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LEGISLATIVE ACTION

Senate

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House

Floor: WD/RM

03/09/2018 06:44 PM

Senator Brandes moved the following:

1 **Senate Amendment to Senate Amendment (601794) to House**
2 **Amendment (with title amendment)**

3
4 Between lines 57 and 58

5 insert:

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

8 322.055 Revocation or suspension of, or delay of
9 eligibility for, driver license for persons 18 years of age or
10 older convicted of certain drug offenses.—

11 (1) Notwithstanding s. 322.28, upon the conviction of a



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12 person 18 years of age or older for possession or sale of,
13 trafficking in, or conspiracy to possess, sell, or traffic in a
14 controlled substance, the court shall direct the department to
15 revoke the driver license or driving privilege of the person.
16 The period of such revocation shall be 6 months ~~1-year~~ or until
17 the person is evaluated for and, if deemed necessary by the
18 evaluating agency, completes a drug treatment and rehabilitation
19 program approved or regulated by the Department of Children and
20 Families. However, the court may, in its sound discretion,
21 direct the department to issue a license for driving privilege
22 restricted to business or employment purposes only, as defined
23 by s. 322.271, if the person is otherwise qualified for such a
24 license. ~~A driver whose license or driving privilege has been~~
25 ~~suspended or revoked under this section or s. 322.056 may, upon~~
26 ~~the expiration of 6 months, petition the department for~~
27 ~~restoration of the driving privilege on a restricted or~~
28 ~~unrestricted basis depending on length of suspension or~~
29 ~~revocation. In no case shall~~ A restricted license may not be
30 available until 6 months of the suspension or revocation period
31 has been completed ~~expired~~.

32 (2) If a person 18 years of age or older is convicted for
33 the possession or sale of, trafficking in, or conspiracy to
34 possess, sell, or traffic in a controlled substance and such
35 person is eligible by reason of age for a driver license or
36 privilege, the court shall direct the department to withhold
37 issuance of such person's driver license or driving privilege
38 for a period of 6 months ~~1-year~~ after the date the person was
39 convicted or until the person is evaluated for and, if deemed
40 necessary by the evaluating agency, completes a drug treatment



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41 and rehabilitation program approved or regulated by the
42 Department of Children and Families. However, the court may, in
43 its sound discretion, direct the department to issue a license
44 for driving privilege restricted to business or employment
45 purposes only, as defined by s. 322.271, if the person is
46 otherwise qualified for such a license. ~~A driver whose license
47 or driving privilege has been suspended or revoked under this
48 section or s. 322.056 may, upon the expiration of 6 months,
49 petition the department for restoration of the driving privilege
50 on a restricted or unrestricted basis depending on the length of
51 suspension or revocation. In no case shall A restricted license
52 may not be available until 6 months of the withholding
53 suspension or revocation period has been completed ~~expired.~~~~

54 (3) If a person 18 years of age or older is convicted for
55 the possession or sale of, trafficking in, or conspiracy to
56 possess, sell, or traffic in a controlled substance and such
57 person's driver license or driving privilege is already under
58 suspension or revocation for any reason, the court shall direct
59 the department to extend the period of such suspension or
60 revocation by an additional period of 6 months ~~1 year~~ or until
61 the person is evaluated for and, if deemed necessary by the
62 evaluating agency, completes a drug treatment and rehabilitation
63 program approved or regulated by the Department of Children and
64 Families. However, the court may, in its sound discretion,
65 direct the department to issue a license for driving privilege
66 restricted to business or employment purposes only, as defined
67 by s. 322.271, if the person is otherwise qualified for such a
68 license. ~~A driver whose license or driving privilege has been
69 suspended or revoked under this section or s. 322.056 may, upon~~



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70 ~~the expiration of 6 months, petition the department for~~
71 ~~restoration of the driving privilege on a restricted or~~
72 ~~unrestricted basis depending on the length of suspension or~~
73 ~~revocation. In no case shall~~ A restricted license may not be
74 available until 6 months of the suspension or revocation period
75 has been completed ~~expired~~.

