

1 A bill to be entitled

2 An act relating to driver licenses; amending s.
3 61.13016, F.S.; revising notification requirements
4 with respect to the suspension of the driver license
5 of a child support obligor; requiring delinquent child
6 support obligors to provide certain documentation
7 within a specified period in order to prevent the
8 suspension of a driver license; amending s. 322.055,
9 F.S.; reducing the mandatory period of revocation or
10 suspension of, or delay in eligibility for, a driver
11 license for persons convicted of certain drug
12 offenses; requiring the court to make a determination
13 as to whether a restricted license would be
14 appropriate for persons convicted of certain drug
15 offenses; amending s. 322.058, F.S.; requiring the
16 Department of Highway Safety and Motor Vehicles to
17 reinstate the driving privilege and allow registration
18 of a motor vehicle of a child support obligor upon
19 receipt of an affidavit containing specified
20 information; amending s. 562.11, F.S.; authorizing the
21 court to direct the department to issue a restricted
22 driver license to certain persons; amending s.
23 812.0155, F.S.; deleting a provision requiring the
24 suspension of the driver license of a person
25 adjudicated guilty of certain offenses; authorizing
26 the court to direct the department to issue a

HB 1181

2014

27 restricted driver license to certain persons; amending
28 s. 832.09, F.S.; providing that the suspension of a
29 driver license of a person being prosecuted for
30 passing a worthless check is discretionary; providing
31 an effective date.

32

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

34

35 Section 1. Subsection (1), paragraph (a) of subsection
36 (2), and subsection (3) of section 61.13016, Florida Statutes,
37 are amended to read:

38 61.13016 Suspension of driver ~~driver's~~ licenses and motor
39 vehicle registrations.—

40 (1) The driver ~~driver's~~ license and motor vehicle
41 registration of a support obligor who is delinquent in payment
42 or who has failed to comply with subpoenas or a similar order to
43 appear or show cause relating to paternity or support
44 proceedings may be suspended. When an obligor is 15 days
45 delinquent making a payment in support or failure to comply with
46 a subpoena, order to appear, order to show cause, or similar
47 order in IV-D cases, the Title IV-D agency may provide notice to
48 the obligor of the delinquency or failure to comply with a
49 subpoena, order to appear, order to show cause, or similar order
50 and the intent to suspend by regular United States mail that is
51 posted to the obligor's last address of record with the
52 Department of Highway Safety and Motor Vehicles. When an obligor

HB 1181

2014

53 is 15 days delinquent in making a payment in support in non-IV-D
54 cases, and upon the request of the obligee, the depository or
55 the clerk of the court must provide notice to the obligor of the
56 delinquency and the intent to suspend by regular United States
57 mail that is posted to the obligor's last address of record with
58 the Department of Highway Safety and Motor Vehicles. In either
59 case, the notice must state:

60 (a) The terms of the order creating the support
61 obligation;

62 (b) The period of the delinquency and the total amount of
63 the delinquency as of the date of the notice or describe the
64 subpoena, order to appear, order to show cause, or other similar
65 order that ~~which~~ has not been complied with;

66 (c) That notification will be given to the Department of
67 Highway Safety and Motor Vehicles to suspend the obligor's
68 driver ~~driver's~~ license and motor vehicle registration unless,
69 within 20 days after the date that the notice is mailed, the
70 obligor:

71 1.a. Pays the delinquency in full and any other costs and
72 fees accrued between the date of the notice and the date the
73 delinquency is paid;

74 b. Enters into a written agreement for payment with the
75 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
76 cases; or in IV-D cases, complies with a subpoena or order to
77 appear, order to show cause, or a similar order; ~~or~~

78 c. Files a petition with the circuit court to contest the

- 79 delinquency action; ~~and~~
- 80 d. Demonstrates that he or she receives reemployment
- 81 assistance or unemployment compensation pursuant to chapter 443;
- 82 e. Demonstrates that he or she is disabled and incapable
- 83 of self-support or that he or she receives benefits under the
- 84 federal Supplemental Security Income or Social Security
- 85 Disability Insurance programs;
- 86 f. Demonstrates that he or she receives temporary cash
- 87 assistance pursuant to chapter 414; or
- 88 g. Demonstrates that he or she is making payments in
- 89 accordance with a confirmed bankruptcy plan under chapter 11,
- 90 chapter 12, or chapter 13 of the United States Bankruptcy Code,
- 91 11 U.S.C. ss. 101 et seq.; and
- 92 2. Pays any applicable delinquency fees.

