

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; requiring a clerk of court to
9 pursue collection of certain fees, charges, fines,
10 costs, or liens under certain circumstances; requiring
11 a clerk of court to solicit competitive bids from
12 private attorneys or collection agents for certain
13 services, subject to certain requirements; prohibiting
14 a clerk from assessing a certain surcharge;
15 prohibiting a private attorney or collection agent
16 from imposing certain additional fees or surcharges;
17 amending s. 316.650, F.S.; requiring traffic citation
18 forms to include certain language relating to payment
19 of a penalty; amending s. 318.15, F.S.; prohibiting
20 the suspension of a person's driver license solely for
21 failure to pay a penalty if the person demonstrates to
22 the court, when specified, that he or she is unable to
23 pay such penalty; requiring the person to provide
24 documentation meeting certain requirements to the
25 appropriate clerk of court in order to be considered

26 | unable to pay such penalty; amending s. 318.18, F.S.;

27 | requiring a court to determine at the time a certain

28 | civil penalty is ordered whether the person is able to

29 | pay such penalty; amending s. 322.055, F.S.;

30 | decreasing the period for revocation or suspension of,

31 | or delay of eligibility for, driver licenses or

32 | driving privileges for certain persons convicted of

33 | certain drug offenses; deleting provisions authorizing

34 | a driver to petition the Department of Highway Safety

35 | and Motor Vehicles for restoration of his or her

36 | driving privilege; amending s. 322.056, F.S.;

37 | decreasing the period for revocation or suspension of,

38 | or delay of eligibility for, driver licenses or

39 | driving privileges for certain persons found guilty of

40 | certain drug offenses; deleting a provision

41 | authorizing a court to direct the department to issue

42 | a license for certain restricted driving privileges

43 | under certain circumstances; deleting a provision

44 | requiring the revocation or suspension of, or delay of

45 | eligibility for, driver licenses or driving privileges

46 | for certain persons found guilty of certain alcohol or

47 | tobacco offenses; repealing s. 322.057, F.S., relating

48 | to discretionary revocation or suspension of a driver

49 | license for certain persons who provide alcohol to

50 | persons under a specified age; amending s. 322.09,

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

76 | amending s. 562.11, F.S.; revising penalties for
77 | selling, giving, serving, or permitting to be served
78 | alcoholic beverages to a person under a specified age
79 | or permitting such person to consume such beverages on
80 | licensed premises; conforming provisions to changes
81 | made by the act; amending s. 562.111, F.S.; deleting a
82 | provision requiring a court to direct the department
83 | to withhold issuance of or suspend or revoke a driver
84 | license or driving privilege of certain students
85 | convicted of certain alcohol-related offenses;
86 | amending s. 569.11, F.S.; revising penalties for
87 | persons under a specified age who knowingly possess,
88 | misrepresent their age or military service to
89 | purchase, or purchase or attempt to purchase tobacco
90 | products; authorizing, rather than requiring, a court
91 | to direct the department to withhold issuance of or
92 | suspend or revoke a person's driver license or driving
93 | privilege for certain violations; amending s. 790.22,
94 | F.S.; revising penalties relating to suspending,
95 | revoking, or withholding issuance of driver licenses
96 | or driving privileges for minors under a specified age
97 | who possess firearms under certain circumstances;
98 | deleting provisions relating to penalties for certain
99 | offenses involving the use or possession of a firearm
100 | by a minor under a specified age; amending s. 806.13,

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

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

130

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

132

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

135 27.52 Determination of indigent status.—

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

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

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

147 2. Other income, including, but not limited to, social
 148 security benefits, union funds, veterans' benefits, workers'
 149 compensation, other regular support from absent family members,
 150 public or private employee pensions, reemployment assistance or

151 unemployment compensation, dividends, interest, rent, trusts,
152 and gifts.

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

157 4. All liabilities and debts.

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

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

164

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

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

173 28.246 Payment of court-related fines or other monetary
174 penalties, fees, charges, and costs; partial payments;
175 distribution of funds.-

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

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

201 collections docket, or other collections process, if any,
202 established by the court, find this to be cost-effective, and
203 follow any applicable procurement practices.