76 (4) If a person 18 years of age or older is convicted for
77 the possession or sale of, trafficking in, or conspiracy to
78 possess, sell, or traffic in a controlled substance and such
79 person is ineligible by reason of age for a driver license or
80 driving privilege, the court shall direct the department to
81 withhold issuance of such person's driver license or driving
82 privilege for a period of 6 months ~~1 year~~ after the date that he
83 or she would otherwise have become eligible or until he or she
84 becomes eligible by reason of age for a driver license and is
85 evaluated for and, if deemed necessary by the evaluating agency,
86 completes a drug treatment and rehabilitation program approved
87 or regulated by the Department of Children and Families.
88 However, the court may, in its sound discretion, direct the
89 department to issue a license for driving privilege restricted
90 to business or employment purposes only, as defined by s.
91 322.271, if the person is otherwise qualified for such a
92 license. ~~A driver whose license or driving privilege has been~~
93 ~~suspended or revoked under this section or s. 322.056 may, upon~~
94 ~~the expiration of 6 months, petition the department for~~
95 ~~restoration of the driving privilege on a restricted or~~
96 ~~unrestricted basis depending on the length of suspension or~~
97 ~~revocation. In no case shall~~ A restricted license may not be
98 available until 6 months of the withholding ~~suspension or~~



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99 ~~revocation~~ period has been completed ~~expired~~.

100 Section 5. Section 322.056, Florida Statutes, is amended to
101 read:

102 322.056 Mandatory revocation or suspension of, or delay of
103 eligibility for, driver license for persons under age 18 found
104 guilty of certain ~~alcohol, drug, or tobacco~~ offenses;
105 prohibition.-

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

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

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

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

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

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

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

124 (c) The person is ineligible by reason of age for a driver
125 license or driving privilege, the court shall direct the
126 department to withhold issuance of his or her driver license or
127 driving privilege for a period of÷



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

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

133
134 ~~However, the court may, in its sound discretion, direct the~~
135 ~~department to issue a license for driving privileges restricted~~
136 ~~to business or employment purposes only, as defined in s.~~
137 ~~322.271, if the person is otherwise qualified for such a~~
138 ~~license.~~

139 ~~(2) If a person under 18 years of age is found by the court~~
140 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
141 ~~877.112(6) or (7) and that person has failed to comply with the~~
142 ~~procedures established in that section by failing to fulfill~~
143 ~~community service requirements, failing to pay the applicable~~
144 ~~fine, or failing to attend a locally available school-approved~~
145 ~~anti-tobacco program, and:~~

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

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

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

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



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157 ~~1. For the first violation, for 30 days.~~
158 ~~2. For the second violation within 12 weeks of the first~~
159 ~~violation, for 45 days.~~
160 ~~(c) The person is ineligible by reason of age for a driver~~
161 ~~license or driving privilege, the court shall direct the~~
162 ~~department to withhold issuance of his or her driver license or~~
163 ~~driving privilege as follows:~~
164 ~~1. For the first violation, for 30 days.~~
165 ~~2. For the second violation within 12 weeks of the first~~
166 ~~violation, for 45 days.~~
167
168 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
169 ~~within the 12-week period after the first violation will be~~
170 ~~treated as a first violation and in the same manner as provided~~
171 ~~in this subsection.~~
172 ~~(3) If a person under 18 years of age is found by the court~~
173 ~~to have committed a third violation of s. 569.11 or s.~~
174 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
175 ~~court must direct the Department of Highway Safety and Motor~~
176 ~~Vehicles to suspend or withhold issuance of his or her driver~~
177 ~~license or driving privilege for 60 consecutive days. Any third~~
178 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
179 ~~12-week period after the first violation will be treated as a~~
180 ~~first violation and in the same manner as provided in subsection~~
181 ~~(2).~~
182 ~~(2)(4)~~ A penalty imposed under this section shall be in
183 addition to any other penalty imposed by law.
184 ~~(5) The suspension or revocation of a person's driver~~
185 ~~license imposed pursuant to subsection (2) or subsection (3),~~



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186 ~~shall not result in or be cause for an increase of the convicted~~
187 ~~person's, or his or her parent's or legal guardian's, automobile~~
188 ~~insurance rate or premium or result in points assessed against~~
189 ~~the person's driving record.~~

