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LEGISLATIVE ACTION

Senate

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House

Floor: WD/RM

03/09/2018 06:44 PM

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Senator Brandes moved the following:

1           **Senate Amendment to Senate Amendment (601794) to House**  
2 **Amendment (with title amendment)**

3  
4           Between lines 57 and 58

5 insert:

6           Section 4. Subsections (1) through (4) of section 322.055,  
7 Florida Statutes, are amended to read:

8           322.055 Revocation or suspension of, or delay of  
9 eligibility for, driver license for persons 18 years of age or  
10 older convicted of certain drug offenses.—

11           (1) Notwithstanding s. 322.28, upon the conviction of a



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12 person 18 years of age or older for possession or sale of,  
13 trafficking in, or conspiracy to possess, sell, or traffic in a  
14 controlled substance, the court shall direct the department to  
15 revoke the driver license or driving privilege of the person.  
16 The period of such revocation shall be 6 months ~~1-year~~ or until  
17 the person is evaluated for and, if deemed necessary by the  
18 evaluating agency, completes a drug treatment and rehabilitation  
19 program approved or regulated by the Department of Children and  
20 Families. However, the court may, in its sound discretion,  
21 direct the department to issue a license for driving privilege  
22 restricted to business or employment purposes only, as defined  
23 by s. 322.271, if the person is otherwise qualified for such a  
24 license. ~~A driver whose license or driving privilege has been~~  
25 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
26 ~~the expiration of 6 months, petition the department for~~  
27 ~~restoration of the driving privilege on a restricted or~~  
28 ~~unrestricted basis depending on length of suspension or~~  
29 ~~revocation. In no case shall~~ A restricted license may not be  
30 available until 6 months of the suspension or revocation period  
31 has been completed ~~expired~~.

32 (2) If a person 18 years of age or older is convicted for  
33 the possession or sale of, trafficking in, or conspiracy to  
34 possess, sell, or traffic in a controlled substance and such  
35 person is eligible by reason of age for a driver license or  
36 privilege, the court shall direct the department to withhold  
37 issuance of such person's driver license or driving privilege  
38 for a period of 6 months ~~1-year~~ after the date the person was  
39 convicted or until the person is evaluated for and, if deemed  
40 necessary by the evaluating agency, completes a drug treatment



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41 and rehabilitation program approved or regulated by the  
42 Department of Children and Families. However, the court may, in  
43 its sound discretion, direct the department to issue a license  
44 for driving privilege restricted to business or employment  
45 purposes only, as defined by s. 322.271, if the person is  
46 otherwise qualified for such a license. ~~A driver whose license  
47 or driving privilege has been suspended or revoked under this  
48 section or s. 322.056 may, upon the expiration of 6 months,  
49 petition the department for restoration of the driving privilege  
50 on a restricted or unrestricted basis depending on the length of  
51 suspension or revocation. In no case shall A restricted license  
52 may not be available until 6 months of the withholding  
53 suspension or revocation period has been completed ~~expired.~~~~

54 (3) If a person 18 years of age or older is convicted for  
55 the possession or sale of, trafficking in, or conspiracy to  
56 possess, sell, or traffic in a controlled substance and such  
57 person's driver license or driving privilege is already under  
58 suspension or revocation for any reason, the court shall direct  
59 the department to extend the period of such suspension or  
60 revocation by an additional period of 6 months ~~1 year~~ or until  
61 the person is evaluated for and, if deemed necessary by the  
62 evaluating agency, completes a drug treatment and rehabilitation  
63 program approved or regulated by the Department of Children and  
64 Families. However, the court may, in its sound discretion,  
65 direct the department to issue a license for driving privilege  
66 restricted to business or employment purposes only, as defined  
67 by s. 322.271, if the person is otherwise qualified for such a  
68 license. ~~A driver whose license or driving privilege has been  
69 suspended or revoked under this section or s. 322.056 may, upon~~



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70 ~~the expiration of 6 months, petition the department for~~  
71 ~~restoration of the driving privilege on a restricted or~~  
72 ~~unrestricted basis depending on the length of suspension or~~  
73 ~~revocation. In no case shall~~ A restricted license may not be  
74 available until 6 months of the suspension or revocation period  
75 has been completed ~~expired.~~

76 (4) If a person 18 years of age or older is convicted for  
77 the possession or sale of, trafficking in, or conspiracy to  
78 possess, sell, or traffic in a controlled substance and such  
79 person is ineligible by reason of age for a driver license or  
80 driving privilege, the court shall direct the department to  
81 withhold issuance of such person's driver license or driving  
82 privilege for a period of 6 months ~~1 year~~ after the date that he  
83 or she would otherwise have become eligible or until he or she  
84 becomes eligible by reason of age for a driver license and is  
85 evaluated for and, if deemed necessary by the evaluating agency,  
86 completes a drug treatment and rehabilitation program approved  
87 or regulated by the Department of Children and Families.  
88 However, the court may, in its sound discretion, direct the  
89 department to issue a license for driving privilege restricted  
90 to business or employment purposes only, as defined by s.  
91 322.271, if the person is otherwise qualified for such a  
92 license. ~~A driver whose license or driving privilege has been~~  
93 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
94 ~~the expiration of 6 months, petition the department for~~  
95 ~~restoration of the driving privilege on a restricted or~~  
96 ~~unrestricted basis depending on the length of suspension or~~  
97 ~~revocation. In no case shall~~ A restricted license may not be  
98 available until 6 months of the withholding ~~suspension or~~



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99 ~~revocation~~ period has been completed ~~expired~~.

