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

1 F.S.; providing for an annual report; requiring  
2 notification to licensees and permittees of the  
3 provisions included in this legislation;  
4 providing an appropriation; providing an  
5 effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Paragraph (b) of subsection (9) of section  
10 20.165, Florida Statutes, 1996 Supplement, is amended to read:  
11 20.165 Department of Business and Professional  
12 Regulation.--There is created a Department of Business and  
13 Professional Regulation.

14 (9)

15 (b) All employees certified under chapter 943 as law  
16 enforcement officers shall have felony arrest powers under s.  
17 901.15(11) and shall have all the powers of deputy sheriffs  
18 to:

19 1. Investigate, enforce, and prosecute, throughout the  
20 state, violations and violators of:

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

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

1           2. Enforce all criminal laws of the state within  
2 specified jurisdictions when the division is a party to a  
3 written mutual aid agreement with a state agency, sheriff, or  
4 municipal police department, or when the division participates  
5 in the Florida Mutual Aid Plan during a declared state  
6 emergency.

7           Section 2. Chapter 569, Florida Statutes, entitled  
8 "Tobacco Products Permits" is retitled "Tobacco Products."

9           Section 3. Section 859.06, Florida Statutes, is  
10 renumbered as section 569.101, Florida Statutes, and amended  
11 to read:

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

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

21           (2) Any person who violates subsection (1) commits ~~is~~  
22 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
23 provided in s. 775.082 or s. 775.083. However, any person who  
24 violates subsection (1) for a second or subsequent time within  
25 1 year of the first violation, commits a misdemeanor of the  
26 first degree, punishable as provided in s. 775.082 or s.  
27 775.083.

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

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

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

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

14 Section 4. Section 569.002, Florida Statutes, is  
15 amended to read:

16 569.002 Definitions.--As used in this chapter ~~ss.~~  
17 ~~569.002-569.009~~, the term:

18 (1) "Dealer" is synonymous with the term "retail  
19 tobacco products dealer."

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

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

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

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

29 (6) "Tobacco products" includes loose tobacco leaves,  
30 and products made from tobacco leaves, in whole or in part,

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1 and cigarette wrappers, which can be used for smoking,  
2 sniffing, or chewing.

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

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

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

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

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

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

17 Section 5. Section 569.11, Florida Statutes, is  
18 created to read:

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

23 (1) It is unlawful for any person under 18 years of  
24 age to knowingly possess any tobacco product. Any person  
25 under 18 years of age who violates the provisions of this  
26 subsection commits a noncriminal violation as provided in s.  
27 775.08(3), punishable by:

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

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

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

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

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

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

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

26           (c) For a third or subsequent violation within 12  
27 weeks of the first violation, the court must direct the  
28 Department of Highway Safety and Motor Vehicles to withhold  
29 issuance of or suspend or revoke the person's driver's license  
30 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  
19 substantially states the 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 859.06, FLORIDA~~  
24 ~~STATUTES~~). PROOF OF AGE IS REQUIRED FOR  
25 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 the dealer, the dealer's agent or employee, instructional  
4 material in a calendar format or similar format to assist in  
5 determining whether a person is of legal age to purchase  
6 tobacco products. This point of sale material must contain  
7 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 Upon approval by the division, in lieu of a calendar a dealer  
14 may use card readers, scanners or other electronic or  
15 automated systems that can verify whether a person is of legal  
16 age to purchase tobacco products. Failure to comply with the  
17 provisions contained in this subsection shall result in  
18 imposition of administrative penalties as provided in s.  
19 569.006.

20           ~~(4)(3)~~ ~~The division of Alcoholic Beverages and Tobacco~~  
21 ~~of the Department of Business and Professional Regulation,~~  
22 through its agents and inspectors, shall enforce this section.