190 Section 6. Section 322.057, Florida Statutes, is repealed.

191 Section 7. Subsection (3) of section 322.09, Florida
192 Statutes, is amended, to read:

193 322.09 Application of minors; responsibility for negligence
194 or misconduct of minor.—

195 ~~(3) The department may not issue a driver license or~~
196 ~~learner's driver license to any applicant under the age of 18~~
197 ~~years who is not in compliance with the requirements of s.~~
198 ~~322.091.~~

199 Section 8. Section 322.091, Florida Statutes, is repealed.

200 Section 9. Subsection (7) of section 322.251, Florida
201 Statutes, is repealed.

202 Section 10. Subsection (8) is added to section 322.271,
203 Florida Statutes, to read:

204 322.271 Authority to modify revocation, cancellation, or
205 suspension order.—

206 (8) A person whose driver license or privilege to drive has
207 been suspended under s. 318.15 or s. 322.245, with the exception
208 of any suspension related to s. 61.13016, may have his or her
209 driver license or driving privilege reinstated on a restricted
210 basis by the department in accordance with this section. The
211 restricted license is valid until the 7-year suspension period
212 ends as provided in s. 318.15 or until the debt is paid.

213 Section 11. Subsection (10) of section 322.34, Florida
214 Statutes, is amended to read:



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215 322.34 Driving while license suspended, revoked, canceled,
216 or disqualified.—

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

222 1. Failing to pay child support as provided in s. 322.245
223 or s. 61.13016;

224 2. Failing to pay any other financial obligation as
225 provided in s. 322.245 ~~other than those specified in s.~~
226 ~~322.245(1);~~

227 3. Failing to comply with a civil penalty required in s.
228 318.15;

229 4. Failing to maintain vehicular financial responsibility
230 as required by chapter 324; or

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

233 ~~5.6.~~ Having been designated a habitual traffic offender
234 under s. 322.264(1) (d) as a result of suspensions of his or her
235 driver license or driver privilege for any underlying violation
236 listed in subparagraphs 1.-4. ~~1.-5.~~

237 (b)1. Upon a first conviction for knowingly driving while
238 his or her license is suspended, revoked, or canceled for any of
239 the underlying violations listed in subparagraphs (a)1.-5.

240 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,
241 punishable as provided in s. 775.082 or s. 775.083.

242 2. Upon a second or subsequent conviction for the same
243 offense of knowingly driving while his or her license is



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244 suspended, revoked, or canceled for any of the underlying
245 violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person
246 commits a misdemeanor of the first degree, punishable as
247 provided in s. 775.082 or s. 775.083.

248 Section 12. Paragraph (a) of subsection (1) and paragraph
249 (c) of subsection (2) of section 562.11, Florida Statutes, are
250 amended to read:

251 562.11 Selling, giving, or serving alcoholic beverages to
252 person under age 21; providing a proper name; misrepresenting or
253 misstating age or age of another to induce licensee to serve
254 alcoholic beverages to person under 21; penalties.-

255 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
256 be served alcoholic beverages to a person under 21 years of age
257 or permit a person under 21 years of age to consume such
258 beverages on the licensed premises. A person who violates this
259 paragraph ~~subparagraph~~ commits a misdemeanor of the second
260 degree, punishable as provided in s. 775.082 or s. 775.083. A
261 person who violates this paragraph ~~subparagraph~~ a second or
262 subsequent time within 1 year after a prior conviction commits a
263 misdemeanor of the first degree, punishable as provided in s.
264 775.082 or s. 775.083.

265 ~~2. In addition to any other penalty imposed for a violation~~
266 ~~of subparagraph 1., the court may order the Department of~~
267 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
268 ~~or suspend or revoke, the driver license or driving privilege,~~
269 ~~as provided in s. 322.057, of any person who violates~~
270 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
271 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
272 ~~acting within the scope of his or her license or an employee or~~



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273 ~~agent of a licensee, as defined in s. 561.01, who violates~~
274 ~~subparagraph 1. while engaged within the scope of his or her~~
275 ~~employment or agency.~~

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

282 (2) It is unlawful for any person to misrepresent or
283 misstate his or her age or the age of any other person for the
284 purpose of inducing any licensee or his or her agents or
285 employees to sell, give, serve, or deliver any alcoholic
286 beverages to a person under 21 years of age, or for any person
287 under 21 years of age to purchase or attempt to purchase
288 alcoholic beverages.

