

By the Committee on Regulated Services and Representatives
Morrone, Saunders, Tobin, Crow, Silver, Ritter, Andrews,
Feeney, Fasano, Jacobs, Arnall, Bainter, Rodriguez-Chomat,
Jones, Melvin, Casey, Hill, Geller, Wallace, Heyman, Fischer,
(Additional Sponsors on Last Printed Page)

1 A bill to be entitled
2 An act relating to tobacco products; amending
3 s. 20.165, F.S.; authorizing employees of the
4 Division of Alcoholic Beverages and Tobacco who
5 are certified as law enforcement officers to
6 investigate, enforce, and prosecute certain
7 violations relating to tobacco products;
8 redesignating chapter 569, F.S., as "Tobacco
9 Products"; amending and renumbering s. 859.06,
10 F.S., to clarify language; providing increased
11 penalty for a second or subsequent violation
12 for illegally selling or giving tobacco
13 products to certain persons; amending s.
14 569.002, F.S.; revising the definition of
15 "tobacco products"; revising definition
16 language to exclude certain classes of persons
17 from definition of "under age 18"; creating s.
18 569.11, F.S.; making it unlawful for any person
19 under age 18 to knowingly possess any tobacco
20 product or to misrepresent age or military
21 service to acquire or purchase any tobacco
22 product; providing for civil citation and
23 imposition of sanctions by court; providing for
24 the disposition of fines; creating s. 569.12,
25 F.S.; providing for jurisdiction and
26 enforcement and local tobacco product
27 enforcement officers; providing for enforcement
28 by correctional probation officers; providing
29 necessary information for civil citation form;
30 amending ss. 569.003, 569.004, and 569.006,
31 F.S.; clarifying language; renumbering and

1 amending s. 859.061, F.S., relating to posting
2 of signs to conform and clarify language;
3 providing for instructional material; providing
4 penalties; amending s. 569.007, F.S.; providing
5 restrictions on the sale or delivery of tobacco
6 products; providing exceptions; creating s.
7 569.0075, F.S.; prohibiting the gift of sample
8 tobacco products to persons under the age of
9 18; providing for penalties; amending s.
10 569.008, F.S.; requiring tobacco products
11 dealers to exercise diligent management and
12 supervision in the management and supervision
13 of their premises and in supervision and
14 training of their employees, agents, officers,
15 or servants; conforming and clarifying language
16 relating to responsible tobacco product
17 dealers; amending s. 569.009, F.S.; conforming
18 and clarifying language relating to rulemaking
19 authority; amending s. 322.056, F.S.; providing
20 for mandatory revocation or suspension of, or
21 delay of eligibility for, drivers' licenses for
22 persons under age 18 who commit noncriminal
23 tobacco violations and fail to comply with
24 corresponding sanctions; providing a suspended
25 or revoked driver's license as a result of
26 violation, shall not result in increased
27 automobile insurance premiums or in assessment
28 of points against person's driving record;
29 creating s. 569.19, F.S.; providing for an
30 annual report; requiring notification to
31 licensees and permittees of the provisions

1 included in this legislation; providing an
2 appropriation; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Paragraph (b) of subsection (9) of section
7 20.165, Florida Statutes, 1996 Supplement, is amended to read:
8 20.165 Department of Business and Professional
9 Regulation.--There is created a Department of Business and
10 Professional Regulation.

11 (9)

12 (b) All employees certified under chapter 943 as law
13 enforcement officers shall have felony arrest powers under s.
14 901.15(11) and shall have all the powers of deputy sheriffs
15 to:

16 1. Investigate, enforce, and prosecute, throughout the
17 state, violations and violators of:

18 a. Parts I and II of chapter 210; part VII of chapter
19 559; and chapters 561-569; and ~~s. 859.06~~ and the rules
20 promulgated thereunder, as well as other state laws which the
21 division, all state law enforcement officers, or beverage
22 enforcement agents are specifically authorized to enforce.

23 b. All other state laws, provided that the employee
24 exercises the powers of a deputy sheriff, only after
25 consultation and in coordination with the appropriate local
26 sheriff's office, and only if the violation could result in an
27 administrative proceeding against a license or permit issued
28 by the division.

