

By the Committee on Transportation; and Senators Brandes,
Rouson, and Young

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

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

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

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

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119 circumstances; amending s. 1003.27, F.S.; deleting
120 provisions relating to procedures and penalties for
121 nonenrollment and nonattendance cases; amending ss.
122 318.14, 322.05, 322.27, and 1003.01, F.S.; conforming
123 provisions to changes made by the act; providing
124 applicability; providing an effective date.

125

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

127

128 Section 1. Paragraph (a) of subsection (1) of section
129 27.52, Florida Statutes, is amended to read:

130 27.52 Determination of indigent status.—

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

137 (a) The application must include, at a minimum, the
138 following financial information:

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

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

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

152 4. All liabilities and debts.

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

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

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

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

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

171 (4) The clerk of the circuit court shall accept partial
172 payments for court-related fees, service charges, costs, and
173 fines in accordance with the terms of an established payment
174 plan. An individual seeking to defer payment of fees, service
175 charges, costs, or fines imposed by operation of law or order of
176 the court under any provision of general law shall apply to the

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

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

199 (b) In retaining a private attorney or collection agent as
200 provided in this subsection, the clerk shall solicit competitive
201 bids from private attorneys or collection agents. The contract
202 awarded to the successful bidder may be in effect for no longer
203 than 3 years, with a maximum of two 1-year extensions.

204 (c) The clerk shall consider all pertinent criteria when
205 considering bids, including, but not limited to, performance

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206 quality and customer service. The collection fee paid to the
207 private attorney or collection agent, ~~including any reasonable~~
208 ~~attorney's fee, paid to any attorney or collection agent~~
209 retained by the clerk may be added to the balance owed in an
210 amount not to exceed 40 percent of the amount owed at the time
211 the account is referred to the attorney or agent for collection.

212 (d) The clerk may not assess any surcharge to refer the
213 account to a private attorney or an agent for collection.

214 (e) The private attorney or collection agent may not impose
215 any additional fees or surcharges other than the contractually
216 agreed-upon amounts.

217 (f) The clerk shall give the private attorney or collection
218 agent the application for the appointment of court-appointed
219 counsel regardless of whether the court file is otherwise
220 confidential from disclosure.

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

226 316.650 Traffic citations.—

227 (1)

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

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235 318.18(8)(b).

236 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
237 traffic enforcement agency may produce uniform traffic citations
238 by electronic means. Such citations must be consistent with the
239 state traffic court rules and the procedures established by the
240 department and must be appropriately numbered and inventoried.
241 Affidavit-of-compliance forms may also be produced by electronic
242 means.

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

245 318.15 Failure to comply with civil penalty or to appear;
246 penalty.—

247 (4) Notwithstanding any other law, a person's driver
248 license may not be suspended solely for failure to pay a penalty
249 if the person demonstrates to the court, after notice of the
250 penalty and before the suspension takes place, that he or she is
251 unable to pay the penalty. A person is considered unable to pay
252 if he or she provides documentation to the appropriate clerk of
253 court evidencing that:

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

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

259 (c) The person receives temporary cash assistance pursuant
260 to chapter 414;

261 (d) The person is making payments in accordance with a
262 confirmed bankruptcy plan under chapter 11, chapter 12, or
263 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.

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264 101 et seq.;

265 (e) The person has been placed on a payment plan or payment
266 plans with the clerk of court which in total exceed what is
267 determined to be a reasonable payment plan pursuant to s.
268 28.246(4); or

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

272 Section 5. Paragraph (b) of subsection (8) of section
273 318.18, Florida Statutes, is amended to read:

274 318.18 Amount of penalties.—The penalties required for a
275 noncriminal disposition pursuant to s. 318.14 or a criminal
276 offense listed in s. 318.17 are as follows:

277 (8)

278 (b)1.a. If a person has been ordered to pay a civil penalty
279 for a noncriminal traffic infraction and the person is unable to
280 comply with the court's order due to demonstrable financial
281 hardship, the court shall allow the person to satisfy the civil
282 penalty by participating in community service until the civil
283 penalty is paid.

