

FOR CONSIDERATION By the Committee on Transportation

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1 A bill to be entitled
2 An act relating to penalties and fees; amending s.
3 27.52, F.S.; adding a financial information
4 requirement for a certain application form; amending
5 s. 28.246, F.S.; revising requirements relating to the
6 payment of court-related fines or other monetary
7 penalties, fees, charges, and costs; authorizing,
8 rather than requiring, a clerk of court to pursue
9 collection of certain fees, charges, fines, costs, or
10 liens under certain circumstances; requiring a clerk
11 of court to competitively bid a contract with a
12 collection agency or private attorney under certain
13 circumstances, subject to certain requirements;
14 prohibiting the clerk from assessing any collections
15 transfer surcharge; prohibiting the collection agency
16 or private attorney from imposing certain additional
17 fees or surcharges; amending s. 316.650, F.S.;
18 requiring traffic citation forms to include certain
19 language relating to payment of a penalty; amending s.
20 318.15, F.S.; prohibiting the suspension of a person's
21 driver license solely for failure to pay a penalty if
22 the person demonstrates to the court that he or she is
23 unable to pay such penalty; requiring the person to
24 provide documentation meeting certain requirements to
25 the appropriate clerk of court in order to be
26 considered unable to pay; amending s. 318.18, F.S.;
27 requiring a court to inquire regarding a person's
28 ability to pay at the time a certain civil penalty is
29 ordered; amending s. 322.055, F.S.; decreasing the
30 period for revocation or suspension of, or delay of
31 eligibility for, driver licenses or driving privileges
32 for certain persons convicted of certain drug

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33 offenses; amending s. 322.056, F.S.; decreasing the
34 period for revocation or suspension of, or delay of
35 eligibility for, driver licenses or driving privileges
36 for certain persons found guilty of certain drug
37 offenses; deleting a provision authorizing a court to
38 direct the Department of Highway Safety and Motor
39 Vehicles to issue a license for certain restricted
40 driving privileges under certain circumstances;
41 deleting requirements relating to the revocation or
42 suspension of, or delay of eligibility for, driver
43 licenses or driving privileges for certain persons
44 found guilty of certain alcohol or tobacco offenses;
45 repealing s. 322.057, F.S., relating to discretionary
46 revocation or suspension of a driver license for
47 certain persons who provide alcohol to persons under a
48 specified age; amending s. 322.09, F.S.; deleting a
49 provision prohibiting the issuance of a driver license
50 or learner's driver license under certain
51 circumstances; repealing s. 322.091, F.S., relating to
52 attendance requirements for driving privileges;
53 amending s. 322.245, F.S.; prohibiting the suspension
54 of a person's driver license solely for failure to pay
55 a penalty if the person demonstrates to the court that
56 he or she is unable to pay such penalty; requiring the
57 person to provide documentation meeting certain
58 requirements to the appropriate clerk of court in
59 order to be considered unable to pay; repealing s.
60 322.251(7), F.S., relating to notice of suspension or
61 revocation of driving privileges, reasons for

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62 reinstatement of such driving privileges, and certain
63 electronic access to identify a person who is the
64 subject of an outstanding warrant or capias for
65 passing worthless bank checks; amending s. 322.271,
66 F.S.; providing that a person whose driver license or
67 privilege to drive has been suspended may have his or
68 her driver license or driving privilege reinstated on
69 a restricted basis under certain circumstances;
70 amending s. 322.34, F.S.; revising the underlying
71 violations resulting in driver license or driving
72 privilege cancellation, suspension, or revocation for
73 which specified penalties apply; amending s. 562.11,
74 F.S.; revising penalties for selling, giving, serving,
75 or permitting to be served alcoholic beverages to a
76 person under a specified age or permitting such person
77 to consume such beverages on licensed premises;
78 repealing s. 562.111(3), F.S., relating to withholding
79 issuance of, or suspending or revoking, a driver
80 license or driving privilege for possession of
81 alcoholic beverages by persons under a specified age;
82 amending s. 569.11, F.S.; revising penalties for
83 persons under a specified age who knowingly possess,
84 misrepresent their age or military service to
85 purchase, or purchase or attempt to purchase tobacco
86 products; authorizing, rather than requiring, the
87 court to direct the Department of Highway Safety and
88 Motor Vehicles to withhold issuance of or suspend a
89 person's driver license or driving privilege for
90 certain violations; amending s. 790.22, F.S.; revising

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91 penalties relating to suspending, revoking, or
92 withholding issuance of driver licenses or driving
93 privileges for minors under a specified age who
94 possess firearms under certain circumstances; deleting
95 provisions relating to penalties for certain offenses
96 involving the use or possession of a firearm by a
97 minor under a specified age; amending s. 806.13, F.S.;
98 deleting provisions relating to certain penalties for
99 criminal mischief by a minor; repealing s. 812.0155,
100 F.S., relating to suspension of a driver license
101 following an adjudication of guilt for theft;
102 repealing s. 832.09, F.S., relating to suspension of a
103 driver license after warrant or capias is issued in
104 worthless check cases; amending s. 877.112, F.S.;
105 revising penalties for persons under a specified age
106 who knowingly possess, misrepresent their age or
107 military service to purchase, or purchase or attempt
108 to purchase any nicotine product or nicotine
109 dispensing device; authorizing, rather than requiring,
110 the court to direct the department to withhold
111 issuance of or suspend a person's driver license or
112 driving privilege for certain violations; amending s.
113 938.30, F.S.; authorizing a judge to convert certain
114 statutory financial obligations into court-ordered
115 obligations to perform community service by reliance
116 upon specified information under certain
117 circumstances; amending s. 1003.27, F.S.; deleting
118 provisions relating to procedures and penalties for
119 nonenrollment and nonattendance cases; amending ss.