29 2. Enforce all criminal laws of the state within
30 specified jurisdictions when the division is a party to a
31 written mutual aid agreement with a state agency, sheriff, or

1 municipal police department, or when the division participates
2 in the Florida Mutual Aid Plan during a declared state
3 emergency.

4 Section 2. Chapter 569, Florida Statutes, entitled
5 "Tobacco Products Permits" is retitled "Tobacco Products."

6 Section 3. Section 859.06, Florida Statutes, is
7 renumbered as section 569.101, Florida Statutes, and amended
8 to read:

9 569.101 ~~859.06~~ Selling, delivering, bartering,
10 furnishing, or giving tobacco products ~~and cigarette wrappers~~
11 to persons under 18 years of age; criminal penalties;
12 defense.--

13 (1) It is unlawful to sell, deliver, barter, furnish,
14 or give, directly or indirectly, to any person who is under 18
15 years of age, any ~~cigarette or other~~ tobacco product ~~or~~
16 ~~cigarette wrapper~~. ~~As used in this section, the word~~
17 ~~"cigarette" includes a clove cigarette or tobacco substitute.~~

18 (2) Any person who violates subsection (1) commits ~~is~~
19 ~~guilty of~~ a misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083. However, any person who
21 violates subsection (1) for a second or subsequent time within
22 1 year of the first violation, commits a misdemeanor of the
23 first degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 (3) A person charged with a violation of subsection
26 (1) has a complete defense if, at the time the ~~cigarette or~~
27 ~~other~~ tobacco product ~~or cigarette wrapper~~ was sold,
28 delivered, bartered, furnished, or given:

29 (a) The buyer or recipient falsely evidenced that he
30 was 18 years of age or older;

31

1 (b) The appearance of the buyer or recipient was such
2 that a prudent person would believe the buyer or recipient to
3 be 18 years of age or older; and

4 (c) Such person carefully checked a driver's license
5 or an identification card issued by this state or another
6 state of the United States, a passport, or a United States
7 armed services identification card presented by the buyer or
8 recipient and acted in good faith and in reliance upon the
9 representation and appearance of the buyer or recipient in the
10 belief that the buyer or recipient was 18 years of age or
11 older.

12 Section 4. Section 569.002, Florida Statutes, is
13 amended to read:

14 569.002 Definitions.--As used in this chapter ~~ss.~~
15 ~~569.002-569.009~~, the term:

16 (1) "Dealer" is synonymous with the term "retail
17 tobacco products dealer."

18 (2) "Division" means the Division of Alcoholic
19 Beverages and Tobacco of the Department of Business and
20 Professional Regulation.

21 (3) "Permit" is synonymous with the term "retail
22 tobacco products dealer permit."

23 (4) "Retail tobacco products dealer" means the holder
24 of a retail tobacco products dealer permit.

25 (5) "Retail tobacco products dealer permit" means a
26 permit issued by the division pursuant to s. 569.003.

27 (6) "Tobacco products" includes loose tobacco leaves,
28 and products made from tobacco leaves, in whole or in part,
29 and cigarette wrappers, which can be used for smoking,
30 sniffing, or chewing.

31

1 (7) "Any person under the age of 18" does not include
2 any person under the age of 18 who:

3 (a) Has had his or her disability of nonage removed
4 under chapter 743;

5 (b) Is in the military reserve or on active duty in
6 the Armed Forces of the United States;

7 (c) Is otherwise emancipated by a court of competent
8 jurisdiction and released from parental care and
9 responsibility;

10 (d) Is acting in his or her scope of lawful employment
11 with an entity licensed under the provisions of chapter 210 or
12 this chapter; or

13 (e) Is working in conjunction with a law enforcement
14 agency to test the compliance of dealers with this chapter.

15 Section 5. Section 569.11, Florida Statutes, is
16 created to read:

17 569.11 Possession, misrepresenting age to purchase, or
18 misrepresenting military service, and purchase of tobacco
19 products by persons under 18 years of age prohibited;
20 penalties; jurisdiction; disposition of fines.--

21 (1) It is unlawful for any person under 18 years of
22 age to knowingly possess any tobacco product. Any person
23 under 18 years of age who violates the provisions of this
24 subsection commits a noncriminal violation as provided in s.
25 775.08(3), punishable by:

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

30 (b) For a second violation within 12 weeks of the
31 first violation, a \$25 fine; or

1 (c) For a third or subsequent violation within 12
2 weeks of the first violation, the court must direct the
3 Department of Highway Safety and Motor Vehicles to withhold
4 issuance of or suspend or revoke the person's driver's license
5 or driving privilege, as provided in s. 322.056.

