

By Senator Cruz

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1                                   A bill to be entitled  
2           An act relating to suspension or revocation of driver  
3           licenses; repealing s. 322.055, F.S., relating to  
4           revocation or suspension of, or delay of eligibility  
5           for, a driver license for persons 18 years of age or  
6           older who are convicted of certain drug offenses;  
7           repealing s. 322.056, F.S., relating to mandatory  
8           revocation or suspension of, or delay of eligibility  
9           for, a driver license for persons under age 18 who are  
10          found guilty of certain alcohol, drug, or tobacco  
11          offenses; repealing s. 322.057, F.S., relating to  
12          discretionary revocation or suspension of a driver  
13          license for certain persons who provide alcohol to  
14          persons under 21 years of age; repealing s. 812.0155,  
15          F.S., relating to suspension of a driver license  
16          following an adjudication of guilt for theft;  
17          repealing s. 832.09, F.S., relating to the suspension  
18          of a driver license after issuance of a warrant or  
19          capias in a worthless check case; amending ss. 322.05  
20          and 322.251, F.S.; conforming provisions to changes  
21          made by the act; amending s. 562.11, F.S.; deleting  
22          provisions relating to withholding, suspending, or  
23          revoking the driving privilege of a person who  
24          provides alcoholic beverages to a person under 21  
25          years of age; amending s. 562.111, F.S.; deleting  
26          provisions relating to withholding, suspending, or  
27          revoking the driving privilege of a person under 21  
28          years of age who possesses alcoholic beverages;  
29          amending s. 569.11, F.S.; conforming provisions to

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30 changes made by the act; revising penalties; amending  
31 s. 790.22, F.S.; deleting provisions relating to  
32 withholding, suspending, or revoking the driving  
33 privilege of a minor who unlawfully possesses a  
34 firearm; amending s. 806.13, F.S.; deleting provisions  
35 relating to withholding, suspending, or revoking the  
36 driving privilege of a minor who places graffiti on  
37 public or private property; amending s. 812.014, F.S.;  
38 deleting provisions relating to suspending the driver  
39 license of a person convicted of petit theft for theft  
40 of gasoline; providing penalties; amending s.  
41 847.0141, F.S.; deleting provisions relating to  
42 withholding or suspending the driving privilege of a  
43 minor who fails to comply with a citation for sexting;  
44 amending s. 877.112, F.S.; conforming provisions to  
45 changes made by the act; revising penalties; providing  
46 an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Sections 322.055, 322.056, 322.057, 812.0155,  
51 and 832.09, Florida Statutes, are repealed.

52 Section 2. Subsection (11) of section 322.05, Florida  
53 Statutes, is amended to read:

54 322.05 Persons not to be licensed.—The department may not  
55 issue a license:

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

57 Section 3. Subsection (7) of section 322.251, Florida  
58 Statutes, is amended to read:

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59           322.251 Notice of cancellation, suspension, revocation, or  
60 disqualification of license.-

61           ~~(7) (a) A person whose driving privilege is suspended or~~  
62 ~~revoked pursuant to s. 832.09 shall be notified, pursuant to~~  
63 ~~this section, and the notification shall direct the person to~~  
64 ~~surrender himself or herself to the sheriff who entered the~~  
65 ~~warrant to satisfy the conditions of the warrant. A person whose~~  
66 ~~driving privilege is suspended or revoked under this subsection~~  
67 ~~shall not have his or her driving privilege reinstated for any~~  
68 ~~reason other than:~~

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

72           ~~2. The cancellation of the warrant or capias from the~~  
73 ~~Department of Law Enforcement recorded by the entering agency;~~  
74 ~~and~~

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

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

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

85           Section 4. Paragraph (a) of subsection (1) and paragraph  
86 (c) of subsection (2) of section 562.11, Florida Statutes, are  
87 amended to read:

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88           562.11 Selling, giving, or serving alcoholic beverages to  
89 person under age 21; providing a proper name; misrepresenting or  
90 misstating age or age of another to induce licensee to serve  
91 alcoholic beverages to person under 21; penalties.—

92           (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
93 be served alcoholic beverages to a person under 21 years of age  
94 or permit a person under 21 years of age to consume such  
95 beverages on the licensed premises. A person who violates this  
96 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
97 degree, punishable as provided in s. 775.082 or s. 775.083. A  
98 person who violates this paragraph ~~subparagraph~~ a second or  
99 subsequent time within 1 year after a prior conviction commits a  
100 misdemeanor of the first degree, punishable as provided in s.  
101 775.082 or s. 775.083.