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

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

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

220 (d) The private attorney or collection agent may not
221 impose any additional fees or surcharges other than the
222 contractually agreed upon amounts.

223 (e) The clerk shall give the private attorney or
224 collection agent the application for the appointment of court-
225 appointed counsel regardless of whether the court file is

226 otherwise confidential from disclosure.

227 Section 3. Paragraphs (b), (c), and (d) of subsection (1)
228 of section 316.650, Florida Statutes, are redesignated as
229 paragraphs (c), (d), and (e), respectively, a new paragraph (b)
230 is added to that subsection, and present paragraph (c) of that
231 subsection is amended, to read:

232 316.650 Traffic citations.—

233 (1)

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

241 (d) ~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
242 traffic enforcement agency may produce uniform traffic citations
243 by electronic means. Such citations must be consistent with the
244 state traffic court rules and the procedures established by the
245 department and must be appropriately numbered and inventoried.
246 Affidavit-of-compliance forms may also be produced by electronic
247 means.

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

250 318.15 Failure to comply with civil penalty or to appear;

251 penalty.—

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

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

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

264 (c) The person receives temporary cash assistance pursuant
265 to chapter 414;

266 (d) The person is making payments in accordance with a
267 confirmed bankruptcy plan under chapter 11, chapter 12, or
268 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
269 101 et seq.;

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

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

276 Section 5. Paragraph (b) of subsection (8) of section
277 318.18, Florida Statutes, is amended to read:

278 318.18 Amount of penalties.—The penalties required for a
279 noncriminal disposition pursuant to s. 318.14 or a criminal
280 offense listed in s. 318.17 are as follows:

281 (8)

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

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

290 c. If a court orders a person to perform community
291 service, the person shall receive credit for the civil penalty
292 at the specified hourly credit rate per hour of community
293 service performed, and each hour of community service performed
294 shall reduce the civil penalty by that amount.

295 2.a. As used in this paragraph, the term "specified hourly
296 credit rate" means the wage rate that is specified in 29 U.S.C.
297 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
298 that is then in effect, and that an employer subject to such
299 provision must pay per hour to each employee subject to such
300 provision.

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

307 3.a. The community service agency supervising the person
308 shall record the number of hours of community service completed
309 and the date the community service hours were completed. The
310 community service agency shall submit the data to the clerk of
311 court on the letterhead of the community service agency, which
312 must also bear the notarized signature of the person designated
313 to represent the community service agency.

314 b. When the number of community service hours completed by
315 the person equals the amount of the civil penalty, the clerk of
316 court shall certify this fact to the court. Thereafter, the
317 clerk of court shall record in the case file that the civil
318 penalty has been paid in full.

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

320 a. "Community service" means uncompensated labor for a
321 community service agency.

322 b. "Community service agency" means a not-for-profit
323 corporation, community organization, charitable organization,
324 public officer, the state or any political subdivision of the
325 state, or any other body the purpose of which is to improve the

326 | quality of life or social welfare of the community and which
 327 | agrees to accept community service from persons unable to pay
 328 | civil penalties for noncriminal traffic infractions.

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

331 | 322.055 Revocation or suspension of, or delay of
 332 | eligibility for, driver license for persons 18 years of age or
 333 | older convicted of certain drug offenses.—

334 | (1) Notwithstanding s. 322.28, upon the conviction of a
 335 | person 18 years of age or older for possession or sale of,
 336 | trafficking in, or conspiracy to possess, sell, or traffic in a
 337 | controlled substance, the court shall direct the department to
 338 | revoke the driver license or driving privilege of the person.
 339 | The period of such revocation shall be 6 months ~~1 year~~ or until
 340 | the person is evaluated for and, if deemed necessary by the
 341 | evaluating agency, completes a drug treatment and rehabilitation
 342 | program approved or regulated by the Department of Children and
 343 | Families. However, the court may, in its sound discretion,
 344 | direct the department to issue a license for driving privilege
 345 | restricted to business or employment purposes only, as defined
 346 | by s. 322.271, if the person is otherwise qualified for such a
 347 | license. ~~A driver whose license or driving privilege has been~~
 348 | ~~suspended or revoked under this section or s. 322.056 may, upon~~
 349 | ~~the expiration of 6 months, petition the department for~~
 350 | ~~restoration of the driving privilege on a restricted or~~

351 ~~unrestricted basis depending on length of suspension or~~
352 ~~revocation. In no case shall~~ A restricted license may not be
353 available until 3 6 months after ~~of~~ the suspension or revocation
354 period has been completed ~~expired~~.

