

By Senator Bracy

11-00278-18

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1 A bill to be entitled
2 An act relating to revoking, suspending, and
3 withholding driving privileges; repealing s. 61.13016,
4 F.S., relating to suspension of a driver license and
5 motor vehicle registration of a support obligor who is
6 delinquent in payment or who has failed to comply with
7 subpoenas or a similar order to appear or show cause
8 relating to paternity or support proceedings;
9 repealing s. 322.055, F.S., relating to revocation or
10 suspension of, or delay of eligibility for, a driver
11 license for a person of a specified age or older
12 convicted of certain drug offenses; repealing s.
13 322.056, F.S., relating to mandatory revocation or
14 suspension of, or delay of eligibility for, a driver
15 license for a person under a specified age found
16 guilty of certain alcohol, drug, or tobacco offenses;
17 repealing s. 322.057, F.S., relating to discretionary
18 revocation or suspension of a driver license for
19 certain persons who provide alcohol to persons under a
20 specified age; repealing s. 322.058, F.S., relating to
21 suspension of driving privilege due to support
22 delinquency; repealing s. 322.059, F.S., relating to
23 mandatory surrender of a suspended driver license and
24 registration; amending s. 322.245, F.S.; deleting
25 provisions relating to suspension of a driver license
26 for failure to pay child support in certain non-IV-D
27 cases; amending s. 569.11, F.S.; revising penalties
28 for a person under a specified age who knowingly
29 possesses a tobacco product or misrepresents his or

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30 her age or military service for the purpose of
31 obtaining any tobacco product from a person or a
32 vending machine; amending s. 877.112, F.S.; revising
33 penalties for a person under a specified age who
34 knowingly possesses any nicotine product or a nicotine
35 dispensing device or misrepresents his or her age or
36 military service for the purpose of obtaining any
37 nicotine product or nicotine dispensing device from a
38 person or a vending machine; requiring the Department
39 of Highway Safety and Motor Vehicles to issue,
40 reinstate, or renew any driver license or driving
41 privilege without fee which the department has
42 withheld issuance of, suspended, or revoked pursuant
43 to specified provisions under certain circumstances;
44 requiring the department to create a report on the
45 implementation of this act, subject to certain
46 requirements; requiring the department to file the
47 report with the Legislature by a specified date;
48 requiring the department to conduct a study on the
49 feasibility of reducing the amount of time unsafe
50 driver points remain on a driver history record;
51 requiring the department to submit a report on the
52 study, along with recommendations, to the Legislature
53 by a specified date; amending ss. 61.1814, 318.14,
54 322.05, 322.34, 409.256, 409.2598, 562.11, and
55 562.111, F.S.; conforming provisions to changes made
56 by the act; providing an effective date.

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

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Section 1. Section 61.13016, Florida Statutes, is repealed.

Section 2. Section 322.055, Florida Statutes, is repealed.

Section 3. Section 322.056, Florida Statutes, is repealed.

Section 4. Section 322.057, Florida Statutes, is repealed.

Section 5. Section 322.058, Florida Statutes, is repealed.

Section 6. Section 322.059, Florida Statutes, is repealed.

Section 7. Section 322.245, Florida Statutes, is amended to read:

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

(1) If a person charged with a violation of any of the criminal offenses enumerated in s. 318.17 or with the commission of any offense constituting a misdemeanor under chapter 320 or this chapter fails to comply with all of the directives of the court within the time allotted by the court, the clerk of the traffic court shall mail to the person, at the address specified on the uniform traffic citation, a notice of such failure, notifying him or her that, if he or she does not comply with the directives of the court within 30 days after the date of the notice and pay a delinquency fee of up to \$25 to the clerk, his or her driver license will be suspended. The notice shall be mailed no later than 5 days after such failure. The delinquency fee may be retained by the office of the clerk to defray the operating costs of the office.

