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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to penalties and fees; amending s. 27.52, F.S.; requiring a certain application to provide the applicant with the option to fulfill any court-ordered financial obligation associated with a case by enrolling in a payment plan or by completing community service if ordered by the court; requiring a clerk of the court to compare the information provided in the application to any readily ascertainable or publicly available information under certain circumstances; authorizing the clerk to refer any application believed to be fraudulent to the court for review; amending s. 28.246, F.S.; revising requirements relating to the payment of court-related fines or other monetary penalties, fees, charges, and costs; requiring a clerk of the circuit court to solicit competitive bids from private attorneys or collection agents for collection services, subject to certain requirements; prohibiting the clerk from assessing a certain surcharge; prohibiting the private attorney or collection agent from imposing certain additional fees or surcharges; amending s. 57.082, F.S.; authorizing the clerk to refer any application believed to be fraudulent to the court for review; amending s. 316.650, F.S.; requiring traffic citation forms to include certain language relating to payment of a penalty; amending s. 318.18, F.S.; requiring a



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28 court to inquire at the time a certain civil penalty
29 is ordered whether the person is able to pay it;
30 amending s. 322.055, F.S.; decreasing the period for
31 revocation or suspension of, or delay of eligibility
32 for, driver licenses or driving privileges for certain
33 persons convicted of certain drug offenses; deleting
34 provisions authorizing a driver to petition the
35 Department of Highway Safety and Motor Vehicles for
36 restoration of his or her driving privilege; amending
37 s. 322.056, F.S.; decreasing the period for revocation
38 or suspension of, or delay of eligibility for, driver
39 licenses or driving privileges for certain persons
40 found guilty of certain drug offenses; deleting a
41 provision authorizing a court to direct the department
42 to issue a license for certain restricted driving
43 privileges under certain circumstances; deleting
44 requirements relating to the revocation or suspension
45 of, or delay of eligibility for, driver licenses or
46 driving privileges for certain persons found guilty of
47 certain alcohol or tobacco offenses; repealing s.
48 322.057, F.S., relating to discretionary revocation or
49 suspension of a driver license for certain persons who
50 provide alcohol to persons under a specified age;
51 amending s. 322.09, F.S.; deleting a provision
52 prohibiting the issuance of a driver license or
53 learner's driver license under certain circumstances;
54 repealing s. 322.091, F.S., relating to attendance
55 requirements for driving privileges; creating the
56 Clerks of Court Community Service Pilot Program in



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57 Pinellas and Clay Counties; requiring the program to
58 be administered by the clerks of court for the
59 counties and by the Florida Clerks of Court Operations
60 Corporation; requiring the clerks of court in the
61 pilot program counties to implement programs that
62 allow any person owing any court-ordered financial
63 obligation or payment that is unrelated to certain
64 child support obligations to fulfill the obligation by
65 completing community service; providing that a
66 person's driver license may not be suspended solely
67 for a failure to pay fees, service charges, fines, or
68 penalties in a pilot program county if the person
69 complies with the requirements of the program;
70 requiring that a person in a pilot program county who
71 fails to pay a court-ordered financial obligation or
72 payment unrelated to child support obligations be
73 notified by the clerk of court by mail that the person
74 has a specified time to comply or elect to participate
75 in the community service pilot program; providing that
76 failure to comply or make an election with the clerk
77 of court within the required timeframe results in
78 suspension of the person's driver license; authorizing
79 the clerks of court to allow a person to satisfy the
80 financial obligation by participating in community
81 service in lieu of or in addition to making payments
82 toward such obligation; providing requirements for the
83 community service; defining the term "hourly credit
84 rate"; providing requirements for the workweek
85 schedule and timeframe permitted for completing the



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86 community service; providing that failure to complete
87 the community service requirements or pay the
88 remaining obligation within the authorized timeframe
89 results in suspension of the person's driver license;
90 providing requirements for the community service
91 agency supervising the person; providing requirements
92 for the clerks of the court; authorizing the clerks of
93 court to apply, on a quarterly basis, for a certain
94 grant from the corporation; authorizing the
95 corporation to review and approve the grant
96 application; requiring the corporation to transfer the
97 requested funds to the clerks if approved; providing
98 requirements for distribution of funds; requiring the
99 clerks of court in the pilot program counties and the
100 corporation to each provide a report on the
101 implementation of the pilot program to the chairs of
102 the legislative appropriations committees by a
103 specified date; providing requirements for the report;
104 requiring authority for a person to participate in the
105 pilot program to expire on a specified date; requiring
106 community service obligations entered into before a
107 specified date to continue until completion of the
108 community service or the closing of the underlying
109 court case; repealing s. 322.251(7), F.S., relating to
110 notice of suspension or revocation of driving
111 privileges, reasons for reinstatement of such driving
112 privileges, and certain electronic access to identify
113 a person who is the subject of an outstanding warrant
114 or capias for passing worthless bank checks; amending



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115 s. 322.271, F.S.; providing that a person whose driver
116 license or privilege to drive has been suspended may
117 have his or her driver license or driving privilege
118 reinstated on a restricted basis under certain
119 circumstances; providing the period of validity of
120 such restricted license; amending s. 322.34, F.S.;
121 revising the underlying violations resulting in driver
122 license or driving privilege cancellation, suspension,
123 or revocation for which specified penalties apply;
124 amending s. 562.11, F.S.; revising penalties for
125 selling, giving, serving, or permitting to be served
126 alcoholic beverages to a person under a specified age
127 or permitting such person to consume such beverages on
128 licensed premises; revising penalties for
129 misrepresenting or misstating age or age of another to
130 induce a licensee to serve alcoholic beverages to a
131 person under a specified age; conforming provisions to
132 changes made by the act; repealing s. 562.111(3),
133 F.S., relating to withholding issuance of, or
134 suspending or revoking, a driver license or driving
135 privilege for possession of alcoholic beverages by
136 persons under a specified age; amending s. 569.11,
137 F.S.; revising penalties for persons under a specified
138 age who knowingly possess, misrepresent their age or
139 military service to purchase, or purchase or attempt
140 to purchase tobacco products; authorizing, rather than
141 requiring, the court to direct the department to
142 withhold issuance of or suspend a person's driver
143 license or driving privilege for certain violations;



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144 amending s. 790.22, F.S.; revising penalties relating
145 to suspending, revoking, or withholding issuance of
146 driver licenses or driving privileges for minors under
147 a specified age who possess firearms under certain
148 circumstances; deleting provisions relating to
149 penalties for certain offenses involving the use or
150 possession of a firearm by a minor under a specified
151 age; amending s. 806.13, F.S.; deleting provisions
152 relating to certain penalties for criminal mischief by
153 a minor; repealing s. 812.0155, F.S., relating to
154 suspension of a driver license following an
155 adjudication of guilt for theft; repealing s. 832.09,
156 F.S., relating to suspension of a driver license after
157 warrant or *capias* is issued in worthless check cases;
158 amending s. 847.0141, F.S.; deleting a provision
159 authorizing a court, upon a certain finding of
160 contempt, to issue an order to the department to
161 withhold issuance of or suspend the driver license or
162 driving privilege of a minor for a specified time;
163 amending s. 877.112, F.S.; revising penalties for
164 persons under a specified age who knowingly possess,
165 misrepresent their age or military service to
166 purchase, or purchase or attempt to purchase any
167 nicotine product or nicotine dispensing device;
168 authorizing, rather than requiring, the court to
169 direct the department to withhold issuance of or
170 suspend a person's driver license or driving privilege
171 for certain violations; amending s. 938.30, F.S.;

