

1 A bill to be entitled
2 An act relating to driver licenses; amending s. 27.52,
3 F.S.; requiring certain information to be included on
4 an application to the clerk of court for indigent
5 status; amending s. 28.246, F.S.; revising
6 requirements relating to the payment of court-related
7 fines or other monetary penalties, fees, charges, and
8 costs; authorizing, rather than requiring, a clerk of
9 court to pursue collection of certain fees, charges,
10 fines, costs, or liens under certain circumstances;
11 requiring a clerk of court to competitively bid a
12 contract with a collection agency or private attorney
13 under certain circumstances, subject to certain
14 requirements; prohibiting the clerk from assessing any
15 collections transfer surcharge; prohibiting the
16 collection agency or private attorney from imposing
17 certain additional fees or surcharges; amending s.
18 316.650, F.S.; requiring traffic citation forms to
19 include certain language relating to payment of a
20 penalty; amending s. 318.15, F.S.; prohibiting the
21 suspension of a person's driver license solely for
22 failure to pay a penalty if the person demonstrates to
23 the court that he or she is unable to pay such
24 penalty; requiring the person to provide documentation
25 meeting certain requirements to the appropriate clerk
26 of court in order to be considered unable to pay;

27 | amending s. 318.18, F.S.; requiring a court to inquire
 28 | regarding a person's ability to pay at the time a
 29 | certain civil penalty is ordered; amending s. 322.055,
 30 | F.S.; decreasing the period for revocation or
 31 | suspension of, or delay of eligibility for, driver
 32 | licenses or driving privileges for certain persons
 33 | convicted of certain drug offenses; amending s.
 34 | 322.056, F.S.; decreasing the period for revocation or
 35 | suspension of, or delay of eligibility for, driver
 36 | licenses or driving privileges for certain persons
 37 | found guilty of certain drug offenses; deleting
 38 | requirements relating to the revocation or suspension
 39 | of, or delay of eligibility for, driver licenses or
 40 | driving privileges for certain persons found guilty of
 41 | certain alcohol or tobacco offenses; repealing s.
 42 | 322.057, F.S., relating to discretionary revocation or
 43 | suspension of a driver license for certain persons who
 44 | provide alcohol to persons under a specified age;
 45 | amending s. 322.09, F.S.; deleting a provision
 46 | prohibiting the issuance of a driver license or
 47 | learner's driver license under certain circumstances;
 48 | repealing s. 322.091, F.S., relating to school
 49 | attendance requirements for driving privileges;
 50 | amending s. 322.245, F.S.; prohibiting the suspension
 51 | of a person's driver license solely for failure to pay
 52 | a penalty if the person demonstrates to the court that

53 he or she is unable to pay such penalty; requiring the
54 person to provide documentation meeting certain
55 requirements to the appropriate clerk of court in
56 order to be considered unable to pay; repealing s.
57 322.251(7), F.S., relating to notice of suspension or
58 revocation of driving privileges, reasons for
59 reinstatement of such driving privileges, and certain
60 electronic access to identify a person who is the
61 subject of an outstanding warrant or capias for
62 passing worthless bank checks; amending s. 322.271,
63 F.S.; providing that a person whose driver license or
64 privilege to drive has been suspended may have his or
65 her driver license or driving privilege reinstated on
66 a restricted basis under certain circumstances;
67 amending s. 322.34, F.S.; revising the underlying
68 violations resulting in driver license or driving
69 privilege cancellation, suspension, or revocation for
70 which specified penalties apply; amending s. 562.11,
71 F.S.; revising penalties for selling, giving, serving,
72 or permitting to be served alcoholic beverages to a
73 person under a specified age or permitting such person
74 to consume such beverages on licensed premises;
75 repealing s. 562.111(3), F.S., relating to withholding
76 issuance of, or suspending or revoking, a driver
77 license or driving privilege for possession of
78 alcoholic beverages by persons under a specified age;

