

By Senator Brandes

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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.; requiring a certain application to
4 provide the applicant with the option to fulfill any
5 court-ordered financial obligation associated with a
6 case by enrolling in a payment plan or by completing
7 community service if ordered by the court; requiring a
8 clerk of the court to compare the information provided
9 in the application to any readily ascertainable or
10 publicly available information under certain
11 circumstances; authorizing the clerk to refer any
12 application believed to be fraudulent to the court for
13 review; amending s. 28.246, F.S.; revising
14 requirements relating to the payment of court-related
15 fines or other monetary penalties, fees, charges, and
16 costs; requiring a clerk of the circuit court to
17 solicit competitive bids from private attorneys or
18 collection agents for collection services, subject to
19 certain requirements; prohibiting the clerk from
20 assessing a certain surcharge; prohibiting the private
21 attorney or collection agent from imposing certain
22 additional fees or surcharges; amending s. 57.082,
23 F.S.; authorizing the clerk to refer any application
24 believed to be fraudulent to the court for review;
25 amending s. 316.650, F.S.; requiring traffic citation
26 forms to include certain language relating to payment
27 of a penalty; amending s. 318.15, F.S.; prohibiting
28 the suspension of a person's driver license solely for
29 failure to pay certain financial obligations if the

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30 person requests a hearing and demonstrates specified
31 circumstances to the court, after notice of a penalty
32 and before the suspension takes place; requiring a
33 person who meets specified criteria to provide the
34 clerk with updated documentation at specified
35 intervals; requiring the person to begin paying
36 certain outstanding financial obligations under
37 certain circumstances; requiring the clerk to notify
38 the Department of Highway Safety and Motor Vehicles of
39 the person's failure to pay within a specified time
40 under certain circumstances; requiring the department
41 to immediately issue an order suspending the driver
42 license and privilege to drive of the person upon
43 receipt of such notice, effective after a specified
44 time; amending s. 318.18, F.S.; requiring a court to
45 inquire at the time a certain civil penalty is ordered
46 whether the person is able to pay it; amending s.
47 322.055, F.S.; decreasing the period for revocation or
48 suspension of, or delay of eligibility for, driver
49 licenses or driving privileges for certain persons
50 convicted of certain drug offenses; deleting
51 provisions authorizing a driver to petition the
52 department for restoration of his or her driving
53 privilege; amending s. 322.056, F.S.; decreasing the
54 period for revocation or suspension of, or delay of
55 eligibility for, driver licenses or driving privileges
56 for certain persons found guilty of certain drug
57 offenses; deleting a provision authorizing a court to
58 direct the department to issue a license for certain

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59 restricted driving privileges under certain
60 circumstances; deleting requirements relating to the
61 revocation or suspension of, or delay of eligibility
62 for, driver licenses or driving privileges for certain
63 persons found guilty of certain alcohol or tobacco
64 offenses; repealing s. 322.057, F.S., relating to
65 discretionary revocation or suspension of a driver
66 license for certain persons who provide alcohol to
67 persons under a specified age; amending s. 322.09,
68 F.S.; deleting a provision prohibiting the issuance of
69 a driver license or learner's driver license under
70 certain circumstances; repealing s. 322.091, F.S.,
71 relating to attendance requirements for driving
72 privileges; amending s. 322.245, F.S.; prohibiting the
73 suspension of a person's driver license solely for
74 failure to pay certain financial obligations if the
75 person requests a hearing and demonstrates specified
76 circumstances to the court, after notice of a penalty
77 and before the suspension takes place; providing an
78 exception; requiring a person who meets specified
79 criteria to provide the clerk with updated
80 documentation every specified number of days;
81 requiring the person to begin paying certain
82 outstanding financial obligations under certain
83 circumstances; requiring the clerk to notify the
84 department of the person's failure to pay within a
85 specified time under certain circumstances; requiring
86 the department to immediately issue an order
87 suspending the driver license and privilege to drive

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88 of the person upon receipt of such notice, effective
89 after a specified time; repealing s. 322.251(7), F.S.,
90 relating to notice of suspension or revocation of
91 driving privileges, reasons for reinstatement of such
92 driving privileges, and certain electronic access to
93 identify a person who is the subject of an outstanding
94 warrant or capias for passing worthless bank checks;
95 amending s. 322.271, F.S.; providing that a person
96 whose driver license or privilege to drive has been
97 suspended may have his or her driver license or
98 driving privilege reinstated on a restricted basis
99 under certain circumstances; providing the period of
100 validity of such restricted license; amending s.
101 322.34, F.S.; revising the underlying violations
102 resulting in driver license or driving privilege
103 cancellation, suspension, or revocation for which
104 specified penalties apply; amending s. 562.11, F.S.;
105 revising penalties for selling, giving, serving, or
106 permitting to be served alcoholic beverages to a
107 person under a specified age or permitting such person
108 to consume such beverages on licensed premises;
109 revising penalties for misrepresenting or misstating
110 age or age of another to induce a licensee to serve
111 alcoholic beverages to a person under a specified age;
112 conforming provisions to changes made by the act;
113 repealing s. 562.111(3), F.S., relating to withholding
114 issuance of, or suspending or revoking, a driver
115 license or driving privilege for possession of
116 alcoholic beverages by persons under a specified age;

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117 amending s. 569.11, F.S.; revising penalties for
118 persons under a specified age who knowingly possess,
119 misrepresent their age or military service to
120 purchase, or purchase or attempt to purchase tobacco
121 products; authorizing, rather than requiring, the
122 court to direct the department to withhold issuance of
123 or suspend a person's driver license or driving
124 privilege for certain violations; amending s. 790.22,
125 F.S.; revising penalties relating to suspending,
126 revoking, or withholding issuance of driver licenses
127 or driving privileges for minors under a specified age
128 who possess firearms under certain circumstances;
129 deleting provisions relating to penalties for certain
130 offenses involving the use or possession of a firearm
131 by a minor under a specified age; amending s. 806.13,
132 F.S.; deleting provisions relating to certain
133 penalties for criminal mischief by a minor; repealing
134 s. 812.0155, F.S., relating to suspension of a driver
135 license following an adjudication of guilt for theft;
136 repealing s. 832.09, F.S., relating to suspension of a
137 driver license after warrant or capias is issued in
138 worthless check cases; amending s. 847.0141, F.S.;
139 deleting a provision authorizing a court, upon a
140 certain finding of contempt, to issue an order to the
141 department to withhold issuance of or suspend the
142 driver license or driving privilege of a minor for a
143 specified time; amending s. 877.112, F.S.; revising
144 penalties for persons under a specified age who
145 knowingly possess, misrepresent their age or military

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146 service to purchase, or purchase or attempt to
147 purchase any nicotine product or nicotine dispensing
148 device; authorizing, rather than requiring, the court
149 to direct the department to withhold issuance of or
150 suspend a person's driver license or driving privilege
151 for certain violations; amending s. 938.30, F.S.;
152 authorizing a judge to convert certain statutory
153 financial obligations into court-ordered obligations
154 to perform community service by reliance upon
155 specified information under certain circumstances;
156 amending s. 1003.27, F.S.; deleting provisions
157 relating to procedures and penalties for nonenrollment
158 and nonattendance cases; amending ss. 318.14, 322.05,
159 322.27, and 1003.01, F.S.; conforming provisions to
160 changes made by the act; providing applicability of
161 certain changes made by the act; requiring the
162 department to notify the Division of Law Revision and
163 Information upon the adoption of certain uniform
164 traffic citation forms; providing effective dates.