172 authorizing a judge to convert certain statutory



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173 financial obligations into court-ordered obligations
174 to perform community service by reliance upon
175 specified information under certain circumstances;
176 amending s. 1003.27, F.S.; deleting provisions
177 relating to procedures and penalties for nonenrollment
178 and nonattendance cases; amending ss. 318.14, 322.05,
179 322.27, and 1003.01, F.S.; conforming provisions to
180 changes made by the act; providing applicability of
181 certain changes made by the act; requiring the
182 department to notify the Division of Law Revision and
183 Information upon the adoption of certain uniform
184 traffic citation forms; providing effective dates.

185

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

187

188 Section 1. Paragraph (a) of subsection (1), paragraph (d)
189 of subsection (2), paragraph (a) of subsection (4), and
190 paragraph (a) of subsection (7) of section 27.52, Florida
191 Statutes, are amended to read:

192 27.52 Determination of indigent status.—

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

199 (a) The application must include, at a minimum, the
200 following financial information:

201 1. Net income, consisting of total salary and wages, minus



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202 deductions required by law, including court-ordered support
203 payments.

204 2. Other income, including, but not limited to, social
205 security benefits, union funds, veterans' benefits, workers'
206 compensation, other regular support from absent family members,
207 public or private employee pensions, reemployment assistance or
208 unemployment compensation, dividends, interest, rent, trusts,
209 and gifts.

210 3. Assets, including, but not limited to, cash, savings
211 accounts, bank accounts, stocks, bonds, certificates of deposit,
212 equity in real estate, and equity in a boat or a motor vehicle
213 or in other tangible property.

214 4. All liabilities and debts.

215 5. If applicable, the amount of any bail paid for the
216 applicant's release from incarceration and the source of the
217 funds.

218

219 The application must provide the applicant with the option to
220 fulfill any court-ordered financial obligation associated with a
221 case by enrolling in a payment plan or by completing community
222 service if ordered by the court. The application must include a
223 signature by the applicant which attests to the truthfulness of
224 the information provided. The application form developed by the
225 corporation must include notice that the applicant may seek
226 court review of a clerk's determination that the applicant is
227 not indigent, as provided in this section.

228 (2) DETERMINATION BY THE CLERK.—The clerk of the court
229 shall determine whether an applicant seeking appointment of a
230 public defender is indigent based upon the information provided



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231 in the application and the criteria prescribed in this
232 subsection.

233 (d) The duty of the clerk in determining whether an
234 applicant is indigent shall be limited to receiving the
235 application and comparing the information provided in the
236 application to the criteria prescribed in this subsection and to
237 any readily ascertainable or publicly available information. The
238 determination of indigent status is a ministerial act of the
239 clerk and not a decision based on further investigation or the
240 exercise of independent judgment by the clerk. The clerk may
241 contract with third parties to perform functions assigned to the
242 clerk under this section.

243 (4) REVIEW OF CLERK'S DETERMINATION.-

244 (a) If the clerk of the court determines that the applicant
245 is not indigent, and the applicant seeks review of the clerk's
246 determination, the court shall make a final determination of
247 indigent status by reviewing the information provided in the
248 application against the criteria prescribed in subsection (2),
249 along with any readily ascertainable or publicly available
250 information provided by the clerk, and by considering the
251 following additional factors:

252 1. Whether the applicant has been released on bail in an
253 amount of \$5,000 or more.

254 2. Whether a bond has been posted, the type of bond, and
255 who paid the bond.

256 3. Whether paying for private counsel in an amount that
257 exceeds the limitations in s. 27.5304, or other due process
258 services creates a substantial hardship for the applicant or the
259 applicant's family.



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260 4. Any other relevant financial circumstances of the
261 applicant or the applicant's family.

262 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

263 (a) The clerk may refer any application believed to be
264 fraudulent to the court for review. If the court learns of
265 discrepancies between the application or motion and the actual
266 financial status of the person found to be indigent or indigent
267 for costs, the court shall determine whether the public
268 defender, office of criminal conflict and civil regional
269 counsel, or private attorney shall continue representation or
270 whether the authorization for any other due process services
271 previously authorized shall be revoked. The person may be heard
272 regarding the information learned by the court. If the court,
273 based on the information, determines that the person is not
274 indigent or indigent for costs, the court shall order the public
275 defender, office of criminal conflict and civil regional
276 counsel, or private attorney to discontinue representation and
277 revoke the provision of any other authorized due process
278 services.

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

281 28.246 Payment of court-related fines or other monetary
282 penalties, fees, charges, and costs; partial payments;
283 distribution of funds.—

284 (4) The clerk of the circuit court shall accept partial
285 payments for court-related fees, service charges, costs, and
286 fines in accordance with the terms of an established payment
287 plan. An individual seeking to defer payment of fees, service
288 charges, costs, or fines imposed by operation of law or order of



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289 the court under any provision of general law, including an
290 individual found indigent by the clerk or the court, shall apply
291 to the clerk for enrollment in a payment plan. The clerk shall
292 accept a qualified individual's application for a payment plan
293 and accept ~~The clerk shall enter into a payment plan with an~~
294 ~~individual who the court determines is indigent for costs.~~ a
295 monthly payment amount, calculated based upon all fees and all
296 anticipated costs. The monthly payment amount may, ~~is presumed~~
297 ~~to correspond to the person's ability to pay if the amount does~~
298 not exceed 2 percent of the person's annual net income, as
299 defined in s. 27.52(1), divided by 12, or \$25 per month,
300 whichever is greater. The court may review the reasonableness of
301 the payment plan upon motion of the party and may modify the
302 plan.

303 (6) (a) A clerk of court shall pursue the collection of any
304 fees, service charges, fines, court costs, and liens for the
305 payment of attorney fees and costs pursuant to s. 938.29 which
306 remain unpaid after 90 days by referring the account to a
307 private attorney who is a member in good standing of The Florida
308 Bar or collection agent who is registered and in good standing
309 pursuant to chapter 559. In pursuing the collection of such
310 unpaid financial obligations through a private attorney or
311 collection agent, the clerk of the court must have attempted to
312 collect the unpaid amount through a collection court,
313 collections docket, or other collections process, if any,
314 established by the court, find this to be cost-effective and
315 follow any applicable procurement practices.

