



231632

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/29/2016	.	
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The Committee on Fiscal Policy (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 986 and 987  
insert:

Section 19. Subsections (1) through (4) of section 322.055,  
Florida Statutes, are amended to read:

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

(1) Notwithstanding s. 322.28, upon the conviction of a  
person 18 years of age or older for possession or sale of,



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

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



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

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



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

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



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99 Section 20. Section 322.056, Florida Statutes, is amended  
100 to read:

101 322.056 Mandatory revocation or suspension of, or delay of  
102 eligibility for, driver license for persons under age 18 found  
103 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
104 prohibition.-

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

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

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

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

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

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

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

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

127 ~~1. Not less than 6 months and not more than 1 year after~~



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128 the date on which he or she would otherwise have become  
129 eligible, ~~for the first violation.~~

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

132  
133 ~~However, the court may, in its sound discretion, direct the~~  
134 ~~department to issue a license for driving privileges restricted~~  
135 ~~to business or employment purposes only, as defined in s.~~  
136 ~~322.271, if the person is otherwise qualified for such a~~  
137 ~~license.~~

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

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

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

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

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

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



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

159 ~~(c) The person is ineligible by reason of age for a driver~~  
160 ~~license or driving privilege, the court shall direct the~~  
161 ~~department to withhold issuance of his or her driver license or~~  
162 ~~driving privilege as follows:~~

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

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

166

167 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
168 ~~within the 12-week period after the first violation will be~~  
169 ~~treated as a first violation and in the same manner as provided~~  
170 ~~in this subsection.~~

171 ~~(3) If a person under 18 years of age is found by the court~~  
172 ~~to have committed a third violation of s. 569.11 or s.~~  
173 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
174 ~~court must direct the Department of Highway Safety and Motor~~  
175 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
176 ~~license or driving privilege for 60 consecutive days. Any third~~  
177 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
178 ~~12-week period after the first violation will be treated as a~~  
179 ~~first violation and in the same manner as provided in subsection~~  
180 ~~(2).~~

181 ~~(2)-(4)~~ A penalty imposed under this section shall be in  
182 addition to any other penalty imposed by law.

183 ~~(5) The suspension or revocation of a person's driver~~  
184 ~~license imposed pursuant to subsection (2) or subsection (3),~~  
185 ~~shall not result in or be cause for an increase of the convicted~~



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186 ~~person's, or his or her parent's or legal guardian's, automobile~~  
187 ~~insurance rate or premium or result in points assessed against~~  
188 ~~the person's driving record.~~

189 Section 21. Section 322.057, Florida Statutes, is repealed.

190 Section 22. Subsection (3) of section 322.09, Florida  
191 Statutes, is amended, and present subsections (4) and (5) of  
192 that section are redesignated as subsections (3) and (4),  
193 respectively, to read:

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

196 ~~(3) The department may not issue a driver license or~~  
197 ~~learner's driver license to any applicant under the age of 18~~  
198 ~~years who is not in compliance with the requirements of s.~~  
199 ~~322.091.~~

200 Section 23. Section 322.091, Florida Statutes, is repealed.

201 Section 24. Subsection (7) of section 322.251, Florida  
202 Statutes, is repealed.

203 Section 25. Subsection (10) of section 322.34, Florida  
204 Statutes, is amended to read:

205 322.34 Driving while license suspended, revoked, canceled,  
206 or disqualified.—

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

212 1. Failing to pay child support as provided in s. 322.245  
213 or s. 61.13016;

214 2. Failing to pay any other financial obligation as



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215 provided in s. 322.245 ~~other than those specified in s.~~  
216 ~~322.245(1);~~

217 3. Failing to comply with a civil penalty required in s.  
218 318.15;

219 4. Failing to maintain vehicular financial responsibility  
220 as required by chapter 324; or

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

223 5.6. Having been designated a habitual traffic offender  
224 under s. 322.264(1)(d) as a result of suspensions of his or her  
225 driver license or driver privilege for any underlying violation  
226 listed in subparagraphs 1.-4. ~~1.-5.~~

227 (b)1. Upon a first conviction for knowingly driving while  
228 his or her license is suspended, revoked, or canceled for any of  
229 the underlying violations listed in subparagraphs (a)1.-5.  
230 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,  
231 punishable as provided in s. 775.082 or s. 775.083.