6
7 Any second or subsequent violation not within the 12-week time
8 period after the first violation is punishable as provided for
9 a first violation.

10 (2) It is unlawful for any person under 18 years of
11 age to misrepresent his or her age or military service for the
12 purpose of inducing a dealer or an agent or employee of the
13 dealer to sell, give, barter, furnish, or deliver any tobacco
14 product, or to purchase any tobacco product from a person or a
15 vending machine. Any person under 18 years of age who
16 violates a provision of this subsection commits a noncriminal
17 violation as provided in s. 775.08(3), punishable by:

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

22 (b) For a second violation within 12 weeks of the
23 first violation, a \$25 fine; or

24 (c) For a third or subsequent violation within 12
25 weeks of the first violation, the court must direct the
26 Department of Highway Safety and Motor Vehicles to withhold
27 issuance of or suspend or revoke the person's driver's license
28 or driving privilege, as provided in s. 322.056.

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1 Any second or subsequent violation not within the 12-week time
2 period after the first violation is punishable as provided for
3 a first violation.

4 (3) Any person under 18 years of age cited for
5 committing a noncriminal violation under this section must
6 sign and accept a civil citation indicating a promise to
7 appear before the county court or comply with the requirement
8 for paying the fine and must attend a school-approved
9 anti-tobacco program, if locally available.

10 (4) A person charged with a noncriminal violation
11 under this section must appear before the county court or
12 comply with the requirement for paying the fine. The court,
13 after a hearing, shall make a determination as to whether the
14 noncriminal violation was committed. If the court finds the
15 violation was committed, it shall impose an appropriate
16 penalty as specified in subsection (1) or subsection (2). A
17 person who participates in community service shall be
18 considered an employee of the state for the purpose of chapter
19 440, for the duration of such service.

20 (5)(a) If a person under 18 years of age is found by
21 the court to have committed a noncriminal violation under this
22 section and that person has failed to complete community
23 service, pay the fine as required by paragraph (1)(a) or
24 paragraph (2)(a), or attend a school-approved anti-tobacco
25 program, if locally available, the court must direct the
26 Department of Highway Safety and Motor Vehicles to withhold
27 issuance of or suspend the driver's license or driving
28 privilege of that person for a period of 30 consecutive days.

29 (b) If a person under 18 years of age is found by the
30 court to have committed a noncriminal violation under this
31 section and that person has failed to pay the applicable fine

1 as required by paragraph (1)(b) or paragraph (2)(b), the court
2 must direct the Department of Highway Safety and Motor
3 Vehicles to withhold issuance of or suspend the driver's
4 license or driving privilege of that person for a period of 45
5 consecutive days.

6 (6) Eighty percent of all civil penalties received by
7 a county court pursuant to this section shall be transferred
8 to the Department of Education to provide for teacher training
9 and for research and evaluation to reduce and prevent the use
10 of tobacco products by children, pursuant to s. 233.067(4).
11 The remaining 20 percent of civil penalties received by a
12 county court pursuant to this section shall remain with the
13 clerk of the county court to cover administrative costs.

14 Section 6. Section 569.12, Florida Statutes, is
15 created to read:

16 569.12 Jurisdiction; tobacco product enforcement
17 officers or agents; enforcement.--

18 (1) In addition to the Division of Alcoholic Beverages
19 and Tobacco of the Department of Business and Professional
20 Regulation, any law enforcement officer certified under s.
21 943.10(1), (6), or (8) shall enforce the provisions of this
22 chapter.