79 | amending s. 569.11, F.S.; revising penalties for
80 | persons under a specified age who knowingly possess,
81 | misrepresent their age or military service to
82 | purchase, or purchase or attempt to purchase tobacco
83 | products; authorizing, rather than requiring, the
84 | court to direct the Department of Highway Safety and
85 | Motor Vehicles to withhold issuance of or suspend a
86 | person's driver license or driving privilege for
87 | certain violations; amending s. 790.22, F.S.; revising
88 | penalties relating to suspending, revoking, or
89 | withholding issuance of driver licenses or driving
90 | privileges for minors under a specified age who
91 | possess firearms under certain circumstances; deleting
92 | provisions relating to penalties for certain offenses
93 | involving the use or possession of a firearm by a
94 | minor under a specified age; amending s. 806.13, F.S.;
95 | deleting provisions relating to certain penalties for
96 | criminal mischief by a minor; repealing s. 812.0155,
97 | F.S., relating to suspension of a driver license
98 | following an adjudication of guilt for theft;
99 | repealing s. 832.09, F.S., relating to suspension of a
100 | driver license after warrant or capias is issued in
101 | worthless check cases; amending s. 877.112, F.S.;
102 | revising penalties for persons under a specified age
103 | who knowingly possess, misrepresent their age or
104 | military service to purchase, or purchase or attempt

105 to purchase any nicotine product or nicotine
 106 dispensing device; authorizing, rather than requiring,
 107 the court to direct the department to withhold
 108 issuance of or suspend a person's driver license or
 109 driving privilege for certain violations; amending s.
 110 938.30, F.S.; authorizing a judge to convert certain
 111 statutory financial obligations into court-ordered
 112 obligations to perform community service by reliance
 113 upon specified information under certain
 114 circumstances; amending s. 1003.27, F.S.; deleting
 115 provisions relating to procedures and penalties for
 116 nonenrollment and nonattendance cases; amending ss.
 117 318.14, 322.05, 322.27, 397.951, and 1003.01, F.S.;
 118 conforming provisions to changes made by the act;
 119 providing an effective date.

120

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

122

123 Section 1. Paragraph (a) of subsection (1) of section
 124 27.52, Florida Statutes, is amended to read:

125 27.52 Determination of indigent status.—

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

131 approval by the Supreme Court.

132 (a) The application must include, at a minimum, the
133 following financial information:

134 1. Net income, consisting of total salary and wages, minus
135 deductions required by law, including court-ordered support
136 payments.

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

143 3. Assets, including, but not limited to, cash, savings
144 accounts, bank accounts, stocks, bonds, certificates of deposit,
145 equity in real estate, and equity in a boat or a motor vehicle
146 or in other tangible property.

147 4. All liabilities and debts.

148 5. If applicable, the amount of any bail paid for the
149 applicant's release from incarceration and the source of the
150 funds.

151 6. The election or refusal of the option to fulfill any
152 court-ordered financial obligation associated with the case by
153 completing community service as ordered by the court.

154

155 The application must include a signature by the applicant which
156 attests to the truthfulness of the information provided. The

157 application form developed by the corporation must include
 158 notice that the applicant may seek court review of a clerk's
 159 determination that the applicant is not indigent, as provided in
 160 this section.

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

163 28.246 Payment of court-related fines or other monetary
 164 penalties, fees, charges, and costs; partial payments;
 165 distribution of funds.—

166 (4) The clerk of the circuit court shall accept partial
 167 payments for court-related fees, service charges, costs, and
 168 fines in accordance with the terms of an established payment
 169 plan. An individual seeking to defer payment of fees, service
 170 charges, costs, or fines imposed by operation of law or order of
 171 the court under any provision of general law shall apply to the
 172 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
 173 ~~into a payment plan with an individual who the court determines~~
 174 ~~is indigent for costs.~~ A monthly payment amount, calculated
 175 based upon all fees and all anticipated costs, may ~~is presumed~~
 176 ~~to correspond to the person's ability to pay if the amount does~~
 177 not exceed 2 percent of the applicant's ~~person's~~ annual net
 178 income, as defined in s. 27.52(1), divided by 12, without the
 179 consent of the applicant. The court may review the
 180 reasonableness of the payment plan.

181 (6) A clerk of court may ~~shall~~ pursue the collection of
 182 any fees, service charges, fines, court costs, and liens for the

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

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

205 (b) The clerk may not assess any collections transfer
 206 surcharge.

207 (c) The collection agency or private attorney may not
 208 impose any additional fees or surcharges other than the agency's

209 or attorney's contractually agreed upon surcharge.