316 (b) In retaining a private attorney or collection agent as
317 provided in this subsection, the clerk shall solicit competitive



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318 bids from private attorneys or collection agents. The contract
319 awarded to the successful bidder may be in effect for no longer
320 than 3 years, with a maximum of two 1-year extensions.

321 (c) The clerk shall consider all pertinent criteria when
322 considering bids, including, but not limited to, performance
323 quality and customer service. The collection fee paid to the
324 private, including any reasonable attorney's fee, paid to any
325 attorney or collection agent retained by the clerk may be added
326 to the balance owed in an amount not to exceed 40 percent of the
327 amount owed at the time the account is referred to the attorney
328 or agent for collection.

329 (d) The clerk may not assess any surcharge to refer the
330 account to a private attorney or an agent for collection.

331 (e) The private attorney or collection agent may not impose
332 any additional fees or surcharges other than the contractually
333 agreed-upon amounts.

334 (f) The clerk shall give the private attorney or collection
335 agent the application for the appointment of court-appointed
336 counsel regardless of whether the court file is otherwise
337 confidential from disclosure.

338 Section 3. Paragraph (a) of subsection (7) of section
339 57.082, Florida Statutes, is amended to read:

340 57.082 Determination of civil indigent status.—

341 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

342 (a) The clerk may refer any application believed to be
343 fraudulent to the court for review. If the court learns of
344 discrepancies between the application and the actual financial
345 status of the person found to be indigent, the court shall
346 determine whether the status and any relief provided as a result



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347 of that status shall be revoked. The person may be heard
348 regarding the information learned by the court. If the court,
349 based on the information, determines that the person is not
350 indigent, the court shall revoke the provision of any relief
351 under this section.

352 Section 4. Present paragraphs (b), (c), and (d) of
353 subsection (1) of section 316.650, Florida Statutes, are
354 redesignated as paragraphs (c), (d), and (e), respectively, a
355 new paragraph (b) is added to that subsection, and present
356 paragraph (c) of that subsection is amended, to read:

357 316.650 Traffic citations.—

358 (1)

359 (b) The traffic citation form must include language
360 indicating that a person may enter into a payment plan with the
361 clerk of court to pay a penalty. The form must also indicate
362 that a person ordered to pay a penalty for a noncriminal traffic
363 infraction who is unable to comply due to demonstrable financial
364 hardship will be allowed by the court to satisfy the payment by
365 participating in community service pursuant to s. 318.18(8)(b).

366 (d) ~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
367 traffic enforcement agency may produce uniform traffic citations
368 by electronic means. Such citations must be consistent with the
369 state traffic court rules and the procedures established by the
370 department and must be appropriately numbered and inventoried.
371 Affidavit-of-compliance forms may also be produced by electronic
372 means.

373 Section 5. Paragraph (b) of subsection (8) of section
374 318.18, Florida Statutes, is amended to read:

375 318.18 Amount of penalties.—The penalties required for a



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376 noncriminal disposition pursuant to s. 318.14 or a criminal
377 offense listed in s. 318.17 are as follows:

378 (8)

379 (b)1.a. If a person has been ordered to pay a civil penalty
380 for a noncriminal traffic infraction and the person is unable to
381 comply with the court's order due to demonstrable financial
382 hardship, the court shall allow the person to satisfy the civil
383 penalty by participating in community service until the civil
384 penalty is paid.

385 b. The court shall inquire at the time the civil penalty is
386 ordered whether the person is able to pay it.

387 c. If a court orders a person to perform community service,
388 the person shall receive credit for the civil penalty at the
389 specified hourly credit rate per hour of community service
390 performed, and each hour of community service performed shall
391 reduce the civil penalty by that amount.

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

398 b. However, if a person ordered to perform community
399 service has a trade or profession for which there is a community
400 service need, the specified hourly credit rate for each hour of
401 community service performed by that person shall be the average
402 prevailing wage rate for the trade or profession that the
403 community service agency needs.

404 3.a. The community service agency supervising the person



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405 shall record the number of hours of community service completed
406 and the date the community service hours were completed. The
407 community service agency shall submit the data to the clerk of
408 court on the letterhead of the community service agency, which
409 must also bear the notarized signature of the person designated
410 to represent the community service agency.

411 b. When the number of community service hours completed by
412 the person equals the amount of the civil penalty, the clerk of
413 court shall certify this fact to the court. Thereafter, the
414 clerk of court shall record in the case file that the civil
415 penalty has been paid in full.

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

417 a. "Community service" means uncompensated labor for a
418 community service agency.

419 b. "Community service agency" means a not-for-profit
420 corporation, community organization, charitable organization,
421 public officer, the state or any political subdivision of the
422 state, or any other body the purpose of which is to improve the
423 quality of life or social welfare of the community and which
424 agrees to accept community service from persons unable to pay
425 civil penalties for noncriminal traffic infractions.

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

428 322.055 Revocation or suspension of, or delay of
429 eligibility for, driver license for persons 18 years of age or
430 older convicted of certain drug offenses.—

431 (1) Notwithstanding s. 322.28, upon the conviction of a
432 person 18 years of age or older for possession or sale of,
433 trafficking in, or conspiracy to possess, sell, or traffic in a



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434 controlled substance, the court shall direct the department to
435 revoke the driver license or driving privilege of the person.
436 The period of such revocation shall be 6 months ~~1 year~~ or until
437 the person is evaluated for and, if deemed necessary by the
438 evaluating agency, completes a drug treatment and rehabilitation
439 program approved or regulated by the Department of Children and
440 Families. However, the court may, in its sound discretion,
441 direct the department to issue a license for driving privilege
442 restricted to business or employment purposes only, as defined
443 by s. 322.271, if the person is otherwise qualified for such a
444 license. ~~A driver whose license or driving privilege has been~~
445 ~~suspended or revoked under this section or s. 322.056 may, upon~~
446 ~~the expiration of 6 months, petition the department for~~
447 ~~restoration of the driving privilege on a restricted or~~
448 ~~unrestricted basis depending on length of suspension or~~
449 ~~revocation. In no case shall~~ A restricted license may not be
450 available until 6 months of the suspension or revocation period
451 has been completed ~~expired~~.

