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LEGISLATIVE ACTION

Senate

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House

Floor: 1a/RE/2R

05/01/2019 07:14 PM

Senator Brandes moved the following:

1 **Senate Amendment to Amendment (462662) (with directory and**
2 **title amendments)**

3
4 Delete lines 501 - 682

5 and insert:

6 (5) Any person who has been designated a habitual traffic
7 offender as defined by ~~whose driver license has been revoked~~
8 ~~pursuant to s. 322.264 (habitual offender)~~ and who drives any
9 motor vehicle upon the highways of this state while designated a
10 habitual traffic offender ~~such license is revoked~~ is guilty of a
11 felony of the third degree, punishable as provided in s.



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12 775.082, s. 775.083, or s. 775.084.

13 (7) Any person whose driver license or driving privilege
14 has been canceled, suspended, revoked, or disqualified, or who
15 does not have a driver license or driving privilege but is under
16 suspension or revocation equivalent status, and who drives a
17 commercial motor vehicle on the highways of this state while
18 such license or privilege is canceled, suspended, revoked, or
19 disqualified, or while under suspension or revocation equivalent
20 status, upon:

21 (a) A first conviction is guilty of a misdemeanor of the
22 first degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 (b) A second or subsequent conviction is guilty of a felony
25 of the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 (8) (a) Upon the arrest of a person for the offense of
28 driving while the person's driver license or driving privilege
29 is suspended or revoked, the arresting officer shall determine:

30 1. Whether the person's driver license is suspended or
31 revoked, or the person is under suspension or revocation
32 equivalent status.

33 2. Whether the person's driver license has remained
34 suspended or revoked, or the person has been under suspension or
35 revocation equivalent status, since a conviction for the offense
36 of driving with a suspended or revoked license.

37 3. Whether the suspension, ~~or~~ revocation, or suspension or
38 revocation equivalent status was made under s. 316.646 or s.
39 627.733, relating to failure to maintain required security, or
40 under s. 322.264, relating to habitual traffic offenders.



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41 4. Whether the driver is the registered owner or coowner of
42 the vehicle.

43 (9) (a) A motor vehicle that is driven by a person under the
44 influence of alcohol or drugs in violation of s. 316.193 is
45 subject to seizure and forfeiture under ss. 932.701-932.7062 and
46 is subject to liens for recovering, towing, or storing vehicles
47 under s. 713.78 if, at the time of the offense, the person's
48 driver license is suspended, revoked, or canceled, or suspension
49 or revocation equivalent status was imposed, as a result of a
50 prior conviction for driving under the influence.

51 (10) (a) Notwithstanding any other provision of this
52 section, if a person does not have a prior forcible felony
53 conviction as defined in s. 776.08, the penalties provided in
54 paragraph (b) apply if a person's driver license or driving
55 privilege is canceled, suspended, or revoked, or the person is
56 under suspension or revocation equivalent status, for:

57 1. Failing to pay child support as provided in s. 322.245
58 or s. 61.13016;

59 2. Failing to pay any other financial obligation as
60 provided in s. 322.245 other than those specified in s.
61 322.245(1);

62 3. Failing to comply with a civil penalty required in s.
63 318.15;

64 4. Failing to maintain vehicular financial responsibility
65 as required by chapter 324;

66 5. Failing to comply with attendance or other requirements
67 for minors as set forth in s. 322.091; or

68 6. Having been designated a habitual traffic offender under
69 s. 322.264(1) (d) as a result of suspensions of his or her driver



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70 license or driver privilege for any underlying violation listed
71 in subparagraphs 1.-5.

72 (b)1. Upon a first conviction for knowingly driving while
73 his or her license is suspended, revoked, or canceled, or while
74 under suspension or revocation equivalent status, for any of the
75 underlying violations listed in subparagraphs (a)1.-6., a person
76 commits a misdemeanor of the second degree, punishable as
77 provided in s. 775.082 or s. 775.083.