355 (2) If a person 18 years of age or older is convicted for
356 the possession or sale of, trafficking in, or conspiracy to
357 possess, sell, or traffic in a controlled substance and such
358 person is eligible by reason of age for a driver license or
359 privilege, the court shall direct the department to withhold
360 issuance of such person's driver license or driving privilege
361 for a period of 6 months ~~1 year~~ after the date the person was
362 convicted or until the person is evaluated for and, if deemed
363 necessary by the evaluating agency, completes a drug treatment
364 and rehabilitation program approved or regulated by the
365 Department of Children and Families. However, the court may, in
366 its sound discretion, direct the department to issue a license
367 for driving privilege restricted to business or employment
368 purposes only, as defined by s. 322.271, if the person is
369 otherwise qualified for such a license. ~~A driver whose license~~
370 ~~or driving privilege has been suspended or revoked under this~~
371 ~~section or s. 322.056 may, upon the expiration of 6 months,~~
372 ~~petition the department for restoration of the driving privilege~~
373 ~~on a restricted or unrestricted basis depending on the length of~~
374 ~~suspension or revocation. In no case shall~~ A restricted license
375 may not be available until 3 6 months after ~~of~~ the suspension or

376 | revocation period has been completed ~~expired~~.

377 | (3) If a person 18 years of age or older is convicted for
 378 | the possession or sale of, trafficking in, or conspiracy to
 379 | possess, sell, or traffic in a controlled substance and such
 380 | person's driver license or driving privilege is already under
 381 | suspension or revocation for any reason, the court shall direct
 382 | the department to extend the period of such suspension or
 383 | revocation by an additional period of 6 months ~~1 year~~ or until
 384 | the person is evaluated for and, if deemed necessary by the
 385 | evaluating agency, completes a drug treatment and rehabilitation
 386 | program approved or regulated by the Department of Children and
 387 | Families. However, the court may, in its sound discretion,
 388 | direct the department to issue a license for driving privilege
 389 | restricted to business or employment purposes only, as defined
 390 | by s. 322.271, if the person is otherwise qualified for such a
 391 | license. ~~A driver whose license or driving privilege has been~~
 392 | ~~suspended or revoked under this section or s. 322.056 may, upon~~
 393 | ~~the expiration of 6 months, petition the department for~~
 394 | ~~restoration of the driving privilege on a restricted or~~
 395 | ~~unrestricted basis depending on the length of suspension or~~
 396 | ~~revocation. In no case shall~~ A restricted license may not be
 397 | available until 3 ~~6~~ months after ~~of~~ the suspension or revocation
 398 | period has been completed ~~expired~~.

399 | (4) If a person 18 years of age or older is convicted for
 400 | the possession or sale of, trafficking in, or conspiracy to

401 possess, sell, or traffic in a controlled substance and such
402 person is ineligible by reason of age for a driver license or
403 driving privilege, the court shall direct the department to
404 withhold issuance of such person's driver license or driving
405 privilege for a period of 6 months ~~1-year~~ after the date that he
406 or she would otherwise have become eligible or until he or she
407 becomes eligible by reason of age for a driver license and is
408 evaluated for and, if deemed necessary by the evaluating agency,
409 completes a drug treatment and rehabilitation program approved
410 or regulated by the Department of Children and Families.
411 However, the court may, in its sound discretion, direct the
412 department to issue a license for driving privilege restricted
413 to business or employment purposes only, as defined by s.
414 322.271, if the person is otherwise qualified for such a
415 license. ~~A driver whose license or driving privilege has been~~
416 ~~suspended or revoked under this section or s. 322.056 may, upon~~
417 ~~the expiration of 6 months, petition the department for~~
418 ~~restoration of the driving privilege on a restricted or~~
419 ~~unrestricted basis depending on the length of suspension or~~
420 ~~revocation. In no case shall~~ A restricted license may not be
421 available until 3 ~~6~~ months after ~~of~~ the suspension or revocation
422 period has been completed ~~expired~~.