23 (2)(a) A county or municipality may designate certain
24 of its employees or agents as tobacco product enforcement
25 officers. The training and qualifications of the employees or
26 agents for such designation shall be determined by the county
27 or the municipality. Nothing in this section shall be
28 construed to permit the carrying of firearms or other weapons
29 by a tobacco product enforcement agent, nor does designation
30 as a tobacco product enforcement officer provide the employee
31 or agent with the power of arrest or subject the employee or

1 agent to the provisions of ss. 943.085-943.255. Nothing in
2 this section amends, alters, or contravenes the provisions of
3 any state-administered retirement system or any
4 state-supported retirement system established by general law.

5 (b) A tobacco product enforcement officer is
6 authorized to issue a citation to a person under the age of 18
7 when, based upon personal investigation, the officer has
8 reasonable cause to believe that the person has committed a
9 civil infraction in violation of s. 386.212 or s. 569.11.

10 (3) A correctional probation officer as defined in s.
11 943.10(3) is authorized to issue a citation to a person under
12 the age of 18 when, based upon personal investigation, the
13 officer has reasonable cause to believe that the person has
14 committed a civil infraction in violation of s. 569.11.

15 (4) A citation issued to any person violating the
16 provisions of s. 569.11 shall be in a form prescribed by the
17 Division of Alcoholic Beverages and Tobacco of the Department
18 of Business and Professional Regulation and shall contain:

19 (a) The date and time of issuance.

20 (b) The name and address of the person to whom the
21 citation is issued.

22 (c) The date and time the civil infraction was
23 committed.

24 (d) The facts constituting reasonable cause.

25 (e) The number of the Florida statute violated.

26 (f) The name and authority of the citing officer.

27 (g) The procedure for the person to follow in order to
28 contest the citation, perform the required community service,
29 attend the required anti-tobacco program, or to pay the civil
30 penalty.

31

1 Section 7. Paragraph (c) of subsection (1) of section
2 569.003, Florida Statutes, is amended to read:

3 569.003 Retail tobacco products dealer permits;
4 application; qualifications; fees; renewal; duplicates.--

5 (1)

6 (c) Permits shall be issued annually, ~~beginning~~
7 ~~January 15, 1993~~, upon payment of the annual permit fee
8 prescribed by the division. The division shall fix the fee in
9 an amount sufficient to meet the costs incurred by it in
10 carrying out its permitting, enforcement, and administrative
11 responsibilities under this chapter ~~ss. 569.002-569.009~~, but
12 the fee may not exceed \$50. The proceeds of the fee shall be
13 deposited into the Alcoholic Beverage and Tobacco Trust Fund.

14 Section 8. Section 569.004, Florida Statutes, is
15 amended to read:

16 569.004 Consent to inspection and search without
17 warrant.--An applicant for a permit, by accepting the permit
18 when issued, agrees that the place or premises covered by the
19 permit is subject to inspection and search without a search
20 warrant by the division or its authorized assistants, and by
21 sheriffs, deputy sheriffs, or police officers, to determine
22 compliance with this chapter ~~ss. 569.002-569.009 and ss.~~
23 ~~859.06 and 859.061~~.

24 Section 9. Section 569.006, Florida Statutes, is
25 amended to read:

26 569.006 Retail tobacco products dealers;
27 administrative penalties.--The division may suspend or revoke
28 the permit of the dealer upon sufficient cause appearing of
29 the violation of any of the provisions of this chapter ~~s.~~
30 ~~569.003, s. 569.005, s. 569.007, s. 859.06, or s. 859.061~~, by
31 a dealer or by a dealer's agent or employee. The division may

1 also assess and accept administrative fines of up to \$1,000
2 against a dealer for each violation. The division shall
3 deposit all fines collected into the General Revenue Fund as
4 collected. An order imposing an administrative fine becomes
5 effective 15 days after the date of the order. The division
6 may suspend the imposition of a penalty against a dealer,
7 conditioned upon the dealer's compliance with terms the
8 division considers appropriate.