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88 ~~(2) In non-IV-D cases, if a person fails to pay child~~
89 ~~support under chapter 61 and the obligee so requests, the~~
90 ~~depository or the clerk of the court shall mail in accordance~~
91 ~~with s. 61.13016 the notice specified in that section, notifying~~
92 ~~him or her that if he or she does not comply with the~~
93 ~~requirements of that section and pay a delinquency fee of \$25 to~~
94 ~~the depository or the clerk, his or her driver license and motor~~
95 ~~vehicle registration will be suspended. The delinquency fee may~~
96 ~~be retained by the depository or the office of the clerk to~~
97 ~~defray the operating costs of the office.~~

98 (2)~~(3)~~ If the person fails to comply with the directives of
99 the court within the 30-day period, ~~or, in non-IV-D cases, fails~~
100 ~~to comply with the requirements of s. 61.13016 within the period~~
101 ~~specified in that statute,~~ the depository or the clerk of the
102 court shall electronically notify the department of such failure
103 within 10 days. Upon electronic receipt of the notice, the
104 department shall immediately issue an order suspending the
105 person's driver license and privilege to drive effective 20 days
106 after the date the order of suspension is mailed in accordance
107 with s. 322.251(1), (2), and (6).

108 (3)~~(4)~~ After suspension of the driver license of a person
109 pursuant to subsection (1), or subsection (2), ~~or subsection~~
110 ~~(3),~~ the license may not be reinstated until the person complies
111 with all court directives imposed upon him or her, including
112 payment of the delinquency fee imposed by subsection (1), and
113 presents certification of such compliance to a driver licensing
114 office and complies with the requirements of this chapter ~~or, in~~
115 ~~the case of a license suspended for nonpayment of child support~~
116 ~~in non-IV-D cases, until the person complies with the~~

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117 ~~reinstatement provisions of s. 322.058 and makes payment of the~~
118 ~~delinquency fee imposed by subsection (2).~~

119 (4) (a) ~~(5) (a)~~ When the department receives notice from a
120 clerk of the court that a person licensed to operate a motor
121 vehicle in this state under the provisions of this chapter has
122 failed to pay financial obligations for any criminal offense
123 other than those specified in subsection (1), in full or in part
124 under a payment plan pursuant to s. 28.246(4), the department
125 shall suspend the license of the person named in the notice.

126 (b) The department must reinstate the driving privilege
127 when the clerk of the court provides an affidavit to the
128 department stating that:

129 1. The person has satisfied the financial obligation in
130 full or made all payments currently due under a payment plan;

131 2. The person has entered into a written agreement for
132 payment of the financial obligation if not presently enrolled in
133 a payment plan; or

134 3. A court has entered an order granting relief to the
135 person ordering the reinstatement of the license.

136 (c) The department shall not be held liable for any license
137 suspension resulting from the discharge of its duties under this
138 section.

139 Section 8. Subsections (1) and (2) of section 569.11,
140 Florida Statutes, are amended to read:

141 569.11 Possession, misrepresenting age or military service
142 to purchase, and purchase of tobacco products by persons under
143 18 years of age prohibited; penalties; jurisdiction; disposition
144 of fines.—

145 (1) It is unlawful for any person under 18 years of age to

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146 knowingly possess any tobacco product. Any person under 18 years
147 of age who violates ~~the provisions of~~ this subsection commits a
148 noncriminal violation as provided in s. 775.08(3), punishable
149 by:

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

154 (b) For a second or subsequent violation within 12 weeks of
155 the first violation, a \$25 fine; ~~or~~

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

161
162 Any second or subsequent violation not within the 12-week time
163 period after the first violation is punishable as provided for a
164 first violation.