423 Section 7. Section 322.056, Florida Statutes, is amended
424 to read:

425 322.056 Mandatory revocation or suspension of, or delay of

426 eligibility for, driver license for persons under age 18 found
 427 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
 428 prohibition.-

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

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

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

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

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

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

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

447 (c) The person is ineligible by reason of age for a driver
 448 license or driving privilege, the court shall direct the
 449 department to withhold issuance of his or her driver license or
 450 driving privilege for a period of÷

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

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

456
457 ~~However, the court may, in its sound discretion, direct the~~
458 ~~department to issue a license for driving privileges restricted~~
459 ~~to business or employment purposes only, as defined in s.~~
460 ~~322.271, if the person is otherwise qualified for such a~~
461 ~~license.~~

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

469 ~~(a) The person is eligible by reason of age for a driver~~
470 ~~license or driving privilege, the court shall direct the~~
471 ~~department to revoke or to withhold issuance of his or her~~
472 ~~driver license or driving privilege as follows:~~

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

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

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

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

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

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

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

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

490
491 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
492 ~~within the 12-week period after the first violation will be~~
493 ~~treated as a first violation and in the same manner as provided~~
494 ~~in this subsection.~~

495 ~~(3) If a person under 18 years of age is found by the~~
496 ~~court to have committed a third violation of s. 569.11 or s.~~
497 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
498 ~~court must direct the Department of Highway Safety and Motor~~
499 ~~Vehicles to suspend or withhold issuance of his or her driver~~
500 ~~license or driving privilege for 60 consecutive days. Any third~~

501 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
502 ~~12-week period after the first violation will be treated as a~~
503 ~~first violation and in the same manner as provided in subsection~~
504 ~~(2).~~

505 (2)(4) A penalty imposed under this section shall be in
506 addition to any other penalty imposed by law.

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

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

514 Section 9. Subsections (4) and (5) of section 322.09,
515 Florida Statutes, are renumbered as subsections (3) and (4),
516 respectively, and present subsection (3) of that section is
517 amended to read:

518 322.09 Application of minors; responsibility for
519 negligence or misconduct of minor.—

520 ~~(3) The department may not issue a driver license or~~
521 ~~learner's driver license to any applicant under the age of 18~~
522 ~~years who is not in compliance with the requirements of s.~~
523 ~~322.091.~~

524 Section 10. Section 322.091, Florida Statutes, is
525 repealed.

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

528 322.245 Suspension of license upon failure of person
529 charged with specified offense under chapter 316, chapter 320,
530 or this chapter to comply with directives ordered by traffic
531 court or upon failure to pay child support in non-IV-D cases as
532 provided in chapter 61 or failure to pay any financial
533 obligation in any other criminal case.-

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

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

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

549 (c) The person receives temporary cash assistance pursuant
550 to chapter 414;

551 (d) The person is making payments in accordance with a
552 confirmed bankruptcy plan under chapter 11, chapter 12, or
553 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
554 101 et seq.;

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

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

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

562 322.251 Notice of cancellation, suspension, revocation, or
563 disqualification of license.—

564 ~~(7)(a) A person whose driving privilege is suspended or~~
565 ~~revoked pursuant to s. 832.09 shall be notified, pursuant to~~
566 ~~this section, and the notification shall direct the person to~~
567 ~~surrender himself or herself to the sheriff who entered the~~
568 ~~warrant to satisfy the conditions of the warrant. A person whose~~
569 ~~driving privilege is suspended or revoked under this subsection~~
570 ~~shall not have his or her driving privilege reinstated for any~~
571 ~~reason other than:~~

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

575 ~~2. The cancellation of the warrant or capias from the~~

576 ~~Department of Law Enforcement recorded by the entering agency;~~
 577 ~~and~~

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

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

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

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

590 322.271 Authority to modify revocation, cancellation, or
 591 suspension order.—

592 (8) A person whose driver license or privilege to drive
 593 has been suspended under s. 318.15 or s. 322.245, with the
 594 exception of any suspension related to s. 61.13016, may have his
 595 or her driver license or driving privilege reinstated on a
 596 restricted basis by the department in accordance with this
 597 section. The restricted license shall be valid until the 7-year
 598 suspension period ends as provided in s. 318.15 or until the
 599 debt is paid.