100 Section 5. Section 322.056, Florida Statutes, is amended to  
101 read:

102 322.056 Mandatory revocation or suspension of, or delay of  
103 eligibility for, driver license for persons under age 18 found  
104 guilty of certain ~~alcohol, drug, or tobacco~~ offenses;  
105 prohibition.-

106 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a  
107 person under 18 years of age is found guilty of or delinquent  
108 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,  
109 and:

110 (a) The person is eligible by reason of age for a driver  
111 license or driving privilege, the court shall direct the  
112 department to revoke or to withhold issuance of his or her  
113 driver license or driving privilege for a period of 6 months.÷

114 ~~1. Not less than 6 months and not more than 1 year for the~~  
115 ~~first violation.~~

116 ~~2. Two years, for a subsequent violation.~~

117 (b) The person's driver license or driving privilege is  
118 under suspension or revocation for any reason, the court shall  
119 direct the department to extend the period of suspension or  
120 revocation by an additional period of 6 months.÷

121 ~~1. Not less than 6 months and not more than 1 year for the~~  
122 ~~first violation.~~

123 ~~2. Two years, for a subsequent violation.~~

124 (c) The person is ineligible by reason of age for a driver  
125 license or driving privilege, the court shall direct the  
126 department to withhold issuance of his or her driver license or  
127 driving privilege for a period of÷



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128 ~~1. Not less than 6 months and not more than 1 year after~~  
129 ~~the date on which he or she would otherwise have become~~  
130 ~~eligible, for the first violation.~~

131 ~~2. Two years after the date on which he or she would~~  
132 ~~otherwise have become eligible, for a subsequent violation.~~

133  
134 ~~However, the court may, in its sound discretion, direct the~~  
135 ~~department to issue a license for driving privileges restricted~~  
136 ~~to business or employment purposes only, as defined in s.~~  
137 ~~322.271, if the person is otherwise qualified for such a~~  
138 ~~license.~~

139 ~~(2) If a person under 18 years of age is found by the court~~  
140 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
141 ~~877.112(6) or (7) and that person has failed to comply with the~~  
142 ~~procedures established in that section by failing to fulfill~~  
143 ~~community service requirements, failing to pay the applicable~~  
144 ~~fine, or failing to attend a locally available school-approved~~  
145 ~~anti-tobacco program, and:~~

146 ~~(a) The person is eligible by reason of age for a driver~~  
147 ~~license or driving privilege, the court shall direct the~~  
148 ~~department to revoke or to withhold issuance of his or her~~  
149 ~~driver license or driving privilege as follows:~~

150 ~~1. For the first violation, for 30 days.~~

151 ~~2. For the second violation within 12 weeks of the first~~  
152 ~~violation, for 45 days.~~

153 ~~(b) The person's driver license or driving privilege is~~  
154 ~~under suspension or revocation for any reason, the court shall~~  
155 ~~direct the department to extend the period of suspension or~~  
156 ~~revocation by an additional period as follows:~~



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157           ~~1. For the first violation, for 30 days.~~  
158           ~~2. For the second violation within 12 weeks of the first~~  
159 ~~violation, for 45 days.~~  
160           ~~(c) The person is ineligible by reason of age for a driver~~  
161 ~~license or driving privilege, the court shall direct the~~  
162 ~~department to withhold issuance of his or her driver license or~~  
163 ~~driving privilege as follows:~~  
164           ~~1. For the first violation, for 30 days.~~  
165           ~~2. For the second violation within 12 weeks of the first~~  
166 ~~violation, for 45 days.~~  
167  
168 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
169 ~~within the 12-week period after the first violation will be~~  
170 ~~treated as a first violation and in the same manner as provided~~  
171 ~~in this subsection.~~  
172           ~~(3) If a person under 18 years of age is found by the court~~  
173 ~~to have committed a third violation of s. 569.11 or s.~~  
174 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
175 ~~court must direct the Department of Highway Safety and Motor~~  
176 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
177 ~~license or driving privilege for 60 consecutive days. Any third~~  
178 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
179 ~~12-week period after the first violation will be treated as a~~  
180 ~~first violation and in the same manner as provided in subsection~~  
181 ~~(2).~~  
182           ~~(2)(4)~~ A penalty imposed under this section shall be in  
183 addition to any other penalty imposed by law.  
184           ~~(5) The suspension or revocation of a person's driver~~  
185 ~~license imposed pursuant to subsection (2) or subsection (3),~~



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186 ~~shall not result in or be cause for an increase of the convicted~~  
187 ~~person's, or his or her parent's or legal guardian's, automobile~~  
188 ~~insurance rate or premium or result in points assessed against~~  
189 ~~the person's driving record.~~

190 Section 6. Section 322.057, Florida Statutes, is repealed.

191 Section 7. Subsection (3) of section 322.09, Florida  
192 Statutes, is amended, to read:

193 322.09 Application of minors; responsibility for negligence  
194 or misconduct of minor.—

195 ~~(3) The department may not issue a driver license or~~  
196 ~~learner's driver license to any applicant under the age of 18~~  
197 ~~years who is not in compliance with the requirements of s.~~  
198 ~~322.091.~~

199 Section 8. Section 322.091, Florida Statutes, is repealed.

200 Section 9. Subsection (7) of section 322.251, Florida  
201 Statutes, is repealed.

202 Section 10. Subsection (8) is added to section 322.271,  
203 Florida Statutes, to read:

204 322.271 Authority to modify revocation, cancellation, or  
205 suspension order.—

206 (8) A person whose driver license or privilege to drive has  
207 been suspended under s. 318.15 or s. 322.245, with the exception  
208 of any suspension related to s. 61.13016, may have his or her  
209 driver license or driving privilege reinstated on a restricted  
210 basis by the department in accordance with this section. The  
211 restricted license is valid until the 7-year suspension period  
212 ends as provided in s. 318.15 or until the debt is paid.

