

By Senators Brandes and Rouson

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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 solicit competitive bids from collection
12 agencies or private attorneys for certain services,
13 subject to certain requirements; prohibiting the clerk
14 from assessing a certain surcharge; prohibiting the
15 collection agency or private attorney from imposing
16 certain additional fees or surcharges; amending s.
17 316.650, F.S.; requiring traffic citation forms to
18 include certain language relating to payment of a
19 penalty; amending s. 318.15, F.S.; prohibiting the
20 suspension of a person's driver license solely for
21 failure to pay a penalty if the person demonstrates to
22 the court, when specified, that he or she is unable to
23 pay such penalty; requiring the person to provide
24 documentation meeting certain requirements to the
25 appropriate clerk of court in order to be considered
26 unable to pay; amending s. 318.18, F.S.; requiring a
27 court to inquire at the time a certain civil penalty
28 is ordered whether the person is able to pay it;
29 amending s. 322.055, F.S.; decreasing the period for
30 revocation or suspension of, or delay of eligibility
31 for, driver licenses or driving privileges for certain
32 persons convicted of certain drug offenses; deleting

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

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62 considered unable to pay; repealing s. 322.251(7),
63 F.S., relating to notice of suspension or revocation
64 of driving privileges, reasons for reinstatement of
65 such driving privileges, and certain electronic access
66 to identify a person who is the subject of an
67 outstanding warrant or capias for passing worthless
68 bank checks; amending s. 322.271, F.S.; providing that
69 a person whose driver license or privilege to drive
70 has been suspended may have his or her driver license
71 or driving privilege reinstated on a restricted basis
72 under certain circumstances; providing the period of
73 validity of such restricted license; amending s.
74 322.34, F.S.; revising the underlying violations
75 resulting in driver license or driving privilege
76 cancellation, suspension, or revocation for which
77 specified penalties apply; amending s. 562.11, F.S.;
78 revising penalties for selling, giving, serving, or
79 permitting to be served alcoholic beverages to a
80 person under a specified age or permitting such person
81 to consume such beverages on licensed premises;
82 conforming provisions to changes made by the act;
83 repealing s. 562.111(3), F.S., relating to withholding
84 issuance of, or suspending or revoking, a driver
85 license or driving privilege for possession of
86 alcoholic beverages by persons under a specified age;
87 amending s. 569.11, F.S.; revising penalties for
88 persons under a specified age who knowingly possess,
89 misrepresent their age or military service to
90 purchase, or purchase or attempt to purchase tobacco

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91 products; authorizing, rather than requiring, the
92 court to direct the Department of Highway Safety and
93 Motor Vehicles to withhold issuance of or suspend a
94 person's driver license or driving privilege for
95 certain violations; amending s. 790.22, F.S.; revising
96 penalties relating to suspending, revoking, or
97 withholding issuance of driver licenses or driving
98 privileges for minors under a specified age who
99 possess firearms under certain circumstances; deleting
100 provisions relating to penalties for certain offenses
101 involving the use or possession of a firearm by a
102 minor under a specified age; amending s. 806.13, F.S.;
103 deleting provisions relating to certain penalties for
104 criminal mischief by a minor; repealing s. 812.0155,
105 F.S., relating to suspension of a driver license
106 following an adjudication of guilt for theft;
107 repealing s. 832.09, F.S., relating to suspension of a
108 driver license after warrant or capias is issued in
109 worthless check cases; amending s. 877.112, F.S.;
110 revising penalties for persons under a specified age
111 who knowingly possess, misrepresent their age or
112 military service to purchase, or purchase or attempt
113 to purchase any nicotine product or nicotine
114 dispensing device; authorizing, rather than requiring,
115 the court to direct the department to withhold
116 issuance of or suspend a person's driver license or
117 driving privilege for certain violations; amending s.
118 938.30, F.S.; authorizing a judge to convert certain
119 statutory financial obligations into court-ordered

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120 obligations to perform community service by reliance
121 upon specified information under certain
122 circumstances; amending s. 1003.27, F.S.; deleting
123 provisions relating to procedures and penalties for
124 nonenrollment and nonattendance cases; amending ss.
125 318.14, 322.05, 322.27, and 1003.01, F.S.; conforming
126 provisions to changes made by the act; providing
127 applicability; providing an effective date.

128

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

130

131 Section 1. Paragraph (a) of subsection (1) of section
132 27.52, Florida Statutes, is amended to read:

133 27.52 Determination of indigent status.—

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

140 (a) The application must include, at a minimum, the
141 following financial information:

142 1. Net income, consisting of total salary and wages, minus
143 deductions required by law, including court-ordered support
144 payments.

145 2. Other income, including, but not limited to, social
146 security benefits, union funds, veterans' benefits, workers'
147 compensation, other regular support from absent family members,
148 public or private employee pensions, reemployment assistance or

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149 unemployment compensation, dividends, interest, rent, trusts,
150 and gifts.

151 3. Assets, including, but not limited to, cash, savings
152 accounts, bank accounts, stocks, bonds, certificates of deposit,
153 equity in real estate, and equity in a boat or a motor vehicle
154 or in other tangible property.

155 4. All liabilities and debts.

