



Highway & Waterway Safety Subcommittee

MEETING PACKET

Wednesday, January 13, 2016
10:00 AM – 12:00 PM
116 (Knott Building)

Steve Crisafulli
Speaker

W. Gregory Steube
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Highway & Waterway Safety Subcommittee

Start Date and Time: Wednesday, January 13, 2016 10:00 am
End Date and Time: Wednesday, January 13, 2016 12:00 pm
Location: 116 Knott Building
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 427 Recreational Vessel Registration by Magar
HB 681 Divers-down Warning Devices by Trumbull
PCS for HB 207 -- Driver Licenses

Consideration of the following proposed committee bill(s):

PCB HWSS 16-02 -- Department of Highway Safety and Motor Vehicles

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, January 12, 2016.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, January 12, 2016.

NOTICE FINALIZED on 01/11/2016 4:07PM by Lawhon.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 427 Recreational Vessel Registration

SPONSOR(S): Magar and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill reduces state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels.

As provided in the bill, an **Emergency Position-Indicating Radio Beacon** means a device installed on the vessel being registered that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

A **Personal Locator Beacon** means a device designed to be carried by an individual that:

- Transmits distress signals at a frequency between 406.0 and 406.1 MHz;
- Is manufactured by a company approved to manufacture beacons by the International Cospas-Sarsat Programme; and
- Is registered with the United States National Oceanic and Atmospheric Administration.

The bill will have a significant negative impact on state revenue. (See Fiscal Section)

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Vessel Registration

Vessels operated, used, or stored on the waters of this state must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) as a commercial or recreational¹ vessel, unless:

- The vessel is operated, used, and stored exclusively on private lakes and ponds;
- The vessel is owned by the U.S. Government;
- The vessel is used exclusively as a ship's lifeboat; or
- The vessel is non-motor-powered and less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.²

Vessels are classified by their length which determines the base registration fee. The vessel registration fee for a 12-month period is as follows:

- *Class A-1*: Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length: \$5.50;
- *Class A-2*: 12 feet or more and less than 16 feet in length: \$16.25;
- *Class 1*: 16 feet or more and less than 26 feet in length: \$28.75;
- *Class 2*: 26 feet or more and less than 40 feet in length: \$78.25;
- *Class 3*: 40 feet or more and less than 65 feet in length: \$127.75;
- *Class 4*: 65 feet or more and less than 110 feet in length: \$152.75;
- *Class 5*: 110 feet or more in length: \$189.75; and
- *Dealer registration certificate*: \$25.50.³

Additionally, any county may impose an annual registration fee on vessels registered, operated, used, or stored on the waters of this state within its jurisdiction. This fee is 50 percent of the applicable state registration fee, however the first \$1 of every registration must be remitted to the state for deposit in the Save the Manatee Trust Fund.⁴ This optional county fee is retained by the county where the vessel is registered and is to be used for patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities within the municipality or county.⁵

NOAA Search and Rescue Satellite Aided Tracking

The National Oceanic and Atmospheric Administration (NOAA) operates the nation's Search and Rescue Satellite Aided Tracking (SARSAT) system to detect mariners, aviators, and others all over the globe by using satellites in low-earth and geostationary orbits to detect and locate beacon-users in distress.⁶

¹ s. 327.02(37), F.S. defines a "recreational vessel" as a vessel manufactured and used primarily for noncommercial purposes, or a vessel leased, rented, or chartered to a person for his or her noncommercial use.

² s. 328.48(2), F.S.

³ s. 328.72(1), F.S.

⁴ s. 328.66, F.S.

⁵ *Id.*

⁶ NOAA, *Welcome to SARSAT*, <http://www.sarsat.noaa.gov/index.html>. (last visited January 5, 2016).

The United States and the governments of Canada, France, and Russia have an agreement to provide for long-term operation of the COSPAS-SARSAT⁷ (C-S) Program, which also provides space-based relay of distress signals or alerts from emergency beacons. The program provides alerts to search and rescue authorities internationally.

Ground stations are called Local User Terminals (LUTs), which are satellite receiving units. LUTs are fully automated and unmanned. When an LUT receives a distress signal detected by satellite, it is transmitted to the mission control center (MCC) that operates that particular LUT. The MCC collects, stores, and sorts alerts from LUTs and other MCCs and distributes the alerts to search and rescue authorities and other MCCs.⁸

Locator Beacons

The emergency beacons used to detect those in distress operate only in the 406.0 to 406.1 megahertz (MHz) frequency band to transmit digital messages to satellites for transmission to the appropriate LUT. The frequency is restricted to low power satellite emergency position-indicating beacons in the mobile satellite service. According to NOAA, two types of 406 MHz emergency beacons are:

- *Emergency Position-Indicating Radio Beacons*, or EPIRBs:
An EPIRB is an emergency position-indicating radio beacon used in maritime watercraft that can be automatically or manually activated to transmit a distress signal to a satellite. EPIRBs that activate automatically typically have a hydro-static release mechanism that, when immersed, allows the beacon to release from its bracket, float to the surface and start transmitting. The beacon, along with the bracket, has to sink to approximately 3 meters before it will activate automatically. This should be taken into account when mounting an automatic EPIRB; and
- *Personal Locator Beacons*, or PLBs:
A PLB is a personal locator beacon designed to be carried by an individual that can only be activated manually. PLBs can be used by people operating in remote areas.⁹

Registration of Beacons with NOAA

Registration of a 406 MHz emergency beacon, and subsequent updating if the information changes, is free and required by Title 47 of the Code of Federal Regulations, part 80 for EPIRBs and part 95 for PLBs. Information provided in a registration is used by search and rescue authorities, along with the distress signal from the beacon, solely to help locate and rescue those in distress. NOAA provides an online system for initial and updated beacon registrations, and registration must be renewed every two years.¹⁰

NOAA indicated, as of October 6, 2015, 12,295 EPIRBs were registered indicating the vessel was registered in Florida, and 26,078 PLBs were registered indicating boat usage with a Florida mailing addresses.¹¹ Based on this data, approximately 10 percent of vessels currently registered in Florida would qualify for the reduced registration fee.

Proposed Change

⁷ COSPAS is a Russian acronym for “Space System for Search of Vessels in Distress.” See the SARSAT FAQ website: <http://www.sarsat.noaa.gov/faq%202.html>. (last visited January 5, 2016).

⁸ Id.

⁹ Id.

¹⁰ Id., NOAA prefers owners register beacons online at www.beaconregistration.noaa.gov, however individuals may also mail or fax signed registration forms.

¹¹ Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf (last visited January 5, 2016).

Section 1 of the bill amends s. 328.72, F.S., reducing state vessel registration fees for recreational vessels equipped with an Emergency Position-Indicating Radio Beacon, or for a recreational vessel where the owner owns a Personal Locator Beacon. The beacon must be registered with the National Oceanic and Atmospheric Administration in order for the owner to qualify for the reduced registration fee. A person who owns a personal locator beacon and who owns more than one recreational vessel qualifies to pay the reduced fee for only one of their vessels. The registration fees are reduced as follows:

Recreational Vessel Registration Fees for Each 12-Month Period		
<i>Class of Vessel</i>	<i>Current Base Fee</i>	<i>Reduced Base Fee</i>
Class A-1	\$5.50	\$2.90
Class A-2	\$16.25	\$11.00
Class 1	\$28.75	\$20.40
Class 2	\$78.25	\$57.50
Class 3	\$127.75	\$94.65
Class 4	\$152.75	\$113.40
Class 5	\$189.75	\$141.15

The Department of Highway Safety and Motor Vehicles (DHSMV) may adopt rules specifying what constitutes sufficient proof to qualify for the reduced registration fees, but the proof must contain at least:

- The name of the beacon owner.
- The expiration date of the beacon's registration.
- The unique identification number of the beacon.
- For vessels equipped with an emergency position-indicating radio beacon, identification of the vessel equipped with the beacon.

For each vessel registration qualifying for reduced registration fees, an amount equal to the difference between the full registration fee amount and the actual amount of the registration fee paid for such vessel registration shall be transferred from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles and shall be distributed pursuant to s. 328.76, F.S..

Section 2 provides that the funds transferred from the General Revenue Fund may be deposited as specified in the Marine Resources Conservation Trust Fund.

Section 3 provides that the County Optional Fee for vessel registration remains 50 percent of the applicable state registration fee *without* consideration of the reduced fees.

Section 4 provides that the bill has an effective date of July 1, 2016.

B. SECTION DIRECTORY:

Section 1 Amends s. 328.72, F.S., providing definitions; providing for a reduced recreational vessel registration fee when the vessel is equipped with an emergency position indicating radio beacon or the owner of the vessel owns a personal locator beacon; limiting application to one vessel per owner; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules relating to proof of qualification; providing for certain funds to supplement the reduced amounts collected.

Section 2 Amends s. 328.76, F.S., relating to the Marine Resources Conservation Trust Fund; providing for use of the supplemental funds.

Section 3 Amends s. 328.66, F.S., relating to county and municipality optional registration fees; specifying that the reduced fees do not apply to the limitation on registration fees charged by a county.

Section 4 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference (REC) reviewed the bill on October 29, 2015, and estimated the bill will reduce the total sum of recreational vessel registration fees collected by DHSMV by \$500,000 for Fiscal Year 2016-2017 resulting in a negative impact on General Revenue funds of \$500,000 per fiscal year on a recurring basis.¹²

2. Expenditures:

DHSMV estimates 790 programming hours will be required for implementation at a cost of \$57,280.¹³

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces recreational vessel registration fees for vessels equipped with or whose owner owns certain registered location beacons.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

¹² Revenue Estimating Conference, *Analysis of HB 427 – Vessel Registration Location Indicating Devices* (Oct. 29, 2015) available at: http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/Impact1029.pdf (last visited January 5, 2016).

¹³ Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2016 House Bill 427*, p.5 (October 28, 2015) (On file with the House Highway and Waterway Safety Subcommittee).

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill provides that DHSMV may adopt rules specifying what constitutes sufficient proof to qualify for reduced vessel registration fees. The bill specifies a minimum level of proof requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to recreational vessel registration;
 3 amending s. 328.72, F.S.; providing definitions;
 4 providing for a reduced recreational vessel
 5 registration fee when the vessel is equipped with an
 6 emergency position indicating radio beacon or the
 7 owner of the vessel owns a personal locator beacon;
 8 limiting application to one vessel per owner;
 9 authorizing the Department of Highway Safety and Motor
 10 Vehicles to adopt rules relating to proof of
 11 qualification; providing for certain funds to
 12 supplement the reduced amounts collected; amending s.
 13 328.76, F.S., relating to the Marine Resources
 14 Conservation Trust Fund; providing for use of the
 15 supplemental funds; amending s. 328.66, F.S., relating
 16 to county and municipality optional registration fees;
 17 specifying that the reduced fees do not apply to the
 18 limitation on registration fees charged by a county;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (1) of section 328.72, Florida
 24 Statutes, is amended, and subsection (18) is added to that
 25 section, to read:

26 328.72 Classification; registration; fees and charges;

27 surcharge; disposition of fees; fines; marine turtle stickers.-

28 (1) VESSEL REGISTRATION FEE.-

29 (a) Vessels that are required to be registered shall be
 30 classified for registration purposes according to the following
 31 schedule, ~~and,~~ except as provided in subsection (18), the
 32 registration certificate fee shall be in the following amounts:

33 1. Class A-1-Less than 12 feet in length, and all canoes
 34 to which propulsion motors have been attached, regardless of
 35 length: \$5.50 for each 12-month period registered.

36 2. Class A-2-12 feet or more and less than 16 feet in
 37 length: \$16.25 for each 12-month period registered. ~~(To county):~~
 38 2.85 for each 12-month period registered.

39 3. Class 1-16 feet or more and less than 26 feet in length:
 40 \$28.75 for each 12-month period registered. ~~(To county):~~ 8.85
 41 for each 12-month period registered.

42 4. Class 2-26 feet or more and less than 40 feet in
 43 length: \$78.25 for each 12-month period registered. ~~(To county):~~
 44 32.85 for each 12-month period registered.

45 5. Class 3-40 feet or more and less than 65 feet in
 46 length: \$127.75 for each 12-month period registered. ~~(To~~
 47 ~~county):~~ 56.85 for each 12-month period registered.

48 6. Class 4-65 feet or more and less than 110 feet in
 49 length: \$152.75 for each 12-month period registered. ~~(To~~
 50 ~~county):~~ 68.85 for each 12-month period registered.

51 7. Class 5-110 feet or more in length: \$189.75 for each
 52 12-month period registered. ~~(To county):~~ 86.85 for each 12-month

53 | period registered.

54 | 8. Dealer registration certificate: \$25.50 for each 12-
55 | month period registered.

56 | (b) The county portion of the vessel registration fee is
57 | derived from recreational vessels only.

58 | (18) REDUCED VESSEL REGISTRATION FEE.-

59 | (a) As used in this subsection, the term:

60 | 1. "Emergency position-indicating radio beacon" means a
61 | device installed on the vessel being registered that:

62 | a. Transmits distress signals at a frequency between 406.0
63 | and 406.1 MHz;

64 | b. Is manufactured by a company approved to manufacture
65 | beacons by the International Cospas-Sarsat Programme; and

66 | c. Is registered with the United States National Oceanic
67 | and Atmospheric Administration.

68 | 2. "Full registration fee amount" means the registration
69 | fee as provided in subsection (1) and not the reduced vessel
70 | registration fee specified in this subsection.

71 | 3. "Personal locator beacon" means a device designed to be
72 | carried by an individual that:

73 | a. Transmits distress signals at a frequency between 406.0
74 | and 406.1 MHz;

75 | b. Is manufactured by a company approved to manufacture
76 | beacons by the International Cospas-Sarsat Programme; and

77 | c. Is registered with the United States National Oceanic
78 | and Atmospheric Administration.

79 (b) The registration certificate fee imposed under
 80 subsection (1) for a recreational vessel equipped with an
 81 emergency position-indicating radio beacon, or for a
 82 recreational vessel the owner of which owns a personal locator
 83 beacon, shall be reduced to the following amounts for each 12-
 84 month period registered:

- 85 1. Class A-1-\$2.90.
- 86 2. Class A-2-\$11.00.
- 87 3. Class 1-\$20.40.
- 88 4. Class 2-\$57.50.
- 89 5. Class 3-\$94.65.
- 90 6. Class 4-\$113.40.
- 91 7. Class 5-\$141.15.

92 (c) A person who owns a personal locator beacon and who
 93 owns more than one recreational vessel qualifies to pay the
 94 reduced fee under paragraph (b) for only one such vessel.

95 (d) In order to qualify for reduced registration fees
 96 under this subsection, a vessel owner must, at the time of
 97 registration, demonstrate that the vessel is equipped with an
 98 emergency position-indicating radio beacon or that the vessel
 99 owner owns a personal locator beacon. The Department of Highway
 100 Safety and Motor Vehicles may adopt rules specifying what
 101 constitutes sufficient proof to qualify for reduced registration
 102 fees under this subsection, but such proof must contain, at a
 103 minimum, the following:

- 104 1. The name of the beacon owner.

- 105 2. The expiration date of the beacon's registration.
- 106 3. The unique identification number of the beacon.
- 107 4. For vessels equipped with an emergency position-
- 108 indicating radio beacon, identification of the vessel equipped
- 109 with the beacon.

110 (e) For each vessel registration qualifying for reduced
 111 registration fees under this subsection, an amount equal to the
 112 difference between the full registration fee amount and the
 113 actual amount of registration fee paid for such vessel
 114 registration shall be transferred from the General Revenue Fund
 115 to the Department of Highway Safety and Motor Vehicles and shall
 116 be distributed pursuant to s. 328.76.

117 Section 2. Subsection (1) of section 328.76, Florida
 118 Statutes, is amended to read:

119 328.76 Marine Resources Conservation Trust Fund; vessel
 120 registration funds; appropriation and distribution.—

121 (1) Except as otherwise specified in this subsection and
 122 less the amount equal to any administrative costs which shall be
 123 deposited in the Highway Safety Operating Trust Fund, in each
 124 fiscal year beginning on or after July 1, 2001, all funds
 125 collected from the registration of vessels through the
 126 Department of Highway Safety and Motor Vehicles and the tax
 127 collectors of the state and funds transferred from the General
 128 Revenue Fund pursuant to s. 328.72(18), except for those funds
 129 designated as the county portion pursuant to s. 328.72(1), shall
 130 be deposited in the Marine Resources Conservation Trust Fund for

131 recreational channel marking; public launching facilities; law
 132 enforcement and quality control programs; aquatic weed control;
 133 manatee protection, recovery, rescue, rehabilitation, and
 134 release; and marine mammal protection and recovery. The funds
 135 collected pursuant to s. 328.72(1) shall be transferred as
 136 follows:

137 (a) In each fiscal year, an amount equal to \$1.50 for each
 138 commercial and recreational vessel registered in this state
 139 shall be transferred by the Department of Highway Safety and
 140 Motor Vehicles to the Save the Manatee Trust Fund and shall be
 141 used only for the purposes specified in s. 379.2431(4).

142 (b) An amount equal to \$2 from each recreational vessel
 143 registration fee, except that for class A-1 vessels, shall be
 144 transferred by the Department of Highway Safety and Motor
 145 Vehicles to the Invasive Plant Control Trust Fund in the Fish
 146 and Wildlife Conservation Commission for aquatic weed research
 147 and control.

148 (c) An amount equal to 40 percent of the registration fees
 149 from commercial vessels shall be transferred by the Department
 150 of Highway Safety and Motor Vehicles to the Invasive Plant
 151 Control Trust Fund in the Fish and Wildlife Conservation
 152 Commission for aquatic plant research and control.

153 (d) An amount equal to 40 percent of the registration fees
 154 from commercial vessels shall be transferred by the Department
 155 of Highway Safety and Motor Vehicles, on a monthly basis, to the
 156 General Inspection Trust Fund of the Department of Agriculture

157 and Consumer Services. These funds shall be used for shellfish
 158 and aquaculture development and quality control programs.

159 (e) After all administrative costs are funded and the
 160 distributions in paragraphs (a)-(d) have been made, up to
 161 \$400,000 shall be transferred by the Department of Highway
 162 Safety and Motor Vehicles to the General Inspection Trust Fund
 163 of the Department of Agriculture and Consumer Services to fund
 164 activities relating to the protection, restoration, and research
 165 of the natural oyster reefs and beds of the state. This
 166 paragraph expires July 1, 2017.

167 (f) After all administrative costs are funded and the
 168 distributions in paragraphs (a)-(d) have been made, up to
 169 \$300,000 may be used by the Fish and Wildlife Conservation
 170 Commission for boating safety education. This paragraph expires
 171 July 1, 2017.

172 Section 3. Subsection (1) of section 328.66, Florida
 173 Statutes, is amended to read:

174 328.66 County and municipality optional registration fee.-

175 (1) Any county may impose an annual registration fee on
 176 vessels registered, operated, used, or stored on the waters of
 177 this state within its jurisdiction. This fee shall be 50 percent
 178 of the applicable state registration fee as provided in s.
 179 328.72(1) and not the reduced vessel registration fee specified
 180 in s. 328.72(18). However, the first \$1 of every registration
 181 imposed under this subsection shall be remitted to the state for
 182 deposit in the Save the Manatee Trust Fund created within the

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183 Fish and Wildlife Conservation Commission, and shall be used
 184 only for the purposes specified in s. 379.2431(4). All other
 185 moneys received from such fee shall be expended for the patrol,
 186 regulation, and maintenance of the lakes, rivers, and waters and
 187 for other boating-related activities of such municipality or
 188 county. A municipality that was imposing a registration fee
 189 before April 1, 1984, may continue to levy such fee,
 190 notwithstanding the provisions of this section.

191 Section 4. This act shall take effect July 1, 2016.



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
2 Subcommittee
3 Representative Magar offered the following:

Amendment

Remove lines 85-91 and insert:

- 7 1. Class A-1-\$4.13.
- 8 2. Class A-2-\$12.19.
- 9 3. Class 1-\$21.56.
- 10 4. Class 2-\$58.69.
- 11 5. Class 3-\$95.81.
- 12 6. Class 4-\$114.56.
- 13 7. Class 5-\$142.31.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 681 Divers-down Warning Devices
SPONSOR(S): Trumbull
TIED BILLS: IDEN./SIM. **BILLS:** SB 846

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Economic Affairs Committee			

SUMMARY ANALYSIS

To caution nearby boaters, Florida law requires all divers¹ to prominently display a "divers-down" flag or buoy when in the water unless they are in an area customarily only used for swimming.² The divers-down flag or buoy must meet certain size and display requirements.