600 Section 14. Subsection (10) of section 322.34, Florida

601 Statutes, is amended to read:

602 322.34 Driving while license suspended, revoked, canceled,
603 or disqualified.—

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

609 1. Failing to pay child support as provided in s. 322.245
610 or s. 61.13016;

611 2. Failing to pay any other financial obligation as
612 provided in s. 322.245 ~~other than those specified in s.~~
613 ~~322.245(1);~~

614 3. Failing to comply with a civil penalty required in s.
615 318.15;

616 4. Failing to maintain vehicular financial responsibility
617 as required by chapter 324; or

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

620 ~~5.6.~~ Having been designated a habitual traffic offender
621 under s. 322.264(1) (d) as a result of suspensions of his or her
622 driver license or driver privilege for any underlying violation
623 listed in subparagraphs 1.-4. ~~1.-5.~~

624 (b)1. Upon a first conviction for knowingly driving while
625 his or her license is suspended, revoked, or canceled for any of

626 the underlying violations listed in subparagraphs (a)1.-5.
 627 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,
 628 punishable as provided in s. 775.082 or s. 775.083.

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

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

638 562.11 Selling, giving, or serving alcoholic beverages to
 639 person under age 21; providing a proper name; misrepresenting or
 640 misstating age or age of another to induce licensee to serve
 641 alcoholic beverages to person under 21; penalties.-

642 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
 643 be served alcoholic beverages to a person under 21 years of age
 644 or permit a person under 21 years of age to consume such
 645 beverages on the licensed premises. A person who violates this
 646 subparagraph commits a misdemeanor of the second degree,
 647 punishable as provided in s. 775.082 or s. 775.083. A person who
 648 violates this subparagraph a second or subsequent time within 1
 649 year after a prior conviction commits a misdemeanor of the first
 650 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

668 (2) It is unlawful for any person to misrepresent or
669 misstate his or her age or the age of any other person for the
670 purpose of inducing any licensee or his or her agents or
671 employees to sell, give, serve, or deliver any alcoholic
672 beverages to a person under 21 years of age, or for any person
673 under 21 years of age to purchase or attempt to purchase
674 alcoholic beverages.

675 (c) In addition to any other penalty imposed for a

676 violation of this subsection, if a person uses a driver license
 677 or identification card issued by the Department of Highway
 678 Safety and Motor Vehicles in violation of this subsection, the
 679 court:

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

683 ~~2. Shall direct the Department of Highway Safety and Motor~~
 684 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
 685 ~~person's driver license or driving privilege, as provided in s.~~
 686 ~~322.056.~~

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

689 562.111 Possession of alcoholic beverages by persons under
 690 age 21 prohibited.-

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

696 Section 17. Subsections (1), (2), and (5) of section
 697 569.11, Florida Statutes, are amended to read:

698 569.11 Possession, misrepresenting age or military service
 699 to purchase, and purchase of tobacco products by persons under
 700 18 years of age prohibited; penalties; jurisdiction; disposition

701 of fines.—

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

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

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

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

718
 719 Any second or subsequent violation not within the 12-week time
 720 period after the first violation is punishable as provided for a
 721 first violation.

722 (2) It is unlawful for any person under 18 years of age to
 723 misrepresent his or her age or military service for the purpose
 724 of inducing a dealer or an agent or employee of the dealer to
 725 sell, give, barter, furnish, or deliver any tobacco product, or

726 to purchase, or attempt to purchase, any tobacco product from a
727 person or a vending machine. Any person under 18 years of age
728 who violates a provision of this subsection commits a
729 noncriminal violation as provided in s. 775.08(3), punishable
730 by:

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

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

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

742
743 Any second or subsequent violation not within the 12-week time
744 period after the first violation is punishable as provided for a
745 first violation.

