

By Senator Rouson

19-00585-19

2019734\_\_

1                                   A bill to be entitled  
2       An act relating to penalties and fees; amending s.  
3       27.52, F.S.; requiring a certain application to  
4       provide the applicant with the option to fulfill any  
5       court-ordered financial obligation associated with a  
6       case by enrolling in a payment plan or by completing  
7       community service if ordered by the court; amending s.  
8       28.246, F.S.; revising requirements relating to the  
9       payment of court-related fines or other monetary  
10      penalties, fees, charges, and costs; authorizing the  
11      court to review the reasonableness of the payment plan  
12      upon motion of the party and to modify the plan;  
13      increasing the period after which a clerk of court  
14      shall pursue the collection of any fees, service  
15      charges, fines, court costs, and liens for the payment  
16      of attorney fees and costs by referring the account to  
17      a private attorney or collection agent; requiring the  
18      clerk to solicit competitive bids from private  
19      attorneys or collection agents for collection  
20      services, subject to certain requirements; prohibiting  
21      the clerk from assessing a certain surcharge;  
22      prohibiting the private attorney or collection agent  
23      from imposing certain additional fees or surcharges;  
24      amending s. 316.650, F.S.; requiring traffic citation  
25      forms to include certain language relating to payment  
26      of a penalty; amending s. 318.15, F.S.; prohibiting  
27      the suspension of a person's driver license solely for  
28      failure to pay certain financial obligations unless  
29      the clerk of court demonstrates to the court that the

19-00585-19

2019734\_\_

30 individual has the ability to pay but is refusing to  
31 do so; prohibiting a court determination of ability to  
32 pay under specified conditions; amending s. 318.18,  
33 F.S.; requiring a court to inquire at the time a  
34 certain civil penalty is ordered whether the person is  
35 able to pay such penalty; amending s. 322.055, F.S.;  
36 deleting certain convictions for drug offenses from  
37 the requirements of revocation or suspension of, or  
38 delay of eligibility for, driver licenses or driving  
39 privileges; decreasing the period for revocation or  
40 suspension of, or delay of eligibility for, driver  
41 licenses or driving privileges for certain persons  
42 convicted of certain drug offenses; deleting  
43 provisions authorizing a driver to petition the  
44 Department of Highway Safety and Motor Vehicles for  
45 restoration of his or her driving privilege; amending  
46 s. 322.056, F.S.; decreasing the period for revocation  
47 or suspension of, or delay of eligibility for, driver  
48 licenses or driving privileges for certain persons  
49 found guilty of certain drug offenses; deleting a  
50 provision authorizing a court to direct the department  
51 to issue a license for certain restricted driving  
52 privileges under certain circumstances; deleting  
53 requirements relating to the revocation or suspension  
54 of, or delay of eligibility for, driver licenses or  
55 driving privileges for certain persons found guilty of  
56 certain alcohol or tobacco offenses; repealing s.  
57 322.057, F.S., relating to discretionary revocation or  
58 suspension of a driver license for certain persons who

19-00585-19

2019734\_\_

59 provide alcohol to persons under a specified age;  
60 amending s. 322.09, F.S.; deleting a provision  
61 prohibiting the issuance of a driver license or  
62 learner's driver license under certain circumstances;  
63 repealing s. 322.091, F.S., relating to attendance  
64 requirements for driving privileges; amending s.  
65 322.245, F.S.; prohibiting the suspension of a  
66 person's driver license solely for failure to pay  
67 certain financial obligations unless the clerk of  
68 court demonstrates to the court that the individual  
69 has the ability to pay but is refusing to do so;  
70 prohibiting a court determination of ability to pay  
71 under specified conditions; repealing s. 322.251(7),  
72 F.S., relating to notice of suspension or revocation  
73 of driving privileges, reasons for reinstatement of  
74 such driving privileges, and certain electronic access  
75 to identify a person who is the subject of an  
76 outstanding warrant or capias for passing worthless  
77 bank checks; amending s. 322.271, F.S.; providing that  
78 a person whose driver license or privilege to drive  
79 has been suspended may have his or her driver license  
80 or driving privilege reinstated on a restricted basis  
81 under certain circumstances; providing the period of  
82 validity of such restricted license; amending s.  
83 322.34, F.S.; revising the underlying violations  
84 resulting in driver license or driving privilege  
85 cancellation, suspension, or revocation for which  
86 specified penalties apply; amending s. 562.11, F.S.;

87 revising penalties for selling, giving, serving, or

19-00585-19

2019734\_\_

88           permitting alcoholic beverages to be served to a  
89           person under a specified age or permitting such person  
90           to consume such beverages on licensed premises;  
91           revising penalties for a person misrepresenting or  
92           misstating his or her age or the age of another to  
93           induce a licensee to serve alcoholic beverages to a  
94           person under a specified age; conforming provisions to  
95           changes made by the act; repealing s. 562.111(3),  
96           F.S., relating to withholding issuance of, or  
97           suspending or revoking, a driver license or driving  
98           privilege for possession of alcoholic beverages by  
99           persons under a specified age; amending s. 569.11,  
100          F.S.; revising penalties for persons under a specified  
101          age who knowingly possess, misrepresent their age or  
102          military service to purchase, or purchase or attempt  
103          to purchase tobacco products; authorizing, rather than  
104          requiring, the court to direct the department to  
105          withhold issuance of or suspend a person's driver  
106          license or driving privilege for certain violations;  
107          amending s. 790.22, F.S.; revising penalties relating  
108          to suspending, revoking, or withholding issuance of  
109          driver licenses or driving privileges for minors under  
110          a specified age who possess firearms under certain  
111          circumstances; deleting provisions relating to  
112          penalties for certain offenses involving the use or  
113          possession of a firearm by a minor under a specified  
114          age; amending s. 806.13, F.S.; deleting provisions  
115          relating to certain penalties for criminal mischief by  
116          a minor; repealing s. 812.0155, F.S., relating to