165 (2) It is unlawful for any person under 18 years of age to
166 misrepresent his or her age or military service for the purpose
167 of inducing a dealer or an agent or employee of the dealer to
168 sell, give, barter, furnish, or deliver any tobacco product, or
169 to purchase, or attempt to purchase, any tobacco product from a
170 person or a vending machine. Any person under 18 years of age
171 who violates ~~a provision of~~ this subsection commits a
172 noncriminal violation as provided in s. 775.08(3), punishable
173 by:

174 (a) For a first violation, 16 hours of community service

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175 or, instead of community service, a \$25 fine and, in addition,
 176 the person must attend a school-approved anti-tobacco program,
 177 if available; or

178 (b) For a second or subsequent violation within 12 weeks of
 179 the first violation, a \$25 fine; ~~or~~

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

185
 186 Any second or subsequent violation not within the 12-week time
 187 period after the first violation is punishable as provided for a
 188 first violation.

189 Section 9. Subsections (6) and (7) of section 877.112,
 190 Florida Statutes, are amended to read:

191 877.112 Nicotine products and nicotine dispensing devices;
 192 prohibitions for minors; penalties; civil fines; signage
 193 requirements; preemption.—

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

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

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204 (b) For a second or subsequent violation within 12 weeks of
205 the first violation, a \$25 fine; ~~or~~

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

211

212 Any second or subsequent violation not within the 12-week time
213 period after the first violation is punishable as provided for a
214 first violation.

215 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
216 any person under 18 years of age to misrepresent his or her age
217 or military service for the purpose of inducing a retailer of
218 nicotine products or nicotine dispensing devices or an agent or
219 employee of such retailer to sell, give, barter, furnish, or
220 deliver any nicotine product or nicotine dispensing device, or
221 to purchase, or attempt to purchase, any nicotine product or
222 nicotine dispensing device from a person or a vending machine.
223 Any person under 18 years of age who violates this subsection
224 commits a noncriminal violation as defined in s. 775.08(3),
225 punishable by:

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

230 (b) For a second or subsequent violation within 12 weeks of
231 the first violation, a \$25 fine; ~~or~~

232 ~~(c) For a third or subsequent violation within 12 weeks of~~

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233 ~~the first violation, the court must direct the Department of~~
234 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
235 ~~suspend or revoke the person's driver license or driving~~
236 ~~privilege, as provided in s. 322.056.~~

237
238 Any second or subsequent violation not within the 12-week time
239 period after the first violation is punishable as provided for a
240 first violation.

241 Section 10. The Department of Highway Safety and Motor
242 Vehicles shall issue, reinstate, or renew any driver license or
243 driving privilege without fee which the department, before July
244 1, 2018, has withheld issuance of, suspended, or revoked
245 pursuant to s. 61.13016, s. 322.055, s. 322.056, s. 322.057, s.
246 322.058, s. 569.11(1)(c) and (2)(c), or s. 877.112(6)(c) and
247 (7)(c), Florida Statutes, if the person is otherwise entitled to
248 such issuance, reinstatement, or renewal.

249 Section 11. The Department of Highway Safety and Motor
250 Vehicles shall create a report on the implementation of this
251 act. The report must include, but not be limited to, the fiscal
252 impact to the department and must identify any impediments to
253 the implementation of this act. The department shall file the
254 report with the President of the Senate and the Speaker of the
255 House of Representatives by July 31, 2018.

256 Section 12. The Department of Highway Safety and Motor
257 Vehicles shall conduct a study on the feasibility of reducing
258 the amount of time unsafe driver points remain on a driver
259 history record. The department shall submit a report on the
260 study, along with recommendations, to the President of the
261 Senate and the Speaker of the House of Representatives by

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262 December 31, 2018.