452 (2) If a person 18 years of age or older is convicted for
453 the possession or sale of, trafficking in, or conspiracy to
454 possess, sell, or traffic in a controlled substance and such
455 person is eligible by reason of age for a driver license or
456 privilege, the court shall direct the department to withhold
457 issuance of such person's driver license or driving privilege
458 for a period of 6 months ~~1 year~~ after the date the person was
459 convicted or until the person is evaluated for and, if deemed
460 necessary by the evaluating agency, completes a drug treatment
461 and rehabilitation program approved or regulated by the
462 Department of Children and Families. However, the court may, in



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463 its sound discretion, direct the department to issue a license
464 for driving privilege restricted to business or employment
465 purposes only, as defined by s. 322.271, if the person is
466 otherwise qualified for such a license. ~~A driver whose license
467 or driving privilege has been suspended or revoked under this
468 section or s. 322.056 may, upon the expiration of 6 months,
469 petition the department for restoration of the driving privilege
470 on a restricted or unrestricted basis depending on the length of
471 suspension or revocation. In no case shall A restricted license
472 may not be available until 6 months of the withholding
473 suspension or revocation period has been completed expired.~~

474 (3) If a person 18 years of age or older is convicted for
475 the possession or sale of, trafficking in, or conspiracy to
476 possess, sell, or traffic in a controlled substance and such
477 person's driver license or driving privilege is already under
478 suspension or revocation for any reason, the court shall direct
479 the department to extend the period of such suspension or
480 revocation by an additional period of 6 months ~~1 year~~ or until
481 the person is evaluated for and, if deemed necessary by the
482 evaluating agency, completes a drug treatment and rehabilitation
483 program approved or regulated by the Department of Children and
484 Families. However, the court may, in its sound discretion,
485 direct the department to issue a license for driving privilege
486 restricted to business or employment purposes only, as defined
487 by s. 322.271, if the person is otherwise qualified for such a
488 license. ~~A driver whose license or driving privilege has been
489 suspended or revoked under this section or s. 322.056 may, upon
490 the expiration of 6 months, petition the department for
491 restoration of the driving privilege on a restricted or~~



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492 ~~unrestricted basis depending on the length of suspension or~~
493 ~~revocation. In no case shall~~ A restricted license may not be
494 available until 6 months of the suspension or revocation period
495 has been completed ~~expired~~.

496 (4) If a person 18 years of age or older is convicted for
497 the possession or sale of, trafficking in, or conspiracy to
498 possess, sell, or traffic in a controlled substance and such
499 person is ineligible by reason of age for a driver license or
500 driving privilege, the court shall direct the department to
501 withhold issuance of such person's driver license or driving
502 privilege for a period of 6 months ~~1 year~~ after the date that he
503 or she would otherwise have become eligible or until he or she
504 becomes eligible by reason of age for a driver license and is
505 evaluated for and, if deemed necessary by the evaluating agency,
506 completes a drug treatment and rehabilitation program approved
507 or regulated by the Department of Children and Families.
508 However, the court may, in its sound discretion, direct the
509 department to issue a license for driving privilege restricted
510 to business or employment purposes only, as defined by s.
511 322.271, if the person is otherwise qualified for such a
512 license. ~~A driver whose license or driving privilege has been~~
513 ~~suspended or revoked under this section or s. 322.056 may, upon~~
514 ~~the expiration of 6 months, petition the department for~~
515 ~~restoration of the driving privilege on a restricted or~~
516 ~~unrestricted basis depending on the length of suspension or~~
517 ~~revocation. In no case shall~~ A restricted license may not be
518 available until 6 months of the withholding ~~suspension or~~
519 ~~revocation~~ period has been completed ~~expired~~.

520 Section 7. Section 322.056, Florida Statutes, is amended to



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521 read:

522 322.056 Mandatory revocation or suspension of, or delay of
523 eligibility for, driver license for persons under age 18 found
524 guilty of certain alcohol, drug, or tobacco offenses;
525 prohibition.-

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

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

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

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

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

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

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

544 (c) The person is ineligible by reason of age for a driver
545 license or driving privilege, the court shall direct the
546 department to withhold issuance of his or her driver license or
547 driving privilege for a period of÷

548 ~~1. Not less than 6 months and not more than 1 year after~~
549 the date on which he or she would otherwise have become



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550 eligible, ~~for the first violation.~~

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

553
554 ~~However, the court may, in its sound discretion, direct the~~
555 ~~department to issue a license for driving privileges restricted~~
556 ~~to business or employment purposes only, as defined in s.~~
557 ~~322.271, if the person is otherwise qualified for such a~~
558 ~~license.~~

559 ~~(2) If a person under 18 years of age is found by the court~~
560 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
561 ~~877.112(6) or (7) and that person has failed to comply with the~~
562 ~~procedures established in that section by failing to fulfill~~
563 ~~community service requirements, failing to pay the applicable~~
564 ~~fine, or failing to attend a locally available school-approved~~
565 ~~anti-tobacco program, and:~~

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

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

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

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

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

578 ~~2. For the second violation within 12 weeks of the first~~



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579 ~~violation, for 45 days.~~

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

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

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

587
588 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
589 ~~within the 12-week period after the first violation will be~~
590 ~~treated as a first violation and in the same manner as provided~~
591 ~~in this subsection.~~

592 ~~(3) If a person under 18 years of age is found by the court~~
593 ~~to have committed a third violation of s. 569.11 or s.~~
594 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
595 ~~court must direct the Department of Highway Safety and Motor~~
596 ~~Vehicles to suspend or withhold issuance of his or her driver~~
597 ~~license or driving privilege for 60 consecutive days. Any third~~
598 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
599 ~~12-week period after the first violation will be treated as a~~
600 ~~first violation and in the same manner as provided in subsection~~
601 ~~(2).~~

602 ~~(2)-(4)~~ A penalty imposed under this section shall be in
603 addition to any other penalty imposed by law.

604 ~~(5) The suspension or revocation of a person's driver~~
605 ~~license imposed pursuant to subsection (2) or subsection (3),~~
606 ~~shall not result in or be cause for an increase of the convicted~~
607 ~~person's, or his or her parent's or legal guardian's, automobile~~



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608 ~~insurance rate or premium or result in points assessed against~~
609 ~~the person's driving record.~~

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

611 Section 9. Present subsections (4) and (5) of section
612 322.09, Florida Statutes, are redesignated as subsections (3)
613 and (4), respectively, and present subsection (3) of that
614 section is amended, to read:

615 322.09 Application of minors; responsibility for negligence
616 or misconduct of minor.—

617 ~~(3) The department may not issue a driver license or~~
618 ~~learner's driver license to any applicant under the age of 18~~
619 ~~years who is not in compliance with the requirements of s.~~
620 ~~322.091.~~

621 Section 10. Section 322.091, Florida Statutes, is repealed.

622 Section 11. Clerks of Court Community Service Pilot
623 Program.—

624 (1) The Clerks of Court Community Service Pilot Program is
625 established in Pinellas and Clay Counties to be administered by
626 the clerks of court for the counties and by the Florida Clerks
627 of Court Operations Corporation.

628 (2) Notwithstanding any other law, the clerks of court in
629 the pilot program counties shall implement programs that allow
630 any person owing any court-ordered financial obligation or
631 payment that is unrelated to child support obligations under
632 chapter 61, Florida Statutes, to fulfill the obligation by
633 completing community service as provided in this section.

634 (a) A person's driver license may not be suspended solely
635 for a failure to pay fees, service charges, fines, or penalties
636 in a pilot program county if the person complies with the



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637 requirements of the pilot program.