213 Section 11. Subsection (10) of section 322.34, Florida  
214 Statutes, is amended to read:





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215 322.34 Driving while license suspended, revoked, canceled,  
216 or disqualified.—

217 (10) (a) Notwithstanding any other provision of this  
218 section, if a person does not have a prior forcible felony  
219 conviction as defined in s. 776.08, the penalties provided in  
220 paragraph (b) apply if a person's driver license or driving  
221 privilege is canceled, suspended, or revoked for:

222 1. Failing to pay child support as provided in s. 322.245  
223 or s. 61.13016;

224 2. Failing to pay any other financial obligation as  
225 provided in s. 322.245 ~~other than those specified in s.~~  
226 ~~322.245(1);~~

227 3. Failing to comply with a civil penalty required in s.  
228 318.15;

229 4. Failing to maintain vehicular financial responsibility  
230 as required by chapter 324; or

231 ~~5. Failing to comply with attendance or other requirements~~  
232 ~~for minors as set forth in s. 322.091; or~~

233 ~~5.6.~~ Having been designated a habitual traffic offender  
234 under s. 322.264(1) (d) as a result of suspensions of his or her  
235 driver license or driver privilege for any underlying violation  
236 listed in subparagraphs 1.-4. ~~1.-5.~~

237 (b)1. Upon a first conviction for knowingly driving while  
238 his or her license is suspended, revoked, or canceled for any of  
239 the underlying violations listed in subparagraphs (a)1.-5.

240 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,  
241 punishable as provided in s. 775.082 or s. 775.083.

242 2. Upon a second or subsequent conviction for the same  
243 offense of knowingly driving while his or her license is



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244 suspended, revoked, or canceled for any of the underlying  
245 violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person  
246 commits a misdemeanor of the first degree, punishable as  
247 provided in s. 775.082 or s. 775.083.

248 Section 12. Paragraph (a) of subsection (1) and paragraph  
249 (c) of subsection (2) of section 562.11, Florida Statutes, are  
250 amended to read:

251 562.11 Selling, giving, or serving alcoholic beverages to  
252 person under age 21; providing a proper name; misrepresenting or  
253 misstating age or age of another to induce licensee to serve  
254 alcoholic beverages to person under 21; penalties.-

255 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to  
256 be served alcoholic beverages to a person under 21 years of age  
257 or permit a person under 21 years of age to consume such  
258 beverages on the licensed premises. A person who violates this  
259 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
260 degree, punishable as provided in s. 775.082 or s. 775.083. A  
261 person who violates this paragraph ~~subparagraph~~ a second or  
262 subsequent time within 1 year after a prior conviction commits a  
263 misdemeanor of the first degree, punishable as provided in s.  
264 775.082 or s. 775.083.

265 ~~2. In addition to any other penalty imposed for a violation~~  
266 ~~of subparagraph 1., the court may order the Department of~~  
267 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
268 ~~or suspend or revoke, the driver license or driving privilege,~~  
269 ~~as provided in s. 322.057, of any person who violates~~  
270 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
271 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
272 ~~acting within the scope of his or her license or an employee or~~



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273 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
274 ~~subparagraph 1. while engaged within the scope of his or her~~  
275 ~~employment or agency.~~

276 ~~3. A court that withholds the issuance of, or suspends or~~  
277 ~~revokes, the driver license or driving privilege of a person~~  
278 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
279 ~~Safety and Motor Vehicles to issue the person a license for~~  
280 ~~driving privilege restricted to business purposes only, as~~  
281 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

282 (2) It is unlawful for any person to misrepresent or  
283 misstate his or her age or the age of any other person for the  
284 purpose of inducing any licensee or his or her agents or  
285 employees to sell, give, serve, or deliver any alcoholic  
286 beverages to a person under 21 years of age, or for any person  
287 under 21 years of age to purchase or attempt to purchase  
288 alcoholic beverages.

289 (c) In addition to any other penalty imposed for a  
290 violation of this subsection, if a person uses a driver license  
291 or identification card issued by the Department of Highway  
292 Safety and Motor Vehicles in violation of this subsection, the  
293 court:

294 ~~1. may order the person to participate in public service or~~  
295 ~~a community work project for a period not to exceed 40 hours;~~  
296 ~~and~~

297 ~~2. Shall direct the Department of Highway Safety and Motor~~  
298 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
299 ~~person's driver license or driving privilege, as provided in s.~~  
300 ~~322.056.~~

301 Section 13. Subsection (3) of section 562.111, Florida



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302 Statutes, is repealed.

