

1 A bill to be entitled
2 An act relating to penalties and fees; amending s.
3 27.52, F.S.; adding additional information required on
4 certain application forms to be completed by persons
5 seeking indigent status; amending s. 28.246, F.S.;
6 revising requirements relating to the payment of
7 court-related fines or other monetary penalties, fees,
8 charges, and costs; authorizing, rather than
9 requiring, a clerk of court to pursue collection of
10 certain fees, charges, fines, costs, or liens under
11 certain circumstances; requiring a clerk of court to
12 solicit competitive bids from private attorneys or
13 collection agents for certain services, subject to
14 certain requirements; prohibiting a clerk from
15 assessing a certain surcharge; prohibiting a private
16 attorney or collection agent from imposing certain
17 additional fees or surcharges; amending s. 316.650,
18 F.S.; requiring traffic citation forms to include
19 certain language relating to payment of a penalty;
20 amending s. 318.15, F.S.; prohibiting the suspension
21 of a person's driver license solely for failure to pay
22 a penalty if the person demonstrates to the court,
23 when specified, that he or she is unable to pay such
24 penalty; requiring the person to provide documentation
25 meeting certain requirements to the appropriate clerk

26 | of court in order to be considered unable to pay such
27 | penalty; amending s. 318.18, F.S.; requiring a court
28 | to determine at the time a certain civil penalty is
29 | ordered whether the person is able to pay such
30 | penalty; amending s. 322.055, F.S.; decreasing the
31 | period for revocation or suspension of, or delay of
32 | eligibility for, driver licenses or driving privileges
33 | for certain persons convicted of certain drug
34 | offenses; deleting provisions authorizing a driver to
35 | petition the Department of Highway Safety and Motor
36 | Vehicles for restoration of his or her driving
37 | privilege; amending s. 322.056, F.S.; decreasing the
38 | period for revocation or suspension of, or delay of
39 | eligibility for, driver licenses or driving privileges
40 | for certain persons found guilty of certain drug
41 | offenses; deleting a provision authorizing a court to
42 | direct the department to issue a license for certain
43 | restricted driving privileges under certain
44 | circumstances; deleting a provision requiring the
45 | revocation or suspension of, or delay of eligibility
46 | for, driver licenses or driving privileges for certain
47 | persons found guilty of certain alcohol or tobacco
48 | offenses; repealing s. 322.057, F.S., relating to
49 | discretionary revocation or suspension of a driver
50 | license for certain persons who provide alcohol to

51 persons under a specified age; amending s. 322.09,
52 F.S.; deleting a provision prohibiting the issuance of
53 a driver license or learner's driver license under
54 certain circumstances; repealing s. 322.091, F.S.,
55 relating to attendance requirements for driving
56 privileges; amending s. 322.245, F.S.; prohibiting the
57 suspension of a person's driver license solely for
58 failure to pay a penalty if the person demonstrates to
59 the court, when specified, that he or she is unable to
60 pay such penalty; providing applicability; requiring
61 the person to provide documentation meeting certain
62 requirements to the appropriate clerk of court in
63 order to be considered unable to pay such penalty;
64 amending s. 322.251, F.S.; deleting a provision
65 requiring notification of persons whose driver license
66 or driving privilege is suspended or revoked for
67 passing worthless checks; amending s. 322.271, F.S.;
68 providing that certain persons whose driver license or
69 privilege to drive have been suspended may have their
70 driver licenses or driving privileges reinstated on a
71 restricted basis under certain circumstances;
72 providing the period of validity of such restricted
73 license; amending s. 322.34, F.S.; revising the
74 underlying violations resulting in driver license or
75 driving privilege cancellation, suspension, or

76 | revocation for which specified penalties apply;
77 | amending s. 562.11, F.S.; revising penalties for
78 | selling, giving, serving, or permitting to be served
79 | alcoholic beverages to a person under a specified age
80 | or permitting such person to consume such beverages on
81 | licensed premises; conforming provisions to changes
82 | made by the act; amending s. 562.111, F.S.; deleting a
83 | provision requiring a court to direct the department
84 | to withhold issuance of or suspend or revoke a driver
85 | license or driving privilege of certain students
86 | convicted of certain alcohol-related offenses;
87 | amending s. 569.11, F.S.; revising penalties for
88 | persons under a specified age who knowingly possess,
89 | misrepresent their age or military service to
90 | purchase, or purchase or attempt to purchase tobacco
91 | products; authorizing, rather than requiring, a court
92 | to direct the department to withhold issuance of or
93 | suspend or revoke a person's driver license or driving
94 | privilege for certain violations; amending s. 790.22,
95 | F.S.; revising penalties relating to suspending,
96 | revoking, or withholding issuance of driver licenses
97 | or driving privileges for minors under a specified age
98 | who possess firearms under certain circumstances;
99 | deleting provisions relating to penalties for certain
100 | offenses involving the use or possession of a firearm

101 by a minor under a specified age; amending s. 806.13,
 102 F.S.; deleting provisions requiring a court to direct
 103 the department to withhold issuance of or suspend or
 104 revoke a minor's driver license if the minor commits
 105 criminal mischief; deleting provisions specifying
 106 mechanisms to reduce the period of revocation,
 107 suspension or withholding; repealing s. 812.0155,
 108 F.S., relating to suspension of a driver license
 109 following an adjudication of guilt for theft;
 110 repealing s. 832.09, F.S., relating to suspension of a
 111 driver license after warrant or *capias* is issued in
 112 worthless check case; amending s. 877.112, F.S.;
 113 revising penalties for persons under a specified age
 114 who knowingly possess, misrepresent their age or
 115 military service to purchase, or purchase, or attempt
 116 to purchase any nicotine product or nicotine
 117 dispensing device; authorizing, rather than requiring,
 118 a court to direct the department to withhold issuance
 119 of, to suspend, or to revoke a person's driver license
 120 or driving privilege for certain violations; amending
 121 s. 938.30, F.S.; authorizing a judge to convert
 122 certain statutory financial obligations into court-
 123 ordered obligations to perform community service by
 124 reliance upon specified information under certain
 125 circumstances; amending s. 1003.27, F.S.; deleting

126 provisions relating to procedures and penalties for
 127 nonenrollment and nonattendance cases; amending ss.
 128 318.14, 322.05, 322.27, and 1003.01, F.S.; conforming
 129 provisions to changes made by the act; providing
 130 applicability; providing an effective date.