638 (b) A person in a pilot program county who fails to pay a
639 court-ordered financial obligation or payment unrelated to child
640 support obligations under chapter 61, Florida Statutes, must be
641 notified by the clerk of court by mail immediately after such
642 failure that the person has 10 days to comply or elect to
643 participate in the community service pilot program with the
644 clerk of court to satisfy the obligation. Failure to comply or
645 make an election with the clerk of court within the required
646 timeframe shall result in suspension of the person's driver
647 license as otherwise provided in chapter 318 and chapter 322,
648 Florida Statutes.

649 (3) The clerks of court shall allow a person to satisfy the
650 financial obligation by participating in community service in
651 lieu of or in addition to making payments toward such
652 obligation. If a person performs community service, he or she
653 must receive credit for the obligation at the hourly credit rate
654 per hour of community service performed as specified in this
655 subsection, and each hour of community service performed must
656 reduce the obligation by that amount. As used in this
657 subsection, the term "hourly credit rate" means the adjusted
658 state minimum wage rate that is calculated as provided in s.
659 448.110, Florida Statutes, that is then in effect.

660 (4) The workweek schedule and timeframe permitted for
661 completing the community service must be commensurate with the
662 amount of the obligation, the employment obligations of the
663 person, and the community service needs of the local area, but
664 must equal at least 4 hours of community service per week and
665 may not exceed 180 days. Failure to complete the community



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666 service requirements or pay the remaining obligation within the
667 authorized timeframe shall result in suspension of the person's
668 driver license as otherwise provided in chapters 318 and 322,
669 Florida Statutes.

670 (5) (a) The community service agency supervising the person
671 shall record the number of hours of community service completed
672 and the date the community service hours were completed. The
673 community service agency shall submit the data to the clerk of
674 court on the letterhead of the community service agency and the
675 letter must also bear the notarized signature of the person
676 designated to represent the community service agency.

677 (b) When the number of community service hours completed by
678 the person equals the amount of the obligation owed, the clerks
679 of court must certify this fact, and the amount credited, to the
680 court and to the Florida Clerks of Court Operations Corporation.
681 Thereafter, the clerks of court shall record in the case file or
682 court records that the financial obligation has been paid in
683 full.

684 (6) Subject to the appropriation of funds for this pilot
685 program, a clerk of court may apply, on a quarterly basis, for a
686 grant from the Florida Clerks of Court Operations Corporation to
687 reimburse the clerk's office for the total amount of financial
688 obligations that have been converted to community service hours
689 for the previous quarter. The Florida Clerks of Court Operations
690 Corporation may review and approve the grant application and, if
691 approved, shall transfer the requested funds to the clerk. Upon
692 receipt of any such grant proceeds, the funds must be
693 distributed by the clerk in accordance with laws that would
694 otherwise have provided for distribution of payments for the



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695 original penalty, fee, or obligation imposed on the person
696 performing the community service.

697 (7) The clerks of court in the pilot program counties and
698 the Florida Clerks of Court Operations Corporation shall each
699 provide a report on the implementation of the pilot program to
700 the chairs of the legislative appropriations committees by
701 October 1, 2019. At a minimum, the reports must include the
702 number of persons converting financial obligations to community
703 service, the number of persons actually completing the community
704 service requirements, the number of persons participating in the
705 pilot program who have their driver licenses suspended, the
706 estimated costs and benefits of the pilot program, and
707 recommendations to improve the pilot program.

708 (8) Authority for a person to participate in the Clerks of
709 Court Community Service Pilot Program shall expire on June 30,
710 2019. However, community service obligations entered into
711 pursuant to this section before June 30, 2019, must continue
712 until completion of the community service or the closing of the
713 underlying court case.

714 Section 12. Subsection (7) of section 322.251, Florida
715 Statutes, is repealed.

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

718 322.271 Authority to modify revocation, cancellation, or
719 suspension order.-

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



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724 basis by the department in accordance with this section. The
725 restricted license is valid until the 7-year suspension period
726 ends as provided in s. 318.15 or until the debt is paid.

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

729 322.34 Driving while license suspended, revoked, canceled,
730 or disqualified.-

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

736 1. Failing to pay child support as provided in s. 322.245
737 or s. 61.13016;

738 2. Failing to pay any other financial obligation as
739 provided in s. 322.245 ~~other than those specified in s.~~
740 ~~322.245(1);~~

741 3. Failing to comply with a civil penalty required in s.
742 318.15;

743 4. Failing to maintain vehicular financial responsibility
744 as required by chapter 324; or

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

747 ~~5.6.~~ Having been designated a habitual traffic offender
748 under s. 322.264(1) (d) as a result of suspensions of his or her
749 driver license or driver privilege for any underlying violation
750 listed in subparagraphs 1.-4. ~~1.-5.~~

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



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

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

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

765 562.11 Selling, giving, or serving alcoholic beverages to
766 person under age 21; providing a proper name; misrepresenting or
767 misstating age or age of another to induce licensee to serve
768 alcoholic beverages to person under 21; penalties.—

769 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
770 be served alcoholic beverages to a person under 21 years of age
771 or permit a person under 21 years of age to consume such
772 beverages on the licensed premises. A person who violates this
773 paragraph ~~subparagraph~~ commits a misdemeanor of the second
774 degree, punishable as provided in s. 775.082 or s. 775.083. A
775 person who violates this paragraph ~~subparagraph~~ a second or
776 subsequent time within 1 year after a prior conviction commits a
777 misdemeanor of the first degree, punishable as provided in s.
778 775.082 or s. 775.083.

779 ~~2. In addition to any other penalty imposed for a violation~~
780 ~~of subparagraph 1., the court may order the Department of~~
781 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~



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782 ~~or suspend or revoke, the driver license or driving privilege,~~
783 ~~as provided in s. 322.057, of any person who violates~~
784 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
785 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
786 ~~acting within the scope of his or her license or an employee or~~
787 ~~agent of a licensee, as defined in s. 561.01, who violates~~
788 ~~subparagraph 1. while engaged within the scope of his or her~~
789 ~~employment or agency.~~

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

796 (2) It is unlawful for any person to misrepresent or
797 misstate his or her age or the age of any other person for the
798 purpose of inducing any licensee or his or her agents or
799 employees to sell, give, serve, or deliver any alcoholic
800 beverages to a person under 21 years of age, or for any person
801 under 21 years of age to purchase or attempt to purchase
802 alcoholic beverages.

803 (c) In addition to any other penalty imposed for a
804 violation of this subsection, if a person uses a driver license
805 or identification card issued by the Department of Highway
806 Safety and Motor Vehicles in violation of this subsection, the
807 court:

808 ~~1.~~ may order the person to participate in public service or
809 a community work project for a period not to exceed 40 hours,
810 ~~and~~



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811 ~~2. Shall direct the Department of Highway Safety and Motor~~
812 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
813 ~~person's driver license or driving privilege, as provided in s.~~
814 ~~322.056.~~

815 Section 16. Subsection (3) of section 562.111, Florida
816 Statutes, is repealed.

817 Section 17. Subsections (1), (2), and (5) of section
818 569.11, Florida Statutes, are amended to read:

819 569.11 Possession, misrepresenting age or military service
820 to purchase, and purchase of tobacco products by persons under
821 18 years of age prohibited; penalties; jurisdiction; disposition
822 of fines.—

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

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

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

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

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840 Any second or subsequent violation not within the 12-week time
841 period after the first violation is punishable as provided for a
842 first violation.

