163 restricted to business or employment purposes only, as defined
164 by s. 322.271, if the person is otherwise qualified for such a
165 license. A driver whose license or driving privilege has been
166 suspended or revoked under this section or s. 322.056 may, upon
167 the expiration of 6 months, petition the department for
168 restoration of the driving privilege on a restricted or
169 unrestricted basis depending on the length of suspension or
170 revocation. In no case shall a restricted license be available
171 until 6 months of the suspension or revocation period has
172 expired.

173 (3) If a person 18 years of age or older is convicted for
174 the possession or sale of, trafficking in, or conspiracy to
175 possess, sell, or traffic in a controlled substance and such
176 person's driver ~~driver's~~ license or driving privilege is already
177 under suspension or revocation for any reason, the court shall
178 direct the department to extend the period of such suspension or
179 revocation by an additional period of 1 year ~~2 years~~ or until
180 the person is evaluated for and, if deemed necessary by the
181 evaluating agency, completes a drug treatment and rehabilitation
182 program approved or regulated by the Department of Children and
183 Families ~~Family Services~~. However, the court may, in its sound
184 discretion, direct the department to issue a license for driving



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185 ~~privilege~~ ~~privileges~~ restricted to business or employment
186 purposes only, as defined by s. 322.271, if the person is
187 otherwise qualified for such a license. A driver whose license
188 or driving privilege has been suspended or revoked under this
189 section or s. 322.056 may, upon the expiration of 6 months,
190 petition the department for restoration of the driving privilege
191 on a restricted or unrestricted basis depending on the length of
192 suspension or revocation. In no case shall a restricted license
193 be available until 6 months of the suspension or revocation
194 period has expired.

195 (4) If a person 18 years of age or older is convicted for
196 the possession or sale of, trafficking in, or conspiracy to
197 possess, sell, or traffic in a controlled substance and such
198 person is ineligible by reason of age for a driver ~~driver's~~
199 license or driving privilege, the court shall direct the
200 department to withhold issuance of such person's driver ~~driver's~~
201 license or driving privilege for a period of 1 year ~~2 years~~
202 after the date that he or she would otherwise have become
203 eligible or until he or she becomes eligible by reason of age
204 for a driver ~~driver's~~ license and is evaluated for and, if
205 deemed necessary by the evaluating agency, completes a drug
206 treatment and rehabilitation program approved or regulated by
207 the Department of Children and Families ~~Family Services~~.
208 However, the court may, in its sound discretion, direct the
209 department to issue a license for driving privilege ~~privileges~~
210 restricted to business or employment purposes only, as defined
211 by s. 322.271, if the person is otherwise qualified for such a
212 license. A driver whose license or driving privilege has been
213 suspended or revoked under this section or s. 322.056 may, upon



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214 the expiration of 6 months, petition the department for
215 restoration of the driving privilege on a restricted or
216 unrestricted basis depending on the length of suspension or
217 revocation. In no case shall a restricted license be available
218 until 6 months of the suspension or revocation period has
219 expired.

220 (5) A court that orders the revocation or suspension of, or
221 delay in eligibility for, a driver license pursuant to this
222 section shall make a specific, articulated determination as to
223 whether the issuance of a license for driving privilege
224 restricted to business purposes only, as defined in s. 322.271,
225 is appropriate in each case.

226 (6) ~~(5)~~ Each clerk of court shall promptly report to the
227 department each conviction for the possession or sale of,
228 trafficking in, or conspiracy to possess, sell, or traffic in a
229 controlled substance.

230 Section 24. Section 322.058, Florida Statutes, is amended
231 to read:

232 322.058 Suspension of driving privilege ~~privileges~~ due to
233 support delinquency; reinstatement.-

234 (1) When the department receives notice from the Title IV-D
235 agency or depository or the clerk of the court that any person
236 licensed to operate a motor vehicle in the State of Florida
237 under the provisions of this chapter has a delinquent support
238 obligation or has failed to comply with a subpoena, order to
239 appear, order to show cause, or similar order, the department
240 shall suspend the driver ~~driver's~~ license of the person named in
241 the notice and the registration of all motor vehicles owned by
242 that person.