78 2. Upon a second or subsequent conviction for the same
79 offense of knowingly driving while his or her license is
80 suspended, revoked, or canceled, or while under suspension or
81 revocation equivalent status, for any of the underlying
82 violations listed in subparagraphs (a)1.-6., a person commits a
83 misdemeanor of the first degree, punishable as provided in s.
84 775.082 or s. 775.083.

85 (11) (a) A person who does not hold a commercial driver
86 license and who is cited for an offense of knowingly driving
87 while his or her license is suspended, revoked, or canceled, or
88 while under suspension or revocation equivalent status, for any
89 of the underlying violations listed in paragraph (10) (a) may, in
90 lieu of payment of fine or court appearance, elect to enter a
91 plea of nolo contendere and provide proof of compliance to the
92 clerk of the court, designated official, or authorized operator
93 of a traffic violations bureau. In such case, adjudication shall
94 be withheld. However, no election shall be made under this
95 subsection if such person has made an election under this
96 subsection during the preceding 12 months. A person may not make
97 more than three elections under this subsection.

98 Section 14. Section 322.75, Florida Statutes, is created to



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99 read:

100 322.75 Driver License Reinstatement Days.-

101 (1) Each clerk of court shall establish a Driver License
102 Reinstatement Days program for reinstating suspended driver
103 licenses. Participants may include, but are not limited to, the
104 Department of Highway Safety and Motor Vehicles, the state
105 attorney's office, the public defender's office, the circuit and
106 county courts, the clerk of court, and any interested community
107 organization.

108 (2) The clerk of court, in consultation with other
109 participants, shall select 1 or more days annually for an event
110 at which a person may have his or her driver license reinstated.
111 The clerk may work with the Florida Association of Court Clerks
112 and Comptrollers to promote such program, develop
113 communications, and coordinate the event. A person must pay the
114 full license reinstatement fee; however, the clerk may reduce or
115 waive other fees and costs, except those imposed by the court,
116 to facilitate reinstatement.

117 (3) The clerk of court is encouraged to schedule at least
118 one event on a weekend or with hours after 5 p.m. on a weekday.

119 (4) (a) A person is eligible for reinstatement under the
120 program if his or her license was suspended due to:

- 121 1. Driving without a valid driver license;
122 2. Driving with a suspended driver license;
123 3. Failing to make a payment on penalties in collection;
124 4. Failing to appear in court for a traffic violation; or
125 5. Failing to comply with any provision of chapter 318 or
126 this chapter.

127 (b) Notwithstanding paragraphs (5) (a)-(c), a person is



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128 eligible for reinstatement under the program if the period of
129 suspension or revocation has elapsed, the person has completed
130 any required course or program as described in paragraph (5)(c),
131 and the person is otherwise eligible for reinstatement.

132 (5) A person is not eligible for reinstatement under the
133 program if his or her driver license is suspended or revoked due
134 to:

135 (a) The person's failure to fulfill a court-ordered child
136 support obligation;

137 (b) A violation of s. 316.193;

138 (c) The person's failure to complete a driver training
139 program, driver improvement course, or alcohol or substance
140 abuse education or evaluation program required under s. 316.192,
141 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

142 (d) A traffic-related felony; or

143 (e) The person being designated as a habitual traffic
144 offender under s. 322.264.

145 (6) The clerk of court and the Department of Highway Safety
146 and Motor Vehicles shall verify any information necessary for
147 reinstatement of a driver license under the program.

148 (7) The clerk of court must collect and report to the
149 Florida Clerks of Court Operations Corporation all of the
150 following:

151 (a) Number of cases paid in full.

152 (b) Number of cases put on a payment plan.

153 (c) Number of driver license reinstatements.

154 (d) Number of driver licenses made eligible for
155 reinstatement.

156 (e) Amount of fees and costs collected, reported by the



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157 entity receiving the funds. The Florida Clerks of Court
158 Operations Corporation must report the aggregate funds received
159 by the clerks of court, the local governmental entities, and
160 state entities, including the General Revenue Fund.