843 (2) It is unlawful for any person under 18 years of age to
844 misrepresent his or her age or military service for the purpose
845 of inducing a dealer or an agent or employee of the dealer to
846 sell, give, barter, furnish, or deliver any tobacco product, or
847 to purchase, or attempt to purchase, any tobacco product from a
848 person or a vending machine. Any person under 18 years of age
849 who violates ~~a provision of~~ this subsection commits a
850 noncriminal violation as provided in s. 775.08(3), punishable
851 by:

852 (a) For a first violation, 16 hours of community service
853 or, instead of community service, a \$25 fine. ~~and~~ In addition,
854 the person must attend a school-approved anti-tobacco program,
855 if locally available; or

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

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

863
864 Any second or subsequent violation not within the 12-week time
865 period after the first violation is punishable as provided for a
866 first violation.

867 (5) (a) If a person under 18 years of age is found by the
868 court to have committed a noncriminal violation under this



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869 section and that person has failed to complete community
870 service, pay the fine as required by paragraph (1) (a) or
871 paragraph (2) (a), or attend a school-approved anti-tobacco
872 program, if locally available, the court may ~~must~~ direct the
873 Department of Highway Safety and Motor Vehicles to withhold
874 issuance of or suspend the driver license or driving privilege
875 of that person for a period of 30 consecutive days.

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

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

885 790.22 Use of BB guns, air or gas-operated guns, or
886 electric weapons or devices by minor under 16; limitation;
887 possession of firearms by minor under 18 prohibited; penalties.-

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

894 ~~1. If the minor is eligible by reason of age for a driver~~
895 ~~license or driving privilege, the court shall direct the~~
896 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
897 ~~withhold issuance of the minor's driver license or driving~~



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898 ~~privilege for up to 1 year.~~

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

904 ~~3. If the minor is ineligible by reason of age for a driver~~
905 ~~license or driving privilege, the court shall direct the~~
906 ~~Department of Highway Safety and Motor Vehicles to withhold~~
907 ~~issuance of the minor's driver license or driving privilege for~~
908 ~~up to 1 year after the date on which the minor would otherwise~~
909 ~~have become eligible.~~

910 (b) For a second or subsequent offense, a minor who
911 violates subsection (3) commits a felony of the third degree and
912 shall serve a period of detention of up to 15 days in a secure
913 detention facility and shall be required to perform not less
914 than 100 or ~~nor~~ more than 250 hours of community service. ~~and~~

915 ~~1. If the minor is eligible by reason of age for a driver~~
916 ~~license or driving privilege, the court shall direct the~~
917 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
918 ~~withhold issuance of the minor's driver license or driving~~
919 ~~privilege for up to 2 years.~~

920 ~~2. If the minor's driver license or driving privilege is~~
921 ~~under suspension or revocation for any reason, the court shall~~
922 ~~direct the Department of Highway Safety and Motor Vehicles to~~
923 ~~extend the period of suspension or revocation by an additional~~
924 ~~period of up to 2 years.~~

925 ~~3. If the minor is ineligible by reason of age for a driver~~
926 ~~license or driving privilege, the court shall direct the~~



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927 ~~Department of Highway Safety and Motor Vehicles to withhold~~
928 ~~issuance of the minor's driver license or driving privilege for~~
929 ~~up to 2 years after the date on which the minor would otherwise~~
930 ~~have become eligible.~~

931
932 For the purposes of this subsection, community service shall be
933 performed, if possible, in a manner involving a hospital
934 emergency room or other medical environment that deals on a
935 regular basis with trauma patients and gunshot wounds.

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

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

941 ~~1. If the minor is eligible by reason of age for a driver~~
942 ~~license or driving privilege, the court shall direct the~~
943 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
944 ~~withhold issuance of the minor's driver license or driving~~
945 ~~privilege for up to 1 year.~~

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

951 ~~3. If the minor is ineligible by reason of age for a driver~~
952 ~~license or driving privilege, the court shall direct the~~
953 ~~Department of Highway Safety and Motor Vehicles to withhold~~
954 ~~issuance of the minor's driver license or driving privilege for~~
955 ~~up to 1 year after the date on which the minor would otherwise~~



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956 ~~have become eligible.~~

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

958 ~~1. If the minor is eligible by reason of age for a driver~~
959 ~~license or driving privilege, the court shall direct the~~
960 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
961 ~~withhold issuance of the minor's driver license or driving~~
962 ~~privilege for up to 2 years.~~

963 ~~2. If the minor's driver license or driving privilege is~~
964 ~~under suspension or revocation for any reason, the court shall~~
965 ~~direct the Department of Highway Safety and Motor Vehicles to~~
966 ~~extend the period of suspension or revocation by an additional~~
967 ~~period for up to 2 years.~~

968 ~~3. If the minor is ineligible by reason of age for a driver~~
969 ~~license or driving privilege, the court shall direct the~~
970 ~~Department of Highway Safety and Motor Vehicles to withhold~~
971 ~~issuance of the minor's driver license or driving privilege for~~
972 ~~up to 2 years after the date on which the minor would otherwise~~
973 ~~have become eligible.~~

974 Section 19. Present subsections (7) and (8) of section
975 806.13, Florida Statutes, are amended, and present subsection
976 (9) of that section is redesignated as subsection (7), to read:

977 806.13 Criminal mischief; penalties; penalty for minor.—

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

982 ~~(a) The minor is eligible by reason of age for a driver~~
983 ~~license or driving privilege, the court shall direct the~~
984 ~~Department of Highway Safety and Motor Vehicles to revoke or~~



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985 ~~withhold issuance of the minor's driver license or driving~~
986 ~~privilege for not more than 1 year.~~

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

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

998 ~~(8) A minor whose driver license or driving privilege is~~
999 ~~revoked, suspended, or withheld under subsection (7) may elect~~
1000 ~~to reduce the period of revocation, suspension, or withholding~~
1001 ~~by performing community service at the rate of 1 day for each~~
1002 ~~hour of community service performed. In addition, if the court~~
1003 ~~determines that due to a family hardship, the minor's driver~~
1004 ~~license or driving privilege is necessary for employment or~~
1005 ~~medical purposes of the minor or a member of the minor's family,~~
1006 ~~the court shall order the minor to perform community service and~~
1007 ~~reduce the period of revocation, suspension, or withholding at~~
1008 ~~the rate of 1 day for each hour of community service performed.~~
1009 ~~As used in this subsection, the term "community service" means~~
1010 ~~cleaning graffiti from public property.~~

1011 ~~Section 20. Section 812.0155, Florida Statutes, is~~
1012 ~~repealed.~~

1013 ~~Section 21. Section 832.09, Florida Statutes, is repealed.~~



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1014 Section 22. Paragraph (a) of subsection (3) of section
1015 847.0141, Florida Statutes, is amended to read:

1016 847.0141 Sexting; prohibited acts; penalties.—

1017 (3) A minor who violates subsection (1):

1018 (a) Commits a noncriminal violation for a first violation.