156 5. If applicable, the amount of any bail paid for the
157 applicant's release from incarceration and the source of the
158 funds.

159 6. The election of or refusal of the option to fulfill any
160 court-ordered financial obligation associated with the case by
161 the completion of community service as ordered by the court.
162

163 The application must include a signature by the applicant which
164 attests to the truthfulness of the information provided. The
165 application form developed by the corporation must include
166 notice that the applicant may seek court review of a clerk's
167 determination that the applicant is not indigent, as provided in
168 this section.

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

171 28.246 Payment of court-related fines or other monetary
172 penalties, fees, charges, and costs; partial payments;
173 distribution of funds.—

174 (4) The clerk of the circuit court shall accept partial
175 payments for court-related fees, service charges, costs, and
176 fines in accordance with the terms of an established payment
177 plan. An individual seeking to defer payment of fees, service

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178 charges, costs, or fines imposed by operation of law or order of
179 the court under any provision of general law shall apply to the
180 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
181 ~~into a payment plan with an individual who the court determines~~
182 ~~is indigent for costs.~~ A monthly payment amount, calculated
183 based upon all fees and all anticipated costs, may ~~is presumed~~
184 ~~to correspond to the person's ability to pay if the amount does~~
185 not exceed 2 percent of the person's annual net income, as
186 defined in s. 27.52(1), divided by 12, without the consent of
187 the applicant. The court may review the reasonableness of the
188 payment plan.

189 (6) A clerk of court may ~~shall~~ pursue the collection of any
190 fees, service charges, fines, court costs, and liens for the
191 payment of attorney fees and costs pursuant to s. 938.29 which
192 remain unpaid after 90 days by referring the account to a
193 private attorney who is a member in good standing of The Florida
194 Bar or collection agent who is registered and in good standing
195 pursuant to chapter 559. In pursuing the collection of such
196 unpaid financial obligations through a private attorney or
197 collection agent, the clerk of the court must first attempt ~~have~~
198 ~~attempted~~ to collect the unpaid amount through a collection
199 court, collections docket, or other collections process, if any,
200 established by the court. If this attempt is unsuccessful, the
201 clerk may pursue the collection through a private attorney or
202 collection agent. In pursuing the collection through a private
203 attorney or collection agent, the clerk shall comply with, ~~find~~
204 ~~this to be cost-effective and follow~~ any applicable procurement
205 practices and the following conditions:-

206 (a) In retaining a collection agent or private attorney as

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207 provided in this subsection, the clerk shall solicit competitive
208 bids from collection agents or private attorneys. The contract
209 awarded to the successful bidder may be in effect for no longer
210 than 3 years, with a maximum of two 1-year extensions.

211 (b) The clerk shall consider all pertinent criteria when
212 considering bids, including, but not limited to, performance
213 quality, customer service, and collection fees. However, the
214 collection fee, including any reasonable attorney attorney's
215 fee, paid to any attorney or collection agent retained by the
216 clerk may be added to the balance owed in an amount not to
217 exceed 40 percent of the amount owed at the time the account is
218 referred to the attorney or agent for collection.

219 (c) The clerk may not assess any surcharge to refer the
220 account to an attorney or agent for collection.

221 (d) The collection agent or private attorney may not impose
222 any additional fees or surcharges other than the contractually
223 agreed upon amounts.

224 (e) The clerk shall give the private attorney or collection
225 agent the application for the appointment of court-appointed
226 counsel regardless of whether the court file is otherwise
227 confidential from disclosure.

228 Section 3. Present paragraphs (b), (c), and (d) of
229 subsection (1) of section 316.650, Florida Statutes, are
230 redesignated as paragraphs (c), (d), and (e), respectively, a
231 new paragraph (b) is added to that subsection, and present
232 paragraph (c) of that subsection is amended, to read:

233 316.650 Traffic citations.—

234 (1)

235 (b) The traffic citation form must include language

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236 indicating that a person may enter into a payment plan with the
237 clerk of court to pay a penalty. The form must also indicate
238 that a person ordered to pay a penalty for a noncriminal traffic
239 infraction and who is unable to comply due to demonstrable
240 financial hardship will be allowed by the court to satisfy the
241 payment by participating in community service pursuant to s.
242 318.18(8)(b).

243 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
244 traffic enforcement agency may produce uniform traffic citations
245 by electronic means. Such citations must be consistent with the
246 state traffic court rules and the procedures established by the
247 department and must be appropriately numbered and inventoried.
248 Affidavit-of-compliance forms may also be produced by electronic
249 means.