19-00585-19

2019734\_\_

117 suspension of a driver license following an  
118 adjudication of guilt for theft; repealing s. 832.09,  
119 F.S., relating to suspension of a driver license after  
120 warrant or capias is issued in worthless check cases;  
121 amending s. 847.0141, F.S.; deleting a provision  
122 authorizing a court, upon a certain finding of  
123 contempt, to issue an order to the department to  
124 withhold issuance of or suspend the driver license or  
125 driving privilege of a minor for a specified time;  
126 amending s. 877.112, F.S.; revising penalties for  
127 persons under a specified age who knowingly possess,  
128 misrepresent their age or military service to  
129 purchase, or purchase or attempt to purchase any  
130 nicotine product or nicotine dispensing device;  
131 authorizing, rather than requiring, the court to  
132 direct the department to withhold issuance of or  
133 suspend a person's driver license or driving privilege  
134 for certain violations; amending s. 938.30, F.S.;  
135 authorizing a judge to convert certain statutory  
136 financial obligations into court-ordered obligations  
137 to perform community service by relying upon specified  
138 information under certain circumstances; amending s.  
139 1003.27, F.S.; deleting provisions relating to  
140 procedures and penalties for nonenrollment and  
141 nonattendance cases; amending ss. 318.14, 322.05,  
142 322.27, and 1003.01, F.S.; conforming provisions to  
143 changes made by the act; providing applicability of  
144 certain changes made by the act; requiring the  
145 department to notify the Division of Law Revision upon

19-00585-19

2019734\_\_

146 the adoption of certain uniform traffic citation  
 147 forms; providing effective dates.

148

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

150

151 Section 1. Paragraph (a) of subsection (1) of section  
 152 27.52, Florida Statutes, is amended to read:

153 27.52 Determination of indigent status.—

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

160 (a) The application must include, at a minimum, the  
 161 following financial information:

162 1. Net income, consisting of total salary and wages, minus  
 163 deductions required by law, including court-ordered support  
 164 payments.

165 2. Other income, including, but not limited to, social  
 166 security benefits, union funds, veterans' benefits, workers'  
 167 compensation, other regular support from absent family members,  
 168 public or private employee pensions, reemployment assistance or  
 169 unemployment compensation, dividends, interest, rent, trusts,  
 170 and gifts.

171 3. Assets, including, but not limited to, cash, savings  
 172 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 173 equity in real estate, and equity in a boat or a motor vehicle  
 174 or in other tangible property.

19-00585-19

2019734\_\_

175 4. All liabilities and debts.

176 5. If applicable, the amount of any bail paid for the  
177 applicant's release from incarceration and the source of the  
178 funds.

179  
180 The application must provide the applicant with the option to  
181 fulfill any court-ordered financial obligation associated with a  
182 case by enrolling in a payment plan or by completing community  
183 service if ordered by the court. The application must include a  
184 signature by the applicant which attests to the truthfulness of  
185 the information provided. The application form developed by the  
186 corporation must include notice that the applicant may seek  
187 court review of a clerk's determination that the applicant is  
188 not indigent, as provided in this section.

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

191 28.246 Payment of court-related fines or other monetary  
192 penalties, fees, charges, and costs; partial payments;  
193 distribution of funds.—

194 (4) The clerk of the circuit court shall accept partial  
195 payments for court-related fees, service charges, costs, and  
196 fines in accordance with the terms of an established payment  
197 plan. An individual seeking to defer payment of fees, service  
198 charges, costs, or fines imposed by operation of law or order of  
199 the court under any provision of general law, including  
200 individuals found indigent by the clerk or the court, shall  
201 apply to the clerk for enrollment in a payment plan. The clerk  
202 shall accept a qualified individual's application for a payment  
203 plan and accept ~~The clerk shall enter into a payment plan with~~

19-00585-19

2019734\_\_

204 ~~an individual who the court determines is indigent for costs. a~~  
205 monthly payment amount, calculated based upon all fees and all  
206 anticipated costs. The monthly payment amount may, ~~is presumed~~  
207 ~~to correspond to the person's ability to pay if the amount does~~  
208 not exceed 2 percent of the person's annual net income, as  
209 defined in s. 27.52(1), divided by 12, or \$25 per month,  
210 whichever is less. The court may review the reasonableness of  
211 the payment plan upon motion of the party and may modify the  
212 plan.

213 (6) (a) A clerk of court shall pursue the collection of any  
214 fees, service charges, fines, court costs, and liens for the  
215 payment of attorney fees and costs pursuant to s. 938.29 which  
216 remain unpaid after 120 ~~90~~ days by referring the account to a  
217 private attorney who is a member in good standing of The Florida  
218 Bar or collection agent who is registered and in good standing  
219 pursuant to chapter 559. In pursuing the collection of such  
220 unpaid financial obligations through a private attorney or  
221 collection agent, the clerk of the court must have attempted to  
222 collect the unpaid amount through a collection court,  
223 collections docket, or other collections process, if any,  
224 established by the court, find this to be cost-effective and  
225 follow any applicable procurement practices.

226 (b) In retaining a private attorney or collection agent as  
227 provided in this subsection, the clerk shall solicit competitive  
228 bids from private attorneys or collection agents. The contract  
229 awarded to the successful bidder may be in effect for no longer  
230 than 3 years, with a maximum of two 1-year extensions.

231 (c) The clerk shall consider all pertinent criteria when  
232 considering bids, including, but not limited to, performance

19-00585-19

2019734\_\_

233 quality and customer service. The collection fee paid to the  
234 private attorney or collection agent, ~~including any reasonable~~  
235 ~~attorney's fee, paid to any attorney or collection agent~~  
236 retained by the clerk may be added to the balance owed in an  
237 amount not to exceed 40 percent of the amount owed at the time  
238 the account is referred to the attorney or agent for collection.

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

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

244 (f) The clerk shall give the private attorney or collection  
245 agent the application for the appointment of court-appointed  
246 counsel regardless of whether the court file is otherwise  
247 confidential from disclosure.

248 Section 3. Present paragraphs (b), (c), and (d) of  
249 subsection (1) of section 316.650, Florida Statutes, are  
250 redesignated as paragraphs (c), (d), and (e), respectively, a  
251 new paragraph (b) is added to that subsection, and present  
252 paragraph (c) of that subsection is amended, to read:

253 316.650 Traffic citations.—

254 (1)

255 (b) The traffic citation form must include language  
256 indicating that a person may enter into a payment plan with the  
257 clerk of court to pay a penalty. The form must also indicate  
258 that a person ordered to pay a penalty for a noncriminal traffic  
259 infraction and who is unable to comply due to demonstrable  
260 financial hardship is allowed by the court to satisfy the  
261 payment by participating in community service pursuant to s.