289 (c) In addition to any other penalty imposed for a
290 violation of this subsection, if a person uses a driver license
291 or identification card issued by the Department of Highway
292 Safety and Motor Vehicles in violation of this subsection, the
293 court:

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

297 ~~2. Shall direct the Department of Highway Safety and Motor~~
298 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
299 ~~person's driver license or driving privilege, as provided in s.~~
300 ~~322.056.~~

301 Section 13. Subsection (3) of section 562.111, Florida



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302 Statutes, is repealed.

303 Section 14. Subsections (1), (2), and (5) of section
304 569.11, Florida Statutes, are amended to read:

305 569.11 Possession, misrepresenting age or military service
306 to purchase, and purchase of tobacco products by persons under
307 18 years of age prohibited; penalties; jurisdiction; disposition
308 of fines.—

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

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

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

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

325
326 Any second or subsequent violation not within the 12-week time
327 period after the first violation is punishable as provided for a
328 first violation.

329 (2) It is unlawful for any person under 18 years of age to
330 misrepresent his or her age or military service for the purpose



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331 of inducing a dealer or an agent or employee of the dealer to
332 sell, give, barter, furnish, or deliver any tobacco product, or
333 to purchase, or attempt to purchase, any tobacco product from a
334 person or a vending machine. Any person under 18 years of age
335 who violates ~~a provision of~~ this subsection commits a
336 noncriminal violation as provided in s. 775.08(3), punishable
337 by:

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

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

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

349
350 Any second or subsequent violation not within the 12-week time
351 period after the first violation is punishable as provided for a
352 first violation.

353 (5) (a) If a person under 18 years of age is found by the
354 court to have committed a noncriminal violation under this
355 section and that person has failed to complete community
356 service, pay the fine as required by paragraph (1) (a) or
357 paragraph (2) (a), or attend a school-approved anti-tobacco
358 program, if locally available, the court may ~~must~~ direct the
359 Department of Highway Safety and Motor Vehicles to withhold



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360 issuance of or suspend the driver license or driving privilege
361 of that person for a period of 30 consecutive days.

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

369 Section 15. Subsections (5) and (10) of section 790.22,
370 Florida Statutes, are amended to read:

371 790.22 Use of BB guns, air or gas-operated guns, or
372 electric weapons or devices by minor under 16; limitation;
373 possession of firearms by minor under 18 prohibited; penalties.-

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

380 ~~1. If the minor is eligible by reason of age for a driver~~
381 ~~license or driving privilege, the court shall direct the~~
382 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
383 ~~withhold issuance of the minor's driver license or driving~~
384 ~~privilege for up to 1 year.~~

385 ~~2. If the minor's driver license or driving privilege is~~
386 ~~under suspension or revocation for any reason, the court shall~~
387 ~~direct the Department of Highway Safety and Motor Vehicles to~~
388 ~~extend the period of suspension or revocation by an additional~~



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389 ~~period of up to 1 year.~~

390 ~~3. If the minor is ineligible by reason of age for a driver~~
391 ~~license or driving privilege, the court shall direct the~~
392 ~~Department of Highway Safety and Motor Vehicles to withhold~~
393 ~~issuance of the minor's driver license or driving privilege for~~
394 ~~up to 1 year after the date on which the minor would otherwise~~
395 ~~have become eligible.~~

396 (b) For a second or subsequent offense, a minor who
397 violates subsection (3) commits a felony of the third degree and
398 shall serve a period of detention of up to 15 days in a secure
399 detention facility and shall be required to perform not less
400 than 100 or ~~not~~ more than 250 hours of community service. ~~and:~~

401 ~~1. If the minor is eligible by reason of age for a driver~~
402 ~~license or driving privilege, the court shall direct the~~
403 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
404 ~~withhold issuance of the minor's driver license or driving~~
405 ~~privilege for up to 2 years.~~