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

252 318.15 Failure to comply with civil penalty or to appear;
253 penalty.—

254 (4) Notwithstanding any other law, a person's driver
255 license may not be suspended solely for failure to pay a penalty
256 if the person demonstrates to the court, after notice of the
257 penalty and before the suspension takes place, that he or she is
258 unable to pay the penalty. A person is considered unable to pay
259 if he or she provides documentation to the appropriate clerk of
260 court evidencing that:

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

263 (b) The person is disabled and incapable of self-support or
264 receives benefits under the federal Supplemental Security Income

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265 program or Social Security Disability Insurance program;

266 (c) The person receives temporary cash assistance pursuant
267 to chapter 414;

268 (d) The person is making payments in accordance with a
269 confirmed bankruptcy plan under chapter 11, chapter 12, or
270 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
271 101 et seq.;

272 (e) The person has been placed on a payment plan or payment
273 plans with the clerk of court which in total exceed what is
274 determined to be a reasonable payment plan pursuant to s.
275 28.246(4); or

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

279 Section 5. Paragraph (b) of subsection (8) of section
280 318.18, Florida Statutes, is amended to read:

281 318.18 Amount of penalties.—The penalties required for a
282 noncriminal disposition pursuant to s. 318.14 or a criminal
283 offense listed in s. 318.17 are as follows:

284 (8)

285 (b)1.a. If a person has been ordered to pay a civil penalty
286 for a noncriminal traffic infraction and the person is unable to
287 comply with the court's order due to demonstrable financial
288 hardship, the court shall allow the person to satisfy the civil
289 penalty by participating in community service until the civil
290 penalty is paid.

291 b. The court shall inquire at the time the civil penalty is
292 ordered whether the person is able to pay it.

293 c. If a court orders a person to perform community service,

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294 the person shall receive credit for the civil penalty at the
295 specified hourly credit rate per hour of community service
296 performed, and each hour of community service performed shall
297 reduce the civil penalty by that amount.

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

304 b. However, if a person ordered to perform community
305 service has a trade or profession for which there is a community
306 service need, the specified hourly credit rate for each hour of
307 community service performed by that person shall be the average
308 prevailing wage rate for the trade or profession that the
309 community service agency needs.

310 3.a. The community service agency supervising the person
311 shall record the number of hours of community service completed
312 and the date the community service hours were completed. The
313 community service agency shall submit the data to the clerk of
314 court on the letterhead of the community service agency, which
315 must also bear the notarized signature of the person designated
316 to represent the community service agency.

317 b. When the number of community service hours completed by
318 the person equals the amount of the civil penalty, the clerk of
319 court shall certify this fact to the court. Thereafter, the
320 clerk of court shall record in the case file that the civil
321 penalty has been paid in full.

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

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323 a. "Community service" means uncompensated labor for a
324 community service agency.

325 b. "Community service agency" means a not-for-profit
326 corporation, community organization, charitable organization,
327 public officer, the state or any political subdivision of the
328 state, or any other body the purpose of which is to improve the
329 quality of life or social welfare of the community and which
330 agrees to accept community service from persons unable to pay
331 civil penalties for noncriminal traffic infractions.

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

334 322.055 Revocation or suspension of, or delay of
335 eligibility for, driver license for persons 18 years of age or
336 older convicted of certain drug offenses.—

337 (1) Notwithstanding s. 322.28, upon the conviction of a
338 person 18 years of age or older for possession or sale of,
339 trafficking in, or conspiracy to possess, sell, or traffic in a
340 controlled substance, the court shall direct the department to
341 revoke the driver license or driving privilege of the person.
342 The period of such revocation shall be 6 months ~~1 year~~ or until
343 the person is evaluated for and, if deemed necessary by the
344 evaluating agency, completes a drug treatment and rehabilitation
345 program approved or regulated by the Department of Children and
346 Families. However, the court may, in its sound discretion,
347 direct the department to issue a license for driving privilege
348 restricted to business or employment purposes only, as defined
349 by s. 322.271, if the person is otherwise qualified for such a
350 license. ~~A driver whose license or driving privilege has been
351 suspended or revoked under this section or s. 322.056 may, upon~~

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352 ~~the expiration of 6 months, petition the department for~~
353 ~~restoration of the driving privilege on a restricted or~~
354 ~~unrestricted basis depending on length of suspension or~~
355 ~~revocation. In no case shall~~ A restricted license may not be
356 available until 6 months of the suspension or revocation period
357 has been completed ~~expired~~.

358 (2) If a person 18 years of age or older is convicted for
359 the possession or sale of, trafficking in, or conspiracy to
360 possess, sell, or traffic in a controlled substance and such
361 person is eligible by reason of age for a driver license or
362 privilege, the court shall direct the department to withhold
363 issuance of such person's driver license or driving privilege
364 for a period of 6 months ~~1 year~~ after the date the person was
365 convicted or until the person is evaluated for and, if deemed
366 necessary by the evaluating agency, completes a drug treatment
367 and rehabilitation program approved or regulated by the
368 Department of Children and Families. However, the court may, in
369 its sound discretion, direct the department to issue a license
370 for driving privilege restricted to business or employment
371 purposes only, as defined by s. 322.271, if the person is
372 otherwise qualified for such a license. ~~A driver whose license~~
373 ~~or driving privilege has been suspended or revoked under this~~
374 ~~section or s. 322.056 may, upon the expiration of 6 months,~~
375 ~~petition the department for restoration of the driving privilege~~
376 ~~on a restricted or unrestricted basis depending on the length of~~
377 ~~suspension or revocation. In no case shall~~ A restricted license
378 may not be available until 6 months of the suspension or
379 revocation period has been completed ~~expired~~.