131

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

133

134 Section 1. Paragraph (a) of subsection (1) of section
 135 27.52, Florida Statutes, is amended to read:

136 27.52 Determination of indigent status.—

137 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 138 of a public defender under s. 27.51 based upon an inability to
 139 pay must apply to the clerk of the court for a determination of
 140 indigent status using an application form developed by the
 141 Florida Clerks of Court Operations Corporation with final
 142 approval by the Supreme Court.

143 (a) The application must include, at a minimum, the
 144 following financial information:

145 1. Net income, consisting of total salary and wages, minus
 146 deductions required by law, including court-ordered support
 147 payments.

148 2. Other income, including, but not limited to, social
 149 security benefits, union funds, veterans' benefits, workers'
 150 compensation, other regular support from absent family members,

151 public or private employee pensions, reemployment assistance or
152 unemployment compensation, dividends, interest, rent, trusts,
153 and gifts.

154 3. Assets, including, but not limited to, cash, savings
155 accounts, bank accounts, stocks, bonds, certificates of deposit,
156 equity in real estate, and equity in a boat or a motor vehicle
157 or in other tangible property.

158 4. All liabilities and debts.

159 5. If applicable, the amount of any bail paid for the
160 applicant's release from incarceration and the source of the
161 funds.

162 6. The election or refusal of the option to provide and
163 complete community service as ordered by the court in lieu of
164 fulfilling any court-ordered financial obligation.

165

166 The application must include a signature by the applicant which
167 attests to the truthfulness of the information provided. The
168 application form developed by the corporation must include
169 notice that the applicant may seek court review of a clerk's
170 determination that the applicant is not indigent, as provided in
171 this section.

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

174 28.246 Payment of court-related fines or other monetary
175 penalties, fees, charges, and costs; partial payments;

176 distribution of funds.—

177 (4) The clerk of the circuit court shall accept partial
178 payments for court-related fees, service charges, costs, and
179 fines in accordance with the terms of an established payment
180 plan. An individual seeking to defer payment of fees, service
181 charges, costs, or fines imposed by operation of law or order of
182 the court under any provision of general law shall apply to the
183 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
184 ~~into a payment plan with an individual who the court determines~~
185 ~~is indigent for costs.~~ A monthly payment amount, calculated
186 based upon all fees and all anticipated costs, may ~~is presumed~~
187 ~~to correspond to the person's ability to pay if the amount does~~
188 not exceed 2 percent of the person's annual net income, as
189 defined in s. 27.52(1), divided by 12, without the consent of
190 the applicant. The court may review the reasonableness of the
191 payment plan.

192 (6) A clerk of court may ~~shall~~ pursue the collection of
193 any fees, service charges, fines, court costs, and liens for the
194 payment of attorney fees and costs pursuant to s. 938.29 which
195 remain unpaid after 90 days by referring the account to a
196 private attorney who is a member in good standing of The Florida
197 Bar or collection agent who is registered and in good standing
198 pursuant to chapter 559. In pursuing the collection of such
199 unpaid financial obligations through a private attorney or
200 collection agent, the clerk of the court must first attempt ~~have~~

201 ~~attempted~~ to collect the unpaid amount through a collection
202 court, collections docket, or other collections process, if any,
203 established by the court. If this attempt is unsuccessful, the
204 clerk may pursue the collection through a private attorney or
205 collection agent. In pursuing the collection through a private
206 attorney or collection agent, the clerk shall comply with, ~~find~~
207 ~~this to be cost-effective and follow~~ any applicable procurement
208 practices and the following conditions:

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

214 (b) The clerk shall consider all pertinent criteria when
215 considering bids, including, but not limited to, performance
216 quality, customer service, and collection fees. However, the
217 collection fee, including any reasonable attorney ~~attorney's~~
218 fee, paid to a private ~~any~~ attorney or collection agent retained
219 by the clerk may be added to the balance owed in an amount not
220 to exceed 40 percent of the amount owed at the time the account
221 is referred to the private attorney or collection agent ~~for~~
222 collection.

223 (c) The clerk may not assess any surcharge to refer the
224 account to a private attorney or collection agent.

225 (d) The private attorney or collection agent may not

226 | impose any additional fees or surcharges other than the
227 | contractually agreed upon amounts.

228 | (e) The clerk shall give the private attorney or
229 | collection agent the application for the appointment of court-
230 | appointed counsel regardless of whether the court file is
231 | otherwise confidential from disclosure.

232 | Section 3. Paragraphs (b), (c), and (d) of subsection (1)
233 | of section 316.650, Florida Statutes, are redesignated as
234 | paragraphs (c), (d), and (e), respectively, a new paragraph (b)
235 | is added to that subsection, and present paragraph (c) of that
236 | subsection is amended, to read:

237 | 316.650 Traffic citations.—

238 | (1)

239 | (b) The traffic citation form must include language
240 | indicating that a person may enter into a payment plan with the
241 | clerk of court to pay a penalty. The form must also indicate
242 | that a person ordered to pay a penalty for a noncriminal traffic
243 | infraction who is unable to comply due to demonstrable financial
244 | hardship will be allowed by the court to satisfy the payment by
245 | participating in community service pursuant to s. 318.18(8)(b).

246 | (d)-(e) Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
247 | traffic enforcement agency may produce uniform traffic citations
248 | by electronic means. Such citations must be consistent with the
249 | state traffic court rules and the procedures established by the
250 | department and must be appropriately numbered and inventoried.