263 Section 13. Subsection (2) of section 61.1814, Florida
264 Statutes, is amended to read:

265 61.1814 Child Support Enforcement Application and Program
266 Revenue Trust Fund.—

267 (2) With the exception of fees required to be deposited in
268 the Clerk of the Court Child Support Enforcement Collection
269 System Trust Fund under s. 61.181(2)(b) and collections
270 determined to be undistributable or unidentifiable under s.
271 409.2558, the fund shall be used for the deposit of Title IV-D
272 program income received by the department. Each type of program
273 income received shall be accounted for separately. Program
274 income received by the department includes, but is not limited
275 to:

276 (a) Application fees of nonpublic assistance applicants for
277 child support enforcement services;

278 (b) Court-ordered costs recovered from child support
279 obligors;

280 (c) Interest on child support collections;

281 (d) The balance of fees received under s. 61.181(2)(a) on
282 non-Title IV-D cases required to be processed through the State
283 Disbursement Unit after the clerk's share is paid;

284 (e) Fines imposed under ss. 409.256(7)(a) ~~409.256(7)(b)~~,
285 409.2564(7), and 409.2578; and

286 (f) The annual fee required under s. 409.2567.

287 Section 14. Paragraph (a) of subsection (10) of section
288 318.14, Florida Statutes, is amended to read:

289 318.14 Noncriminal traffic infractions; exception;
290 procedures.—

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291 (10) (a) Any person who does not hold a commercial driver
292 license or commercial learner's permit and who is cited while
293 driving a noncommercial motor vehicle for an offense listed
294 under this subsection may, in lieu of payment of fine or court
295 appearance, elect to enter a plea of nolo contendere and provide
296 proof of compliance to the clerk of the court, designated
297 official, or authorized operator of a traffic violations bureau.
298 In such case, adjudication shall be withheld; however, a person
299 may not make an election under this subsection if the person has
300 made an election under this subsection in the preceding 12
301 months. A person may not make more than three elections under
302 this subsection. This subsection applies to the following
303 offenses:

304 1. Operating a motor vehicle without a valid driver license
305 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
306 operating a motor vehicle with a license that has been suspended
307 for failure to appear, failure to pay civil penalty, or failure
308 to attend a driver improvement course pursuant to s. 322.291.

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

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

312 4. Operating a motor vehicle with a license that has been
313 suspended under ~~s. 61.13016 or s. 322.245 for failure to pay~~
314 ~~child support or~~ for failure to pay a any other financial
315 obligation as provided in s. 322.245; however, this subparagraph
316 does not apply if the license has been suspended pursuant to s.
317 322.245(1).

318 5. Operating a motor vehicle with a license that has been
319 suspended under s. 322.091 for failure to meet school attendance

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320 requirements.

321 Section 15. Subsection (11) of section 322.05, Florida
322 Statutes, is amended to read:

323 322.05 Persons not to be licensed.—The department may not
324 issue a license:

325 ~~(11) To any person who is ineligible under s. 322.056.~~

326 Section 16. Subsection (10) of section 322.34, Florida
327 Statutes, is amended to read:

328 322.34 Driving while license suspended, revoked, canceled,
329 or disqualified.—

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

335 ~~1. Failing to pay child support as provided in s. 322.245~~
336 ~~or s. 61.13016;~~

337 1.2. Failing to pay any ~~other~~ financial obligation as
338 provided in s. 322.245 other than those specified in s.
339 322.245(1);

340 2.3. Failing to comply with a civil penalty required in s.
341 318.15;

342 3.4. Failing to maintain vehicular financial responsibility
343 as required by chapter 324;

344 4.5. Failing to comply with attendance or other
345 requirements for minors as set forth in s. 322.091; or

346 5.6. Having been designated a habitual traffic offender
347 under s. 322.264(1) (d) as a result of suspensions of his or her
348 driver license or driver privilege for any underlying violation

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349 listed in subparagraphs 1.-4. ~~1.-5.~~

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

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

361 Section 17. Paragraph (c) of subsection (4) and subsection
362 (7) of section 409.256, Florida Statutes, are amended to read:

363 409.256 Administrative proceeding to establish paternity or
364 paternity and child support; order to appear for genetic
365 testing.-