9 Section 10. Section 859.061, Florida Statutes, is
10 renumbered as section 569.14, Florida Statutes, and amended to
11 read:

12 569.14 ~~859.061~~ Posting of a sign stating that the sale
13 of ~~cigarettes and other~~ tobacco products to persons under 18
14 years of age is unlawful; enforcement; penalty.--

15 (1) Any dealer ~~retailer or owner of a business~~ that
16 sells ~~cigarettes or other~~ tobacco products shall post a clear
17 and conspicuous sign in each place of business where such
18 ~~cigarettes or other tobacco~~ products are sold which states the
19 following:

20
21 THE SALE OF ~~CIGARETTES AND OTHER~~ TOBACCO
22 PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS
23 AGAINST FLORIDA LAW (SECTION 569.101 ~~859.06~~,
24 FLORIDA STATUTES). PROOF OF AGE IS REQUIRED
25 FOR PURCHASE.

26
27 (2) The division ~~of Alcoholic Beverages and Tobacco of~~
28 ~~the Department of Business and Professional Regulation~~ shall
29 make available to dealers ~~retailers~~ of ~~cigarettes or other~~
30 tobacco products signs that meet the requirements of
31 subsection (1).

1 (3) Any dealer that sells tobacco products shall
2 provide at the checkout counter in a location clearly visible
3 to both the dealer, the dealer's agent or employee and the
4 public, instructional material in a calendar format or similar
5 format to assist in determining whether a person is of legal
6 age to purchase tobacco products. This point of sale material
7 must contain substantially the following language:

8
9 IF YOU WERE NOT BORN BEFORE THIS DATE
10 (insert date and applicable year)
11 YOU CANNOT BUY TOBACCO PRODUCTS.

12
13 Failure to comply with the provisions contained in this
14 subsection shall result in imposition of administrative
15 penalties as provided in s. 569.006.

16 ~~(4)(3)~~ ~~The division of Alcoholic Beverages and Tobacco~~
17 ~~of the Department of Business and Professional Regulation,~~
18 ~~through its agents and inspectors, shall enforce this section.~~

19 (5)(4) Any person who fails to comply with subsection
20 (1) is guilty of a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083.

22 Section 11. Section 569.007, Florida Statutes, is
23 amended to read:

24 569.007 Sale or delivery of tobacco products;
25 restrictions.--

26 (1) In order to prevent persons under 18 years of age
27 from purchasing or receiving tobacco products, the sale or
28 delivery of tobacco products is prohibited, except:

29 (a) From behind, above, on, or below the counter or
30 checkout area for which only the dealer or the dealer's agent
31 or employee has access;

1 (b) From a locked display case for which only the
2 dealer or the dealer's agent or employee has access; or

3 (c) From a vending machine that is equipped with an
4 operational lockout device which is under the control of the
5 dealer or the dealer's agent or employee who directly
6 regulates the sale of items through the machine by triggering
7 the lockout device to allow the dispensing of one tobacco
8 product. The lockout device must include a mechanism to
9 prevent the machine from functioning if the power source for
10 the lockout device fails or if the lockout device is disabled,
11 and a mechanism to ensure that only one tobacco product is
12 dispensed at a time.~~The sale or delivery of tobacco products~~
13 ~~through a vending machine is prohibited in order to prevent~~
14 ~~persons under 18 years of age from purchasing or receiving~~
15 ~~tobacco products through the use of such machines unless the~~
16 ~~machine is located within the unobstructed line of sight of a~~
17 ~~dealer or a dealer's agent or employee who is responsible for~~
18 ~~preventing persons under 18 years of age from purchasing~~
19 ~~tobacco products through that machine.~~

20 (2) The provisions of subsection (1) shall not apply
21 to an establishment that prohibits persons under 18 years of
22 age on the licensed premises.

23 (3) The provisions of subsection (1) shall not apply
24 to the sale or delivery of cigars and pipe tobacco.

25 (4)~~(2)~~ A dealer or a dealer's agent or employee may
26 require proof of age of a purchaser of a tobacco product
27 before selling the product to that person.

28 (5)~~(3)~~ A wholesale dealer or distributing agent, as
29 those terms are defined in s. 210.01, or a distributor, as
30 defined in s. 210.25, may sell or deliver tobacco products
31 only to dealers who have permits.

1 Section 12. Section 569.0075, Florida Statutes, is
2 created to read:

3 569.0075 Gift of sample tobacco products
4 prohibited.--The gift of sample tobacco products to any person
5 under the age of 18 by an entity licensed or permitted under
6 the provisions of chapter 210 or this chapter, or by an
7 employee of such entity, is prohibited and is punishable as
8 provided in s. 569.101.