303 Section 14. Subsections (1), (2), and (5) of section  
304 569.11, Florida Statutes, are amended to read:

305 569.11 Possession, misrepresenting age or military service  
306 to purchase, and purchase of tobacco products by persons under  
307 18 years of age prohibited; penalties; jurisdiction; disposition  
308 of fines.—

309 (1) It is unlawful for any person under 18 years of age to  
310 knowingly possess any tobacco product. Any person under 18 years  
311 of age who violates ~~the provisions of~~ this subsection commits a  
312 noncriminal violation as provided in s. 775.08(3), punishable  
313 by:

314 (a) For a first violation, 16 hours of community service  
315 or, instead of community service, a \$25 fine. In addition, the  
316 person must attend a school-approved anti-tobacco program, if  
317 locally available; or

318 (b) For a second or subsequent violation within 12 weeks  
319 after ~~of~~ the first violation, a \$25 fine. ~~;~~ ~~or~~

320 ~~(c) For a third or subsequent violation within 12 weeks of~~  
321 ~~the first violation, the court must direct the Department of~~  
322 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
323 ~~suspend or revoke the person's driver license or driving~~  
324 ~~privilege, as provided in s. 322.056.~~

325  
326 Any second or subsequent violation not within the 12-week time  
327 period after the first violation is punishable as provided for a  
328 first violation.

329 (2) It is unlawful for any person under 18 years of age to  
330 misrepresent his or her age or military service for the purpose



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331 of inducing a dealer or an agent or employee of the dealer to  
332 sell, give, barter, furnish, or deliver any tobacco product, or  
333 to purchase, or attempt to purchase, any tobacco product from a  
334 person or a vending machine. Any person under 18 years of age  
335 who violates ~~a provision of~~ this subsection commits a  
336 noncriminal violation as provided in s. 775.08(3), punishable  
337 by:

338 (a) For a first violation, 16 hours of community service  
339 or, instead of community service, a \$25 fine. ~~and~~, In addition,  
340 the person must attend a school-approved anti-tobacco program,  
341 if locally available; or

342 (b) For a second or subsequent violation within 12 weeks  
343 after ~~of~~ the first violation, a \$25 fine. ~~or~~

344 ~~(c) For a third or subsequent violation within 12 weeks of~~  
345 ~~the first violation, the court must direct the Department of~~  
346 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
347 ~~suspend or revoke the person's driver license or driving~~  
348 ~~privilege, as provided in s. 322.056.~~

349  
350 Any second or subsequent violation not within the 12-week time  
351 period after the first violation is punishable as provided for a  
352 first violation.

353 (5) (a) If a person under 18 years of age is found by the  
354 court to have committed a noncriminal violation under this  
355 section and that person has failed to complete community  
356 service, pay the fine as required by paragraph (1) (a) or  
357 paragraph (2) (a), or attend a school-approved anti-tobacco  
358 program, if locally available, the court may ~~must~~ direct the  
359 Department of Highway Safety and Motor Vehicles to withhold



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360 issuance of or suspend the driver license or driving privilege  
361 of that person for a period of 30 consecutive days.

362 (b) If a person under 18 years of age is found by the court  
363 to have committed a noncriminal violation under this section and  
364 that person has failed to pay the applicable fine as required by  
365 paragraph (1)(b) or paragraph (2)(b), the court may ~~must~~ direct  
366 the Department of Highway Safety and Motor Vehicles to withhold  
367 issuance of or suspend the driver license or driving privilege  
368 of that person for a period of 45 consecutive days.

369 Section 15. Subsections (5) and (10) of section 790.22,  
370 Florida Statutes, are amended to read:

371 790.22 Use of BB guns, air or gas-operated guns, or  
372 electric weapons or devices by minor under 16; limitation;  
373 possession of firearms by minor under 18 prohibited; penalties.-

374 (5) (a) A minor who violates subsection (3) commits a  
375 misdemeanor of the first degree; for a first offense, may serve  
376 a period of detention of up to 3 days in a secure detention  
377 facility; and, in addition to any other penalty provided by law,  
378 shall be required to perform 100 hours of community service.†  
379 ~~and:~~

380 ~~1. If the minor is eligible by reason of age for a driver~~  
381 ~~license or driving privilege, the court shall direct the~~  
382 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
383 ~~withhold issuance of the minor's driver license or driving~~  
384 ~~privilege for up to 1 year.~~

385 ~~2. If the minor's driver license or driving privilege is~~  
386 ~~under suspension or revocation for any reason, the court shall~~  
387 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
388 ~~extend the period of suspension or revocation by an additional~~



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389 ~~period of up to 1 year.~~

390 ~~3. If the minor is ineligible by reason of age for a driver~~  
391 ~~license or driving privilege, the court shall direct the~~  
392 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
393 ~~issuance of the minor's driver license or driving privilege for~~  
394 ~~up to 1 year after the date on which the minor would otherwise~~  
395 ~~have become eligible.~~

396 (b) For a second or subsequent offense, a minor who  
397 violates subsection (3) commits a felony of the third degree and  
398 shall serve a period of detention of up to 15 days in a secure  
399 detention facility and shall be required to perform not less  
400 than 100 or ~~not~~ more than 250 hours of community service. ~~and:~~

401 ~~1. If the minor is eligible by reason of age for a driver~~  
402 ~~license or driving privilege, the court shall direct the~~  
403 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
404 ~~withhold issuance of the minor's driver license or driving~~  
405 ~~privilege for up to 2 years.~~

406 ~~2. If the minor's driver license or driving privilege is~~  
407 ~~under suspension or revocation for any reason, the court shall~~  
408 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
409 ~~extend the period of suspension or revocation by an additional~~  
410 ~~period of up to 2 years.~~

411 ~~3. If the minor is ineligible by reason of age for a driver~~  
412 ~~license or driving privilege, the court shall direct the~~  
413 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
414 ~~issuance of the minor's driver license or driving privilege for~~  
415 ~~up to 2 years after the date on which the minor would otherwise~~  
416 ~~have become eligible.~~

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418 For the purposes of this subsection, community service shall be  
419 performed, if possible, in a manner involving a hospital  
420 emergency room or other medical environment that deals on a  
421 regular basis with trauma patients and gunshot wounds.