366 (4) NOTICE OF PROCEEDING TO ESTABLISH PATERNITY OR
367 PATERNITY AND CHILD SUPPORT; ORDER TO APPEAR FOR GENETIC
368 TESTING; MANNER OF SERVICE; CONTENTS.-The Department of Revenue
369 shall commence a proceeding to determine paternity, or a
370 proceeding to determine both paternity and child support, by
371 serving the respondent with a notice as provided in this
372 section. An order to appear for genetic testing may be served at
373 the same time as a notice of the proceeding or may be served
374 separately. A copy of the affidavit or written declaration upon
375 which the proceeding is based shall be provided to the
376 respondent when notice is served. A notice or order to appear
377 for genetic testing shall be served by certified mail,

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378 restricted delivery, return receipt requested, or in accordance
379 with the requirements for service of process in a civil action.
380 Service by certified mail is completed when the certified mail
381 is received or refused by the addressee or by an authorized
382 agent as designated by the addressee in writing. If a person
383 other than the addressee signs the return receipt, the
384 department shall attempt to reach the addressee by telephone to
385 confirm whether the notice was received, and the department
386 shall document any telephonic communications. If someone other
387 than the addressee signs the return receipt, the addressee does
388 not respond to the notice, and the department is unable to
389 confirm that the addressee has received the notice, service is
390 not completed and the department shall attempt to have the
391 addressee served personally. For purposes of this section, an
392 employee or an authorized agent of the department may serve the
393 notice or order to appear for genetic testing and execute an
394 affidavit of service. The department may serve an order to
395 appear for genetic testing on a caregiver. The department shall
396 provide a copy of the notice or order to appear by regular mail
397 to the mother and caregiver, if they are not respondents.

398 (c) The order to appear for genetic testing shall inform
399 the person ordered to appear:

400 1. That the department has commenced an administrative
401 proceeding to establish whether the putative father is the
402 biological father of the child.

403 2. The name and date of birth of the child and the name of
404 the child's mother.

405 3. That the putative father has been named in an affidavit
406 or written declaration that states the putative father is or may

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407 be the child's biological father.

408 4. The date, time, and place that the person ordered to
409 appear must appear to provide a sample for genetic testing.

410 5. That if the person has custody of the child whose
411 paternity is the subject of the proceeding, the person must
412 submit the child for genetic testing.

413 6. That when the samples are provided, the person ordered
414 to appear shall verify his or her identity and the identity of
415 the child, if applicable, by presenting a form of identification
416 as prescribed by s. 117.05(5)(b)2. which bears the photograph of
417 the person who is providing the sample or other form of
418 verification approved by the department.

419 7. That if the person ordered to appear submits to genetic
420 testing, the department shall pay the cost of the genetic
421 testing and shall provide the person ordered to appear with a
422 copy of any test results obtained.

423 8. That if the person ordered to appear does not appear as
424 ordered or refuses to submit to genetic testing without good
425 cause, the department may take one or more of the following
426 actions:

427 ~~a. Commence proceedings to suspend the driver license and~~
428 ~~motor vehicle registration of the person ordered to appear, as~~
429 ~~provided in s. 61.13016;~~

430 a.b. Impose an administrative fine against the person
431 ordered to appear in the amount of \$500; or

432 b.e. File a petition in circuit court to establish
433 paternity and obtain a support order for the child and an order
434 for costs against the person ordered to appear, including costs
435 for genetic testing.

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436 9. That the person ordered to appear may contest the order
437 by filing a written request for informal review within 15 days
438 after the date of service of the order, with further rights to
439 an administrative hearing following the informal review.