23           ~~(5)(4)~~ Any person who fails to comply with subsection  
24 (1) is guilty of a misdemeanor of the second degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26           Section 11. Section 569.007, Florida Statutes, is  
27 amended to read:

28           569.007 Sale or delivery of tobacco products;  
29 restrictions.--

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

4           (a) When under the direct control or line of sight of  
5 the dealer or the dealer's agent or employee; or

6           (b) Sales from a vending machine are prohibited under  
7 the provisions of (1)(a) and are only permissible from a  
8 machine that is equipped with an operational lockout device  
9 which is under the control of the dealer or the dealer's agent  
10 or employee who directly regulates the sale of items through  
11 the machine by triggering the lockout device to allow the  
12 dispensing of one tobacco product. The lockout device must  
13 include a mechanism to prevent the machine from functioning if  
14 the power source for the lockout device fails or if the  
15 lockout device is disabled, and a mechanism to ensure that  
16 only one tobacco product is dispensed at a time.~~The sale or~~  
17 ~~delivery of tobacco products through a vending machine is~~  
18 ~~prohibited in order to prevent persons under 18 years of age~~  
19 ~~from purchasing or receiving tobacco products through the use~~  
20 ~~of such machines unless the machine is located within the~~  
21 ~~unobstructed line of sight of a dealer or a dealer's agent or~~  
22 ~~employee who is responsible for preventing persons under 18~~  
23 ~~years of age from purchasing tobacco products through that~~  
24 ~~machine.~~

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

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

30  
31

1           ~~(4)(2)~~ A dealer or a dealer's agent or employee may  
2 require proof of age of a purchaser of a tobacco product  
3 before selling the product to that person.

4           ~~(5)(3)~~ A wholesale dealer or distributing agent, as  
5 those terms are defined in s. 210.01, or a distributor, as  
6 defined in s. 210.25, may sell or deliver tobacco products  
7 only to dealers who have permits.

8           Section 12. Section 569.0075, Florida Statutes, is  
9 created to read:

10           569.0075 Gift of sample tobacco products  
11 prohibited.--The gift of sample tobacco products to any person  
12 under the age of 18 by an entity licensed or permitted under  
13 the provisions of chapter 210 or this chapter, or by an  
14 employee of such entity, is prohibited and is punishable as  
15 provided in s. 569.101.

16           Section 13. Section 569.008, Florida Statutes, is  
17 amended to read:

18           569.008 Responsible retail tobacco products dealers;  
19 qualifications; mitigation of disciplinary penalties; diligent  
20 management and supervision; presumption.--

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

25           (2) To qualify as a responsible retail tobacco  
26 products dealer, the dealer must establish and implement  
27 procedures designed to ensure that the dealer's employees  
28 comply with the provisions of this chapter ~~ss. 569.002-569.009~~  
29 ~~and s. 859.06~~. The dealer must provide a training program for  
30 the dealer's employees which addresses the use and sale of  
31

1 tobacco products and which includes at least the following  
2 topics:

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

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

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

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

11 (3) In determining penalties under s. 569.006 ~~s.~~  
12 ~~569.005~~, the division may mitigate penalties imposed against a  
13 dealer because of an employee's illegal sale of a tobacco  
14 product to a person under 18 years of age if the following  
15 conditions are met:

16 (a) The dealer is qualified as a responsible dealer  
17 under this section.

18 (b) The dealer provided the training program required  
19 under subsection (2) to that employee before the illegal sale  
20 occurred.

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

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

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

30 (5) Dealers shall exercise diligence in the management  
31 and supervision of their premises and in the supervision and



1 training of their employees, agents, or servants. In  
2 proceedings to impose penalties under s. 569.006, proof that  
3 employees, agents, or servants of the dealer, while in the  
4 scope of their employment, committed at least three violations  
5 of s. 569.101 during a 180-day period shall be prima facie  
6 evidence of a lack of due diligence by the dealer in the  
7 management and supervision of his or her premises and in the  
8 supervision and training of employees, agents, officers, or  
9 servants.

10 (6) The division may consider qualification as a  
11 responsible retail tobacco products dealer under this section  
12 as evidence that the dealer properly exercised the diligence  
13 required under this section.

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

16 569.009 Rulemaking authority.--The division shall  
17 adopt any rules necessary to administer and enforce the  
18 provisions of this chapter ~~ss. 569.002-569.009~~.