251 Affidavit-of-compliance forms may also be produced by electronic
252 means.

253 Section 4. Subsection (4) is added to section 318.15,
254 Florida Statutes, to read:

255 318.15 Failure to comply with civil penalty or to appear;
256 penalty.—

257 (4) Notwithstanding any other law, a person's driver
258 license may not be suspended solely for the person's failure to
259 pay a penalty if the person demonstrates to the court, after
260 notice of the penalty and before the suspension takes place,
261 that he or she is unable to pay the penalty. A person is
262 considered unable to pay if he or she provides documentation to
263 the appropriate clerk of court evidencing that:

264 (a) The person receives reemployment assistance or
265 unemployment compensation pursuant to chapter 443;

266 (b) The person is disabled and incapable of self-support
267 or receives benefits under the federal Supplemental Security
268 Income program or Social Security Disability Insurance program;

269 (c) The person receives temporary cash assistance pursuant
270 to chapter 414;

271 (d) The person is making payments in accordance with a
272 confirmed bankruptcy plan under chapter 11, chapter 12, or
273 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
274 101 et seq.;

275 (e) The person has been placed on a payment plan with the

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276 clerk of court which in total exceeds what is determined to be a
277 reasonable payment plan pursuant to s. 28.246(4); or

278 (f) The person has been determined to be indigent after
279 filing an application with the clerk as set forth in s. 27.52 or
280 s. 57.082.

281 Section 5. Paragraph (b) of subsection (8) of section
282 318.18, Florida Statutes, is amended to read:

283 318.18 Amount of penalties.—The penalties required for a
284 noncriminal disposition pursuant to s. 318.14 or a criminal
285 offense listed in s. 318.17 are as follows:

286 (8)

287 (b)1.a. If a person has been ordered to pay a civil
288 penalty for a noncriminal traffic infraction and the person is
289 unable to comply with the court's order due to demonstrable
290 financial hardship, the court shall allow the person to satisfy
291 the civil penalty by participating in community service until
292 the civil penalty is paid.

293 b. The court shall determine at the time the civil penalty
294 is ordered whether the person is able to pay the penalty.

295 c. If a court orders a person to perform community
296 service, the person shall receive credit for the civil penalty
297 at the specified hourly credit rate per hour of community
298 service performed, and each hour of community service performed
299 shall reduce the civil penalty by that amount.

300 2.a. As used in this paragraph, the term "specified hourly

301 credit rate" means the wage rate that is specified in 29 U.S.C.
302 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
303 that is then in effect, and that an employer subject to such
304 provision must pay per hour to each employee subject to such
305 provision.

306 b. However, if a person ordered to perform community
307 service has a trade or profession for which there is a community
308 service need, the specified hourly credit rate for each hour of
309 community service performed by that person shall be the average
310 prevailing wage rate for the trade or profession that the
311 community service agency needs.

312 3.a. The community service agency supervising the person
313 shall record the number of hours of community service completed
314 and the date the community service hours were completed. The
315 community service agency shall submit the data to the clerk of
316 court on the letterhead of the community service agency, which
317 must also bear the notarized signature of the person designated
318 to represent the community service agency.

319 b. When the number of community service hours completed by
320 the person equals the amount of the civil penalty, the clerk of
321 court shall certify this fact to the court. Thereafter, the
322 clerk of court shall record in the case file that the civil
323 penalty has been paid in full.

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

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

326 community service agency.

327 b. "Community service agency" means a not-for-profit
328 corporation, community organization, charitable organization,
329 public officer, the state or any political subdivision of the
330 state, or any other body the purpose of which is to improve the
331 quality of life or social welfare of the community and which
332 agrees to accept community service from persons unable to pay
333 civil penalties for noncriminal traffic infractions.

334 Section 6. Subsections (1) through (4) of section 322.055,
335 Florida Statutes, are amended to read:

336 322.055 Revocation or suspension of, or delay of
337 eligibility for, driver license for persons 18 years of age or
338 older convicted of certain drug offenses.—

339 (1) Notwithstanding s. 322.28, upon the conviction of a
340 person 18 years of age or older for possession or sale of,
341 trafficking in, or conspiracy to possess, sell, or traffic in a
342 controlled substance, the court shall direct the department to
343 revoke the driver license or driving privilege of the person.
344 The period of such revocation shall be 6 months ~~1 year~~ or until
345 the person is evaluated for and, if deemed necessary by the
346 evaluating agency, completes a drug treatment and rehabilitation
347 program approved or regulated by the Department of Children and
348 Families. However, the court may, in its sound discretion,
349 direct the department to issue a license for driving privilege
350 restricted to business or employment purposes only, as defined

351 by s. 322.271, if the person is otherwise qualified for such a
352 license. ~~A driver whose license or driving privilege has been~~
353 ~~suspended or revoked under this section or s. 322.056 may, upon~~
354 ~~the expiration of 6 months, petition the department for~~
355 ~~restoration of the driving privilege on a restricted or~~
356 ~~unrestricted basis depending on length of suspension or~~
357 ~~revocation. In no case shall~~ A restricted license may not be
358 available until 3 ~~6~~ months after ~~of~~ the suspension or revocation
359 period has been completed ~~expired~~.

360 (2) If a person 18 years of age or older is convicted for
361 the possession or sale of, trafficking in, or conspiracy to
362 possess, sell, or traffic in a controlled substance and such
363 person is eligible by reason of age for a driver license or
364 privilege, the court shall direct the department to withhold
365 issuance of such person's driver license or driving privilege
366 for a period of 6 months ~~1 year~~ after the date the person was
367 convicted or until the person is evaluated for and, if deemed
368 necessary by the evaluating agency, completes a drug treatment
369 and rehabilitation program approved or regulated by the
370 Department of Children and Families. However, the court may, in
371 its sound discretion, direct the department to issue a license
372 for driving privilege restricted to business or employment
373 purposes only, as defined by s. 322.271, if the person is
374 otherwise qualified for such a license. ~~A driver whose license~~
375 ~~or driving privilege has been suspended or revoked under this~~

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376 ~~section or s. 322.056 may, upon the expiration of 6 months,~~
377 ~~petition the department for restoration of the driving privilege~~
378 ~~on a restricted or unrestricted basis depending on the length of~~
379 ~~suspension or revocation. In no case shall~~ A restricted license
380 may not be available until 3 6 months after ~~of~~ the suspension or
381 revocation period has been completed ~~expired~~.