1019 The minor must sign and accept a citation indicating a promise
1020 to appear before the juvenile court. In lieu of appearing in
1021 court, the minor may complete 8 hours of community service work,
1022 pay a \$60 civil penalty, or participate in a cyber-safety
1023 program if such a program is locally available. The minor must
1024 satisfy any penalty within 30 days after receipt of the
1025 citation.

1026 1. A citation issued to a minor under this subsection must
1027 be in a form prescribed by the issuing law enforcement agency,
1028 must be signed by the minor, and must contain all of the
1029 following:

1030 a. The date and time of issuance.

1031 b. The name and address of the minor to whom the citation
1032 is issued.

1033 c. A thumbprint of the minor to whom the citation is
1034 issued.

1035 d. Identification of the noncriminal violation and the time
1036 it was committed.

1037 e. The facts constituting reasonable cause.

1038 f. The specific section of law violated.

1039 g. The name and authority of the citing officer.

1040 h. The procedures that the minor must follow to contest the
1041 citation, perform the required community service, pay the civil
1042 penalty, or participate in a cyber-safety program.



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1043 2. If the citation is contested and the court determines
1044 that the minor committed a noncriminal violation under this
1045 section, the court may order the minor to perform 8 hours of
1046 community service, pay a \$60 civil penalty, or participate in a
1047 cyber-safety program, or any combination thereof.

1048 3. A minor who fails to comply with the citation waives his
1049 or her right to contest it, and the court may impose any of the
1050 penalties identified in subparagraph 2. or issue an order to
1051 show cause. Upon a finding of contempt, the court may impose
1052 additional age-appropriate penalties, ~~which may include issuance~~
1053 ~~of an order to the Department of Highway Safety and Motor~~
1054 ~~Vehicles to withhold issuance of, or suspend the driver license~~
1055 ~~or driving privilege of, the minor for 30 consecutive days.~~
1056 However, the court may not impose incarceration.

1057 Section 23. Subsections (6) and (7) and paragraphs (c) and
1058 (d) of subsection (8) of section 877.112, Florida Statutes, are
1059 amended to read:

1060 877.112 Nicotine products and nicotine dispensing devices;
1061 prohibitions for minors; penalties; civil fines; signage
1062 requirements; preemption.—

1063 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
1064 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
1065 person under 18 years of age to knowingly possess any nicotine
1066 product or a nicotine dispensing device. Any person under 18
1067 years of age who violates this subsection commits a noncriminal
1068 violation as defined in s. 775.08(3), punishable by:

1069 (a) For a first violation, 16 hours of community service
1070 or, instead of community service, a \$25 fine. In addition, the
1071 person must attend a school-approved anti-tobacco and nicotine



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1072 program, if locally available; or

1073 (b) For a second or subsequent violation within 12 weeks
1074 after ~~of~~ the first violation, a \$25 fine. ~~or~~

1075 ~~(c) For a third or subsequent violation within 12 weeks of~~
1076 ~~the first violation, the court must direct the Department of~~
1077 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1078 ~~suspend or revoke the person's driver license or driving~~
1079 ~~privilege, as provided in s. 322.056.~~

1080

1081 Any second or subsequent violation not within the 12-week time
1082 period after the first violation is punishable as provided for a
1083 first violation.

1084 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
1085 any person under 18 years of age to misrepresent his or her age
1086 or military service for the purpose of inducing a retailer of
1087 nicotine products or nicotine dispensing devices or an agent or
1088 employee of such retailer to sell, give, barter, furnish, or
1089 deliver any nicotine product or nicotine dispensing device, or
1090 to purchase, or attempt to purchase, any nicotine product or
1091 nicotine dispensing device from a person or a vending machine.
1092 Any person under 18 years of age who violates this subsection
1093 commits a noncriminal violation as defined in s. 775.08(3),
1094 punishable by:

1095 (a) For a first violation, 16 hours of community service
1096 or, instead of community service, a \$25 fine. and, In addition,
1097 the person must attend a school-approved anti-tobacco and
1098 nicotine program, if locally available; or

1099 (b) For a second or subsequent violation within 12 weeks of
1100 the first violation, a \$25 fine. ~~or~~



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1101 ~~(c) For a third or subsequent violation within 12 weeks of~~
1102 ~~the first violation, the court must direct the Department of~~
1103 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1104 ~~suspend or revoke the person's driver license or driving~~
1105 ~~privilege, as provided in s. 322.056.~~

1106
1107 Any second or subsequent violation not within the 12-week time
1108 period after the first violation is punishable as provided for a
1109 first violation.

1110 (8) PENALTIES FOR MINORS.—

1111 (c) If a person under 18 years of age is found by the court
1112 to have committed a noncriminal violation under this section and
1113 that person has failed to complete community service, pay the
1114 fine as required by paragraph (6) (a) or paragraph (7) (a), or
1115 attend a school-approved anti-tobacco and nicotine program, if
1116 locally available, the court may ~~must~~ direct the Department of
1117 Highway Safety and Motor Vehicles to withhold issuance of or
1118 suspend the driver license or driving privilege of that person
1119 for 30 consecutive days.

1120 (d) If a person under 18 years of age is found by the court
1121 to have committed a noncriminal violation under this section and
1122 that person has failed to pay the applicable fine as required by
1123 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
1124 the Department of Highway Safety and Motor Vehicles to withhold
1125 issuance of or suspend the driver license or driving privilege
1126 of that person for 45 consecutive days.

1127 Section 24. Subsection (2) of section 938.30, Florida
1128 Statutes, is amended to read:

1129 938.30 Financial obligations in criminal cases;



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1130 supplementary proceedings.-

1131 (2) The court may require a person liable for payment of an
1132 obligation to appear and be examined under oath concerning the
1133 person's financial ability to pay the obligation. The judge may
1134 convert the statutory financial obligation into a court-ordered
1135 obligation to perform community service, subject to ~~the~~
1136 ~~provisions of s. 318.18(8)~~, after examining a person under oath
1137 and determining the person's inability to pay, or by relying
1138 upon information provided under s. 27.52(1)(a). Any person who
1139 fails to attend a hearing may be arrested on warrant or *capias*
1140 issued by the clerk upon order of the court.

1141 Section 25. Subsection (2) of section 1003.27, Florida
1142 Statutes, is amended to read:

1143 1003.27 Court procedure and penalties.-The court procedure
1144 and penalties for the enforcement of the provisions of this
1145 part, relating to compulsory school attendance, shall be as
1146 follows:

1147 (2) NONENROLLMENT AND NONATTENDANCE CASES.-

1148 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
1149 the part of a student who is required to attend some school,
1150 when no valid reason for such nonenrollment or nonattendance is
1151 found, the district school superintendent shall institute a
1152 criminal prosecution against the student's parent.