The bill revises definitions and requirements for the use and display of "divers-down buoy", "divers-down flag", and "divers-down symbol" and creates a new term of "divers-down warning device".

The term "*divers-down warning device*," is defined as a divers-down flag, buoy, or other similar warning device that:

- 1) Contains a divers-down symbol that is at least 12 inches by 12 inches in dimension when displayed from the water or at least 20 by 24 inches in dimension when displayed from a vessel;
- 2) Is designed for, and used by, divers and dive vessels as a means to notify nearby boaters of the presence of a diver in the waters of the immediate area; and
- 3) Is prominently visible when in use.

Conforming provisions to changes made are also provided in the bill.

The bill has no fiscal impact on state funds.

The bill provides an effective date of July 1, 2016.

¹ Section 327.331(1)(a), F.S. defines "diver" as a person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

² s. 327.331(2), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Divers-Down Symbol, Flag, and Buoy

Section 327.331, F.,S., provides regulations for divers and requires the use of a divers-down flag or buoy anytime a diver is wholly or partially submerged in state waters and is equipped with a face mask and snorkel or an underwater breathing apparatus.

This section provides the following definitions and requirements:

- "Diver" means a person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.
- "Divers-down buoy" means a buoyant device, other than a vessel, which displays a divers-down symbol of at least 12 inches by 12 inches on three or four flat sides, which is prominently visible on the water's surface when in use.
- "Divers-down flag" means a flag that meets the following specifications:
 - The flag must be square or rectangular. If rectangular, the length must not be less than the height, or more than 25 percent longer than the height. The flag must have a wire or other stiffener to hold it fully unfurled and extended in the absence of a wind or breeze.
 - The flag must consist of a divers-down symbol on each side with a white diagonal stripe that begins at the top staff-side of the flag and extends diagonally to the lower opposite corner.
 - The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.
 - Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or such other location which provides that the visibility of the divers-down flag is not obstructed in any direction.
- "Divers-down symbol" means a rectangular or square red symbol with a white diagonal stripe. If rectangular, the length must not be less than the height or more than 25 percent longer than the height. The width of the stripe must be 25 percent of the height of the symbol.
- "Underwater breathing apparatus" means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is enabled to obtain or reuse air or any other gas or gases for breathing without returning to the surface of the water.

Displaying a Divers-Down Flag or Buoy

All divers must prominently display a divers-down flag or buoy in the area in which the diving occurs, other than when diving in an area customarily used only for swimming.³ Any divers-down flag displayed from a vessel must be displayed from the highest point of the vessel or a location which provides visibility of the divers-down flag, unobstructed, in any direction.⁴ A divers-down buoy may not be used or displayed onboard a vessel.⁵ A diver or group of divers may not display one or more divers-down flags or buoys on a river, inlet, or navigation channel, except in case of emergency, in a manner which shall unreasonably constitute a navigational hazard.⁶

³ s. 327.331(2), F.S.

⁴ s. 327.331(1)(c)4, F.S.

⁵ s. 327.331(2), F.S.

⁶ s. 327.332(3), F.S.

Requirements for Boaters and Divers

Divers are required to make reasonable efforts to stay within 100 feet of a divers-down flag or buoy on rivers, inlets, and navigational channels, and vessels are required to maintain a distance of at least 100 feet from any divers-down flag or buoy.⁷ On all waters that are not rivers, inlets, or navigational channels, this "100 feet requirement" becomes a 300 feet requirement.⁸ Additionally, vessels (other than law enforcement vessels or rescue vessel) that do approach within the 100 or 300 foot requirement from a divers-down flag or buoy must proceed "no faster than is necessary to maintain headway and steerageway".⁹

A divers-down flag or buoy may not be displayed once all divers are aboard or ashore.¹⁰

Any violation of the diver-down requirements results in a noncriminal infraction (insofar as it does not violate s. 327.33, F.S., relating to reckless or careless operation of a vessel) punishable as provided in s. 327.73, F.S.¹¹ Pursuant to that section, a person cited for violating the divers-down flag or buoy requirements must appear before the county court and pay a \$50 civil penalty.

To facilitate compliance with the regulations by persons operating vessels, boater education and boater safety courses must include a component regarding diving vessels, awareness of divers in the water, divers-down flags and buoys, and the divers-down flag requirements in s. 327.331, F.S.¹²

Diving Statistics

From 2010 to 2014 there were 18 reportable boating accidents which involved divers or snorkelers in areas where a dive flag or buoy would be required. Of those there were:

- 6 accidents involving the diver being struck by another vessel and the dive flag was properly displayed. These accidents resulted in 7 injuries.
- 3 accidents involving the diver being struck by another vessel but a dive flag was not displayed, or not properly displayed. These accidents resulted in 1 fatality and 3 injuries.
- 9 accidents involved the diver being injured by their own vessel, either during boarding or the operator controlling the engine around them. These accidents resulted in 9 injuries.¹³

Proposed Changes

Section 1 amends s. 327.331, F.S., to include the term "divers-down warning device," which is defined as a divers-down flag, buoy, or other similar warning device that:

- 1) Contains a divers-down symbol that is at least 12 inches by 12 inches in dimension when displayed from the water or at least 20 by 24 inches in dimension when displayed from a vessel;
- 2) Is designed for, and used by, divers and dive vessels as a means to notify nearby boaters of the presence of a diver in the waters of the immediate area; and
- 3) Is prominently visible when in use.

Section 2 amends s. 327.395(3), F.S., conforming provision to changes made by the bill.

⁷ s. 327.331(4), F.S.

⁸ s. 327.331(5), F.S.

⁹ s. 327.331(6), F.S.

¹⁰ s. 327.331(7), F.S.

¹¹ s. 327.331(8), F.S.

¹² s. 327.395(3), F.S.

¹³ Email from the Florida Fish and Wildlife Commission on file with the Highway and Waterway Safety Subcommittee (December 21, 2015)

Section 3 amends s. 327.73(1)(u), F.S., relating to noncriminal infractions, by replacing divers-down flags and buoys with divers-down warning devices.

Section 4 reenacts s. 327.33(1), F.S., related to the reckless or careless operation of a vessel.

B. SECTION DIRECTORY:

Section 1 Amends s. 327.331, F.S., revising the definitions of the terms "Divers-down buoy," "Divers-down flag," and "Divers-down symbol"; defining the term "divers-down warning device"; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices.

Section 2 Amends s. 327.395, F.S., conforming provisions to changes made by the bill.

Section 3 Amends s. 327.73, F.S., conforming provisions to changes made by the bill.

Section 4 Reenacts s. 327.33(1), F.S., relating to reckless or careless operation of a vessel, to incorporate the amendment made to s. 327.331, F.S.

Section 5 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to divers-down warning devices; amending s. 327.331, F.S.; revising the definitions of the terms "divers-down buoy," "divers-down flag," and "divers-down symbol"; defining the term "divers-down warning device"; expanding the types of indicators or devices allowed to be used to signal the presence of submerged divers; specifying requirements for divers-down warning devices; amending ss. 327.395 and 327.73, F.S.; conforming provisions to changes made by the act; reenacting s. 327.33(1), F.S., relating to reckless or careless operation of a vessel, to incorporate the amendment made to s. 327.331, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 327.331, Florida Statutes, is amended to read:

327.331 Divers; definitions; divers-down warning device ~~flag or buoy~~ required; obstruction to navigation of certain waters; penalty.—

(1) As used in this section:

(a) "Diver" means a person who is wholly or partially submerged in the waters of the state and is equipped with a face mask and snorkel or underwater breathing apparatus.

27 (b) "Divers-down buoy" means a buoyant device, other than
 28 a vessel, which displays a divers-down symbol ~~of at least 12~~
 29 ~~inches by 12 inches~~ on three or four flat sides, ~~which is~~
 30 ~~prominently visible on the water's surface when in use.~~

31 (c) "Divers-down flag" means a flag that displays a
 32 divers-down symbol and that meets the following specifications:

33 1. ~~Is~~ The flag must be square or rectangular. ~~If~~
 34 ~~rectangular, the length must not be less than the height, or~~
 35 ~~more than 25 percent longer than the height. The flag must have~~
 36 ~~a wire or other stiffener to hold it fully unfurled and extended~~
 37 ~~in the absence of a wind or breeze.~~

38 2. ~~The flag must consist of~~ and has a divers-down symbol
 39 on each face. ~~side~~

40 2. Has with a white diagonal stripes on each face which
 41 begin stripe that begins at the top, staff-side of the flag and
 42 extend extends diagonally to the lower opposite corner.

43 3. If rectangular, is of a length that is not less than
 44 the height or more than 25 percent longer than the height.

45 4. Has a wire, or other stiffener, or is otherwise
 46 constructed to ensure that it remains fully unfurled and
 47 extended in the absence of a wind or breeze.

48 3. ~~The minimum size for any divers-down flag displayed on~~
 49 ~~a buoy or float towed by the diver is 12 inches by 12 inches.~~
 50 ~~The minimum size for any divers-down flag displayed from a~~
 51 ~~vessel or structure is 20 inches by 24 inches.~~

52 4. ~~Any divers-down flag displayed from a vessel must be~~

53 | ~~displayed from the highest point of the vessel or such other~~
 54 | ~~location which provides that the visibility of the divers-down~~
 55 | ~~flag is not obstructed in any direction.~~

56 | (d) "Divers-down symbol" means a rectangular or square red
 57 | symbol with a white diagonal stripe. If rectangular, the length
 58 | may ~~must~~ not be less than the height or more than 25 percent
 59 | longer than the height. The width of the stripe must be 25
 60 | percent of the height of the symbol and the stripes must be
 61 | oriented in the same direction if multiple stripes are
 62 | displayed.

63 | (e) "Divers-down warning device" means a divers-down flag,
 64 | buoy, or other similar warning device that:

65 | 1. Contains a divers-down symbol that is at least 12
 66 | inches by 12 inches in dimension when displayed from the water
 67 | or at least 20 by 24 inches in dimension when displayed from a
 68 | vessel;

69 | 2. Is designed for, and used by, divers and dive vessels
 70 | as a means to notify nearby boaters of the presence of a diver
 71 | in the waters of the immediate area; and

72 | 3. Is prominently visible when in use.

73 | (f)(e) "Underwater breathing apparatus" means any
 74 | apparatus, whether self-contained or connected to a distant
 75 | source of air or other gas, whereby a person wholly or partially
 76 | submerged in water is enabled to obtain or reuse air or any
 77 | other gas or gases for breathing without returning to the
 78 | surface of the water.

79 (2) All divers must prominently display a divers-down
 80 warning device ~~flag or buoy~~ in the area in which the diving
 81 occurs, other than when diving in an area customarily used for
 82 swimming only. A divers-down buoy may not be used or displayed
 83 onboard a vessel.

84 (3) A diver or group of divers may not display one or more
 85 divers-down warning devices ~~flags or buoys~~ on a river, inlet, or
 86 navigation channel, except in case of emergency, in a manner
 87 that ~~which shall~~ unreasonably constitutes ~~constitute~~ a
 88 navigational hazard.

89 (4) Divers shall make reasonable efforts to stay within
 90 100 feet of a divers-down warning device ~~flag or buoy~~ on rivers,
 91 inlets, and navigation channels. A person operating a vessel on
 92 a river, inlet, or navigation channel must make a reasonable
 93 effort to maintain a distance of at least 100 feet from any
 94 divers-down warning device ~~flag or buoy~~.

95 (5) Divers must make reasonable efforts to stay within 300
 96 feet of a divers-down warning device ~~flag or buoy~~ on all waters
 97 other than rivers, inlets, and navigation channels. A person
 98 operating a vessel on waters other than a river, inlet, or
 99 navigation channel must make a reasonable effort to maintain a
 100 distance of at least 300 feet from any divers-down warning
 101 device ~~flag or buoy~~.

102 (6) A vessel other than a law-enforcement ~~law enforcement~~
 103 or rescue vessel that approaches within 100 feet of a divers-
 104 down warning device ~~flag or buoy~~ on a river, inlet, or

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105 | navigation channel, or within 300 feet of a divers-down warning
106 | device ~~flag or buoy~~ on waters other than a river, inlet, or
107 | navigation channel, must proceed no faster than is necessary to
108 | maintain headway and steerageway.

109 | (7) A divers-down warning device ~~flag or buoy~~ may not be
110 | displayed once all divers are aboard or ashore. A person may not
111 | operate any vessel displaying a divers-down warning device ~~flag~~
112 | unless the vessel has one or more divers in the water.

113 | (8) A divers-down flag displayed from a vessel must be
114 | displayed from the highest point of the vessel or another
115 | location that ensures the visibility of the divers-down flag is
116 | not obstructed from any direction.

117 | (9) ~~(8)~~ Except as provided in s. 327.33, a violation of
118 | this section is a noncriminal infraction punishable as provided
119 | in s. 327.73.

120 | Section 2. Subsection (3) of section 327.395, Florida
121 | Statutes, is amended to read:

122 | 327.395 Boating safety identification cards.—

123 | (3) Any commission-approved boater education or boater
124 | safety course, course-equivalency examination developed or
125 | approved by the commission, or temporary certificate examination
126 | developed or approved by the commission must include a component
127 | regarding diving vessels, awareness of divers in the water,
128 | divers-down warning devices ~~flags and buoys~~, and the
129 | requirements of s. 327.331.

130 | Section 3. Paragraph (u) of subsection (1) of section

131 327.73, Florida Statutes, is amended to read:

132 327.73 Noncriminal infractions.—

133 (1) Violations of the following provisions of the vessel
134 laws of this state are noncriminal infractions:

135 (u) Section 327.331, relating to divers-down warning
136 devices ~~flags and buoys~~, except for violations meeting the
137 requirements of s. 327.33.

138

139 Any person cited for a violation of any provision of this
140 subsection shall be deemed to be charged with a noncriminal
141 infraction, shall be cited for such an infraction, and shall be
142 cited to appear before the county court. The civil penalty for
143 any such infraction is \$50, except as otherwise provided in this
144 section. Any person who fails to appear or otherwise properly
145 respond to a uniform boating citation shall, in addition to the
146 charge relating to the violation of the boating laws of this
147 state, be charged with the offense of failing to respond to such
148 citation and, upon conviction, be guilty of a misdemeanor of the
149 second degree, punishable as provided in s. 775.082 or s.
150 775.083. A written warning to this effect shall be provided at
151 the time such uniform boating citation is issued.

152 Section 4. For the purpose of incorporating the amendment
153 made by this act to section 327.331, Florida Statutes, in a
154 reference thereto, subsection (1) of section 327.33, Florida
155 Statutes, is reenacted to read:

156 327.33 Reckless or careless operation of vessel.—

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157 (1) It is unlawful to operate a vessel in a reckless
158 manner. A person is guilty of reckless operation of a vessel who
159 operates any vessel, or manipulates any water skis, aquaplane,
160 or similar device, in willful or wanton disregard for the safety
161 of persons or property at a speed or in a manner as to endanger,
162 or likely to endanger, life or limb, or damage the property of,
163 or injure any person. Reckless operation of a vessel includes,
164 but is not limited to, a violation of s. 327.331(6). Any person
165 who violates a provision of this subsection commits a
166 misdemeanor of the first degree, punishable as provided in s.
167 775.082 or s. 775.083.

168 Section 5. This act shall take effect July 1, 2016.



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
 2 Subcommittee
 3 Representative Trumbull offered the following:

Amendment

6 Remove line 72

8 Remove lines 107-116 and insert:

9 navigation channel, must proceed no faster than idle-speed, no
 10 wake is necessary to maintain headway and steerageway.

11 (7) A divers-down warning device ~~flag or buoy~~ may not be
 12 displayed once all divers are aboard or ashore. A person may not
 13 operate any vessel displaying a divers-down warning device ~~flag~~
 14 unless the vessel has one or more divers in the water.

15 (8) A divers-down warning device must be prominently
 16 visible when in use. If the divers-down warning device is
 17 displayed from a vessel, it must be displayed from the highest

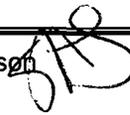


Amendment No.1

18 point of the vessel or such other location that ensures the
19 visibility of the divers-down warning device is not obstructed
20 in any direction. A divers-down buoy must be prominently
21 displayed on the water's surface when in use.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 207 Driver Licenses
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Johnson 	Smith 

SUMMARY ANALYSIS

In general, the bill relates to driver licenses, with a primary focus on revising driver license suspensions for non-driving related reasons. In summary, the bill:

- Revises the application for obtaining a public defender in a criminal case.
- Revises provisions regarding payment plans for court related fines and other monetary penalties, fees, charges, and costs.
- Requires clerks of court wishing to pursue collections using a collection agent or private attorney to competitively bid the contract and accept the bidder with the lowest percentage surcharge.
- Requires traffic citations to contain language regarding payment plans and community service for noncriminal traffic infractions.
- Requires the court to inquire about a person's ability to pay at the time a civil penalty is ordered for a noncriminal traffic infraction.
- Revises the driver license period of revocation, extension of a revocation or suspension, or withholding the issuance of a driver license for persons convicted of certain drug offenses from one year to six months.
- Repeals the discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under 21 years of age.
- Repeals school attendance requirements for minors to be eligible for a driver license.
- Provides that a driver license may not be suspended solely for failure to pay a penalty or court obligation of the person demonstrates that he or she is unable to pay.
- Repeals the driver license suspension for a third or subsequent violation within 12 weeks of the first violation for possession, or the misrepresentation of age or military service to purchase tobacco products or the possession of nicotine or nicotine dispensing products for persons under 18 years of age.
- Repeals the driver license suspension for minor placing graffiti on public or private property.
- Repeals the suspension of a driver license for persons found guilty of theft.
- Repeals the suspension of a driver license in a worthless check case.

The bill has an indeterminate, but significant negative impact on state and local funds. The Revenue Estimating Conference has not yet estimated the impacts of the bill. The state may see a reduction in driver license reinstatement fees associated with a reduction in the number of driver license suspensions and revocations. The state may incur some expenses associated with updating forms to comply with provisions of the bill, County tax collectors may see a reduction in fees and expenses due to a reduction in the number of driver license reinstatements being processed. The clerks of court will also see a reduction in revenue, due to a reduction in the driver license reinstatement fees it collects.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Driver license suspensions¹ and revocations² take away a person's privilege to drive. Although originally intended as a sanction to address poor driving behavior, driver's license suspensions and revocations are now used as a means to punish individuals engaged in non-driving related behavior.

OPPAGA Report

According to a February 2014 Office of Program Policy Analysis & Government Accountability (OPPAGA) report entitled "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons," in fiscal year 2012-2013, the Department of Highway Safety and Motor Vehicles (DHSMV) suspended or revoked approximately 1.3 million driver licenses. Of this amount, more than 167,000 were for non-driving-related reasons.³ These reasons included the failure to pay child support, failure to pay court financial obligations, conviction of drug-related offenses, non-compliance with school attendance (truancy), failure to appear in court for a worthless check offense, and conviction of misdemeanor theft offenses.⁴

The table below lists the various reasons for driver license suspensions for non-driving related reasons and the number of suspensions for calendar year 2014.⁵

Reason	Number of Suspensions
Violation of a Controlled Substance	19,168
Worthless Check	906
Theft	508
Tobacco	205

Alternatives

As a result of its findings, OPPAGA provided the following Legislative alternatives to modify the use of driver license sanctions for non-driving-related reasons:

- Leave driver license suspension for failure to appear in court on a worthless check, and for a conviction of misdemeanor theft offense charge, at the court's discretion.
- Explore modifying or opting out of Florida's implementation of the federal mandate requiring driver license suspension for drug convictions.
- Codify Department of Revenue (DOR) child support enforcement practices regarding the use of driver license suspensions.
- Evaluate the effectiveness of driver license suspension for school truancy.⁶

Drug Offenses

In 1992, Congress amended the Federal Highway Apportionment Act to encourage states to enact and enforce driver license suspensions or revocations for drug offenders.⁷ The law withholds a portion of

¹ Section 322.01(40), F.S., defines "suspension" as "the temporary withdrawal of a licensee's privilege to drive a motor vehicle."