382 (3) If a person 18 years of age or older is convicted for
383 the possession or sale of, trafficking in, or conspiracy to
384 possess, sell, or traffic in a controlled substance and such
385 person's driver license or driving privilege is already under
386 suspension or revocation for any reason, the court shall direct
387 the department to extend the period of such suspension or
388 revocation by an additional period of 6 months ~~1 year~~ or until
389 the person is evaluated for and, if deemed necessary by the
390 evaluating agency, completes a drug treatment and rehabilitation
391 program approved or regulated by the Department of Children and
392 Families. However, the court may, in its sound discretion,
393 direct the department to issue a license for driving privilege
394 restricted to business or employment purposes only, as defined
395 by s. 322.271, if the person is otherwise qualified for such a
396 license. ~~A driver whose license or driving privilege has been~~
397 ~~suspended or revoked under this section or s. 322.056 may, upon~~
398 ~~the expiration of 6 months, petition the department for~~
399 ~~restoration of the driving privilege on a restricted or~~
400 ~~unrestricted basis depending on the length of suspension or~~

401 ~~revocation. In no case shall~~ A restricted license may not be
402 available until 3 6 months after ~~of~~ the suspension or revocation
403 period has been completed ~~expired~~.

404 (4) If a person 18 years of age or older is convicted for
405 the possession or sale of, trafficking in, or conspiracy to
406 possess, sell, or traffic in a controlled substance and such
407 person is ineligible by reason of age for a driver license or
408 driving privilege, the court shall direct the department to
409 withhold issuance of such person's driver license or driving
410 privilege for a period of 6 months ~~1 year~~ after the date that he
411 or she would otherwise have become eligible or until he or she
412 becomes eligible by reason of age for a driver license and is
413 evaluated for and, if deemed necessary by the evaluating agency,
414 completes a drug treatment and rehabilitation program approved
415 or regulated by the Department of Children and Families.
416 However, the court may, in its sound discretion, direct the
417 department to issue a license for driving privilege restricted
418 to business or employment purposes only, as defined by s.
419 322.271, if the person is otherwise qualified for such a
420 license. ~~A driver whose license or driving privilege has been~~
421 ~~suspended or revoked under this section or s. 322.056 may, upon~~
422 ~~the expiration of 6 months, petition the department for~~
423 ~~restoration of the driving privilege on a restricted or~~
424 ~~unrestricted basis depending on the length of suspension or~~
425 ~~revocation. In no case shall~~ A restricted license may not be

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426 available until 3 6 months after ~~of~~ the suspension or revocation
427 period has been completed ~~expired~~.

428 Section 7. Section 322.056, Florida Statutes, is amended
429 to read:

430 322.056 Mandatory revocation or suspension of, or delay of
431 eligibility for, driver license for persons under age 18 found
432 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
433 prohibition.-

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

438 (a) The person is eligible by reason of age for a driver
439 license or driving privilege, the court shall direct the
440 department to revoke or to withhold issuance of his or her
441 driver license or driving privilege for a period of 6 months.÷

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

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

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

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

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

452 (c) The person is ineligible by reason of age for a driver
453 license or driving privilege, the court shall direct the
454 department to withhold issuance of his or her driver license or
455 driving privilege for a period of:

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

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

461
462 ~~However, the court may, in its sound discretion, direct the~~
463 ~~department to issue a license for driving privileges restricted~~
464 ~~to business or employment purposes only, as defined in s.~~
465 ~~322.271, if the person is otherwise qualified for such a~~
466 ~~license.~~

467 ~~(2) If a person under 18 years of age is found by the~~
468 ~~court to have committed a noncriminal violation under s. 569.11~~
469 ~~or s. 877.112(6) or (7) and that person has failed to comply~~
470 ~~with the procedures established in that section by failing to~~
471 ~~fulfill community service requirements, failing to pay the~~
472 ~~applicable fine, or failing to attend a locally available~~
473 ~~school-approved anti-tobacco program, and:~~

474 ~~(a) The person is eligible by reason of age for a driver~~
475 ~~license or driving privilege, the court shall direct the~~

476 ~~department to revoke or to withhold issuance of his or her~~
477 ~~driver license or driving privilege as follows:~~

478 ~~1. For the first violation, for 30 days.~~

479 ~~2. For the second violation within 12 weeks of the first~~
480 ~~violation, for 45 days.~~

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

485 ~~1. For the first violation, for 30 days.~~

486 ~~2. For the second violation within 12 weeks of the first~~
487 ~~violation, for 45 days.~~

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

492 ~~1. For the first violation, for 30 days.~~

493 ~~2. For the second violation within 12 weeks of the first~~
494 ~~violation, for 45 days.~~

495
496 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
497 ~~within the 12-week period after the first violation will be~~
498 ~~treated as a first violation and in the same manner as provided~~
499 ~~in this subsection.~~

500 ~~(3) If a person under 18 years of age is found by the~~

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501 ~~court to have committed a third violation of s. 569.11 or s.~~
502 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
503 ~~court must direct the Department of Highway Safety and Motor~~
504 ~~Vehicles to suspend or withhold issuance of his or her driver~~
505 ~~license or driving privilege for 60 consecutive days. Any third~~
506 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
507 ~~12-week period after the first violation will be treated as a~~
508 ~~first violation and in the same manner as provided in subsection~~
509 ~~(2).~~

510 (2)(4) A penalty imposed under this section shall be in
511 addition to any other penalty imposed by law.