380 (3) If a person 18 years of age or older is convicted for

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381 the possession or sale of, trafficking in, or conspiracy to
382 possess, sell, or traffic in a controlled substance and such
383 person's driver license or driving privilege is already under
384 suspension or revocation for any reason, the court shall direct
385 the department to extend the period of such suspension or
386 revocation by an additional period of 6 months ~~1 year~~ or until
387 the person is evaluated for and, if deemed necessary by the
388 evaluating agency, completes a drug treatment and rehabilitation
389 program approved or regulated by the Department of Children and
390 Families. However, the court may, in its sound discretion,
391 direct the department to issue a license for driving privilege
392 restricted to business or employment purposes only, as defined
393 by s. 322.271, if the person is otherwise qualified for such a
394 license. ~~A driver whose license or driving privilege has been~~
395 ~~suspended or revoked under this section or s. 322.056 may, upon~~
396 ~~the expiration of 6 months, petition the department for~~
397 ~~restoration of the driving privilege on a restricted or~~
398 ~~unrestricted basis depending on the length of suspension or~~
399 ~~revocation. In no case shall~~ A restricted license may not be
400 available until 6 months of the suspension or revocation period
401 has been completed ~~expired~~.

402 (4) If a person 18 years of age or older is convicted for
403 the possession or sale of, trafficking in, or conspiracy to
404 possess, sell, or traffic in a controlled substance and such
405 person is ineligible by reason of age for a driver license or
406 driving privilege, the court shall direct the department to
407 withhold issuance of such person's driver license or driving
408 privilege for a period of 6 months ~~1 year~~ after the date that he
409 or she would otherwise have become eligible or until he or she

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410 becomes eligible by reason of age for a driver license and is
411 evaluated for and, if deemed necessary by the evaluating agency,
412 completes a drug treatment and rehabilitation program approved
413 or regulated by the Department of Children and Families.
414 However, the court may, in its sound discretion, direct the
415 department to issue a license for driving privilege restricted
416 to business or employment purposes only, as defined by s.
417 322.271, if the person is otherwise qualified for such a
418 license. ~~A driver whose license or driving privilege has been~~
419 ~~suspended or revoked under this section or s. 322.056 may, upon~~
420 ~~the expiration of 6 months, petition the department for~~
421 ~~restoration of the driving privilege on a restricted or~~
422 ~~unrestricted basis depending on the length of suspension or~~
423 ~~revocation. In no case shall~~ A restricted license may not be
424 available until 6 months of the suspension or revocation period
425 has been completed ~~expired~~.

426 Section 7. Section 322.056, Florida Statutes, is amended to
427 read:

428 322.056 Mandatory revocation or suspension of, or delay of
429 eligibility for, driver license for persons under age 18 found
430 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
431 prohibition.-

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

436 (a) The person is eligible by reason of age for a driver
437 license or driving privilege, the court shall direct the
438 department to revoke or to withhold issuance of his or her

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439 driver license or driving privilege for a period of 6 months.†

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

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

443 (b) The person's driver license or driving privilege is
444 under suspension or revocation for any reason, the court shall
445 direct the department to extend the period of suspension or
446 revocation by an additional period of 6 months.†

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

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

450 (c) The person is ineligible by reason of age for a driver
451 license or driving privilege, the court shall direct the
452 department to withhold issuance of his or her driver license or
453 driving privilege for a period of†

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

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

459
460 ~~However, the court may, in its sound discretion, direct the~~
461 ~~department to issue a license for driving privileges restricted~~
462 ~~to business or employment purposes only, as defined in s.~~
463 ~~322.271, if the person is otherwise qualified for such a~~
464 ~~license.~~

465 ~~(2) If a person under 18 years of age is found by the court~~
466 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
467 ~~877.112(6) or (7) and that person has failed to comply with the~~

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468 ~~procedures established in that section by failing to fulfill~~
469 ~~community service requirements, failing to pay the applicable~~
470 ~~fine, or failing to attend a locally available school-approved~~
471 ~~anti-tobacco program, and:~~

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

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

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

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

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

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

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

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

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

493
494 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
495 ~~within the 12-week period after the first violation will be~~
496 ~~treated as a first violation and in the same manner as provided~~

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497 ~~in this subsection.~~

498 ~~(3) If a person under 18 years of age is found by the court~~
499 ~~to have committed a third violation of s. 569.11 or s.~~
500 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
501 ~~court must direct the Department of Highway Safety and Motor~~
502 ~~Vehicles to suspend or withhold issuance of his or her driver~~
503 ~~license or driving privilege for 60 consecutive days. Any third~~
504 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
505 ~~12-week period after the first violation will be treated as a~~
506 ~~first violation and in the same manner as provided in subsection~~
507 ~~(2).~~

508 ~~(2)(4)~~ A penalty imposed under this section shall be in
509 addition to any other penalty imposed by law.

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

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

517 Section 9. Subsection (3) of section 322.09, Florida
518 Statutes, is amended, and present subsections (4) and (5) of
519 that section are redesignated as subsections (3) and (4),
520 respectively, to read:

521 322.09 Application of minors; responsibility for negligence
522 or misconduct of minor.—

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

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526 ~~322.091.~~527 Section 10. Section 322.091, Florida Statutes, is repealed.