165
166 Be It Enacted by the Legislature of the State of Florida:

167
168 Section 1. Paragraph (a) of subsection (1), paragraph (d)
169 of subsection (2), paragraph (a) of subsection (4), and
170 paragraph (a) of subsection (7) of section 27.52, Florida
171 Statutes, are amended to read:

172 27.52 Determination of indigent status.—

173 (1) APPLICATION TO THE CLERK.—A person seeking appointment
174 of a public defender under s. 27.51 based upon an inability to

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175 pay must apply to the clerk of the court for a determination of
176 indigent status using an application form developed by the
177 Florida Clerks of Court Operations Corporation with final
178 approval by the Supreme Court.

179 (a) The application must include, at a minimum, the
180 following financial information:

181 1. Net income, consisting of total salary and wages, minus
182 deductions required by law, including court-ordered support
183 payments.

184 2. Other income, including, but not limited to, social
185 security benefits, union funds, veterans' benefits, workers'
186 compensation, other regular support from absent family members,
187 public or private employee pensions, reemployment assistance or
188 unemployment compensation, dividends, interest, rent, trusts,
189 and gifts.

190 3. Assets, including, but not limited to, cash, savings
191 accounts, bank accounts, stocks, bonds, certificates of deposit,
192 equity in real estate, and equity in a boat or a motor vehicle
193 or in other tangible property.

194 4. All liabilities and debts.

195 5. If applicable, the amount of any bail paid for the
196 applicant's release from incarceration and the source of the
197 funds.

198

199 The application must provide the applicant with the option to
200 fulfill any court-ordered financial obligation associated with a
201 case by enrolling in a payment plan or by completing community
202 service if ordered by the court. The application must include a
203 signature by the applicant which attests to the truthfulness of

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204 the information provided. The application form developed by the
205 corporation must include notice that the applicant may seek
206 court review of a clerk's determination that the applicant is
207 not indigent, as provided in this section.

208 (2) DETERMINATION BY THE CLERK.—The clerk of the court
209 shall determine whether an applicant seeking appointment of a
210 public defender is indigent based upon the information provided
211 in the application and the criteria prescribed in this
212 subsection.

213 (d) The duty of the clerk in determining whether an
214 applicant is indigent shall be limited to receiving the
215 application and comparing the information provided in the
216 application to the criteria prescribed in this subsection and to
217 any readily ascertainable or publicly available information. The
218 determination of indigent status is a ministerial act of the
219 clerk and not a decision based on further investigation or the
220 exercise of independent judgment by the clerk. The clerk may
221 contract with third parties to perform functions assigned to the
222 clerk under this section.

223 (4) REVIEW OF CLERK'S DETERMINATION.—

224 (a) If the clerk of the court determines that the applicant
225 is not indigent, and the applicant seeks review of the clerk's
226 determination, the court shall make a final determination of
227 indigent status by reviewing the information provided in the
228 application against the criteria prescribed in subsection (2),
229 along with any readily ascertainable or publicly available
230 information provided by the clerk, and by considering the
231 following additional factors:

232 1. Whether the applicant has been released on bail in an

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233 amount of \$5,000 or more.

234 2. Whether a bond has been posted, the type of bond, and
235 who paid the bond.

236 3. Whether paying for private counsel in an amount that
237 exceeds the limitations in s. 27.5304, or other due process
238 services creates a substantial hardship for the applicant or the
239 applicant's family.

240 4. Any other relevant financial circumstances of the
241 applicant or the applicant's family.

242 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

243 (a) The clerk may refer any application believed to be
244 fraudulent to the court for review. If the court learns of
245 discrepancies between the application or motion and the actual
246 financial status of the person found to be indigent or indigent
247 for costs, the court shall determine whether the public
248 defender, office of criminal conflict and civil regional
249 counsel, or private attorney shall continue representation or
250 whether the authorization for any other due process services
251 previously authorized shall be revoked. The person may be heard
252 regarding the information learned by the court. If the court,
253 based on the information, determines that the person is not
254 indigent or indigent for costs, the court shall order the public
255 defender, office of criminal conflict and civil regional
256 counsel, or private attorney to discontinue representation and
257 revoke the provision of any other authorized due process
258 services.

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

261 28.246 Payment of court-related fines or other monetary

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262 penalties, fees, charges, and costs; partial payments;
263 distribution of funds.—

264 (4) The clerk of the circuit court shall accept partial
265 payments for court-related fees, service charges, costs, and
266 fines in accordance with the terms of an established payment
267 plan. An individual seeking to defer payment of fees, service
268 charges, costs, or fines imposed by operation of law or order of
269 the court under any provision of general law, including an
270 individual found indigent by the clerk or the court, shall apply
271 to the clerk for enrollment in a payment plan. The clerk shall
272 accept a qualified individual's application for a payment plan
273 and accept ~~The clerk shall enter into a payment plan with an~~
274 ~~individual who the court determines is indigent for costs.~~ a
275 monthly payment amount, calculated based upon all fees and all
276 anticipated costs. The monthly payment amount may, ~~is presumed~~
277 ~~to correspond to the person's ability to pay if the amount does~~
278 not exceed 2 percent of the person's annual net income, as
279 defined in s. 27.52(1), divided by 12, or \$25 per month,
280 whichever is greater. The court may review the reasonableness of
281 the payment plan upon motion of the party and may modify the
282 plan.

283 (6) (a) A clerk of court shall pursue the collection of any
284 fees, service charges, fines, court costs, and liens for the
285 payment of attorney fees and costs pursuant to s. 938.29 which
286 remain unpaid after 90 days by referring the account to a
287 private attorney who is a member in good standing of The Florida
288 Bar or collection agent who is registered and in good standing
289 pursuant to chapter 559. In pursuing the collection of such
290 unpaid financial obligations through a private attorney or

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291 collection agent, the clerk of the court must have attempted to
292 collect the unpaid amount through a collection court,
293 collections docket, or other collections process, if any,
294 established by the court, find this to be cost-effective and
295 follow any applicable procurement practices.