19 Section 15. Section 322.056, Florida Statutes, is  
20 amended to read:

21 322.056 Mandatory revocation or suspension of, or  
22 delay of eligibility for, driver's license for persons under  
23 age 18 found guilty of certain alcohol, or drug, or tobacco  
24 offenses; prohibition.--

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

29 (a) The person is eligible by reason of age for a  
30 driver's license or driving privilege, the court shall direct  
31

1 the department to revoke or to withhold issuance of his or her  
2 driver's license or driving privilege for a 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 (b) The person's driver's license or driving privilege  
7 is under suspension or revocation for any reason, the court  
8 shall direct the department to extend the period of suspension  
9 or revocation by an additional period of:

10 1. Not less than 6 months and not more than 1 year for  
11 the first violation.

12 2. Two years, for a subsequent violation.

13 (c) The person is ineligible by reason of age for a  
14 driver's license or driving privilege, the court shall direct  
15 the department to withhold issuance of his or her driver's  
16 license or driving privilege for a period of:

17 1. Not less than 6 months and not more than 1 year  
18 after the date on which he would otherwise have become  
19 eligible, for the first violation.

20 2. Two years after the date on which he would  
21 otherwise have become eligible, for a subsequent violation.

22 (2) If a person under 18 years of age is found by the  
23 court to have committed a noncriminal violation under s.  
24 569.11 and that person has failed to comply with the  
25 procedures established in that section by failing to fulfill  
26 community service requirements, failing to pay the applicable  
27 fine, or failing to attend a locally available school approved  
28 anti-tobacco program, and:

29 (a) The person is eligible by reason of age for a  
30 driver's license or driving privilege, the court shall direct

31

1 the department to revoke or to withhold issuance of his or her  
2 driver's license or driving privilege 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 (b) The person's driver's license or driving privilege  
7 is under suspension or revocation for any reason, the court  
8 shall direct the department to extend the period of suspension  
9 or revocation by an additional period 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 (c) The person is ineligible by reason of age for a  
14 driver's license or driving privilege, the court shall direct  
15 the department to withhold issuance of his or her driver's  
16 license or driving privilege as follows:

- 17 1. For the first violation, for 30 days.  
18 2. For the second violation within 12 weeks of the  
19 first violation, for 45 days.

20  
21 Any second violation of s. 569.11 not within the 12-week  
22 period after the first violation will be treated as a first  
23 violation and in the same manner as provided in this  
24 subsection.

25 (3) If a person under 18 years of age is found by the  
26 court to have committed a third violation of s. 569.11 within  
27 12 weeks of the first violation, the court must direct the  
28 Department of Highway Safety and Motor Vehicles to suspend or  
29 withhold issuance of his or her driver's license or driving  
30 privilege for 60 consecutive days. Any third violation of s.  
31 569.11 not within the 12-week period after the first violation

1 will be treated as a first violation and in the same manner as  
2 provided in subsection (2).

3 (4)(2) A penalty imposed under this section ~~subsection~~  
4 ~~(1)~~ shall be in addition to any other penalty imposed by law.

5 (5) The suspension or revocation of a person's  
6 driver's license imposed pursuant to subsection (2) or  
7 subsection (3), shall not result in or be cause for an  
8 increase of the convicted person's, or his or her parent's or  
9 legal guardian's, automobile insurance rate or premium or  
10 result in points assessed against the person's driving record.

11 Section 16. Section 569.19, Florida Statutes, is  
12 created to read:

13 569.19 Annual report.--The division shall report  
14 annually with written findings to the Legislature and the  
15 Governor by December 31, starting with the year 1997, on the  
16 progress of implementing the enforcement provisions of this  
17 chapter. This must include, but is not limited to:

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

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

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

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

27 Section 17. Prior to October 1, 1997, the division  
28 shall apprise all persons licensed or permitted pursuant to  
29 chapter 210 or chapter 569 of the provisions contained in this  
30 legislation.

31

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

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

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