19-00585-19

2019734\_\_

262 318.18(8)(b).

263 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a  
264 traffic enforcement agency may produce uniform traffic citations  
265 by electronic means. Such citations must be consistent with the  
266 state traffic court rules and the procedures established by the  
267 department and must be appropriately numbered and inventoried.  
268 Affidavit-of-compliance forms may also be produced by electronic  
269 means.

270 Section 4. Subsection (4) is added to section 318.15,  
271 Florida Statutes, to read:

272 318.15 Failure to comply with civil penalty or to appear;  
273 penalty.—

274 (4) Notwithstanding any other law, a person's driver  
275 license may not be suspended solely for a failure to pay fees,  
276 service charges, fines, or penalties, unless the clerk of court  
277 demonstrates to the court that the individual has the ability to  
278 pay but is refusing to do so. A court determination of ability  
279 to pay must not be found if the person:

280 (a) Receives reemployment assistance or unemployment  
281 compensation pursuant to chapter 443;

282 (b) Receives benefits under the federal Supplemental  
283 Security Income program or Social Security Disability Insurance  
284 program;

285 (c) Receives temporary cash assistance pursuant to chapter  
286 414;

287 (d) Is making payments in accordance with a confirmed  
288 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of  
289 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

290 (e) Is on a payment plan or payment plans with the clerk of

19-00585-19

2019734\_\_

291 court which in total exceed what is determined to be a  
292 reasonable payment plan pursuant to s. 28.246(4);

293 (f) Has been determined to be indigent after filing an  
294 application with the clerk in accordance with s. 27.52 or s.  
295 57.082; or

296 (g) Is incarcerated.

297 Section 5. Paragraph (b) of subsection (8) of section  
298 318.18, Florida Statutes, is amended to read:

299 318.18 Amount of penalties.—The penalties required for a  
300 noncriminal disposition pursuant to s. 318.14 or a criminal  
301 offense listed in s. 318.17 are as follows:

302 (8)

303 (b)1.a. If a person has been ordered to pay a civil penalty  
304 for a noncriminal traffic infraction and the person is unable to  
305 comply with the court's order due to demonstrable financial  
306 hardship, the court shall allow the person to satisfy the civil  
307 penalty by participating in community service until the civil  
308 penalty is paid.

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

311 c. If a court orders a person to perform community service,  
312 the person shall receive credit for the civil penalty at the  
313 specified hourly credit rate per hour of community service  
314 performed, and each hour of community service performed shall  
315 reduce the civil penalty by that amount.

316 2.a. As used in this paragraph, the term "specified hourly  
317 credit rate" means the wage rate that is specified in 29 U.S.C.  
318 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,  
319 that is then in effect, and that an employer subject to such

19-00585-19

2019734\_\_

320 provision must pay per hour to each employee subject to such  
321 provision.

322 b. However, if a person ordered to perform community  
323 service has a trade or profession for which there is a community  
324 service need, the specified hourly credit rate for each hour of  
325 community service performed by that person shall be the average  
326 prevailing wage rate for the trade or profession that the  
327 community service agency needs.

328 3.a. The community service agency supervising the person  
329 shall record the number of hours of community service completed  
330 and the date the community service hours were completed. The  
331 community service agency shall submit the data to the clerk of  
332 court on the letterhead of the community service agency, which  
333 must also bear the notarized signature of the person designated  
334 to represent the community service agency.

335 b. When the number of community service hours completed by  
336 the person equals the amount of the civil penalty, the clerk of  
337 court shall certify this fact to the court. Thereafter, the  
338 clerk of court shall record in the case file that the civil  
339 penalty has been paid in full.

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

341 a. "Community service" means uncompensated labor for a  
342 community service agency.

343 b. "Community service agency" means a not-for-profit  
344 corporation, community organization, charitable organization,  
345 public officer, the state or any political subdivision of the  
346 state, or any other body the purpose of which is to improve the  
347 quality of life or social welfare of the community and which  
348 agrees to accept community service from persons unable to pay

19-00585-19

2019734\_\_

349 civil penalties for noncriminal traffic infractions.

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

352 322.055 Revocation or suspension of, or delay of  
353 eligibility for, driver license for persons 18 years of age or  
354 older convicted of certain drug offenses.—

355 (1) Notwithstanding s. 322.28, upon the conviction of a  
356 person 18 years of age or older for ~~possession or sale of,~~  
357 ~~trafficking in,~~ or conspiracy to ~~possess, sell, or~~ traffic in a  
358 controlled substance, the court shall direct the department to  
359 revoke the driver license or driving privilege of the person.  
360 The period of such revocation shall be 6 months ~~1 year~~ or until  
361 the person is evaluated for and, if deemed necessary by the  
362 evaluating agency, completes a drug treatment and rehabilitation  
363 program approved or regulated by the Department of Children and  
364 Families. However, the court may, in its sound discretion,  
365 direct the department to issue a license for driving privilege  
366 restricted to business or employment purposes only, as defined  
367 by s. 322.271, if the person is otherwise qualified for such a  
368 license. ~~A driver whose license or driving privilege has been~~  
369 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
370 ~~the expiration of 6 months, petition the department for~~  
371 ~~restoration of the driving privilege on a restricted or~~  
372 ~~unrestricted basis depending on length of suspension or~~  
373 ~~revocation. In no case shall~~ A restricted license may not be  
374 available until 6 months of the suspension or revocation period  
375 have been completed ~~has expired.~~

376 (2) If a person 18 years of age or older is convicted for  
377 ~~the possession or sale of,~~ trafficking in, or conspiracy to