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

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

219 316.650 Traffic citations.—

220 (1)

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

228 (d) ~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
 229 traffic enforcement agency may produce uniform traffic citations
 230 by electronic means. Such citations must be consistent with the
 231 state traffic court rules and the procedures established by the
 232 department and must be appropriately numbered and inventoried.
 233 Affidavit-of-compliance forms may also be produced by electronic
 234 means.

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

237 318.15 Failure to comply with civil penalty or to appear;
238 penalty.—

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

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

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

250 (c) The person receives temporary cash assistance pursuant
251 to chapter 414;

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

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

260 (f) The person has been determined to be indigent after

261 filing an application with the clerk in accordance with s. 27.52
 262 or s. 57.082.

263 Section 5. Paragraph (b) of subsection (8) of section
 264 318.18, Florida Statutes, is amended to read:

265 318.18 Amount of penalties.—The penalties required for a
 266 noncriminal disposition pursuant to s. 318.14 or a criminal
 267 offense listed in s. 318.17 are as follows:

268 (8)

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

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

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

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

287 provision.

288 b. However, if a person ordered to perform community
289 service has a trade or profession for which there is a community
290 service need, the specified hourly credit rate for each hour of
291 community service performed by that person shall be the average
292 prevailing wage rate for the trade or profession that the
293 community service agency needs.

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

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

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

307 a. "Community service" means uncompensated labor for a
308 community service agency.

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

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

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

318 322.055 Revocation or suspension of, or delay of
319 eligibility for, driver license for persons 18 years of age or
320 older convicted of certain drug offenses.—

321 (1) Notwithstanding s. 322.28, upon the conviction of a
322 person 18 years of age or older for possession or sale of,
323 trafficking in, or conspiracy to possess, sell, or traffic in a
324 controlled substance, the court shall direct the department to
325 revoke the driver license or driving privilege of the person.
326 The period of such revocation shall be 6 months ~~1 year~~ or until
327 the person is evaluated for and, if deemed necessary by the
328 evaluating agency, completes a drug treatment and rehabilitation
329 program approved or regulated by the Department of Children and
330 Families. However, the court may, in its sound discretion,
331 direct the department to issue a license for driving privilege
332 restricted to business or employment purposes only, as defined
333 by s. 322.271, if the person is otherwise qualified for such a
334 license. A driver whose license or driving privilege has been
335 suspended or revoked under this section or s. 322.056 may, upon
336 the expiration of 6 months, petition the department for
337 restoration of the driving privilege on a restricted or
338 unrestricted basis depending on length of suspension or

339 | revocation. In no case shall a restricted license be available
340 | until 6 months of the suspension or revocation period has
341 | expired.

342 | (2) If a person 18 years of age or older is convicted for
343 | the possession or sale of, trafficking in, or conspiracy to
344 | possess, sell, or traffic in a controlled substance and such
345 | person is eligible by reason of age for a driver license or
346 | privilege, the court shall direct the department to withhold
347 | issuance of such person's driver license or driving privilege
348 | for a period of 6 months ~~1 year~~ after the date the person was
349 | convicted or until the person is evaluated for and, if deemed
350 | necessary by the evaluating agency, completes a drug treatment
351 | and rehabilitation program approved or regulated by the
352 | Department of Children and Families. However, the court may, in
353 | its sound discretion, direct the department to issue a license
354 | for driving privilege restricted to business or employment
355 | purposes only, as defined by s. 322.271, if the person is
356 | otherwise qualified for such a license. A driver whose license
357 | or driving privilege has been suspended or revoked under this
358 | section or s. 322.056 may, upon the expiration of 6 months,
359 | petition the department for restoration of the driving privilege
360 | on a restricted or unrestricted basis depending on the length of
361 | suspension or revocation. In no case shall a restricted license
362 | be available until 6 months of the suspension or revocation
363 | period has expired.

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

365 the possession or sale of, trafficking in, or conspiracy to
366 possess, sell, or traffic in a controlled substance and such
367 person's driver license or driving privilege is already under
368 suspension or revocation for any reason, the court shall direct
369 the department to extend the period of such suspension or
370 revocation by an additional period of 6 months ~~1 year~~ or until
371 the person is evaluated for and, if deemed necessary by the
372 evaluating agency, completes a drug treatment and rehabilitation
373 program approved or regulated by the Department of Children and
374 Families. However, the court may, in its sound discretion,
375 direct the department to issue a license for driving privilege
376 restricted to business or employment purposes only, as defined
377 by s. 322.271, if the person is otherwise qualified for such a
378 license. A driver whose license or driving privilege has been
379 suspended or revoked under this section or s. 322.056 may, upon
380 the expiration of 6 months, petition the department for
381 restoration of the driving privilege on a restricted or
382 unrestricted basis depending on the length of suspension or
383 revocation. In no case shall a restricted license be available
384 until 6 months of the suspension or revocation period has
385 expired.