746 (5) (a) If a person under 18 years of age is found by the
747 court to have committed a noncriminal violation under this
748 section and that person has failed to complete community
749 service, pay the fine as required by paragraph (1) (a) or
750 paragraph (2) (a), or attend a school-approved anti-tobacco

751 program, if locally available, the court may ~~must~~ direct the
752 Department of Highway Safety and Motor Vehicles to withhold
753 issuance of or suspend the driver license or driving privilege
754 of that person for a period of 30 consecutive days.

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

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

764 790.22 Use of BB guns, air or gas-operated guns, or
765 electric weapons or devices by minor under 16; limitation;
766 possession of firearms by minor under 18 prohibited; penalties.—

767 (5) (a) A minor who violates subsection (3) commits a
768 misdemeanor of the first degree; for a first offense, may serve
769 a period of detention of up to 3 days in a secure detention
770 facility; and, in addition to any other penalty provided by law,
771 shall be required to perform 100 hours of community service. †
772 ~~and:~~

773 ~~1. If the minor is eligible by reason of age for a driver~~
774 ~~license or driving privilege, the court shall direct the~~
775 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~

776 ~~withhold issuance of the minor's driver license or driving~~
777 ~~privilege for up to 1 year.~~

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

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

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

795 ~~1. If the minor is eligible by reason of age for a driver~~
796 ~~license or driving privilege, the court shall direct the~~
797 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
798 ~~withhold issuance of the minor's driver license or driving~~
799 ~~privilege for up to 2 years.~~

800 ~~2. If the minor's driver license or driving privilege is~~

801 ~~under suspension or revocation for any reason, the court shall~~
802 ~~direct the Department of Highway Safety and Motor Vehicles to~~
803 ~~extend the period of suspension or revocation by an additional~~
804 ~~period of up to 2 years.~~

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

811
812 For the purposes of this subsection, community service shall be
813 performed, if possible, in a manner involving a hospital
814 emergency room or other medical environment that deals on a
815 regular basis with trauma patients and gunshot wounds.

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

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

821 ~~1. If the minor is eligible by reason of age for a driver~~
822 ~~license or driving privilege, the court shall direct the~~
823 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
824 ~~withhold issuance of the minor's driver license or driving~~
825 ~~privilege for up to 1 year.~~

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

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

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

838 ~~1. If the minor is eligible by reason of age for a driver~~
839 ~~license or driving privilege, the court shall direct the~~
840 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
841 ~~withhold issuance of the minor's driver license or driving~~
842 ~~privilege for up to 2 years.~~

843 ~~2. If the minor's driver license or driving privilege is~~
844 ~~under suspension or revocation for any reason, the court shall~~
845 ~~direct the Department of Highway Safety and Motor Vehicles to~~
846 ~~extend the period of suspension or revocation by an additional~~
847 ~~period for up to 2 years.~~

848 ~~3. If the minor is ineligible by reason of age for a~~
849 ~~driver license or driving privilege, the court shall direct the~~
850 ~~Department of Highway Safety and Motor Vehicles to withhold~~

851 ~~issuance of the minor's driver license or driving privilege for~~
852 ~~up to 2 years after the date on which the minor would otherwise~~
853 ~~have become eligible.~~

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

857 806.13 Criminal mischief; penalties; ~~penalty for minor.~~

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

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

867 ~~(b) The minor's driver license or driving privilege is~~
868 ~~under suspension or revocation for any reason, the court shall~~
869 ~~direct the Department of Highway Safety and Motor Vehicles to~~
870 ~~extend the period of suspension or revocation by an additional~~
871 ~~period of not more than 1 year.~~

872 ~~(c) The minor is ineligible by reason of age for a driver~~
873 ~~license or driving privilege, the court shall direct the~~
874 ~~Department of Highway Safety and Motor Vehicles to withhold~~
875 ~~issuance of the minor's driver license or driving privilege for~~

876 ~~not more than 1 year after the date on which he or she would~~
877 ~~otherwise have become eligible.~~

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

891 Section 20. Section 812.0155, Florida Statutes, is
892 repealed.

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

894 Section 22. Subsections (6) and (7) and paragraphs (c) and
895 (d) of subsection (8) of section 877.112, Florida Statutes, are
896 amended to read:

897 877.112 Nicotine products and nicotine dispensing devices;
898 prohibitions for minors; penalties; civil fines; signage
899 requirements; preemption.—

900 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR

901 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
 902 person under 18 years of age to knowingly possess any nicotine
 903 product or a nicotine dispensing device. Any person under 18
 904 years of age who violates this subsection commits a noncriminal
 905 violation as defined in s. 775.08(3), punishable by:

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

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

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

917
 918 Any second or subsequent violation not within the 12-week time
 919 period after the first violation is punishable as provided for a
 920 first violation.