1153 ~~(b) Each public school principal or the principal's~~
1154 ~~designee shall notify the district school board of each minor~~
1155 ~~student under its jurisdiction who accumulates 15 unexcused~~
1156 ~~absences in a period of 90 calendar days. Each designee of the~~
1157 ~~governing body of each private school, and each parent whose~~
1158 ~~child is enrolled in a home education program, may provide the~~



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1159 ~~Department of Highway Safety and Motor Vehicles with the legal~~
1160 ~~name, sex, date of birth, and social security number of each~~
1161 ~~minor student under his or her jurisdiction who fails to satisfy~~
1162 ~~relevant attendance requirements and who fails to otherwise~~
1163 ~~satisfy the requirements of s. 322.091. The district school~~
1164 ~~superintendent must provide the Department of Highway Safety and~~
1165 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
1166 ~~security number of each minor student who has been reported~~
1167 ~~under this paragraph and who fails to otherwise satisfy the~~
1168 ~~requirements of s. 322.091. The Department of Highway Safety and~~
1169 ~~Motor Vehicles may not issue a driver license or learner's~~
1170 ~~driver license to, and shall suspend any previously issued~~
1171 ~~driver license or learner's driver license of, any such minor~~
1172 ~~student, pursuant to the provisions of s. 322.091.~~

1173 Section 26. Paragraph (a) of subsection (10) of section
1174 318.14, Florida Statutes, is amended to read:

1175 318.14 Noncriminal traffic infractions; exception;
1176 procedures.-

1177 (10) (a) Any person who does not hold a commercial driver
1178 license or commercial learner's permit and who is cited while
1179 driving a noncommercial motor vehicle for an offense listed
1180 under this subsection may, in lieu of payment of fine or court
1181 appearance, elect to enter a plea of nolo contendere and provide
1182 proof of compliance to the clerk of the court, designated
1183 official, or authorized operator of a traffic violations bureau.
1184 In such case, adjudication shall be withheld; however, a person
1185 may not make an election under this subsection if the person has
1186 made an election under this subsection in the preceding 12
1187 months. A person may not make more than three elections under



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1188 this subsection. This subsection applies to the following
1189 offenses:

1190 1. Operating a motor vehicle without a valid driver license
1191 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
1192 operating a motor vehicle with a license that has been suspended
1193 for failure to appear, failure to pay civil penalty, or failure
1194 to attend a driver improvement course pursuant to s. 322.291.

1195 2. Operating a motor vehicle without a valid registration
1196 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1197 3. Operating a motor vehicle in violation of s. 316.646.

1198 4. Operating a motor vehicle with a license that has been
1199 suspended under s. 61.13016 or s. 322.245 for failure to pay
1200 child support or for failure to pay any other financial
1201 obligation as provided in s. 322.245; however, this subparagraph
1202 does not apply if the license has been suspended pursuant to s.
1203 322.245(1).

1204 ~~5. Operating a motor vehicle with a license that has been~~
1205 ~~suspended under s. 322.091 for failure to meet school attendance~~
1206 ~~requirements.~~

1207 Section 27. Subsections (1) and (2) of section 322.05,
1208 Florida Statutes, are amended to read:

1209 322.05 Persons not to be licensed.—The department may not
1210 issue a license:

1211 (1) To a person who is under the age of 16 years, except
1212 that the department may issue a learner's driver license to a
1213 person who is at least 15 years of age and who meets the
1214 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
1215 other applicable law or rule.

1216 (2) To a person who is at least 16 years of age but is



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1217 under 18 years of age unless the person ~~meets the requirements~~
1218 ~~of s. 322.091~~ and holds a valid:

1219 (a) Learner's driver license for at least 12 months, with
1220 no moving traffic convictions, before applying for a license;

1221 (b) Learner's driver license for at least 12 months and who
1222 has a moving traffic conviction but elects to attend a traffic
1223 driving school for which adjudication must be withheld pursuant
1224 to s. 318.14; or

1225 (c) License that was issued in another state or in a
1226 foreign jurisdiction and that would not be subject to suspension
1227 or revocation under the laws of this state.

1228 Section 28. Paragraph (b) of subsection (5) of section
1229 322.27, Florida Statutes, is amended to read:

1230 322.27 Authority of department to suspend or revoke driver
1231 license or identification card.—

1232 (5)

1233 (b) If a person whose driver license has been revoked under
1234 paragraph (a) as a result of a third violation of driving a
1235 motor vehicle while his or her license is suspended or revoked
1236 provides proof of compliance for an offense listed in s.

1237 318.14(10)(a)1.-4. ~~s. 318.14(10)(a)1.-5.~~, the clerk of court
1238 shall submit an amended disposition to remove the habitual
1239 traffic offender designation.

1240 Section 29. Subsection (9) of section 1003.01, Florida
1241 Statutes, is amended to read:

1242 1003.01 Definitions.—As used in this chapter, the term:

1243 (9) "Dropout" means a student who meets any one or more of
1244 the following criteria:

1245 (a) The student has voluntarily removed himself or herself



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1246 from the school system before graduation for reasons that
1247 include, but are not limited to, marriage, or the student has
1248 withdrawn from school because he or she has failed the statewide
1249 student assessment test and thereby does not receive any of the
1250 certificates of completion;

1251 (b) The student has not met the relevant attendance
1252 requirements of the school district pursuant to State Board of
1253 Education rules, or the student was expected to attend a school
1254 but did not enter as expected for unknown reasons, or the
1255 student's whereabouts are unknown;

1256 (c) The student has withdrawn from school, but has not
1257 transferred to another public or private school or enrolled in
1258 any career, adult, home education, or alternative educational
1259 program;

1260 (d) The student has withdrawn from school due to hardship,
1261 unless such withdrawal has been granted because of ~~under the~~
1262 ~~provisions of s. 322.091,~~ court action, expulsion, medical
1263 reasons, or pregnancy; or

1264 (e) The student is not eligible to attend school because of
1265 reaching the maximum age for an exceptional student program in
1266 accordance with the district's policy.

1267
1268 The State Board of Education may adopt rules to implement ~~the~~
1269 ~~provisions of~~ this subsection.

1270 Section 30. The amendments made by this act to s. 316.650,
1271 Florida Statutes, shall take effect upon the depletion of the
1272 current inventory of uniform traffic citation forms and the
1273 adoption by rule of new uniform traffic citation forms. The
1274 Department of Highway Safety and Motor Vehicles shall notify the



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1275 Division of Law Revision and Information upon the adoption of
1276 the new forms.

1277 Section 31. Except as otherwise expressly provided in this
1278 act and except for this section, which shall take effect upon
1279 this act becoming a law, this act shall take effect October 1,
1280 2018.