386 (4) If a person 18 years of age or older is convicted for
387 the possession or sale of, trafficking in, or conspiracy to
388 possess, sell, or traffic in a controlled substance and such
389 person is ineligible by reason of age for a driver license or
390 driving privilege, the court shall direct the department to

391 withhold issuance of such person's driver license or driving
392 privilege for a period of 6 months ~~1-year~~ after the date that he
393 or she would otherwise have become eligible or until he or she
394 becomes eligible by reason of age for a driver license and is
395 evaluated for and, if deemed necessary by the evaluating agency,
396 completes a drug treatment and rehabilitation program approved
397 or regulated by the Department of Children and Families.
398 However, the court may, in its sound discretion, direct the
399 department to issue a license for driving privilege restricted
400 to business or employment purposes only, as defined by s.
401 322.271, if the person is otherwise qualified for such a
402 license. A driver whose license or driving privilege has been
403 suspended or revoked under this section or s. 322.056 may, upon
404 the expiration of 6 months, petition the department for
405 restoration of the driving privilege on a restricted or
406 unrestricted basis depending on the length of suspension or
407 revocation. In no case shall a restricted license be available
408 until 6 months of the suspension or revocation period has
409 expired.

410 Section 7. Section 322.056, Florida Statutes, is amended
411 to read:

412 322.056 Mandatory revocation or suspension of, or delay of
413 eligibility for, driver license for persons under age 18 found
414 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
415 prohibition.-

416 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a

417 person under 18 years of age is found guilty of or delinquent
 418 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,
 419 and:

420 (a) The person is eligible by reason of age for a driver
 421 license or driving privilege, the court shall direct the
 422 department to revoke or to withhold issuance of his or her
 423 driver license or driving privilege for a period of 6 months÷

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

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

427 (b) The person's driver license or driving privilege is
 428 under suspension or revocation for any reason, the court shall
 429 direct the department to extend the period of suspension or
 430 revocation by an additional period of 6 months÷

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

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

434 (c) The person is ineligible by reason of age for a driver
 435 license or driving privilege, the court shall direct the
 436 department to withhold issuance of his or her driver license or
 437 driving privilege for a period of÷

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

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

443
444 ~~However, the court may, in its sound discretion, direct the~~
445 ~~department to issue a license for driving privileges restricted~~
446 ~~to business or employment purposes only, as defined in s.~~
447 ~~322.271, if the person is otherwise qualified for such a~~
448 ~~license.~~

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

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

- 460 ~~1. For the first violation, for 30 days.~~
461 ~~2. For the second violation within 12 weeks of the first~~
462 ~~violation, for 45 days.~~

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

- 467 ~~1. For the first violation, for 30 days.~~
468 ~~2. For the second violation within 12 weeks of the first~~

469 ~~violation, for 45 days.~~

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

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

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

477
478 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
479 ~~within the 12-week period after the first violation will be~~
480 ~~treated as a first violation and in the same manner as provided~~
481 ~~in this subsection.~~

482 ~~(3) If a person under 18 years of age is found by the~~
483 ~~court to have committed a third violation of s. 569.11 or s.~~
484 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
485 ~~court must direct the Department of Highway Safety and Motor~~
486 ~~Vehicles to suspend or withhold issuance of his or her driver~~
487 ~~license or driving privilege for 60 consecutive days. Any third~~
488 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
489 ~~12-week period after the first violation will be treated as a~~
490 ~~first violation and in the same manner as provided in subsection~~
491 ~~(2).~~

492 (2)(4) A penalty imposed under this section shall be in
493 addition to any other penalty imposed by law.