921 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
 922 any person under 18 years of age to misrepresent his or her age
 923 or military service for the purpose of inducing a retailer of
 924 nicotine products or nicotine dispensing devices or an agent or
 925 employee of such retailer to sell, give, barter, furnish, or

926 deliver any nicotine product or nicotine dispensing device, or
927 to purchase, or attempt to purchase, any nicotine product or
928 nicotine dispensing device from a person or a vending machine.
929 Any person under 18 years of age who violates this subsection
930 commits a noncriminal violation as defined in s. 775.08(3),
931 punishable by:

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

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

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

943

944 Any second or subsequent violation not within the 12-week time
945 period after the first violation is punishable as provided for a
946 first violation.

947 (8) PENALTIES FOR MINORS.—

948 (c) If a person under 18 years of age is found by the
949 court to have committed a noncriminal violation under this
950 section and that person has failed to complete community

951 service, pay the fine as required by paragraph (6) (a) or
952 paragraph (7) (a), or attend a school-approved anti-tobacco and
953 nicotine program, if locally available, the court may ~~must~~
954 direct the Department of Highway Safety and Motor Vehicles to
955 withhold issuance of or suspend the driver license or driving
956 privilege of that person for 30 consecutive days.

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

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

966 938.30 Financial obligations in criminal cases;
967 supplementary proceedings.—

968 (2) The court may require a person liable for payment of
969 an obligation to appear and be examined under oath concerning
970 the person's financial ability to pay the obligation. The judge
971 may convert the statutory financial obligation into a court-
972 ordered obligation to perform community service, subject to ~~the~~
973 ~~provisions of~~ s. 318.18(8), after examining a person under oath
974 and determining the person's inability to pay, or by reliance
975 upon information provided under s. 27.52(1) (a) 6. Any person who

976 fails to attend a hearing may be arrested on warrant or capias
977 issued by the clerk upon order of the court.

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

980 1003.27 Court procedure and penalties.—The court procedure
981 and penalties for the enforcement of the provisions of this
982 part, relating to compulsory school attendance, shall be as
983 follows:

984 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

990 ~~(b) Each public school principal or the principal's~~
991 ~~designee shall notify the district school board of each minor~~
992 ~~student under its jurisdiction who accumulates 15 unexcused~~
993 ~~absences in a period of 90 calendar days. Each designee of the~~
994 ~~governing body of each private school, and each parent whose~~
995 ~~child is enrolled in a home education program, may provide the~~
996 ~~Department of Highway Safety and Motor Vehicles with the legal~~
997 ~~name, sex, date of birth, and social security number of each~~
998 ~~minor student under his or her jurisdiction who fails to satisfy~~
999 ~~relevant attendance requirements and who fails to otherwise~~
1000 ~~satisfy the requirements of s. 322.091. The district school~~

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

1010 Section 25. Paragraph (a) of subsection (10) of section
 1011 318.14, Florida Statutes, is amended to read:

1012 318.14 Noncriminal traffic infractions; exception;
 1013 procedures.—

1014 (10) (a) Any person who does not hold a commercial driver
 1015 license or commercial learner's permit and who is cited while
 1016 driving a noncommercial motor vehicle for an offense listed
 1017 under this subsection may, in lieu of payment of fine or court
 1018 appearance, elect to enter a plea of nolo contendere and provide
 1019 proof of compliance to the clerk of the court, designated
 1020 official, or authorized operator of a traffic violations bureau.
 1021 In such case, adjudication shall be withheld; however, a person
 1022 may not make an election under this subsection if the person has
 1023 made an election under this subsection in the preceding 12
 1024 months. A person may not make more than three elections under
 1025 this subsection. This subsection applies to the following

1026 offenses:

1027 1. Operating a motor vehicle without a valid driver
 1028 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 1029 or operating a motor vehicle with a license that has been
 1030 suspended for failure to appear, failure to pay civil penalty,
 1031 or failure to attend a driver improvement course pursuant to s.
 1032 322.291.