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120 318.14, 322.05, 397.951, and 1003.01, F.S.; conforming
121 provisions to changes made by the act; providing an
122 effective date.

123

124 Be It Enacted by the Legislature of the State of Florida:

125

126 Section 1. Paragraph (a) of subsection (1) of section
127 27.52, Florida Statutes, is amended to read:

128 27.52 Determination of indigent status.—

129 (1) APPLICATION TO THE CLERK.—A person seeking appointment
130 of a public defender under s. 27.51 based upon an inability to
131 pay must apply to the clerk of the court for a determination of
132 indigent status using an application form developed by the
133 Florida Clerks of Court Operations Corporation with final
134 approval by the Supreme Court.

135 (a) The application must include, at a minimum, the
136 following financial information:

137 1. Net income, consisting of total salary and wages, minus
138 deductions required by law, including court-ordered support
139 payments.

140 2. Other income, including, but not limited to, social
141 security benefits, union funds, veterans' benefits, workers'
142 compensation, other regular support from absent family members,
143 public or private employee pensions, reemployment assistance or
144 unemployment compensation, dividends, interest, rent, trusts,
145 and gifts.

146 3. Assets, including, but not limited to, cash, savings
147 accounts, bank accounts, stocks, bonds, certificates of deposit,
148 equity in real estate, and equity in a boat or a motor vehicle

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149 or in other tangible property.

150 4. All liabilities and debts.

151 5. If applicable, the amount of any bail paid for the
152 applicant's release from incarceration and the source of the
153 funds.

154 6. The election of or refusal of the option to fulfill any
155 court-ordered financial obligation associated with the case by
156 the completion of community service as ordered by the court.

157

158 The application must include a signature by the applicant which
159 attests to the truthfulness of the information provided. The
160 application form developed by the corporation must include
161 notice that the applicant may seek court review of a clerk's
162 determination that the applicant is not indigent, as provided in
163 this section.

164 Section 2. Subsections (4) and (6) of section 28.246,
165 Florida Statutes, are amended to read:

166 28.246 Payment of court-related fines or other monetary
167 penalties, fees, charges, and costs; partial payments;
168 distribution of funds.-

169 (4) The clerk of the circuit court shall accept partial
170 payments for court-related fees, service charges, costs, and
171 fines in accordance with the terms of an established payment
172 plan. An individual seeking to defer payment of fees, service
173 charges, costs, or fines imposed by operation of law or order of
174 the court under any provision of general law shall apply to the
175 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
176 ~~into a payment plan with an individual who the court determines~~
177 ~~is indigent for costs.~~ A monthly payment amount, calculated

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178 based upon all fees and all anticipated costs, may ~~is presumed~~
179 ~~to correspond to the person's ability to pay if the amount does~~
180 not exceed 2 percent of the person's annual net income, as
181 defined in s. 27.52(1), divided by 12, without the consent of
182 the applicant. The court may review the reasonableness of the
183 payment plan.

184 (6) A clerk of court may ~~shall~~ pursue the collection of any
185 fees, service charges, fines, court costs, and liens for the
186 payment of attorney fees and costs pursuant to s. 938.29 which
187 remain unpaid after 90 days by referring the account to a
188 private attorney who is a member in good standing of The Florida
189 Bar or collection agent who is registered and in good standing
190 pursuant to chapter 559. In pursuing the collection of such
191 unpaid financial obligations through a private attorney or
192 collection agent, the clerk of the court must attempt ~~have~~
193 ~~attempted~~ to collect the unpaid amount through a collection
194 court, collections docket, or other collections process, if any,
195 established by the court, find this to be cost-effective and
196 follow any applicable procurement practices. The collection fee,
197 including any reasonable attorney ~~attorney's~~ fee, paid to any
198 attorney or collection agent retained by the clerk may be added
199 to the balance owed ~~in an amount not to exceed 40 percent of the~~
200 ~~amount owed~~ at the time the account is referred to the attorney
201 or agent for collection.

202 (a) If a clerk of court wishes to pursue collection by
203 referring an account to a collection agent or private attorney
204 as provided in this subsection, the clerk at least every 2 years
205 shall competitively bid a contract with a collection agency or
206 private attorney and shall accept the bidder with the lowest

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207 percentage surcharge added to the referred account.

208 (b) The clerk may not assess any collections transfer
209 surcharge.

210 (c) The collection agency or private attorney may not
211 impose any additional fees or surcharges other than their
212 contractually agreed upon surcharge.

213 (d) The clerk shall give the private attorney or collection
214 agent the application for the appointment of court-appointed
215 counsel regardless of whether the court file is otherwise
216 confidential from disclosure.

217 Section 3. Present paragraphs (b), (c), and (d) of
218 subsection (1) of section 316.650, Florida Statutes, are
219 redesignated as paragraphs (c), (d), and (e), respectively, a
220 new paragraph (b) is added to that subsection, and present
221 paragraph (c) of that subsection is amended, to read:

222 316.650 Traffic citations.—

223 (1)

224 (b) The traffic citation form must include language
225 indicating that a person may enter into a payment plan with the
226 clerk of court to pay a penalty. The form must also indicate
227 that a person ordered to pay a penalty for a noncriminal traffic
228 infraction who is unable to comply due to demonstrable financial
229 hardship will be allowed by the court to satisfy payment by
230 participating in community service pursuant to s. 318.18(8)(b).