528 Section 11. Subsection (6) is added to section 322.245,

529 Florida Statutes, to read:

530 322.245 Suspension of license upon failure of person
531 charged with specified offense under chapter 316, chapter 320,
532 or this chapter to comply with directives ordered by traffic
533 court or upon failure to pay child support in non-IV-D cases as
534 provided in chapter 61 or failure to pay any financial
535 obligation in any other criminal case.—

536 (6) Notwithstanding any other law, a person's driver
537 license may not be suspended solely for failure to pay a penalty
538 or court obligation if the person demonstrates to the court,
539 after the court orders the penalty or obligation and before the
540 suspension takes place, that he or she is unable to pay the
541 penalty or court obligation. This subsection does not apply to
542 failure to pay child support in non-IV-D cases as provided in
543 chapter 61. A person is considered unable to pay if he or she
544 provides documentation to the appropriate clerk of court
545 evidencing that:

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

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

551 (c) The person receives temporary cash assistance pursuant
552 to chapter 414;

553 (d) The person is making payments in accordance with a
554 confirmed bankruptcy plan under chapter 11, chapter 12, or

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555 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
556 101 et seq.;

557 (e) The person has been placed on a payment plan or payment
558 plans with the clerk of court which in total exceed what is
559 determined to be a reasonable payment plan pursuant to s.
560 28.246(4); or

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

564 Section 12. Subsection (7) of section 322.251, Florida
565 Statutes, is repealed.

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

568 322.271 Authority to modify revocation, cancellation, or
569 suspension order.—

570 (8) A person whose driver license or privilege to drive has
571 been suspended under s. 318.15 or s. 322.245, with the exception
572 of any suspension related to s. 61.13016, may have his or her
573 driver license or driving privilege reinstated on a restricted
574 basis by the department in accordance with this section. The
575 restricted license shall be valid until the 7-year suspension
576 period ends as provided in s. 318.15 or until the debt is paid.

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

579 322.34 Driving while license suspended, revoked, canceled,
580 or disqualified.—

581 (10) (a) Notwithstanding any other provision of this
582 section, if a person does not have a prior forcible felony
583 conviction as defined in s. 776.08, the penalties provided in

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584 paragraph (b) apply if a person's driver license or driving
585 privilege is canceled, suspended, or revoked for:

586 1. Failing to pay child support as provided in s. 322.245
587 or s. 61.13016;

588 2. Failing to pay any other financial obligation as
589 provided in s. 322.245 ~~other than those specified in s.~~
590 ~~322.245(1);~~

591 3. Failing to comply with a civil penalty required in s.
592 318.15;

593 4. Failing to maintain vehicular financial responsibility
594 as required by chapter 324; or

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

597 ~~5.6.~~ Having been designated a habitual traffic offender
598 under s. 322.264(1)(d) as a result of suspensions of his or her
599 driver license or driver privilege for any underlying violation
600 listed in subparagraphs 1.-4. ~~1.-5.~~

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

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

612 Section 15. Paragraph (a) of subsection (1) and paragraph

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613 (c) of subsection (2) of section 562.11, Florida Statutes, are
614 amended to read:

615 562.11 Selling, giving, or serving alcoholic beverages to
616 person under age 21; providing a proper name; misrepresenting or
617 misstating age or age of another to induce licensee to serve
618 alcoholic beverages to person under 21; penalties.—

619 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
620 be served alcoholic beverages to a person under 21 years of age
621 or permit a person under 21 years of age to consume such
622 beverages on the licensed premises. A person who violates this
623 subparagraph commits a misdemeanor of the second degree,
624 punishable as provided in s. 775.082 or s. 775.083. A person who
625 violates this subparagraph a second or subsequent time within 1
626 year after a prior conviction commits a misdemeanor of the first
627 degree, punishable as provided in s. 775.082 or s. 775.083.

628 ~~2. In addition to any other penalty imposed for a violation~~
629 ~~of subparagraph 1., the court may order the Department of~~
630 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
631 ~~or suspend or revoke, the driver license or driving privilege,~~
632 ~~as provided in s. 322.057, of any person who violates~~
633 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
634 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
635 ~~acting within the scope of his or her license or an employee or~~
636 ~~agent of a licensee, as defined in s. 561.01, who violates~~
637 ~~subparagraph 1. while engaged within the scope of his or her~~
638 ~~employment or agency.~~

639 ~~3. A court that withholds the issuance of, or suspends or~~
640 ~~revokes, the driver license or driving privilege of a person~~
641 ~~pursuant to subparagraph 2. may direct the Department of Highway~~

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642 ~~Safety and Motor Vehicles to issue the person a license for~~
643 ~~driving privilege restricted to business purposes only, as~~
644 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

645 (2) It is unlawful for any person to misrepresent or
646 misstate his or her age or the age of any other person for the
647 purpose of inducing any licensee or his or her agents or
648 employees to sell, give, serve, or deliver any alcoholic
649 beverages to a person under 21 years of age, or for any person
650 under 21 years of age to purchase or attempt to purchase
651 alcoholic beverages.