² Section 322.01(36), F.S., defines "revocation" as "termination of a licensee's privilege to drive."

³ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Highway & Waterway Safety Subcommittee.

⁴ Id.

⁵ DHSMV, PowerPoint Presentation to the Florida Senate Committee on Transportation (Sep. 16, 2015), available at: http://www.flsenate.gov/PublishedContent/Committees/2014-2016/TR/MeetingRecords/MeetingPacket_3156_2.pdf at p. 35

⁶ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at pages 9-11. This document is on file with the Highway & Waterway Safety Subcommittee.

⁷ Title 23 U.S.C. § 159 and 23 CFR Part 192.

federal highway funds from any state that fails to adopt a law that enforces driver license suspensions or revocations for drug offenders.⁸ The federal law requires participating states to provide a suspension or revocation of at least six months.⁹ However, a governor may submit written certification to the Secretary of the United States Department of Transportation that she or he opposes the revocation or suspension of driver licenses for certain drug offenses and that the state legislature has adopted a resolution expressing opposition to this law and still qualify for full federal funding.¹⁰

Child Support Enforcement

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted s. 466(a)(16) of the Social Security Act, requiring states to have (and use in appropriate cases) the authority to withhold, suspend or restrict the use of driver licenses of individuals owning past due child support. The United States Department of Health and Human Services Office of Child Support Enforcement (OCSE) is a federal-state program that provides funding to child support agencies in the states to help develop, manage and operate their programs effectively and according to federal law.¹¹ Florida's Child Support Program is administered by the Department of Revenue (DOR), who provides services under the federally required program in 65 counties and through contracts in two counties.¹²

Driver License Reinstatement Fees

A person who applies for reinstatement following suspension or revocation of his or her driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, in addition to the fee for a license.¹³ Of the \$45 fee, DHSMV is required to deposit \$15 into General Revenue (GR) and \$30 into the Highway Safety Operating Trust Fund (HSOTF). Of the \$75 fee, DHSMV is required to deposit \$35 into GR and \$40 into the HSOTF. In addition, county tax collectors are required to charge a service fee of \$6.25 for driver license services, including driver license reinstatements.¹⁴

2014 Legislative Changes

In 2014, the Legislature passed CS/CS/HB 7005,¹⁵ which among other things, revised provisions related to driver license suspensions and revocations for non-driving-related reasons. Specifically, the bill addresses suspension practices resulting from criminal violations, and several practices resulting from child support enforcement policies. In summary the bill:

- Authorized the court to suspend the driver license of a person who fails to appear in court for a worthless check charge only when the person is a previous offender;
- Authorized, rather than required, the court to suspend the driver license of a person guilty of any offense of misdemeanor theft;
- Reduced the length of driver license revocation for drug related convictions from two years to one year;
- Required a court that orders a driver license suspension or revocation for a drug related offense to determine whether the issuance of a business purposes only driver license is appropriate in each case;
- Authorized the issuance of a business purpose only driver license for persons who have had their driver license suspended for violations related to selling, giving, or serving alcohol to minors, or for misdemeanor theft;
- Allowed a child support obligor to avoid the suspension of his or her driver license or motor vehicle registration if extenuating circumstances can be proven;

⁸ Id., at Part 192.9.

⁹ Id., at Part 192.4(a)(1)(i).

¹⁰ Id., at Part 192.4(c)(2).

¹¹ See additional information on the federal Child Support Enforcement Program, at <http://www.acf.hhs.gov/programs/css/about>. (Last visited December 14, 2015).

¹² Florida Department of Revenue, http://dor.myflorida.com/dor/childsupport/about_us.html (Last visited December 10, 2015).

Miami-Dade County cases are handled by the state attorney's office, and Manatee County cases are handled by the Manatee County Clerk of Court.

¹³ Section 322.21(8), F.S.

¹⁴ Section 322.135(1)(c), F.S.

¹⁵ Chapter 2014-216, F.S. CS/CS/HB 7005 was an omnibus bill related to transportation.

- Provided that if a child support obligor who seeks to satisfy the extenuating circumstances conditions does not provide applicable documentation or proof to the depository or clerk of court within 20 days after the date the delinquency notice is mailed, DOR or the clerk of court may file notice with DHSMV to suspend his or her driver license or motor vehicle registration.

PCS for HB 207

Determination of Indigent Status (Section 1)

Current Situation

In general, s. 27.52, F.S., relates to the determination of indigent status for the purpose of obtaining a public defender. Specifically, s. 27.52(1), F.S., relates to provisions regarding the application to the clerk of the court regarding indigent status. The statute provides that a person seeking appointment of a public defender¹⁶ based upon an inability to pay is required to apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerk of Courts Operations Corporation with final approval from the Florida Supreme Court. The application, at a minimum, is required to include, the following financial information:

- Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.
- Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, reemployment assistance or unemployment compensation, dividends, interest, rent, trusts, and gifts.
- Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.
- All liabilities and debts.
- If applicable, the amount of any bail paid for the applicant's release from incarceration and the source of the funds.

Proposed Changes

The bill creates s. 27.52(1)(a)6., F.S., providing that the financial information on the application for indigent status is required to include the election or refusal of the option to fulfill any court ordered financial obligations associated with the case by completing community service as ordered by the court.

Payment of Court Related Fines and Fees (Section 2)

Current Situation

In general, s. 28.246, F.S., relates to the payment of court-related fines and fees. Specifically, s. 28.246(4), F.S., requires the clerk of the circuit court to accept partial payments for court-related fees, service charges, costs, and fines in accordance with the terms of an established payment plan. An individual seeking to defer payment of fees, service charges, costs, or fines imposed by operation of law or order of the court under any provision of general law is required to apply to the clerk of the circuit court for enrollment in a payment plan. The clerk of the circuit court is required to enter into a payment plan with an individual who the court determines is indigent for costs. A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if the amount does not exceed two percent of the person's annual net income,¹⁷ divided by 12. The court may review the reasonableness of the payment plan.

Section 28.246(6), F.S., provides that a clerk of court is required to pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney fees and costs pursuant to s.

¹⁶ The appointment of a public defender is pursuant to s. 27.51, F.S.

¹⁷ Annual net income is defined in s. 27.52(1), F.S.

938.29, F.S.,¹⁸ which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to Ch. 559, F.S.¹⁹ In pursuing the collection of unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Proposed Changes

The bill amends s. 28.246(4), F.S., removing a provision requiring the clerk of court to enter into a payment plan with an individual whom the court determines is indigent for costs. The bill also provides that the monthly payment amount **may not exceed** two percent of the person's annual net income, divided by 12, without the consent of the applicant.

The bill amends s. 28.246(6), F.S., making permissive, rather than mandatory, the authorization for the clerk of court to pursue the collection of certain unpaid fees and removes the provision allowing a collection fee of up to 40 percent being added to the balance owed.

The bill adds new provisions to s. 28.246(6), F.S., providing that if a clerk of court wishes to pursue collection by referring an account to a collection agent or private attorney, the clerk of court at least every two years is required to competitively bid a contract and shall accept the bidder with the **lowest percentage surcharge** added to the referred account. The bill also prohibits the clerk of court from assessing any collections transfer surcharge and the collection agency or private attorney from imposing any additional fees or surcharges other than their contractually agreed upon surcharge.

Traffic Citations (Section 3)

Current Situation

In general, s. 316.650, F.S., relates to traffic citations. Specifically, s. 316.650(1)(a), F.S., requires DHSMV to prepare and supply to every traffic enforcement agency an appropriate traffic citation form that contains a notice to appear, is issued in prenumbered books, meets the requirements of the Florida Uniform Traffic Control Law²⁰ or any Florida laws regulating traffic, and is consistent with the state traffic court rules and the procedures established by DHSMV.

Proposed Changes

The bill creates a new s. 316.650(1)(b), F.S., requiring the traffic citation form to include language indicating that a person may enter into a payment plan with the clerk of court to pay a penalty. The traffic citation form is also required to indicate that a person ordered to pay a penalty for a noncriminal traffic infraction who is unable to comply due to demonstrable financial hardship will be allowed by the court to satisfy payment by participating in community service.²¹

Failure to Comply with Civil Penalty or to Appear (Section 4)

Current Situation

Section 318.15, F.S., provides penalties for failure to comply with civil penalties or failure to appear as it relates to traffic infractions. The statute provides that if a person fails to comply with the civil penalties²² within the time period specified,²³ fails to enter into or comply with the terms of a penalty payment plan

¹⁸ Section 938.29, F.S., relates to legal assistance; lien for payment of attorney's fees or costs.

¹⁹ Chapter 559, F.S., relates to the regulation of trade, commerce, and investments.

²⁰ Chapter 316, F.S.

²¹ The participation in community service is pursuant to s. 318.18(8)(b), F.S.

²² Civil penalties for traffic infractions are provided for in s. 318.18, F.S.

²³ The time period is specified in s. 318.14(4), F.S.

with the clerk of the court,²⁴ fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court is required to notify DHSMV of such failure within 10 days after such failure. Upon receiving such notice, DHSMV is required to immediately issue an order suspending the driver license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed.²⁵ Any such suspension of the driving privilege²⁶ which has not been reinstated, including a similar suspension imposed outside Florida, remains on the records of DHSMV for a period of seven years from the date imposed and shall be removed from the records after the expiration of seven years from the date it is imposed. DHSMV may not accept the resubmission of such suspension.²⁷

However, a person who elects to attend driver improvement school and has paid the civil penalty,²⁸ but who subsequently fails to attend the driver improvement school within the time specified by the court shall be deemed to have admitted the infraction and shall be adjudicated guilty. The clerk of the court is required to notify the DHSMV of the person's failure to attend driver improvement school and points shall be assessed.^{29,30}

A person who is charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or DHSMV to suspend the person's driving privilege, and, upon request, the clerk of the court is required to set the case for hearing. The person is required to be given a form for requesting that his or her driving privilege be reinstated. If the 180th day falls on a Saturday, Sunday, or legal holiday, the person who is charged is required to request a hearing within 177 days after the date upon which the violation occurred; however, the court may grant a request for a hearing made more than 180 days after the date upon which the violation occurred. This does not affect the assessment of late fees as otherwise provided in Ch. 318, F.S.³¹

After the suspension of a person's driver license and privilege to drive, the driver license and driving privilege may not be reinstated until the person complies with the terms of a periodic payment plan or a revised payment plan with the clerk of the court or with all obligations and penalties³² and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge of \$60³³ or presents a certificate of compliance and pays the service charge to the clerk of the court or a driver licensing agent³⁴ clearing such suspension. Of the service charge collected, \$22.50 is remitted to DOR to be deposited into the Highway Safety Operating Trust Fund. Such person must also be in compliance with requirements related to driver licenses³⁵ before reinstatement.³⁶

The clerk of court is required to notify DHSMV of persons who were mailed a notice of violation related to traffic infraction detectors³⁷ pursuant to the Mark Wandall Traffic Safety Program³⁸ and who failed to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer or failed to appear at a scheduled hearing within 10 days after such failure, and is required to reference the person's driver license number, or in the case of a business entity, vehicle registration number.

²⁴ Penalty payment plans with the clerk of court are in accordance with ss. 318.14 and 28.246, F.S.

²⁵ The order of suspension is mailed in accordance with ss. 322.251(1), (2), and (6), F.S.

²⁶ The terms "driver license" and "driving privilege" appear to be used interchangeably throughout the statutes.

²⁷ Section 318.15(1)(a), F.S.

²⁸ The civil penalty is provided in s. 318.14(9), F.S.

²⁹ Points are assessed pursuant to s. 322.27, F.S.

³⁰ Section 318.15(1)(b), F.S.

³¹ Section 318.15(1)(c), F.S.

³² Obligations and penalties are imposed under s. 318.18, F.S.

³³ The service charge is imposed under s. 322.29, F.S.

³⁴ Driver licensing agents are authorized under s. 322.135, F.S.

³⁵ Chapter 322, F.S.

³⁶ Section 318.15(2), F.S.

³⁷ Section 316.074(1) or 316.075(1)(c)1., F.S.

³⁸ Section 316.0083, F.S.

- Upon receipt of such notice, DHSMV, or authorized agent thereof, may not issue a license plate or revalidation sticker for any motor vehicle owned or coowned by that person³⁹ until the amounts assessed have been fully paid.
- After the issuance of the person's license plate or revalidation sticker is withheld⁴⁰ the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid.⁴¹

Proposed Changes

The bill creates s. 318.15(4), F.S., providing that notwithstanding any other law, a person's driver license **may not** be suspended solely for failure to pay a penalty if the person demonstrates to the court that he or she is unable to pay, as evidenced by the person providing documentation to the appropriate clerk of court that:

- The person receives reemployment assistance⁴² or unemployment compensation⁴³ pursuant to Ch. 443, F.S.;
- The person is disabled and incapable of self-support or receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program;
- The person receives temporary cash assistance pursuant to Ch. 414, F.S.;
- The person is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code;⁴⁴
- The person has been placed on a payment plan or payment plans with the clerk of court which in total exceed what is determined to be a reasonable payment plan pursuant to s. 28.246(4), F.S.; or
- The person has been determined to be indigent after filing an application with the clerk of court in accordance with s. 27.52, F.S.,⁴⁵ or s. 57.082, F.S.⁴⁶

Amount of Penalties for Traffic Infractions (Section 5)

Current Situation

In general, s. 318.18, F.S., provides penalties for the disposition of noncriminal and criminal traffic infractions. Specifically, s. 318.18(8)(b), F.S., provides that if a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and the person is unable to comply with the court's order due to demonstrable financial hardship, the court is required to allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.⁴⁷

Proposed Changes

The bill creates a new s. 318.18(8)(b)1.b., F.S., requiring the court to inquire regarding the person's ability to pay at the time the civil penalty is ordered.

³⁹ This is pursuant to s. 320.03(8), F.S.

⁴⁰ The withholding of the license plate or revalidation sticker is pursuant to s. 318.15(2)(a), F.S.

⁴¹ Section 318.15(3), F.S.

⁴² Section 443.036(37), F.S., defines "reemployment assistance" as cash benefits payable to individuals with respect to their unemployment pursuant to the provisions of this chapter. Where the context requires, reemployment assistance also means cash benefits payable to individuals with respect to their unemployment pursuant to 5 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss. 501-504, 1101-1110, and 1321-1324, or pursuant to state laws which have been certified pursuant to 26 U.S.C. s. 3304 and 42 U.S.C. s. 503. Any reference to reemployment assistance shall mean compensation payable from an unemployment fund as defined in 26 U.S.C. s. 3306(f).

⁴³ Section 443.051(1)(a), F.S., defines "reemployment assistance" or "unemployment compensation" means any compensation payable under state law, including amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances for unemployment.

⁴⁴ 11 U.S.C. ss. 101 et seq.

⁴⁵ Section 27.52, F.S., relates to the determination of indigent status in criminal proceedings.

⁴⁶ Section 57.082, F.S., relates to the determination of civil indigent status.

⁴⁷ Section 318.18(8)(b)1a, F.S.

Revocation or suspension of, or delay of eligibility for, driver license for persons 18 years of age or older convicted of certain drug offenses (Section 6)

Current Situation

Section 322.055, F.S., provides that notwithstanding s. 322.28, F.S.,⁴⁸ upon the conviction of a person 18 years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court is required to direct DHSMV to revoke the driver license or driving privilege of the person. The period of such revocation is for **one year** or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families (DCF). However, the court may, in its sound discretion, direct the DHSMV to issue a license for driving privilege restricted to business⁴⁹ or employment purposes only⁵⁰, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under s. 322.055, F.S., or s. 322.056, F.S.,⁵¹ may, upon the expiration of six months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on length of suspension or revocation. In no case shall a restricted license be available until six months of the suspension or revocation period has expired.⁵²

If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver license or privilege, the court is required to direct the DHSMV to withhold issuance of such person's driver license or driving privilege for a period of **one year** after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the DCF. However, the court may, in its sound discretion, direct DHSMV to issue a license for driving privilege restricted to business or employment purposes only, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under s. 322.055, F.S. or s. 322.056, F.S., may, upon the expiration of six months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until six months of the suspension or revocation period has expired.⁵³

If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's driver license or driving privilege is already under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of such suspension or revocation by an additional period of **one year** or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the DCF. However, the court may, in its sound discretion, direct DHSMV to issue a license for driving privilege restricted to business or employment purposes only, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under s. 322.055, F.S., or s. 322.056, F.S., may, upon the expiration of six months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until six months of the suspension or revocation period has expired.⁵⁴

⁴⁸ Section 322.28, F.S., relates to the period of driver license suspension or revocation.

⁴⁹ Section 322.271(1)(c)1., F.S., defines "a driving privilege restricted to business purposes only" as "a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes."

⁵⁰ Section 322.271(1)(c)2., F.S., defines "a driving privilege restricted to employment purposes only" as "a driving privilege that is limited to driving to and from work and any necessary on-the-job driving required by an employer or occupation."

⁵¹ Section 322.056, F.S. relates to the mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.

⁵² Section 322.055(1), F.S.

⁵³ Section 322.055(2), F.S.

⁵⁴ Section 322.055(3), F.S.

If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age⁵⁵ for a driver license or driving privilege, the court is required to direct DHSMV to withhold issuance of such person's driver license or driving privilege for a period of **one year** after the date that he or she would otherwise have become eligible or until he or she becomes eligible by reason of age for a driver license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by DCF. However, the court may, in its sound discretion, direct DHSMV to issue a license for driving privilege restricted to business or employment purposes only if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under s. 322.055, F.S., or s. 322.056, F.S., may, upon the expiration of six months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until six months of the suspension or revocation period has expired.⁵⁶

Proposed Changes

The bill amends s. 322.055(1) through (4), F.S., changing the period of suspension or revocation for each of the circumstances provided above from one year to six months.

Mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition (Section 7)

Current Situation

Section 322.056, F.S., provides that notwithstanding the provisions of s. 322.055, F.S., if a **person under 18 years of age** is found guilty of or delinquent for a violation of certain drug and alcohol and tobacco offenses and:

- The person is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of his or her driver license or driving privilege for a period of:
 - Not less than six months and not more than one year for the first violation.
 - Two years, for a subsequent violation.
- The person's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period of:
 - Not less than six months and not more than one year for the first violation.
 - Two years, for a subsequent violation.
- The person is ineligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to withhold issuance of his or her driver license or driving privilege for a period of:
 - Not less than six months and not more than one year after the date on which he or she would otherwise have become eligible, for the first violation.
 - Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may, in its sound discretion, direct DHSMV to issue a license for driving privileges restricted to business or employment purposes only if the person is otherwise qualified for such a license.⁵⁷

If a **person under 18 years of age** is found by the court to have committed a noncriminal violation of certain drug, alcohol, or tobacco offenses, and that person has failed to comply with statutorily

⁵⁵ Section 322.05, F.S., prohibits DHSMV from issuing a license to a person under age 16, except that a learner's driver license may be issued to a person at least 15 years of age who meets certain requirements.

⁵⁶ Section 322.055(4), F.S.

⁵⁷ Section 322.056(1), F.S.

established procedures by failing to fulfill community service requirements, failing to pay the applicable fine, or failing to attend a locally available school-approved anti-tobacco program, and:

- The person is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of his or her driver license or driving privilege as follows:
 - For the first violation, for 30 days.
 - For the second violation within 12 weeks of the first violation, for 45 days.
- The person's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period as follows:
 - For the first violation, for 30 days.
 - For the second violation within 12 weeks of the first violation, for 45 days.
- The person is ineligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to withhold issuance of his or her driver license or driving privilege as follows:
 - For the first violation, for 30 days.
 - For the second violation within 12 weeks of the first violation, for 45 days.