231 (d)(e) Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
232 traffic enforcement agency may produce uniform traffic citations
233 by electronic means. Such citations must be consistent with the
234 state traffic court rules and the procedures established by the
235 department and must be appropriately numbered and inventoried.

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236 Affidavit-of-compliance forms may also be produced by electronic
237 means.

238 Section 4. Subsection (4) is added to section 318.15,
239 Florida Statutes, to read:

240 318.15 Failure to comply with civil penalty or to appear;
241 penalty.—

242 (4) Notwithstanding any other law, a person's driver
243 license may not be suspended solely for failure to pay a penalty
244 if the person demonstrates to the court that he or she is unable
245 to pay the penalty. A person is considered unable to pay if the
246 person provides documentation to the appropriate clerk of court
247 evidencing that:

248 (a) The person receives reemployment assistance or
249 unemployment compensation pursuant to chapter 443;

250 (b) The person is disabled and incapable of self-support or
251 receives benefits under the federal Supplemental Security Income
252 program or Social Security Disability Insurance program;

253 (c) The person receives temporary cash assistance pursuant
254 to chapter 414;

255 (d) The person is making payments in accordance with a
256 confirmed bankruptcy plan under chapter 11, chapter 12, or
257 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
258 101 et seq.;

259 (e) The person has been placed on a payment plan or payment
260 plans with the clerk of court which in total exceed what is
261 determined to be a reasonable payment plan pursuant to s.
262 28.246(4); or

263 (f) The person has been determined to be indigent after
264 filing an application with the clerk in accordance with s. 27.52

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265 or s. 57.082.

266 Section 5. Paragraph (b) of subsection (8) of section
267 318.18, Florida Statutes, is amended to read:

268 318.18 Amount of penalties.—The penalties required for a
269 noncriminal disposition pursuant to s. 318.14 or a criminal
270 offense listed in s. 318.17 are as follows:

271 (8)

272 (b)1.a. If a person has been ordered to pay a civil penalty
273 for a noncriminal traffic infraction and the person is unable to
274 comply with the court's order due to demonstrable financial
275 hardship, the court shall allow the person to satisfy the civil
276 penalty by participating in community service until the civil
277 penalty is paid.

278 b. The court shall inquire regarding the person's ability
279 to pay at the time the civil penalty is ordered.

280 c. If a court orders a person to perform community service,
281 the person shall receive credit for the civil penalty at the
282 specified hourly credit rate per hour of community service
283 performed, and each hour of community service performed shall
284 reduce the civil penalty by that amount.

285 2.a. As used in this paragraph, the term "specified hourly
286 credit rate" means the wage rate that is specified in 29 U.S.C.
287 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
288 that is then in effect, and that an employer subject to such
289 provision must pay per hour to each employee subject to such
290 provision.

291 b. However, if a person ordered to perform community
292 service has a trade or profession for which there is a community
293 service need, the specified hourly credit rate for each hour of

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294 community service performed by that person shall be the average
295 prevailing wage rate for the trade or profession that the
296 community service agency needs.

297 3.a. The community service agency supervising the person
298 shall record the number of hours of community service completed
299 and the date the community service hours were completed. The
300 community service agency shall submit the data to the clerk of
301 court on the letterhead of the community service agency, which
302 must also bear the notarized signature of the person designated
303 to represent the community service agency.

304 b. When the number of community service hours completed by
305 the person equals the amount of the civil penalty, the clerk of
306 court shall certify this fact to the court. Thereafter, the
307 clerk of court shall record in the case file that the civil
308 penalty has been paid in full.

309 4. As used in this paragraph, the term:

310 a. "Community service" means uncompensated labor for a
311 community service agency.

312 b. "Community service agency" means a not-for-profit
313 corporation, community organization, charitable organization,
314 public officer, the state or any political subdivision of the
315 state, or any other body the purpose of which is to improve the
316 quality of life or social welfare of the community and which
317 agrees to accept community service from persons unable to pay
318 civil penalties for noncriminal traffic infractions.

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

321 322.055 Revocation or suspension of, or delay of
322 eligibility for, driver license for persons 18 years of age or

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323 older convicted of certain drug offenses.—

324 (1) Notwithstanding s. 322.28, upon the conviction of a
325 person 18 years of age or older for possession or sale of,
326 trafficking in, or conspiracy to possess, sell, or traffic in a
327 controlled substance, the court shall direct the department to
328 revoke the driver license or driving privilege of the person.
329 The period of such revocation shall be 6 months ~~1 year~~ or until
330 the person is evaluated for and, if deemed necessary by the
331 evaluating agency, completes a drug treatment and rehabilitation
332 program approved or regulated by the Department of Children and
333 Families. However, the court may, in its sound discretion,
334 direct the department to issue a license for driving privilege
335 restricted to business or employment purposes only, as defined
336 by s. 322.271, if the person is otherwise qualified for such a
337 license. A driver whose license or driving privilege has been
338 suspended or revoked under this section or s. 322.056 may, upon
339 the expiration of 6 months, petition the department for
340 restoration of the driving privilege on a restricted or
341 unrestricted basis depending on length of suspension or
342 revocation. In no case shall a restricted license be available
343 until 6 months of the suspension or revocation period has
344 expired.

