

1 A bill to be entitled

2 An act relating to driver licenses; amending s.
3 61.13016, F.S.; revising notification requirements
4 with respect to the suspension of the driver license
5 of a child support obligor; requiring delinquent child
6 support obligors to provide certain documentation
7 within a specified period in order to prevent the
8 suspension of a driver license; amending s. 322.055,
9 F.S.; reducing the mandatory period of revocation or
10 suspension of, or delay in eligibility for, a driver
11 license for persons convicted of certain drug
12 offenses; requiring the court to make a determination
13 as to whether a restricted license would be
14 appropriate for persons convicted of certain drug
15 offenses; amending s. 322.058, F.S.; requiring the
16 Department of Highway Safety and Motor Vehicles to
17 reinstate the driving privilege and allow registration
18 of a motor vehicle of a child support obligor upon
19 receipt of an affidavit containing specified
20 information; amending s. 562.11, F.S.; authorizing the
21 court to direct the department to issue a restricted
22 driver license to certain persons; amending s.
23 812.0155, F.S.; deleting a provision requiring the
24 suspension of the driver license of a person
25 adjudicated guilty of certain offenses; authorizing
26 the court to direct the department to issue a

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27 restricted driver license to certain persons; amending
28 s. 832.09, F.S.; providing that the suspension of a
29 driver license of a person being prosecuted for
30 passing a worthless check is discretionary; providing
31 an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsection (1), paragraph (a) of subsection
36 (2), and subsection (3) of section 61.13016, Florida Statutes,
37 are amended to read:

38 61.13016 Suspension of driver ~~driver's~~ licenses and motor
39 vehicle registrations.—

40 (1) The driver ~~driver's~~ license and motor vehicle
41 registration of a support obligor who is delinquent in payment
42 or who has failed to comply with subpoenas or a similar order to
43 appear or show cause relating to paternity or support
44 proceedings may be suspended. When an obligor is 15 days
45 delinquent making a payment in support or failure to comply with
46 a subpoena, order to appear, order to show cause, or similar
47 order in IV-D cases, the Title IV-D agency may provide notice to
48 the obligor of the delinquency or failure to comply with a
49 subpoena, order to appear, order to show cause, or similar order
50 and the intent to suspend by regular United States mail that is
51 posted to the obligor's last address of record with the
52 Department of Highway Safety and Motor Vehicles. When an obligor

53 is 15 days delinquent in making a payment in support in non-IV-D
54 cases, and upon the request of the obligee, the depository or
55 the clerk of the court must provide notice to the obligor of the
56 delinquency and the intent to suspend by regular United States
57 mail that is posted to the obligor's last address of record with
58 the Department of Highway Safety and Motor Vehicles. In either
59 case, the notice must state:

60 (a) The terms of the order creating the support
61 obligation;

62 (b) The period of the delinquency and the total amount of
63 the delinquency as of the date of the notice or describe the
64 subpoena, order to appear, order to show cause, or other similar
65 order that ~~which~~ has not been complied with;

66 (c) That notification will be given to the Department of
67 Highway Safety and Motor Vehicles to suspend the obligor's
68 driver ~~driver's~~ license and motor vehicle registration unless,
69 within 20 days after the date that the notice is mailed, the
70 obligor:

71 1.a. Pays the delinquency in full and any other costs and
72 fees accrued between the date of the notice and the date the
73 delinquency is paid;

74 b. Enters into a written agreement for payment with the
75 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
76 cases; or in IV-D cases, complies with a subpoena or order to
77 appear, order to show cause, or a similar order; ~~or~~

78 c. Files a petition with the circuit court to contest the

- 79 delinquency action; ~~and~~
- 80 d. Demonstrates that he or she receives reemployment
- 81 assistance or unemployment compensation pursuant to chapter 443;
- 82 e. Demonstrates that he or she is disabled and incapable
- 83 of self-support or that he or she receives benefits under the
- 84 federal Supplemental Security Income or Social Security
- 85 Disability Insurance programs;
- 86 f. Demonstrates that he or she receives temporary cash
- 87 assistance pursuant to chapter 414; or
- 88 g. Demonstrates that he or she is making payments in
- 89 accordance with a confirmed bankruptcy plan under chapter 11,
- 90 chapter 12, or chapter 13 of the United States Bankruptcy Code,
- 91 11 U.S.C. ss. 101 et seq.; and
- 92 2. Pays any applicable delinquency fees.