494 ~~(5) The suspension or revocation of a person's driver~~

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

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

501 Section 9. Subsection (3) of section 322.09, Florida
 502 Statutes, is amended to read:

503 322.09 Application of minors; responsibility for
 504 negligence or misconduct of minor.—

505 ~~(3) The department may not issue a driver license or~~
 506 ~~learner's driver license to any applicant under the age of 18~~
 507 ~~years who is not in compliance with the requirements of s.~~
 508 ~~322.091.~~

509 Section 10. Section 322.091, Florida Statutes, is
 510 repealed.

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

513 322.245 Suspension of license upon failure of person
 514 charged with specified offense under chapter 316, chapter 320,
 515 or this chapter to comply with directives ordered by traffic
 516 court or upon failure to pay child support in non-IV-D cases as
 517 provided in chapter 61 or failure to pay any financial
 518 obligation in any other criminal case.—

519 (6) Notwithstanding any other law, a person's driver
 520 license may not be suspended solely for failure to pay a penalty

521 or court obligation if the person demonstrates to the court that
522 he or she is unable to pay the penalty or court obligation. A
523 person is considered unable to pay if the person provides
524 documentation to the appropriate clerk of court evidencing that:

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

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

530 (c) The person receives temporary cash assistance pursuant
531 to chapter 414;

532 (d) The person is making payments in accordance with a
533 confirmed bankruptcy plan under chapter 11, chapter 12, or
534 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
535 101 et seq.;

536 (e) The person has been placed on a payment plan or
537 payment plans with the clerk of court which in total exceed what
538 is determined to be a reasonable payment plan pursuant to s.
539 28.246(4); or

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

543 Section 12. Subsection (7) of section 322.251, Florida
544 Statutes, is repealed.

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

547 322.271 Authority to modify revocation, cancellation, or
 548 suspension order.—

549 (8) A person whose driver license or driving privilege is
 550 suspended under s. 318.15 or s. 322.245 may have his or her
 551 driver license or driving privilege reinstated on a restricted
 552 basis by the department in accordance with this section.

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

555 322.34 Driving while license suspended, revoked, canceled,
 556 or disqualified.—

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

562 1. Failing to pay child support as provided in s. 322.245
 563 or s. 61.13016;

564 2. Failing to pay any other financial obligation as
 565 provided in s. 322.245 ~~other than those specified in s.~~
 566 ~~322.245(1);~~

567 3. Failing to comply with a civil penalty required in s.
 568 318.15;

569 4. Failing to maintain vehicular financial responsibility
 570 as required by chapter 324;

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

573 ~~5.6.~~ Having been designated a habitual traffic offender
574 under s. 322.264(1)(d) as a result of suspensions of his or her
575 driver license or driving ~~driver~~ privilege for any underlying
576 violation listed in subparagraphs 1.-4. ~~1.-5.~~

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

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

588 Section 15. Paragraph (a) of subsection (1) of section
589 562.11, Florida Statutes, is amended to read:

590 562.11 Selling, giving, or serving alcoholic beverages to
591 person under age 21; providing a proper name; misrepresenting or
592 misstating age or age of another to induce licensee to serve
593 alcoholic beverages to person under 21; penalties.—

594 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
595 be served alcoholic beverages to a person under 21 years of age
596 or permit a person under 21 years of age to consume such
597 beverages on the licensed premises. A person who violates this
598 paragraph ~~subparagraph~~ commits a misdemeanor of the second

599 degree, punishable as provided in s. 775.082 or s. 775.083. A
600 person who violates this paragraph ~~subparagraph~~ a second or
601 subsequent time within 1 year after a prior conviction commits a
602 misdemeanor of the first degree, punishable as provided in s.
603 775.082 or s. 775.083.

604 ~~2. In addition to any other penalty imposed for a~~
605 ~~violation of subparagraph 1., the court may order the Department~~
606 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
607 ~~of, or suspend or revoke, the driver license or driving~~
608 ~~privilege, as provided in s. 322.057, of any person who violates~~
609 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
610 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
611 ~~acting within the scope of his or her license or an employee or~~
612 ~~agent of a licensee, as defined in s. 561.01, who violates~~
613 ~~subparagraph 1. while engaged within the scope of his or her~~
614 ~~employment or agency.~~

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

621 Section 16. Subsection (3) of section 562.111, Florida
622 Statutes, is repealed.

623 Section 17. Subsections (1), (2), and (5) of section
624 569.11, Florida Statutes, are amended to read:

625 569.11 Possession, misrepresenting age or military service
626 to purchase, and purchase of tobacco products by persons under
627 18 years of age prohibited; penalties; jurisdiction; disposition
628 of fines.—

629 (1) A ~~It is unlawful for any~~ person under 18 years of age
630 may not ~~to~~ knowingly possess any tobacco product. A ~~Any~~ person
631 under 18 years of age who violates ~~the provisions of~~ this
632 subsection commits a noncriminal violation as provided in s.
633 775.08(3), punishable by:

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

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

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

645
646 Any second or subsequent violation not within the 12-week time
647 period after the first violation is punishable as provided for a
648 first violation.