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

301 (c) The clerk shall consider all pertinent criteria when
302 considering bids, including, but not limited to, performance
303 quality and customer service. The collection fee paid to the
304 private, including any reasonable attorney's fee, paid to any
305 attorney or collection agent retained by the clerk may be added
306 to the balance owed in an amount not to exceed 40 percent of the
307 amount owed at the time the account is referred to the attorney
308 or agent for collection.

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

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

314 (f) The clerk shall give the private attorney or collection
315 agent the application for the appointment of court-appointed
316 counsel regardless of whether the court file is otherwise
317 confidential from disclosure.

318 Section 3. Paragraph (a) of subsection (7) of section
319 57.082, Florida Statutes, is amended to read:

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320 57.082 Determination of civil indigent status.—

321 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

322 (a) The clerk may refer any application believed to be
 323 fraudulent to the court for review. If the court learns of
 324 discrepancies between the application and the actual financial
 325 status of the person found to be indigent, the court shall
 326 determine whether the status and any relief provided as a result
 327 of that status shall be revoked. The person may be heard
 328 regarding the information learned by the court. If the court,
 329 based on the information, determines that the person is not
 330 indigent, the court shall revoke the provision of any relief
 331 under this section.

332 Section 4. Present paragraphs (b), (c), and (d) of
 333 subsection (1) of section 316.650, Florida Statutes, are
 334 redesignated as paragraphs (c), (d), and (e), respectively, a
 335 new paragraph (b) is added to that subsection, and present
 336 paragraph (c) of that subsection is amended, to read:

337 316.650 Traffic citations.—

338 (1)

339 (b) The traffic citation form must include language
 340 indicating that a person may enter into a payment plan with the
 341 clerk of court to pay a penalty. The form must also indicate
 342 that a person ordered to pay a penalty for a noncriminal traffic
 343 infraction who is unable to comply due to demonstrable financial
 344 hardship will be allowed by the court to satisfy the payment by
 345 participating in community service pursuant to s. 318.18(8)(b).

346 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
 347 traffic enforcement agency may produce uniform traffic citations
 348 by electronic means. Such citations must be consistent with the

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349 state traffic court rules and the procedures established by the
350 department and must be appropriately numbered and inventoried.
351 Affidavit-of-compliance forms may also be produced by electronic
352 means.

353 Section 5. Subsections (4) and (5) are added to section
354 318.15, Florida Statutes, to read:

355 318.15 Failure to comply with civil penalty or to appear;
356 penalty.-

357 (4) Notwithstanding any other law, a person's driver
358 license may not be suspended solely for a failure to pay fees,
359 service charges, fines, or penalties if the person demonstrates
360 to the court, after notice of the penalty and before the
361 suspension takes place, that the person is unable to pay and
362 that the person:

363 (a) Receives reemployment assistance or unemployment
364 compensation pursuant to chapter 443;

365 (b) Receives benefits under the federal Supplemental
366 Security Income program or Social Security Disability Insurance
367 program;

368 (c) Receives temporary cash assistance pursuant to chapter
369 414;

370 (d) Is making payments in accordance with a confirmed
371 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of
372 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

373 (e) Is on a payment plan or payment plans with the clerk of
374 court pursuant to s. 28.246(4);

375 (f) Has been determined to be indigent after filing an
376 application with the clerk in accordance with s. 27.52 or s.
377 57.082; or

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378 (g) Is incarcerated.
379 (5) A person who meets the criteria under subsection (4)
380 must provide the clerk with updated documentation every 90 days.
381 If the person fails to provide the necessary documentation to
382 the clerk or no longer meets the criteria under subsection (4),
383 he or she must begin paying the outstanding fees, service
384 charges, fines, or penalties. If payment does not begin within
385 30 days, the clerk must notify the department of such failure
386 within 10 days after the failure occurs. Upon receipt of such
387 notice, the department must immediately issue an order
388 suspending the driver license and privilege to drive of such
389 person effective 20 days after the date the order of suspension
390 is mailed in accordance with s. 322.251(1), (2), and (6).

391 Section 6. Paragraph (b) of subsection (8) of section
392 318.18, Florida Statutes, is amended to read:

393 318.18 Amount of penalties.—The penalties required for a
394 noncriminal disposition pursuant to s. 318.14 or a criminal
395 offense listed in s. 318.17 are as follows:

396 (8)

397 (b)1.a. If a person has been ordered to pay a civil penalty
398 for a noncriminal traffic infraction and the person is unable to
399 comply with the court's order due to demonstrable financial
400 hardship, the court shall allow the person to satisfy the civil
401 penalty by participating in community service until the civil
402 penalty is paid.

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

405 c. If a court orders a person to perform community service,
406 the person shall receive credit for the civil penalty at the

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407 specified hourly credit rate per hour of community service
408 performed, and each hour of community service performed shall
409 reduce the civil penalty by that amount.

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

416 b. However, if a person ordered to perform community
417 service has a trade or profession for which there is a community
418 service need, the specified hourly credit rate for each hour of
419 community service performed by that person shall be the average
420 prevailing wage rate for the trade or profession that the
421 community service agency needs.

422 3.a. The community service agency supervising the person
423 shall record the number of hours of community service completed
424 and the date the community service hours were completed. The
425 community service agency shall submit the data to the clerk of
426 court on the letterhead of the community service agency, which
427 must also bear the notarized signature of the person designated
428 to represent the community service agency.

429 b. When the number of community service hours completed by
430 the person equals the amount of the civil penalty, the clerk of
431 court shall certify this fact to the court. Thereafter, the
432 clerk of court shall record in the case file that the civil
433 penalty has been paid in full.

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

435 a. "Community service" means uncompensated labor for a

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436 community service agency.

437 b. "Community service agency" means a not-for-profit
438 corporation, community organization, charitable organization,
439 public officer, the state or any political subdivision of the
440 state, or any other body the purpose of which is to improve the
441 quality of life or social welfare of the community and which
442 agrees to accept community service from persons unable to pay
443 civil penalties for noncriminal traffic infractions.