406 ~~2. If the minor's driver license or driving privilege is~~
407 ~~under suspension or revocation for any reason, the court shall~~
408 ~~direct the Department of Highway Safety and Motor Vehicles to~~
409 ~~extend the period of suspension or revocation by an additional~~
410 ~~period of up to 2 years.~~

411 ~~3. If the minor is ineligible by reason of age for a driver~~
412 ~~license or driving privilege, the court shall direct the~~
413 ~~Department of Highway Safety and Motor Vehicles to withhold~~
414 ~~issuance of the minor's driver license or driving privilege for~~
415 ~~up to 2 years after the date on which the minor would otherwise~~
416 ~~have become eligible.~~

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

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

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

427 ~~1. If the minor is eligible by reason of age for a driver~~
428 ~~license or driving privilege, the court shall direct the~~
429 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
430 ~~withhold issuance of the minor's driver license or driving~~
431 ~~privilege for up to 1 year.~~

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

437 ~~3. If the minor is ineligible by reason of age for a driver~~
438 ~~license or driving privilege, the court shall direct the~~
439 ~~Department of Highway Safety and Motor Vehicles to withhold~~
440 ~~issuance of the minor's driver license or driving privilege for~~
441 ~~up to 1 year after the date on which the minor would otherwise~~
442 ~~have become eligible.~~

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

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



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447 ~~withhold issuance of the minor's driver license or driving~~
448 ~~privilege for up to 2 years.~~

449 ~~2. If the minor's driver license or driving privilege is~~
450 ~~under suspension or revocation for any reason, the court shall~~
451 ~~direct the Department of Highway Safety and Motor Vehicles to~~
452 ~~extend the period of suspension or revocation by an additional~~
453 ~~period for up to 2 years.~~

454 ~~3. If the minor is ineligible by reason of age for a driver~~
455 ~~license or driving privilege, the court shall direct the~~
456 ~~Department of Highway Safety and Motor Vehicles to withhold~~
457 ~~issuance of the minor's driver license or driving privilege for~~
458 ~~up to 2 years after the date on which the minor would otherwise~~
459 ~~have become eligible.~~

460 Section 16. Subsections (7) and (8) of section 806.13,
461 Florida Statutes, are amended to read:

462 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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



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

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

483 ~~(8) A minor whose driver license or driving privilege is~~
484 ~~revoked, suspended, or withheld under subsection (7) may elect~~
485 ~~to reduce the period of revocation, suspension, or withholding~~
486 ~~by performing community service at the rate of 1 day for each~~
487 ~~hour of community service performed. In addition, if the court~~
488 ~~determines that due to a family hardship, the minor's driver~~
489 ~~license or driving privilege is necessary for employment or~~
490 ~~medical purposes of the minor or a member of the minor's family,~~
491 ~~the court shall order the minor to perform community service and~~
492 ~~reduce the period of revocation, suspension, or withholding at~~
493 ~~the rate of 1 day for each hour of community service performed.~~
494 ~~As used in this subsection, the term "community service" means~~
495 ~~cleaning graffiti from public property.~~

496 Section 17. Section 812.0155, Florida Statutes, is
497 repealed.

498 Section 18. Section 832.09, Florida Statutes, is repealed.

499 Section 19. Paragraph (a) of subsection (3) of section
500 847.0141, Florida Statutes, is amended to read:

501 847.0141 Sexting; prohibited acts; penalties.—

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

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

504 The minor must sign and accept a citation indicating a promise



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505 to appear before the juvenile court. In lieu of appearing in
506 court, the minor may complete 8 hours of community service work,
507 pay a \$60 civil penalty, or participate in a cyber-safety
508 program if such a program is locally available. The minor must
509 satisfy any penalty within 30 days after receipt of the
510 citation.

511 1. A citation issued to a minor under this subsection must
512 be in a form prescribed by the issuing law enforcement agency,
513 must be signed by the minor, and must contain all of the
514 following:

515 a. The date and time of issuance.

516 b. The name and address of the minor to whom the citation
517 is issued.