649 (2) A ~~It is unlawful for any~~ person under 18 years of age
650 may not ~~to~~ misrepresent his or her age or military service for

651 the purpose of inducing a dealer or an agent or employee of the
652 dealer to sell, give, barter, furnish, or deliver any tobacco
653 product, or ~~to~~ purchase, or attempt to purchase, any tobacco
654 product from a person or a vending machine. A ~~Any~~ person under
655 18 years of age who violates ~~a provision of~~ this subsection
656 commits a noncriminal violation as provided in s. 775.08(3),
657 punishable by:

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

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

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

669
670 Any second or subsequent violation not within the 12-week time
671 period after the first violation is punishable as provided for a
672 first violation.

673 (5) (a) If a person under 18 years of age is found by the
674 court to have committed a noncriminal violation under this
675 section and that person has failed to complete community
676 service, pay the fine as required by paragraph (1) (a) or

677 paragraph (2) (a), or attend a school-approved anti-tobacco
 678 program, if locally available, the court may ~~must~~ direct the
 679 Department of Highway Safety and Motor Vehicles to withhold
 680 issuance of or suspend the driver license or driving privilege
 681 of that person for a period of 30 consecutive days.

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

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

691 790.22 Use of BB guns, air or gas-operated guns, or
 692 electric weapons or devices by minor under 16; limitation;
 693 possession of firearms by minor under 18 prohibited; penalties.-

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

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

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

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

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

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

721 ~~1. If the minor is eligible by reason of age for a driver~~
722 ~~license or driving privilege, the court shall direct the~~
723 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
724 ~~withhold issuance of the minor's driver license or driving~~
725 ~~privilege for up to 2 years.~~

726 ~~2. If the minor's driver license or driving privilege is~~
727 ~~under suspension or revocation for any reason, the court shall~~
728 ~~direct the Department of Highway Safety and Motor Vehicles to~~

729 ~~extend the period of suspension or revocation by an additional~~
 730 ~~period of up to 2 years.~~

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

737
 738 For the purposes of this subsection, community service shall be
 739 performed, if possible, in a manner involving a hospital
 740 emergency room or other medical environment that deals on a
 741 regular basis with trauma patients and gunshot wounds.

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

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

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

752 ~~2. If the minor's driver license or driving privilege is~~
 753 ~~under suspension or revocation for any reason, the court shall~~
 754 ~~direct the Department of Highway Safety and Motor Vehicles to~~

755 ~~extend the period of suspension or revocation by an additional~~
756 ~~period for up to 1 year.~~

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

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

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 for up to 2 years.~~

774 ~~3. If the minor is ineligible by reason of age for a~~
775 ~~driver 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 Section 19. Subsections (7) and (8) of section 806.13,

781 Florida Statutes, are amended to read:

782 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

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

807 ~~hour of community service performed. In addition, if the court~~
 808 ~~determines that due to a family hardship, the minor's driver~~
 809 ~~license or driving privilege is necessary for employment or~~
 810 ~~medical purposes of the minor or a member of the minor's family,~~
 811 ~~the court shall order the minor to perform community service and~~
 812 ~~reduce the period of revocation, suspension, or withholding at~~
 813 ~~the rate of 1 day for each hour of community service performed.~~
 814 ~~As used in this subsection, the term "community service" means~~
 815 ~~cleaning graffiti from public property.~~

816 Section 20. Section 812.0155, Florida Statutes, is
 817 repealed.

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

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

822 877.112 Nicotine products and nicotine dispensing devices;
 823 prohibitions for minors; penalties; civil fines; signage
 824 requirements; preemption.—

825 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 826 NICOTINE DISPENSING DEVICES BY MINORS.—A ~~It is unlawful for any~~
 827 ~~person under 18 years of age~~ may not ~~to~~ knowingly possess any
 828 nicotine product or ~~a~~ nicotine dispensing device. A ~~Any~~ person
 829 under 18 years of age who violates this subsection commits a
 830 noncriminal violation as defined in s. 775.08(3), punishable by:

831 (a) For a first violation, 16 hours of community service
 832 or, instead of community service, a \$25 fine. In addition, the

833 person must attend a school-approved anti-tobacco and nicotine
834 program, if locally available; or

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

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

842

843 Any second or subsequent violation not within the 12-week time
844 period after the first violation is punishable as provided for a
845 first violation.