93

94 If an ~~the~~ obligor in a non-IV-D case ~~eases~~ enters into a written

95 agreement for payment before the expiration of the 20-day

96 period, the obligor must provide a copy of the signed written

97 agreement to the depository or the clerk of the court. If an

98 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph

99 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before

100 expiration of the 20-day period, the obligor must provide the

101 applicable documentation or proof to the depository or the clerk

102 of the court.

103 (2) (a) Upon petition filed by the obligor in the circuit

104 court within 20 days after the mailing date of the notice, the

105 court may, in its discretion, direct the department to issue a
 106 license for driving privilege ~~privileges~~ restricted to business
 107 purposes only, as defined by s. 322.271, if the person is
 108 otherwise qualified for such a license. As a condition for the
 109 court to exercise its discretion under this subsection, the
 110 obligor must agree to a schedule of payment on any child support
 111 arrearages and to maintain current child support obligations. If
 112 the obligor fails to comply with the schedule of payment, the
 113 court shall direct the Department of Highway Safety and Motor
 114 Vehicles to suspend the obligor's driver ~~driver's~~ license.

115 (3) If the obligor does not, within 20 days after the
 116 mailing date on the notice, pay the delinquency; ~~enter into a~~
 117 written payment agreement; ~~comply with the subpoena, order to~~
 118 appear, order to show cause, or other similar order; ~~or file a~~
 119 motion to contest; or satisfy sub-subparagraph (1)(c)1.d., sub-
 120 subparagraph (1)(c)1.e., subparagraph (1)(c)1.f., or sub-
 121 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
 122 the depository or clerk of the court in non-IV-D cases, may
 123 ~~shall~~ file the notice with the Department of Highway Safety and
 124 Motor Vehicles and request the suspension of the obligor's
 125 driver ~~driver's~~ license and motor vehicle registration in
 126 accordance with s. 322.058.

127 Section 2. Section 322.055, Florida Statutes, is amended
 128 to read:

129 322.055 Revocation or suspension of, or delay of
 130 eligibility for, driver ~~driver's~~ license for persons 18 years of

131 age or older convicted of certain drug offenses.—

132 (1) Notwithstanding the provisions of s. 322.28, upon the
 133 conviction of a person 18 years of age or older for possession
 134 or sale of, trafficking in, or conspiracy to possess, sell, or
 135 traffic in a controlled substance, the court shall direct the
 136 department to revoke the driver ~~driver's~~ license or driving
 137 privilege of the person. The period of such revocation shall be
 138 1 year ~~2 years~~ or until the person is evaluated for and, if
 139 deemed necessary by the evaluating agency, completes a drug
 140 treatment and rehabilitation program approved or regulated by
 141 the Department of Children and Family Services. However, the
 142 court may, in its sound discretion, direct the department to
 143 issue a license for driving privilege ~~privileges~~ restricted to
 144 business or employment purposes only, as defined by s. 322.271,
 145 if the person is otherwise qualified for such a license. A
 146 driver whose license or driving privilege has been suspended or
 147 revoked under this section or s. 322.056 may, upon the
 148 expiration of 6 months, petition the department for restoration
 149 of the driving privilege on a restricted or unrestricted basis
 150 depending on length of suspension or revocation. In no case
 151 shall a restricted license be available until 6 months of the
 152 suspension or revocation period has expired.

153 (2) If a person 18 years of age or older is convicted for
 154 the possession or sale of, trafficking in, or conspiracy to
 155 possess, sell, or traffic in a controlled substance and such
 156 person is eligible by reason of age for a driver ~~driver's~~

157 license or privilege, the court shall direct the department to
158 withhold issuance of such person's driver ~~driver's~~ license or
159 driving privilege for a period of 1 year ~~2 years~~ after the date
160 the person was convicted or until the person is evaluated for
161 and, if deemed necessary by the evaluating agency, completes a
162 drug treatment and rehabilitation program approved or regulated
163 by the Department of Children and Family Services. However, the
164 court may, in its sound discretion, direct the department to
165 issue a license for driving privilege ~~privileges~~ restricted to
166 business or employment purposes only, as defined by s. 322.271,
167 if the person is otherwise qualified for such a license. A
168 driver whose license or driving privilege has been suspended or
169 revoked under this section or s. 322.056 may, upon the
170 expiration of 6 months, petition the department for restoration
171 of the driving privilege on a restricted or unrestricted basis
172 depending on the length of suspension or revocation. In no case
173 shall a restricted license be available until 6 months of the
174 suspension or revocation period has expired.