652 (c) In addition to any other penalty imposed for a
653 violation of this subsection, if a person uses a driver license
654 or identification card issued by the Department of Highway
655 Safety and Motor Vehicles in violation of this subsection, the
656 court:

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

660 ~~2. Shall direct the Department of Highway Safety and Motor~~
661 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
662 ~~person's driver license or driving privilege, as provided in s.~~
663 ~~322.056.~~

664 Section 16. Subsection (3) of section 562.111, Florida
665 Statutes, is repealed.

666 Section 17. Subsections (1), (2), and (5) of section
667 569.11, Florida Statutes, are amended to read:

668 569.11 Possession, misrepresenting age or military service
669 to purchase, and purchase of tobacco products by persons under
670 18 years of age prohibited; penalties; jurisdiction; disposition

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671 of fines.—

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

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

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

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

688
689 Any second or subsequent violation not within the 12-week time
690 period after the first violation is punishable as provided for a
691 first violation.

692 (2) It is unlawful for any person under 18 years of age to
693 misrepresent his or her age or military service for the purpose
694 of inducing a dealer or an agent or employee of the dealer to
695 sell, give, barter, furnish, or deliver any tobacco product, or
696 to purchase, or attempt to purchase, any tobacco product from a
697 person or a vending machine. Any person under 18 years of age
698 who violates a provision of this subsection commits a
699 noncriminal violation as provided in s. 775.08(3), punishable

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700 by:

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

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

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

712

713 Any second or subsequent violation not within the 12-week time
714 period after the first violation is punishable as provided for a
715 first violation.

716 (5) (a) If a person under 18 years of age is found by the
717 court to have committed a noncriminal violation under this
718 section and that person has failed to complete community
719 service, pay the fine as required by paragraph (1) (a) or
720 paragraph (2) (a), or attend a school-approved anti-tobacco
721 program, if locally available, the court may ~~must~~ direct the
722 Department of Highway Safety and Motor Vehicles to withhold
723 issuance of or suspend the driver license or driving privilege
724 of that person for a period of 30 consecutive days.

725 (b) If a person under 18 years of age is found by the court
726 to have committed a noncriminal violation under this section and
727 that person has failed to pay the applicable fine as required by
728 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct

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729 the Department of Highway Safety and Motor Vehicles to withhold
730 issuance of or suspend the driver license or driving privilege
731 of that person for a period of 45 consecutive days.

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

734 790.22 Use of BB guns, air or gas-operated guns, or
735 electric weapons or devices by minor under 16; limitation;
736 possession of firearms by minor under 18 prohibited; penalties.-

737 (5) (a) A minor who violates subsection (3) commits a
738 misdemeanor of the first degree; for a first offense, may serve
739 a period of detention of up to 3 days in a secure detention
740 facility; and, in addition to any other penalty provided by law,
741 shall be required to perform 100 hours of community service.;
742 and:

743 ~~1. If the minor is eligible by reason of age for a driver~~
744 ~~license or driving privilege, the court shall direct the~~
745 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
746 ~~withhold issuance of the minor's driver license or driving~~
747 ~~privilege for up to 1 year.~~

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

753 ~~3. If the minor is ineligible by reason of age for a driver~~
754 ~~license or driving privilege, the court shall direct the~~
755 ~~Department of Highway Safety and Motor Vehicles to withhold~~
756 ~~issuance of the minor's driver license or driving privilege for~~
757 ~~up to 1 year after the date on which the minor would otherwise~~

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758 ~~have become eligible.~~

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

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

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

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

780
781 For the purposes of this subsection, community service shall be
782 performed, if possible, in a manner involving a hospital
783 emergency room or other medical environment that deals on a
784 regular basis with trauma patients and gunshot wounds.

785 ~~(10) If a minor is found to have committed an offense under~~
786 ~~subsection (9), the court shall impose the following penalties~~

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787 ~~in addition to any penalty imposed under paragraph (9) (a) or~~
788 ~~paragraph (9) (b):~~

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

790 ~~1. If the minor is eligible by reason of age for a driver~~
791 ~~license or driving privilege, the court shall direct the~~
792 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
793 ~~withhold issuance of the minor's driver license or driving~~
794 ~~privilege for up to 1 year.~~

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

800 ~~3. If the minor is ineligible by reason of age for a driver~~
801 ~~license or driving privilege, the court shall direct the~~
802 ~~Department of Highway Safety and Motor Vehicles to withhold~~
803 ~~issuance of the minor's driver license or driving privilege for~~
804 ~~up to 1 year after the date on which the minor would otherwise~~
805 ~~have become eligible.~~

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

807 ~~1. If the minor is eligible by reason of age for a driver~~
808 ~~license or driving privilege, the court shall direct the~~
809 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
810 ~~withhold issuance of the minor's driver license or driving~~
811 ~~privilege for up to 2 years.~~

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

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816 ~~period for up to 2 years.~~

817 ~~3. If the minor is ineligible by reason of age for a driver~~
818 ~~license or driving privilege, the court shall direct the~~
819 ~~Department of Highway Safety and Motor Vehicles to withhold~~
820 ~~issuance of the minor's driver license or driving privilege for~~
821 ~~up to 2 years after the date on which the minor would otherwise~~
822 ~~have become eligible.~~