Any second violation for the same offense not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.⁵⁸

If a **person under 18 years of age** is found by the court to have committed a third violation of drug, alcohol, or tobacco offenses within 12 weeks of the first violation, the court is required to direct the DHSMV to suspend or withhold issuance of his or her driver license or driving privilege for 60 consecutive days. Any third violation of certain drug, alcohol, or tobacco offenses, not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in s. 322.056(2), F.S.⁵⁹

A penalty imposed under s. 322.056, F.S. is in addition to any other penalty imposed by law.⁶⁰

The suspension or revocation of a person's driver license imposed pursuant to s. 322.056(2) or (3), F.S., shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.⁶¹

Proposed Changes

The bill amends s. 322.056, F.S., removing the mandatory revocation or suspension, or delay of eligibility for a driver license for persons under age 18 found guilty of certain alcohol or tobacco offenses. For persons found guilty of certain drug offenses, the bill provides for a loss in driving privilege for a period of six months. The bill also removes the court's discretion to issue a license for business or employment purposes only if the person otherwise qualifies for a driver license.

The bill also repeals s. 322.056(5), F.S., providing that the suspension or revocation of a person's driver license imposed under certain subsections of s. 322.056, F.S., shall not result in or cause an increase in automobile insurance rates or premium or points assessed a person's driving record.

Discretionary revocation or suspension of driver license for certain persons who provide alcohol to persons under 21 years of age (Section 8)

Current Situation

⁵⁸ Section 322.056(2), F.S.

⁵⁹ Section 322.056(3), F.S.

⁶⁰ Section 322.056(4), F.S.

⁶¹ Section 322.056(5), F.S.

Section 322.057, F.S., provides that notwithstanding s. 322.28, F.S.,⁶² the court may order the DHSMV to withhold the issuance of, or suspend or revoke, the driver license of a person who is found guilty of selling or serving alcohol to a minor or permitting an underage person to consume alcohol on a licensed premises⁶³ for not less than three months or more than six months for a first violation and for one year for any subsequent violation. Section 322.057(1), F.S., does not apply to a licensee who sells or serves alcohol to a minor or permitting an underage person to consume alcohol on a licensed premises while acting within the scope of his or her license or an employee or agent of a licensee who violates the alcohol statute while engaged within the scope of his or her employment or agency.⁶⁴

The law authorizes the court to direct DHSMV to issue a driver license restricted to business or employment purposes only, to a person who is otherwise qualified for a license.⁶⁵

Proposed Changes

The bill repeals s. 322.057, F.S., relating to the discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under 21 years of age.

Application of minors; responsibility for negligence or misconduct of minor (Section 9)

Current Situation

In general, s. 322.09, F.S., provides for the application of any person under the age of 18 years for a driver license. Specifically, s. 322.09(3), F.S., provides that DHSMV may not issue a driver license or learner's driver license to any applicant under the age of 18 years who is not in compliance with the school attendance requirements for obtaining a driver license.⁶⁶

Proposed Changes

The bill repeals s. 322.09(3), F.S., which prohibits DHSMV from issuing a driver license or learner's driver license to any applicant under the age of 18 years who is not in compliance with the school attendance requirements to obtain a driver license.

School Attendance Requirements (Section 10)

Current Situation

Section 322.091, F.S., provides school attendance requirements for minors to receive a driver license. Current law provides that a minor is not eligible for driving privileges unless that minor:

- Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;
- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;
- Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
- Has been issued a certificate of exemption;⁶⁷ or
- Has received a hardship waiver.

DHSMV may not issue a driver license or learner's driver license to, or is required to suspend the driver license or learner's driver license of, any minor concerning whom DHSMV receives notification of noncompliance with the requirements of s. 322.091, F.S.⁶⁸

⁶² Section 322.28, F.S., relates to the period of driver license suspension or revocation.

⁶³ Section 562.11(1)(a), F.S.

⁶⁴ Section 322.057(1), F.S.

⁶⁵ Section 322.057(2), F.S.

⁶⁶ Section 322.091, F.S.

⁶⁷ A certificate of exemption is issued pursuant to s. 1003.21(3), F.S.

⁶⁸ Section 322.091(1), F.S.

Section 322.091, F.S., contains provisions regarding notifying the minor and the minor's parent or guardian of the intent to suspend the minor's driving privilege, provides for a hardship waiver and appeals process, provides for verification of compliance and reinstatement, and requires quarterly reporting from DHSMV to each school district.

Proposed Changes

The bill repeals s. 322.091, F.S., which provides school attendance requirements for a minor to receive a driver license.

Suspension of license upon failure of person charged with specified offense under Ch. 316, F.S., Ch. 320, F.S., or Ch. 322, F.S., to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in Ch. 61, F.S., or failure to pay any financial obligation in any other criminal case (Section 11)

Current Situation

In general, s. 322.245, F.S., provides for the suspension of driver license for certain offenses, failure to comply with directives of traffic court, or failure to pay child support in certain cases or failure to pay any financial obligation in any other criminal case.

For child support enforcement, in non-IV-D cases, if a person fails to pay child support⁶⁹ and the obligee so requests, the depository⁷⁰ or the clerk of the court is required to mail a notice specified in s. 61.13016, F.S.,⁷¹ notifying him or her that if he or she does not comply with the requirements of s. 61.13016, F.S., and pay a delinquency fee of \$25 to the depository or the clerk of the court, his or her driver license and motor vehicle registration will be suspended. The delinquency fee may be retained by the depository or the office of the clerk of the court to defray the operating costs of the office.⁷²

If the person in a non-IV-D case, fails to comply with the requirements of s. 61.13016, F.S., within time the period, the depository or the clerk of the court is required to electronically notify DHSMV of such failure within 10 days. Upon electronic receipt of the notice, DHSMV is required to immediately issue an order suspending the person's driver license and privilege to drive effective 20 days after the date the order of suspension is mailed.^{73,74}

After suspension of the driver license of a person pursuant to s. 322.245(1), (2), or (3), F.S., the driver license may not be reinstated until the person complies with all court directives imposed upon him or her, including payment of the delinquency fee,⁷⁵ and presents certification of such compliance to a driver licensing office and complies with the statutory requirements relating to driver license,⁷⁶ or, in the case of a license suspended for nonpayment of child support in non-IV-D cases, until the person complies with the reinstatement provisions of s. 322.058, F.S.⁷⁷ and makes payment of the delinquency fee.^{78, 79}

⁶⁹ Child support is provided for in Ch. 61, F.S.

⁷⁰ Section 61.046(4), F.S., defines "depository" as "the central governmental depository established pursuant to s. 61.181, created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit."

⁷¹ Section 61.13016, F.S., relates to the suspension of driver license and motor vehicle registrations for non-payment of child support.

⁷² Section 322.245(2), F.S.

⁷³ The order of suspension is mailed in accordance with s. 322.251(1), (2), and (6), F.S.

⁷⁴ Section 322.245(3), F.S.

⁷⁵ The delinquency fee is imposed by s. 322.245(1), F.S.

⁷⁶ Chapter 322, F.S.

⁷⁷ Section 322.058, F.S., relates to the suspension of driving privilege due to support delinquency; reinstatement.

⁷⁸ The delinquency fee is imposed by s. 322.245(2), F.S.

⁷⁹ Section 322.245(4), F.S.

DHSMV is required to reinstate the driving privilege when the clerk of the court provides an affidavit to DHSMV stating that:

- The person has satisfied the financial obligation in full or made all payments currently due under a payment plan;
- The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- A court has entered an order granting relief to the person ordering the reinstatement of the license.⁸⁰

DHSMV is not liable for any license suspension resulting from the discharge of its duties under s. 322.245, F.S.⁸¹

Proposed Changes

The bill creates s. 322.245(6), F.S., providing that notwithstanding any other law, a person's driver license may not be suspended solely for failure to pay a penalty or court obligation if the person demonstrates to the court that he or she is unable to pay the penalty or court obligation. A person is considered unable to pay if the person provides documentation to the appropriate clerk of court evidencing that:

- The person receives reemployment assistance or unemployment compensation pursuant to Ch. 443, F.S.;⁸²
- The person is disabled and incapable of self-support or receives benefits under the federal Supplemental Security Income program or the Social Security Disability Insurance Program.
- The person receives temporary cash assistance pursuant to Ch. 414, F.S.;⁸³
- The person is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code;
- The person has been placed on a payment plan or payment plans with the clerk of court which in total exceed what is determined to be a reasonable payment plan pursuant to s. 28.246(4), F.S.; or
- The person has been determined to be indigent after filing an application with the clerk of court in accordance with s. 27.52, F.S., or s. 57.082, F.S.

Notice of cancellation, suspension, revocation, or disqualification of license (Section 12)

Current Situation

In general, s. 322.251, F.S., provides for the notice of cancellation, suspension, revocation, or disqualification of a driver license.

Specifically, s. 322.251(7), F.S., provides that a person whose driving privilege is suspended or revoked in a worthless check case⁸⁴ is required to be notified, and the notification is required to direct the person to surrender himself or herself to the sheriff who entered the warrant to satisfy the conditions of the warrant. A person whose driving privilege is suspended or revoked under s. 322.251(7), F.S., shall not have his or her driving privilege reinstated for any reason other than:

- Full payment of any restitution, court costs, and fees incurred as a result of a warrant or capias being issued pursuant to s. 832.09; F.S.;
- The cancellation of the warrant or capias from the Department of Law Enforcement (FDLE) recorded by the entering agency; and
- The payment of an additional fee of \$10 to DHSMV to be paid into the Highway Safety Operating Trust Fund; or

⁸⁰ Section 322.245(5)(b), F.S.

⁸¹ Section 322.245(5)(c), F.S.

⁸² Chapter 443, F.S., relates to Reemployment Assistance.

⁸³ Chapter 414, F.S., relates to Family Self-Sufficiency.

⁸⁴ Worthless check cases are pursuant to s. 832.09, F.S.,

- DHSMV has modified the suspension or revocation of the license pursuant to s. 322.271, F.S.,⁸⁵ restoring the driving privilege solely for business or employment purposes.⁸⁶

FDLE is required to provide DHSMV with for the purpose of identifying any person who is the subject of an outstanding warrant or capias for passing worthless bank checks.⁸⁷

Proposed Changes

The bill repeals s. 322.251(7), F.S., which relates to the suspension or revocation of driving privilege in worthless check cases.

Authority to modify revocation, cancellation, or suspension order (Section 13)

Current Situation

In general, s. 322.271, F.S., provides DHSMV with the authority to modify driver license revocation, cancellation, or suspension orders under specified circumstances.

Proposed Changes

The bill creates s. 322.271(8), F.S., providing that a person whose driver license or privilege to drive has been suspended under s. 318.15, F.S.,⁸⁸ or s. 322.245, F.S.,⁸⁹ may have his or her driver license or driving privilege reinstated on a restricted basis by DHSMV in accordance with s. 322.271, F.S.

Driving while license suspended, revoked, canceled, or disqualified (Section 14)

Current Situation

In general, s. 322.34, F.S., provides penalties for driving while a license is suspended, revoked, canceled, or disqualified, and provides various penalties for different circumstances.

Section 322.34(10), F.S., provides that notwithstanding any other provision of s. 322.34, if a person does not have a prior forcible felony⁹⁰ conviction, the penalties provided in s. 322.34(10)(b), F.S., apply if a person's driver license or driving privilege is canceled, suspended, or revoked for:

- Failing to pay child support as provided in s. 322.245, F.S., or s. 61.13016, F.S.;
- Failing to pay any other financial obligation as provided in s. 322.245, F.S., other than those specified in s. 322.245(1), F.S.;
- Failing to comply with a civil penalty required in s. 318.15, F.S.;
- Failing to maintain vehicular financial responsibility as required by Ch. 324, F.S.;
- Failing to comply with attendance or other requirements for minors as set forth in s. 322.091, F.S., or
- Having been designated a habitual traffic offender under s. 322.264(1)(d), F.S. as a result of suspensions of his or her driver license or driver privilege for any underlying violation listed above.⁹¹

⁸⁵ Section 322.271, F.S., relates to the authority to modify revocation, cancellation, or suspension order.

⁸⁶ Section 322.251(7)(a), F.S.

⁸⁷ Section 322.251(7)(b), F.S.

⁸⁸ Section 318.15, F.S., relates to failure to comply with a civil penalty as it relates to traffic violations.

⁸⁹ Section 322.245, F.S., relates to the suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or chapter 322 to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61 or failure to pay any financial obligation in any other criminal case.

⁹⁰ Section 776.08, F.S., defines "forcible felony" as treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

⁹¹ Section 322.34(10)(a), F.S.

Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed above, a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.⁹²

Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed above a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.⁹³

Proposed Changes

The bill amends s. 322.34(10)(a), F.S., removing a portion of the failure to pay financial obligation and school attendance requirements as items for whom someone's driver license may be suspended or revoked. The bill also makes conforming changes to s. 322.34(10)(b), F.S.

Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties (Section 15)

Current Situation

Section 562.11(1)(a), F.S., provides that a person may not sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or permit a person under 21 years of age to consume such beverages on the licensed premises. A person who violates this provision commits a misdemeanor of the second degree. A person who violates this provision a second or subsequent time within one year after a prior conviction commits a misdemeanor of the first degree.⁹⁴

In addition to any other penalty imposed for a violation of s. 562.11(1)(a)1., F.S., the court may order DHSMV to withhold the issuance of, or suspend or revoke, the driver license or driving privilege, as provided in s. 322.057, F.S.,⁹⁵ of any person who violates s. 562.11(1)(a)1., F.S. Section 562.11(1)(a)2., F.S., does not apply to a licensee,⁹⁶ who violates s. 562.11(1)(a)1., F.S. while acting within the scope of his or her license or an employee or agent of a licensee who violates s. 562.11(1)(a)1, F.S. while engaged within the scope of his or her employment or agency.⁹⁷

A court that withholds the issuance of, or suspends or revokes, the driver license or driving privilege of a person pursuant to s. 562.11(1)(a)2., F.S. may direct the DHSMV to issue the person a license for driving privilege restricted to business purposes only if he or she is otherwise qualified.⁹⁸

Proposed Changes

The bill repeals ss. 532.11(1)(a)2. and 3., F.S., removing the authority for the court to order DHSMV to withhold the issuance of, suspend or revoke the driver license or driving privilege of a person selling, giving, serving, or permitting to be served alcohol to persons under 21 years of age or permitting a person under 21 years of age to consume an alcoholic beverage on a licenses premises. The bill also removes the authorization that under these circumstances the court may direct DHSMV to issue a business purposes only driver licenses.

Possession of alcoholic beverages by persons under age 21 prohibited (Section 16)

Current Situation

⁹² Section 322.34(10)(b)1., F.S.

⁹³ Section 322.34(10)(b)2., F.S.

⁹⁴ Section 562.11(1)(a)1., F.S.

⁹⁵ Section 322.057, F.S., relates to the discretionary revocation or suspension of driver license for certain persons who provide alcohol to persons under 21 years of age.

⁹⁶ Section 561.01(14), F.S., defines "licensee" as "a legal or business entity, person, or persons that hold a license issued by the division and meet the qualifications set forth in s. 561.15, F.S."

⁹⁷ Section 562.11(1)(a)2., F.S.

⁹⁸ Section 562.11(1)(a)3., F.S.

In general, s. 562.111, F.S., provides that it is unlawful for any person under the age of 21 to have possession of an alcoholic beverage. The statute also provides certain exceptions to the law.

Section 562.111(3), F.S., provides that in addition to any other penalty imposed for a violation of the alcoholic beverage statute by persons under the age of 21 the court is required to direct DHSMV to withhold issuance of, or suspend or revoke, the violator's driver license or driving privilege, as provided in s. 322.056, F.S.⁹⁹

Proposed Changes

The bill repeals s. 562.111(3), F.S., which requires the court to direct the DHSMV to withhold the issuance of, suspend, or revoke the driver license of those convicted of the possession of alcohol by those under the age of 21.

Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines (Section 17)

Current Situation

In general, s. 569.11, F.S., provides that it is unlawful for any person under 18 years of age to knowingly possess any tobacco product and provides penalties for violation.

Specifically, s. 569.11(1), F.S., provides that it is unlawful for any person under 18 years of age to knowingly possess a tobacco product. Any person under 18 years of age who violates the provisions of this subsection commits a noncriminal violation punishable by:

- For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available;
- For a second violation within 12 weeks of the first violation, a \$25 fine; or
- For a third or subsequent violation within 12 weeks of the first violation, the court is required to direct the DHSMV to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056, F.S.

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

Section 569.11(2), F.S., provides that it is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. Any person under 18 years of age who violates a provision of this subsection commits a noncriminal violation punishable by:

- For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available;
- For a second violation within 12 weeks of the first violation, a \$25 fine; or
- For a third or subsequent violation within 12 weeks of the first violation, the court is required to direct the DHSMV to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.

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

Section 569.11(5)(a), F.S., provides that if a person under 18 years of age is found by the court to have committed a noncriminal violation s. 569.11, F.S. and that person has failed to complete community service, pay the fine or attend a school-approved anti-tobacco program, if locally available, the court must direct DHSMV to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.¹⁰⁰

⁹⁹ Section 562.111(3), F.S.

¹⁰⁰ Section 562.11(5)(a), F.S.

Section 569.11(5)(b), F.S., provides that if a person under 18 years of age is found by the court to have committed a noncriminal violation under s. 569.11 and that person has failed to pay the applicable fine the court must direct DHSMV to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

Proposed Changes

The bill repeals ss. 569.11(1)(c) and (2)(c), F.S., removing the provision that for a third or subsequent violation within 12 weeks of the first violation, the court is required to direct DHSMV to suspend or revoke a person's driver license or driving privilege. The bill also adds "or subsequent" to ss. 569.11(1)(b) and (2)(b), F.S., providing that the penalty for a subsequent violation within a 12 week period carries the same penalty as a second violation.

The bill also amends ss. 569.11(5)(a) and (b), F.S., allowing, instead of requiring, the court to direct DHSMV to withhold the issuance or suspend the driver license of a person who committed a noncriminal violation under s. 569.11, F.S., and failed to meet certain conditions required by the court.

Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties (Section 18)

Current Situation

In general, s. 790.22, F.S., contains provisions regarding the use of various types of firearms by minors. Specifically, s. 790.22(3), F.S., provides that a minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless:

- The minor is engaged in a lawful hunting activity and is:
 - At least 16 years of age; or
 - Under 16 years of age and supervised by an adult.
- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:
 - At least 16 years of age; or
 - Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.
 - The firearm is unloaded and is being transported by the minor directly to or from an event authorized above.

Section 790.22(5), F.S., provides that a minor who violates s. 792.22(3), F.S., commits a misdemeanor of the first degree; for a first offense, may serve a period of detention of up to 3 days in a secure detention facility; and, in addition to any other penalty provided by law, shall be required to perform 100 hours of community service; and:

- If the minor is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of the minor's driver license or driving privilege for up to one year.
- If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period of up to one year.
- If the minor is ineligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to withhold issuance of the minor's driver license or driving privilege for up to one year after the date on which the minor would otherwise have become eligible.¹⁰¹

For a second or subsequent offense, a minor who violates s. 790.22(3), F.S., commits a felony of the third degree and is required to serve a period of detention of up to 15 days in a secure detention facility and is required to perform not less than 100 nor more than 250 hours of community service, and:

¹⁰¹ Section 790.22(5)(a), F.S.
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- If the minor is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of the minor's driver license or driving privilege for up to two years.
- If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period of up to two years.
- If the minor is ineligible by reason of age for a driver license or driving privilege, the court is required to direct the DHSMV to withhold issuance of the minor's driver license or driving privilege for up to two years after the date on which the minor would otherwise have become eligible.¹⁰²

Notwithstanding s. 985.245, F.S.,¹⁰³ if the minor is found to have committed an offense that involves the use or possession of a firearm, other than a violation of s. 790.22(3), F.S., or an offense during the commission of which the minor possessed a firearm, and the minor is not committed to a residential commitment program of the Department of Juvenile Justice (DJJ), in addition to any other punishment provided by law, the court is required to order:

- For a first offense, that the minor is required to serve a minimum period of detention of 15 days in a secure detention facility; and
 - Perform 100 hours of community service; and may
 - Be placed on community control or in a nonresidential commitment program.
- For a second or subsequent offense, that the minor is required to serve a mandatory period of detention of at least 21 days in a secure detention facility; and
 - Perform not less than 100 nor more than 250 hours of community service; and may
 - Be placed on community control or in a nonresidential commitment program.