175 (3) If a person 18 years of age or older is convicted for
176 the possession or sale of, trafficking in, or conspiracy to
177 possess, sell, or traffic in a controlled substance and such
178 person's driver ~~driver's~~ license or driving privilege is already
179 under suspension or revocation for any reason, the court shall
180 direct the department to extend the period of such suspension or
181 revocation by an additional period of 1 year ~~2 years~~ or until
182 the person is evaluated for and, if deemed necessary by the

183 evaluating agency, completes a drug treatment and rehabilitation
184 program approved or regulated by the Department of Children and
185 Family Services. However, the court may, in its sound
186 discretion, direct the department to issue a license for driving
187 privilege ~~privileges~~ restricted to business or employment
188 purposes only, as defined by s. 322.271, if the person is
189 otherwise qualified for such a license. A driver whose license
190 or driving privilege has been suspended or revoked under this
191 section or s. 322.056 may, upon the expiration of 6 months,
192 petition the department for restoration of the driving privilege
193 on a restricted or unrestricted basis depending on the length of
194 suspension or revocation. In no case shall a restricted license
195 be available until 6 months of the suspension or revocation
196 period has expired.

197 (4) If a person 18 years of age or older is convicted for
198 the possession or sale of, trafficking in, or conspiracy to
199 possess, sell, or traffic in a controlled substance and such
200 person is ineligible by reason of age for a driver ~~driver's~~
201 license or driving privilege, the court shall direct the
202 department to withhold issuance of such person's driver ~~driver's~~
203 license or driving privilege for a period of 1 year ~~2 years~~
204 after the date that he or she would otherwise have become
205 eligible or until he or she becomes eligible by reason of age
206 for a driver ~~driver's~~ license and is evaluated for and, if
207 deemed necessary by the evaluating agency, completes a drug
208 treatment and rehabilitation program approved or regulated by

209 the Department of Children and Family Services. However, the
 210 court may, in its sound discretion, direct the department to
 211 issue a license for driving privilege ~~privileges~~ restricted to
 212 business or employment purposes only, as defined by s. 322.271,
 213 if the person is otherwise qualified for such a license. A
 214 driver whose license or driving privilege has been suspended or
 215 revoked under this section or s. 322.056 may, upon the
 216 expiration of 6 months, petition the department for restoration
 217 of the driving privilege on a restricted or unrestricted basis
 218 depending on the length of suspension or revocation. In no case
 219 shall a restricted license be available until 6 months of the
 220 suspension or revocation period has expired.

221 (5) A court that orders the revocation or suspension of,
 222 or delay in eligibility for, a driver license pursuant to this
 223 section shall make a specific, articulated determination as to
 224 whether the issuance of a license for driving privilege
 225 restricted to business purposes only, as defined in s. 322.271,
 226 is appropriate in each case.

227 (6) ~~(5)~~ Each clerk of court shall promptly report to the
 228 department each conviction for the possession or sale of,
 229 trafficking in, or conspiracy to possess, sell, or traffic in a
 230 controlled substance.

231 Section 3. Subsections (1) and (2) of section 322.058,
 232 Florida Statutes, are amended to read:

233 322.058 Suspension of driving privilege ~~privileges~~ due to
 234 support delinquency; reinstatement.—

235 (1) When the department receives notice from the Title IV-
 236 D agency or depository or the clerk of the court that any person
 237 licensed to operate a motor vehicle in the State of Florida
 238 under the provisions of this chapter has a delinquent support
 239 obligation or has failed to comply with a subpoena, order to
 240 appear, order to show cause, or similar order, the department
 241 shall suspend the driver ~~driver's~~ license of the person named in
 242 the notice and the registration of all motor vehicles owned by
 243 that person.

244 (2) The department must reinstate the driving privilege
 245 and allow registration of a motor vehicle when the Title IV-D
 246 agency in IV-D cases or the depository or the clerk of the court
 247 in non-IV-D cases provides to the department an affidavit
 248 stating that:

249 (a) The person has paid the delinquency;

250 (b) The person has reached a written agreement for payment
 251 with the Title IV-D agency or the obligee in non-IV-D cases;

252 (c) A court has entered an order granting relief to the
 253 obligor ordering the reinstatement of the license and motor
 254 vehicle registration; ~~or~~

255 (d) The person has complied with the subpoena, order to
 256 appear, order to show cause, or similar order;

257 (e) The person receives reemployment assistance or
 258 unemployment compensation pursuant to chapter 443;

259 (f) The person is disabled and incapable of self-support
 260 or receives benefits under the federal Supplemental Security

261 Income or Social Security Disability Insurance programs;
 262 (g) The person receives temporary cash assistance pursuant
 263 to chapter 414; or
 264 (h) The person is making payments in accordance with a
 265 confirmed bankruptcy plan under chapter 11, chapter 12, or
 266 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 267 101 et seq.