846 (7) PROHIBITION ON MISREPRESENTING AGE. ~~A~~ It is unlawful
847 ~~for any~~ person under 18 years of age may not ~~to~~ misrepresent his
848 or her age or military service for the purpose of inducing a
849 retailer of nicotine products or nicotine dispensing devices or
850 an agent or employee of such retailer to sell, give, barter,
851 furnish, or deliver any nicotine product or nicotine dispensing
852 device, or ~~to~~ purchase, or attempt to purchase, any nicotine
853 product or nicotine dispensing device from a person or a vending
854 machine. A ~~Any~~ person under 18 years of age who violates this
855 subsection commits a noncriminal violation as defined in s.
856 775.08(3), punishable by:

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

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

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

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

868

869 Any second or subsequent violation not within the 12-week time
870 period after the first violation is punishable as provided for a
871 first violation.

872 (8) PENALTIES FOR MINORS.—

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

882 (d) If a person under 18 years of age is found by the
883 court to have committed a noncriminal violation under this
884 section and that person has failed to pay the applicable fine as

885 required by paragraph (6) (b) or paragraph (7) (b), the court may
 886 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 887 to withhold issuance of or suspend the driver license or driving
 888 privilege of that person for 45 consecutive days.

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

891 938.30 Financial obligations in criminal cases;
 892 supplementary proceedings.—

893 (2) The court may require a person liable for payment of
 894 an obligation to appear and be examined under oath concerning
 895 the person's financial ability to pay the obligation. The judge
 896 may convert the statutory financial obligation into a court-
 897 ordered obligation to perform community service, subject to ~~the~~
 898 ~~provisions of s. 318.18(8)~~, after examining a person under oath
 899 and determining the person's inability to pay, or by reliance
 900 upon information provided under s. 27.52(1)(a)6. ~~A~~ Any person
 901 who fails to attend a hearing may be arrested on warrant or
 902 capias issued by the clerk upon order of the court.

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

905 1003.27 Court procedure and penalties.—The court procedure
 906 and penalties for the enforcement of the provisions of this
 907 part, relating to compulsory school attendance, shall be as
 908 follows:

909 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

910 ~~(a)~~ In each case of nonenrollment or of nonattendance upon

911 the part of a student who is required to attend some school,
912 when no valid reason for such nonenrollment or nonattendance is
913 found, the district school superintendent shall institute a
914 criminal prosecution against the student's parent.

915 ~~(b) Each public school principal or the principal's~~
916 ~~designee shall notify the district school board of each minor~~
917 ~~student under its jurisdiction who accumulates 15 unexcused~~
918 ~~absences in a period of 90 calendar days. Each designee of the~~
919 ~~governing body of each private school, and each parent whose~~
920 ~~child is enrolled in a home education program, may provide the~~
921 ~~Department of Highway Safety and Motor Vehicles with the legal~~
922 ~~name, sex, date of birth, and social security number of each~~
923 ~~minor student under his or her jurisdiction who fails to satisfy~~
924 ~~relevant attendance requirements and who fails to otherwise~~
925 ~~satisfy the requirements of s. 322.091. The district school~~
926 ~~superintendent must provide the Department of Highway Safety and~~
927 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
928 ~~security number of each minor student who has been reported~~
929 ~~under this paragraph and who fails to otherwise satisfy the~~
930 ~~requirements of s. 322.091. The Department of Highway Safety and~~
931 ~~Motor Vehicles may not issue a driver license or learner's~~
932 ~~driver license to, and shall suspend any previously issued~~
933 ~~driver license or learner's driver license of, any such minor~~
934 ~~student, pursuant to the provisions of s. 322.091.~~

935 Section 25. Paragraph (a) of subsection (10) of section
936 318.14, Florida Statutes, is amended to read:

937 318.14 Noncriminal traffic infractions; exception;
 938 procedures.—

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

952 1. Operating a motor vehicle without a valid driver
 953 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 954 or operating a motor vehicle with a license that has been
 955 suspended for failure to appear, failure to pay civil penalty,
 956 or failure to attend a driver improvement course pursuant to s.
 957 322.291.