If a minor is found to have committed an offense under s. 790.22(9), F.S., the court is required to impose the following penalties in addition to any penalty imposed under s. 790.22(9)(a), F.S. or s. 790.22(9)(b), F.S.:

- For a first offense:
 - If the minor is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of the minor's driver license or driving privilege for up to one year.
 - If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period for up to one year.
 - If the minor is ineligible by reason of age for a driver license or driving privilege, the court is required to direct the DHSMV to withhold issuance of the minor's driver license or driving privilege for up to one year after the date on which the minor would otherwise have become eligible.
- For a second or subsequent offense:
 - If the minor is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or to withhold issuance of the minor's driver license or driving privilege for up to two years.
 - If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period for up to two years.
 - If the minor is ineligible by reason of age for a driver license or driving privilege, the court is required to direct the DHSMV to withhold issuance of the minor's driver license or driving privilege for up to two years after the date on which the minor would otherwise have become eligible.¹⁰⁴

¹⁰² Section 790.22(5)(b), F.S.

¹⁰³ Section 985.245, F.S., provides a risk assessment instrument.

¹⁰⁴ Section 790.22(10), F.S.

Proposed Changes

The bill repeals ss. 790.22(5)(a)1. through 3. and (5)(b) 1. through 3., F.S., relating to the revocation, suspension or revocation or the withholding of the issuance of a minor's driver license for a minor possessing a loaded firearm in his or her home under certain circumstances. The bill also repeals s. 790.22(10), F.S., regarding the revocation, suspension, or withholding of a driver license for a minor convicted an offense involving the use or possession of a firearm.

Criminal mischief; penalties; penalty for minor (Section 19)

Current Situation

In general, s. 806.13, F.S., provides that a person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti or other acts of vandalism.¹⁰⁵

Section 806.13(7), F.S., provides that in addition to any other penalty provided by law, if a minor is found to have committed a delinquent act for placing graffiti on any public property or private property, and:

- The minor is eligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to revoke or withhold issuance of the minor's driver license or driving privilege for not more than one year.
- The minor's driver license or driving privilege is under suspension or revocation for any reason, the court is required to direct DHSMV to extend the period of suspension or revocation by an additional period of not more than one year.
- The minor is ineligible by reason of age for a driver license or driving privilege, the court is required to direct DHSMV to withhold issuance of the minor's driver license or driving privilege for not more than one year after the date on which he or she would otherwise have become eligible.¹⁰⁶

A minor whose driver license or driving privilege is revoked, suspended, or withheld pursuant to s. 806.13(7), F.S., may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of one day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court is required to order the minor to perform community service¹⁰⁷ and reduce the period of revocation, suspension, or withholding at the rate of one day for each hour of community service performed.¹⁰⁸

Proposed Changes

The bill repeals ss. 806.13(7) and (8), F.S., which relates to the suspension of driver licenses for placing graffiti on public or private property.

Suspension of driver license following an adjudication of guilt for theft (Section 20)

Current Situation

Section 812.0155, F.S., provides that except as provided in ss. 812.0155(2) and (3), F.S., the court may order the suspension of the driver license of each person adjudicated guilty of any misdemeanor theft,¹⁰⁹ regardless of the value of the property stolen. Upon ordering the suspension of the driver license of the person adjudicated guilty, the court shall forward the driver license of the person

¹⁰⁵ Section 806.13(1)(a), F.S.

¹⁰⁶ Section 806.13(7), F.S.

¹⁰⁷ For purposes of s. 806.13(7), F.S., "community service" means "cleaning graffiti from public property."

¹⁰⁸ Section 806.13(8), F.S.

¹⁰⁹ Sections 812.014 and 812.015, F.S.

adjudicated guilty to the DHSMV.¹¹⁰ The first suspension of a driver license under shall be for a period of up to six months.¹¹¹ A second or subsequent suspension of a driver license under this subsection shall be for one year.¹¹²

The court may revoke, suspend, or withhold issuance of a driver license of a person less than 18 years of age who is adjudicated guilty of theft. as an alternative to sentencing the person to:

- Probation¹¹³ or commitment to DJJ, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.
- Probation commitment to DJJ, probation¹¹⁴ community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.¹¹⁵

A court that revokes, suspends, or withholds issuance of a driver license under s. 812.0155(2), F.S., is required to:

- If the person is eligible by reason of age for a driver license or driving privilege, direct the DHSMV to revoke or withhold issuance of the person's driver license or driving privilege for not less than six months and not more than one year;
- If the person's driver license is under suspension or revocation for any reason, direct DHSMV to extend the period of suspension or revocation by not less than six months and not more than one year; or
- If the person is ineligible by reason of age for a driver license or driving privilege, direct the DHSMV to withhold issuance of the person's driver license or driving privilege for not less than six months and not more than one year after the date on which the person would otherwise become eligible.¹¹⁶

Sections 812.0155(2) and (3), F.S. do not preclude the court from imposing any sanction specified or not specified in section 812.0155(2) or (3), F.S.¹¹⁷

A court that suspends a driver license pursuant to s. 812.0155(1), F.S. may direct DHSMV to issue the person a license for driving privilege restricted to business purposes only if he or she is otherwise qualified.¹¹⁸

Proposed Changes

The bill repeals s. 812.0155, F.S., which relates to the suspension of driver license following the adjudication of guilt for theft.

Suspension of driver license after warrant or capias is issued in worthless check case (Section 21)

¹¹⁰ Section 812.0155(1), F.S.

¹¹¹ Section 812.0155(1)(a), F.S.

¹¹² Section 812.0155(1)(b), F.S.

¹¹³ Section 985.03(41), F.S., defines "probation" as "the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Probation is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the department. Youth on probation may be assessed and classified for placement in day-treatment probation programs designed for youth who represent a minimum risk to themselves and public safety and do not require placement and services in a residential setting."

¹¹⁴ Section 948.001(8), F.S., defines "probation" as "a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03, F.S.."

¹¹⁵ Section 812.0155(2), F.S.

¹¹⁶ Section 812.0155(3), F.S.

¹¹⁷ Section 812.0155(4), F.S.

¹¹⁸ Section 812.0155(5), F.S.

Current Situation

Section 832.09, F.S., provides that the court may order the suspension or revocation of the driver license of a person who is being prosecuted for passing a worthless check who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court if the person has previously been adjudicated guilty of a violation of s. 832.05, F.S.¹¹⁹

Within five working days after the court orders the suspension of a driver license pursuant to s. 832.09(1), F.S., the clerk of the court in the county where the warrant or capias is issued shall notify the DHSMV by the most efficient method available of the action of the court.¹²⁰

Proposed Changes

The bill repeals s. 832.09, F.S., which relates to the suspension of a driver license after a warrant or capias is issued in a worthless check case.

Nicotine products and nicotine dispensing devices; prohibitions for minors; penalties; civil fines; signage requirements; preemption (Section 22)

Current Situation

In general, s. 877.112, F.S., prohibits the sale of nicotine products and nicotine dispensing devices to persons under 18 years of age and the prohibition of those persons from purchasing or possessing those products. Specifically, s. 877.112(6), F.S., provides that it is unlawful for any person under 18 years of age to knowingly possess any nicotine product or a nicotine dispensing device. Any person under 18 years of age who violates this subsection commits a noncriminal violation¹²¹ punishable by:

- For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person is required to attend a school-approved anti-tobacco and nicotine program, if locally available;
- For a second violation within 12 weeks of the first violation, a \$25 fine; or
- For a third or subsequent violation within 12 weeks of the first violation, the court is required to direct DHSMV to withhold issuance of or suspend or revoke the person's driver license or driving privilege.

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.¹²²

Section 877.112(7), F.S., provides that it is unlawful for any person under 18 years of age to misrepresent his or her age or military service for the purpose of inducing a retailer of nicotine products or nicotine dispensing devices or an agent or employee of such retailer to sell, give, barter, furnish, or deliver any nicotine product or nicotine dispensing device, or to purchase, or attempt to purchase, any nicotine product or nicotine dispensing device from a person or a vending machine. Any person under 18 years of age who violates this subsection commits a noncriminal violation punishable by:

- For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person is required to attend a school-approved anti-tobacco and nicotine program, if available;
- For a second violation within 12 weeks of the first violation, a \$25 fine; or
- For a third or subsequent violation within 12 weeks of the first violation, the court is required to direct the DHSMV to withhold issuance of or suspend or revoke the person's driver license or driving privilege.

¹¹⁹ Section 832.09(1), F.S.

¹²⁰ Section 832.09(2), F.S.

¹²¹ Section 775.08(3), F.S., defines "noncriminal violation" as "any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The term "noncriminal violation" shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance."

¹²² Section 877.112(6), F.S.

Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.¹²³

Section 877.112(8)(c), F.S., provides that if a person under 18 years of age is found by the court to have committed a noncriminal violation under s. 877.112, F.S., and that person has failed to complete community service, pay the fine as required by s. 877.112(6)(a) or (7)(a), F.S., or attend a school-approved anti-tobacco and nicotine program, if locally available, the court is required to direct the DHSNV to withhold issuance of or suspend the driver license or driving privilege of that person for 30 consecutive days.¹²⁴

Section 877.112(8)(d), F.S., provides that if a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by s. 877.112(6)(b) or (7)(b), F.S., the court is required to direct DHSMV to withhold issuance of or suspend the driver license or driving privilege of that person for 45 consecutive days.¹²⁵

Proposed Changes

The bill amends s. 877.112, F.S., relating to the prohibition of minors to possess nicotine products and nicotine dispensing devices. Specifically, the bill amends ss. 877.112(6) and (7), F.S., removing the requirement that the court, for a third or subsequent violation of the statute within a 12 week period, direct DHSMV to withhold the issuance of, suspend, or revoke the person's driver license or driving privilege. Additionally, the current penalty of a \$25 fine for a subsequent violation, now becomes for a second, or subsequent violation.

The bill also amends ss. 877.112(8)(c) and (d), F.S., making it permissive, rather than mandatory, that a court direct DHSMV to withhold issuance of or suspend the driver license or driving privilege for failure to comply with certain penalties provided in s. 877.112, F.S.

Financial obligations in criminal cases; supplementary proceedings (Section 23)

Current Situation

Section 938.30, F.S. provides that any person liable for payment of any financial obligation in any criminal case is subject to the provisions of s. 938.30, F.S. Courts operating under the provisions of s. 938.30, F.S., have jurisdiction over such financial obligations to ensure compliance.¹²⁶

The court may require a person liable for payment of an obligation to appear and be examined under oath concerning the person's financial ability to pay the obligation. The judge may convert the statutory financial obligation into a court-ordered obligation to perform community service, subject to the provisions of s. 318.18(8), F.S., after examining a person under oath and determining the person's inability to pay. Any person who fails to attend a hearing may be arrested on warrant or capias issued by the clerk upon order of the court.¹²⁷

Proposed Changes

The bill amends s. 938.30(2), F.S., providing that determining a person's ability to pay financial obligations in a criminal case may be by reliance on information provided under s. 27.52(1)(a)6., F.S., relating to the election or refusal of the option to fulfill any court-ordered financial obligation associated with the case by the completion of community service as ordered by the court.

Court procedure and penalties-School Attendance (Section 24)

¹²³ Section 877.112(7), F.S.

¹²⁴ Section 877.112(8)(c), F.S.

¹²⁵ Section 877.112(8)(d), F.S.

¹²⁶ Section 938.30(1), F.S.

¹²⁷ Section 938.30(2), F.S.

Current Situation

Section 1003.27, F.S., provides the court procedure and penalties for the enforcement of the provisions of part II of Ch. 1003, F.S., relating to compulsory school attendance.

Section 1003.27(2)(b), F.S., requires each public school principal or the principal's designee to notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the DHSMV with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091, F.S. The district school superintendent must provide the DHSMV the legal name, sex, date of birth, and social security number of each minor student who has been reported who fails to otherwise satisfy the requirements of s. 322.091, F.S. DHSMV may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to the provisions of s. 322.091.¹²⁸

Proposed Changes

The bill repeals s. 1003.27(2)(b), F.S., which relates to school attendance penalties.

Noncriminal traffic infractions; exception; procedures (Section 25)

Current Situation

In general, s. 318.14, F.S., provides certain procedures regarding noncriminal traffic infractions. Section 318.14(10)(a), F.S., provides that any person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for an offense listed under s. 318.14(10), F.S. may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection. This subsection applies to the following offenses:

- Operating a motor vehicle without a valid driver license in violation of s. 322.03, F.S., s. 322.065, F.S., or s. 322.15(1), F.S., or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291, F.S.
- Operating a motor vehicle without a valid registration in violation of s. 320.0605, F.S., s. 320.07, F.S., or s. 320.131, F.S.
- Operating a motor vehicle in violation of s. 316.646, F.S.
- Operating a motor vehicle with a license that has been suspended under s. 61.13016, F.S. or s. 322.245, F.S., for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245; F.S.; however, this does not apply if the license has been suspended pursuant to s. 322.245(1), F.S.
- Operating a motor vehicle with a license that has been suspended under s. 322.091, F.S., for failure to meet school attendance requirements.¹²⁹

Proposed Changes

The bill repeals s. 318.14(10)(a)5., F.S., which removes the applicability of that subsection to the offense of operating a motor vehicle without a license that has been suspended for failure to meet school attendance requirements.

Persons not to be Licensed (Section 26)

¹²⁸ Section 1003.27(2)(b), F.S.

¹²⁹ Section 318.14(10)(a), F.S.

The bill amends ss. 322.05, F.S., to conform a cross-reference.

Treatment and Sanctions (Section 27)

Current Situation

Section 397.951, provides that the Legislature recognizes that the integration of treatment and sanctions greatly increases the effectiveness of substance abuse treatment. The statute provides that the Department of Children and Families shall ensure that substance abuse treatment providers employ any and all appropriate available sanctions necessary to engage, motivate, and maintain a child in treatment, including, but not limited to, provisions in law that:

- Provide for parental participation in treatment for involuntary admission to treatment, as provided in part IV of Ch. 397, F.S.¹³⁰
- Provide for law enforcement authorities to assume custody of a child who is substance abuse impaired and allow placement of a child into the care of a hospital, substance abuse detoxification facility, or addiction receiving facility, as specified in part V of this chapter.
- Provide parental authority to involuntarily admit a child for assessment to an addiction receiving facility, as specified in part V of Ch. 397, F.S.¹³¹
- Provide parents and substance abuse providers with civil involuntary procedures to secure court-ordered assessment and treatment for children, as specified in part V of Ch. 397, F.S.
- Authorize the court or any criminal justice authority with jurisdiction over a child charged or convicted of a crime to require that the delinquent or offender receive substance abuse services under part VII of this Ch. 397, F.S.¹³²
- Provide authority of the court and contempt powers to require parental participation in the treatment of a delinquent or offender pursuant to s. 397.706, F.S.
- Authorize the court to mandate services for children and their families in dependency proceedings under Ch. 39, F.S. and children and families in need of services under Ch. 984, F.S.
- Provide that the use, possession, or sale of controlled substances, as defined in Ch. 893, F.S., or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed pursuant to ss. 1006.09(1) through (4), F.S.
- Provide that, pursuant to s. 322.056, F.S., for any person under 18 years of age who is found guilty of or delinquent for a violation of s. 562.11(2), F.S., s. 562.111, F.S., or Ch. 893, F.S., and is eligible by reason of age for a driver license or driving privilege, the court shall direct the DHSMV to revoke or to withhold issuance of his or her driver license or driving privilege for a period of:
 - Not less than six months and not more than one year for the first violation.
 - Two years, for a subsequent violation.¹³³

Proposed Changes

The bill amends s. 397.951(2)(i), F.S, removing some cross references, and providing for a six month suspension or withholding the issuance of a driver license for violation of certain statutes.

Definitions-Public K-12 Education (Section 28)

The bill amends s. 1003.01(9), F.S., conforming a cross-reference.

Effective Date (Section 29)

The bill has an effective date of July 1, 2016.

¹³⁰ Part IV of Ch. 397, F.S., relates to voluntary admissions procedures.

¹³¹ Part V of Ch. 397, F.S., relates to involuntary admissions procedures.

¹³² Part VII of Ch. 397, F.S., relates to offender referrals.

¹³³ Section 397.951(2), F.S.

B. SECTION DIRECTORY:

- Section 1 Amends s. 27.52, F.S., relating to the determination of indigent status.
- Section 2 Amends s. 28.246, F.S., relating to the payment of court related fines and other monetary penalties, charges, and costs; partial payments; distribution of funds.
- Section 3 Amends s. 316.650, F.S., relating to traffic citations.
- Section 4 Amends s. 318.15, F.S., relating to failure to comply with civil penalties or to appear; penalty.
- Section 5 Amends s. 318.18, F.S., relating to amount of penalties.
- Section 6 Amends s. 322.055, F.S., relating to revocation or suspension of, or delay of eligibility for, driver license for persons 18 years of age or older convicted of certain drug offenses.
- Section 7 Amends s. 322.056, F.S., relating to mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.
- Section 8 Repeals s. 322.057, F.S., relating to discretionary revocation or suspension of driver license for certain persons who provide alcohol to persons under 21 years of age.
- Section 9 Amends s. 322.09, F.S., relating to the application to minors; responsibility for negligence or misconduct of minor.
- Section 10 Repeals s. 322.091, F.S., relating to attendance requirements.
- Section 11 Amends s. 322.215, F.S., relating to suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61 or failure to pay any financial obligation in any other criminal case.
- Section 12 Repeals s. 322.251(7), F.S., relating to notice of cancellation, suspension, revocation, or disqualification of license.
- Section 13 Amends s. 322.271, F.S., relating to the authority to modify, revocation, cancellation, or suspension order.
- Section 14 Amends s. 322.34, F.S., relating to driving while license suspended, revoked, canceled, or disqualified.
- Section 15 Amends s. 561.11, F.S., relating to selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.
- Section 16 Repeals s. 562.111(3), F.S., relating to possession of alcoholic beverages by persons under age 21 prohibited.
- Section 17 Amends s. 569.11, F.S., relating to possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines.

- Section 18 Amends s. 790.22, F.S., relating to use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.
- Section 19 Amends s. 806.13, F.S., relating to criminal mischief; penalties; penalty for minor.
- Section 20 Repeals s. 812.0155, F.S., relating to suspension of driver license following an adjudication of guilt for theft.
- Section 21 Repeals s. 832.09, F.S., relating to suspension of driver license after warrant or capias is issued in worthless check case.
- Section 22 Amends s. 877.112, F.S., relating to nicotine products and nicotine dispensing devices; prohibitions for minors; penalties; civil fines; signage requirements; preemption.
- Section 23 Amends s. 938.30, F.S., relating to financial obligations in criminal cases; supplementary proceedings.
- Section 24 Amends s. 1003.27, F.S., relating to court procedures and penalties.
- Section 25 Amends s. 318.14, F.S., relating to noncriminal traffic infractions; exception; procedures.
- Section 26 Amends s. 322.05, F.S., relating to persons not to be licensed.
- Section 27 Amends s. 397.951, F.S., relating to treatment and sanctions.
- Section 28 Amends s. 1003.01, F.S., relating to definitions, conforming a cross-reference.
- Section 29 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an indeterminate, but significant negative impact on state funds. The Revenue Estimating Conference has not yet estimated the impacts of the bill.

The state may see a reduction in driver license reinstatement fees from driver license suspensions and revocations where the statute authorizing them is repealed. However the total reduction in fees is indeterminate at this time.

2. Expenditures:

The Clerk of Court Operations Corporation and the Supreme Court may incur some expenses associated with updating and approving the application form for persons seeking indigent status as provided in section 1 of the bill.

DHSMV may incur some expenses associated with updating the uniform traffic citation form as provided in section 3 of the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill has an indeterminate, but significant negative impact on local funds. The Revenue Estimating Conference has not yet estimated the impacts of the bill.

Current law authorizes county tax collectors to collect \$6.25 for each driver license reinstatement it processes. To the extent that the tax collectors will have fewer reinstatements to process, it will see a reduction in revenues. However, the actual amount of revenue is indeterminate.

The clerks of court collect revenue from various traffic related fines, including driver license suspensions. To the extent there are fewer driver license suspensions, the clerks of court will see a reduction in revenue.