518 c. A thumbprint of the minor to whom the citation is
519 issued.

520 d. Identification of the noncriminal violation and the time
521 it was committed.

522 e. The facts constituting reasonable cause.

523 f. The specific section of law violated.

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

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

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

533 3. A minor who fails to comply with the citation waives his



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534 or her right to contest it, and the court may impose any of the
535 penalties identified in subparagraph 2. or issue an order to
536 show cause. Upon a finding of contempt, the court may impose
537 additional age-appropriate penalties, ~~which may include issuance~~
538 ~~of an order to the Department of Highway Safety and Motor~~
539 ~~Vehicles to withhold issuance of, or suspend the driver license~~
540 ~~or driving privilege of, the minor for 30 consecutive days.~~
541 However, the court may not impose incarceration.

542 Section 20. Subsections (6) and (7) and paragraphs (c) and
543 (d) of subsection (8) of section 877.112, Florida Statutes, are
544 amended to read:

545 877.112 Nicotine products and nicotine dispensing devices;
546 prohibitions for minors; penalties; civil fines; signage
547 requirements; preemption.—

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

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

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

560 ~~(c) For a third or subsequent violation within 12 weeks of~~
561 ~~the first violation, the court must direct the Department of~~
562 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~



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563 ~~suspend or revoke the person's driver license or driving~~
564 ~~privilege, as provided in s. 322.056.~~

565

566 Any second or subsequent violation not within the 12-week time
567 period after the first violation is punishable as provided for a
568 first violation.

569 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
570 any person under 18 years of age to misrepresent his or her age
571 or military service for the purpose of inducing a retailer of
572 nicotine products or nicotine dispensing devices or an agent or
573 employee of such retailer to sell, give, barter, furnish, or
574 deliver any nicotine product or nicotine dispensing device, or
575 to purchase, or attempt to purchase, any nicotine product or
576 nicotine dispensing device from a person or a vending machine.
577 Any person under 18 years of age who violates this subsection
578 commits a noncriminal violation as defined in s. 775.08(3),
579 punishable by:

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

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

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

591



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592 Any second or subsequent violation not within the 12-week time
593 period after the first violation is punishable as provided for a
594 first violation.

595 (8) PENALTIES FOR MINORS.—

596 (c) If a person under 18 years of age is found by the court
597 to have committed a noncriminal violation under this section and
598 that person has failed to complete community service, pay the
599 fine as required by paragraph (6) (a) or paragraph (7) (a), or
600 attend a school-approved anti-tobacco and nicotine program, if
601 locally available, the court may ~~must~~ direct the Department of
602 Highway Safety and Motor Vehicles to withhold issuance of or
603 suspend the driver license or driving privilege of that person
604 for 30 consecutive days.

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

612 Section 21. Subsection (2) of section 1003.27, Florida
613 Statutes, is amended to read:

614 1003.27 Court procedure and penalties.—The court procedure
615 and penalties for the enforcement of the provisions of this
616 part, relating to compulsory school attendance, shall be as
617 follows:

618 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

619 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
620 the part of a student who is required to attend some school,



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621 when no valid reason for such nonenrollment or nonattendance is
622 found, the district school superintendent shall institute a
623 criminal prosecution against the student's parent.

624 ~~(b) Each public school principal or the principal's~~
625 ~~designee shall notify the district school board of each minor~~
626 ~~student under its jurisdiction who accumulates 15 unexcused~~
627 ~~absences in a period of 90 calendar days. Each designee of the~~
628 ~~governing body of each private school, and each parent whose~~
629 ~~child is enrolled in a home education program, may provide the~~
630 ~~Department of Highway Safety and Motor Vehicles with the legal~~
631 ~~name, sex, date of birth, and social security number of each~~
632 ~~minor student under his or her jurisdiction who fails to satisfy~~
633 ~~relevant attendance requirements and who fails to otherwise~~
634 ~~satisfy the requirements of s. 322.091. The district school~~
635 ~~superintendent must provide the Department of Highway Safety and~~
636 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
637 ~~security number of each minor student who has been reported~~
638 ~~under this paragraph and who fails to otherwise satisfy the~~
639 ~~requirements of s. 322.091. The Department of Highway Safety and~~
640 ~~Motor Vehicles may not issue a driver license or learner's~~
641 ~~driver license to, and shall suspend any previously issued~~
642 ~~driver license or learner's driver license of, any such minor~~
643 ~~student, pursuant to the provisions of s. 322.091.~~