422 ~~(10) If a minor is found to have committed an offense under~~  
423 ~~subsection (9), the court shall impose the following penalties~~  
424 ~~in addition to any penalty imposed under paragraph (9) (a) or~~  
425 ~~paragraph (9) (b):~~

426 ~~(a) For a first offense:~~

427 ~~1. If the minor is eligible by reason of age for a driver~~  
428 ~~license or driving privilege, the court shall direct the~~  
429 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
430 ~~withhold issuance of the minor's driver license or driving~~  
431 ~~privilege for up to 1 year.~~

432 ~~2. If the minor's driver license or driving privilege is~~  
433 ~~under suspension or revocation for any reason, the court shall~~  
434 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
435 ~~extend the period of suspension or revocation by an additional~~  
436 ~~period for up to 1 year.~~

437 ~~3. If the minor is ineligible by reason of age for a driver~~  
438 ~~license or driving privilege, the court shall direct the~~  
439 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
440 ~~issuance of the minor's driver license or driving privilege for~~  
441 ~~up to 1 year after the date on which the minor would otherwise~~  
442 ~~have become eligible.~~

443 ~~(b) For a second or subsequent offense:~~

444 ~~1. If the minor is eligible by reason of age for a driver~~  
445 ~~license or driving privilege, the court shall direct the~~  
446 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~





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447 ~~withhold issuance of the minor's driver license or driving~~  
448 ~~privilege for up to 2 years.~~

449 ~~2. If the minor's driver license or driving privilege is~~  
450 ~~under suspension or revocation for any reason, the court shall~~  
451 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
452 ~~extend the period of suspension or revocation by an additional~~  
453 ~~period for up to 2 years.~~

454 ~~3. If the minor is ineligible by reason of age for a driver~~  
455 ~~license or driving privilege, the court shall direct the~~  
456 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
457 ~~issuance of the minor's driver license or driving privilege for~~  
458 ~~up to 2 years after the date on which the minor would otherwise~~  
459 ~~have become eligible.~~

460 Section 16. Subsections (7) and (8) of section 806.13,  
461 Florida Statutes, are amended to read:

462 806.13 Criminal mischief; penalties; penalty for minor.—

463 ~~(7) In addition to any other penalty provided by law, if a~~  
464 ~~minor is found to have committed a delinquent act under this~~  
465 ~~section for placing graffiti on any public property or private~~  
466 ~~property, and:~~

467 ~~(a) The minor is eligible by reason of age for a driver~~  
468 ~~license or driving privilege, the court shall direct the~~  
469 ~~Department of Highway Safety and Motor Vehicles to revoke or~~  
470 ~~withhold issuance of the minor's driver license or driving~~  
471 ~~privilege for not more than 1 year.~~

472 ~~(b) The minor's driver license or driving privilege is~~  
473 ~~under suspension or revocation for any reason, the court shall~~  
474 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
475 ~~extend the period of suspension or revocation by an additional~~



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476 ~~period of not more than 1 year.~~

477 ~~(c) The minor is ineligible by reason of age for a driver~~  
478 ~~license or driving privilege, the court shall direct the~~  
479 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
480 ~~issuance of the minor's driver license or driving privilege for~~  
481 ~~not more than 1 year after the date on which he or she would~~  
482 ~~otherwise have become eligible.~~

483 ~~(8) A minor whose driver license or driving privilege is~~  
484 ~~revoked, suspended, or withheld under subsection (7) may elect~~  
485 ~~to reduce the period of revocation, suspension, or withholding~~  
486 ~~by performing community service at the rate of 1 day for each~~  
487 ~~hour of community service performed. In addition, if the court~~  
488 ~~determines that due to a family hardship, the minor's driver~~  
489 ~~license or driving privilege is necessary for employment or~~  
490 ~~medical purposes of the minor or a member of the minor's family,~~  
491 ~~the court shall order the minor to perform community service and~~  
492 ~~reduce the period of revocation, suspension, or withholding at~~  
493 ~~the rate of 1 day for each hour of community service performed.~~  
494 ~~As used in this subsection, the term "community service" means~~  
495 ~~cleaning graffiti from public property.~~

496 Section 17. Section 812.0155, Florida Statutes, is  
497 repealed.

498 Section 18. Section 832.09, Florida Statutes, is repealed.

499 Section 19. Paragraph (a) of subsection (3) of section  
500 847.0141, Florida Statutes, is amended to read:

501 847.0141 Sexting; prohibited acts; penalties.—

502 (3) A minor who violates subsection (1):

503 (a) Commits a noncriminal violation for a first violation.

504 The minor must sign and accept a citation indicating a promise



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505 to appear before the juvenile court. In lieu of appearing in  
506 court, the minor may complete 8 hours of community service work,  
507 pay a \$60 civil penalty, or participate in a cyber-safety  
508 program if such a program is locally available. The minor must  
509 satisfy any penalty within 30 days after receipt of the  
510 citation.

511 1. A citation issued to a minor under this subsection must  
512 be in a form prescribed by the issuing law enforcement agency,  
513 must be signed by the minor, and must contain all of the  
514 following:

515 a. The date and time of issuance.