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

518 Section 8. Section 322.057, Florida Statutes, is repealed.

519 Section 9. Subsections (4) and (5) of section 322.09,
520 Florida Statutes, are renumbered as subsections (3) and (4),
521 respectively, and present subsection (3) of that section is
522 amended to read:

523 322.09 Application of minors; responsibility for
524 negligence or misconduct of minor.—

525 ~~(3) The department may not issue a driver license or~~

526 ~~learner's driver license to any applicant under the age of 18~~
527 ~~years who is not in compliance with the requirements of s.~~
528 ~~322.091.~~

529 Section 10. Section 322.091, Florida Statutes, is
530 repealed.

531 Section 11. Subsection (6) is added to section 322.245,
532 Florida Statutes, to read:

533 322.245 Suspension of license upon failure of person
534 charged with specified offense under chapter 316, chapter 320,
535 or this chapter to comply with directives ordered by traffic
536 court or upon failure to pay child support in non-IV-D cases as
537 provided in chapter 61 or failure to pay any financial
538 obligation in any other criminal case.-

539 (6) Notwithstanding any other law, a person's driver
540 license may not be suspended solely for failure to pay a penalty
541 or court obligation if the person demonstrates to the court,
542 after the court orders the penalty or obligation and before the
543 suspension takes place, that he or she is unable to pay the
544 penalty or court obligation. This subsection does not apply to
545 failure to pay child support in non-IV-D cases as provided in
546 chapter 61. A person is considered unable to pay if he or she
547 provides documentation to the appropriate clerk of court
548 evidencing that:

549 (a) The person receives reemployment assistance or
550 unemployment compensation pursuant to chapter 443;

551 (b) The person is disabled and incapable of self-support
552 or receives benefits under the federal Supplemental Security
553 Income program or Social Security Disability Insurance program;

554 (c) The person receives temporary cash assistance pursuant
555 to chapter 414;

556 (d) The person is making payments in accordance with a
557 confirmed bankruptcy plan under chapter 11, chapter 12, or
558 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
559 101 et seq.;

560 (e) The person has been placed on a payment plan with the
561 clerk of court which in total exceeds what is determined to be a
562 reasonable payment plan pursuant to s. 28.246(4); or

563 (f) The person has been determined to be indigent as set
564 forth in s. 27.52 or s. 57.082.

565 Section 12. Subsection (7) of section 322.251, Florida
566 Statutes, is amended to read:

567 322.251 Notice of cancellation, suspension, revocation, or
568 disqualification of license.—

569 ~~(7)(a) A person whose driving privilege is suspended or~~
570 ~~revoked pursuant to s. 832.09 shall be notified, pursuant to~~
571 ~~this section, and the notification shall direct the person to~~
572 ~~surrender himself or herself to the sheriff who entered the~~
573 ~~warrant to satisfy the conditions of the warrant. A person whose~~
574 ~~driving privilege is suspended or revoked under this subsection~~
575 ~~shall not have his or her driving privilege reinstated for any~~

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576 ~~reason other than:~~

577 ~~1. Full payment of any restitution, court costs, and fees~~
578 ~~incurred as a result of a warrant or capias being issued~~
579 ~~pursuant to s. 832.09;~~

580 ~~2. The cancellation of the warrant or capias from the~~
581 ~~Department of Law Enforcement recorded by the entering agency;~~
582 ~~and~~

583 ~~3. The payment of an additional fee of \$10 to the~~
584 ~~Department of Highway Safety and Motor Vehicles to be paid into~~
585 ~~the Highway Safety Operating Trust Fund; or~~

586 ~~4. The department has modified the suspension or~~
587 ~~revocation of the license pursuant to s. 322.271 restoring the~~
588 ~~driving privilege solely for business or employment purposes.~~

589 ~~(b) The Department of Law Enforcement shall provide~~
590 ~~electronic access to the department for the purpose of~~
591 ~~identifying any person who is the subject of an outstanding~~
592 ~~warrant or capias for passing worthless bank checks.~~

593 Section 13. Subsection (8) is added to section 322.271,
594 Florida Statutes, to read:

595 322.271 Authority to modify revocation, cancellation, or
596 suspension order.—

597 (8) A person whose driver license or privilege to drive
598 has been suspended under s. 318.15 or s. 322.245, with the
599 exception of any suspension related to s. 61.13016, may have his
600 or her driver license or driving privilege reinstated on a

601 restricted basis by the department in accordance with this
 602 section. The restricted license shall be valid until the 7-year
 603 suspension period ends as provided in s. 318.15 or until the
 604 debt is paid.

605 Section 14. Subsection (10) of section 322.34, Florida
 606 Statutes, is amended to read:

607 322.34 Driving while license suspended, revoked, canceled,
 608 or disqualified.—

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

614 1. Failing to pay child support as provided in s. 322.245
 615 or s. 61.13016;

616 2. Failing to pay any other financial obligation as
 617 provided in s. 322.245 ~~other than those specified in s.~~
 618 ~~322.245(1);~~

619 3. Failing to comply with a civil penalty required in s.
 620 318.15;

621 4. Failing to maintain vehicular financial responsibility
 622 as required by chapter 324; or

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

625 ~~5.6.~~ Having been designated a habitual traffic offender

626 under s. 322.264(1)(d) as a result of suspensions of his or her
627 driver license or driver privilege for any underlying violation
628 listed in subparagraphs 1.-4. ~~1.-5.~~

629 (b)1. Upon a first conviction for knowingly driving while
630 his or her license is suspended, revoked, or canceled for any of
631 the underlying violations listed in subparagraphs (a)1.-5.
632 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,
633 punishable as provided in s. 775.082 or s. 775.083.

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

640 Section 15. Paragraph (a) of subsection (1) and paragraph
641 (c) of subsection (2) of section 562.11, Florida Statutes, are
642 amended to read:

643 562.11 Selling, giving, or serving alcoholic beverages to
644 person under age 21; providing a proper name; misrepresenting or
645 misstating age or age of another to induce licensee to serve
646 alcoholic beverages to person under 21; penalties.-

647 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
648 be served alcoholic beverages to a person under 21 years of age
649 or permit a person under 21 years of age to consume such
650 beverages on the licensed premises. A person who violates this

651 subparagraph commits a misdemeanor of the second degree,
652 punishable as provided in s. 775.082 or s. 775.083. A person who
653 violates this subparagraph a second or subsequent time within 1
654 year after a prior conviction commits a misdemeanor of the first
655 degree, punishable as provided in s. 775.082 or s. 775.083.