644 Section 22. Paragraph (a) of subsection (10) of section
645 318.14, Florida Statutes, is amended to read:

646 318.14 Noncriminal traffic infractions; exception;
647 procedures.—

648 (10) (a) Any person who does not hold a commercial driver
649 license or commercial learner's permit and who is cited while



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650 driving a noncommercial motor vehicle for an offense listed
651 under this subsection may, in lieu of payment of fine or court
652 appearance, elect to enter a plea of nolo contendere and provide
653 proof of compliance to the clerk of the court, designated
654 official, or authorized operator of a traffic violations bureau.
655 In such case, adjudication shall be withheld; however, a person
656 may not make an election under this subsection if the person has
657 made an election under this subsection in the preceding 12
658 months. A person may not make more than three elections under
659 this subsection. This subsection applies to the following
660 offenses:

661 1. Operating a motor vehicle without a valid driver license
662 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
663 operating a motor vehicle with a license that has been suspended
664 for failure to appear, failure to pay civil penalty, or failure
665 to attend a driver improvement course pursuant to s. 322.291.

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

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

669 4. Operating a motor vehicle with a license that has been
670 suspended under s. 61.13016 or s. 322.245 for failure to pay
671 child support or for failure to pay any other financial
672 obligation as provided in s. 322.245; however, this subparagraph
673 does not apply if the license has been suspended pursuant to s.
674 322.245(1).

675 ~~5. Operating a motor vehicle with a license that has been~~
676 ~~suspended under s. 322.091 for failure to meet school attendance~~
677 ~~requirements.~~

678 Section 23. Subsections (1) and (2) of section 322.05,



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679 Florida Statutes, are amended to read:

680 322.05 Persons not to be licensed.—The department may not
681 issue a license:

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

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

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

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

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

699 Section 24. Paragraph (b) of subsection (5) of section
700 322.27, Florida Statutes, is amended to read:

701 322.27 Authority of department to suspend or revoke driver
702 license or identification card.—

703 (5)

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



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708 ~~318.14(10)(a)1.-4.~~ ~~s. 318.14(10)(a)1.-5.~~, the clerk of court
709 shall submit an amended disposition to remove the habitual
710 traffic offender designation.

711 Section 25. Subsection (9) of section 1003.01, Florida
712 Statutes, is amended to read:

713 1003.01 Definitions.—As used in this chapter, the term:

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

716 (a) The student has voluntarily removed himself or herself
717 from the school system before graduation for reasons that
718 include, but are not limited to, marriage, or the student has
719 withdrawn from school because he or she has failed the statewide
720 student assessment test and thereby does not receive any of the
721 certificates of completion;

722 (b) The student has not met the relevant attendance
723 requirements of the school district pursuant to State Board of
724 Education rules, or the student was expected to attend a school
725 but did not enter as expected for unknown reasons, or the
726 student's whereabouts are unknown;

727 (c) The student has withdrawn from school, but has not
728 transferred to another public or private school or enrolled in
729 any career, adult, home education, or alternative educational
730 program;

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

735 (e) The student is not eligible to attend school because of
736 reaching the maximum age for an exceptional student program in



737 accordance with the district's policy.