93

94 If an ~~the~~ obligor in a non-IV-D case ~~eases~~ enters into a written

95 agreement for payment before the expiration of the 20-day

96 period, the obligor must provide a copy of the signed written

97 agreement to the depository or the clerk of the court. If an

98 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph

99 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before

100 expiration of the 20-day period, the obligor must provide the

101 applicable documentation or proof to the depository or the clerk

102 of the court.

103 (2) (a) Upon petition filed by the obligor in the circuit

104 court within 20 days after the mailing date of the notice, the

HB 1181

2014

105 court may, in its discretion, direct the department to issue a
106 license for driving privilege ~~privileges~~ restricted to business
107 purposes only, as defined by s. 322.271, if the person is
108 otherwise qualified for such a license. As a condition for the
109 court to exercise its discretion under this subsection, the
110 obligor must agree to a schedule of payment on any child support
111 arrearages and to maintain current child support obligations. If
112 the obligor fails to comply with the schedule of payment, the
113 court shall direct the Department of Highway Safety and Motor
114 Vehicles to suspend the obligor's driver ~~driver's~~ license.

115 (3) If the obligor does not, within 20 days after the
116 mailing date on the notice, pay the delinquency; ~~enter into a~~
117 written payment agreement; ~~comply with the subpoena, order to~~
118 appear, order to show cause, or other similar order; ~~begin~~
119 paying the delinquency by income deduction; ~~or file a motion to~~
120 contest; or satisfy sub-subparagraph (1)(c)1.d., sub-
121 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
122 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
123 the depository or clerk of the court in non-IV-D cases, may
124 ~~shall~~ file the notice with the Department of Highway Safety and
125 Motor Vehicles and request the suspension of the obligor's
126 driver ~~driver's~~ license and motor vehicle registration in
127 accordance with s. 322.058.

128 Section 2. Section 322.055, Florida Statutes, is amended
129 to read:

130 322.055 Revocation or suspension of, or delay of

HB 1181

2014

131 eligibility for, driver ~~driver's~~ license for persons 18 years of
132 age or older convicted of certain drug offenses.—

133 (1) Notwithstanding the provisions of s. 322.28, upon the
134 conviction of a person 18 years of age or older for possession
135 or sale of, trafficking in, or conspiracy to possess, sell, or
136 traffic in a controlled substance, the court shall direct the
137 department to revoke the driver ~~driver's~~ license or driving
138 privilege of the person. The period of such revocation shall be
139 1 year ~~2 years~~ or until the person is evaluated for and, if
140 deemed necessary by the evaluating agency, completes a drug
141 treatment and rehabilitation program approved or regulated by
142 the Department of Children and Family Services. However, the
143 court may, in its sound discretion, direct the department to
144 issue a license for driving privilege ~~privileges~~ restricted to
145 business or employment purposes only, as defined by s. 322.271,
146 if the person is otherwise qualified for such a license. A
147 driver whose license or driving privilege has been suspended or
148 revoked under this section or s. 322.056 may, upon the
149 expiration of 6 months, petition the department for restoration
150 of the driving privilege on a restricted or unrestricted basis
151 depending on length of suspension or revocation. In no case
152 shall a restricted license be available until 6 months of the
153 suspension or revocation period has expired.

154 (2) If a person 18 years of age or older is convicted for
155 the possession or sale of, trafficking in, or conspiracy to
156 possess, sell, or traffic in a controlled substance and such

157 person is eligible by reason of age for a driver ~~driver's~~
158 license or privilege, the court shall direct the department to
159 withhold issuance of such person's driver ~~driver's~~ license or
160 driving privilege for a period of 1 year ~~2 years~~ after the date
161 the person was convicted or until the person is evaluated for
162 and, if deemed necessary by the evaluating agency, completes a
163 drug treatment and rehabilitation program approved or regulated
164 by the Department of Children and Family Services. However, the
165 court may, in its sound discretion, direct the department to
166 issue a license for driving privilege ~~privileges~~ restricted to
167 business or employment purposes only, as defined by s. 322.271,
168 if the person is otherwise qualified for such a license. A
169 driver whose license or driving privilege has been suspended or
170 revoked under this section or s. 322.056 may, upon the
171 expiration of 6 months, petition the department for restoration
172 of the driving privilege on a restricted or unrestricted basis
173 depending on the length of suspension or revocation. In no case
174 shall a restricted license be available until 6 months of the
175 suspension or revocation period has expired.