345 (2) If a person 18 years of age or older is convicted for
346 the possession or sale of, trafficking in, or conspiracy to
347 possess, sell, or traffic in a controlled substance and such
348 person is eligible by reason of age for a driver license or
349 privilege, the court shall direct the department to withhold
350 issuance of such person's driver license or driving privilege
351 for a period of 6 months ~~1 year~~ after the date the person was

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352 convicted or until the person is evaluated for and, if deemed
353 necessary by the evaluating agency, completes a drug treatment
354 and rehabilitation program approved or regulated by the
355 Department of Children and Families. However, the court may, in
356 its sound discretion, direct the department to issue a license
357 for driving privilege restricted to business or employment
358 purposes only, as defined by s. 322.271, if the person is
359 otherwise qualified for such a license. A driver whose license
360 or driving privilege has been suspended or revoked under this
361 section or s. 322.056 may, upon the expiration of 6 months,
362 petition the department for restoration of the driving privilege
363 on a restricted or unrestricted basis depending on the length of
364 suspension or revocation. In no case shall a restricted license
365 be available until 6 months of the suspension or revocation
366 period has expired.

367 (3) If a person 18 years of age or older is convicted for
368 the possession or sale of, trafficking in, or conspiracy to
369 possess, sell, or traffic in a controlled substance and such
370 person's driver license or driving privilege is already under
371 suspension or revocation for any reason, the court shall direct
372 the department to extend the period of such suspension or
373 revocation by an additional period of 6 months ~~1-year~~ or until
374 the person is evaluated for and, if deemed necessary by the
375 evaluating agency, completes a drug treatment and rehabilitation
376 program approved or regulated by the Department of Children and
377 Families. However, the court may, in its sound discretion,
378 direct the department to issue a license for driving privilege
379 restricted to business or employment purposes only, as defined
380 by s. 322.271, if the person is otherwise qualified for such a

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381 license. A driver whose license or driving privilege has been
382 suspended or revoked under this section or s. 322.056 may, upon
383 the expiration of 6 months, petition the department for
384 restoration of the driving privilege on a restricted or
385 unrestricted basis depending on the length of suspension or
386 revocation. In no case shall a restricted license be available
387 until 6 months of the suspension or revocation period has
388 expired.

389 (4) If a person 18 years of age or older is convicted for
390 the possession or sale of, trafficking in, or conspiracy to
391 possess, sell, or traffic in a controlled substance and such
392 person is ineligible by reason of age for a driver license or
393 driving privilege, the court shall direct the department to
394 withhold issuance of such person's driver license or driving
395 privilege for a period of 6 months ~~1-year~~ after the date that he
396 or she would otherwise have become eligible or until he or she
397 becomes eligible by reason of age for a driver license and is
398 evaluated for and, if deemed necessary by the evaluating agency,
399 completes a drug treatment and rehabilitation program approved
400 or regulated by the Department of Children and Families.
401 However, the court may, in its sound discretion, direct the
402 department to issue a license for driving privilege restricted
403 to business or employment purposes only, as defined by s.
404 322.271, if the person is otherwise qualified for such a
405 license. A driver whose license or driving privilege has been
406 suspended or revoked under this section or s. 322.056 may, upon
407 the expiration of 6 months, petition the department for
408 restoration of the driving privilege on a restricted or
409 unrestricted basis depending on the length of suspension or

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410 revocation. In no case shall a restricted license be available
411 until 6 months of the suspension or revocation period has
412 expired.

413 Section 7. Section 322.056, Florida Statutes, is amended to
414 read:

415 322.056 Mandatory revocation or suspension of, or delay of
416 eligibility for, driver license for persons under age 18 found
417 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
418 prohibition.-

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

423 (a) The person is eligible by reason of age for a driver
424 license or driving privilege, the court shall direct the
425 department to revoke or to withhold issuance of his or her
426 driver license or driving privilege for a period of 6 months.+

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

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

430 (b) The person's driver license or driving privilege is
431 under suspension or revocation for any reason, the court shall
432 direct the department to extend the period of suspension or
433 revocation by an additional period of 6 months.+

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

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

437 (c) The person is ineligible by reason of age for a driver
438 license or driving privilege, the court shall direct the

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439 department to withhold issuance of his or her driver license or
440 driving privilege for a period of:

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

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

446

447 ~~However, the court may, in its sound discretion, direct the~~
448 ~~department to issue a license for driving privileges restricted~~
449 ~~to business or employment purposes only, as defined in s.~~
450 ~~322.271, if the person is otherwise qualified for such a~~
451 ~~license.~~

452 ~~(2) If a person under 18 years of age is found by the court~~
453 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
454 ~~877.112(6) or (7) and that person has failed to comply with the~~
455 ~~procedures established in that section by failing to fulfill~~
456 ~~community service requirements, failing to pay the applicable~~
457 ~~fine, or failing to attend a locally available school-approved~~
458 ~~anti-tobacco program, and:~~

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

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

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

466 ~~(b) The person's driver license or driving privilege is~~
467 ~~under suspension or revocation for any reason, the court shall~~

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468 ~~direct the department to extend the period of suspension or~~
469 ~~revocation by an additional period as follows:~~

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

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

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

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

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

480

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

485 ~~(3) If a person under 18 years of age is found by the court~~
486 ~~to have committed a third violation of s. 569.11 or s.~~
487 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
488 ~~court must direct the Department of Highway Safety and Motor~~
489 ~~Vehicles to suspend or withhold issuance of his or her driver~~
490 ~~license or driving privilege for 60 consecutive days. Any third~~
491 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
492 ~~12-week period after the first violation will be treated as a~~
493 ~~first violation and in the same manner as provided in subsection~~
494 ~~(2).~~

495 (2)~~(4)~~ A penalty imposed under this section shall be in
496 addition to any other penalty imposed by law.