656 ~~2. In addition to any other penalty imposed for a~~
657 ~~violation of subparagraph 1., the court may order the Department~~
658 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
659 ~~of, or suspend or revoke, the driver license or driving~~
660 ~~privilege, as provided in s. 322.057, of any person who violates~~
661 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
662 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
663 ~~acting within the scope of his or her license or an employee or~~
664 ~~agent of a licensee, as defined in s. 561.01, who violates~~
665 ~~subparagraph 1. while engaged within the scope of his or her~~
666 ~~employment or agency.~~

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

673 (2) It is unlawful for any person to misrepresent or
674 misstate his or her age or the age of any other person for the
675 purpose of inducing any licensee or his or her agents or

676 employees to sell, give, serve, or deliver any alcoholic
 677 beverages to a person under 21 years of age, or for any person
 678 under 21 years of age to purchase or attempt to purchase
 679 alcoholic beverages.

680 (c) In addition to any other penalty imposed for a
 681 violation of this subsection, if a person uses a driver license
 682 or identification card issued by the Department of Highway
 683 Safety and Motor Vehicles in violation of this subsection, the
 684 court:

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

688 ~~2. Shall direct the Department of Highway Safety and Motor~~
 689 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
 690 ~~person's driver license or driving privilege, as provided in s.~~
 691 ~~322.056.~~

692 Section 16. Subsection (3) of section 562.111, Florida
 693 Statutes, is amended to read:

694 562.111 Possession of alcoholic beverages by persons under
 695 age 21 prohibited.—

696 ~~(3) In addition to any other penalty imposed for a~~
 697 ~~violation of subsection (1), the court shall direct the~~
 698 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 699 ~~issuance of, or suspend or revoke, the violator's driver license~~
 700 ~~or driving privilege, as provided in s. 322.056.~~

701 Section 17. Subsections (1), (2), and (5) of section
702 569.11, Florida Statutes, are amended to read:

703 569.11 Possession, misrepresenting age or military service
704 to purchase, and purchase of tobacco products by persons under
705 18 years of age prohibited; penalties; jurisdiction; disposition
706 of fines.—

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

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

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

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

723
724 Any second or subsequent violation not within the 12-week time
725 period after the first violation is punishable as provided for a

726 first violation.

727 (2) It is unlawful for any person under 18 years of age to
 728 misrepresent his or her age or military service for the purpose
 729 of inducing a dealer or an agent or employee of the dealer to
 730 sell, give, barter, furnish, or deliver any tobacco product, or
 731 to purchase, or attempt to purchase, any tobacco product from a
 732 person or a vending machine. Any person under 18 years of age
 733 who violates a provision of this subsection commits a
 734 noncriminal violation as provided in s. 775.08(3), punishable
 735 by:

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

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

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

747
 748 Any second or subsequent violation not within the 12-week time
 749 period after the first violation is punishable as provided for a
 750 first violation.

751 (5) (a) If a person under 18 years of age is found by the
 752 court to have committed a noncriminal violation under this
 753 section and that person has failed to complete community
 754 service, pay the fine as required by paragraph (1) (a) or
 755 paragraph (2) (a), or attend a school-approved anti-tobacco
 756 program, if locally available, the court may ~~must~~ direct the
 757 Department of Highway Safety and Motor Vehicles to withhold
 758 issuance of or suspend the driver license or driving privilege
 759 of that person for a period of 30 consecutive days.

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

767 Section 18. Subsections (5) and (10) of section 790.22,
 768 Florida Statutes, are amended to read:

769 790.22 Use of BB guns, air or gas-operated guns, or
 770 electric weapons or devices by minor under 16; limitation;
 771 possession of firearms by minor under 18 prohibited; penalties.—

772 (5) (a) A minor who violates subsection (3) commits a
 773 misdemeanor of the first degree; for a first offense, may serve
 774 a period of detention of up to 3 days in a secure detention
 775 facility; and, in addition to any other penalty provided by law,

776 shall be required to perform 100 hours of community service.†
777 and:

778 ~~1. If the minor is eligible by reason of age for a driver~~
779 ~~license or driving privilege, the court shall direct the~~
780 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
781 ~~withhold issuance of the minor's driver license or driving~~
782 ~~privilege for up to 1 year.~~

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

788 ~~3. If the minor is ineligible by reason of age for a~~
789 ~~driver license or driving privilege, the court shall direct the~~
790 ~~Department of Highway Safety and Motor Vehicles to withhold~~
791 ~~issuance of the minor's driver license or driving privilege for~~
792 ~~up to 1 year after the date on which the minor would otherwise~~
793 ~~have become eligible.~~

794 (b) For a second or subsequent offense, a minor who
795 violates subsection (3) commits a felony of the third degree and
796 shall serve a period of detention of up to 15 days in a secure
797 detention facility and shall be required to perform at least ~~not~~
798 ~~less than~~ 100 but not ~~nor~~ more than 250 hours of community
799 service.† and:

800 ~~1. If the minor is eligible by reason of age for a driver~~

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801 ~~license or driving privilege, the court shall direct the~~
802 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
803 ~~withhold issuance of the minor's driver license or driving~~
804 ~~privilege for up to 2 years.~~

805 ~~2. If the minor's driver license or driving privilege is~~
806 ~~under suspension or revocation for any reason, the court shall~~
807 ~~direct the Department of Highway Safety and Motor Vehicles to~~
808 ~~extend the period of suspension or revocation by an additional~~
809 ~~period of up to 2 years.~~

810 ~~3. If the minor is ineligible by reason of age for a~~
811 ~~driver license or driving privilege, the court shall direct the~~
812 ~~Department of Highway Safety and Motor Vehicles to withhold~~
813 ~~issuance of the minor's driver license or driving privilege for~~
814 ~~up to 2 years after the date on which the minor would otherwise~~
815 ~~have become eligible.~~

816
817 For the purposes of this subsection, community service shall be
818 performed, if possible, in a manner involving a hospital
819 emergency room or other medical environment that deals on a
820 regular basis with trauma patients and gunshot wounds.

