

By Senator Lynn

7-255-05

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A bill to be entitled

An act relating to driver's licenses; requiring law enforcement officers to check the status of certain licenses; amending s. 322.32, F.S.; increasing the penalty for certain offenses related to the use of an invalid license; providing an effective date.

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

Section 1. A law enforcement officer who stops a person who does not have a driver's license in his or her possession or who presents a license issued by another state must check to see if the person's driving privileges are suspended or revoked in this state or in the state that issued the license.

Section 2. Section 322.32, Florida Statutes, is amended to read:

322.32 Unlawful use of license.--It is a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083, for any person:

(1) To display, cause or permit to be displayed, or have in his or her possession any canceled, revoked, suspended, or disqualified driver's license knowing that such license has been canceled, revoked, suspended, or disqualified.

(a) The element of knowledge is satisfied if:

1. The person has been cited as provided in s. 322.34(1), and any cancellation, revocation, or suspension in effect at that time remains in effect; ~~or~~

1 2. The person admits to knowledge of the cancellation,
2 suspension, or revocation; or

3 3. The person received notice as provided in paragraph
4 (c).

5 (b) In any proceeding for a violation of this section,
6 a court may consider evidence, other than that specified in
7 paragraph (a), that a person knowingly possessed a canceled,
8 suspended, or revoked driver's license.

9 (c) Any judgment or order rendered by a court or
10 adjudicatory body or any uniform traffic citation that
11 cancels, suspends, or revokes a person's driver's license must
12 contain a provision notifying the person that his or her
13 driver's license or driving privilege has been canceled,
14 suspended, or revoked.

15 (2) To lend his or her driver's license to any other
16 person or knowingly permit the use thereof by another.

17 (3) To display, or represent as his or her own, any
18 driver's license not issued to him or her.

19 (4) To fail or refuse to surrender to the department
20 or to any law enforcement officer, upon lawful demand, any
21 driver's license in his or her possession which ~~that~~ has been
22 suspended, revoked, disqualified, or canceled.

23 (5) To permit any unlawful use of a driver's license
24 issued to him or her.

25 (6) To apply for, obtain, or cause to be issued to him
26 or her two or more photographic driver's licenses that ~~which~~
27 are in different names. The issuance of such licenses is
28 ~~shall be~~ prima facie evidence that the licensee has violated
29 the provisions of this section unless the issuance was in
30 compliance with the requirements of this chapter.
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(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 3. This act shall take effect July 1, 2005.

SENATE SUMMARY

Requires law enforcement officers to check the status of any person who, when asked to present a driver's license, either does not have one or has one issued by another state. Increases the penalty for certain offenses related to invalid licenses.