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497 ~~(5) The suspension or revocation of a person's driver~~
498 ~~license imposed pursuant to subsection (2) or subsection (3),~~
499 ~~shall not result in or be cause for an increase of the convicted~~
500 ~~person's, or his or her parent's or legal guardian's, automobile~~
501 ~~insurance rate or premium or result in points assessed against~~
502 ~~the person's driving record.~~

503 Section 8. Section 322.057, Florida Statutes, is repealed.

504 Section 9. Subsection (3) of section 322.09, Florida
505 Statutes, is amended, and present subsections (4) and (5) of
506 that section are redesignated as subsections (3) and (4),
507 respectively, to read:

508 322.09 Application of minors; responsibility for negligence
509 or misconduct of minor.—

510 ~~(3) The department may not issue a driver license or~~
511 ~~learner's driver license to any applicant under the age of 18~~
512 ~~years who is not in compliance with the requirements of s.~~
513 ~~322.091.~~

514 Section 10. Section 322.091, Florida Statutes, is repealed.

515 Section 11. Subsection (6) is added to section 322.245,
516 Florida Statutes, to read:

517 322.245 Suspension of license upon failure of person
518 charged with specified offense under chapter 316, chapter 320,
519 or this chapter to comply with directives ordered by traffic
520 court or upon failure to pay child support in non-IV-D cases as
521 provided in chapter 61 or failure to pay any financial
522 obligation in any other criminal case.—

523 (6) Notwithstanding any other law, a person's driver
524 license may not be suspended solely for failure to pay a penalty
525 or court obligation if the person demonstrates to the court that

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526 he or she is unable to pay the penalty or court obligation. A
527 person is considered unable to pay if the person provides
528 documentation to the appropriate clerk of court evidencing that:

529 (a) The person receives reemployment assistance or
530 unemployment compensation pursuant to chapter 443;

531 (b) The person is disabled and incapable of self-support or
532 receives benefits under the federal Supplemental Security Income
533 program or Social Security Disability Insurance program;

534 (c) The person receives temporary cash assistance pursuant
535 to chapter 414;

536 (d) The person is making payments in accordance with a
537 confirmed bankruptcy plan under chapter 11, chapter 12, or
538 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
539 101 et seq.;

540 (e) The person has been placed on a payment plan or payment
541 plans with the clerk of court which in total exceed what is
542 determined to be a reasonable payment plan pursuant to s.
543 28.246(4); or

544 (f) The person has been determined to be indigent after
545 filing an application with the clerk in accordance with s. 27.52
546 or s. 57.082.

547 Section 12. Subsection (7) of section 322.251, Florida
548 Statutes, is repealed.

549 Section 13. Subsection (8) is added to section 322.271,
550 Florida Statutes, to read:

551 322.271 Authority to modify revocation, cancellation, or
552 suspension order.—

553 (8) A person whose driver license or privilege to drive has
554 been suspended under s. 318.15 or s. 322.245, with the exception

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555 of any suspension related to s. 61.13016, may have his or her
556 driver license or driving privilege reinstated on a restricted
557 basis by the department in accordance with this section.

558 Section 14. Subsection (10) of section 322.34, Florida
559 Statutes, is amended to read:

560 322.34 Driving while license suspended, revoked, canceled,
561 or disqualified.—

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

567 1. Failing to pay child support as provided in s. 322.245
568 or s. 61.13016;

569 2. Failing to pay any other financial obligation as
570 provided in s. 322.245 ~~other than those specified in s.~~
571 ~~322.245(1);~~

572 3. Failing to comply with a civil penalty required in s.
573 318.15;

574 4. Failing to maintain vehicular financial responsibility
575 as required by chapter 324; or

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

578 ~~5.6.~~ Having been designated a habitual traffic offender
579 under s. 322.264(1) (d) as a result of suspensions of his or her
580 driver license or driver privilege for any underlying violation
581 listed in subparagraphs 1.-4. ~~1.-5.~~

582 (b)1. Upon a first conviction for knowingly driving while
583 his or her license is suspended, revoked, or canceled for any of

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584 the underlying violations listed in subparagraphs (a)1.-5.
585 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,
586 punishable as provided in s. 775.082 or s. 775.083.

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

593 Section 15. Paragraph (a) of subsection (1) of section
594 562.11, Florida Statutes, is amended to read:

595 562.11 Selling, giving, or serving alcoholic beverages to
596 person under age 21; providing a proper name; misrepresenting or
597 misstating age or age of another to induce licensee to serve
598 alcoholic beverages to person under 21; penalties.-

599 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
600 be served alcoholic beverages to a person under 21 years of age
601 or permit a person under 21 years of age to consume such
602 beverages on the licensed premises. A person who violates this
603 subparagraph commits a misdemeanor of the second degree,
604 punishable as provided in s. 775.082 or s. 775.083. A person who
605 violates this subparagraph a second or subsequent time within 1
606 year after a prior conviction commits a misdemeanor of the first
607 degree, punishable as provided in s. 775.082 or s. 775.083.

