

By the Committee on Criminal Justice; and Senator Dockery

591-04819A-08

20081988c1

1 A bill to be entitled

2 An act relating to driving with a license that is  
3 suspended, revoked, or canceled; amending s. 322.34, F.S.;  
4 providing that a person commits a second-degree  
5 misdemeanor upon a first conviction and a first-degree  
6 misdemeanor upon a second or subsequent conviction of the  
7 same offense if the person commits certain specified  
8 violations of law; requiring the Department of Highway  
9 Safety and Motor Vehicles to study the effectiveness of  
10 suspending a person's driver's license for certain  
11 specified violations of law; requiring that the  
12 department, in consultation with the Office of Program  
13 Policy Analysis and Government Accountability and other  
14 affected entities, prepare a report and submit its  
15 findings and recommendations to the Governor and the  
16 Legislature by a specified date; providing an effective  
17 date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (10) is added to section 322.34,  
22 Florida Statutes, to read:

23 322.34 Driving while license suspended, revoked, canceled,  
24 or disqualified.--

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

591-04819A-08

20081988c1

30 1. Failing to pay child support as provided in s. 322.245  
31 or s. 61.13016;

32 2. Failing to pay any other financial obligation as  
33 provided in s. 322.245 other than those specified in s.  
34 322.245(1);

35 3. Failing to comply with a civil penalty required in s.  
36 318.15;

37 4. Failing to maintain vehicular financial responsibility  
38 as required by chapter 324;

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

41 6. Having been designated a habitual traffic offender under  
42 s. 322.264(1)(d) as a result of suspensions of his or her  
43 driver's license or driver privilege for any underlying violation  
44 listed in subparagraphs 1.-5.

45 (b)1. Upon a first conviction for knowingly driving while  
46 his or her license is suspended, revoked, or canceled for any of  
47 the underlying violations listed in subparagraphs (a)1.-6., a  
48 person commits a misdemeanor of the second degree, punishable as  
49 provided in s. 775.082 or s. 775.083.

50 2. Upon a second or subsequent conviction for the same  
51 offense of knowingly driving while his or her license is  
52 suspended, revoked, or canceled for any of the underlying  
53 violations listed in subparagraphs (a)1.-6., a person commits a  
54 misdemeanor of the first degree, punishable as provided in s.  
55 775.082 or s. 775.083.

56 Section 2. The Department of Highway Safety and Motor  
57 Vehicles shall conduct a study of the effectiveness of suspending  
58 a person's driver's license for any of the underlying violations

591-04819A-08

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59 as provided in section 1 of this act. The department, in  
60 consultation with the Office of Program Policy Analysis and  
61 Government Accountability and other affected entities, shall  
62 prepare a report that includes recommendations and describes the  
63 success of using alternative methods that are designed to  
64 increase compliance with these types of underlying violations.  
65 The department shall submit its findings and recommendations to  
66 the Governor and the Legislature by January 2, 2009.

67 Section 3. This act shall take effect July 1, 2008.