268 Section 4. Paragraph (a) of subsection (1) of section
 269 562.11, Florida Statutes, is amended to read:

270 562.11 Selling, giving, or serving alcoholic beverages to
 271 person under age 21; providing a proper name; misrepresenting or
 272 misstating age or age of another to induce licensee to serve
 273 alcoholic beverages to person under 21; penalties.—

274 (1) (a) 1. A ~~It is unlawful for any person~~ may not ~~to~~ sell,
 275 give, serve, or permit to be served alcoholic beverages to a
 276 person under 21 years of age or ~~to~~ permit a person under 21
 277 years of age to consume such beverages on the licensed premises.
 278 A person who violates this subparagraph commits a misdemeanor of
 279 the second degree, punishable as provided in s. 775.082 or s.
 280 775.083. A person who violates this subparagraph a second or
 281 subsequent time within 1 year after a prior conviction commits a
 282 misdemeanor of the first degree, punishable as provided in s.
 283 775.082 or s. 775.083.

284 2. In addition to any other penalty imposed for a
 285 violation of subparagraph 1., the court may order the Department
 286 of Highway Safety and Motor Vehicles to withhold the issuance

287 of, or suspend or revoke, the driver ~~driver's~~ license or driving
 288 privilege, as provided in s. 322.057, of any person who violates
 289 subparagraph 1. This subparagraph does not apply to a licensee,
 290 as defined in s. 561.01, who violates subparagraph 1. while
 291 acting within the scope of his or her license or an employee or
 292 agent of a licensee, as defined in s. 561.01, who violates
 293 subparagraph 1. while engaged within the scope of his or her
 294 employment or agency.

295 3. A court that withholds the issuance of, or suspends or
 296 revokes, the driver license or driving privilege of a person
 297 pursuant to subparagraph 2., may direct the Department of
 298 Highway Safety and Motor Vehicles to issue the person a license
 299 for driving privilege restricted to business purposes only, as
 300 defined in s. 322.271, if he or she is otherwise qualified.

301 Section 5. Subsection (1) of section 812.0155, Florida
 302 Statutes, is amended, and subsection (5) is added to that
 303 section, to read:

304 812.0155 Suspension of driver ~~driver's~~ license following
 305 an adjudication of guilt for theft.—

306 (1) Except as provided in subsections (2) and (3), the
 307 court may order the suspension of the driver ~~driver's~~ license of
 308 each person adjudicated guilty of any misdemeanor violation of
 309 s. 812.014 or s. 812.015, regardless of the value of the
 310 property stolen. ~~The court shall order the suspension of the~~
 311 ~~driver's license of each person adjudicated guilty of any~~
 312 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~

313 ~~previously been convicted of such an offense.~~ Upon ordering the
 314 suspension of the driver ~~driver's~~ license of the person
 315 adjudicated guilty, the court shall forward the driver ~~driver's~~
 316 license of the person adjudicated guilty to the Department of
 317 Highway Safety and Motor Vehicles in accordance with s. 322.25.

318 (a) The first suspension of a driver ~~driver's~~ license
 319 under this subsection shall be for a period of up to 6 months.

320 (b) A second or subsequent suspension of a driver ~~driver's~~
 321 license under this subsection shall be for 1 year.

322 (5) A court that suspends the driver license of a person
 323 pursuant to subsection (1) may direct the Department of Highway
 324 Safety and Motor Vehicles to issue the person a license for
 325 driving privilege restricted to business purposes only, as
 326 defined in s. 322.271, if he or she is otherwise qualified.

327 Section 6. Section 832.09, Florida Statutes, is amended to
 328 read:

329 832.09 Suspension of driver license after warrant or
 330 capias is issued in worthless check case.—

331 (1) The court may order the suspension or revocation of
 332 the driver license of a ~~Any~~ person who is being prosecuted for
 333 passing a worthless check in violation of s. 832.05, who fails
 334 to appear before the court and against whom a warrant or capias
 335 for failure to appear is issued by the court if the person has
 336 previously been adjudicated guilty of a violation of s. 832.05
 337 ~~shall have his or her driver's license suspended or revoked~~
 338 ~~pursuant to s. 322.251.~~

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339 (2) Within 5 working days after the court orders the
340 suspension of a driver license pursuant to subsection (1)
341 ~~issuance of a warrant or capias for failure to appear~~, the clerk
342 of the court in the county where the warrant or capias is issued
343 shall notify the Department of Highway Safety and Motor Vehicles
344 by the most efficient method available of the action of the
345 court.

346 Section 7. This act shall take effect July 1, 2014.