608 ~~2. In addition to any other penalty imposed for a violation~~
609 ~~of subparagraph 1., the court may order the Department of~~
610 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
611 ~~or suspend or revoke, the driver license or driving privilege,~~
612 ~~as provided in s. 322.057, of any person who violates~~

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613 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
614 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
615 ~~acting within the scope of his or her license or an employee or~~
616 ~~agent of a licensee, as defined in s. 561.01, who violates~~
617 ~~subparagraph 1. while engaged within the scope of his or her~~
618 ~~employment or agency.~~

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

625 Section 16. Subsection (3) of section 562.111, Florida
626 Statutes, is repealed.

627 Section 17. Subsections (1), (2), and (5) of section
628 569.11, Florida Statutes, are amended to read:

629 569.11 Possession, misrepresenting age or military service
630 to purchase, and purchase of tobacco products by persons under
631 18 years of age prohibited; penalties; jurisdiction; disposition
632 of fines.—

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

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

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

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

649

650 Any second or subsequent violation not within the 12-week time
651 period after the first violation is punishable as provided for a
652 first violation.

653 (2) It is unlawful for any person under 18 years of age to
654 misrepresent his or her age or military service for the purpose
655 of inducing a dealer or an agent or employee of the dealer to
656 sell, give, barter, furnish, or deliver any tobacco product, or
657 to purchase, or attempt to purchase, any tobacco product from a
658 person or a vending machine. Any person under 18 years of age
659 who violates a provision of this subsection commits a
660 noncriminal violation as provided in s. 775.08(3), punishable
661 by:

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

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

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

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

673

674 Any second or subsequent violation not within the 12-week time
675 period after the first violation is punishable as provided for a
676 first violation.

677 (5) (a) If a person under 18 years of age is found by the
678 court to have committed a noncriminal violation under this
679 section and that person has failed to complete community
680 service, pay the fine as required by paragraph (1) (a) or
681 paragraph (2) (a), or attend a school-approved anti-tobacco
682 program, if locally available, the court may ~~must~~ direct the
683 Department of Highway Safety and Motor Vehicles to withhold
684 issuance of or suspend the driver license or driving privilege
685 of that person for a period of 30 consecutive days.

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

693 Section 18. Subsections (5) and (10) of section 790.22,
694 Florida Statutes, are amended to read:

695 790.22 Use of BB guns, air or gas-operated guns, or
696 electric weapons or devices by minor under 16; limitation;
697 possession of firearms by minor under 18 prohibited; penalties.-

698 (5) (a) A minor who violates subsection (3) commits a
699 misdemeanor of the first degree; for a first offense, may serve

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700 a period of detention of up to 3 days in a secure detention
701 facility; and, in addition to any other penalty provided by law,
702 shall be required to perform 100 hours of community service.7
703 and:

704 ~~1. If the minor is eligible by reason of age for a driver~~
705 ~~license or driving privilege, the court shall direct the~~
706 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
707 ~~withhold issuance of the minor's driver license or driving~~
708 ~~privilege for up to 1 year.~~

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

714 ~~3. If the minor is ineligible by reason of age for a driver~~
715 ~~license or driving privilege, the court shall direct the~~
716 ~~Department of Highway Safety and Motor Vehicles to withhold~~
717 ~~issuance of the minor's driver license or driving privilege for~~
718 ~~up to 1 year after the date on which the minor would otherwise~~
719 ~~have become eligible.~~

720 (b) For a second or subsequent offense, a minor who
721 violates subsection (3) commits a felony of the third degree and
722 shall serve a period of detention of up to 15 days in a secure
723 detention facility and shall be required to perform not less
724 than 100 or not more than 250 hours of community service.7 and:

725 ~~1. If the minor is eligible by reason of age for a driver~~
726 ~~license or driving privilege, the court shall direct the~~
727 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
728 ~~withhold issuance of the minor's driver license or driving~~

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729 ~~privilege for up to 2 years.~~

730 ~~2. If the minor's driver license or driving privilege is~~
731 ~~under suspension or revocation for any reason, the court shall~~
732 ~~direct the Department of Highway Safety and Motor Vehicles to~~
733 ~~extend the period of suspension or revocation by an additional~~
734 ~~period of up to 2 years.~~

735 ~~3. If the minor is ineligible by reason of age for a driver~~
736 ~~license or driving privilege, the court shall direct the~~
737 ~~Department of Highway Safety and Motor Vehicles to withhold~~
738 ~~issuance of the minor's driver license or driving privilege for~~
739 ~~up to 2 years after the date on which the minor would otherwise~~
740 ~~have become eligible.~~

741
742 For the purposes of this subsection, community service shall be
743 performed, if possible, in a manner involving a hospital
744 emergency room or other medical environment that deals on a
745 regular basis with trauma patients and gunshot wounds.