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

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

826 ~~1. If the minor is eligible by reason of age for a driver~~
827 ~~license or driving privilege, the court shall direct the~~
828 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
829 ~~withhold issuance of the minor's driver license or driving~~
830 ~~privilege for up to 1 year.~~

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

836 ~~3. If the minor is ineligible by reason of age for a~~
837 ~~driver license or driving privilege, the court shall direct the~~
838 ~~Department of Highway Safety and Motor Vehicles to withhold~~
839 ~~issuance of the minor's driver license or driving privilege for~~
840 ~~up to 1 year after the date on which the minor would otherwise~~
841 ~~have become eligible.~~

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

843 ~~1. If the minor is eligible by reason of age for a driver~~
844 ~~license or driving privilege, the court shall direct the~~
845 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
846 ~~withhold issuance of the minor's driver license or driving~~
847 ~~privilege for up to 2 years.~~

848 ~~2. If the minor's driver license or driving privilege is~~
849 ~~under suspension or revocation for any reason, the court shall~~
850 ~~direct the Department of Highway Safety and Motor Vehicles to~~

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851 ~~extend the period of suspension or revocation by an additional~~
852 ~~period for up to 2 years.~~

853 ~~3. If the minor is ineligible by reason of age for a~~
854 ~~driver license or driving privilege, the court shall direct the~~
855 ~~Department of Highway Safety and Motor Vehicles to withhold~~
856 ~~issuance of the minor's driver license or driving privilege for~~
857 ~~up to 2 years after the date on which the minor would otherwise~~
858 ~~have become eligible.~~

859 Section 19. Subsection (9) of section 806.13, Florida
860 Statutes, is renumbered as subsection (7), and subsections (7)
861 and (8) of that section are amended to read:

862 806.13 Criminal mischief; penalties; ~~penalty for minor.~~

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

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

872 ~~(b) The minor's driver license or driving privilege is~~
873 ~~under suspension or revocation for any reason, the court shall~~
874 ~~direct the Department of Highway Safety and Motor Vehicles to~~
875 ~~extend the period of suspension or revocation by an additional~~

876 ~~period of not more than 1 year.~~

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

883 ~~(8) A minor whose driver license or driving privilege is~~
884 ~~revoked, suspended, or withheld under subsection (7) may elect~~
885 ~~to reduce the period of revocation, suspension, or withholding~~
886 ~~by performing community service at the rate of 1 day for each~~
887 ~~hour of community service performed. In addition, if the court~~
888 ~~determines that due to a family hardship, the minor's driver~~
889 ~~license or driving privilege is necessary for employment or~~
890 ~~medical purposes of the minor or a member of the minor's family,~~
891 ~~the court shall order the minor to perform community service and~~
892 ~~reduce the period of revocation, suspension, or withholding at~~
893 ~~the rate of 1 day for each hour of community service performed.~~
894 ~~As used in this subsection, the term "community service" means~~
895 ~~cleaning graffiti from public property.~~

896 Section 20. Section 812.0155, Florida Statutes, is
897 repealed.

898 Section 21. Section 832.09, Florida Statutes, is repealed.

899 Section 22. Subsections (6) and (7) and paragraphs (c) and
900 (d) of subsection (8) of section 877.112, Florida Statutes, are

901 amended to read:

902 877.112 Nicotine products and nicotine dispensing devices;
 903 prohibitions for minors; penalties; civil fines; signage
 904 requirements; preemption.—

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

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

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

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

922

923 Any second or subsequent violation not within the 12-week time
 924 period after the first violation is punishable as provided for a
 925 first violation.

926 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
927 any person under 18 years of age to misrepresent his or her age
928 or military service for the purpose of inducing a retailer of
929 nicotine products or nicotine dispensing devices or an agent or
930 employee of such retailer to sell, give, barter, furnish, or
931 deliver any nicotine product or nicotine dispensing device, or
932 to purchase, or attempt to purchase, any nicotine product or
933 nicotine dispensing device from a person or a vending machine.
934 Any person under 18 years of age who violates this subsection
935 commits a noncriminal violation as defined in s. 775.08(3),
936 punishable by:

937 (a) For a first violation, 16 hours of community service
938 or, instead of community service, a \$25 fine and, in addition,
939 the person must attend a school-approved anti-tobacco and
940 nicotine program, if available; or

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

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

948
949 Any second or subsequent violation not within the 12-week time
950 period after the first violation is punishable as provided for a

951 first violation.

952 (8) PENALTIES FOR MINORS.—

953 (c) If a person under 18 years of age is found by the
954 court to have committed a noncriminal violation under this
955 section and that person has failed to complete community
956 service, pay the fine as required by paragraph (6) (a) or
957 paragraph (7) (a), or attend a school-approved anti-tobacco and
958 nicotine program, if locally available, the court may ~~must~~
959 direct the Department of Highway Safety and Motor Vehicles to
960 withhold issuance of or suspend the driver license or driving
961 privilege of that person for 30 consecutive days.

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

969 Section 23. Subsection (2) of section 938.30, Florida
970 Statutes, is amended to read:

971 938.30 Financial obligations in criminal cases;
972 supplementary proceedings.—

973 (2) The court may require a person liable for payment of
974 an obligation to appear and be examined under oath concerning
975 the person's financial ability to pay the obligation. The judge

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976 may convert the statutory financial obligation into a court-
977 ordered obligation to perform community service, subject to ~~the~~
978 ~~provisions of s. 318.18(8)~~, after examining a person under oath
979 and determining the person's inability to pay, or by reliance
980 upon information provided under s. 27.52(1)(a)6. Any person who
981 fails to attend a hearing may be arrested on warrant or capias
982 issued by the clerk upon order of the court.