176 (3) If a person 18 years of age or older is convicted for
177 the possession or sale of, trafficking in, or conspiracy to
178 possess, sell, or traffic in a controlled substance and such
179 person's driver ~~driver's~~ license or driving privilege is already
180 under suspension or revocation for any reason, the court shall
181 direct the department to extend the period of such suspension or
182 revocation by an additional period of 1 year ~~2 years~~ or until

183 the person is evaluated for and, if deemed necessary by the
 184 evaluating agency, completes a drug treatment and rehabilitation
 185 program approved or regulated by the Department of Children and
 186 Family Services. However, the court may, in its sound
 187 discretion, direct the department to issue a license for driving
 188 privilege ~~privileges~~ restricted to business or employment
 189 purposes only, as defined by s. 322.271, if the person is
 190 otherwise qualified for such a license. A driver whose license
 191 or driving privilege has been suspended or revoked under this
 192 section or s. 322.056 may, upon the expiration of 6 months,
 193 petition the department for restoration of the driving privilege
 194 on a restricted or unrestricted basis depending on the length of
 195 suspension or revocation. In no case shall a restricted license
 196 be available until 6 months of the suspension or revocation
 197 period has expired.

198 (4) If a person 18 years of age or older is convicted for
 199 the possession or sale of, trafficking in, or conspiracy to
 200 possess, sell, or traffic in a controlled substance and such
 201 person is ineligible by reason of age for a driver ~~driver's~~
 202 license or driving privilege, the court shall direct the
 203 department to withhold issuance of such person's driver ~~driver's~~
 204 license or driving privilege for a period of 1 year ~~2 years~~
 205 after the date that he or she would otherwise have become
 206 eligible or until he or she becomes eligible by reason of age
 207 for a driver ~~driver's~~ license and is evaluated for and, if
 208 deemed necessary by the evaluating agency, completes a drug

209 treatment and rehabilitation program approved or regulated by
 210 the Department of Children and Family Services. However, the
 211 court may, in its sound discretion, direct the department to
 212 issue a license for driving privilege ~~privileges~~ restricted to
 213 business or employment purposes only, as defined by s. 322.271,
 214 if the person is otherwise qualified for such a license. A
 215 driver whose license or driving privilege has been suspended or
 216 revoked under this section or s. 322.056 may, upon the
 217 expiration of 6 months, petition the department for restoration
 218 of the driving privilege on a restricted or unrestricted basis
 219 depending on the length of suspension or revocation. In no case
 220 shall a restricted license be available until 6 months of the
 221 suspension or revocation period has expired.

222 (5) A court that orders the revocation or suspension of,
 223 or delay in eligibility for, a driver license pursuant to this
 224 section shall make a specific, articulated determination as to
 225 whether the issuance of a license for driving privilege
 226 restricted to business purposes only, as defined in s. 322.271,
 227 is appropriate in each case.

228 (6) ~~(5)~~ Each clerk of court shall promptly report to the
 229 department each conviction for the possession or sale of,
 230 trafficking in, or conspiracy to possess, sell, or traffic in a
 231 controlled substance.

232 Section 3. Subsections (1) and (2) of section 322.058,
 233 Florida Statutes, are amended to read:

234 322.058 Suspension of driving privilege ~~privileges~~ due to

235 support delinquency; reinstatement.—

236 (1) When the department receives notice from the Title IV-
 237 D agency or depository or the clerk of the court that any person
 238 licensed to operate a motor vehicle in the State of Florida
 239 under the provisions of this chapter has a delinquent support
 240 obligation or has failed to comply with a subpoena, order to
 241 appear, order to show cause, or similar order, the department
 242 shall suspend the driver ~~driver's~~ license of the person named in
 243 the notice and the registration of all motor vehicles owned by
 244 that person.

245 (2) The department must reinstate the driving privilege
 246 and allow registration of a motor vehicle when the Title IV-D
 247 agency in IV-D cases or the depository or the clerk of the court
 248 in non-IV-D cases provides to the department an affidavit
 249 stating that:

250 (a) The person has paid the delinquency;

251 (b) The person has reached a written agreement for payment
 252 with the Title IV-D agency or the obligee in non-IV-D cases;

253 (c) A court has entered an order granting relief to the
 254 obligor ordering the reinstatement of the license and motor
 255 vehicle registration; ~~or~~

256 (d) The person has complied with the subpoena, order to
 257 appear, order to show cause, or similar order;

258 (e) The person receives reemployment assistance or
 259 unemployment compensation pursuant to chapter 443;

260 (f) The person is disabled and incapable of self-support

261 or receives benefits under the federal Supplemental Security
 262 Income or Social Security Disability Insurance programs;

263 (g) The person receives temporary cash assistance pursuant
 264 to chapter 414; or

265 (h) The person is making payments in accordance with a
 266 confirmed bankruptcy plan under chapter 11, chapter 12, or
 267 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 268 101 et seq.