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

286 c. If a court orders a person to perform community service,
287 the person shall receive credit for the civil penalty at the
288 specified hourly credit rate per hour of community service
289 performed, and each hour of community service performed shall
290 reduce the civil penalty by that amount.

291 2.a. As used in this paragraph, the term "specified hourly
292 credit rate" means the wage rate that is specified in 29 U.S.C.

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293 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
294 that is then in effect, and that an employer subject to such
295 provision must pay per hour to each employee subject to such
296 provision.

297 b. However, if a person ordered to perform community
298 service has a trade or profession for which there is a community
299 service need, the specified hourly credit rate for each hour of
300 community service performed by that person shall be the average
301 prevailing wage rate for the trade or profession that the
302 community service agency needs.

303 3.a. The community service agency supervising the person
304 shall record the number of hours of community service completed
305 and the date the community service hours were completed. The
306 community service agency shall submit the data to the clerk of
307 court on the letterhead of the community service agency, which
308 must also bear the notarized signature of the person designated
309 to represent the community service agency.

310 b. When the number of community service hours completed by
311 the person equals the amount of the civil penalty, the clerk of
312 court shall certify this fact to the court. Thereafter, the
313 clerk of court shall record in the case file that the civil
314 penalty has been paid in full.

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

316 a. "Community service" means uncompensated labor for a
317 community service agency.

318 b. "Community service agency" means a not-for-profit
319 corporation, community organization, charitable organization,
320 public officer, the state or any political subdivision of the
321 state, or any other body the purpose of which is to improve the

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322 quality of life or social welfare of the community and which
323 agrees to accept community service from persons unable to pay
324 civil penalties for noncriminal traffic infractions.

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

327 322.055 Revocation or suspension of, or delay of
328 eligibility for, driver license for persons 18 years of age or
329 older convicted of certain drug offenses.—

330 (1) Notwithstanding s. 322.28, upon the conviction of a
331 person 18 years of age or older for possession or sale of,
332 trafficking in, or conspiracy to possess, sell, or traffic in a
333 controlled substance, the court shall direct the department to
334 revoke the driver license or driving privilege of the person.
335 The period of such revocation shall be 6 months ~~1 year~~ or until
336 the person is evaluated for and, if deemed necessary by the
337 evaluating agency, completes a drug treatment and rehabilitation
338 program approved or regulated by the Department of Children and
339 Families. However, the court may, in its sound discretion,
340 direct the department to issue a license for driving privilege
341 restricted to business or employment purposes only, as defined
342 by s. 322.271, if the person is otherwise qualified for such a
343 license. ~~A driver whose license or driving privilege has been~~
344 ~~suspended or revoked under this section or s. 322.056 may, upon~~
345 ~~the expiration of 6 months, petition the department for~~
346 ~~restoration of the driving privilege on a restricted or~~
347 ~~unrestricted basis depending on length of suspension or~~
348 ~~revocation. In no case shall~~ A restricted license may not be
349 available until 6 months of the suspension or revocation period
350 has been completed ~~expired~~.

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

373 (3) If a person 18 years of age or older is convicted for
374 the possession or sale of, trafficking in, or conspiracy to
375 possess, sell, or traffic in a controlled substance and such
376 person's driver license or driving privilege is already under
377 suspension or revocation for any reason, the court shall direct
378 the department to extend the period of such suspension or
379 revocation by an additional period of 6 months ~~1 year~~ or until

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380 the person is evaluated for and, if deemed necessary by the
381 evaluating agency, completes a drug treatment and rehabilitation
382 program approved or regulated by the Department of Children and
383 Families. However, the court may, in its sound discretion,
384 direct the department to issue a license for driving privilege
385 restricted to business or employment purposes only, as defined
386 by s. 322.271, if the person is otherwise qualified for such a
387 license. ~~A driver whose license or driving privilege has been~~
388 ~~suspended or revoked under this section or s. 322.056 may, upon~~
389 ~~the expiration of 6 months, petition the department for~~
390 ~~restoration of the driving privilege on a restricted or~~
391 ~~unrestricted basis depending on the length of suspension or~~
392 ~~revocation. In no case shall~~ A restricted license may not be
393 available until 6 months of the suspension or revocation period
394 has been completed ~~expired~~.