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons whose fees are referred to collections may receive a reduction in collections surcharges with the requirement that the collections contract go to the bidder with the lowest surcharge.

The bill will significantly reduce the number persons having their driver licenses suspended or revoked due to non-driving related reasons. This will increase these persons ability to obtain and maintain employment. Additionally, these persons will not have to pay the fees associated with driver license reinstatement.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

MS

PCS for HB 207

ORIGINAL

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A bill to be entitled
 An act relating to driver licenses; amending s. 27.52,
 F.S.; adding a financial information requirement for a
 certain application form; amending s. 28.246, F.S.;
 revising requirements relating to the payment of
 court-related fines or other monetary penalties, fees,
 charges, and costs; authorizing, rather than
 requiring, a clerk of court to pursue collection of
 certain fees, charges, fines, costs, or liens under
 certain circumstances; requiring a clerk of court to
 competitively bid a contract with a collection agency
 or private attorney under certain circumstances,
 subject to certain requirements; prohibiting the clerk
 from assessing any collections transfers surcharge;
 prohibiting the collection agency or private attorney
 from imposing certain additional fees or surcharges;
 amending s. 316.650, F.S.; requiring traffic citation
 forms to include certain language relating to payment
 of a penalty; amending s. 318.15, F.S.; prohibiting
 the suspension of a person's driver license solely for
 failure to pay a penalty if the person demonstrates to
 the court that he or she is unable to pay such
 penalty; requiring the person to provide documentation
 meeting certain requirements to the appropriate clerk
 of court in order to be considered unable to pay;
 amending s. 318.18, F.S.; requiring a court to inquire

27 regarding a person's ability to pay at the time a
 28 certain civil penalty is ordered; amending s. 322.055,
 29 F.S.; decreasing the period for revocation or
 30 suspension of, or delay of eligibility for, driver
 31 licenses or driving privileges for certain persons
 32 convicted of certain drug offenses; amending s.
 33 322.056, F.S.; decreasing the period for revocation or
 34 suspension of, or delay of eligibility for, driver
 35 licenses or driving privileges for certain persons
 36 found guilty of certain drug offenses; deleting
 37 requirements relating to the revocation or suspension
 38 of, or delay of eligibility for, driver licenses or
 39 driving privileges for certain persons found guilty of
 40 certain alcohol or tobacco offenses; repealing s.
 41 322.057, F.S., relating to discretionary revocation or
 42 suspension of a driver license for certain persons who
 43 provide alcohol to persons under a specified age;
 44 amending s. 322.09, F.S.; deleting a provision
 45 prohibiting the issuance of a driver license or
 46 learner's driver license under certain circumstances;
 47 repealing s. 322.091, F.S., relating to attendance
 48 requirements for driving privileges; amending s.
 49 322.245, F.S.; prohibiting the suspension of a
 50 person's driver license solely for failure to pay a
 51 penalty if the person demonstrates to the court that
 52 he or she is unable to pay such penalty; requiring the

53 person to provide documentation meeting certain
 54 requirements to the appropriate clerk of court in
 55 order to be considered unable to pay; repealing s.
 56 322.251(7), F.S., relating to notice of suspension or
 57 revocation of driving privileges, reasons for
 58 reinstatement of such driving privileges, and certain
 59 electronic access to identify a person who is the
 60 subject of an outstanding warrant or capias for
 61 passing worthless bank checks; amending s. 322.271,
 62 F.S.; providing that a person whose driver license or
 63 privilege to drive has been suspended may have his or
 64 her driver license or driving privilege reinstated on
 65 a restricted basis under certain circumstances;
 66 amending s. 322.34, F.S.; revising the underlying
 67 violations resulting in driver license or driving
 68 privilege cancellation, suspension, or revocation for
 69 which specified penalties apply; amending s. 562.11,
 70 F.S.; revising penalties for selling, giving, serving,
 71 or permitting to be served alcoholic beverages to a
 72 person under a specified age or permitting such person
 73 to consume such beverages on licensed premises;
 74 repealing s. 562.111(3), F.S., relating to withholding
 75 issuance of, or suspending or revoking, a driver
 76 license or driving privilege for possession of
 77 alcoholic beverages by persons under a specified age;
 78 amending s. 569.11, F.S.; revising penalties for

79 persons under a specified age who knowingly possess,
 80 misrepresent their age or military service to
 81 purchase, or purchase or attempt to purchase tobacco
 82 products; authorizing, rather than requiring, the
 83 court to direct the Department of Highway Safety and
 84 Motor Vehicles to withhold issuance of or suspend a
 85 person's driver license or driving privilege for
 86 certain violations; amending s. 790.22, F.S.; revising
 87 penalties relating to suspending, revoking, or
 88 withholding issuance of driver licenses or driving
 89 privileges for minors under a specified age who
 90 possess firearms under certain circumstances; deleting
 91 provisions relating to penalties for certain offenses
 92 involving the use or possession of a firearm by a
 93 minor under a specified age; amending s. 806.13, F.S.;
 94 deleting provisions relating to certain penalties for
 95 criminal mischief by a minor; repealing s. 812.0155,
 96 F.S., relating to suspension of a driver license
 97 following an adjudication of guilt for theft;
 98 repealing s. 832.09, F.S., relating to suspension of a
 99 driver license after warrant or capias is issued in
 100 worthless check cases; amending s. 877.112, F.S.;
 101 revising penalties for persons under a specified age
 102 who knowingly possess, misrepresent their age or
 103 military service to purchase, or purchase or attempt
 104 to purchase any nicotine product or nicotine

105 dispensing device; authorizing, rather than requiring,
 106 the court to direct the department to withhold
 107 issuance of or suspend a person's driver license or
 108 driving privilege for certain violations; amending s.
 109 938.30, F.S.; authorizing a judge to convert certain
 110 statutory financial obligations into court-ordered
 111 obligations to perform community service by reliance
 112 upon specified information under certain
 113 circumstances; amending s. 1003.27, F.S.; deleting
 114 provisions relating to procedures and penalties for
 115 nonenrollment and nonattendance cases; amending ss.
 116 318.14, 322.05, 397.951, and 1003.01, F.S.; conforming
 117 provisions to changes made by the act; providing an
 118 effective date.

119

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

121

122 Section 1. Paragraph (a) of subsection (1) of section
 123 27.52, Florida Statutes, is amended to read:

124 27.52 Determination of indigent status.—

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

131 (a) The application must include, at a minimum, the
 132 following financial information:

133 1. Net income, consisting of total salary and wages, minus
 134 deductions required by law, including court-ordered support
 135 payments.

136 2. Other income, including, but not limited to, social
 137 security benefits, union funds, veterans' benefits, workers'
 138 compensation, other regular support from absent family members,
 139 public or private employee pensions, reemployment assistance or
 140 unemployment compensation, dividends, interest, rent, trusts,
 141 and gifts.

142 3. Assets, including, but not limited to, cash, savings
 143 accounts, bank accounts, stocks, bonds, certificates of deposit,
 144 equity in real estate, and equity in a boat or a motor vehicle
 145 or in other tangible property.

146 4. All liabilities and debts.

147 5. If applicable, the amount of any bail paid for the
 148 applicant's release from incarceration and the source of the
 149 funds.

150 6. The election of or refusal of the option to fulfill any
 151 court-ordered financial obligation associated with the case by
 152 the completion of community service as ordered by the court.

153
 154 The application must include a signature by the applicant which
 155 attests to the truthfulness of the information provided. The
 156 application form developed by the corporation must include

157 notice that the applicant may seek court review of a clerk's
 158 determination that the applicant is not indigent, as provided in
 159 this section.

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

162 28.246 Payment of court-related fines or other monetary
 163 penalties, fees, charges, and costs; partial payments;
 164 distribution of funds.—

165 (4) The clerk of the circuit court shall accept partial
 166 payments for court-related fees, service charges, costs, and
 167 fines in accordance with the terms of an established payment
 168 plan. An individual seeking to defer payment of fees, service
 169 charges, costs, or fines imposed by operation of law or order of
 170 the court under any provision of general law shall apply to the
 171 clerk for enrollment in a payment plan. ~~The clerk shall enter~~
 172 ~~into a payment plan with an individual who the court determines~~
 173 ~~is indigent for costs.~~ A monthly payment amount, calculated
 174 based upon all fees and all anticipated costs, may ~~is presumed~~
 175 ~~to correspond to the person's ability to pay if the amount does~~
 176 not exceed 2 percent of the person's annual net income, as
 177 defined in s. 27.52(1), divided by 12, without the consent of
 178 the applicant. The court may review the reasonableness of the
 179 payment plan.

180 (6) A clerk of court may ~~shall~~ pursue the collection of
 181 any fees, service charges, fines, court costs, and liens for the
 182 payment of attorney fees and costs pursuant to s. 938.29 which

183 remain unpaid after 90 days by referring the account to a
 184 private attorney who is a member in good standing of The Florida
 185 Bar or collection agent who is registered and in good standing
 186 pursuant to chapter 559. In pursuing the collection of such
 187 unpaid financial obligations through a private attorney or
 188 collection agent, the clerk of the court must attempt ~~have~~
 189 ~~attempted~~ to collect the unpaid amount through a collection
 190 court, collections docket, or other collections process, if any,
 191 established by the court, find this to be cost-effective and
 192 follow any applicable procurement practices. The collection fee,
 193 including any reasonable attorney ~~attorney's~~ fee, paid to any
 194 attorney or collection agent retained by the clerk may be added
 195 to the balance owed ~~in an amount not to exceed 40 percent of the~~
 196 ~~amount owed~~ at the time the account is referred to the attorney
 197 or agent for collection.

198 (a) If a clerk of court wishes to pursue collection by
 199 referring an account to a collection agent or private attorney
 200 as provided in this subsection, the clerk at least every 2 years
 201 shall competitively bid a contract with a collection agency or
 202 private attorney and shall accept the bidder with the lowest
 203 percentage surcharge added to the referred account.

204 (b) The clerk may not assess any collections transfer
 205 surcharge.

206 (c) The collection agency or private attorney may not
 207 impose any additional fees or surcharges other than their
 208 contractually agreed upon surcharge.

209 (d) The clerk shall give the private attorney or
 210 collection agent the application for the appointment of court-
 211 appointed counsel regardless of whether the court file is
 212 otherwise confidential from disclosure.

213 Section 3. Present paragraphs (b), (c), and (d) of
 214 subsection (1) of section 316.650, Florida Statutes, are
 215 redesignated as paragraphs (c), (d), and (e), respectively, a
 216 new paragraph (b) is added to that subsection, and present
 217 paragraph (c) of that section is amended, to read:

218 316.650 Traffic citations.—

219 (1)

220 (b) The traffic citation form must include language
 221 indicating that a person may enter into a payment plan with the
 222 clerk of court to pay a penalty. The form must also indicate
 223 that a person ordered to pay a penalty for a noncriminal traffic
 224 infraction who is unable to comply due to demonstrable financial
 225 hardship will be allowed by the court to satisfy payment by
 226 participating in community service pursuant to s. 318.18(8)(b).

227 (d)~~(e)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
 228 traffic enforcement agency may produce uniform traffic citations
 229 by electronic means. Such citations must be consistent with the
 230 state traffic court rules and the procedures established by the
 231 department and must be appropriately numbered and inventoried.
 232 Affidavit-of-compliance forms may also be produced by electronic
 233 means.

234 Section 4. Subsection (4) is added to section 318.15,

235 Florida Statutes, to read:

236 318.15 Failure to comply with civil penalty or to appear;
 237 penalty.—

238 (4) Notwithstanding any other law, a person's driver
 239 license may not be suspended solely for failure to pay a penalty
 240 if the person demonstrates to the court that he or she is unable
 241 to pay the penalty. A person is considered unable to pay if the
 242 person provides documentation to the appropriate clerk of court
 243 evidencing that:

244 (a) The person receives reemployment assistance or
 245 unemployment compensation pursuant to chapter 443;

246 (b) The person is disabled and incapable of self-support
 247 or receives benefits under the federal Supplemental Security
 248 Income program or Social Security Disability Insurance program;

249 (c) The person receives temporary cash assistance pursuant
 250 to chapter 414;

251 (d) The person is making payments in accordance with a
 252 confirmed bankruptcy plan under chapter 11, chapter 12, or
 253 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 254 101 et seq.;

255 (e) The person has been placed on a payment plan or
 256 payment plans with the clerk of court which in total exceed what
 257 is determined to be a reasonable payment plan pursuant to s.
 258 28.246(4); or

259 (f) The person has been determined to be indigent after
 260 filing an application with the clerk in accordance with s. 27.52

261 or s. 57.082.

262 Section 5. Paragraph (b) of subsection (8) of section
263 318.18, Florida Statutes, is amended to read:

264 318.18 Amount of penalties.—The penalties required for a
265 noncriminal disposition pursuant to s. 318.14 or a criminal
266 offense listed in s. 318.17 are as follows:

267 (8)

268 (b)1.a. If a person has been ordered to pay a civil
269 penalty for a noncriminal traffic infraction and the person is
270 unable to comply with the court's order due to demonstrable
271 financial hardship, the court shall allow the person to satisfy
272 the civil penalty by participating in community service until
273 the civil penalty is paid.

274 b. The court shall inquire regarding the person's ability
275 to pay at the time the civil penalty is ordered.

276 c. If a court orders a person to perform community
277 service, the person shall receive credit for the civil penalty
278 at the specified hourly credit rate per hour of community
279 service performed, and each hour of community service performed
280 shall reduce the civil penalty by that amount.

281 2.a. As used in this paragraph, the term "specified hourly
282 credit rate" means the wage rate that is specified in 29 U.S.C.
283 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
284 that is then in effect, and that an employer subject to such
285 provision must pay per hour to each employee subject to such
286 provision.

287 | b. However, if a person ordered to perform community
 288 | service has a trade or profession for which there is a community
 289 | service need, the specified hourly credit rate for each hour of
 290 | community service performed by that person shall be the average
 291 | prevailing wage rate for the trade or profession that the
 292 | community service agency needs.

293 | 3.a. The community service agency supervising the person
 294 | shall record the number of hours of community service completed
 295 | and the date the community service hours were completed. The
 296 | community service agency shall submit the data to the clerk of
 297 | court on the letterhead of the community service agency, which
 298 | must also bear the notarized signature of the person designated
 299 | to represent the community service agency.

300 | b. When the number of community service hours completed by
 301 | the person equals the amount of the civil penalty, the clerk of
 302 | court shall certify this fact to the court. Thereafter, the
 303 | clerk of court shall record in the case file that the civil
 304 | penalty has been paid in full.

305 | 4. As used in this paragraph, the term:

306 | a. "Community service" means uncompensated labor for a
 307 | community service agency.

308 | b. "Community service agency" means a not-for-profit
 309 | corporation, community organization, charitable organization,
 310 | public officer, the state or any political subdivision of the
 311 | state, or any other body the purpose of which is to improve the
 312 | quality of life or social welfare of the community and which

313 | agrees to accept community service from persons unable to pay
 314 | civil penalties for noncriminal traffic infractions.

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

317 | 322.055 Revocation or suspension of, or delay of
 318 | eligibility for, driver license for persons 18 years of age or
 319 | older convicted of certain drug offenses.—

320 | (1) Notwithstanding s. 322.28, upon the conviction of a
 321 | person 18 years of age or older for possession or sale of,
 322 | trafficking in, or conspiracy to possess, sell, or traffic in a
 323 | controlled substance, the court shall direct the department to
 324 | revoke the driver license or driving privilege of the person.
 325 | The period of such revocation shall be 6 months ~~1-year~~ or until
 326 | the person is evaluated for and, if deemed necessary by the
 327 | evaluating agency, completes a drug treatment and rehabilitation
 328 | program approved or regulated by the Department of Children and
 329 | Families. However, the court may, in its sound discretion,
 330 | direct the department to issue a license for driving privilege
 331 | restricted to business or employment purposes only, as defined
 332 | by s. 322.271, if the person is otherwise qualified for such a
 333 | license. A driver whose license or driving privilege has been
 334 | suspended or revoked under this section or s. 322.056 may, upon
 335 | the expiration of 6 months, petition the department for
 336 | restoration of the driving privilege on a restricted or
 337 | unrestricted basis depending on length of suspension or
 338 | revocation. In no case shall a restricted license be available

339 | until 6 months of the suspension or revocation period has
 340 | expired.

341 | (2) If a person 18 years of age or older is convicted for
 342 | the possession or sale of, trafficking in, or conspiracy to
 343 | possess, sell, or traffic in a controlled substance and such
 344 | person is eligible by reason of age for a driver license or
 345 | privilege, the court shall direct the department to withhold
 346 | issuance of such person's driver license or driving privilege
 347 | for a period of 6 months ~~1 year~~ after the date the person was
 348 | convicted or until the person is evaluated for and, if deemed
 349 | necessary by the evaluating agency, completes a drug treatment
 350 | and rehabilitation program approved or regulated by the
 351 | Department of Children and Families. However, the court may, in
 352 | its sound discretion, direct the department to issue a license
 353 | for driving privilege restricted to business or employment
 354 | purposes only, as defined by s. 322.271, if the person is
 355 | otherwise qualified for such a license. A driver whose license
 356 | or driving privilege has been suspended or revoked under this
 357 | section or s. 322.056 may, upon the expiration of 6 months,
 358 | petition the department for restoration of the driving privilege
 359 | on a restricted or unrestricted basis depending on the length of
 360 | suspension or revocation. In no case shall a restricted license
 361 | be available until 6 months of the suspension or revocation
 362 | period has expired.

363 | (3) If a person 18 years of age or older is convicted for
 364 | the possession or sale of, trafficking in, or conspiracy to

365 possess, sell, or traffic in a controlled substance and such
 366 person's driver license or driving privilege is already under
 367 suspension or revocation for any reason, the court shall direct
 368 the department to extend the period of such suspension or
 369 revocation by an additional period of 6 months ~~1-year~~ or until
 370 the person is evaluated for and, if deemed necessary by the
 371 evaluating agency, completes a drug treatment and rehabilitation
 372 program approved or regulated by the Department of Children and
 373 Families. However, the court may, in its sound discretion,
 374 direct the department to issue a license for driving privilege
 375 restricted to business or employment purposes only, as defined
 376 by s. 322.271, if the person is otherwise qualified for such a
 377 license. A driver whose license or driving privilege has been
 378 suspended or revoked under this section or s. 322.056 may, upon
 379 the expiration of 6 months, petition the department for
 380 restoration of the driving privilege on a restricted or
 381 unrestricted basis depending on the length of suspension or
 382 revocation. In no case shall a restricted license be available
 383 until 6 months of the suspension or revocation period has
 384 expired.

385 (4) If a person 18 years of age or older is convicted for
 386 the possession or sale of, trafficking in, or conspiracy to
 387 possess, sell, or traffic in a controlled substance and such
 388 person is ineligible by reason of age for a driver license or
 389 driving privilege, the court shall direct the department to
 390 withhold issuance of such person's driver license or driving

391 | privilege for a period of 6 months ~~1-year~~ after the date that he
 392 | or she would otherwise have become eligible or until he or she
 393 | becomes eligible by reason of age for a driver license and is
 394 | evaluated for and, if deemed necessary by the evaluating agency,
 395 | completes a drug treatment and rehabilitation program approved
 396 | or regulated by the Department of Children and Families.
 397 | However, the court may, in its sound discretion, direct the
 398 | department to issue a license for driving privilege restricted
 399 | to business or employment purposes only, as defined by s.
 400 | 322.271, if the person is otherwise qualified for such a
 401 | license. A driver whose license or driving privilege has been
 402 | suspended or revoked under this section or s. 322.056 may, upon
 403 | the expiration of 6 months, petition the department for
 404 | restoration of the driving privilege on a restricted or
 405 | unrestricted basis depending on the length of suspension or
 406 | revocation. In no case shall a restricted license be available
 407 | until 6 months of the suspension or revocation period has
 408 | expired.