19-00585-19

2019734\_\_

378 ~~possess, sell, or~~ traffic in a controlled substance and such  
379 person is eligible by reason of age for a driver license or  
380 privilege, the court shall direct the department to withhold  
381 issuance of such person's driver license or driving privilege  
382 for a period of 6 months ~~1 year~~ after the date the person was  
383 convicted or until the person is evaluated for and, if deemed  
384 necessary by the evaluating agency, completes a drug treatment  
385 and rehabilitation program approved or regulated by the  
386 Department of Children and Families. However, the court may, in  
387 its sound discretion, direct the department to issue a license  
388 for driving privilege restricted to business or employment  
389 purposes only, as defined by s. 322.271, if the person is  
390 otherwise qualified for such a license. ~~A driver whose license~~  
391 ~~or driving privilege has been suspended or revoked under this~~  
392 ~~section or s. 322.056 may, upon the expiration of 6 months,~~  
393 ~~petition the department for restoration of the driving privilege~~  
394 ~~on a restricted or unrestricted basis depending on the length of~~  
395 ~~suspension or revocation. In no case shall A restricted license~~  
396 may not be available until 6 months of the withholding  
397 ~~suspension or revocation period~~ have been completed ~~has expired.~~

398 (3) If a person 18 years of age or older is convicted for  
399 ~~the possession or sale of,~~ trafficking in, or conspiracy to  
400 ~~possess, sell, or~~ traffic in a controlled substance and such  
401 person's driver license or driving privilege is already under  
402 suspension or revocation for any reason, the court shall direct  
403 the department to extend the period of such suspension or  
404 revocation by an additional period of 6 months ~~1 year~~ or until  
405 the person is evaluated for and, if deemed necessary by the  
406 evaluating agency, completes a drug treatment and rehabilitation

19-00585-19

2019734\_\_

407 program approved or regulated by the Department of Children and  
408 Families. However, the court may, in its sound discretion,  
409 direct the department to issue a license for driving privilege  
410 restricted to business or employment purposes only, as defined  
411 by s. 322.271, if the person is otherwise qualified for such a  
412 license. ~~A driver whose license or driving privilege has been~~  
413 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
414 ~~the expiration of 6 months, petition the department for~~  
415 ~~restoration of the driving privilege on a restricted or~~  
416 ~~unrestricted basis depending on the length of suspension or~~  
417 ~~revocation. In no case shall~~ A restricted license may not be  
418 available until 6 months of the suspension or revocation period  
419 have been completed ~~has expired.~~

420 (4) If a person 18 years of age or older is convicted for  
421 ~~the possession or sale of,~~ trafficking in, or conspiracy to  
422 ~~possess, sell, or~~ traffic in a controlled substance and such  
423 person is ineligible by reason of age for a driver license or  
424 driving privilege, the court shall direct the department to  
425 withhold issuance of such person's driver license or driving  
426 privilege for a period of 6 months ~~1 year~~ after the date that he  
427 or she would otherwise have become eligible or until he or she  
428 becomes eligible by reason of age for a driver license and is  
429 evaluated for and, if deemed necessary by the evaluating agency,  
430 completes a drug treatment and rehabilitation program approved  
431 or regulated by the Department of Children and Families.  
432 However, the court may, in its sound discretion, direct the  
433 department to issue a license for driving privilege restricted  
434 to business or employment purposes only, as defined by s.  
435 322.271, if the person is otherwise qualified for such a

19-00585-19

2019734\_\_

436 ~~license. A driver whose license or driving privilege has been~~  
437 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
438 ~~the expiration of 6 months, petition the department for~~  
439 ~~restoration of the driving privilege on a restricted or~~  
440 ~~unrestricted basis depending on the length of suspension or~~  
441 ~~revocation. In no case shall A restricted license may not be~~  
442 ~~available until 6 months of the withholding suspension or~~  
443 ~~revocation period have been completed has expired.~~

444 Section 7. Section 322.056, Florida Statutes, is amended to  
445 read:

446 322.056 Mandatory revocation or suspension of, or delay of  
447 eligibility for, driver license for persons under age 18 found  
448 guilty of certain alcohol, drug, ~~or tobacco~~ offenses;  
449 prohibition.-

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

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

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

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

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

19-00585-19

2019734\_\_

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

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

468 (c) The person is ineligible by reason of age for a driver  
469 license or driving privilege, the court shall direct the  
470 department to withhold issuance of his or her driver license or  
471 driving privilege for a period of:

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

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

477  
478 ~~However, the court may, in its sound discretion, direct the~~  
479 ~~department to issue a license for driving privileges restricted~~  
480 ~~to business or employment purposes only, as defined in s.~~  
481 ~~322.271, if the person is otherwise qualified for such a~~  
482 ~~license.~~

483 ~~(2) If a person under 18 years of age is found by the court~~  
484 ~~to have committed a noncriminal violation under s. 569.11 or s.~~  
485 ~~877.112(6) or (7) and that person has failed to comply with the~~  
486 ~~procedures established in that section by failing to fulfill~~  
487 ~~community service requirements, failing to pay the applicable~~  
488 ~~fine, or failing to attend a locally available school-approved~~  
489 ~~anti-tobacco program, and:~~

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

19-00585-19

2019734\_\_

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

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

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

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

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

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

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

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

511  
512 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
513 ~~within the 12-week period after the first violation will be~~  
514 ~~treated as a first violation and in the same manner as provided~~  
515 ~~in this subsection.~~

516 ~~(3) If a person under 18 years of age is found by the court~~  
517 ~~to have committed a third violation of s. 569.11 or s.~~  
518 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
519 ~~court must direct the Department of Highway Safety and Motor~~  
520 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
521 ~~license or driving privilege for 60 consecutive days. Any third~~  
522 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~

19-00585-19

2019734\_\_

523 ~~12-week period after the first violation will be treated as a~~  
524 ~~first violation and in the same manner as provided in subsection~~  
525 ~~(2).~~

526 (2)~~(4)~~ A penalty imposed under this section shall be in  
527 addition to any other penalty imposed by law.