269 Section 4. Paragraph (a) of subsection (1) of section
 270 562.11, Florida Statutes, is amended to read:

271 562.11 Selling, giving, or serving alcoholic beverages to
 272 person under age 21; providing a proper name; misrepresenting or
 273 misstating age or age of another to induce licensee to serve
 274 alcoholic beverages to person under 21; penalties.—

275 (1) (a) 1. A ~~It is unlawful for any person~~ may not ~~to~~ sell,
 276 give, serve, or permit to be served alcoholic beverages to a
 277 person under 21 years of age or ~~to~~ permit a person under 21
 278 years of age to consume such beverages on the licensed premises.
 279 A person who violates this subparagraph commits a misdemeanor of
 280 the second degree, punishable as provided in s. 775.082 or s.
 281 775.083. A person who violates this subparagraph a second or
 282 subsequent time within 1 year after a prior conviction commits a
 283 misdemeanor of the first degree, punishable as provided in s.
 284 775.082 or s. 775.083.

285 2. In addition to any other penalty imposed for a
 286 violation of subparagraph 1., the court may order the Department

287 of Highway Safety and Motor Vehicles to withhold the issuance
 288 of, or suspend or revoke, the driver ~~driver's~~ license or driving
 289 privilege, as provided in s. 322.057, of any person who violates
 290 subparagraph 1. This subparagraph does not apply to a licensee,
 291 as defined in s. 561.01, who violates subparagraph 1. while
 292 acting within the scope of his or her license or an employee or
 293 agent of a licensee, as defined in s. 561.01, who violates
 294 subparagraph 1. while engaged within the scope of his or her
 295 employment or agency.

296 3. A court that withholds the issuance of, or suspends or
 297 revokes, the driver license or driving privilege of a person
 298 pursuant to subparagraph 2., may direct the Department of
 299 Highway Safety and Motor Vehicles to issue the person a license
 300 for driving privilege restricted to business purposes only, as
 301 defined in s. 322.271, if he or she is otherwise qualified.

302 Section 5. Subsection (1) of section 812.0155, Florida
 303 Statutes, is amended, and subsection (5) is added to that
 304 section, to read:

305 812.0155 Suspension of driver ~~driver's~~ license following
 306 an adjudication of guilt for theft.—

307 (1) Except as provided in subsections (2) and (3), the
 308 court may order the suspension of the driver ~~driver's~~ license of
 309 each person adjudicated guilty of any misdemeanor violation of
 310 s. 812.014 or s. 812.015, regardless of the value of the
 311 property stolen. ~~The court shall order the suspension of the~~
 312 ~~driver's license of each person adjudicated guilty of any~~

HB 1181

2014

313 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~
314 ~~previously been convicted of such an offense.~~ Upon ordering the
315 suspension of the driver ~~driver's~~ license of the person
316 adjudicated guilty, the court shall forward the driver ~~driver's~~
317 license of the person adjudicated guilty to the Department of
318 Highway Safety and Motor Vehicles in accordance with s. 322.25.

319 (a) The first suspension of a driver ~~driver's~~ license
320 under this subsection shall be for a period of up to 6 months.

321 (b) A second or subsequent suspension of a driver ~~driver's~~
322 license under this subsection shall be for 1 year.

323 (5) A court that suspends the driver license of a person
324 pursuant to subsection (1) may direct the Department of Highway
325 Safety and Motor Vehicles to issue the person a license for
326 driving privilege restricted to business purposes only, as
327 defined in s. 322.271, if he or she is otherwise qualified.

328 Section 6. Section 832.09, Florida Statutes, is amended to
329 read:

330 832.09 Suspension of driver license after warrant or
331 capias is issued in worthless check case.—

332 (1) The court may order the suspension or revocation of
333 the driver license of a ~~Any~~ person who is being prosecuted for
334 passing a worthless check in violation of s. 832.05, who fails
335 to appear before the court and against whom a warrant or capias
336 for failure to appear is issued by the court if the person has
337 previously been adjudicated guilty of a violation of s. 832.05
338 ~~shall have his or her driver's license suspended or revoked~~

HB 1181

2014

339 ~~pursuant to s. 322.251.~~

340 (2) Within 5 working days after the court orders the
341 suspension of a driver license pursuant to subsection (1)
342 ~~issuance of a warrant or capias for failure to appear~~, the clerk
343 of the court in the county where the warrant or capias is issued
344 shall notify the Department of Highway Safety and Motor Vehicles
345 by the most efficient method available of the action of the
346 court.

347 Section 7. This act shall take effect July 1, 2014.