9 Section 13. Section 569.008, Florida Statutes, is
10 amended to read:

11 569.008 Responsible retail tobacco products dealers;
12 qualifications; mitigation of disciplinary penalties; diligent
13 management and supervision; presumption.--

14 (1) The Legislature intends to prevent the sale of
15 tobacco products to ~~underage~~ persons under 18 years of age and
16 to encourage retail tobacco products dealers to comply with
17 responsible practices in accordance with this section.

18 (2) To qualify as a responsible retail tobacco
19 products dealer, the dealer must establish and implement
20 procedures designed to ensure that the dealer's employees
21 comply with the provisions of this chapter ~~ss. 569.002-569.009~~
22 ~~and s. 859.06~~. The dealer must provide a training program for
23 the dealer's employees which addresses the use and sale of
24 tobacco products and which includes at least the following
25 topics:

26 (a) Laws covering the sale of tobacco products.

27 (b) Methods of recognizing and handling ~~underage~~
28 customers under 18 years of age.

29 (c) Procedures for proper examination of
30 identification cards in order to verify that customers are not
31 under 18 years of age ~~underage~~.

1 (d) The use of the age audit identification function
2 on electronic point-of-sale equipment, where available.

3 (3) In determining penalties under s. 569.006 ~~s.~~
4 ~~569.005~~, the division may mitigate penalties imposed against a
5 dealer because of an employee's illegal sale of a tobacco
6 product to a person under 18 years of age if the following
7 conditions are met:

8 (a) The dealer is qualified as a responsible dealer
9 under this section.

10 (b) The dealer provided the training program required
11 under subsection (2) to that employee before the illegal sale
12 occurred.

13 (c) The dealer had no knowledge of that employee's
14 violation at the time of the violation and did not direct,
15 approve, or participate in the violation.

16 (d) If the sale was made through a vending machine,
17 the machine was equipped with an operational lock-out device.

18 (4) The division shall develop and make available a
19 model tobacco products training program designed to ensure
20 adherence to this act by dealers and their employees which, if
21 followed, will qualify dealers as responsible dealers.

22 (5) Dealers shall exercise diligence in the management
23 and supervision of their premises and in the supervision and
24 training of their employees, agents, officers, or servants.
25 In proceedings to impose penalties under s. 569.006, proof
26 that employees, agents, officers, or servants of the dealer,
27 while in the scope of their employment, committed at least
28 three violations of s. 569.101 during a 180-day period shall
29 be prima facie evidence of a lack of due diligence by the
30 dealer in the management and supervision of his or her

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1 premises and in the supervision and training of employees,
2 agents, officers, or servants.

3 (6) The division may consider qualification as a
4 responsible retail tobacco products dealer under this section
5 as evidence that the dealer properly exercised the diligence
6 required under this section.

7 Section 14. Section 569.009, Florida Statutes, is
8 amended to read:

9 569.009 Rulemaking authority.--The division shall
10 adopt any rules necessary to administer and enforce the
11 provisions of this chapter ~~ss. 569.002-569.009~~.

12 Section 15. Section 322.056, Florida Statutes, is
13 amended to read:

14 322.056 Mandatory revocation or suspension of, or
15 delay of eligibility for, driver's license for persons under
16 age 18 found guilty of certain alcohol, or drug, or tobacco
17 offenses; prohibition.--

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

22 (a) The person is eligible by reason of age for a
23 driver's license or driving privilege, the court shall direct
24 the department to revoke or to withhold issuance of his or her
25 driver's license or driving privilege for a period of:

26 1. Not less than 6 months and not more than 1 year for
27 the first violation.

28 2. Two years, for a subsequent violation.