102           ~~2. In addition to any other penalty imposed for a violation~~  
103 ~~of subparagraph 1., the court may order the Department of~~  
104 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
105 ~~or suspend or revoke, the driver license or driving privilege,~~  
106 ~~as provided in s. 322.057, of any person who violates~~  
107 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
108 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
109 ~~acting within the scope of his or her license or an employee or~~  
110 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
111 ~~subparagraph 1. while engaged within the scope of his or her~~  
112 ~~employment or agency.~~

113           ~~3. A court that withholds the issuance of, or suspends or~~  
114 ~~revokes, the driver license or driving privilege of a person~~  
115 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
116 ~~Safety and Motor Vehicles to issue the person a license for~~

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117 ~~driving privilege restricted to business purposes only, as~~  
118 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

119 (2) It is unlawful for any person to misrepresent or  
120 misstate his or her age or the age of any other person for the  
121 purpose of inducing any licensee or his or her agents or  
122 employees to sell, give, serve, or deliver any alcoholic  
123 beverages to a person under 21 years of age, or for any person  
124 under 21 years of age to purchase or attempt to purchase  
125 alcoholic beverages.

126 (c) In addition to any other penalty imposed for a  
127 violation of this subsection, if a person uses a driver license  
128 or identification card issued by the Department of Highway  
129 Safety and Motor Vehicles in violation of this subsection, the  
130 court~~+~~

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

134 ~~2. Shall direct the Department of Highway Safety and Motor~~  
135 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
136 ~~person's driver license or driving privilege, as provided in s.~~  
137 ~~322.056.~~

138 Section 5. Subsection (3) of section 562.111, Florida  
139 Statutes, is amended to read:

140 562.111 Possession of alcoholic beverages by persons under  
141 age 21 prohibited.-

142 ~~(3) In addition to any other penalty imposed for a~~  
143 ~~violation of subsection (1), the court shall direct the~~  
144 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
145 ~~issuance of, or suspend or revoke, the violator's driver license~~

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146 ~~or driving privilege, as provided in s. 322.056.~~

147 Section 6. Subsections (1) and (2) of section 569.11,  
148 Florida Statutes, are amended to read:

149 569.11 Possession, misrepresenting age or military service  
150 to purchase, and purchase of tobacco products by persons under  
151 18 years of age prohibited; penalties; jurisdiction; disposition  
152 of fines.—

153 (1) It is unlawful for any person under 18 years of age to  
154 knowingly possess any tobacco product. Any person under 18 years  
155 of age who violates the provisions of this subsection commits a  
156 noncriminal violation as provided in s. 775.08(3), punishable  
157 by:

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

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

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

169  
170 Any second or subsequent violation not within the 12-week time  
171 period after the first violation is punishable as provided for a  
172 first violation.

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

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175 of inducing a dealer or an agent or employee of the dealer to  
 176 sell, give, barter, furnish, or deliver any tobacco product, or  
 177 to purchase, or attempt to purchase, any tobacco product from a  
 178 person or a vending machine. Any person under 18 years of age  
 179 who violates a provision of this subsection commits a  
 180 noncriminal violation as provided in s. 775.08(3), punishable  
 181 by:

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

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

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

193  
 194 Any second or subsequent violation not within the 12-week time  
 195 period after the first violation is punishable as provided for a  
 196 first violation.

197 Section 7. Subsection (5) of section 790.22, Florida  
 198 Statutes, is amended to read:

199 790.22 Use of BB guns, air or gas-operated guns, or  
 200 electric weapons or devices by minor under 16; limitation;  
 201 possession of firearms by minor under 18 prohibited; penalties.-

202 (5) (a) A minor who violates subsection (3) commits a  
 203 misdemeanor of the first degree; for a first offense, may serve

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204 a period of detention of up to 3 days in a secure detention  
205 facility; and, in addition to any other penalty provided by law,  
206 shall be required to perform 100 hours of community service;  
207 and:

208 ~~1. If the minor is eligible by reason of age for a driver~~  
209 ~~license or driving privilege, the court shall direct the~~  
210 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
211 ~~withhold issuance of the minor's driver license or driving~~  
212 ~~privilege for up to 1 year.~~

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

218 ~~3. If the minor is ineligible by reason of age for a driver~~  
219 ~~license or driving privilege, the court shall direct the~~  
220 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
221 ~~issuance of the minor's driver license or driving privilege for~~  
222 ~~up to 1 year after the date on which the minor would otherwise~~  
223 ~~have become eligible.~~

224 (b) For a second or subsequent offense, a minor who  
225 violates subsection (3) commits a felony of the third degree and  
226 shall serve a period of detention of up to 15 days in a secure  
227 detention facility and shall be required to perform not less  
228 than 100 nor more than 250 hours of community service, and:

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



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233 ~~privilege for up to 2 years.~~

234 ~~2. If the minor's driver license or driving privilege is~~  
235 ~~under suspension or revocation for any reason, the court shall~~  
236 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
237 ~~extend the period of suspension or revocation by an additional~~  
238 ~~period of up to 2 years.~~

239 ~~3. If the minor is ineligible by reason of age for a driver~~  
240 ~~license or driving privilege, the court shall direct the~~  
241 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
242 ~~issuance of the minor's driver license or driving privilege for~~  
243 ~~up to 2 years after the date on which the minor would otherwise~~  
244 ~~have become eligible.~~

245  
246 For the purposes of this subsection, community service shall be  
247 performed, if possible, in a manner involving a hospital  
248 emergency room or other medical environment that deals on a  
249 regular basis with trauma patients and gunshot wounds.

250 Section 8. Subsections (7) and (8) of section 806.13,  
251 Florida Statutes, are amended to read:

252 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

273 ~~(8) A minor whose driver license or driving privilege is~~  
274 ~~revoked, suspended, or withheld under subsection (7) may elect~~  
275 ~~to reduce the period of revocation, suspension, or withholding~~  
276 ~~by performing community service at the rate of 1 day for each~~  
277 ~~hour of community service performed. In addition, if the court~~  
278 ~~determines that due to a family hardship, the minor's driver~~  
279 ~~license or driving privilege is necessary for employment or~~  
280 ~~medical purposes of the minor or a member of the minor's family,~~  
281 ~~the court shall order the minor to perform community service and~~  
282 ~~reduce the period of revocation, suspension, or withholding at~~  
283 ~~the rate of 1 day for each hour of community service performed.~~  
284 ~~As used in this subsection, the term "community service" means~~  
285 ~~cleaning graffiti from public property.~~

286 Section 9. Subsections (3) and (5) of section 812.014,  
287 Florida Statutes, are amended to read:

288 812.014 Theft.—

289 (3) (a) Theft of any property not specified in subsection  
290 (2) is petit theft of the second degree and a misdemeanor of the

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291 second degree, punishable as provided in s. 775.082 or s.  
292 775.083, ~~and as provided in subsection (5), as applicable.~~

293 (b) A person who commits petit theft and who has previously  
294 been convicted of any theft commits a misdemeanor of the first  
295 degree, punishable as provided in s. 775.082 or s. 775.083.

296 (c) A person who commits petit theft and who has previously  
297 been convicted two or more times of any theft commits a felony  
298 of the third degree, punishable as provided in s. 775.082 or s.  
299 775.083.

300 (d)1. Every judgment of guilty or not guilty of a petit  
301 theft shall be in writing, signed by the judge, and recorded by  
302 the clerk of the circuit court. The judge shall cause to be  
303 affixed to every such written judgment of guilty of petit theft,  
304 in open court and in the presence of such judge, the  
305 fingerprints of the defendant against whom such judgment is  
306 rendered. Such fingerprints shall be affixed beneath the judge's  
307 signature to such judgment. Beneath such fingerprints shall be  
308 appended a certificate to the following effect:

309  
310 "I hereby certify that the above and foregoing fingerprints  
311 on this judgment are the fingerprints of the defendant, . . . .,  
312 and that they were placed thereon by said defendant in my  
313 presence, in open court, this the . . . . day of . . . .,  
314 . . . (year) . . . ."

315  
316 Such certificate shall be signed by the judge, whose signature  
317 thereto shall be followed by the word "Judge."