395 (4) If a person 18 years of age or older is convicted for
396 the possession or sale of, trafficking in, or conspiracy to
397 possess, sell, or traffic in a controlled substance and such
398 person is ineligible by reason of age for a driver license or
399 driving privilege, the court shall direct the department to
400 withhold issuance of such person's driver license or driving
401 privilege for a period of 6 months ~~1 year~~ after the date that he
402 or she would otherwise have become eligible or until he or she
403 becomes eligible by reason of age for a driver license and is
404 evaluated for and, if deemed necessary by the evaluating agency,
405 completes a drug treatment and rehabilitation program approved
406 or regulated by the Department of Children and Families.
407 However, the court may, in its sound discretion, direct the
408 department to issue a license for driving privilege restricted

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409 to business or employment purposes only, as defined by s.
410 322.271, if the person is otherwise qualified for such a
411 license. ~~A driver whose license or driving privilege has been~~
412 ~~suspended or revoked under this section or s. 322.056 may, upon~~
413 ~~the expiration of 6 months, petition the department for~~
414 ~~restoration of the driving privilege on a restricted or~~
415 ~~unrestricted basis depending on the length of suspension or~~
416 ~~revocation. In no case shall~~ A restricted license may not be
417 available until 6 months of the suspension or revocation period
418 has been completed ~~expired~~.

419 Section 7. Section 322.056, Florida Statutes, is amended to
420 read:

421 322.056 Mandatory revocation or suspension of, or delay of
422 eligibility for, driver license for persons under age 18 found
423 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
424 prohibition.-

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

429 (a) The person is eligible by reason of age for a driver
430 license or driving privilege, the court shall direct the
431 department to revoke or to withhold issuance of his or her
432 driver license or driving privilege for a period of 6 months.~~±~~

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

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

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

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438 direct the department to extend the period of suspension or
439 revocation by an additional 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 (c) The person is ineligible by reason of age for a driver
444 license or driving privilege, the court shall direct the
445 department to withhold issuance of his or her driver license or
446 driving privilege for a period of~~+~~

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

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

452

453 ~~However, the court may, in its sound discretion, direct the~~
454 ~~department to issue a license for driving privileges restricted~~
455 ~~to business or employment purposes only, as defined in s.~~
456 ~~322.271, if the person is otherwise qualified for such a~~
457 ~~license.~~

458 ~~(2) If a person under 18 years of age is found by the court~~
459 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
460 ~~877.112(6) or (7) and that person has failed to comply with the~~
461 ~~procedures established in that section by failing to fulfill~~
462 ~~community service requirements, failing to pay the applicable~~
463 ~~fine, or failing to attend a locally available school-approved~~
464 ~~anti-tobacco program, and:~~

465 ~~(a) The person is eligible by reason of age for a driver~~
466 ~~license or driving privilege, the court shall direct the~~

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467 ~~department to revoke or to withhold issuance of his or her~~
468 ~~driver license or driving privilege as follows:~~

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

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

472 ~~(b) The person's driver license or driving privilege is~~
473 ~~under suspension or revocation for any reason, the court shall~~
474 ~~direct the department to extend the period of suspension or~~
475 ~~revocation by an additional period 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 ~~(c) The person is ineligible by reason of age for a driver~~
480 ~~license or driving privilege, the court shall direct the~~
481 ~~department to withhold issuance of his or her driver license or~~
482 ~~driving privilege 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
487 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
488 ~~within the 12-week period after the first violation will be~~
489 ~~treated as a first violation and in the same manner as provided~~
490 ~~in this subsection.~~

491 ~~(3) If a person under 18 years of age is found by the court~~
492 ~~to have committed a third violation of s. 569.11 or s.~~
493 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
494 ~~court must direct the Department of Highway Safety and Motor~~
495 ~~Vehicles to suspend or withhold issuance of his or her driver~~

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496 ~~license or driving privilege for 60 consecutive days. Any third~~
497 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
498 ~~12-week period after the first violation will be treated as a~~
499 ~~first violation and in the same manner as provided in subsection~~
500 ~~(2).~~

501 (2)~~(4)~~ A penalty imposed under this section shall be in
502 addition to any other penalty imposed by law.