232 2. Upon a second or subsequent conviction for the same  
233 offense of knowingly driving while his or her license is  
234 suspended, revoked, or canceled for any of the underlying  
235 violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person  
236 commits a misdemeanor of the first degree, punishable as  
237 provided in s. 775.082 or s. 775.083.

238 Section 26. Paragraph (a) of subsection (1) of section  
239 562.11, Florida Statutes, is amended to read:

240 562.11 Selling, giving, or serving alcoholic beverages to  
241 person under age 21; providing a proper name; misrepresenting or  
242 misstating age or age of another to induce licensee to serve  
243 alcoholic beverages to person under 21; penalties.-



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244 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
245 be served alcoholic beverages to a person under 21 years of age  
246 or permit a person under 21 years of age to consume such  
247 beverages on the licensed premises. A person who violates this  
248 subparagraph commits a misdemeanor of the second degree,  
249 punishable as provided in s. 775.082 or s. 775.083. A person who  
250 violates this subparagraph a second or subsequent time within 1  
251 year after a prior conviction commits a misdemeanor of the first  
252 degree, punishable as provided in s. 775.082 or s. 775.083.

253 ~~2. In addition to any other penalty imposed for a violation~~  
254 ~~of subparagraph 1., the court may order the Department of~~  
255 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
256 ~~or suspend or revoke, the driver license or driving privilege,~~  
257 ~~as provided in s. 322.057, of any person who violates~~  
258 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
259 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
260 ~~acting within the scope of his or her license or an employee or~~  
261 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
262 ~~subparagraph 1. while engaged within the scope of his or her~~  
263 ~~employment or agency.~~

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

270 Section 27. Subsection (3) of section 562.111, Florida  
271 Statutes, is repealed.

272 Section 28. Subsections (1), (2), and (5) of section



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273 569.11, Florida Statutes, are amended to read:

274       569.11 Possession, misrepresenting age or military service  
275 to purchase, and purchase of tobacco products by persons under  
276 18 years of age prohibited; penalties; jurisdiction; disposition  
277 of fines.—

278       (1) It is unlawful for any person under 18 years of age to  
279 knowingly possess any tobacco product. Any person under 18 years  
280 of age who violates the provisions of this subsection commits a  
281 noncriminal violation as provided in s. 775.08(3), punishable  
282 by:

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

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

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

294  
295 Any second or subsequent violation not within the 12-week time  
296 period after the first violation is punishable as provided for a  
297 first violation.

298       (2) It is unlawful for any person under 18 years of age to  
299 misrepresent his or her age or military service for the purpose  
300 of inducing a dealer or an agent or employee of the dealer to  
301 sell, give, barter, furnish, or deliver any tobacco product, or



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302 to purchase, or attempt to purchase, any tobacco product from a  
303 person or a vending machine. Any person under 18 years of age  
304 who violates a provision of this subsection commits a  
305 noncriminal violation as provided in s. 775.08(3), punishable  
306 by:

307 (a) For a first violation, 16 hours of community service  
308 or, instead of community service, a \$25 fine and, in addition,  
309 the person must attend a school-approved anti-tobacco program,  
310 if available; or

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

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

318  
319 Any second or subsequent violation not within the 12-week time  
320 period after the first violation is punishable as provided for a  
321 first violation.

322 (5) (a) If a person under 18 years of age is found by the  
323 court to have committed a noncriminal violation under this  
324 section and that person has failed to complete community  
325 service, pay the fine as required by paragraph (1) (a) or  
326 paragraph (2) (a), or attend a school-approved anti-tobacco  
327 program, if locally available, the court may ~~must~~ direct the  
328 Department of Highway Safety and Motor Vehicles to withhold  
329 issuance of or suspend the driver license or driving privilege  
330 of that person for a period of 30 consecutive days.



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

338 Section 29. Subsections (5) and (10) of section 790.22,  
339 Florida Statutes, are amended to read:

340 790.22 Use of BB guns, air or gas-operated guns, or  
341 electric weapons or devices by minor under 16; limitation;  
342 possession of firearms by minor under 18 prohibited; penalties.-

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

349 ~~1. If the minor is eligible by reason of age for a driver~~  
350 ~~license or driving privilege, the court shall direct the~~  
351 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
352 ~~withhold issuance of the minor's driver license or driving~~  
353 ~~privilege for up to 1 year.~~