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

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

751 ~~1. If the minor is eligible by reason of age for a driver~~
752 ~~license or driving privilege, the court shall direct the~~
753 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
754 ~~withhold issuance of the minor's driver license or driving~~
755 ~~privilege for up to 1 year.~~

756 ~~2. If the minor's driver license or driving privilege is~~
757 ~~under suspension or revocation for any reason, the court shall~~

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758 ~~direct the Department of Highway Safety and Motor Vehicles to~~
759 ~~extend the period of suspension or revocation by an additional~~
760 ~~period for up to 1 year.~~

761 ~~3. If the minor is ineligible by reason of age for a driver~~
762 ~~license or driving privilege, the court shall direct the~~
763 ~~Department of Highway Safety and Motor Vehicles to withhold~~
764 ~~issuance of the minor's driver license or driving privilege for~~
765 ~~up to 1 year after the date on which the minor would otherwise~~
766 ~~have become eligible.~~

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

768 ~~1. If the minor is eligible by reason of age for a driver~~
769 ~~license or driving privilege, the court shall direct the~~
770 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
771 ~~withhold issuance of the minor's driver license or driving~~
772 ~~privilege for up to 2 years.~~

773 ~~2. If the minor's driver license or driving privilege is~~
774 ~~under suspension or revocation for any reason, the court shall~~
775 ~~direct the Department of Highway Safety and Motor Vehicles to~~
776 ~~extend the period of suspension or revocation by an additional~~
777 ~~period for up to 2 years.~~

778 ~~3. If the minor is ineligible by reason of age for a driver~~
779 ~~license or driving privilege, the court shall direct the~~
780 ~~Department of Highway Safety and Motor Vehicles to withhold~~
781 ~~issuance of the minor's driver license or driving privilege for~~
782 ~~up to 2 years after the date on which the minor would otherwise~~
783 ~~have become eligible.~~

784 Section 19. Subsections (7) and (8) of section 806.13,
785 Florida Statutes, are amended, and present subsection (9) of
786 that section is redesignated as subsection (7), to read:

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787 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

808 ~~(8) A minor whose driver license or driving privilege is~~
809 ~~revoked, suspended, or withheld under subsection (7) may elect~~
810 ~~to reduce the period of revocation, suspension, or withholding~~
811 ~~by performing community service at the rate of 1 day for each~~
812 ~~hour of community service performed. In addition, if the court~~
813 ~~determines that due to a family hardship, the minor's driver~~
814 ~~license or driving privilege is necessary for employment or~~
815 ~~medical purposes of the minor or a member of the minor's family,~~

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816 ~~the court shall order the minor to perform community service and~~
817 ~~reduce the period of revocation, suspension, or withholding at~~
818 ~~the rate of 1 day for each hour of community service performed.~~
819 ~~As used in this subsection, the term "community service" means~~
820 ~~cleaning graffiti from public property.~~

821 Section 20. Section 812.0155, Florida Statutes, is
822 repealed.

823 Section 21. Section 832.09, Florida Statutes, is repealed.

824 Section 22. Subsections (6) and (7) and paragraphs (c) and
825 (d) of subsection (8) of section 877.112, Florida Statutes, are
826 amended to read:

827 877.112 Nicotine products and nicotine dispensing devices;
828 prohibitions for minors; penalties; civil fines; signage
829 requirements; preemption.—

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

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

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

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

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

847
848 Any second or subsequent violation not within the 12-week time
849 period after the first violation is punishable as provided for a
850 first violation.

851 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
852 any person under 18 years of age to misrepresent his or her age
853 or military service for the purpose of inducing a retailer of
854 nicotine products or nicotine dispensing devices or an agent or
855 employee of such retailer to sell, give, barter, furnish, or
856 deliver any nicotine product or nicotine dispensing device, or
857 to purchase, or attempt to purchase, any nicotine product or
858 nicotine dispensing device from a person or a vending machine.
859 Any person under 18 years of age who violates this subsection
860 commits a noncriminal violation as defined in s. 775.08(3),
861 punishable by:

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

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

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

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874 Any second or subsequent violation not within the 12-week time
875 period after the first violation is punishable as provided for a
876 first violation.

877 (8) PENALTIES FOR MINORS.—

878 (c) If a person under 18 years of age is found by the court
879 to have committed a noncriminal violation under this section and
880 that person has failed to complete community service, pay the
881 fine as required by paragraph (6) (a) or paragraph (7) (a), or
882 attend a school-approved anti-tobacco and nicotine program, if
883 locally available, the court may ~~must~~ direct the Department of
884 Highway Safety and Motor Vehicles to withhold issuance of or
885 suspend the driver license or driving privilege of that person
886 for 30 consecutive days.

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

894 Section 23. Subsection (2) of section 938.30, Florida
895 Statutes, is amended to read:

896 938.30 Financial obligations in criminal cases;
897 supplementary proceedings.—

898 (2) The court may require a person liable for payment of an
899 obligation to appear and be examined under oath concerning the
900 person's financial ability to pay the obligation. The judge may
901 convert the statutory financial obligation into a court-ordered
902 obligation to perform community service, subject to the

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903 provisions of s. 318.18(8), after examining a person under oath
904 and determining the person's inability to pay, or by reliance
905 upon information provided under s. 27.52(1)(a)6. Any person who
906 fails to attend a hearing may be arrested on warrant or capias
907 issued by the clerk upon order of the court.