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243 (2) The department must reinstate the driving privilege and
244 allow registration of a motor vehicle when the Title IV-D agency
245 in IV-D cases or the depository or the clerk of the court in
246 non-IV-D cases provides to the department an affidavit stating
247 that:

248 (a) The person has paid the delinquency;

249 (b) The person has reached a written agreement for payment
250 with the Title IV-D agency or the obligee in non-IV-D cases;

251 (c) A court has entered an order granting relief to the
252 obligor ordering the reinstatement of the license and motor
253 vehicle registration; ~~or~~

254 (d) The person has complied with the subpoena, order to
255 appear, order to show cause, or similar order;

256 (e) The person receives reemployment assistance or
257 unemployment compensation pursuant to chapter 443;

258 (f) The person is disabled and incapable of self-support or
259 receives benefits under the federal Supplemental Security Income
260 or Social Security Disability Insurance programs;

261 (g) The person receives temporary cash assistance pursuant
262 to chapter 414; or

263 (h) The person is making payments in accordance with a
264 confirmed bankruptcy plan under chapter 11, chapter 12, or
265 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
266 101 et seq.

267 (3) The department shall not be held liable for any license
268 or vehicle registration suspension resulting from the discharge
269 of its duties under this section.

270 (4) This section applies only to the annual renewal in the
271 owner's birth month of a motor vehicle registration and does not



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272 apply to the transfer of a registration of a motor vehicle sold
273 by a motor vehicle dealer licensed under chapter 320, except for
274 the transfer of registrations which includes the annual
275 renewals. This section does not affect the issuance of the title
276 to a motor vehicle, notwithstanding s. 319.23(8)(b).

277 Section 25. Paragraph (a) of subsection (1) of section
278 562.11, Florida Statutes, is amended to read:

279 562.11 Selling, giving, or serving alcoholic beverages to
280 person under age 21; providing a proper name; misrepresenting or
281 misstating age or age of another to induce licensee to serve
282 alcoholic beverages to person under 21; penalties.-

283 (1) (a) 1. A ~~It is unlawful for any person may not to~~ sell,
284 give, serve, or permit to be served alcoholic beverages to a
285 person under 21 years of age or to permit a person under 21
286 years of age to consume such beverages on the licensed premises.
287 A person who violates this subparagraph commits a misdemeanor of
288 the second degree, punishable as provided in s. 775.082 or s.
289 775.083. A person who violates this subparagraph a second or
290 subsequent time within 1 year after a prior conviction commits a
291 misdemeanor of the first degree, punishable as provided in s.
292 775.082 or s. 775.083.

293 2. In addition to any other penalty imposed for a violation
294 of subparagraph 1., the court may order the Department of
295 Highway Safety and Motor Vehicles to withhold the issuance of,
296 or suspend or revoke, the driver ~~driver's~~ license or driving
297 privilege, as provided in s. 322.057, of any person who violates
298 subparagraph 1. This subparagraph does not apply to a licensee,
299 as defined in s. 561.01, who violates subparagraph 1. while
300 acting within the scope of his or her license or an employee or



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301 agent of a licensee, as defined in s. 561.01, who violates
302 subparagraph 1. while engaged within the scope of his or her
303 employment or agency.

304 3. A court that withholds the issuance of, or suspends or
305 revokes, the driver license or driving privilege of a person
306 pursuant to subparagraph 2. may direct the Department of Highway
307 Safety and Motor Vehicles to issue the person a license for
308 driving privilege restricted to business purposes only, as
309 defined in s. 322.271, if he or she is otherwise qualified.

310 Section 26. Section 812.0155, Florida Statutes, is amended
311 to read:

312 812.0155 Suspension of driver ~~driver's~~ license following an
313 adjudication of guilt for theft.-

314 (1) Except as provided in subsections (2) and (3), the
315 court may order the suspension of the driver ~~driver's~~ license of
316 each person adjudicated guilty of any misdemeanor violation of
317 s. 812.014 or s. 812.015, regardless of the value of the
318 property stolen. ~~The court shall order the suspension of the~~
319 ~~driver's license of each person adjudicated guilty of any~~
320 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~
321 ~~previously been convicted of such an offense.~~ Upon ordering the
322 suspension of the driver ~~driver's~~ license of the person
323 adjudicated guilty, the court shall forward the driver ~~driver's~~
324 license of the person adjudicated guilty to the Department of
325 Highway Safety and Motor Vehicles in accordance with s. 322.25.

326 (a) The first suspension of a driver ~~driver's~~ license under
327 this subsection shall be for a period of up to 6 months.

328 (b) A second or subsequent suspension of a driver ~~driver's~~
329 license under this subsection shall be for 1 year.