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

359 ~~3. If the minor is ineligible by reason of age for a driver~~



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360 ~~license or driving privilege, the court shall direct the~~  
361 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
362 ~~issuance of the minor's driver license or driving privilege for~~  
363 ~~up to 1 year after the date on which the minor would otherwise~~  
364 ~~have become eligible.~~

365 (b) For a second or subsequent offense, a minor who  
366 violates subsection (3) commits a felony of the third degree and  
367 shall serve a period of detention of up to 15 days in a secure  
368 detention facility and shall be required to perform not less  
369 than 100 or ~~nor~~ more than 250 hours of community service.~~.7 and:~~

370 ~~1. If the minor is eligible by reason of age for a driver~~  
371 ~~license or driving privilege, the court shall direct the~~  
372 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
373 ~~withhold issuance of the minor's driver license or driving~~  
374 ~~privilege for up to 2 years.~~

375 ~~2. If the minor's driver license or driving privilege is~~  
376 ~~under suspension or revocation for any reason, the court shall~~  
377 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
378 ~~extend the period of suspension or revocation by an additional~~  
379 ~~period of up to 2 years.~~

380 ~~3. If the minor is ineligible 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 withhold~~  
383 ~~issuance of the minor's driver license or driving privilege for~~  
384 ~~up to 2 years after the date on which the minor would otherwise~~  
385 ~~have become eligible.~~

386  
387 For the purposes of this subsection, community service shall be  
388 performed, if possible, in a manner involving a hospital



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389 emergency room or other medical environment that deals on a  
390 regular basis with trauma patients and gunshot wounds.

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

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

396 ~~1. If the minor is eligible by reason of age for a driver~~  
397 ~~license or driving privilege, the court shall direct the~~  
398 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
399 ~~withhold issuance of the minor's driver license or driving~~  
400 ~~privilege for up to 1 year.~~

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

406 ~~3. If the minor is ineligible by reason of age for a driver~~  
407 ~~license or driving privilege, the court shall direct the~~  
408 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
409 ~~issuance of the minor's driver license or driving privilege for~~  
410 ~~up to 1 year after the date on which the minor would otherwise~~  
411 ~~have become eligible.~~

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

413 ~~1. If the minor is eligible by reason of age for a driver~~  
414 ~~license or driving privilege, the court shall direct the~~  
415 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
416 ~~withhold issuance of the minor's driver license or driving~~  
417 ~~privilege for up to 2 years.~~



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418 ~~2. If the minor's driver license or driving privilege is~~  
419 ~~under suspension or revocation for any reason, the court shall~~  
420 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
421 ~~extend the period of suspension or revocation by an additional~~  
422 ~~period for up to 2 years.~~

423 ~~3. If the minor is ineligible by reason of age for a driver~~  
424 ~~license or driving privilege, the court shall direct the~~  
425 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
426 ~~issuance of the minor's driver license or driving privilege for~~  
427 ~~up to 2 years after the date on which the minor would otherwise~~  
428 ~~have become eligible.~~

429 Section 30. Subsections (7) and (8) of section 806.13,  
430 Florida Statutes, are amended, and present subsection (9) of  
431 that section is redesignated as subsection (7), to read:

432 806.13 Criminal mischief; penalties; penalty for minor.—

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

437 ~~(a) The minor is eligible 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 revoke or~~  
440 ~~withhold issuance of the minor's driver license or driving~~  
441 ~~privilege for not more than 1 year.~~

442 ~~(b) The minor's driver license or driving privilege is~~  
443 ~~under suspension or revocation for any reason, the court shall~~  
444 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
445 ~~extend the period of suspension or revocation by an additional~~  
446 ~~period of not more than 1 year.~~



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

453           ~~(8) A minor whose driver license or driving privilege is~~  
454 ~~revoked, suspended, or withheld under subsection (7) may elect~~  
455 ~~to reduce the period of revocation, suspension, or withholding~~  
456 ~~by performing community service at the rate of 1 day for each~~  
457 ~~hour of community service performed. In addition, if the court~~  
458 ~~determines that due to a family hardship, the minor's driver~~  
459 ~~license or driving privilege is necessary for employment or~~  
460 ~~medical purposes of the minor or a member of the minor's family,~~  
461 ~~the court shall order the minor to perform community service and~~  
462 ~~reduce the period of revocation, suspension, or withholding at~~  
463 ~~the rate of 1 day for each hour of community service performed.~~  
464 ~~As used in this subsection, the term "community service" means~~  
465 ~~cleaning graffiti from public property.~~