528 ~~(5) The suspension or revocation of a person's driver~~  
529 ~~license imposed pursuant to subsection (2) or subsection (3),~~  
530 ~~shall not result in or be cause for an increase of the convicted~~  
531 ~~person's, or his or her parent's or legal guardian's, automobile~~  
532 ~~insurance rate or premium or result in points assessed against~~  
533 ~~the person's driving record.~~

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

535 Section 9. Present subsections (4) and (5) of section  
536 322.09, Florida Statutes, are redesignated as subsections (3)  
537 and (4), respectively, and present subsection (3) is amended, to  
538 read:

539 322.09 Application of minors; responsibility for negligence  
540 or misconduct of minor.—

541 ~~(3) The department may not issue a driver license or~~  
542 ~~learner's driver license to any applicant under the age of 18~~  
543 ~~years who is not in compliance with the requirements of s.~~  
544 ~~322.091.~~

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

546 Section 11. Subsection (6) is added to section 322.245,  
547 Florida Statutes, to read:

548 322.245 Suspension of license upon failure of person  
549 charged with specified offense under chapter 316, chapter 320,  
550 or this chapter to comply with directives ordered by traffic  
551 court or upon failure to pay child support in non-IV-D cases as

19-00585-19

2019734\_\_

552 provided in chapter 61 or failure to pay any financial  
553 obligation in any other criminal case.-

554 (6) Notwithstanding any other law, a person's driver  
555 license may not be suspended solely for a failure to pay fees,  
556 service charges, fines, or penalties, unless the clerk of court  
557 demonstrates to the court that the individual has the ability to  
558 pay but is refusing to do so. A court determination of ability  
559 to pay must not be found if the person:

560 (a) Receives reemployment assistance or unemployment  
561 compensation pursuant to chapter 443;

562 (b) Receives benefits under the federal Supplemental  
563 Security Income program or Social Security Disability Insurance  
564 program;

565 (c) Receives temporary cash assistance pursuant to chapter  
566 414;

567 (d) Is making payments in accordance with a confirmed  
568 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of  
569 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

570 (e) Is on a payment plan or payment plans with the clerk of  
571 court which in total exceed what is determined to be a  
572 reasonable payment plan pursuant to s. 28.246(4);

573 (f) Has been determined to be indigent after filing an  
574 application with the clerk in accordance with s. 27.52 or s.  
575 57.082; or

576 (g) Is incarcerated.

577 Section 12. Subsection (7) of section 322.251, Florida  
578 Statutes, is repealed.

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

19-00585-19

2019734\_\_

581 322.271 Authority to modify revocation, cancellation, or  
582 suspension order.—

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

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

592 322.34 Driving while license suspended, revoked, canceled,  
593 or disqualified.—

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

599 1. Failing to pay child support as provided in s. 322.245  
600 or s. 61.13016;

601 2. Failing to pay any other financial obligation as  
602 provided in s. 322.245 ~~other than those specified in s.~~  
603 ~~322.245(1);~~

604 3. Failing to comply with a civil penalty required in s.  
605 318.15;

606 4. Failing to maintain vehicular financial responsibility  
607 as required by chapter 324; or

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

19-00585-19

2019734\_\_

610 5.6. Having been designated a habitual traffic offender  
 611 under s. 322.264(1)(d) as a result of suspensions of his or her  
 612 driver license or driver privilege for any underlying violation  
 613 listed in subparagraphs 1.-4. ~~4.-5.~~

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

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

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

628 562.11 Selling, giving, or serving alcoholic beverages to  
 629 person under age 21; providing a proper name; misrepresenting or  
 630 misstating age or age of another to induce licensee to serve  
 631 alcoholic beverages to person under 21; penalties.-

632 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to  
 633 be served alcoholic beverages to a person under 21 years of age  
 634 or permit a person under 21 years of age to consume such  
 635 beverages on the licensed premises. A person who violates this  
 636 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
 637 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 638 person who violates this paragraph ~~subparagraph~~ a second or

19-00585-19

2019734\_\_

639 subsequent time within 1 year after a prior conviction commits a  
640 misdemeanor of the first degree, punishable as provided in s.  
641 775.082 or s. 775.083.

642 ~~2. In addition to any other penalty imposed for a violation~~  
643 ~~of subparagraph 1., the court may order the Department of~~  
644 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~  
645 ~~or suspend or revoke, the driver license or driving privilege,~~  
646 ~~as provided in s. 322.057, of any person who violates~~  
647 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
648 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
649 ~~acting within the scope of his or her license or an employee or~~  
650 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
651 ~~subparagraph 1. while engaged within the scope of his or her~~  
652 ~~employment or agency.~~

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

659 (2) It is unlawful for any person to misrepresent or  
660 misstate his or her age or the age of any other person for the  
661 purpose of inducing any licensee or his or her agents or  
662 employees to sell, give, serve, or deliver any alcoholic  
663 beverages to a person under 21 years of age, or for any person  
664 under 21 years of age to purchase or attempt to purchase  
665 alcoholic beverages.

666 (c) In addition to any other penalty imposed for a  
667 violation of this subsection, if a person uses a driver license

19-00585-19

2019734\_\_

668 or identification card issued by the Department of Highway  
669 Safety and Motor Vehicles in violation of this subsection, the  
670 court:

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

674 ~~2. Shall direct the Department of Highway Safety and Motor~~  
675 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
676 ~~person's driver license or driving privilege, as provided in s.~~  
677 ~~322.056.~~

678 Section 16. Subsection (3) of section 562.111, Florida  
679 Statutes, is repealed.

680 Section 17. Subsections (1), (2), and (5) of section  
681 569.11, Florida Statutes, are amended to read:

682 569.11 Possession, misrepresenting age or military service  
683 to purchase, and purchase of tobacco products by persons under  
684 18 years of age prohibited; penalties; jurisdiction; disposition  
685 of fines.—

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

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

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

19-00585-19

2019734\_\_

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

702

703 Any second or subsequent violation not within the 12-week time  
704 period after the first violation is punishable as provided for a  
705 first violation.

706 (2) It is unlawful for any person under 18 years of age to  
707 misrepresent his or her age or military service for the purpose  
708 of inducing a dealer or an agent or employee of the dealer to  
709 sell, give, barter, furnish, or deliver any tobacco product, or  
710 to purchase, or attempt to purchase, any tobacco product from a  
711 person or a vending machine. Any person under 18 years of age  
712 who violates ~~a provision of~~ this subsection commits a  
713 noncriminal violation as provided in s. 775.08(3), punishable  
714 by:

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

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

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

19-00585-19

2019734\_\_

726

727 Any second or subsequent violation not within the 12-week time  
728 period after the first violation is punishable as provided for a  
729 first violation.

730 (5) (a) If a person under 18 years of age is found by the  
731 court to have committed a noncriminal violation under this  
732 section and that person has failed to complete community  
733 service, pay the fine as required by paragraph (1) (a) or  
734 paragraph (2) (a), or attend a school-approved anti-tobacco  
735 program, if locally available, the court may ~~must~~ direct the  
736 Department of Highway Safety and Motor Vehicles to withhold  
737 issuance of or suspend the driver license or driving privilege  
738 of that person for a period of 30 consecutive days.