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330 (2) The court may revoke, suspend, or withhold issuance of
331 a driver ~~driver's~~ license of a person less than 18 years of age
332 who violates s. 812.014 or s. 812.015 as an alternative to
333 sentencing the person to:

334 (a) Probation as defined in s. 985.03 or commitment to the
335 Department of Juvenile Justice, if the person is adjudicated
336 delinquent for such violation and has not previously been
337 convicted of or adjudicated delinquent for any criminal offense,
338 regardless of whether adjudication was withheld.

339 (b) Probation as defined in s. 985.03, commitment to the
340 Department of Juvenile Justice, probation as defined in chapter
341 948, community control, or incarceration, if the person is
342 convicted as an adult of such violation and has not previously
343 been convicted of or adjudicated delinquent for any criminal
344 offense, regardless of whether adjudication was withheld.

345 (3) As used in this subsection, the term "department" means
346 the Department of Highway Safety and Motor Vehicles. A court
347 that revokes, suspends, or withholds issuance of a driver
348 ~~driver's~~ license under subsection (2) shall:

349 (a) If the person is eligible by reason of age for a driver
350 ~~driver's~~ license or driving privilege, direct the department to
351 revoke or withhold issuance of the person's driver ~~driver's~~
352 license or driving privilege for not less than 6 months and not
353 more than 1 year;

354 (b) If the person's driver ~~driver's~~ license is under
355 suspension or revocation for any reason, direct the department
356 to extend the period of suspension or revocation by not less
357 than 6 months and not more than 1 year; or

358 (c) If the person is ineligible by reason of age for a



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359 driver ~~driver's~~ license or driving privilege, direct the
360 department to withhold issuance of the person's driver ~~driver's~~
361 license or driving privilege for not less than 6 months and not
362 more than 1 year after the date on which the person would
363 otherwise become eligible.

364 (4) Subsections (2) and (3) do not preclude the court from
365 imposing any sanction specified or not specified in subsection
366 (2) or subsection (3).

367 (5) A court that suspends the driver license of a person
368 pursuant to subsection (1) may direct the Department of Highway
369 Safety and Motor Vehicles to issue the person a license for
370 driving privilege restricted to business purposes only, as
371 defined in s. 322.271, if he or she is otherwise qualified.

372 Section 27. Section 832.09, Florida Statutes, is amended to
373 read:

374 832.09 Suspension of driver license after warrant or capias
375 is issued in worthless check case.—

376 (1) The court may order the suspension or revocation of the
377 driver license of a ~~Any~~ person who is being prosecuted for
378 passing a worthless check in violation of s. 832.05, who fails
379 to appear before the court and against whom a warrant or capias
380 for failure to appear is issued by the court if the person has
381 previously been adjudicated guilty of a violation of s. 832.05
382 ~~shall have his or her driver's license suspended or revoked~~
383 ~~pursuant to s. 322.251.~~

384 (2) Within 5 working days after the court orders the
385 suspension of a driver license pursuant to subsection (1)
386 ~~issuance of a warrant or capias for failure to appear~~, the clerk
387 of the court in the county where the warrant or capias is issued



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388 shall notify the Department of Highway Safety and Motor Vehicles
389 by the most efficient method available of the action of the
390 court.

391

392 ===== T I T L E A M E N D M E N T =====

393 And the title is amended as follows:

394 Between lines 154 and 155

395 insert:

396 amending s. 61.13016, F.S.; revising notification
397 requirements with respect to the suspension of the
398 driver license of a child support obligor; requiring
399 delinquent child support obligors to provide certain
400 documentation within a specified period in order to
401 prevent the suspension of a driver license; amending
402 s. 322.055, F.S.; reducing the mandatory period of
403 revocation or suspension of, or delay in eligibility
404 for, a driver license for persons convicted of certain
405 drug offenses; requiring the court to make a
406 determination as to whether a restricted license would
407 be appropriate for persons convicted of certain drug
408 offenses; amending s. 322.058, F.S.; requiring the
409 Department of Highway Safety and Motor Vehicles to
410 reinstate the driving privilege and allow registration
411 of a motor vehicle of a child support obligor upon
412 receipt of an affidavit containing specified
413 information; amending s. 562.11, F.S.; authorizing the
414 court to direct the Department of Highway Safety and
415 Motor Vehicles to issue a restricted driver license to
416 certain persons; amending s. 812.0155, F.S.; deleting



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417 a provision requiring the suspension of the driver
418 license of a person adjudicated guilty of certain
419 offenses; authorizing the court to direct the
420 Department of Highway Safety and Motor Vehicles to
421 issue a restricted driver license to certain persons;
422 amending s. 832.09, F.S.; providing that the
423 suspension of a driver license of a person being
424 prosecuted for passing a worthless check is
425 discretionary;