466           Section 31. Section 812.0155, Florida Statutes, is  
467 repealed.

468           Section 32. Section 832.09, Florida Statutes, is repealed.

469           Section 33. Subsections (6) and (7) and paragraphs (c) and  
470 (d) of subsection (8) of section 877.112, Florida Statutes, are  
471 amended to read:

472           877.112 Nicotine products and nicotine dispensing devices;  
473 prohibitions for minors; penalties; civil fines; signage  
474 requirements; preemption.—

475           (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR



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476 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any  
477 person under 18 years of age to knowingly possess any nicotine  
478 product or a nicotine dispensing device. Any person under 18  
479 years of age who violates this subsection commits a noncriminal  
480 violation as defined in s. 775.08(3), punishable by:

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

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

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

492  
493 Any second or subsequent violation not within the 12-week time  
494 period after the first violation is punishable as provided for a  
495 first violation.

496 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
497 any person under 18 years of age to misrepresent his or her age  
498 or military service for the purpose of inducing a retailer of  
499 nicotine products or nicotine dispensing devices or an agent or  
500 employee of such retailer to sell, give, barter, furnish, or  
501 deliver any nicotine product or nicotine dispensing device, or  
502 to purchase, or attempt to purchase, any nicotine product or  
503 nicotine dispensing device from a person or a vending machine.  
504 Any person under 18 years of age who violates this subsection



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505 commits a noncriminal violation as defined in s. 775.08(3),  
506 punishable by:

507 (a) For a first violation, 16 hours of community service  
508 or, instead of community service, a \$25 fine and, in addition,  
509 the person must attend a school-approved anti-tobacco and  
510 nicotine program, if available; or

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

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

518  
519 Any second or subsequent violation not within the 12-week time  
520 period after the first violation is punishable as provided for a  
521 first violation.

522 (8) PENALTIES FOR MINORS.—

523 (c) If a person under 18 years of age is found by the court  
524 to have committed a noncriminal violation under this section and  
525 that person has failed to complete community service, pay the  
526 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
527 attend a school-approved anti-tobacco and nicotine program, if  
528 locally available, the court may ~~must~~ direct the Department of  
529 Highway Safety and Motor Vehicles to withhold issuance of or  
530 suspend the driver license or driving privilege of that person  
531 for 30 consecutive days.

532 (d) If a person under 18 years of age is found by the court  
533 to have committed a noncriminal violation under this section and



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534 that person has failed to pay the applicable fine as required by  
535 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct  
536 the Department of Highway Safety and Motor Vehicles to withhold  
537 issuance of or suspend the driver license or driving privilege  
538 of that person for 45 consecutive days.

539 Section 34. Subsection (2) of section 1003.27, Florida  
540 Statutes, is amended to read:

541 1003.27 Court procedure and penalties.—The court procedure  
542 and penalties for the enforcement of the provisions of this  
543 part, relating to compulsory school attendance, shall be as  
544 follows:

545 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

546 ~~(a)~~ In each case of nonenrollment or of nonattendance upon  
547 the part of a student who is required to attend some school,  
548 when no valid reason for such nonenrollment or nonattendance is  
549 found, the district school superintendent shall institute a  
550 criminal prosecution against the student's parent.

551 ~~(b) Each public school principal or the principal's~~  
552 ~~designee shall notify the district school board of each minor~~  
553 ~~student under its jurisdiction who accumulates 15 unexcused~~  
554 ~~absences in a period of 90 calendar days. Each designee of the~~  
555 ~~governing body of each private school, and each parent whose~~  
556 ~~child is enrolled in a home education program, may provide the~~  
557 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
558 ~~name, sex, date of birth, and social security number of each~~  
559 ~~minor student under his or her jurisdiction who fails to satisfy~~  
560 ~~relevant attendance requirements and who fails to otherwise~~  
561 ~~satisfy the requirements of s. 322.091. The district school~~  
562 ~~superintendent must provide the Department of Highway Safety and~~



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563 ~~Motor Vehicles the legal name, sex, date of birth, and social~~  
564 ~~security number of each minor student who has been reported~~  
565 ~~under this paragraph and who fails to otherwise satisfy the~~  
566 ~~requirements of s. 322.091. The Department of Highway Safety and~~  
567 ~~Motor Vehicles may not issue a driver license or learner's~~  
568 ~~driver license to, and shall suspend any previously issued~~  
569 ~~driver license or learner's driver license of, any such minor~~  
570 ~~student, pursuant to the provisions of s. 322.091.~~