516 b. The name and address of the minor to whom the citation  
517 is issued.

518 c. A thumbprint of the minor to whom the citation is  
519 issued.

520 d. Identification of the noncriminal violation and the time  
521 it was committed.

522 e. The facts constituting reasonable cause.

523 f. The specific section of law violated.

524 g. The name and authority of the citing officer.

525 h. The procedures that the minor must follow to contest the  
526 citation, perform the required community service, pay the civil  
527 penalty, or participate in a cyber-safety program.

528 2. If the citation is contested and the court determines  
529 that the minor committed a noncriminal violation under this  
530 section, the court may order the minor to perform 8 hours of  
531 community service, pay a \$60 civil penalty, or participate in a  
532 cyber-safety program, or any combination thereof.

533 3. A minor who fails to comply with the citation waives his



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534 or her right to contest it, and the court may impose any of the  
535 penalties identified in subparagraph 2. or issue an order to  
536 show cause. Upon a finding of contempt, the court may impose  
537 additional age-appropriate penalties, ~~which may include issuance~~  
538 ~~of an order to the Department of Highway Safety and Motor~~  
539 ~~Vehicles to withhold issuance of, or suspend the driver license~~  
540 ~~or driving privilege of, the minor for 30 consecutive days.~~  
541 However, the court may not impose incarceration.

542 Section 20. Subsections (6) and (7) and paragraphs (c) and  
543 (d) of subsection (8) of section 877.112, Florida Statutes, are  
544 amended to read:

545 877.112 Nicotine products and nicotine dispensing devices;  
546 prohibitions for minors; penalties; civil fines; signage  
547 requirements; preemption.—

548 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
549 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any  
550 person under 18 years of age to knowingly possess any nicotine  
551 product or a nicotine dispensing device. Any person under 18  
552 years of age who violates this subsection commits a noncriminal  
553 violation as defined in s. 775.08(3), punishable by:

554 (a) For a first violation, 16 hours of community service  
555 or, instead of community service, a \$25 fine. In addition, the  
556 person must attend a school-approved anti-tobacco and nicotine  
557 program, if locally available; or

558 (b) For a second or subsequent violation within 12 weeks  
559 after ~~of~~ the first violation, a \$25 fine. ~~;~~ ~~or~~

560 ~~(c) For a third or subsequent violation within 12 weeks of~~  
561 ~~the first violation, the court must direct the Department of~~  
562 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~



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563 ~~suspend or revoke the person's driver license or driving~~  
564 ~~privilege, as provided in s. 322.056.~~

565

566 Any second or subsequent violation not within the 12-week time  
567 period after the first violation is punishable as provided for a  
568 first violation.

569 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
570 any person under 18 years of age to misrepresent his or her age  
571 or military service for the purpose of inducing a retailer of  
572 nicotine products or nicotine dispensing devices or an agent or  
573 employee of such retailer to sell, give, barter, furnish, or  
574 deliver any nicotine product or nicotine dispensing device, or  
575 to purchase, or attempt to purchase, any nicotine product or  
576 nicotine dispensing device from a person or a vending machine.  
577 Any person under 18 years of age who violates this subsection  
578 commits a noncriminal violation as defined in s. 775.08(3),  
579 punishable by:

580 (a) For a first violation, 16 hours of community service  
581 or, instead of community service, a \$25 fine. ~~and,~~ In addition,  
582 the person must attend a school-approved anti-tobacco and  
583 nicotine program, if locally available; or

584 (b) For a second or subsequent violation within 12 weeks of  
585 the first violation, a \$25 fine. ~~or~~

586 ~~(c) For a third or subsequent violation within 12 weeks of~~  
587 ~~the first violation, the court must direct the Department of~~  
588 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
589 ~~suspend or revoke the person's driver license or driving~~  
590 ~~privilege, as provided in s. 322.056.~~

591



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592 Any second or subsequent violation not within the 12-week time  
593 period after the first violation is punishable as provided for a  
594 first violation.

595 (8) PENALTIES FOR MINORS.—

596 (c) If a person under 18 years of age is found by the court  
597 to have committed a noncriminal violation under this section and  
598 that person has failed to complete community service, pay the  
599 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
600 attend a school-approved anti-tobacco and nicotine program, if  
601 locally available, the court may ~~must~~ direct the Department of  
602 Highway Safety and Motor Vehicles to withhold issuance of or  
603 suspend the driver license or driving privilege of that person  
604 for 30 consecutive days.

605 (d) If a person under 18 years of age is found by the court  
606 to have committed a noncriminal violation under this section and  
607 that person has failed to pay the applicable fine as required by  
608 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct  
609 the Department of Highway Safety and Motor Vehicles to withhold  
610 issuance of or suspend the driver license or driving privilege  
611 of that person for 45 consecutive days.

612 Section 21. Subsection (2) of section 1003.27, Florida  
613 Statutes, is amended to read:

614 1003.27 Court procedure and penalties.—The court procedure  
615 and penalties for the enforcement of the provisions of this  
616 part, relating to compulsory school attendance, shall be as  
617 follows:

618 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

619 ~~(a)~~ In each case of nonenrollment or of nonattendance upon  
620 the part of a student who is required to attend some school,



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621 when no valid reason for such nonenrollment or nonattendance is  
622 found, the district school superintendent shall institute a  
623 criminal prosecution against the student's parent.