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

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

748 790.22 Use of BB guns, air or gas-operated guns, or  
749 electric weapons or devices by minor under 16; limitation;  
750 possession of firearms by minor under 18 prohibited; penalties.-

751 (5) (a) A minor who violates subsection (3) commits a  
752 misdemeanor of the first degree; for a first offense, may serve  
753 a period of detention of up to 3 days in a secure detention  
754 facility; and, in addition to any other penalty provided by law,

19-00585-19

2019734\_\_

755 shall be required to perform 100 hours of community service,  
756 and:

757 ~~1. If the minor is eligible by reason of age for a driver~~  
758 ~~license or driving privilege, the court shall direct the~~  
759 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
760 ~~withhold issuance of the minor's driver license or driving~~  
761 ~~privilege for up to 1 year.~~

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

767 ~~3. If the minor is ineligible by reason of age for a driver~~  
768 ~~license or driving privilege, the court shall direct the~~  
769 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
770 ~~issuance of the minor's driver license or driving privilege for~~  
771 ~~up to 1 year after the date on which the minor would otherwise~~  
772 ~~have become eligible.~~

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

778 ~~1. If the minor is eligible by reason of age for a driver~~  
779 ~~license or driving privilege, the court shall direct the~~  
780 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
781 ~~withhold issuance of the minor's driver license or driving~~  
782 ~~privilege for up to 2 years.~~

783 ~~2. If the minor's driver license or driving privilege is~~

19-00585-19

2019734\_\_

784 ~~under suspension or revocation for any reason, the court shall~~  
785 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
786 ~~extend the period of suspension or revocation by an additional~~  
787 ~~period of up to 2 years.~~

788 ~~3. If the minor is ineligible by reason of age for a driver~~  
789 ~~license or driving privilege, the court shall direct the~~  
790 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
791 ~~issuance of the minor's driver license or driving privilege for~~  
792 ~~up to 2 years after the date on which the minor would otherwise~~  
793 ~~have become eligible.~~

794  
795 For the purposes of this subsection, community service shall be  
796 performed, if possible, in a manner involving a hospital  
797 emergency room or other medical environment that deals on a  
798 regular basis with trauma patients and gunshot wounds.

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

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

804 ~~1. If the minor is eligible by reason of age for a driver~~  
805 ~~license or driving privilege, the court shall direct the~~  
806 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
807 ~~withhold issuance of the minor's driver license or driving~~  
808 ~~privilege for up to 1 year.~~

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

19-00585-19

2019734\_\_

813 ~~period for up to 1 year.~~

814 ~~3. If the minor is ineligible by reason of age for a driver~~  
815 ~~license or driving privilege, the court shall direct the~~  
816 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
817 ~~issuance of the minor's driver license or driving privilege for~~  
818 ~~up to 1 year after the date on which the minor would otherwise~~  
819 ~~have become eligible.~~

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

821 ~~1. If the minor is eligible by reason of age for a driver~~  
822 ~~license or driving privilege, the court shall direct the~~  
823 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
824 ~~withhold issuance of the minor's driver license or driving~~  
825 ~~privilege for up to 2 years.~~

826 ~~2. If the minor's driver license or driving privilege is~~  
827 ~~under suspension or revocation for any reason, the court shall~~  
828 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
829 ~~extend the period of suspension or revocation by an additional~~  
830 ~~period for up to 2 years.~~

831 ~~3. If the minor is ineligible by reason of age for a driver~~  
832 ~~license or driving privilege, the court shall direct the~~  
833 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
834 ~~issuance of the minor's driver license or driving privilege for~~  
835 ~~up to 2 years after the date on which the minor would otherwise~~  
836 ~~have become eligible.~~

837 Section 19. Present subsections (7) and (8) of section  
838 806.13, Florida Statutes, are amended, and present subsection  
839 (9) of that section is redesignated as subsection (7), to read:

840 806.13 Criminal mischief; penalties; penalty for minor.—

841 ~~(7) In addition to any other penalty provided by law, if a~~

19-00585-19

2019734\_\_

842 ~~minor is found to have committed a delinquent act under this~~  
843 ~~section for placing graffiti on any public property or private~~  
844 ~~property, and:~~

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

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

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

861 ~~(8) A minor whose driver license or driving privilege is~~  
862 ~~revoked, suspended, or withheld under subsection (7) may elect~~  
863 ~~to reduce the period of revocation, suspension, or withholding~~  
864 ~~by performing community service at the rate of 1 day for each~~  
865 ~~hour of community service performed. In addition, if the court~~  
866 ~~determines that due to a family hardship, the minor's driver~~  
867 ~~license or driving privilege is necessary for employment or~~  
868 ~~medical purposes of the minor or a member of the minor's family,~~  
869 ~~the court shall order the minor to perform community service and~~  
870 ~~reduce the period of revocation, suspension, or withholding at~~

19-00585-19

2019734\_\_

871 ~~the rate of 1 day for each hour of community service performed.~~  
872 ~~As used in this subsection, the term "community service" means~~  
873 ~~cleaning graffiti from public property.~~

874 Section 20. Section 812.0155, Florida Statutes, is  
875 repealed.

876 Section 21. Section 832.09, Florida Statutes, is repealed.

877 Section 22. Paragraph (a) of subsection (3) of section  
878 847.0141, Florida Statutes, is amended to read:

879 847.0141 Sexting; prohibited acts; penalties.—

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

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

882 The minor must sign and accept a citation indicating a promise  
883 to appear before the juvenile court. In lieu of appearing in  
884 court, the minor may complete 8 hours of community service work,  
885 pay a \$60 civil penalty, or participate in a cyber-safety  
886 program if such a program is locally available. The minor must  
887 satisfy any penalty within 30 days after receipt of the  
888 citation.

889 1. A citation issued to a minor under this subsection must  
890 be in a form prescribed by the issuing law enforcement agency,  
891 must be signed by the minor, and must contain all of the  
892 following:

893 a. The date and time of issuance.

894 b. The name and address of the minor to whom the citation  
895 is issued.