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

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

510 Section 9. Subsection (3) of section 322.09, Florida
511 Statutes, is amended, and present subsections (4) and (5) of
512 that section are redesignated as subsections (3) and (4),
513 respectively, to read:

514 322.09 Application of minors; responsibility for negligence
515 or misconduct of minor.—

516 ~~(3) The department may not issue a driver license or~~
517 ~~learner's driver license to any applicant under the age of 18~~
518 ~~years who is not in compliance with the requirements of s.~~
519 ~~322.091.~~

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

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

523 322.245 Suspension of license upon failure of person
524 charged with specified offense under chapter 316, chapter 320,

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525 or this chapter to comply with directives ordered by traffic
526 court or upon failure to pay child support in non-IV-D cases as
527 provided in chapter 61 or failure to pay any financial
528 obligation in any other criminal case.—

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

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

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

544 (c) The person receives temporary cash assistance pursuant
545 to chapter 414;

546 (d) The person is making payments in accordance with a
547 confirmed bankruptcy plan under chapter 11, chapter 12, or
548 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
549 101 et seq.;

550 (e) The person has been placed on a payment plan or payment
551 plans with the clerk of court which in total exceed what is
552 determined to be a reasonable payment plan pursuant to s.
553 28.246(4); or

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

557 Section 12. Subsection (7) of section 322.251, Florida
558 Statutes, is repealed.

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

561 322.271 Authority to modify revocation, cancellation, or
562 suspension order.—

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

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

572 322.34 Driving while license suspended, revoked, canceled,
573 or disqualified.—

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

579 1. Failing to pay child support as provided in s. 322.245
580 or s. 61.13016;

581 2. Failing to pay any other financial obligation as
582 provided in s. 322.245 ~~other than those specified in s.~~

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583 ~~322.245(1);~~

584 3. Failing to comply with a civil penalty required in s.
585 318.15;

586 4. Failing to maintain vehicular financial responsibility
587 as required by chapter 324; or

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

590 5.6. Having been designated a habitual traffic offender
591 under s. 322.264(1)(d) as a result of suspensions of his or her
592 driver license or driver privilege for any underlying violation
593 listed in subparagraphs 1.-4. ~~1.-5.~~

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

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

605 Section 15. Paragraph (a) of subsection (1) and paragraph
606 (c) of subsection (2) of section 562.11, Florida Statutes, are
607 amended to read:

608 562.11 Selling, giving, or serving alcoholic beverages to
609 person under age 21; providing a proper name; misrepresenting or
610 misstating age or age of another to induce licensee to serve
611 alcoholic beverages to person under 21; penalties.-

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

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

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

638 (2) It is unlawful for any person to misrepresent or
639 misstate his or her age or the age of any other person for the
640 purpose of inducing any licensee or his or her agents or

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641 employees to sell, give, serve, or deliver any alcoholic
642 beverages to a person under 21 years of age, or for any person
643 under 21 years of age to purchase or attempt to purchase
644 alcoholic beverages.

645 (c) In addition to any other penalty imposed for a
646 violation of this subsection, if a person uses a driver license
647 or identification card issued by the Department of Highway
648 Safety and Motor Vehicles in violation of this subsection, the
649 court:

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

653 2. ~~Shall direct the Department of Highway Safety and Motor~~
654 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
655 ~~person's driver license or driving privilege, as provided in s.~~
656 ~~322.056.~~

657 Section 16. Subsection (3) of section 562.111, Florida
658 Statutes, is repealed.

659 Section 17. Subsections (1), (2), and (5) of section
660 569.11, Florida Statutes, are amended to read:

661 569.11 Possession, misrepresenting age or military service
662 to purchase, and purchase of tobacco products by persons under
663 18 years of age prohibited; penalties; jurisdiction; disposition
664 of fines.—

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

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

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

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

681
682 Any second or subsequent violation not within the 12-week time
683 period after the first violation is punishable as provided for a
684 first violation.

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

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

698 (b) For a second or subsequent violation within 12 weeks

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699 after ~~of~~ the first violation, a \$25 fine. ~~or~~

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

705

706 Any second or subsequent violation not within the 12-week time
707 period after the first violation is punishable as provided for a
708 first violation.