571 Section 35. Paragraph (a) of subsection (10) of section  
572 318.14, Florida Statutes, is amended to read:

573 318.14 Noncriminal traffic infractions; exception;  
574 procedures.-

575 (10) (a) Any person who does not hold a commercial driver  
576 license or commercial learner's permit and who is cited while  
577 driving a noncommercial motor vehicle for an offense listed  
578 under this subsection may, in lieu of payment of fine or court  
579 appearance, elect to enter a plea of nolo contendere and provide  
580 proof of compliance to the clerk of the court, designated  
581 official, or authorized operator of a traffic violations bureau.  
582 In such case, adjudication shall be withheld; however, a person  
583 may not make an election under this subsection if the person has  
584 made an election under this subsection in the preceding 12  
585 months. A person may not make more than three elections under  
586 this subsection. This subsection applies to the following  
587 offenses:

588 1. Operating a motor vehicle without a valid driver license  
589 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
590 operating a motor vehicle with a license that has been suspended  
591 for failure to appear, failure to pay civil penalty, or failure



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592 to attend a driver improvement course pursuant to s. 322.291.

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

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

596 4. Operating a motor vehicle with a license that has been  
597 suspended under s. 61.13016 or s. 322.245 for failure to pay  
598 child support or for failure to pay any other financial  
599 obligation as provided in s. 322.245; however, this subparagraph  
600 does not apply if the license has been suspended pursuant to s.  
601 322.245(1).

602 ~~5. Operating a motor vehicle with a license that has been~~  
603 ~~suspended under s. 322.091 for failure to meet school attendance~~  
604 ~~requirements.~~

605 Section 36. Subsections (1) and (2) of section 322.05,  
606 Florida Statutes, are amended to read:

607 322.05 Persons not to be licensed.—The department may not  
608 issue a license:

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

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

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

619 (b) Learner's driver license for at least 12 months and who  
620 has a moving traffic conviction but elects to attend a traffic



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621 driving school for which adjudication must be withheld pursuant  
622 to s. 318.14; or

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

626 Section 37. Paragraph (i) of subsection (2) of section  
627 397.951, Florida Statutes, is amended to read:

628 397.951 Treatment and sanctions.—The Legislature recognizes  
629 that the integration of treatment and sanctions greatly  
630 increases the effectiveness of substance abuse treatment. It is  
631 the responsibility of the department and the substance abuse  
632 treatment provider to employ the full measure of sanctions  
633 available to require participation and completion of treatment  
634 to ensure successful outcomes for children in substance abuse  
635 treatment.

636 (2) The department shall ensure that substance abuse  
637 treatment providers employ any and all appropriate available  
638 sanctions necessary to engage, motivate, and maintain a child in  
639 treatment, including, but not limited to, provisions in law  
640 that:

641 (i) Provide that, pursuant to s. 322.056, for any person  
642 under 18 years of age who is found guilty of or delinquent for a  
643 violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and is  
644 eligible by reason of age for a driver license or driving  
645 privilege, the court shall direct the Department of Highway  
646 Safety and Motor Vehicles to revoke or to withhold issuance of  
647 his or her driver license or driving privilege for a period of 6  
648 months.†

649 ~~1. Not less than 6 months and not more than 1 year for the~~



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650 ~~first violation.~~

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

652 Section 38. Subsection (9) of section 1003.01, Florida  
653 Statutes, is amended to read:

654 1003.01 Definitions.—As used in this chapter, the term:

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

657 (a) The student has voluntarily removed himself or herself  
658 from the school system before graduation for reasons that  
659 include, but are not limited to, marriage, or the student has  
660 withdrawn from school because he or she has failed the statewide  
661 student assessment test and thereby does not receive any of the  
662 certificates of completion;

663 (b) The student has not met the relevant attendance  
664 requirements of the school district pursuant to State Board of  
665 Education rules, or the student was expected to attend a school  
666 but did not enter as expected for unknown reasons, or the  
667 student's whereabouts are unknown;

668 (c) The student has withdrawn from school, but has not  
669 transferred to another public or private school or enrolled in  
670 any career, adult, home education, or alternative educational  
671 program;

672 (d) The student has withdrawn from school due to hardship,  
673 unless such withdrawal has been granted under ~~the provisions of~~  
674 ~~s. 322.091~~, court action, expulsion, medical reasons, or  
675 pregnancy; or

676 (e) The student is not eligible to attend school because of  
677 reaching the maximum age for an exceptional student program in  
678 accordance with the district's policy.