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

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

961 4. Operating a motor vehicle with a license that has been
 962 suspended under s. 61.13016 or s. 322.245 for failure to pay

963 child support or for failure to pay any other financial
964 obligation as provided in s. 322.245; however, this subparagraph
965 does not apply if the license has been suspended pursuant to s.
966 322.245(1).

967 ~~5. Operating a motor vehicle with a license that has been~~
968 ~~suspended under s. 322.091 for failure to meet school attendance~~
969 ~~requirements.~~

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

972 322.05 Persons not to be licensed.—The department may not
973 issue a license:

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

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

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

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

988 (c) License that was issued in another state or in a

989 foreign jurisdiction and that would not be subject to suspension
 990 or revocation under the laws of this state.

991 Section 27. Paragraph (b) of subsection (5) of section
 992 322.27, Florida Statutes, is amended to read:

993 322.27 Authority of department to suspend or revoke driver
 994 license or identification card.—

995 (5)

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

1000 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall
 1001 submit an amended disposition to remove the habitual traffic
 1002 offender designation.

1003 Section 28. Paragraph (i) of subsection (2) of section
 1004 397.951, Florida Statutes, is amended to read:

1005 397.951 Treatment and sanctions.—The Legislature
 1006 recognizes that the integration of treatment and sanctions
 1007 greatly increases the effectiveness of substance abuse
 1008 treatment. It is the responsibility of the department and the
 1009 substance abuse treatment provider to employ the full measure of
 1010 sanctions available to require participation and completion of
 1011 treatment to ensure successful outcomes for children in
 1012 substance abuse treatment.

1013 (2) The department shall ensure that substance abuse
 1014 treatment providers employ any and all appropriate available

1015 sanctions necessary to engage, motivate, and maintain a child in
 1016 treatment, including, but not limited to, provisions in law
 1017 that:

1018 (i) Provide that, pursuant to s. 322.056, for any person
 1019 under 18 years of age who is found guilty of or delinquent for a
 1020 violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and is
 1021 eligible by reason of age for a driver license or driving
 1022 privilege, the court shall direct the Department of Highway
 1023 Safety and Motor Vehicles to revoke or to withhold issuance of
 1024 his or her driver license or driving privilege for a period of 6
 1025 months.

1026 ~~1. Not less than 6 months and not more than 1 year for the~~
 1027 ~~first violation.~~

1028 ~~2. Two years, for a subsequent violation.~~

1029 Section 29. Subsection (9) of section 1003.01, Florida
 1030 Statutes, is amended to read:

1031 1003.01 Definitions.—As used in this chapter, the term:

1032 (9) "Dropout" means a student who meets any one or more of
 1033 the following criteria:

1034 (a) The student has voluntarily removed himself or herself
 1035 from the school system before graduation for reasons that
 1036 include, but are not limited to, marriage, or the student has
 1037 withdrawn from school because he or she has failed the statewide
 1038 student assessment test and thereby does not receive any of the
 1039 certificates of completion;

1040 (b) The student has not met the relevant attendance

1041 requirements of the school district pursuant to State Board of
1042 Education rules, or the student was expected to attend a school
1043 but did not enter as expected for unknown reasons, or the
1044 student's whereabouts are unknown;

1045 (c) The student has withdrawn from school, but has not
1046 transferred to another public or private school or enrolled in
1047 any career, adult, home education, or alternative educational
1048 program;

1049 (d) The student has withdrawn from school due to hardship,
1050 ~~unless such withdrawal has been granted under the provisions of~~
1051 ~~s. 322.091,~~ court action, expulsion, medical reasons, or
1052 pregnancy; or

1053 (e) The student is not eligible to attend school because
1054 of reaching the maximum age for an exceptional student program
1055 in accordance with the district's policy.

1056
1057 The State Board of Education may adopt rules to implement ~~the~~
1058 ~~provisions of~~ this subsection.

1059 Section 30. This act shall take effect July 1, 2016.