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

718 (b) If a person under 18 years of age is found by the court
719 to have committed a noncriminal violation under this section and
720 that person has failed to pay the applicable fine as required by
721 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct
722 the 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 45 consecutive days.

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

727 790.22 Use of BB guns, air or gas-operated guns, or

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728 electric weapons or devices by minor under 16; limitation;
729 possession of firearms by minor under 18 prohibited; penalties.-

730 (5) (a) A minor who violates subsection (3) commits a
731 misdemeanor of the first degree; for a first offense, may serve
732 a period of detention of up to 3 days in a secure detention
733 facility; and, in addition to any other penalty provided by law,
734 shall be required to perform 100 hours of community service.;
735 ~~and:~~

736 ~~1. If the minor is eligible by reason of age for a driver~~
737 ~~license or driving privilege, the court shall direct the~~
738 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
739 ~~withhold issuance of the minor's driver license or driving~~
740 ~~privilege for up to 1 year.~~

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

746 ~~3. If the minor is ineligible by reason of age for a driver~~
747 ~~license or driving privilege, the court shall direct the~~
748 ~~Department of Highway Safety and Motor Vehicles to withhold~~
749 ~~issuance of the minor's driver license or driving privilege for~~
750 ~~up to 1 year after the date on which the minor would otherwise~~
751 ~~have become eligible.~~

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

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757 ~~1. If the minor is eligible by reason of age for a driver~~
758 ~~license or driving privilege, the court shall direct the~~
759 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
760 ~~withhold issuance of the minor's driver license or driving~~
761 ~~privilege for up to 2 years.~~

762 ~~2. If the minor's driver license or driving privilege is~~
763 ~~under suspension or revocation for any reason, the court shall~~
764 ~~direct the Department of Highway Safety and Motor Vehicles to~~
765 ~~extend the period of suspension or revocation by an additional~~
766 ~~period of up to 2 years.~~

767 ~~3. If the minor is ineligible by reason of age for a driver~~
768 ~~license or driving privilege, the court shall direct the~~
769 ~~Department of Highway Safety and Motor Vehicles to withhold~~
770 ~~issuance of the minor's driver license or driving privilege for~~
771 ~~up to 2 years after the date on which the minor would otherwise~~
772 ~~have become eligible.~~

773
774 For the purposes of this subsection, community service shall be
775 performed, if possible, in a manner involving a hospital
776 emergency room or other medical environment that deals on a
777 regular basis with trauma patients and gunshot wounds.

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

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

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

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786 ~~withhold issuance of the minor's driver license or driving~~
787 ~~privilege for up to 1 year.~~

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

793 ~~3. If the minor is ineligible by reason of age for a driver~~
794 ~~license or driving privilege, the court shall direct the~~
795 ~~Department of Highway Safety and Motor Vehicles to withhold~~
796 ~~issuance of the minor's driver license or driving privilege for~~
797 ~~up to 1 year after the date on which the minor would otherwise~~
798 ~~have become eligible.~~

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

800 ~~1. If the minor is eligible 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 revoke or to~~
803 ~~withhold issuance of the minor's driver license or driving~~
804 ~~privilege for up to 2 years.~~

805 ~~2. If the minor's driver license or driving privilege is~~
806 ~~under suspension or revocation for any reason, the court shall~~
807 ~~direct the Department of Highway Safety and Motor Vehicles to~~
808 ~~extend the period of suspension or revocation by an additional~~
809 ~~period for up to 2 years.~~

810 ~~3. If the minor is ineligible by reason of age for a driver~~
811 ~~license or driving privilege, the court shall direct the~~
812 ~~Department of Highway Safety and Motor Vehicles to withhold~~
813 ~~issuance of the minor's driver license or driving privilege for~~
814 ~~up to 2 years after the date on which the minor would otherwise~~

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815 ~~have become eligible.~~

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

819 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

840 ~~(8) A minor whose driver license or driving privilege is~~
841 ~~revoked, suspended, or withheld under subsection (7) may elect~~
842 ~~to reduce the period of revocation, suspension, or withholding~~
843 ~~by performing community service at the rate of 1 day for each~~