444 Section 7. Subsections (1) through (4) of section 322.055,
445 Florida Statutes, are amended to read:

446 322.055 Revocation or suspension of, or delay of
447 eligibility for, driver license for persons 18 years of age or
448 older convicted of certain drug offenses.—

449 (1) Notwithstanding s. 322.28, upon the conviction of a
450 person 18 years of age or older for possession or sale of,
451 trafficking in, or conspiracy to possess, sell, or traffic in a
452 controlled substance, the court shall direct the department to
453 revoke the driver license or driving privilege of the person.
454 The period of such revocation shall be 6 months ~~1 year~~ or until
455 the person is evaluated for and, if deemed necessary by the
456 evaluating agency, completes a drug treatment and rehabilitation
457 program approved or regulated by the Department of Children and
458 Families. However, the court may, in its sound discretion,
459 direct the department to issue a license for driving privilege
460 restricted to business or employment purposes only, as defined
461 by s. 322.271, if the person is otherwise qualified for such a
462 license. ~~A driver whose license or driving privilege has been
463 suspended or revoked under this section or s. 322.056 may, upon
464 the expiration of 6 months, petition the department for~~

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465 ~~restoration of the driving privilege on a restricted or~~
466 ~~unrestricted basis depending on length of suspension or~~
467 ~~revocation. In no case shall~~ A restricted license may not be
468 available until 6 months of the suspension or revocation period
469 has been completed ~~expired~~.

470 (2) If a person 18 years of age or older is convicted for
471 the possession or sale of, trafficking in, or conspiracy to
472 possess, sell, or traffic in a controlled substance and such
473 person is eligible by reason of age for a driver license or
474 privilege, the court shall direct the department to withhold
475 issuance of such person's driver license or driving privilege
476 for a period of 6 months ~~1 year~~ after the date the person was
477 convicted or until the person is evaluated for and, if deemed
478 necessary by the evaluating agency, completes a drug treatment
479 and rehabilitation program approved or regulated by the
480 Department of Children and Families. However, the court may, in
481 its sound discretion, direct the department to issue a license
482 for driving privilege restricted to business or employment
483 purposes only, as defined by s. 322.271, if the person is
484 otherwise qualified for such a license. ~~A driver whose license~~
485 ~~or driving privilege has been suspended or revoked under this~~
486 ~~section or s. 322.056 may, upon the expiration of 6 months,~~
487 ~~petition the department for restoration of the driving privilege~~
488 ~~on a restricted or unrestricted basis depending on the length of~~
489 ~~suspension or revocation. In no case shall~~ A restricted license
490 may not be available until 6 months of the withholding
491 ~~suspension or revocation~~ period has been completed ~~expired~~.

492 (3) If a person 18 years of age or older is convicted for
493 the possession or sale of, trafficking in, or conspiracy to

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494 possess, sell, or traffic in a controlled substance and such
495 person's driver license or driving privilege is already under
496 suspension or revocation for any reason, the court shall direct
497 the department to extend the period of such suspension or
498 revocation by an additional period of 6 months ~~1 year~~ or until
499 the person is evaluated for and, if deemed necessary by the
500 evaluating agency, completes a drug treatment and rehabilitation
501 program approved or regulated by the Department of Children and
502 Families. However, the court may, in its sound discretion,
503 direct the department to issue a license for driving privilege
504 restricted to business or employment purposes only, as defined
505 by s. 322.271, if the person is otherwise qualified for such a
506 license. ~~A driver whose license or driving privilege has been~~
507 ~~suspended or revoked under this section or s. 322.056 may, upon~~
508 ~~the expiration of 6 months, petition the department for~~
509 ~~restoration of the driving privilege on a restricted or~~
510 ~~unrestricted basis depending on the length of suspension or~~
511 ~~revocation. In no case shall~~ A restricted license may not be
512 available until 6 months of the suspension or revocation period
513 has been completed ~~expired~~.

514 (4) If a person 18 years of age or older is convicted for
515 the possession or sale of, trafficking in, or conspiracy to
516 possess, sell, or traffic in a controlled substance and such
517 person is ineligible by reason of age for a driver license or
518 driving privilege, the court shall direct the department to
519 withhold issuance of such person's driver license or driving
520 privilege for a period of 6 months ~~1 year~~ after the date that he
521 or she would otherwise have become eligible or until he or she
522 becomes eligible by reason of age for a driver license and is

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523 evaluated for and, if deemed necessary by the evaluating agency,
 524 completes a drug treatment and rehabilitation program approved
 525 or regulated by the Department of Children and Families.
 526 However, the court may, in its sound discretion, direct the
 527 department to issue a license for driving privilege restricted
 528 to business or employment purposes only, as defined by s.
 529 322.271, if the person is otherwise qualified for such a
 530 license. ~~A driver whose license or driving privilege has been~~
 531 ~~suspended or revoked under this section or s. 322.056 may, upon~~
 532 ~~the expiration of 6 months, petition the department for~~
 533 ~~restoration of the driving privilege on a restricted or~~
 534 ~~unrestricted basis depending on the length of suspension or~~
 535 ~~revocation. In no case shall A restricted license may not be~~
 536 available until 6 months of the withholding ~~suspension or~~
 537 ~~revocation period has been completed expired.~~

538 Section 8. Section 322.056, Florida Statutes, is amended to
 539 read:

540 322.056 Mandatory revocation or suspension of, or delay of
 541 eligibility for, driver license for persons under age 18 found
 542 guilty of certain alcohol, drug, ~~or tobacco~~ offenses;
 543 prohibition.-

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

548 (a) The person is eligible by reason of age for a driver
 549 license or driving privilege, the court shall direct the
 550 department to revoke or to withhold issuance of his or her
 551 driver license or driving privilege for a period of 6 months.†

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

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

555 (b) The person's driver license or driving privilege is
556 under suspension or revocation for any reason, the court shall
557 direct the department to extend the period of suspension or
558 revocation by an additional period of 6 months.÷

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

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

562 (c) The person is ineligible by reason of age for a driver
563 license or driving privilege, the court shall direct the
564 department to withhold issuance of his or her driver license or
565 driving privilege for a period of÷

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

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

571
572 ~~However, the court may, in its sound discretion, direct the~~
573 ~~department to issue a license for driving privileges restricted~~
574 ~~to business or employment purposes only, as defined in s.~~
575 ~~322.271, if the person is otherwise qualified for such a~~
576 ~~license.~~

577 ~~(2) If a person under 18 years of age is found by the court~~
578 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
579 ~~877.112(6) or (7) and that person has failed to comply with the~~
580 ~~procedures established in that section by failing to fulfill~~

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581 ~~community service requirements, failing to pay the applicable~~
582 ~~fine, or failing to attend a locally available school-approved~~
583 ~~anti-tobacco program, and:~~

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

- 588 ~~1. For the first violation, for 30 days.~~
589 ~~2. For the second violation within 12 weeks of the first~~
590 ~~violation, for 45 days.~~

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

- 595 ~~1. For the first violation, for 30 days.~~
596 ~~2. For the second violation within 12 weeks of the first~~
597 ~~violation, for 45 days.~~

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

- 602 ~~1. For the first violation, for 30 days.~~
603 ~~2. For the second violation within 12 weeks of the first~~
604 ~~violation, for 45 days.~~

605
606 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
607 ~~within the 12-week period after the first violation will be~~
608 ~~treated as a first violation and in the same manner as provided~~
609 ~~in this subsection.~~

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610 ~~(3) If a person under 18 years of age is found by the court~~
611 ~~to have committed a third violation of s. 569.11 or s.~~
612 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
613 ~~court must direct the Department of Highway Safety and Motor~~
614 ~~Vehicles to suspend or withhold issuance of his or her driver~~
615 ~~license or driving privilege for 60 consecutive days. Any third~~
616 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
617 ~~12-week period after the first violation will be treated as a~~
618 ~~first violation and in the same manner as provided in subsection~~
619 ~~(2).~~

620 (2)~~(4)~~ A penalty imposed under this section shall be in
621 addition to any other penalty imposed by law.