161 (f) The personnel, operating, security, and other
162 expenditures incurred by the clerk of court.

163 (g) The number of cases that fail to comply with a payment
164 plan and subsequently result in driver license suspension.

165 (8) The Florida Clerks of Court Operations Corporation
166 shall report the information collected in subsection (7) in its
167 annual report required by s. 28.35.

168 Section 15. Subsection (2) of section 394.917, Florida
169 Statutes, is amended to read:

170 394.917 Determination; commitment procedure; mistrials;
171 housing; counsel and costs in indigent appellate cases.—

172 (2) If the court or jury determines that the person is a
173 sexually violent predator, upon the expiration of the
174 incarcerative portion of all criminal sentences and disposition
175 of any detainers, the person shall be committed to the custody
176 of the Department of Children and Families for control, care,
177 ~~and~~ treatment, and rehabilitation of criminal offenders, until
178 such time as the person's mental abnormality or personality
179 disorder has so changed that it is safe for the person to be at
180 large. At all times, persons who are detained or committed under
181 this part shall be kept in a secure facility segregated from
182 patients of the department who are not detained or committed
183 under this part.

184 Section 16. Subsection (2) of section 397.334, Florida
185 Statutes, is amended to read:



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186 397.334 Treatment-based drug court programs.—

187 (2) Entry into any pretrial treatment-based drug court
188 program shall be voluntary. When neither s. 948.08(6)(c)1. nor
189 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an
190 eligible individual to enter into a pretrial treatment-based
191 drug court program only upon written agreement by the
192 individual, which shall include a statement that the individual
193 understands the requirements of the program and the potential
194 sanctions for noncompliance.

195 Section 17. Subsection (3) of section 397.403, Florida
196 Statutes, is amended to read:

197 397.403 License application.—

198 (3) Applications for licensure renewal must include proof
199 of application for accreditation for each licensed service
200 component providing clinical treatment by an accrediting
201 organization that is acceptable to the department for the first
202 renewal, and proof of accreditation for any subsequent renewals.
203 This subsection does not apply to any inmate substance abuse
204 program operated by or under an exclusive contract with a jail
205 or the Department of Corrections.

206
207 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

208 And the directory clause is amended as follows:

209 Delete line 444

210 and insert:

211 Section 13. Subsections (2), (4), (5), (7), paragraph (a)
212 of

213
214 ===== T I T L E A M E N D M E N T =====



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215 And the title is amended as follows:

216 Delete lines 7289 - 7312

217 and insert:

218 revoked, canceled, or disqualified; applying criminal
219 penalties related to various provisions of driving on
220 certain driver license statuses to persons driving
221 with suspension or revocation equivalent status;
222 creating s. 322.75, F.S.; requiring each clerk of
223 court to establish a Driver License Reinstatement Days
224 program for reinstating suspended driver licenses in
225 certain circumstances; providing duties of the clerks
226 of the circuit courts and the department; authorizing
227 such clerks to compromise on or waive certain fees and
228 costs; authorizing such clerks to schedule a Driver
229 License Reinstatement Days event on certain days or
230 times; providing eligibility requirements; requiring
231 such clerks and the Department of Highway Safety and
232 Motor Vehicles to verify information necessary to
233 reinstate a driver license under the program;
234 requiring the clerks of court to collect specified
235 data and report such data to the Florida Clerks of
236 Court Operations Corporation; requiring the Florida
237 Clerks of Court Operations Corporation to report
238 specified information in a certain annual report the
239 annual report required by s. 28.35, F.S.; amending s.
240 394.917, F.S.; requiring the Department of Children
241 and Families to provide rehabilitation to criminal
242 offenders designated as sexually violent predators;
243 amending s. 397.334, F.S.; conforming provisions to



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244 changes made by the act; amending s. 397.403, F.S.;

245 providing an exemption from certain accreditation

246 requirements relating to licensure renewal for certain

247 substance abuse programs; amending s. 455.213, F.S.;