440 (7) FAILURE OR REFUSAL TO SUBMIT TO GENETIC TESTING.—If a
441 person who is served with an order to appear for genetic testing
442 fails to appear without good cause or refuses to submit to
443 testing without good cause, the department may take one or more
444 of the following actions:

445 ~~(a) Commence a proceeding to suspend the driver license and~~
446 ~~motor vehicle registration of the person ordered to appear, as~~
447 ~~provided in s. 61.13016;~~

448 (a) ~~(b)~~ Impose an administrative fine against the person
449 ordered to appear in the amount of \$500; or

450 (b) ~~(e)~~ File a petition in circuit court to establish
451 paternity, obtain a support order for the child, and seek
452 reimbursement from the person ordered to appear for the full
453 cost of genetic testing incurred by the department.

454
455 ~~As provided in s. 322.058(2), a suspended driver license and~~
456 ~~motor vehicle registration may be reinstated when the person~~
457 ~~ordered to appear complies with the order to appear for genetic~~
458 ~~testing.~~ The department may collect an administrative fine
459 imposed under this subsection by using civil remedies or other
460 statutory means available to the department for collecting
461 support.

462 Section 18. Subsection (7) of section 409.2598, Florida
463 Statutes, is amended to read:

464 409.2598 License suspension proceeding to enforce support

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465 order.-

466 (7) MULTIPLE LICENSES. ~~The Department of Revenue may~~
 467 ~~combine a proceeding under this section with a proceeding to~~
 468 ~~suspend a driver license under s. 61.13016.~~ A proceeding to
 469 suspend a license under this section may apply to one or more of
 470 the obligor's licenses.

471 Section 19. Paragraph (a) of subsection (1) and paragraph
 472 (c) of subsection (2) of section 562.11, Florida Statutes, are
 473 amended to read:

474 562.11 Selling, giving, or serving alcoholic beverages to
 475 person under age 21; providing a proper name; misrepresenting or
 476 misstating age or age of another to induce licensee to serve
 477 alcoholic beverages to person under 21; penalties.-

478 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
 479 be served alcoholic beverages to a person under 21 years of age
 480 or permit a person under 21 years of age to consume such
 481 beverages on the licensed premises. A person who violates this
 482 paragraph ~~subparagraph~~ commits a misdemeanor of the second
 483 degree, punishable as provided in s. 775.082 or s. 775.083. A
 484 person who violates this paragraph ~~subparagraph~~ a second or
 485 subsequent time within 1 year after a prior conviction commits a
 486 misdemeanor of the first degree, punishable as provided in s.
 487 775.082 or s. 775.083.

488 ~~2. In addition to any other penalty imposed for a violation~~
 489 ~~of subparagraph 1., the court may order the Department of~~
 490 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
 491 ~~or suspend or revoke, the driver license or driving privilege,~~
 492 ~~as provided in s. 322.057, of any person who violates~~
 493 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~

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494 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
495 ~~acting within the scope of his or her license or an employee or~~
496 ~~agent of a licensee, as defined in s. 561.01, who violates~~
497 ~~subparagraph 1. while engaged within the scope of his or her~~
498 ~~employment or agency.~~

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

505 (2) It is unlawful for any person to misrepresent or
506 misstate his or her age or the age of any other person for the
507 purpose of inducing any licensee or his or her agents or
508 employees to sell, give, serve, or deliver any alcoholic
509 beverages to a person under 21 years of age, or for any person
510 under 21 years of age to purchase or attempt to purchase
511 alcoholic beverages.

512 (c) In addition to any other penalty imposed for a
513 violation of this subsection, if a person uses a driver license
514 or identification card issued by the Department of Highway
515 Safety and Motor Vehicles in violation of this subsection, the
516 court~~+~~

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

520 ~~2. Shall direct the Department of Highway Safety and Motor~~
521 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
522 ~~person's driver license or driving privilege, as provided in s.~~

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523 ~~322.056.~~

524 Section 20. Subsection (3) of section 562.111, Florida
525 Statutes, is amended to read:

526 562.111 Possession of alcoholic beverages by persons under
527 age 21 prohibited.—

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

533 Section 21. This act shall take effect July 1, 2018.