908 Section 24. Subsection (2) of section 1003.27, Florida
909 Statutes, is amended to read:

910 1003.27 Court procedure and penalties.—The court procedure
911 and penalties for the enforcement of the provisions of this
912 part, relating to compulsory school attendance, shall be as
913 follows:

914 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

920 ~~(b) Each public school principal or the principal's~~
921 ~~designee shall notify the district school board of each minor~~
922 ~~student under its jurisdiction who accumulates 15 unexcused~~
923 ~~absences in a period of 90 calendar days. Each designee of the~~
924 ~~governing body of each private school, and each parent whose~~
925 ~~child is enrolled in a home education program, may provide the~~
926 ~~Department of Highway Safety and Motor Vehicles with the legal~~
927 ~~name, sex, date of birth, and social security number of each~~
928 ~~minor student under his or her jurisdiction who fails to satisfy~~
929 ~~relevant attendance requirements and who fails to otherwise~~
930 ~~satisfy the requirements of s. 322.091. The district school~~
931 ~~superintendent must provide the Department of Highway Safety and~~

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932 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
933 ~~security number of each minor student who has been reported~~
934 ~~under this paragraph and who fails to otherwise satisfy the~~
935 ~~requirements of s. 322.091. The Department of Highway Safety and~~
936 ~~Motor Vehicles may not issue a driver license or learner's~~
937 ~~driver license to, and shall suspend any previously issued~~
938 ~~driver license or learner's driver license of, any such minor~~
939 ~~student, pursuant to the provisions of s. 322.091.~~

940 Section 25. Paragraph (a) of subsection (10) of section
941 318.14, Florida Statutes, is amended to read:

942 318.14 Noncriminal traffic infractions; exception;
943 procedures.—

944 (10) (a) Any person who does not hold a commercial driver
945 license or commercial learner's permit and who is cited while
946 driving a noncommercial motor vehicle for an offense listed
947 under this subsection may, in lieu of payment of fine or court
948 appearance, elect to enter a plea of nolo contendere and provide
949 proof of compliance to the clerk of the court, designated
950 official, or authorized operator of a traffic violations bureau.
951 In such case, adjudication shall be withheld; however, a person
952 may not make an election under this subsection if the person has
953 made an election under this subsection in the preceding 12
954 months. A person may not make more than three elections under
955 this subsection. This subsection applies to the following
956 offenses:

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

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

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

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

965 4. Operating a motor vehicle with a license that has been
966 suspended under s. 61.13016 or s. 322.245 for failure to pay
967 child support or for failure to pay any other financial
968 obligation as provided in s. 322.245; however, this subparagraph
969 does not apply if the license has been suspended pursuant to s.
970 322.245(1).

971 ~~5. Operating a motor vehicle with a license that has been~~
972 ~~suspended under s. 322.091 for failure to meet school attendance~~
973 ~~requirements.~~

974 Section 26. Subsections (1) and (2) of section 322.05,
975 Florida Statutes, are amended to read:

976 322.05 Persons not to be licensed.—The department may not
977 issue a license:

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

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

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

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

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990 driving school for which adjudication must be withheld pursuant
991 to s. 318.14; or

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

995 Section 27. Paragraph (i) of subsection (2) of section
996 397.951, Florida Statutes, is amended to read:

997 397.951 Treatment and sanctions.—The Legislature recognizes
998 that the integration of treatment and sanctions greatly
999 increases the effectiveness of substance abuse treatment. It is
1000 the responsibility of the department and the substance abuse
1001 treatment provider to employ the full measure of sanctions
1002 available to require participation and completion of treatment
1003 to ensure successful outcomes for children in substance abuse
1004 treatment.

1005 (2) The department shall ensure that substance abuse
1006 treatment providers employ any and all appropriate available
1007 sanctions necessary to engage, motivate, and maintain a child in
1008 treatment, including, but not limited to, provisions in law
1009 that:

1010 (i) Provide that, pursuant to s. 322.056, for any person
1011 under 18 years of age who is found guilty of or delinquent for a
1012 violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and is
1013 eligible by reason of age for a driver license or driving
1014 privilege, the court shall direct the Department of Highway
1015 Safety and Motor Vehicles to revoke or to withhold issuance of
1016 his or her driver license or driving privilege for a period of 6
1017 months.÷

1018 ~~1. Not less than 6 months and not more than 1 year for the~~

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1019 ~~first violation.~~

1020 ~~2. Two years, for a subsequent violation.~~

1021 Section 28. Subsection (9) of section 1003.01, Florida
1022 Statutes, is amended to read:

1023 1003.01 Definitions.—As used in this chapter, the term:

1024 (9) "Dropout" means a student who meets any one or more of
1025 the following criteria:

1026 (a) The student has voluntarily removed himself or herself
1027 from the school system before graduation for reasons that
1028 include, but are not limited to, marriage, or the student has
1029 withdrawn from school because he or she has failed the statewide
1030 student assessment test and thereby does not receive any of the
1031 certificates of completion;

1032 (b) The student has not met the relevant attendance
1033 requirements of the school district pursuant to State Board of
1034 Education rules, or the student was expected to attend a school
1035 but did not enter as expected for unknown reasons, or the
1036 student's whereabouts are unknown;

1037 (c) The student has withdrawn from school, but has not
1038 transferred to another public or private school or enrolled in
1039 any career, adult, home education, or alternative educational
1040 program;

1041 (d) The student has withdrawn from school due to hardship,
1042 unless such withdrawal has been granted under ~~the provisions of~~
1043 ~~s. 322.091~~, court action, expulsion, medical reasons, or
1044 pregnancy; or

1045 (e) The student is not eligible to attend school because of
1046 reaching the maximum age for an exceptional student program in
1047 accordance with the district's policy.

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1049 The State Board of Education may adopt rules to implement ~~the~~
1050 ~~provisions of~~ this subsection.

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Section 29. This act shall take effect July 1, 2016.