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

628 Section 9. Section 322.057, Florida Statutes, is repealed.

629 Section 10. Present subsections (4) and (5) of section
630 322.09, Florida Statutes, are redesignated as subsections (3)
631 and (4), respectively, and present subsection (3) of that
632 section is amended, to read:

633 322.09 Application of minors; responsibility for negligence
634 or misconduct of minor.—

635 ~~(3) The department may not issue a driver license or~~
636 ~~learner's driver license to any applicant under the age of 18~~
637 ~~years who is not in compliance with the requirements of s.~~
638 ~~322.091.~~

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639 Section 11. Section 322.091, Florida Statutes, is repealed.

640 Section 12. Subsections (6) and (7) are added to section
641 322.245, Florida Statutes, to read:

642 322.245 Suspension of license upon failure of person
643 charged with specified offense under chapter 316, chapter 320,
644 or this chapter to comply with directives ordered by traffic
645 court or upon failure to pay child support in non-IV-D cases as
646 provided in chapter 61 or failure to pay any financial
647 obligation in any other criminal case.-

648 (6) Notwithstanding any other law, a person's driver
649 license may not be suspended solely for a failure to pay fees,
650 service charges, fines, or penalties if the person demonstrates
651 to the court, after notice of the penalty and before the
652 suspension takes place, that the person is unable to pay and
653 that the person:

654 (a) Receives reemployment assistance or unemployment
655 compensation pursuant to chapter 443;

656 (b) Receives benefits under the federal Supplemental
657 Security Income program or Social Security Disability Insurance
658 program;

659 (c) Receives temporary cash assistance pursuant to chapter
660 414;

661 (d) Is making payments in accordance with a confirmed
662 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of
663 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

664 (e) Is on a payment plan or payment plans with the clerk of
665 court pursuant to s. 28.246(4);

666 (f) Has been determined to be indigent after filing an
667 application with the clerk in accordance with s. 27.52 or s.

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668 57.082; or669 (g) Is incarcerated.

670

671 This subsection does not apply to failure to pay child support
672 in non-IV-D cases as provided in chapter 61.673 (7) A person who meets the criteria under subsection (6)
674 must provide the clerk with updated documentation every 90 days.
675 If the person fails to provide the necessary documentation to
676 the clerk or no longer meets the criteria under subsection (6),
677 he or she must begin paying the outstanding fees, service
678 charges, fines, or penalties. If payment does not begin within
679 30 days, the clerk must notify the department of such failure
680 within 10 days after the failure occurs. Upon receipt of such
681 notice, the department must immediately issue an order
682 suspending the driver license and privilege to drive of such
683 person effective 20 days after the date the order of suspension
684 is mailed in accordance with s. 322.251(1), (2), and (6).685 Section 13. Subsection (7) of section 322.251, Florida
686 Statutes, is repealed.687 Section 14. Subsection (8) is added to section 322.271,
688 Florida Statutes, to read:689 322.271 Authority to modify revocation, cancellation, or
690 suspension order.—691 (8) A person whose driver license or privilege to drive has
692 been suspended under s. 318.15 or s. 322.245, with the exception
693 of any suspension related to s. 61.13016, may have his or her
694 driver license or driving privilege reinstated on a restricted
695 basis by the department in accordance with this section. The
696 restricted license is valid until the 7-year suspension period

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697 ends as provided in s. 318.15 or until the debt is paid.

698 Section 15. Subsection (10) of section 322.34, Florida
699 Statutes, is amended to read:

700 322.34 Driving while license suspended, revoked, canceled,
701 or disqualified.—

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

707 1. Failing to pay child support as provided in s. 322.245
708 or s. 61.13016;

709 2. Failing to pay any other financial obligation as
710 provided in s. 322.245 ~~other than those specified in s.~~
711 ~~322.245(1);~~

712 3. Failing to comply with a civil penalty required in s.
713 318.15;

714 4. Failing to maintain vehicular financial responsibility
715 as required by chapter 324; or

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

718 5.6. Having been designated a habitual traffic offender
719 under s. 322.264(1) (d) as a result of suspensions of his or her
720 driver license or driver privilege for any underlying violation
721 listed in subparagraphs 1.-4. ~~1.-5.~~

722 (b)1. Upon a first conviction for knowingly driving while
723 his or her license is suspended, revoked, or canceled for any of
724 the underlying violations listed in subparagraphs (a)1.-5.

725 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,

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726 punishable as provided in s. 775.082 or s. 775.083.

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

733 Section 16. Paragraph (a) of subsection (1) and paragraph
734 (c) of subsection (2) of section 562.11, Florida Statutes, are
735 amended to read:

736 562.11 Selling, giving, or serving alcoholic beverages to
737 person under age 21; providing a proper name; misrepresenting or
738 misstating age or age of another to induce licensee to serve
739 alcoholic beverages to person under 21; penalties.—

740 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
741 be served alcoholic beverages to a person under 21 years of age
742 or permit a person under 21 years of age to consume such
743 beverages on the licensed premises. A person who violates this
744 paragraph ~~subparagraph~~ commits a misdemeanor of the second
745 degree, punishable as provided in s. 775.082 or s. 775.083. A
746 person who violates this paragraph ~~subparagraph~~ a second or
747 subsequent time within 1 year after a prior conviction commits a
748 misdemeanor of the first degree, punishable as provided in s.
749 775.082 or s. 775.083.

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

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755 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
756 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
757 ~~acting within the scope of his or her license or an employee or~~
758 ~~agent of a licensee, as defined in s. 561.01, who violates~~
759 ~~subparagraph 1. while engaged within the scope of his or her~~
760 ~~employment or agency.~~

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

767 (2) It is unlawful for any person to misrepresent or
768 misstate his or her age or the age of any other person for the
769 purpose of inducing any licensee or his or her agents or
770 employees to sell, give, serve, or deliver any alcoholic
771 beverages to a person under 21 years of age, or for any person
772 under 21 years of age to purchase or attempt to purchase
773 alcoholic beverages.