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844 ~~hour of community service performed. In addition, if the court~~
845 ~~determines that due to a family hardship, the minor's driver~~
846 ~~license or driving privilege is necessary for employment or~~
847 ~~medical purposes of the minor or a member of the minor's family,~~
848 ~~the court shall order the minor to perform community service and~~
849 ~~reduce the period of revocation, suspension, or withholding at~~
850 ~~the rate of 1 day for each hour of community service performed.~~
851 ~~As used in this subsection, the term "community service" means~~
852 ~~eleaning graffiti from public property.~~

853 Section 20. Section 812.0155, Florida Statutes, is
854 repealed.

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

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

859 877.112 Nicotine products and nicotine dispensing devices;
860 prohibitions for minors; penalties; civil fines; signage
861 requirements; preemption.—

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

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

872 (b) For a second or subsequent violation within 12 weeks

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873 ~~after~~ ~~of~~ the first violation, a \$25 fine.~~;~~ ~~or~~

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

879

880 Any second or subsequent violation not within the 12-week time
881 period after the first violation is punishable as provided for a
882 first violation.

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

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

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

900 ~~(c) For a third or subsequent violation within 12 weeks of~~
901 ~~the first violation, the court must direct the Department of~~

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902 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
903 ~~suspend or revoke the person's driver license or driving~~
904 ~~privilege, as provided in s. 322.056.~~

905

906 Any second or subsequent violation not within the 12-week time
907 period after the first violation is punishable as provided for a
908 first violation.

909 (8) PENALTIES FOR MINORS.—

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

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

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

928 938.30 Financial obligations in criminal cases;
929 supplementary proceedings.—

930 (2) The court may require a person liable for payment of an

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931 obligation to appear and be examined under oath concerning the
932 person's financial ability to pay the obligation. The judge may
933 convert the statutory financial obligation into a court-ordered
934 obligation to perform community service, subject to the
935 provisions of s. 318.18(8), after examining a person under oath
936 and determining the person's inability to pay, or by reliance
937 upon information provided under s. 27.52(1)(a)6. Any person who
938 fails to attend a hearing may be arrested on warrant or capias
939 issued by the clerk upon order of the court.

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

942 1003.27 Court procedure and penalties.—The court procedure
943 and penalties for the enforcement of the provisions of this
944 part, relating to compulsory school attendance, shall be as
945 follows:

946 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

952 ~~(b) Each public school principal or the principal's~~
953 ~~designee shall notify the district school board of each minor~~
954 ~~student under its jurisdiction who accumulates 15 unexcused~~
955 ~~absences in a period of 90 calendar days. Each designee of the~~
956 ~~governing body of each private school, and each parent whose~~
957 ~~child is enrolled in a home education program, may provide the~~
958 ~~Department of Highway Safety and Motor Vehicles with the legal~~
959 ~~name, sex, date of birth, and social security number of each~~

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960 ~~minor student under his or her jurisdiction who fails to satisfy~~
961 ~~relevant attendance requirements and who fails to otherwise~~
962 ~~satisfy the requirements of s. 322.091. The district school~~
963 ~~superintendent must provide the Department of Highway Safety and~~
964 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
965 ~~security number of each minor student who has been reported~~
966 ~~under this paragraph and who fails to otherwise satisfy the~~
967 ~~requirements of s. 322.091. The Department of Highway Safety and~~
968 ~~Motor Vehicles may not issue a driver license or learner's~~
969 ~~driver license to, and shall suspend any previously issued~~
970 ~~driver license or learner's driver license of, any such minor~~
971 ~~student, pursuant to the provisions of s. 322.091.~~

972 Section 25. Paragraph (a) of subsection (10) of section
973 318.14, Florida Statutes, is amended to read:

974 318.14 Noncriminal traffic infractions; exception;
975 procedures.—

976 (10) (a) Any person who does not hold a commercial driver
977 license or commercial learner's permit and who is cited while
978 driving a noncommercial motor vehicle for an offense listed
979 under this subsection may, in lieu of payment of fine or court
980 appearance, elect to enter a plea of nolo contendere and provide
981 proof of compliance to the clerk of the court, designated
982 official, or authorized operator of a traffic violations bureau.
983 In such case, adjudication shall be withheld; however, a person
984 may not make an election under this subsection if the person has
985 made an election under this subsection in the preceding 12
986 months. A person may not make more than three elections under
987 this subsection. This subsection applies to the following
988 offenses:

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989 1. Operating a motor vehicle without a valid driver license
 990 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
 991 operating a motor vehicle with a license that has been suspended
 992 for failure to appear, failure to pay civil penalty, or failure
 993 to attend a driver improvement course pursuant to s. 322.291.