318 2. Any such written judgment of guilty of a petit theft, or  
319 a certified copy thereof, is admissible in evidence in the

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320 courts of this state as prima facie evidence that the  
321 fingerprints appearing thereon and certified by the judge are  
322 the fingerprints of the defendant against whom such judgment of  
323 guilty of a petit theft was rendered.

324 (5) ~~(a)~~ A ~~No~~ person may not shall drive a motor vehicle so  
325 as to cause it to leave the premises of an establishment at  
326 which gasoline offered for retail sale was dispensed into the  
327 fuel tank of such motor vehicle unless the payment of authorized  
328 charge for the gasoline dispensed has been made. A violation of  
329 this subsection is punishable as provided in subsection (3)

330 ~~(b) In addition to the penalties prescribed in paragraph~~  
331 ~~(3)(a), every judgment of guilty of a petit theft for property~~  
332 ~~described in this subsection shall provide for the suspension of~~  
333 ~~the convicted person's driver license. The court shall forward~~  
334 ~~the driver license to the Department of Highway Safety and Motor~~  
335 ~~Vehicles in accordance with s. 322.25.~~

336 ~~1. The first suspension of a driver license under this~~  
337 ~~subsection shall be for a period of up to 6 months.~~

338 ~~2. The second or subsequent suspension of a driver license~~  
339 ~~under this subsection shall be for a period of 1 year.~~

340 Section 10. Paragraph (a) of subsection (3) of section  
341 847.0141, Florida Statutes, is amended to read:

342 847.0141 Sexting; prohibited acts; penalties.—

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

344 (a) Commits a noncriminal violation for a first violation.  
345 The minor must sign and accept a citation indicating a promise  
346 to appear before the juvenile court. In lieu of appearing in  
347 court, the minor may complete 8 hours of community service work,  
348 pay a \$60 civil penalty, or participate in a cyber-safety

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349 program if such a program is locally available. The minor must  
350 satisfy any penalty within 30 days after receipt of the  
351 citation.

352 1. A citation issued to a minor under this subsection must  
353 be in a form prescribed by the issuing law enforcement agency,  
354 must be signed by the minor, and must contain all of the  
355 following:

356 a. The date and time of issuance.

357 b. The name and address of the minor to whom the citation  
358 is issued.

359 c. A thumbprint of the minor to whom the citation is  
360 issued.

361 d. Identification of the noncriminal violation and the time  
362 it was committed.

363 e. The facts constituting reasonable cause.

364 f. The specific section of law violated.

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

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

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

374 3. A minor who fails to comply with the citation waives his  
375 or her right to contest it, and the court may impose any of the  
376 penalties identified in subparagraph 2. or issue an order to  
377 show cause. Upon a finding of contempt, the court may impose

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378 additional age-appropriate penalties, ~~which may include issuance~~  
379 ~~of an order to the Department of Highway Safety and Motor~~  
380 ~~Vehicles to withhold issuance of, or suspend the driver license~~  
381 ~~or driving privilege of, the minor for 30 consecutive days.~~  
382 However, the court may not impose incarceration.

383 Section 11. Subsections (6) and (7) of section 877.112,  
384 Florida Statutes, are amended to read:

385 877.112 Nicotine products and nicotine dispensing devices;  
386 prohibitions for minors; penalties; civil fines; signage  
387 requirements; preemption.—

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

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

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

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

405  
406 Any second or subsequent violation not within the 12-week time

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407 period after the first violation is punishable as provided for a  
408 first violation.

409 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
410 any person under 18 years of age to misrepresent his or her age  
411 or military service for the purpose of inducing a retailer of  
412 nicotine products or nicotine dispensing devices or an agent or  
413 employee of such retailer to sell, give, barter, furnish, or  
414 deliver any nicotine product or nicotine dispensing device, or  
415 to purchase, or attempt to purchase, any nicotine product or  
416 nicotine dispensing device from a person or a vending machine.  
417 Any person under 18 years of age who violates this subsection  
418 commits a noncriminal violation as defined in s. 775.08(3),  
419 punishable by:

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

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

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

431  
432 Any second or subsequent violation not within the 12-week time  
433 period after the first violation is punishable as provided for a  
434 first violation.

435 Section 12. This act shall take effect July 1, 2019.