409 | Section 7. Section 322.056, Florida Statutes, is amended
 410 | to read:

411 | 322.056 Mandatory revocation or suspension of, or delay of
 412 | eligibility for, driver license for persons under age 18 found
 413 | guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
 414 | prohibition.—

415 | (1) Notwithstanding the provisions of s. 322.055, if a
 416 | person under 18 years of age is found guilty of or delinquent

417 for a violation of ~~s. 562.11(2), s. 562.111,~~ or chapter 893,
 418 and:

419 (a) The person is eligible by reason of age for a driver
 420 license or driving privilege, the court shall direct the
 421 department to revoke or to withhold issuance of his or her
 422 driver license or driving privilege for a period of 6 months.+

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

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

426 (b) The person's driver license or driving privilege is
 427 under suspension or revocation for any reason, the court shall
 428 direct the department to extend the period of suspension or
 429 revocation by an additional period of 6 months.+

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

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

433 (c) The person is ineligible by reason of age for a driver
 434 license or driving privilege, the court shall direct the
 435 department to withhold issuance of his or her driver license or
 436 driving privilege for a period of+

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

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

442

443 ~~However, the court may, in its sound discretion, direct the~~
 444 ~~department to issue a license for driving privileges restricted~~
 445 ~~to business or employment purposes only, as defined in s.~~
 446 ~~322.271, if the person is otherwise qualified for such a~~
 447 ~~license.~~

448 ~~(2) If a person under 18 years of age is found by the~~
 449 ~~court to have committed a noncriminal violation under s. 569.11~~
 450 ~~or s. 877.112(6) or (7) and that person has failed to comply~~
 451 ~~with the procedures established in that section by failing to~~
 452 ~~fulfill community service requirements, failing to pay the~~
 453 ~~applicable fine, or failing to attend a locally available~~
 454 ~~school approved anti tobacco program, and:~~

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

- 459 ~~1. For the first violation, for 30 days.~~
- 460 ~~2. For the second violation within 12 weeks of the first~~
 461 ~~violation, for 45 days.~~

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

- 466 ~~1. For the first violation, for 30 days.~~
- 467 ~~2. For the second violation within 12 weeks of the first~~
 468 ~~violation, for 45 days.~~

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

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

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

476
 477 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
 478 ~~within the 12 week period after the first violation will be~~
 479 ~~treated as a first violation and in the same manner as provided~~
 480 ~~in this subsection.~~

481 ~~(3) If a person under 18 years of age is found by the~~
 482 ~~court to have committed a third violation of s. 569.11 or s.~~
 483 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
 484 ~~court must direct the Department of Highway Safety and Motor~~
 485 ~~Vehicles to suspend or withhold issuance of his or her driver~~
 486 ~~license or driving privilege for 60 consecutive days. Any third~~
 487 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
 488 ~~12-week period after the first violation will be treated as a~~
 489 ~~first violation and in the same manner as provided in subsection~~
 490 ~~(2).~~

491 (2)(4) A penalty imposed under this section shall be in
 492 addition to any other penalty imposed by law.

493 ~~(5) The suspension or revocation of a person's driver~~
 494 ~~license imposed pursuant to subsection (2) or subsection (3),~~

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

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

500 Section 9. Subsection (3) of section 322.09, Florida
 501 Statutes, is amended, and present subsections (4) and (5) of
 502 that section are redesignated as subsections (3) and (4),
 503 respectively, to read:

504 322.09 Application of minors; responsibility for
 505 negligence or misconduct of minor.—

506 ~~(3) The department may not issue a driver license or~~
 507 ~~learner's driver license to any applicant under the age of 18~~
 508 ~~years who is not in compliance with the requirements of s.~~
 509 ~~322.091.~~

510 Section 10. Section 322.091, Florida Statutes, is
 511 repealed.

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

514 322.245 Suspension of license upon failure of person
 515 charged with specified offense under chapter 316, chapter 320,
 516 or this chapter to comply with directives ordered by traffic
 517 court or upon failure to pay child support in non-IV-D cases as
 518 provided in chapter 61 or failure to pay any financial
 519 obligation in any other criminal case.—

520 (6) Notwithstanding any other law, a person's driver

521 license may not be suspended solely for failure to pay a penalty
 522 or court obligation if the person demonstrates to the court that
 523 he or she is unable to pay the penalty or court obligation. A
 524 person is considered unable to pay if the person provides
 525 documentation to the appropriate clerk of court evidencing that:

526 (a) The person receives reemployment assistance or
 527 unemployment compensation pursuant to chapter 443;

528 (b) The person is disabled and incapable of self-support
 529 or receives benefits under the federal Supplemental Security
 530 Income program or Social Security Disability Insurance program;

531 (c) The person receives temporary cash assistance pursuant
 532 to chapter 414;

533 (d) The person is making payments in accordance with a
 534 confirmed bankruptcy plan under chapter 11, chapter 12, or
 535 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 536 101 et seq.;

537 (e) The person has been placed on a payment plan or
 538 payment plans with the clerk of court which in total exceed what
 539 is determined to be a reasonable payment plan pursuant to s.
 540 28.246(4); or

541 (f) The person has been determined to be indigent after
 542 filing an application with the clerk in accordance with s. 27.52
 543 or s. 57.082.

544 Section 12. Subsection (7) of section 322.251, Florida
 545 Statutes, is repealed.

546 Section 13. Section 13. Subsection (8) is added to

547 section 322.271, Florida Statutes, to read:

548 322.271 Authority to modify revocation, cancellation, or
549 suspension order.—

550 (8) A person whose driver license or privilege to drive
551 has been suspended under s. 318.15 or s. 322.245 may have his or
552 her driver license or driving privilege reinstated on a
553 restricted basis by the department in accordance with this
554 section.

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

557 322.34 Driving while license suspended, revoked, canceled,
558 or disqualified.—

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

564 1. Failing to pay child support as provided in s. 322.245
565 or s. 61.13016;

566 2. Failing to pay any other financial obligation as
567 provided in s. 322.245 ~~other than those specified in s.~~
568 ~~322.245(1);~~

569 3. Failing to comply with a civil penalty required in s.
570 318.15;

571 4. Failing to maintain vehicular financial responsibility
572 as required by chapter 324; or

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

575 5.6. Having been designated a habitual traffic offender
 576 under s. 322.264(1)(d) as a result of suspensions of his or her
 577 driver license or driver privilege for any underlying violation
 578 listed in subparagraphs 1.-4. ~~1.-5.~~

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

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

590 Section 15. Paragraph (a) of subsection (1) of section
 591 562.11, Florida Statutes, is amended to read:

592 562.11 Selling, giving, or serving alcoholic beverages to
 593 person under age 21; providing a proper name; misrepresenting or
 594 misstating age or age of another to induce licensee to serve
 595 alcoholic beverages to person under 21; penalties.-

596 (1)(a)~~1.~~ A person may not sell, give, serve, or permit to
 597 be served alcoholic beverages to a person under 21 years of age
 598 or permit a person under 21 years of age to consume such

599 beverages on the licensed premises. A person who violates this
 600 subparagraph commits a misdemeanor of the second degree,
 601 punishable as provided in s. 775.082 or s. 775.083. A person who
 602 violates this subparagraph a second or subsequent time within 1
 603 year after a prior conviction commits a misdemeanor of the first
 604 degree, punishable as provided in s. 775.082 or s. 775.083.

605 ~~2. In addition to any other penalty imposed for a~~
 606 ~~violation of subparagraph 1., the court may order the Department~~
 607 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
 608 ~~of, or suspend or revoke, the driver license or driving~~
 609 ~~privilege, as provided in s. 322.057, of any person who violates~~
 610 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
 611 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
 612 ~~acting within the scope of his or her license or an employee or~~
 613 ~~agent of a licensee, as defined in s. 561.01, who violates~~
 614 ~~subparagraph 1. while engaged within the scope of his or her~~
 615 ~~employment or agency.~~

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

622 Section 16. Subsection (3) of section 562.111, Florida
 623 Statutes, is repealed.

624 Section 17. Subsections (1), (2), and (5) of section

625 569.11, Florida Statutes, are amended to read:

626 569.11 Possession, misrepresenting age or military service
 627 to purchase, and purchase of tobacco products by persons under
 628 18 years of age prohibited; penalties; jurisdiction; disposition
 629 of fines.—

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

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

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

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

646
 647 Any second or subsequent violation not within the 12-week time
 648 period after the first violation is punishable as provided for a
 649 first violation.

650 (2) It is unlawful for any person under 18 years of age to

651 misrepresent his or her age or military service for the purpose
 652 of inducing a dealer or an agent or employee of the dealer to
 653 sell, give, barter, furnish, or deliver any tobacco product, or
 654 to purchase, or attempt to purchase, any tobacco product from a
 655 person or a vending machine. Any person under 18 years of age
 656 who violates a provision of this subsection commits a
 657 noncriminal violation as provided in s. 775.08(3), punishable
 658 by:

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

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

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

670
 671 Any second or subsequent violation not within the 12-week time
 672 period after the first violation is punishable as provided for a
 673 first violation.

674 (5) (a) If a person under 18 years of age is found by the
 675 court to have committed a noncriminal violation under this
 676 section and that person has failed to complete community

677 service, pay the fine as required by paragraph (1)(a) or
 678 paragraph (2)(a), or attend a school-approved anti-tobacco
 679 program, if locally available, the court may ~~must~~ direct the
 680 Department of Highway Safety and Motor Vehicles to withhold
 681 issuance of or suspend the driver license or driving privilege
 682 of that person for a period of 30 consecutive days.

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

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

692 790.22 Use of BB guns, air or gas-operated guns, or
 693 electric weapons or devices by minor under 16; limitation;
 694 possession of firearms by minor under 18 prohibited; penalties.—

695 (5)(a) A minor who violates subsection (3) commits a
 696 misdemeanor of the first degree; for a first offense, may serve
 697 a period of detention of up to 3 days in a secure detention
 698 facility; and, in addition to any other penalty provided by law,
 699 shall be required to perform 100 hours of community service.†
 700 and:

701 ~~1. If the minor is eligible by reason of age for a driver~~
 702 ~~license or driving privilege, the court shall direct the~~

703 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 704 ~~withhold issuance of the minor's driver license or driving~~
 705 ~~privilege for up to 1 year.~~

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

711 ~~3. If the minor is ineligible by reason of age for a~~
 712 ~~driver license or driving privilege, the court shall direct the~~
 713 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 714 ~~issuance of the minor's driver license or driving privilege for~~
 715 ~~up to 1 year after the date on which the minor would otherwise~~
 716 ~~have become eligible.~~

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

722 ~~1. If the minor is eligible by reason of age for a driver~~
 723 ~~license or driving privilege, the court shall direct the~~
 724 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 725 ~~withhold issuance of the minor's driver license or driving~~
 726 ~~privilege for up to 2 years.~~

727 ~~2. If the minor's driver license or driving privilege is~~
 728 ~~under suspension or revocation for any reason, the court shall~~

729 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 730 ~~extend the period of suspension or revocation by an additional~~
 731 ~~period of up to 2 years.~~

732 ~~3. If the minor is ineligible by reason of age for a~~
 733 ~~driver license or driving privilege, the court shall direct the~~
 734 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 735 ~~issuance of the minor's driver license or driving privilege for~~
 736 ~~up to 2 years after the date on which the minor would otherwise~~
 737 ~~have become eligible.~~

738
 739 For the purposes of this subsection, community service shall be
 740 performed, if possible, in a manner involving a hospital
 741 emergency room or other medical environment that deals on a
 742 regular basis with trauma patients and gunshot wounds.

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

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

748 ~~1. If the minor is eligible by reason of age for a driver~~
 749 ~~license or driving privilege, the court shall direct the~~
 750 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 751 ~~withhold issuance of the minor's driver license or driving~~
 752 ~~privilege for up to 1 year.~~

753 ~~2. If the minor's driver license or driving privilege is~~
 754 ~~under suspension or revocation for any reason, the court shall~~

755 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 756 ~~extend the period of suspension or revocation by an additional~~
 757 ~~period for up to 1 year.~~

758 ~~3. If the minor is ineligible by reason of age for a~~
 759 ~~driver license or driving privilege, the court shall direct the~~
 760 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 761 ~~issuance of the minor's driver license or driving privilege for~~
 762 ~~up to 1 year after the date on which the minor would otherwise~~
 763 ~~have become eligible.~~

764 ~~(b) For a second or subsequent offense.~~

765 ~~1. If the minor is eligible by reason of age for a driver~~
 766 ~~license or driving privilege, the court shall direct the~~
 767 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 768 ~~withhold issuance of the minor's driver license or driving~~
 769 ~~privilege for up to 2 years.~~

770 ~~2. If the minor's driver license or driving privilege is~~
 771 ~~under suspension or revocation for any reason, the court shall~~
 772 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 773 ~~extend the period of suspension or revocation by an additional~~
 774 ~~period for up to 2 years.~~

775 ~~3. If the minor is ineligible by reason of age for a~~
 776 ~~driver license or driving privilege, the court shall direct the~~
 777 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 778 ~~issuance of the minor's driver license or driving privilege for~~
 779 ~~up to 2 years after the date on which the minor would otherwise~~
 780 ~~have become eligible.~~

781 Section 19. Subsections (7) and (8) of section 806.13,
 782 Florida Statutes, are amended, and present subsection (9) of
 783 that section is redesignated as subsection (7), to read:

784 806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

805 ~~(8) A minor whose driver license or driving privilege is~~
 806 ~~revoked, suspended, or withheld under subsection (7) may elect~~

807 ~~to reduce the period of revocation, suspension, or withholding~~
 808 ~~by performing community service at the rate of 1 day for each~~
 809 ~~hour of community service performed. In addition, if the court~~
 810 ~~determines that due to a family hardship, the minor's driver~~
 811 ~~license or driving privilege is necessary for employment or~~
 812 ~~medical purposes of the minor or a member of the minor's family,~~
 813 ~~the court shall order the minor to perform community service and~~
 814 ~~reduce the period of revocation, suspension, or withholding at~~
 815 ~~the rate of 1 day for each hour of community service performed.~~
 816 ~~As used in this subsection, the term "community service" means~~
 817 ~~cleaning graffiti from public property.~~

818 Section 20. Section 812.0155, Florida Statutes, is
 819 repealed.

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

821 Section 22. Subsections (6) and (7) and paragraphs (c) and
 822 (d) of subsection (8) of section 877.112, Florida Statutes, are
 823 amended to read:

824 877.112 Nicotine products and nicotine dispensing devices;
 825 prohibitions for minors; penalties; civil fines; signage
 826 requirements; preemption.—

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

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

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

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

844
 845 Any second or subsequent violation not within the 12-week time
 846 period after the first violation is punishable as provided for a
 847 first violation.

848 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
 849 any person under 18 years of age to misrepresent his or her age
 850 or military service for the purpose of inducing a retailer of
 851 nicotine products or nicotine dispensing devices or an agent or
 852 employee of such retailer to sell, give, barter, furnish, or
 853 deliver any nicotine product or nicotine dispensing device, or
 854 to purchase, or attempt to purchase, any nicotine product or
 855 nicotine dispensing device from a person or a vending machine.
 856 Any person under 18 years of age who violates this subsection
 857 commits a noncriminal violation as defined in s. 775.08(3),
 858 punishable by:

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

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

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

870
 871 Any second or subsequent violation not within the 12-week time
 872 period after the first violation is punishable as provided for a
 873 first violation.

874 (8) PENALTIES FOR MINORS.--

875 (c) If a person under 18 years of age is found by the
 876 court to have committed a noncriminal violation under this
 877 section and that person has failed to complete community
 878 service, pay the fine as required by paragraph (6) (a) or
 879 paragraph (7) (a), or attend a school-approved anti-tobacco and
 880 nicotine program, if locally available, the court may ~~must~~
 881 direct the Department of Highway Safety and Motor Vehicles to
 882 withhold issuance of or suspend the driver license or driving
 883 privilege of that person for 30 consecutive days.

884 (d) If a person under 18 years of age is found by the

885 court to have committed a noncriminal violation under this
 886 section and that person has failed to pay the applicable fine as
 887 required by paragraph (6) (b) or paragraph (7) (b), the court may
 888 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 889 to withhold issuance of or suspend the driver license or driving
 890 privilege of that person for 45 consecutive days.

891 Section 23. Subsection (2) of section 938.30, Florida
 892 Statutes, is amended to read:

893 938.30 Financial obligations in criminal cases;
 894 supplementary proceedings.—

895 (2) The court may require a person liable for payment of
 896 an obligation to appear and be examined under oath concerning
 897 the person's financial ability to pay the obligation. The judge
 898 may convert the statutory financial obligation into a court-
 899 ordered obligation to perform community service, subject to the
 900 provisions of s. 318.18(8), after examining a person under oath
 901 and determining the person's inability to pay, or by reliance
 902 upon information provided under s. 27.52(1)(a)6. Any person who
 903 fails to attend a hearing may be arrested on warrant or capias
 904 issued by the clerk upon order of the court.

905 Section 24. Subsection (2) of section 1003.27, Florida
 906 Statutes, is amended to read:

907 1003.27 Court procedure and penalties.—The court procedure
 908 and penalties for the enforcement of the provisions of this
 909 part, relating to compulsory school attendance, shall be as
 910 follows:

911 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

912 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
 913 the part of a student who is required to attend some school,
 914 when no valid reason for such nonenrollment or nonattendance is
 915 found, the district school superintendent shall institute a
 916 criminal prosecution against the student's parent.

917 ~~(b) Each public school principal or the principal's~~
 918 ~~designee shall notify the district school board of each minor~~
 919 ~~student under its jurisdiction who accumulates 15 unexcused~~
 920 ~~absences in a period of 90 calendar days. Each designee of the~~
 921 ~~governing body of each private school, and each parent whose~~
 922 ~~child is enrolled in a home education program, may provide the~~
 923 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 924 ~~name, sex, date of birth, and social security number of each~~
 925 ~~minor student under his or her jurisdiction who fails to satisfy~~
 926 ~~relevant attendance requirements and who fails to otherwise~~
 927 ~~satisfy the requirements of s. 322.091. The district school~~
 928 ~~superintendent must provide the Department of Highway Safety and~~
 929 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
 930 ~~security number of each minor student who has been reported~~
 931 ~~under this paragraph and who fails to otherwise satisfy the~~
 932 ~~requirements of s. 322.091. The Department of Highway Safety and~~
 933 ~~Motor Vehicles may not issue a driver license or learner's~~
 934 ~~driver license to, and shall suspend any previously issued~~
 935 ~~driver license or learner's driver license of, any such minor~~
 936 ~~student, pursuant to the provisions of s. 322.091.~~

937 Section 25. Paragraph (a) of subsection (10) of section
 938 318.14, Florida Statutes, is amended to read:

939 318.14 Noncriminal traffic infractions; exception;
 940 procedures.—

941 (10)(a) Any person who does not hold a commercial driver
 942 license or commercial learner's permit and who is cited while
 943 driving a noncommercial motor vehicle for an offense listed
 944 under this subsection may, in lieu of payment of fine or court
 945 appearance, elect to enter a plea of nolo contendere and provide
 946 proof of compliance to the clerk of the court, designated
 947 official, or authorized operator of a traffic violations bureau.
 948 In such case, adjudication shall be withheld; however, a person
 949 may not make an election under this subsection if the person has
 950 made an election under this subsection in the preceding 12
 951 months. A person may not make more than three elections under
 952 this subsection. This subsection applies to the following
 953 offenses:

954 1. Operating a motor vehicle without a valid driver
 955 license in violation of s. 322.03, s. 322.065, or s. 322.15(1),
 956 or operating a motor vehicle with a license that has been
 957 suspended for failure to appear, failure to pay civil penalty,
 958 or failure to attend a driver improvement course pursuant to s.
 959 322.291.

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

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

963 4. Operating a motor vehicle with a license that has been
 964 suspended under s. 61.13016 or s. 322.245 for failure to pay
 965 child support or for failure to pay any other financial
 966 obligation as provided in s. 322.245; however, this subparagraph
 967 does not apply if the license has been suspended pursuant to s.
 968 322.245(1).