983 Section 24. Subsection (2) of section 1003.27, Florida
984 Statutes, is amended to read:

985 1003.27 Court procedure and penalties.—The court procedure
986 and penalties for the enforcement of the provisions of this
987 part, relating to compulsory school attendance, shall be as
988 follows:

989 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

995 ~~(b) Each public school principal or the principal's~~
996 ~~designee shall notify the district school board of each minor~~
997 ~~student under its jurisdiction who accumulates 15 unexcused~~
998 ~~absences in a period of 90 calendar days. Each designee of the~~
999 ~~governing body of each private school, and each parent whose~~
1000 ~~child is enrolled in a home education program, may provide the~~

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1001 ~~Department of Highway Safety and Motor Vehicles with the legal~~
1002 ~~name, sex, date of birth, and social security number of each~~
1003 ~~minor student under his or her jurisdiction who fails to satisfy~~
1004 ~~relevant attendance requirements and who fails to otherwise~~
1005 ~~satisfy the requirements of s. 322.091. The district school~~
1006 ~~superintendent must provide the Department of Highway Safety and~~
1007 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
1008 ~~security number of each minor student who has been reported~~
1009 ~~under this paragraph and who fails to otherwise satisfy the~~
1010 ~~requirements of s. 322.091. The Department of Highway Safety and~~
1011 ~~Motor Vehicles may not issue a driver license or learner's~~
1012 ~~driver license to, and shall suspend any previously issued~~
1013 ~~driver license or learner's driver license of, any such minor~~
1014 ~~student, pursuant to the provisions of s. 322.091.~~

1015 Section 25. Paragraph (a) of subsection (10) of section
1016 318.14, Florida Statutes, is amended to read:

1017 318.14 Noncriminal traffic infractions; exception;
1018 procedures.—

1019 (10) (a) Any person who does not hold a commercial driver
1020 license or commercial learner's permit and who is cited while
1021 driving a noncommercial motor vehicle for an offense listed
1022 under this subsection may, in lieu of payment of fine or court
1023 appearance, elect to enter a plea of nolo contendere and provide
1024 proof of compliance to the clerk of the court, designated
1025 official, or authorized operator of a traffic violations bureau.

1026 In such case, adjudication shall be withheld; however, a person
 1027 may not make an election under this subsection if the person has
 1028 made an election under this subsection in the preceding 12
 1029 months. A person may not make more than three elections under
 1030 this subsection. This subsection applies to the following
 1031 offenses:

1032 1. Operating a motor vehicle without a valid driver
 1033 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 1034 or operating a motor vehicle with a license that has been
 1035 suspended for failure to appear, failure to pay civil penalty,
 1036 or failure to attend a driver improvement course pursuant to s.
 1037 322.291.

1038 2. Operating a motor vehicle without a valid registration
 1039 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1040 3. Operating a motor vehicle in violation of s. 316.646.

1041 4. Operating a motor vehicle with a license that has been
 1042 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1043 child support or for failure to pay any other financial
 1044 obligation as provided in s. 322.245; however, this subparagraph
 1045 does not apply if the license has been suspended pursuant to s.
 1046 322.245(1).

1047 ~~5. Operating a motor vehicle with a license that has been~~
 1048 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1049 ~~requirements.~~

1050 Section 26. Subsections (1) and (2) of section 322.05,

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1051 Florida Statutes, are amended to read:

1052 322.05 Persons not to be licensed.—The department may not
1053 issue a license:

1054 (1) To a person who is under the age of 16 years, except
1055 that the department may issue a learner's driver license to a
1056 person who is at least 15 years of age and who meets the
1057 requirements of s. ss. 322.091 and 322.1615 and of any other
1058 applicable law or rule.

1059 (2) To a person who is at least 16 years of age but is
1060 under 18 years of age unless the person ~~meets the requirements~~
1061 ~~of s. 322.091~~ and holds a valid:

1062 (a) Learner's driver license for at least 12 months, with
1063 no moving traffic convictions, before applying for a license;

1064 (b) Learner's driver license for at least 12 months and
1065 who has a moving traffic conviction but elects to attend a
1066 traffic driving school for which adjudication must be withheld
1067 pursuant to s. 318.14; or

1068 (c) License that was issued in another state or in a
1069 foreign jurisdiction and that would not be subject to suspension
1070 or revocation under the laws of this state.

1071 Section 27. Paragraph (b) of subsection (5) of section
1072 322.27, Florida Statutes, is amended to read:

1073 322.27 Authority of department to suspend or revoke driver
1074 license or identification card.—

1075 (5)

1076 (b) If a person whose driver license has been revoked
 1077 under paragraph (a) as a result of a third violation of driving
 1078 a motor vehicle while his or her license is suspended or revoked
 1079 provides proof of compliance for an offense listed in s.

1080 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall
 1081 submit an amended disposition to remove the habitual traffic
 1082 offender designation.

1083 Section 28. Subsection (9) of section 1003.01, Florida
 1084 Statutes, is amended to read:

1085 1003.01 Definitions.—As used in this chapter, the term:

1086 (9) "Dropout" means a student who meets any one or more of
 1087 the following criteria:

1088 (a) The student has voluntarily removed himself or herself
 1089 from the school system before graduation for reasons that
 1090 include, but are not limited to, marriage, or the student has
 1091 withdrawn from school because he or she has failed the statewide
 1092 student assessment test and thereby does not receive any of the
 1093 certificates of completion;

1094 (b) The student has not met the relevant attendance
 1095 requirements of the school district pursuant to State Board of
 1096 Education rules, or the student was expected to attend a school
 1097 but did not enter as expected for unknown reasons, or the
 1098 student's whereabouts are unknown;

1099 (c) The student has withdrawn from school, but has not
 1100 transferred to another public or private school or enrolled in

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1101 any career, adult, home education, or alternative educational
1102 program;

1103 (d) The student has withdrawn from school due to hardship,
1104 unless such withdrawal was ~~has been~~ granted as a result of ~~under~~
1105 ~~the provisions of s. 322.091,~~ court action, expulsion, medical
1106 reasons, or pregnancy; or

1107 (e) The student is not eligible to attend school because
1108 of reaching the maximum age for an exceptional student program
1109 in accordance with the district's policy.

1110

1111 The State Board of Education may adopt rules to implement ~~the~~
1112 ~~provisions of~~ this subsection.

1113 Section 29. The amendment made by this act to s. 316.650,
1114 Florida Statutes, shall apply upon the creation of a new
1115 inventory of uniform traffic citation forms.

1116 Section 30. This act shall take effect October 1, 2017.