896 c. A thumbprint of the minor to whom the citation is  
897 issued.

898 d. Identification of the noncriminal violation and the time  
899 it was committed.

19-00585-19

2019734\_\_

- 900 e. The facts constituting reasonable cause.
- 901 f. The specific section of law violated.
- 902 g. The name and authority of the citing officer.
- 903 h. The procedures that the minor must follow to contest the
- 904 citation, perform the required community service, pay the civil
- 905 penalty, or participate in a cyber-safety program.

906 2. If the citation is contested and the court determines

907 that the minor committed a noncriminal violation under this

908 section, the court may order the minor to perform 8 hours of

909 community service, pay a \$60 civil penalty, or participate in a

910 cyber-safety program, or any combination thereof.

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

912 or her right to contest it, and the court may impose any of the

913 penalties identified in subparagraph 2. or issue an order to

914 show cause. Upon a finding of contempt, the court may impose

915 additional age-appropriate penalties, ~~which may include issuance~~

916 ~~of an order to the Department of Highway Safety and Motor~~

917 ~~Vehicles to withhold issuance of, or suspend the driver license~~

918 ~~or driving privilege of, the minor for 30 consecutive days.~~

919 However, the court may not impose incarceration.

920 Section 23. Subsections (6) and (7) and paragraphs (c) and

921 (d) of subsection (8) of section 877.112, Florida Statutes, are

922 amended to read:

923 877.112 Nicotine products and nicotine dispensing devices;

924 prohibitions for minors; penalties; civil fines; signage

925 requirements; preemption.—

926 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR

927 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any

928 person under 18 years of age to knowingly possess any nicotine

19-00585-19

2019734\_\_

929 product or a nicotine dispensing device. Any person under 18  
930 years of age who violates this subsection commits a noncriminal  
931 violation as defined in s. 775.08(3), punishable by:

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

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

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

943

944 Any second or subsequent violation not within the 12-week time  
945 period after the first violation is punishable as provided for a  
946 first violation.

947 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
948 any person under 18 years of age to misrepresent his or her age  
949 or military service for the purpose of inducing a retailer of  
950 nicotine products or nicotine dispensing devices or an agent or  
951 employee of such retailer to sell, give, barter, furnish, or  
952 deliver any nicotine product or nicotine dispensing device, or  
953 to purchase, or attempt to purchase, any nicotine product or  
954 nicotine dispensing device from a person or a vending machine.  
955 Any person under 18 years of age who violates this subsection  
956 commits a noncriminal violation as defined in s. 775.08(3),  
957 punishable by:

19-00585-19

2019734\_\_

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

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

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

969

970 Any second or subsequent violation not within the 12-week time  
 971 period after the first violation is punishable as provided for a  
 972 first violation.

973 (8) PENALTIES FOR MINORS.—

974 (c) If a person under 18 years of age is found by the court  
 975 to have committed a noncriminal violation under this section and  
 976 that person has failed to complete community service, pay the  
 977 fine as required by paragraph (6) (a) or paragraph (7) (a), or  
 978 attend a school-approved anti-tobacco and nicotine program, if  
 979 locally available, the court may ~~must~~ direct the Department of  
 980 Highway Safety and Motor Vehicles to withhold issuance of or  
 981 suspend the driver license or driving privilege of that person  
 982 for 30 consecutive days.

983 (d) If a person under 18 years of age is found by the court  
 984 to have committed a noncriminal violation under this section and  
 985 that person has failed to pay the applicable fine as required by  
 986 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct

19-00585-19

2019734\_\_

987 the Department of Highway Safety and Motor Vehicles to withhold  
988 issuance of or suspend the driver license or driving privilege  
989 of that person for 45 consecutive days.

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

992 938.30 Financial obligations in criminal cases;  
993 supplementary proceedings.—

994 (2) The court may require a person liable for payment of an  
995 obligation to appear and be examined under oath concerning the  
996 person's financial ability to pay the obligation. The judge may  
997 convert the statutory financial obligation into a court-ordered  
998 obligation to perform community service, subject to ~~the~~  
999 ~~provisions of s. 318.18(8)~~, after examining a person under oath  
1000 and determining the person's inability to pay, or by relying  
1001 upon information provided under s. 27.52(1)(a). Any person who  
1002 fails to attend a hearing may be arrested on warrant or capias  
1003 issued by the clerk upon order of the court.

1004 Section 25. Subsection (2) of section 1003.27, Florida  
1005 Statutes, is amended to read:

1006 1003.27 Court procedure and penalties.—The court procedure  
1007 and penalties for the enforcement of the provisions of this  
1008 part, relating to compulsory school attendance, shall be as  
1009 follows:

1010 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

1011 ~~(a)~~ In each case of nonenrollment or of nonattendance upon  
1012 the part of a student who is required to attend some school,  
1013 when no valid reason for such nonenrollment or nonattendance is  
1014 found, the district school superintendent shall institute a  
1015 criminal prosecution against the student's parent. However,

19-00585-19

2019734\_\_

1016 criminal prosecution may not be instituted against the student's  
1017 parent until the school and school district have complied with  
1018 s. 1003.26.

1019 ~~(b) Each public school principal or the principal's~~  
1020 ~~designee shall notify the district school board of each minor~~  
1021 ~~student under its jurisdiction who accumulates 15 unexcused~~  
1022 ~~absences in a period of 90 calendar days. The district school~~  
1023 ~~superintendent must provide the Department of Highway Safety and~~  
1024 ~~Motor Vehicles the legal name, sex, date of birth, and social~~  
1025 ~~security number of each minor student who has been reported~~  
1026 ~~under this paragraph and who fails to otherwise satisfy the~~  
1027 ~~requirements of s. 322.091. The Department of Highway Safety and~~  
1028 ~~Motor Vehicles may not issue a driver license or learner's~~  
1029 ~~driver license to, and shall suspend any previously issued~~  
1030 ~~driver license or learner's driver license of, any such minor~~  
1031 ~~student, pursuant to the provisions of s. 322.091.~~