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

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

And the title is amended as follows:

Delete line 117

and insert:

a report to the Governor and Legislature; amending s.  
322.055, F.S.; decreasing the period for revocation or  
suspension of, or delay of eligibility for, driver  
licenses or driving privileges for certain persons  
convicted of certain drug offenses; deleting  
provisions authorizing a driver to petition the  
department for restoration of the person's driving  
privilege; amending s. 322.056, F.S.; decreasing the  
period for revocation or suspension of, or delay of  
eligibility for, driver licenses or driving privileges  
for certain persons found guilty of certain drug  
offenses; deleting a provision authorizing a court to  
direct the Department of Highway Safety and Motor  
Vehicles to issue a license for certain restricted  
driving privileges under certain circumstances;  
deleting requirements relating to the revocation or  
suspension of, or delay of eligibility for, driver  
licenses or driving privileges for certain persons  
found guilty of certain alcohol or tobacco offenses;  
repealing s. 322.057, F.S., relating to discretionary  
revocation or suspension of a driver license for



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708 certain persons who provide alcohol to persons under a  
709 specified age; amending s. 322.09, F.S.; deleting a  
710 provision prohibiting the issuance of a driver license  
711 or learner's driver license under certain  
712 circumstances; repealing s. 322.091, F.S., relating to  
713 attendance requirements for driving privileges;  
714 repealing s. 322.251(7), F.S., relating to notice of  
715 suspension or revocation of driving privileges,  
716 reasons for reinstatement of such driving privileges,  
717 and certain electronic access to identify a person who  
718 is the subject of an outstanding warrant or capias for  
719 passing worthless bank checks; amending s. 322.34,  
720 F.S.; revising the underlying violations resulting in  
721 driver license or driving privilege cancellation,  
722 suspension, or revocation for which specified  
723 penalties apply; amending s. 562.11, F.S.; revising  
724 penalties for selling, giving, serving, or permitting  
725 to be served alcoholic beverages to a person under a  
726 specified age or permitting such person to consume  
727 such beverages on licensed premises; repealing s.  
728 562.111(3), F.S., relating to withholding issuance of,  
729 or suspending or revoking, a driver license or driving  
730 privilege for possession of alcoholic beverages by  
731 persons under a specified age; amending s. 569.11,  
732 F.S.; revising penalties for persons under a specified  
733 age who knowingly possess, misrepresent their age or  
734 military service to purchase, or purchase or attempt  
735 to purchase tobacco products; authorizing, rather than  
736 requiring, the court to direct the Department of



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737 Highway Safety and Motor Vehicles to withhold issuance  
738 of or suspend a person's driver license or driving  
739 privilege for certain violations; amending s. 790.22,  
740 F.S.; revising penalties relating to suspending,  
741 revoking, or withholding issuance of driver licenses  
742 or driving privileges for minors under a specified age  
743 who possess firearms under certain circumstances;  
744 deleting provisions relating to penalties for certain  
745 offenses involving the use or possession of a firearm  
746 by a minor under a specified age; amending s. 806.13,  
747 F.S.; deleting provisions relating to certain  
748 penalties for criminal mischief by a minor; repealing  
749 s. 812.0155, F.S., relating to suspension of a driver  
750 license following an adjudication of guilt for theft;  
751 repealing s. 832.09, F.S., relating to suspension of a  
752 driver license after warrant or capias is issued in  
753 worthless check cases; amending s. 877.112, F.S.;  
754 revising penalties for persons under a specified age  
755 who knowingly possess, misrepresent their age or  
756 military service to purchase, or purchase or attempt  
757 to purchase any nicotine product or nicotine  
758 dispensing device; authorizing, rather than requiring,  
759 the court to direct the department to withhold  
760 issuance of or suspend a person's driver license or  
761 driving privilege for certain violations; amending s.  
762 1003.27, F.S.; deleting provisions relating to  
763 procedures and penalties for nonenrollment and  
764 nonattendance cases; amending ss. 318.14, 322.05,  
765 397.951, and 1003.01, F.S.; conforming provisions to



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changes made by the act; providing an