624 ~~(b) Each public school principal or the principal's~~  
625 ~~designee shall notify the district school board of each minor~~  
626 ~~student under its jurisdiction who accumulates 15 unexcused~~  
627 ~~absences in a period of 90 calendar days. Each designee of the~~  
628 ~~governing body of each private school, and each parent whose~~  
629 ~~child is enrolled in a home education program, may provide the~~  
630 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
631 ~~name, sex, date of birth, and social security number of each~~  
632 ~~minor student under his or her jurisdiction who fails to satisfy~~  
633 ~~relevant attendance requirements and who fails to otherwise~~  
634 ~~satisfy the requirements of s. 322.091. The district school~~  
635 ~~superintendent must provide the Department of Highway Safety and~~  
636 ~~Motor Vehicles the legal name, sex, date of birth, and social~~  
637 ~~security number of each minor student who has been reported~~  
638 ~~under this paragraph and who fails to otherwise satisfy the~~  
639 ~~requirements of s. 322.091. The Department of Highway Safety and~~  
640 ~~Motor Vehicles may not issue a driver license or learner's~~  
641 ~~driver license to, and shall suspend any previously issued~~  
642 ~~driver license or learner's driver license of, any such minor~~  
643 ~~student, pursuant to the provisions of s. 322.091.~~

644 Section 22. Paragraph (a) of subsection (10) of section  
645 318.14, Florida Statutes, is amended to read:

646 318.14 Noncriminal traffic infractions; exception;  
647 procedures.—

648 (10) (a) Any person who does not hold a commercial driver  
649 license or commercial learner's permit and who is cited while



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650 driving a noncommercial motor vehicle for an offense listed  
651 under this subsection may, in lieu of payment of fine or court  
652 appearance, elect to enter a plea of nolo contendere and provide  
653 proof of compliance to the clerk of the court, designated  
654 official, or authorized operator of a traffic violations bureau.  
655 In such case, adjudication shall be withheld; however, a person  
656 may not make an election under this subsection if the person has  
657 made an election under this subsection in the preceding 12  
658 months. A person may not make more than three elections under  
659 this subsection. This subsection applies to the following  
660 offenses:

661 1. Operating a motor vehicle without a valid driver license  
662 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
663 operating a motor vehicle with a license that has been suspended  
664 for failure to appear, failure to pay civil penalty, or failure  
665 to attend a driver improvement course pursuant to s. 322.291.

666 2. Operating a motor vehicle without a valid registration  
667 in violation of s. 320.0605, s. 320.07, or s. 320.131.

668 3. Operating a motor vehicle in violation of s. 316.646.

669 4. Operating a motor vehicle with a license that has been  
670 suspended under s. 61.13016 or s. 322.245 for failure to pay  
671 child support or for failure to pay any other financial  
672 obligation as provided in s. 322.245; however, this subparagraph  
673 does not apply if the license has been suspended pursuant to s.  
674 322.245(1).

675 ~~5. Operating a motor vehicle with a license that has been~~  
676 ~~suspended under s. 322.091 for failure to meet school attendance~~  
677 ~~requirements.~~

678 Section 23. Subsections (1) and (2) of section 322.05,





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679 Florida Statutes, are amended to read:

680 322.05 Persons not to be licensed.—The department may not  
681 issue a license:

682 (1) To a person who is under the age of 16 years, except  
683 that the department may issue a learner's driver license to a  
684 person who is at least 15 years of age and who meets the  
685 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any  
686 other applicable law or rule.

687 (2) To a person who is at least 16 years of age but is  
688 under 18 years of age unless the person ~~meets the requirements~~  
689 ~~of s. 322.091~~ and holds a valid:

690 (a) Learner's driver license for at least 12 months, with  
691 no moving traffic convictions, before applying for a license;

692 (b) Learner's driver license for at least 12 months and who  
693 has a moving traffic conviction but elects to attend a traffic  
694 driving school for which adjudication must be withheld pursuant  
695 to s. 318.14; or

696 (c) License that was issued in another state or in a  
697 foreign jurisdiction and that would not be subject to suspension  
698 or revocation under the laws of this state.

699 Section 24. Paragraph (b) of subsection (5) of section  
700 322.27, Florida Statutes, is amended to read:

701 322.27 Authority of department to suspend or revoke driver  
702 license or identification card.—

703 (5)

704 (b) If a person whose driver license has been revoked under  
705 paragraph (a) as a result of a third violation of driving a  
706 motor vehicle while his or her license is suspended or revoked  
707 provides proof of compliance for an offense listed in s.



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708 318.14(10)(a)1.-4. ~~s. 318.14(10)(a)1.-5.~~, the clerk of court  
709 shall submit an amended disposition to remove the habitual  
710 traffic offender designation.

711 Section 25. Subsection (9) of section 1003.01, Florida  
712 Statutes, is amended to read:

713 1003.01 Definitions.—As used in this chapter, the term:

714 (9) "Dropout" means a student who meets any one or more of  
715 the following criteria:

716 (a) The student has voluntarily removed himself or herself  
717 from the school system before graduation for reasons that  
718 include, but are not limited to, marriage, or the student has  
719 withdrawn from school because he or she has failed the statewide  
720 student assessment test and thereby does not receive any of the  
721 certificates of completion;

722 (b) The student has not met the relevant attendance  
723 requirements of the school district pursuant to State Board of  
724 Education rules, or the student was expected to attend a school  
725 but did not enter as expected for unknown reasons, or the  
726 student's whereabouts are unknown;

727 (c) The student has withdrawn from school, but has not  
728 transferred to another public or private school or enrolled in  
729 any career, adult, home education, or alternative educational  
730 program;

731 (d) The student has withdrawn from school due to hardship,  
732 unless such withdrawal has been granted because of ~~under the~~  
733 ~~provisions of s. 322.091,~~ court action, expulsion, medical  
734 reasons, or pregnancy; or

735 (e) The student is not eligible to attend school because of  
736 reaching the maximum age for an exceptional student program in



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737 accordance with the district's policy.