1033 2. Operating a motor vehicle without a valid registration
 1034 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1035 3. Operating a motor vehicle in violation of s. 316.646.

1036 4. Operating a motor vehicle with a license that has been
 1037 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1038 child support or for failure to pay any other financial
 1039 obligation as provided in s. 322.245; however, this subparagraph
 1040 does not apply if the license has been suspended pursuant to s.
 1041 322.245(1).

1042 ~~5. Operating a motor vehicle with a license that has been~~
 1043 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1044 ~~requirements.~~

1045 Section 26. Subsections (1) and (2) of section 322.05,
 1046 Florida Statutes, are amended to read:

1047 322.05 Persons not to be licensed.—The department may not
 1048 issue a license:

1049 (1) To a person who is under the age of 16 years, except
 1050 that the department may issue a learner's driver license to a

1051 person who is at least 15 years of age and who meets the
 1052 requirements of s. ss. 322.091 and 322.1615 and of any other
 1053 applicable law or rule.

1054 (2) To a person who is at least 16 years of age but is
 1055 under 18 years of age unless the person ~~meets the requirements~~
 1056 ~~of s. 322.091~~ and holds a valid:

1057 (a) Learner's driver license for at least 12 months, with
 1058 no moving traffic convictions, before applying for a license;

1059 (b) Learner's driver license for at least 12 months and
 1060 who has a moving traffic conviction but elects to attend a
 1061 traffic driving school for which adjudication must be withheld
 1062 pursuant to s. 318.14; or

1063 (c) License that was issued in another state or in a
 1064 foreign jurisdiction and that would not be subject to suspension
 1065 or revocation under the laws of this state.

1066 Section 27. Paragraph (b) of subsection (5) of section
 1067 322.27, Florida Statutes, is amended to read:

1068 322.27 Authority of department to suspend or revoke driver
 1069 license or identification card.—

1070 (5)

1071 (b) If a person whose driver license has been revoked
 1072 under paragraph (a) as a result of a third violation of driving
 1073 a motor vehicle while his or her license is suspended or revoked
 1074 provides proof of compliance for an offense listed in s.

1075 318.14(10)(a)1.-4. ~~318.14(10)(a)1.-5.~~, the clerk of court shall

1076 submit an amended disposition to remove the habitual traffic
1077 offender designation.

1078 Section 28. Subsection (9) of section 1003.01, Florida
1079 Statutes, is amended to read:

1080 1003.01 Definitions.—As used in this chapter, the term:

1081 (9) "Dropout" means a student who meets any one or more of
1082 the following criteria:

1083 (a) The student has voluntarily removed himself or herself
1084 from the school system before graduation for reasons that
1085 include, but are not limited to, marriage, or the student has
1086 withdrawn from school because he or she has failed the statewide
1087 student assessment test and thereby does not receive any of the
1088 certificates of completion;

1089 (b) The student has not met the relevant attendance
1090 requirements of the school district pursuant to State Board of
1091 Education rules, or the student was expected to attend a school
1092 but did not enter as expected for unknown reasons, or the
1093 student's whereabouts are unknown;

1094 (c) The student has withdrawn from school, but has not
1095 transferred to another public or private school or enrolled in
1096 any career, adult, home education, or alternative educational
1097 program;

1098 (d) The student has withdrawn from school due to hardship,
1099 unless such withdrawal was ~~has been~~ granted as a result of ~~under~~
1100 ~~the provisions of s. 322.091,~~ court action, expulsion, medical

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1101 reasons, or pregnancy; or

1102 (e) The student is not eligible to attend school because
1103 of reaching the maximum age for an exceptional student program
1104 in accordance with the district's policy.

1105

1106 The State Board of Education may adopt rules to implement ~~the~~
1107 ~~provisions~~ of this subsection.

1108 Section 29. The amendment made by this act to s. 316.650,
1109 Florida Statutes, shall apply upon the creation of a new
1110 inventory of uniform traffic citation forms.

1111 Section 30. This act shall take effect July 1, 2017.