774 (c) In addition to any other penalty imposed for a
775 violation of this subsection, if a person uses a driver license
776 or identification card issued by the Department of Highway
777 Safety and Motor Vehicles in violation of this subsection, the
778 court:

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

782 ~~2. Shall direct the Department of Highway Safety and Motor~~
783 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~

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784 ~~person's driver license or driving privilege, as provided in s.~~
785 ~~322.056.~~

786 Section 17. Subsection (3) of section 562.111, Florida
787 Statutes, is repealed.

788 Section 18. Subsections (1), (2), and (5) of section
789 569.11, Florida Statutes, are amended to read:

790 569.11 Possession, misrepresenting age or military service
791 to purchase, and purchase of tobacco products by persons under
792 18 years of age prohibited; penalties; jurisdiction; disposition
793 of fines.—

794 (1) It is unlawful for any person under 18 years of age to
795 knowingly possess any tobacco product. Any person under 18 years
796 of age who violates ~~the provisions of~~ this subsection commits a
797 noncriminal violation as provided in s. 775.08(3), punishable
798 by:

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

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

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

810

811 Any second or subsequent violation not within the 12-week time
812 period after the first violation is punishable as provided for a

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813 first violation.

814 (2) It is unlawful for any person under 18 years of age to
815 misrepresent his or her age or military service for the purpose
816 of inducing a dealer or an agent or employee of the dealer to
817 sell, give, barter, furnish, or deliver any tobacco product, or
818 to purchase, or attempt to purchase, any tobacco product from a
819 person or a vending machine. Any person under 18 years of age
820 who violates ~~a provision of~~ this subsection commits a
821 noncriminal violation as provided in s. 775.08(3), punishable
822 by:

823 (a) For a first violation, 16 hours of community service
824 or, instead of community service, a \$25 fine. ~~and~~, In addition,
825 the person must attend a school-approved anti-tobacco program,
826 if locally available; or

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

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

834

835 Any second or subsequent violation not within the 12-week time
836 period after the first violation is punishable as provided for a
837 first violation.

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

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

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

854 Section 19. Subsections (5) and (10) of section 790.22,
855 Florida Statutes, are amended to read:

856 790.22 Use of BB guns, air or gas-operated guns, or
857 electric weapons or devices by minor under 16; limitation;
858 possession of firearms by minor under 18 prohibited; penalties.-

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

865 ~~1. If the minor is eligible by reason of age for a driver~~
866 ~~license or driving privilege, the court shall direct the~~
867 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
868 ~~withhold issuance of the minor's driver license or driving~~
869 ~~privilege for up to 1 year.~~

870 ~~2. If the minor's driver license or driving privilege is~~

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871 ~~under suspension or revocation for any reason, the court shall~~
872 ~~direct the Department of Highway Safety and Motor Vehicles to~~
873 ~~extend the period of suspension or revocation by an additional~~
874 ~~period of up to 1 year.~~

875 ~~3. If the minor is ineligible by reason of age for a driver~~
876 ~~license or driving privilege, the court shall direct the~~
877 ~~Department of Highway Safety and Motor Vehicles to withhold~~
878 ~~issuance of the minor's driver license or driving privilege for~~
879 ~~up to 1 year after the date on which the minor would otherwise~~
880 ~~have become eligible.~~

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

886 ~~1. If the minor is eligible by reason of age for a driver~~
887 ~~license or driving privilege, the court shall direct the~~
888 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
889 ~~withhold issuance of the minor's driver license or driving~~
890 ~~privilege for up to 2 years.~~

891 ~~2. If the minor's driver license or driving privilege is~~
892 ~~under suspension or revocation for any reason, the court shall~~
893 ~~direct the Department of Highway Safety and Motor Vehicles to~~
894 ~~extend the period of suspension or revocation by an additional~~
895 ~~period of up to 2 years.~~

896 ~~3. If the minor is ineligible by reason of age for a driver~~
897 ~~license or driving privilege, the court shall direct the~~
898 ~~Department of Highway Safety and Motor Vehicles to withhold~~
899 ~~issuance of the minor's driver license or driving privilege for~~

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900 ~~up to 2 years after the date on which the minor would otherwise~~
901 ~~have become eligible.~~

902

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

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

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

912 ~~1. If the minor is eligible by reason of age for a driver~~
913 ~~license or driving privilege, the court shall direct the~~
914 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
915 ~~withhold issuance of the minor's driver license or driving~~
916 ~~privilege for up to 1 year.~~

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

922 ~~3. If the minor is ineligible by reason of age for a driver~~
923 ~~license or driving privilege, the court shall direct the~~
924 ~~Department of Highway Safety and Motor Vehicles to withhold~~
925 ~~issuance of the minor's driver license or driving privilege for~~
926 ~~up to 1 year after the date on which the minor would otherwise~~
927 ~~have become eligible.~~

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

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929 ~~1. If the minor is eligible by reason of age for a driver~~
930 ~~license or driving privilege, the court shall direct the~~
931 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
932 ~~withhold issuance of the minor's driver license or driving~~
933 ~~privilege for up to 2 years.~~

934 ~~2. If the minor's driver license or driving privilege is~~
935 ~~under suspension or revocation for any reason, the court shall~~
936 ~~direct the Department of Highway Safety and Motor Vehicles to~~
937 ~~extend the period of suspension or revocation by an additional~~
938 ~~period for up to 2 years.~~

939 ~~3. If the minor is ineligible by reason of age for a driver~~
940 ~~license or driving privilege, the court shall direct the~~
941 ~~Department of Highway Safety and Motor Vehicles to withhold~~
942 ~~issuance of the minor's driver license or driving privilege for~~
943 ~~up to 2 years after the date on which the minor would otherwise~~
944 ~~have become eligible.~~

945 Section 20. Present subsections (7) and (8) of section
946 806.13, Florida Statutes, are amended, and present subsection
947 (9) of that section is redesignated as subsection (7), to read:

948 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

969 ~~(8) A minor whose driver license or driving privilege is~~
970 ~~revoked, suspended, or withheld under subsection (7) may elect~~
971 ~~to reduce the period of revocation, suspension, or withholding~~
972 ~~by performing community service at the rate of 1 day for each~~
973 ~~hour of community service performed. In addition, if the court~~
974 ~~determines that due to a family hardship, the minor's driver~~
975 ~~license or driving privilege is necessary for employment or~~
976 ~~medical purposes of the minor or a member of the minor's family,~~
977 ~~the court shall order the minor to perform community service and~~
978 ~~reduce the period of revocation, suspension, or withholding at~~
979 ~~the rate of 1 day for each hour of community service performed.~~
980 ~~As used in this subsection, the term "community service" means~~
981 ~~cleaning graffiti from public property.~~

982 Section 21. Section 812.0155, Florida Statutes, is
983 repealed.

984 Section 22. Section 832.09, Florida Statutes, is repealed.

985 Section 23. Paragraph (a) of subsection (3) of section
986 847.0141, Florida Statutes, is amended to read:

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987 847.0141 Sexting; prohibited acts; penalties.—

988 (3) A minor who violates subsection (1):

989 (a) Commits a noncriminal violation for a first violation.