1032 ~~(c) Each designee of the governing body of each private~~  
1033 ~~school and each parent whose child is enrolled in a home~~  
1034 ~~education program may provide the Department of Highway Safety~~  
1035 ~~and Motor Vehicles with the legal name, sex, date of birth, and~~  
1036 ~~social security number of each minor student under his or her~~  
1037 ~~jurisdiction who fails to satisfy relevant attendance~~  
1038 ~~requirements and who fails to otherwise satisfy the requirements~~  
1039 ~~of s. 322.091. The Department of Highway Safety and Motor~~  
1040 ~~Vehicles may not issue a driver license or learner's driver~~  
1041 ~~license to, and shall suspend any previously issued driver~~  
1042 ~~license or learner's driver license of, any such minor student~~  
1043 ~~pursuant to s. 322.091.~~

1044 Section 26. Paragraph (a) of subsection (10) of section

19-00585-19

2019734\_\_

1045 318.14, Florida Statutes, is amended to read:

1046 318.14 Noncriminal traffic infractions; exception;  
1047 procedures.—

1048 (10) (a) Any person who does not hold a commercial driver  
1049 license or commercial learner's permit and who is cited while  
1050 driving a noncommercial motor vehicle for an offense listed  
1051 under this subsection may, in lieu of payment of fine or court  
1052 appearance, elect to enter a plea of nolo contendere and provide  
1053 proof of compliance to the clerk of the court, designated  
1054 official, or authorized operator of a traffic violations bureau.  
1055 In such case, adjudication shall be withheld; however, a person  
1056 may not make an election under this subsection if the person has  
1057 made an election under this subsection in the preceding 12  
1058 months. A person may not make more than three elections under  
1059 this subsection. This subsection applies to the following  
1060 offenses:

1061 1. Operating a motor vehicle without a valid driver license  
1062 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or  
1063 operating a motor vehicle with a license that has been suspended  
1064 for failure to appear, failure to pay civil penalty, or failure  
1065 to attend a driver improvement course pursuant to s. 322.291.

1066 2. Operating a motor vehicle without a valid registration  
1067 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1068 3. Operating a motor vehicle in violation of s. 316.646.

1069 4. Operating a motor vehicle with a license that has been  
1070 suspended under s. 61.13016 or s. 322.245 for failure to pay  
1071 child support or for failure to pay any other financial  
1072 obligation as provided in s. 322.245; however, this subparagraph  
1073 does not apply if the license has been suspended pursuant to s.

19-00585-19

2019734\_\_

1074 322.245(1).

1075 ~~5. Operating a motor vehicle with a license that has been~~  
1076 ~~suspended under s. 322.091 for failure to meet school attendance~~  
1077 ~~requirements.~~

1078 Section 27. Subsections (1) and (2) of section 322.05,  
1079 Florida Statutes, are amended to read:

1080 322.05 Persons not to be licensed.—The department may not  
1081 issue a license:

1082 (1) To a person who is under the age of 16 years, except  
1083 that the department may issue a learner's driver license to a  
1084 person who is at least 15 years of age and who meets the  
1085 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any  
1086 other applicable law or rule.

1087 (2) To a person who is at least 16 years of age but is  
1088 under 18 years of age unless the person ~~meets the requirements~~  
1089 ~~of s. 322.091~~ and holds a valid:

1090 (a) Learner's driver license for at least 12 months, with  
1091 no moving traffic convictions, before applying for a license;

1092 (b) Learner's driver license for at least 12 months and who  
1093 has a moving traffic conviction but elects to attend a traffic  
1094 driving school for which adjudication must be withheld pursuant  
1095 to s. 318.14; or

1096 (c) License that was issued in another state or in a  
1097 foreign jurisdiction and that would not be subject to suspension  
1098 or revocation under the laws of this state.

1099 Section 28. Paragraph (b) of subsection (5) of section  
1100 322.27, Florida Statutes, is amended to read:

1101 322.27 Authority of department to suspend or revoke driver  
1102 license or identification card.—

19-00585-19

2019734\_\_

1103 (5)

1104 (b) If a person whose driver license has been revoked under

1105 paragraph (a) as a result of a third violation of driving a

1106 motor vehicle while his or her license is suspended or revoked

1107 provides proof of compliance for an offense listed in s.

1108 318.14(10)(a)1.-4. ~~s. 318.14(10)(a)1.-5.~~, the clerk of court

1109 shall submit an amended disposition to remove the habitual

1110 traffic offender designation.

1111 Section 29. Subsection (9) of section 1003.01, Florida

1112 Statutes, is amended to read:

1113 1003.01 Definitions.—As used in this chapter, the term:

1114 (9) "Dropout" means a student who meets any one or more of

1115 the following criteria:

1116 (a) The student has voluntarily removed himself or herself

1117 from the school system before graduation for reasons that

1118 include, but are not limited to, marriage, or the student has

1119 withdrawn from school because he or she has failed the statewide

1120 student assessment test and thereby does not receive any of the

1121 certificates of completion;

1122 (b) The student has not met the relevant attendance

1123 requirements of the school district pursuant to State Board of

1124 Education rules, or the student was expected to attend a school

1125 but did not enter as expected for unknown reasons, or the

1126 student's whereabouts are unknown;

1127 (c) The student has withdrawn from school, but has not

1128 transferred to another public or private school or enrolled in

1129 any career, adult, home education, or alternative educational

1130 program;

1131 (d) The student has withdrawn from school due to hardship,

19-00585-19

2019734\_\_

1132 unless such withdrawal has been granted because of ~~under the~~  
1133 ~~provisions of s. 322.091,~~ court action, expulsion, medical  
1134 reasons, or pregnancy; or

1135 (e) The student is not eligible to attend school because of  
1136 reaching the maximum age for an exceptional student program in  
1137 accordance with the district's policy.

1138

1139 The State Board of Education may adopt rules to implement ~~the~~  
1140 ~~provisions of~~ this subsection.

1141 Section 30. The amendments made by this act to s. 316.650,  
1142 Florida Statutes, shall take effect upon the depletion of the  
1143 current inventory of uniform traffic citation forms and the  
1144 adoption by rule of new uniform traffic citation forms. The  
1145 Department of Highway Safety and Motor Vehicles shall notify the  
1146 Division of Law Revision upon the adoption of the new forms.

1147 Section 31. Except as otherwise expressly provided in this  
1148 act and except for this section, which shall take effect upon  
1149 this act becoming a law, this act shall take effect October 1,  
1150 2019.