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

826 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

841 ~~(c) The minor is ineligible by reason of age for a driver~~
842 ~~license or driving privilege, the court shall direct the~~
843 ~~Department of Highway Safety and Motor Vehicles to withhold~~
844 ~~issuance of the minor's driver license or driving privilege for~~

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845 ~~not more than 1 year after the date on which he or she would~~
846 ~~otherwise have become eligible.~~

847 ~~(8) A minor whose driver license or driving privilege is~~
848 ~~revoked, suspended, or withheld under subsection (7) may elect~~
849 ~~to reduce the period of revocation, suspension, or withholding~~
850 ~~by performing community service at the rate of 1 day for each~~
851 ~~hour of community service performed. In addition, if the court~~
852 ~~determines that due to a family hardship, the minor's driver~~
853 ~~license or driving privilege is necessary for employment or~~
854 ~~medical purposes of the minor or a member of the minor's family,~~
855 ~~the court shall order the minor to perform community service and~~
856 ~~reduce the period of revocation, suspension, or withholding at~~
857 ~~the rate of 1 day for each hour of community service performed.~~
858 ~~As used in this subsection, the term "community service" means~~
859 ~~eleaning graffiti from public property.~~

860 Section 20. Section 812.0155, Florida Statutes, is
861 repealed.

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

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

866 877.112 Nicotine products and nicotine dispensing devices;
867 prohibitions for minors; penalties; civil fines; signage
868 requirements; preemption.—

869 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
870 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
871 person under 18 years of age to knowingly possess any nicotine
872 product or a nicotine dispensing device. Any person under 18
873 years of age who violates this subsection commits a noncriminal

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874 violation as defined in s. 775.08(3), punishable by:

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

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

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

886

887 Any second or subsequent violation not within the 12-week time
888 period after the first violation is punishable as provided for a
889 first violation.

890 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
891 any person under 18 years of age to misrepresent his or her age
892 or military service for the purpose of inducing a retailer of
893 nicotine products or nicotine dispensing devices or an agent or
894 employee of such retailer to sell, give, barter, furnish, or
895 deliver any nicotine product or nicotine dispensing device, or
896 to purchase, or attempt to purchase, any nicotine product or
897 nicotine dispensing device from a person or a vending machine.
898 Any person under 18 years of age who violates this subsection
899 commits a noncriminal violation as defined in s. 775.08(3),
900 punishable by:

901 (a) For a first violation, 16 hours of community service
902 or, instead of community service, a \$25 fine and, in addition,

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903 the person must attend a school-approved anti-tobacco and
904 nicotine program, if available; or

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

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

912

913 Any second or subsequent violation not within the 12-week time
914 period after the first violation is punishable as provided for a
915 first violation.

916 (8) PENALTIES FOR MINORS.—

917 (c) If a person under 18 years of age is found by the court
918 to have committed a noncriminal violation under this section and
919 that person has failed to complete community service, pay the
920 fine as required by paragraph (6) (a) or paragraph (7) (a), or
921 attend a school-approved anti-tobacco and nicotine program, if
922 locally available, the court may ~~must~~ direct the Department of
923 Highway Safety and Motor Vehicles to withhold issuance of or
924 suspend the driver license or driving privilege of that person
925 for 30 consecutive days.

926 (d) If a person under 18 years of age is found by the court
927 to have committed a noncriminal violation under this section and
928 that person has failed to pay the applicable fine as required by
929 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
930 the Department of Highway Safety and Motor Vehicles to withhold
931 issuance of or suspend the driver license or driving privilege

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932 of that person for 45 consecutive days.

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

935 938.30 Financial obligations in criminal cases;
936 supplementary proceedings.—

937 (2) The court may require a person liable for payment of an
938 obligation to appear and be examined under oath concerning the
939 person's financial ability to pay the obligation. The judge may
940 convert the statutory financial obligation into a court-ordered
941 obligation to perform community service, subject to the
942 provisions of s. 318.18(8), after examining a person under oath
943 and determining the person's inability to pay, or by reliance
944 upon information provided under s. 27.52(1)(a)6. Any person who
945 fails to attend a hearing may be arrested on warrant or capias
946 issued by the clerk upon order of the court.

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

949 1003.27 Court procedure and penalties.—The court procedure
950 and penalties for the enforcement of the provisions of this
951 part, relating to compulsory school attendance, shall be as
952 follows:

953 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

959 ~~(b) Each public school principal or the principal's~~
960 ~~designee shall notify the district school board of each minor~~

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961 ~~student under its jurisdiction who accumulates 15 unexcused~~
962 ~~absences in a period of 90 calendar days. Each designee of the~~
963 ~~governing body of each private school, and each parent whose~~
964 ~~child is enrolled in a home education program, may provide the~~
965 ~~Department of Highway Safety and Motor Vehicles with the legal~~
966 ~~name, sex, date of birth, and social security number of each~~
967 ~~minor student under his or her jurisdiction who fails to satisfy~~
968 ~~relevant attendance requirements and who fails to otherwise~~
969 ~~satisfy the requirements of s. 322.091. The district school~~
970 ~~superintendent must provide the Department of Highway Safety and~~
971 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
972 ~~security number of each minor student who has been reported~~
973 ~~under this paragraph and who fails to otherwise satisfy the~~
974 ~~requirements of s. 322.091. The Department of Highway Safety and~~
975 ~~Motor Vehicles may not issue a driver license or learner's~~
976 ~~driver license to, and shall suspend any previously issued~~
977 ~~driver license or learner's driver license of, any such minor~~
978 ~~student, pursuant to the provisions of s. 322.091.~~