738

739 The State Board of Education may adopt rules to implement ~~the~~  
740 ~~provisions~~ of this subsection.

741

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

743 And the title is amended as follows:

744 Delete line 4701

745 and insert:

746 otherwise provided; amending s. 322.055, F.S.;

747 decreasing the period for revocation or suspension of,

748 or delay of eligibility for, driver licenses or

749 driving privileges for certain persons convicted of

750 certain drug offenses; deleting provisions authorizing

751 a driver to petition the Department of Highway Safety

752 and Motor Vehicles for restoration of his or her

753 driving privilege; amending s. 322.056, F.S.;

754 decreasing the period for revocation or suspension of,

755 or delay of eligibility for, driver licenses or

756 driving privileges for certain persons found guilty of

757 certain drug offenses; deleting a provision

758 authorizing a court to direct the department to issue

759 a license for certain restricted driving privileges

760 under certain circumstances; deleting requirements

761 relating to the revocation or suspension of, or delay

762 of eligibility for, driver licenses or driving

763 privileges for certain persons found guilty of certain

764 alcohol or tobacco offenses; repealing s. 322.057,

765 F.S., relating to discretionary revocation or



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766 suspension of a driver license for certain persons who  
767 provide alcohol to persons under a specified age;  
768 amending s. 322.09, F.S.; deleting a provision  
769 prohibiting the issuance of a driver license or  
770 learner's driver license under certain circumstances;  
771 repealing s. 322.091, F.S., relating to attendance  
772 requirements for driving privileges; repealing s.  
773 322.251(7), F.S., relating to notice of suspension or  
774 revocation of driving privileges, reasons for  
775 reinstatement of such driving privileges, and certain  
776 electronic access to identify a person who is the  
777 subject of an outstanding warrant or capias for  
778 passing worthless bank checks; amending s. 322.271,  
779 F.S.; providing that a person whose driver license or  
780 privilege to drive has been suspended may have his or  
781 her driver license or driving privilege reinstated on  
782 a restricted basis under certain circumstances;  
783 providing the period of validity of such restricted  
784 license; amending s. 322.34, F.S.; revising the  
785 underlying violations resulting in driver license or  
786 driving privilege cancellation, suspension, or  
787 revocation for which specified penalties apply;  
788 amending s. 562.11, F.S.; revising penalties for  
789 selling, giving, serving, or permitting to be served  
790 alcoholic beverages to a person under a specified age  
791 or permitting such person to consume such beverages on  
792 licensed premises; revising penalties for  
793 misrepresenting or misstating age or age of another to  
794 induce a licensee to serve alcoholic beverages to a



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795 person under a specified age; conforming provisions to  
796 changes made by the act; repealing s. 562.111(3),  
797 F.S., relating to withholding issuance of, or  
798 suspending or revoking, a driver license or driving  
799 privilege for possession of alcoholic beverages by  
800 persons under a specified age; amending s. 569.11,  
801 F.S.; revising penalties for persons under a specified  
802 age who knowingly possess, misrepresent their age or  
803 military service to purchase, or purchase or attempt  
804 to purchase tobacco products; authorizing, rather than  
805 requiring, the court to direct the department to  
806 withhold issuance of or suspend a person's driver  
807 license or driving privilege for certain violations;  
808 amending s. 790.22, F.S.; revising penalties relating  
809 to suspending, revoking, or withholding issuance of  
810 driver licenses or driving privileges for minors under  
811 a specified age who possess firearms under certain  
812 circumstances; deleting provisions relating to  
813 penalties for certain offenses involving the use or  
814 possession of a firearm by a minor under a specified  
815 age; amending s. 806.13, F.S.; deleting provisions  
816 relating to certain penalties for criminal mischief by  
817 a minor; repealing s. 812.0155, F.S., relating to  
818 suspension of a driver license following an  
819 adjudication of guilt for theft; repealing s. 832.09,  
820 F.S., relating to suspension of a driver license after  
821 warrant or capias is issued in worthless check cases;  
822 amending s. 847.0141, F.S.; deleting a provision  
823 authorizing a court, upon a certain finding of



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824 contempt, to issue an order to the department to  
825 withhold issuance of or suspend the driver license or  
826 driving privilege of a minor for a specified time;  
827 amending s. 877.112, F.S.; revising penalties for  
828 persons under a specified age who knowingly possess,  
829 misrepresent their age or military service to  
830 purchase, or purchase or attempt to purchase any  
831 nicotine product or nicotine dispensing device;  
832 authorizing, rather than requiring, the court to  
833 direct the department to withhold issuance of or  
834 suspend a person's driver license or driving privilege  
835 for certain violations; amending s. 1003.27, F.S.;  
836 deleting provisions relating to procedures and  
837 penalties for nonenrollment and nonattendance cases;  
838 amending ss. 318.14, 322.05, 322.27, and 1003.01,  
839 F.S.; conforming cross-references; conforming  
840 provisions to changes made by the act; creating s.  
841 322.75, F.S.;