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

31

1 shall direct the department to extend the period of suspension
2 or revocation by an additional period of:
3 1. Not less than 6 months and not more than 1 year for
4 the first violation.
5 2. Two years, for a subsequent violation.
6 (c) The person is ineligible by reason of age for a
7 driver's license or driving privilege, the court shall direct
8 the department to withhold issuance of his or her driver's
9 license or driving privilege for a period of:
10 1. Not less than 6 months and not more than 1 year
11 after the date on which he would otherwise have become
12 eligible, for the first violation.
13 2. Two years after the date on which he would
14 otherwise have become eligible, for a subsequent violation.
15 (2) If a person under 18 years of age is found by the
16 court to have committed a noncriminal violation under s.
17 569.11 and that person has failed to comply with the
18 procedures established in that section by failing to fulfill
19 community service requirements, failing to pay the applicable
20 fine, or failing to attend a locally available school approved
21 anti-tobacco program, and:
22 (a) The person is eligible by reason of age for a
23 driver's license or driving privilege, the court shall direct
24 the department to revoke or to withhold issuance of his or her
25 driver's license or driving privilege as follows:
26 1. For the first violation, for 30 days.
27 2. For the second violation within 12 weeks of the
28 first violation, for 45 days.
29 (b) The person's driver's license or driving privilege
30 is under suspension or revocation for any reason, the court
31

1 shall direct the department to extend the period of suspension
2 or revocation by an additional period as follows:

3 1. For the first violation, for 30 days.

4 2. For the second violation within 12 weeks of the
5 first violation, for 45 days.

6 (c) The person is ineligible by reason of age for a
7 driver's license or driving privilege, the court shall direct
8 the department to withhold issuance of his or her driver's
9 license or driving privilege as follows:

10 1. For the first violation, for 30 days.

11 2. For the second violation within 12 weeks of the
12 first violation, for 45 days.

13
14 Any second violation of s. 569.11 not within the 12-week
15 period after the first violation will be treated as a first
16 violation and in the same manner as provided in this
17 subsection.

18 (3) If a person under 18 years of age is found by the
19 court to have committed a third violation of s. 569.11 within
20 12 weeks of the first violation, the court must direct the
21 Department of Highway Safety and Motor Vehicles to suspend or
22 withhold issuance of his or her driver's license or driving
23 privilege for 60 consecutive days. Any third violation of s.
24 569.11 not within the 12-week period after the first violation
25 will be treated as a first violation and in the same manner as
26 provided in subsection (2).

27 (4)~~(2)~~ A penalty imposed under this section ~~subsection~~
28 ~~(1)~~ shall be in addition to any other penalty imposed by law.

29 (5) The suspension or revocation of a person's
30 driver's license imposed pursuant to subsection (2) or
31 subsection (3), shall not result in or be cause for an

1 increase of the convicted person's, or his or her parent's or
2 legal guardian's, automobile insurance rate or premium or
3 result in points assessed against the person's driving record.

4 Section 16. Section 569.19, Florida Statutes, is
5 created to read:

6 569.19 Annual report.--The division shall report
7 annually with written findings to the Legislature and the
8 Governor by December 31, starting with the year 1997, on the
9 progress of implementing the enforcement provisions of this
10 chapter. This must include, but is not limited to:

11 (1) The number and results of compliance visits.

12 (2) The number of violations for failure of a retailer
13 to hold a valid license.

14 (3) The number of violations for selling tobacco
15 products to persons under age 18, and the results of
16 administrative hearings on the above and related issues.

17 (4) The number of persons under age 18 cited for
18 violations of s. 569.11 and sanctions imposed as a result of
19 citation.

20 Section 17. Prior to October 1, 1997, the division
21 shall apprise all persons licensed or permitted pursuant to
22 chapter 210 or chapter 569 of the provisions contained in this
23 legislation.

24 Section 18. Effective upon becoming a law, there is
25 hereby appropriated \$25,000 from the Alcoholic Beverage and
26 Tobacco Trust Fund to the Department of Business and
27 Professional Regulation, Division of Alcoholic Beverages and
28 Tobacco, for purposes of funding the printing and distribution
29 of signs as required by s. 569.14, Florida Statutes.

30 Section 19. Except as otherwise provided herein, this
31 act shall take effect October 1, 1997.

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ADDITIONAL SPONSORS

Lippman, Wasserman Schultz, Kosmas, Effman, Hafner, Ritchie,
Horan, Littlefield, Meek, Reddick, Dennis, Stafford, Logan,
Mackenzie, Miller, Valdes, Flanagan, Safley, Culp, Argenziano,
Ziebarth and Barreiro

CODING: Words ~~stricken~~ are deletions; words underlined are additions.