979 Section 25. Paragraph (a) of subsection (10) of section
980 318.14, Florida Statutes, is amended to read:

981 318.14 Noncriminal traffic infractions; exception;
982 procedures.-

983 (10) (a) Any person who does not hold a commercial driver
984 license or commercial learner's permit and who is cited while
985 driving a noncommercial motor vehicle for an offense listed
986 under this subsection may, in lieu of payment of fine or court
987 appearance, elect to enter a plea of nolo contendere and provide
988 proof of compliance to the clerk of the court, designated
989 official, or authorized operator of a traffic violations bureau.

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990 In such case, adjudication shall be withheld; however, a person
 991 may not make an election under this subsection if the person has
 992 made an election under this subsection in the preceding 12
 993 months. A person may not make more than three elections under
 994 this subsection. This subsection applies to the following
 995 offenses:

996 1. Operating a motor vehicle without a valid driver license
 997 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
 998 operating a motor vehicle with a license that has been suspended
 999 for failure to appear, failure to pay civil penalty, or failure
 1000 to attend a driver improvement course pursuant to s. 322.291.

1001 2. Operating a motor vehicle without a valid registration
 1002 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1003 3. Operating a motor vehicle in violation of s. 316.646.

1004 4. Operating a motor vehicle with a license that has been
 1005 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1006 child support or for failure to pay any other financial
 1007 obligation as provided in s. 322.245; however, this subparagraph
 1008 does not apply if the license has been suspended pursuant to s.
 1009 322.245(1).

1010 ~~5. Operating a motor vehicle with a license that has been~~
 1011 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1012 ~~requirements.~~

1013 Section 26. Subsections (1) and (2) of section 322.05,
 1014 Florida Statutes, are amended to read:

1015 322.05 Persons not to be licensed.—The department may not
 1016 issue a license:

1017 (1) To a person who is under the age of 16 years, except
 1018 that the department may issue a learner's driver license to a

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1019 person who is at least 15 years of age and who meets the
1020 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
1021 other applicable law or rule.

1022 (2) To a person who is at least 16 years of age but is
1023 under 18 years of age unless the person ~~meets the requirements~~
1024 ~~of s. 322.091 and~~ holds a valid:

1025 (a) Learner's driver license for at least 12 months, with
1026 no moving traffic convictions, before applying for a license;

1027 (b) Learner's driver license for at least 12 months and who
1028 has a moving traffic conviction but elects to attend a traffic
1029 driving school for which adjudication must be withheld pursuant
1030 to s. 318.14; or

1031 (c) License that was issued in another state or in a
1032 foreign jurisdiction and that would not be subject to suspension
1033 or revocation under the laws of this state.

1034 Section 27. Paragraph (b) of subsection (5) of section
1035 322.27, Florida Statutes, is amended to read:

1036 322.27 Authority of department to suspend or revoke driver
1037 license or identification card.—

1038 (5)

1039 (b) If a person whose driver license has been revoked under
1040 paragraph (a) as a result of a third violation of driving a
1041 motor vehicle while his or her license is suspended or revoked
1042 provides proof of compliance for an offense listed in s.

1043 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall
1044 submit an amended disposition to remove the habitual traffic
1045 offender designation.

1046 Section 28. Subsection (9) of section 1003.01, Florida
1047 Statutes, is amended to read:

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1048 1003.01 Definitions.—As used in this chapter, the term:

1049 (9) "Dropout" means a student who meets any one or more of
1050 the following criteria:

1051 (a) The student has voluntarily removed himself or herself
1052 from the school system before graduation for reasons that
1053 include, but are not limited to, marriage, or the student has
1054 withdrawn from school because he or she has failed the statewide
1055 student assessment test and thereby does not receive any of the
1056 certificates of completion;

1057 (b) The student has not met the relevant attendance
1058 requirements of the school district pursuant to State Board of
1059 Education rules, or the student was expected to attend a school
1060 but did not enter as expected for unknown reasons, or the
1061 student's whereabouts are unknown;

1062 (c) The student has withdrawn from school, but has not
1063 transferred to another public or private school or enrolled in
1064 any career, adult, home education, or alternative educational
1065 program;

1066 (d) The student has withdrawn from school due to hardship,
1067 unless such withdrawal has been granted because of ~~under the~~
1068 ~~provisions of s. 322.091~~, court action, expulsion, medical
1069 reasons, or pregnancy; or

1070 (e) The student is not eligible to attend school because of
1071 reaching the maximum age for an exceptional student program in
1072 accordance with the district's policy.

1073
1074 The State Board of Education may adopt rules to implement ~~the~~
1075 ~~provisions of~~ this subsection.

1076 Section 29. The amendment made by this act to s. 316.650,

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1077 Florida Statutes, shall apply upon the creation of a new
1078 inventory of uniform traffic citation forms.

1079 Section 30. This act shall take effect October 1, 2017.