738

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

741

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

743 And the title is amended as follows:

744 Delete line 4701

745 and insert:

746 otherwise provided; amending s. 322.055, F.S.;

747 decreasing the period for revocation or suspension of,

748 or delay of eligibility for, driver licenses or

749 driving privileges for certain persons convicted of

750 certain drug offenses; deleting provisions authorizing

751 a driver to petition the Department of Highway Safety

752 and Motor Vehicles for restoration of his or her

753 driving privilege; amending s. 322.056, F.S.;

754 decreasing the period for revocation or suspension of,

755 or delay of eligibility for, driver licenses or

756 driving privileges for certain persons found guilty of

757 certain drug offenses; deleting a provision

758 authorizing a court to direct the department to issue

759 a license for certain restricted driving privileges

760 under certain circumstances; deleting requirements

761 relating to the revocation or suspension of, or delay

762 of eligibility for, driver licenses or driving

763 privileges for certain persons found guilty of certain

764 alcohol or tobacco offenses; repealing s. 322.057,

765 F.S., relating to discretionary revocation or



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766 suspension of a driver license for certain persons who
767 provide alcohol to persons under a specified age;
768 amending s. 322.09, F.S.; deleting a provision
769 prohibiting the issuance of a driver license or
770 learner's driver license under certain circumstances;
771 repealing s. 322.091, F.S., relating to attendance
772 requirements for driving privileges; repealing s.
773 322.251(7), F.S., relating to notice of suspension or
774 revocation of driving privileges, reasons for
775 reinstatement of such driving privileges, and certain
776 electronic access to identify a person who is the
777 subject of an outstanding warrant or capias for
778 passing worthless bank checks; amending s. 322.271,
779 F.S.; providing that a person whose driver license or
780 privilege to drive has been suspended may have his or
781 her driver license or driving privilege reinstated on
782 a restricted basis under certain circumstances;
783 providing the period of validity of such restricted
784 license; amending s. 322.34, F.S.; revising the
785 underlying violations resulting in driver license or
786 driving privilege cancellation, suspension, or
787 revocation for which specified penalties apply;
788 amending s. 562.11, F.S.; revising penalties for
789 selling, giving, serving, or permitting to be served
790 alcoholic beverages to a person under a specified age
791 or permitting such person to consume such beverages on
792 licensed premises; revising penalties for
793 misrepresenting or misstating age or age of another to
794 induce a licensee to serve alcoholic beverages to a



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795 person under a specified age; conforming provisions to
796 changes made by the act; repealing s. 562.111(3),
797 F.S., relating to withholding issuance of, or
798 suspending or revoking, a driver license or driving
799 privilege for possession of alcoholic beverages by
800 persons under a specified age; amending s. 569.11,
801 F.S.; revising penalties for persons under a specified
802 age who knowingly possess, misrepresent their age or
803 military service to purchase, or purchase or attempt
804 to purchase tobacco products; authorizing, rather than
805 requiring, the court to direct the department to
806 withhold issuance of or suspend a person's driver
807 license or driving privilege for certain violations;
808 amending s. 790.22, F.S.; revising penalties relating
809 to suspending, revoking, or withholding issuance of
810 driver licenses or driving privileges for minors under
811 a specified age who possess firearms under certain
812 circumstances; deleting provisions relating to
813 penalties for certain offenses involving the use or
814 possession of a firearm by a minor under a specified
815 age; amending s. 806.13, F.S.; deleting provisions
816 relating to certain penalties for criminal mischief by
817 a minor; repealing s. 812.0155, F.S., relating to
818 suspension of a driver license following an
819 adjudication of guilt for theft; repealing s. 832.09,
820 F.S., relating to suspension of a driver license after
821 warrant or capias is issued in worthless check cases;
822 amending s. 847.0141, F.S.; deleting a provision
823 authorizing a court, upon a certain finding of



824 contempt, to issue an order to the department to
825 withhold issuance of or suspend the driver license or
826 driving privilege of a minor for a specified time;
827 amending s. 877.112, F.S.; revising penalties for
828 persons under a specified age who knowingly possess,
829 misrepresent their age or military service to
830 purchase, or purchase or attempt to purchase any
831 nicotine product or nicotine dispensing device;
832 authorizing, rather than requiring, the court to
833 direct the department to withhold issuance of or
834 suspend a person's driver license or driving privilege
835 for certain violations; amending s. 1003.27, F.S.;
836 deleting provisions relating to procedures and
837 penalties for nonenrollment and nonattendance cases;
838 amending ss. 318.14, 322.05, 322.27, and 1003.01,
839 F.S.; conforming cross-references; conforming
840 provisions to changes made by the act; creating s.
841 322.75, F.S.;