969 ~~5. Operating a motor vehicle with a license that has been~~
 970 ~~suspended under s. 322.091 for failure to meet school attendance~~
 971 ~~requirements.~~

972 Section 26. Subsections (1) and (2) of section 322.05,
 973 Florida Statutes, are amended to read:

974 322.05 Persons not to be licensed.—The department may not
 975 issue a license:

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

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

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

986 (b) Learner's driver license for at least 12 months and
 987 who has a moving traffic conviction but elects to attend a
 988 traffic driving school for which adjudication must be withheld

989 pursuant to s. 318.14; or

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

993 Section 27. Paragraph (i) of subsection (2) of section
 994 397.951, Florida Statutes, is amended to read:

995 397.951 Treatment and sanctions.—The Legislature
 996 recognizes that the integration of treatment and sanctions
 997 greatly increases the effectiveness of substance abuse
 998 treatment. It is the responsibility of the department and the
 999 substance abuse treatment provider to employ the full measure of
 1000 sanctions available to require participation and completion of
 1001 treatment to ensure successful outcomes for children in
 1002 substance abuse treatment.

1003 (2) The department shall ensure that substance abuse
 1004 treatment providers employ any and all appropriate available
 1005 sanctions necessary to engage, motivate, and maintain a child in
 1006 treatment, including, but not limited to, provisions in law
 1007 that:

1008 (i) Provide that, pursuant to s. 322.056, for any person
 1009 under 18 years of age who is found guilty of or delinquent for a
 1010 violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893, and is
 1011 eligible by reason of age for a driver license or driving
 1012 privilege, the court shall direct the Department of Highway
 1013 Safety and Motor Vehicles to revoke or to withhold issuance of
 1014 his or her driver license or driving privilege for a period of 6

1015 months.+

1016 ~~1. Not less than 6 months and not more than 1 year for the~~
 1017 ~~first violation.~~

1018 ~~2. Two years, for a subsequent violation.~~

1019 Section 28. Subsection (9) of section 1003.01, Florida
 1020 Statutes, is amended to read:

1021 1003.01 Definitions.—As used in this chapter, the term:

1022 (9) "Dropout" means a student who meets any one or more of
 1023 the following criteria:

1024 (a) The student has voluntarily removed himself or herself
 1025 from the school system before graduation for reasons that
 1026 include, but are not limited to, marriage, or the student has
 1027 withdrawn from school because he or she has failed the statewide
 1028 student assessment test and thereby does not receive any of the
 1029 certificates of completion;

1030 (b) The student has not met the relevant attendance
 1031 requirements of the school district pursuant to State Board of
 1032 Education rules, or the student was expected to attend a school
 1033 but did not enter as expected for unknown reasons, or the
 1034 student's whereabouts are unknown;

1035 (c) The student has withdrawn from school, but has not
 1036 transferred to another public or private school or enrolled in
 1037 any career, adult, home education, or alternative educational
 1038 program;

1039 (d) The student has withdrawn from school due to hardship,
 1040 unless such withdrawal has been granted under ~~the provisions of~~

1041 ~~s. 322.091~~, court action, expulsion, medical reasons, or
 1042 pregnancy; or

1043 (e) The student is not eligible to attend school because
 1044 of reaching the maximum age for an exceptional student program
 1045 in accordance with the district's policy.

1046
 1047 The State Board of Education may adopt rules to implement the
 1048 ~~provisions of~~ this subsection.

1049 Section 29. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HWSS 16-02 Department of Highway Safety and Motor Vehicles
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Whittaker	Smith <i>MS</i>

SUMMARY ANALYSIS

The proposed committee bill covers various issues related to the Department of Highway Safety and Motor Vehicles (DHSMV). Specific issues the bill addresses are:

- Clarifying that the child restraint law for children aged 4 through 5 years does not apply to day care facilities or child care providers when a seat belt is used.
- Making the number of days required to change an address for driver licenses and vehicle registrations or to obtain a replacement license or identification card due to a legal name change be uniform at 30 days.
- Providing a no cost identification card to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services.
- Providing for a no cost identification card to a driver who has had their driving privilege suspended or revoked by DHSMV due to a physical or mental impairment review.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See fiscal section for additional detail.

The bill has an effective date of October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Child Restraint Requirements (Section 1):

Present Situation

Per the child restraint requirements of s. 316.613, F.S., every operator of a motor vehicle while transporting a child 5 years of age or younger must provide for the protection of the child by properly using a crash-tested, federally approved child restraint device.

- For children aged through 3 years, the restraint device must be a separate carrier or a vehicle manufacturer's integrated seat.
- For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a child booster seat may be used. However, the requirement to use a child restraint device does not apply when a safety belt is used and the child:
 - Is being transported gratuitously by an operator who is not a member of the child's immediate family;
 - Is being transported in a medical emergency situation involving the child; or
 - Has a medical condition that necessitates an exception as evidenced by appropriate documentation from a health care professional.

For the purposes of child restraint requirements a "motor vehicle" means a motor vehicle that is operated on the roadways, streets, and highways of the state. The term does not include:

- A school bus as defined in s. 316.003(45), F.S.
- A bus used for the transportation of persons for compensation, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), F.S., or in conjunction with school activities.
- A farm tractor or implement of husbandry.
- A truck having a gross vehicle weight rating of more than 26,000 pounds.
- A motorcycle, moped, or bicycle.

Any person who violates child restraint requirements commits a moving violation and shall pay \$60 and be assessed 3 points against his or her driver license. In lieu of the \$60 penalty and the assessment of 3 points, a person may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge of the circuit in which the violation occurs, and, upon completing such program, the penalty and associated costs may be waived at the court's discretion and the assessment of points shall be waived.¹

The child restraint requirements do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation.²

Proposed Change

The bill amends s. 316.613(1)(a), F.S., clarifying that the child restraint law for children aged 4 through 5 years does not apply when a seat belt is used and the child is being transported by a:

- Child care facility,³

¹ s. 316.613(5), F.S.

² s. 316.613(6), F.S.

³ "Child Care Facility" is defined in s. 402.302(2), F.S., and includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

- Family day care home,⁴
- Large family child care home,⁵
- After school program not requiring licensure,⁶
- Exempted child care facility,⁷ or
- Entity excluded from the definition of “child care facility”⁸

The bill revises the definition of the term “motor vehicle”, for child restraint purposes, to no longer include a bus regularly used to transport children to or from school, or in conjunction with school activities.

Updating a Driver License or Motor Vehicle Registration (Section 2 and 4):

Present Situation

The required timeframe for updating a driver license or motor vehicle registration to reflect an address change or legal name change varies in Florida depending on the specific action and the residency of the individual.

A new resident to the state is required to obtain a Florida driver license within 30 days before operating a motor vehicle on the highways of this state.⁹ A resident of the state who possesses a valid driver license must report to DHSMV the legal address or name change within 10 calendar days of the change.¹⁰

For a motor vehicle registration, the owner of the vehicle must notify DHSMV of any change of address within 20 days after such change.¹¹

Proposed Change

The bill amends s. 320.02(4) and ss. 322.19(1) and (2), F.S., making the required timeframe 30 days for updating a driver license or motor vehicle registration to reflect an address change or legal name change.

The change in timeframe does not apply to a Sexual Offender or Sexual Predator, to whom the current 48 hour notification requirement under ss. 775.21 and 943.0435, F.S. remains.

⁴ “Family day care home” is defined in s. 402.302(8), F.S., as an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit.

⁵ “Large family child care home” is defined in s. 402.302(11), F.S. as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

⁶ Per Rule 65C-22.008, Florida Administrative Code, a definition is provided for child care which distinguishes between child care programs that require child care licensure and after-school programs that do not require licensure.

⁷ Section 402.316, F.S., provides for an exempted child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation.

⁸ The following are excluded from the definition of “child care facility” per s. 402.302(2)(a)-(e), F.S.: Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025; Summer camps having children in full-time residence; Summer day camps; Bible schools normally conducted during vacation periods; and Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

⁹ s. 322.031(1), F.S.

¹⁰ s. 322.19(1) and (2), F.S.

¹¹ s. 320.02(4), F.S.

No Cost ID to Certain Juvenile Offenders (Section 3 and 5):

Present Situation

The law currently provides for a fee waiver for a replacement identification card to Florida born inmates being released from prison and to a person who presents evidence that he or she is homeless.¹²

Proposed Change

The bill amends ss.322.051(9) and 322.21(1)(f), F.S., to provide a no fee original, renewal, or replacement identification card to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services. The issuance of the no fee identification card to juvenile offenders shall be processed by DHSMV's mobile issuing units.

No Cost ID due to Medical Sanction of a Driver License by DHSMV (Section 6):

Present Situation

DHSMV having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may, at any time upon written notice of at least 5 days to the licensee, require him or her to submit to an examination or reexamination. Upon the conclusion of the exam or reexam, DHSMV may suspend or revoke the driver license of the person or restrict the license. Anyone who refuses to submit to the required exam or reexam will have his or her driver license suspended or revoked.¹³

Proposed Change

The bill amends s. 322.221, F.S., to provide a no cost identification card to those who have had their driving privilege suspended or revoked by DHSMV, whom having good cause to believe that a licensed driver was incompetent or otherwise not qualified to be licensed after written notice of at least 5 days to the licensee, requiring him or her to submit to an examination or reexamination and upon conclusion of the exam or reexam, DHSMV suspended or revoked the driver license of the person or restricted the license.

Anyone who refuses to submit to the required exam or reexam will have his or her driver license suspended or revoked and can also be provided a no cost identification card.

B. SECTION DIRECTORY:

- Section 1** Amends s. 316.613, F.S., revising exemptions from using a certain child restraint device; revising the definition of the term "motor vehicle."
- Section 2** Amends s. 320.02, F.S., providing exceptions to a requirement that the owner of a motor vehicle notify the department of a change of address within a certain time period; revising such time period.
- Section 3** Amends s. 322.051, F.S., providing for the issuance of identification cards at no charge to certain persons in the custody or under the supervision of the Department of Juvenile Justice; requiring certain identification cards to be processed by the Department of Highway Safety and Motor Vehicles' mobile issuing units.
- Section 4** Amends s. 322.19, F.S., providing exceptions to a requirement that a person obtain a replacement driver license reflecting a change of name within a certain time period; revising the time period for obtaining a replacement license reflecting certain changes of information; requiring certain persons to obtain a replacement identification card reflecting a change of name within a certain time period.

¹² s. 322.051(9), F.S.

¹³ s. 322.221, F.S.

- Section 5** Amends s. 322.21, F.S., providing for the issuance of identification cards at no charge to certain persons in the custody or under the supervision of the Department of Juvenile Justice; requiring certain identification cards to be processed by the Department of Highway Safety and Motor Vehicles' mobile issuing units.
- Section 6** Amends s. 322.221, F.S., directing the department to issue an identification card at no cost to a person whose driver license is suspended or revoked due to certain circumstances.
- Section 7** Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an indeterminate, but significant negative impact on state funds. The Revenue Estimating Conference has not yet estimated the impacts of the bill.

However, according to DHSMV, the bill will likely have a maximum negative impact of \$62,500 to General Revenue for the original issuance of an identification card to 2,500 juvenile offenders annually. Depending on the type of card issued (renewal or replacement) both the General Revenue Fund and Highway Safety Operating Trust Fund could be impacted due to revenue splits.

The impact of issuing no-cost identification cards to individuals who have their driver license suspended or revoked due to a medical sanction is estimated by DHSMV to have a negative impact of \$459,625 to General Revenue in the first year.

2. Expenditures:

Per DHSMV, the cardstock used to print an identification card costs \$1.97. The estimated cost of issuing approximately 2,500 cards to juvenile offenders and 18,000 cards for those driver licenses medically suspended is \$40,385 annually.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

To the extent a juvenile offender or medically sanctioned individual would have purchased an identification card, under the bill, the Tax Collector would forgo their \$6.25 retained share.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent a juvenile offender or medically sanctioned individual would have purchased an identification card, under the bill, that individual will receive an identification free of cost or service charge.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

27 suspended or revoked due to certain circumstances;
 28 providing an effective date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Paragraph (a) of subsection (1) and paragraph
 33 (b) of subsection (2) of section 316.613, Florida Statutes, are
 34 amended to read:

35 316.613 Child restraint requirements.—

36 (1) (a) Every operator of a motor vehicle as defined in
 37 this section, while transporting a child in a motor vehicle
 38 operated on the roadways, streets, or highways of this state,
 39 shall, if the child is 5 years of age or younger, provide for
 40 protection of the child by properly using a crash-tested,
 41 federally approved child restraint device.

42 1. For children aged through 3 years, such restraint
 43 device must be a separate carrier or a vehicle manufacturer's
 44 integrated child seat.

45 2. For children aged 4 through 5 years, a separate
 46 carrier, an integrated child seat, or a child booster seat may
 47 be used. However, the requirement to use a child restraint
 48 device under this subparagraph does not apply when a safety belt
 49 is used as required in s. 316.614(4) (a) and the child:

50 a. Is being transported gratuitously by an operator who is
 51 not a member of the child's immediate family;

52 b. Is being transported in a medical emergency situation

53 involving the child; ~~or~~

54 c. Is being transported by a child care facility, family
 55 day care home, or large family child care home as those terms
 56 are defined in s. 402.302; an after-school program not requiring
 57 licensure pursuant to chapter 402; a child care facility exempt
 58 pursuant to s. 402.316; or an entity excluded from the
 59 definition of child care facility pursuant to s. 402.302(2); or

60 d. Has a medical condition that necessitates an exception
 61 as evidenced by appropriate documentation from a health care
 62 professional.

63 (2) As used in this section, the term "motor vehicle"
 64 means a motor vehicle as defined in s. 316.003 that is operated
 65 on the roadways, streets, and highways of the state. The term
 66 does not include:

67 (b) A bus used for the transportation of persons for
 68 compensation, ~~other than a bus regularly used to transport~~
 69 ~~children to or from school, as defined in s. 316.615(1)(b), or~~
 70 ~~in conjunction with school activities.~~

71 Section 2. Subsection (4) of section 320.02, Florida
 72 Statutes, is amended to read:

73 320.02 Registration required; application for
 74 registration; forms.—

75 (4) Except for a person subject to s. 775.21, s. 775.261,
 76 s. 943.0435, s. 944.607, or s. 985.4815, the owner of any motor
 77 vehicle registered in the state shall notify the department in
 78 writing of any change of address within 30 ~~20~~ days after ~~of~~ such

79 | change. The notification shall include the registration license
 80 | plate number, the vehicle identification number (VIN) or title
 81 | certificate number, year of vehicle make, and the owner's full
 82 | name.

83 | Section 3. Subsection (9) of section 322.051, Florida
 84 | Statutes, is amended to read:

85 | 322.051 Identification cards.—

86 | (9) Notwithstanding any other provision of this section or
 87 | s. 322.21 to the contrary, the department shall issue or renew a
 88 | card at no charge to a person who presents evidence satisfactory
 89 | to the department that he or she is homeless as defined in s.
 90 | 414.0252(7), to a juvenile offender who is in the custody or
 91 | under the supervision of the Department of Juvenile Justice and
 92 | receiving services pursuant to s. 985.461, to an inmate
 93 | receiving a card issued pursuant to s. 944.605(7), or, if
 94 | necessary, to an inmate receiving a replacement card if the
 95 | department determines that he or she has a valid state
 96 | identification card. If the replacement state identification
 97 | card is scheduled to expire within 6 months, the department may
 98 | also issue a temporary permit valid for at least 6 months after
 99 | the release date. The department's mobile issuing units shall
 100 | process the identification cards for juvenile offenders and
 101 | inmates at no charge, as provided by s. 944.605(7)(a) and (b).

102 | Section 4. Subsections (1) and (2) of section 322.19,
 103 | Florida Statutes, are amended to read:

104 | 322.19 Change of address or name.—

105 (1) Except as provided in ss. 775.21, 775.261, 943.0435,
 106 944.607, and 985.4815, whenever any person, after applying for
 107 or receiving a driver license or identification card, changes
 108 his or her legal name, that person must within 30 ~~10~~ days
 109 thereafter obtain a replacement license or card that reflects
 110 the change.

111 (2) If a ~~Whenever any~~ person, after applying for or
 112 receiving a driver license or identification card, changes the
 113 legal residence or mailing address in the application, ~~or~~
 114 license, or card, the person must, within 30 ~~10~~ calendar days
 115 after making the change, obtain a replacement license or card
 116 that reflects the change. A written request to the department
 117 must include the old and new addresses and the driver license or
 118 identification card number. Any person who has a valid, current
 119 student identification card issued by an educational institution
 120 in this state is presumed not to have changed his or her legal
 121 residence or mailing address. This subsection does not affect
 122 any person required to register a permanent or temporary address
 123 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.
 124 943.0435.

125 Section 5. Paragraph (f) of subsection (1) of section
 126 322.21, Florida Statutes, is amended to read:

127 322.21 License fees; procedure for handling and collecting
 128 fees.—

129 (1) Except as otherwise provided herein, the fee for:

130 (f) An original, renewal, or replacement identification

131 card issued pursuant to s. 322.051 is \$25, except that an
 132 applicant who presents evidence satisfactory to the department
 133 that he or she is homeless as defined in s. 414.0252(7); ~~or~~ his
 134 or her annual income is at or below 100 percent of the federal
 135 poverty level; or he or she is a juvenile offender who is in the
 136 custody or under the supervision of the Department of Juvenile
 137 Justice, is receiving services pursuant to s. 985.461, and whose
 138 identification card is issued by the department's mobile issuing
 139 units is exempt from such fee. Funds collected from fees for
 140 original, renewal, or replacement identification cards shall be
 141 distributed as follows:

142 1. For an original identification card issued pursuant to
 143 s. 322.051, the fee shall be deposited into the General Revenue
 144 Fund.

145 2. For a renewal identification card issued pursuant to s.
 146 322.051, \$6 shall be deposited into the Highway Safety Operating
 147 Trust Fund, and \$19 shall be deposited into the General Revenue
 148 Fund.

149 3. For a replacement identification card issued pursuant
 150 to s. 322.051, \$9 shall be deposited into the Highway Safety
 151 Operating Trust Fund, and \$16 shall be deposited into the
 152 General Revenue Fund. Beginning July 1, 2015, or upon completion
 153 of the transition of the driver license issuance services, if
 154 the replacement identification card is issued by the tax
 155 collector, the tax collector shall retain the \$9 that would
 156 otherwise be deposited into the Highway Safety Operating Trust

157 Fund and the remaining revenues shall be deposited into the
 158 General Revenue Fund.

159 Section 6. Subsection (3) of section 322.221, Florida
 160 Statutes, is amended to read:

161 322.221 Department may require reexamination.—

162 (3) (a) Upon the conclusion of such examination or
 163 reexamination the department shall take action as may be
 164 appropriate and may suspend or revoke the license of such person
 165 or permit him or her to retain such license, or may issue a
 166 license subject to restrictions as permitted under s. 322.16.
 167 Refusal or neglect of the licensee to submit to such examination
 168 or reexamination shall be ground for suspension or revocation of
 169 his or her license.

170 (b) If the department suspends or revokes the license of a
 171 person due to his or her physical or mental condition, the
 172 department shall issue an identification card to the person at
 173 the time of the license suspension or revocation. The department
 174 may not charge fees for the issuance of the identification card.

175 Section 7. This act shall take effect October 1, 2016.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
 2 Subcommittee
 3 Representative Slosberg offered the following:

Amendment (with title amendment)

Between lines 70 and 71, insert:

7 Section 2. Section 318.1215, Florida Statutes, is amended
8 to read:

9 318.1215 Dori Slosberg Driver Education Safety Act.—

10 Notwithstanding the provisions of s. 318.121, a board of county
 11 commissioners may require, by ordinance, that the clerk of the
 12 court collect an additional \$5 7 with each civil traffic
 13 penalty, which shall be used to fund driver education programs
 14 in public and nonpublic schools. The ordinance shall provide for
 15 the board of county commissioners to administer the funds, which
 16 shall be used for enhancement, and not replacement, of driver
 17 education program funds. The funds shall be used for direct



Amendment No. 1

18 educational expenses and shall not be used for administration.
19 Each driver education program receiving funds pursuant to this
20 section shall require that a minimum of 30 percent of a
21 student's time in the program be behind-the-wheel training. This
22 section may be cited as the "Dori Slosberg Driver Education
23 Safety Act."

24
25

26 -----

27 **T I T L E A M E N D M E N T**

28 Remove line 6 and insert:
29 "motor vehicle"; amending s. 318.1215, F.S., increasing the
30 additional fee that the clerk of court may be required to
31 collect with each civil traffic penalty; amending s. 320.02,
32 F.S.; providing