

By Senator Joyner

19-00533-16

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1 A bill to be entitled
2 An act relating to driver license or driving privilege
3 suspensions; amending s. 322.34, F.S.; revising
4 penalties for certain persons whose driver license or
5 driving privilege has been suspended and who drive a
6 motor vehicle upon the highways of this state knowing
7 of such suspension; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (2) of section 322.34, Florida
12 Statutes, is amended to read:

13 322.34 Driving while license suspended, revoked, canceled,
14 or disqualified.—

15 (2) (a) Any person whose driver license or driving privilege
16 has been suspended as provided by law, except habitual traffic
17 offenders as defined in s. 322.264, who, knowing of such
18 suspension, drives a motor vehicle on the highways of this state
19 while such license or privilege is suspended, upon:

20 1. A first conviction, is guilty of a misdemeanor of the
21 second degree, punishable as provided in s. 775.082 or s.
22 775.083.

23 2. A second or subsequent conviction, is guilty of a
24 misdemeanor of the first degree, punishable as provided in s.
25 775.082 or s. 775.083.

26 (b) Any person whose driver license or driving privilege
27 has been canceled, ~~suspended,~~ or revoked as provided by law,
28 except habitual traffic offenders as persons defined in s.
29 322.264, who, knowing of such cancellation, ~~suspension,~~ or

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30 revocation, drives a ~~any~~ motor vehicle on ~~upon~~ the highways of
31 this state while such license or privilege is canceled,
32 ~~suspended,~~ or revoked, upon:

33 1.(a) A first conviction, is guilty of a misdemeanor of the
34 second degree, punishable as provided in s. 775.082 or s.
35 775.083.

36 2.(b) A second conviction, is guilty of a misdemeanor of
37 the first degree, punishable as provided in s. 775.082 or s.
38 775.083.

39 3.(c) A third or subsequent conviction, is guilty of a
40 felony of the third degree, punishable as provided in s.
41 775.082, s. 775.083, or s. 775.084.

42
43 The element of knowledge is satisfied if the person has been
44 previously cited as provided in subsection (1); or the person
45 admits to knowledge of the cancellation, suspension, or
46 revocation; or the person received notice as provided in
47 subsection (4). There shall be a rebuttable presumption that the
48 knowledge requirement is satisfied if a judgment or order as
49 provided in subsection (4) appears in the department's records
50 for any case except for one involving a suspension by the
51 department for failure to pay a traffic fine or for a financial
52 responsibility violation.

53 Section 2. This act shall take effect October 1, 2016.