990 The minor must sign and accept a citation indicating a promise
991 to appear before the juvenile court. In lieu of appearing in
992 court, the minor may complete 8 hours of community service work,
993 pay a \$60 civil penalty, or participate in a cyber-safety
994 program if such a program is locally available. The minor must
995 satisfy any penalty within 30 days after receipt of the
996 citation.

997 1. A citation issued to a minor under this subsection must
998 be in a form prescribed by the issuing law enforcement agency,
999 must be signed by the minor, and must contain all of the
1000 following:

1001 a. The date and time of issuance.

1002 b. The name and address of the minor to whom the citation
1003 is issued.

1004 c. A thumbprint of the minor to whom the citation is
1005 issued.

1006 d. Identification of the noncriminal violation and the time
1007 it was committed.

1008 e. The facts constituting reasonable cause.

1009 f. The specific section of law violated.

1010 g. The name and authority of the citing officer.

1011 h. The procedures that the minor must follow to contest the
1012 citation, perform the required community service, pay the civil
1013 penalty, or participate in a cyber-safety program.

1014 2. If the citation is contested and the court determines
1015 that the minor committed a noncriminal violation under this

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1016 section, the court may order the minor to perform 8 hours of
1017 community service, pay a \$60 civil penalty, or participate in a
1018 cyber-safety program, or any combination thereof.

1019 3. A minor who fails to comply with the citation waives his
1020 or her right to contest it, and the court may impose any of the
1021 penalties identified in subparagraph 2. or issue an order to
1022 show cause. Upon a finding of contempt, the court may impose
1023 additional age-appropriate penalties, ~~which may include issuance~~
1024 ~~of an order to the Department of Highway Safety and Motor~~
1025 ~~Vehicles to withhold issuance of, or suspend the driver license~~
1026 ~~or driving privilege of, the minor for 30 consecutive days.~~
1027 However, the court may not impose incarceration.

1028 Section 24. Subsections (6) and (7) and paragraphs (c) and
1029 (d) of subsection (8) of section 877.112, Florida Statutes, are
1030 amended to read:

1031 877.112 Nicotine products and nicotine dispensing devices;
1032 prohibitions for minors; penalties; civil fines; signage
1033 requirements; preemption.—

1034 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
1035 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
1036 person under 18 years of age to knowingly possess any nicotine
1037 product or a nicotine dispensing device. Any person under 18
1038 years of age who violates this subsection commits a noncriminal
1039 violation as defined in s. 775.08(3), punishable by:

1040 (a) For a first violation, 16 hours of community service
1041 or, instead of community service, a \$25 fine. In addition, the
1042 person must attend a school-approved anti-tobacco and nicotine
1043 program, if locally available; or

1044 (b) For a second or subsequent violation within 12 weeks

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1045 ~~after~~ ~~of~~ the first violation, a \$25 fine. ~~or~~

1046 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1047 ~~the first violation, the court must direct the Department of~~
 1048 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1049 ~~suspend or revoke the person's driver license or driving~~
 1050 ~~privilege, as provided in s. 322.056.~~

1051
 1052 Any second or subsequent violation not within the 12-week time
 1053 period after the first violation is punishable as provided for a
 1054 first violation.

1055 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
 1056 any person under 18 years of age to misrepresent his or her age
 1057 or military service for the purpose of inducing a retailer of
 1058 nicotine products or nicotine dispensing devices or an agent or
 1059 employee of such retailer to sell, give, barter, furnish, or
 1060 deliver any nicotine product or nicotine dispensing device, or
 1061 to purchase, or attempt to purchase, any nicotine product or
 1062 nicotine dispensing device from a person or a vending machine.
 1063 Any person under 18 years of age who violates this subsection
 1064 commits a noncriminal violation as defined in s. 775.08(3),
 1065 punishable by:

1066 (a) For a first violation, 16 hours of community service
 1067 or, instead of community service, a \$25 fine. ~~and~~ In addition,
 1068 the person must attend a school-approved anti-tobacco and
 1069 nicotine program, if locally available; or

1070 (b) For a second or subsequent violation within 12 weeks of
 1071 the first violation, a \$25 fine. ~~or~~

1072 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1073 ~~the first violation, the court must direct the Department of~~

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1074 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1075 ~~suspend or revoke the person's driver license or driving~~
1076 ~~privilege, as provided in s. 322.056.~~

1077
1078 Any second or subsequent violation not within the 12-week time
1079 period after the first violation is punishable as provided for a
1080 first violation.

1081 (8) PENALTIES FOR MINORS.—

1082 (c) If a person under 18 years of age is found by the court
1083 to have committed a noncriminal violation under this section and
1084 that person has failed to complete community service, pay the
1085 fine as required by paragraph (6) (a) or paragraph (7) (a), or
1086 attend a school-approved anti-tobacco and nicotine program, if
1087 locally available, the court may ~~must~~ direct the Department of
1088 Highway Safety and Motor Vehicles to withhold issuance of or
1089 suspend the driver license or driving privilege of that person
1090 for 30 consecutive days.

1091 (d) If a person under 18 years of age is found by the court
1092 to have committed a noncriminal violation under this section and
1093 that person has failed to pay the applicable fine as required by
1094 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
1095 the Department of Highway Safety and Motor Vehicles to withhold
1096 issuance of or suspend the driver license or driving privilege
1097 of that person for 45 consecutive days.

1098 Section 25. Subsection (2) of section 938.30, Florida
1099 Statutes, is amended to read:

1100 938.30 Financial obligations in criminal cases;
1101 supplementary proceedings.—

1102 (2) The court may require a person liable for payment of an

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1103 obligation to appear and be examined under oath concerning the
1104 person's financial ability to pay the obligation. The judge may
1105 convert the statutory financial obligation into a court-ordered
1106 obligation to perform community service, subject to ~~the~~
1107 ~~provisions of s. 318.18(8)~~, after examining a person under oath
1108 and determining the person's inability to pay, or by relying
1109 upon information provided under s. 27.52(1)(a). Any person who
1110 fails to attend a hearing may be arrested on warrant or capias
1111 issued by the clerk upon order of the court.

1112 Section 26. Subsection (2) of section 1003.27, Florida
1113 Statutes, is amended to read:

1114 1003.27 Court procedure and penalties.—The court procedure
1115 and penalties for the enforcement of the provisions of this
1116 part, relating to compulsory school attendance, shall be as
1117 follows:

1118 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

1119 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
1120 the part of a student who is required to attend some school,
1121 when no valid reason for such nonenrollment or nonattendance is
1122 found, the district school superintendent shall institute a
1123 criminal prosecution against the student's parent.