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

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

997 4. Operating a motor vehicle with a license that has been
 998 suspended under s. 61.13016 or s. 322.245 for failure to pay
 999 child support or for failure to pay any other financial
 1000 obligation as provided in s. 322.245; however, this subparagraph
 1001 does not apply if the license has been suspended pursuant to s.
 1002 322.245(1).

1003 ~~5. Operating a motor vehicle with a license that has been~~
 1004 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1005 ~~requirements.~~

1006 Section 26. Subsections (1) and (2) of section 322.05,
 1007 Florida Statutes, are amended to read:

1008 322.05 Persons not to be licensed.—The department may not
 1009 issue a license:

1010 (1) To a person who is under the age of 16 years, except
 1011 that the department may issue a learner's driver license to a
 1012 person who is at least 15 years of age and who meets the
 1013 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
 1014 other applicable law or rule.

1015 (2) To a person who is at least 16 years of age but is
 1016 under 18 years of age unless the person ~~meets the requirements~~
 1017 ~~of s. 322.091~~ and holds a valid:

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1018 (a) Learner's driver license for at least 12 months, with
1019 no moving traffic convictions, before applying for a license;

1020 (b) Learner's driver license for at least 12 months and who
1021 has a moving traffic conviction but elects to attend a traffic
1022 driving school for which adjudication must be withheld pursuant
1023 to s. 318.14; or

1024 (c) License that was issued in another state or in a
1025 foreign jurisdiction and that would not be subject to suspension
1026 or revocation under the laws of this state.

1027 Section 27. Paragraph (b) of subsection (5) of section
1028 322.27, Florida Statutes, is amended to read:

1029 322.27 Authority of department to suspend or revoke driver
1030 license or identification card.—

1031 (5)

1032 (b) If a person whose driver license has been revoked under
1033 paragraph (a) as a result of a third violation of driving a
1034 motor vehicle while his or her license is suspended or revoked
1035 provides proof of compliance for an offense listed in s.

1036 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall
1037 submit an amended disposition to remove the habitual traffic
1038 offender designation.

1039 Section 28. Subsection (9) of section 1003.01, Florida
1040 Statutes, is amended to read:

1041 1003.01 Definitions.—As used in this chapter, the term:

1042 (9) "Dropout" means a student who meets any one or more of
1043 the following criteria:

1044 (a) The student has voluntarily removed himself or herself
1045 from the school system before graduation for reasons that
1046 include, but are not limited to, marriage, or the student has

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1047 withdrawn from school because he or she has failed the statewide
1048 student assessment test and thereby does not receive any of the
1049 certificates of completion;

1050 (b) The student has not met the relevant attendance
1051 requirements of the school district pursuant to State Board of
1052 Education rules, or the student was expected to attend a school
1053 but did not enter as expected for unknown reasons, or the
1054 student's whereabouts are unknown;

1055 (c) The student has withdrawn from school, but has not
1056 transferred to another public or private school or enrolled in
1057 any career, adult, home education, or alternative educational
1058 program;

1059 (d) The student has withdrawn from school due to hardship,
1060 unless such withdrawal has been granted because of ~~under the~~
1061 ~~provisions of s. 322.091~~, court action, expulsion, medical
1062 reasons, or pregnancy; or

1063 (e) The student is not eligible to attend school because of
1064 reaching the maximum age for an exceptional student program in
1065 accordance with the district's policy.

1066
1067 The State Board of Education may adopt rules to implement ~~the~~
1068 ~~provisions of~~ this subsection.

1069 Section 29. The amendment made by this act to s. 316.650,
1070 Florida Statutes, shall apply upon the creation of a new
1071 inventory of uniform traffic citation forms.

1072 Section 30. This act shall take effect October 1, 2017.