

By Senator Bracy

11-00692-18

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1                                   A bill to be entitled  
 2           An act relating to driving while a driver license or  
 3           driving privilege is canceled, suspended, or revoked;  
 4           amending s. 322.34, F.S.; repealing a felony offense  
 5           for a third or subsequent conviction for driving while  
 6           a driver license or driving privilege is canceled,  
 7           suspended, or revoked; providing that such a  
 8           conviction is a misdemeanor offense; providing an  
 9           effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

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 13           Section 1. Subsection (2) of section 322.34, Florida  
 14           Statutes, is amended to read:

15           322.34 Driving while license suspended, revoked, canceled,  
 16           or disqualified.—

17           (2) Any person whose driver license or driving privilege  
 18           has been canceled, suspended, or revoked as provided by law,  
 19           except persons defined in s. 322.264, who, knowing of such  
 20           cancellation, suspension, or revocation, drives any motor  
 21           vehicle upon the highways of this state while such license or  
 22           privilege is canceled, suspended, or revoked, upon:

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

26           (b) A second or subsequent conviction is guilty of a  
 27           misdemeanor of the first degree, punishable as provided in s.  
 28           775.082 or s. 775.083.

29           ~~(c) A third or subsequent conviction is guilty of a felony~~

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30 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
31 ~~775.083, or s. 775.084.~~

32  
33 The element of knowledge is satisfied if the person has been  
34 previously cited as provided in subsection (1); or the person  
35 admits to knowledge of the cancellation, suspension, or  
36 revocation; or the person received notice as provided in  
37 subsection (4). There shall be a rebuttable presumption that the  
38 knowledge requirement is satisfied if a judgment or order as  
39 provided in subsection (4) appears in the department's records  
40 for any case except for one involving a suspension by the  
41 department for failure to pay a traffic fine or for a financial  
42 responsibility violation.

43 Section 2. This act shall take effect October 1, 2018.