1124 ~~(b) Each public school principal or the principal's~~
1125 ~~designee shall notify the district school board of each minor~~
1126 ~~student under its jurisdiction who accumulates 15 unexcused~~
1127 ~~absences in a period of 90 calendar days. Each designee of the~~
1128 ~~governing body of each private school, and each parent whose~~
1129 ~~child is enrolled in a home education program, may provide the~~
1130 ~~Department of Highway Safety and Motor Vehicles with the legal~~
1131 ~~name, sex, date of birth, and social security number of each~~

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1132 ~~minor student under his or her jurisdiction who fails to satisfy~~
1133 ~~relevant attendance requirements and who fails to otherwise~~
1134 ~~satisfy the requirements of s. 322.091. The district school~~
1135 ~~superintendent must provide the Department of Highway Safety and~~
1136 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
1137 ~~security number of each minor student who has been reported~~
1138 ~~under this paragraph and who fails to otherwise satisfy the~~
1139 ~~requirements of s. 322.091. The Department of Highway Safety and~~
1140 ~~Motor Vehicles may not issue a driver license or learner's~~
1141 ~~driver license to, and shall suspend any previously issued~~
1142 ~~driver license or learner's driver license of, any such minor~~
1143 ~~student, pursuant to the provisions of s. 322.091.~~

1144 Section 27. Paragraph (a) of subsection (10) of section
1145 318.14, Florida Statutes, is amended to read:

1146 318.14 Noncriminal traffic infractions; exception;
1147 procedures.—

1148 (10) (a) Any person who does not hold a commercial driver
1149 license or commercial learner's permit and who is cited while
1150 driving a noncommercial motor vehicle for an offense listed
1151 under this subsection may, in lieu of payment of fine or court
1152 appearance, elect to enter a plea of nolo contendere and provide
1153 proof of compliance to the clerk of the court, designated
1154 official, or authorized operator of a traffic violations bureau.
1155 In such case, adjudication shall be withheld; however, a person
1156 may not make an election under this subsection if the person has
1157 made an election under this subsection in the preceding 12
1158 months. A person may not make more than three elections under
1159 this subsection. This subsection applies to the following
1160 offenses:

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1161 1. Operating a motor vehicle without a valid driver license
 1162 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
 1163 operating a motor vehicle with a license that has been suspended
 1164 for failure to appear, failure to pay civil penalty, or failure
 1165 to attend a driver improvement course pursuant to s. 322.291.

1166 2. Operating a motor vehicle without a valid registration
 1167 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1168 3. Operating a motor vehicle in violation of s. 316.646.

1169 4. Operating a motor vehicle with a license that has been
 1170 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1171 child support or for failure to pay any other financial
 1172 obligation as provided in s. 322.245; however, this subparagraph
 1173 does not apply if the license has been suspended pursuant to s.
 1174 322.245(1).

1175 ~~5. Operating a motor vehicle with a license that has been~~
 1176 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1177 ~~requirements.~~

1178 Section 28. Subsections (1) and (2) of section 322.05,
 1179 Florida Statutes, are amended to read:

1180 322.05 Persons not to be licensed.—The department may not
 1181 issue a license:

1182 (1) To a person who is under the age of 16 years, except
 1183 that the department may issue a learner's driver license to a
 1184 person who is at least 15 years of age and who meets the
 1185 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
 1186 other applicable law or rule.

1187 (2) To a person who is at least 16 years of age but is
 1188 under 18 years of age unless the person ~~meets the requirements~~
 1189 ~~of s. 322.091~~ and holds a valid:

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1190 (a) Learner's driver license for at least 12 months, with
 1191 no moving traffic convictions, before applying for a license;

1192 (b) Learner's driver license for at least 12 months and who
 1193 has a moving traffic conviction but elects to attend a traffic
 1194 driving school for which adjudication must be withheld pursuant
 1195 to s. 318.14; or

1196 (c) License that was issued in another state or in a
 1197 foreign jurisdiction and that would not be subject to suspension
 1198 or revocation under the laws of this state.

1199 Section 29. Paragraph (b) of subsection (5) of section
 1200 322.27, Florida Statutes, is amended to read:

1201 322.27 Authority of department to suspend or revoke driver
 1202 license or identification card.—

1203 (5)

1204 (b) If a person whose driver license has been revoked under
 1205 paragraph (a) as a result of a third violation of driving a
 1206 motor vehicle while his or her license is suspended or revoked
 1207 provides proof of compliance for an offense listed in s.
 1208 318.14(10)(a)1.-4. ~~s. 318.14(10)(a)1.-5.~~, the clerk of court
 1209 shall submit an amended disposition to remove the habitual
 1210 traffic offender designation.

1211 Section 30. Subsection (9) of section 1003.01, Florida
 1212 Statutes, is amended to read:

1213 1003.01 Definitions.—As used in this chapter, the term:

1214 (9) "Dropout" means a student who meets any one or more of
 1215 the following criteria:

1216 (a) The student has voluntarily removed himself or herself
 1217 from the school system before graduation for reasons that
 1218 include, but are not limited to, marriage, or the student has

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1219 withdrawn from school because he or she has failed the statewide
1220 student assessment test and thereby does not receive any of the
1221 certificates of completion;

1222 (b) The student has not met the relevant attendance
1223 requirements of the school district pursuant to State Board of
1224 Education rules, or the student was expected to attend a school
1225 but did not enter as expected for unknown reasons, or the
1226 student's whereabouts are unknown;

1227 (c) The student has withdrawn from school, but has not
1228 transferred to another public or private school or enrolled in
1229 any career, adult, home education, or alternative educational
1230 program;

1231 (d) The student has withdrawn from school due to hardship,
1232 unless such withdrawal has been granted because of ~~under the~~
1233 ~~provisions of s. 322.091,~~ court action, expulsion, medical
1234 reasons, or pregnancy; or

1235 (e) The student is not eligible to attend school because of
1236 reaching the maximum age for an exceptional student program in
1237 accordance with the district's policy.

1238
1239 The State Board of Education may adopt rules to implement ~~the~~
1240 ~~provisions of~~ this subsection.

1241 Section 31. The amendments made by this act to s. 316.650,
1242 Florida Statutes, shall take effect upon the depletion of the
1243 current inventory of uniform traffic citation forms and the
1244 adoption by rule of new uniform traffic citation forms. The
1245 Department of Highway Safety and Motor Vehicles shall notify the
1246 Division of Law Revision and Information upon the adoption of
1247 the new forms.

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1248 Section 32. Except as otherwise expressly provided in this
1249 act and except for this section, which shall take effect upon
1250 this act becoming a law, this act shall take effect October 1,
1251 2018.