

Bill No. CS for SB 1322

Barcode 505892

CHAMBER ACTION

Senate

House

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Comm: WD  
03/08/2006 08:00 AM

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The Committee on Transportation (Bennett) recommended the following **substitute for amendment** (551218):

**Senate Amendment (with title amendment)**

On page 1, line 13,

insert:

Section 1. Section 322.056, Florida Statutes, is amended to read:

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

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

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

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

3           2. Two years, for a subsequent violation.

4           (b) The person's driver's license or driving privilege  
5 is under suspension or revocation for any reason, the court  
6 shall direct the department to extend the period of suspension  
7 or revocation by an additional period of:

8           1. Not less than 6 months and not more than 1 year for  
9 the first violation.

10          2. Two years, for a subsequent violation.

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

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

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

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21 However, the court may, in its sound discretion, direct the  
22 department to issue a license for driving privileges  
23 restricted to business or employment purposes only, as defined  
24 in s. 322.271, if the person is otherwise qualified for such a  
25 license.

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

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1 anti-tobacco program, and:

2 (a) The person is eligible by reason of age for a  
3 driver's license or driving privilege, the court shall direct  
4 the department to revoke or to withhold issuance of his or her  
5 driver's license or driving privilege as follows:

- 6 1. For the first violation, for 30 days.
- 7 2. For the second violation within 12 weeks of the  
8 first violation, for 45 days.

9 (b) The person's driver's license or driving privilege  
10 is under suspension or revocation for any reason, the court  
11 shall direct the department to extend the period of suspension  
12 or revocation by an additional period as follows:

- 13 1. For the first violation, for 30 days.
- 14 2. For the second violation within 12 weeks of the  
15 first violation, for 45 days.

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

- 20 1. For the first violation, for 30 days.
- 21 2. For the second violation within 12 weeks of the  
22 first violation, for 45 days.

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

28 (3) If a person under 18 years of age is found by the  
29 court to have committed a third violation of s. 569.11 within  
30 12 weeks of the first violation, the court must direct the  
31 Department of Highway Safety and Motor Vehicles to suspend or

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1 withhold issuance of his or her driver's license or driving  
 2 privilege for 60 consecutive days. Any third violation of s.  
 3 569.11 not within the 12-week period after the first violation  
 4 will be treated as a first violation and in the same manner as  
 5 provided in subsection (2).

6 (4) A penalty imposed under this section shall be in  
 7 addition to any other penalty imposed by law.

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

14  
 15 (Redesignate subsequent sections.)

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 2, after the semicolon,

21

22 insert:

23 amending s. 322.056, F.S.; requiring the court  
 24 to withhold the issuance of, or suspend or  
 25 revoke, the driver's license of persons under  
 26 the age of 21 found guilty of certain alcohol  
 27 offenses;

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