

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: SB 1324

INTRODUCER: Senator Ingoglia

SUBJECT: Driving Without a Valid Driver License

DATE: February 12, 2024

REVISED: 2/14/24

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

I. Summary:

SB 1324 establishes revised penalties related to the offense of driving without a valid driver license. Specifically, any person who drives any motor vehicle upon a highway in this state without a valid driver license commits:

- For a first offense, a misdemeanor of the second degree.
- For a second offense, a misdemeanor of the first degree.
- For a third or subsequent offense, a misdemeanor of the first degree and is subject to a minimum of 10 days in jail as ordered by the court.

This bill stipulates that the foregoing penalties do not apply to violations of s. 316.212, F.S., related to the operation of golf carts on roadways.

The bill takes effect July 1, 2024.

II. Present Situation:

Requirement to Be Licensed

Section 322.03, F.S., provides that a person may not operate a motor vehicle in the state without being licensed pursuant to ch. 322, F.S. However, the following individuals are exempt from obtaining a Florida driver license:

- Any employee of the United States Government, while operating a noncommercial motor vehicle owned by or leased to the United States Government and being operated on official business.
- Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.
- A nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or

country operating a motor vehicle of the type for which a Class E driver license is required in this state, if the nonresident's license is not invalid under s. 322.033, F.S., relating to proof of the licensee's lawful presence in the United States.

- A nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country operating a motor vehicle, other than a commercial motor vehicle, in this state, if the nonresident's license is not invalid under s. 322.033, F.S., relating to proof of the licensee's lawful presence in the United States.
- A person 18 years of age or older operating a golf cart, which is operated in accordance with s. 316.212, F.S.

Section 322.29, F.S., provides that any violation of ch. 322 F.S., unless otherwise specified is punishable as a misdemeanor of the second degree. However, a person charged under s. 322.03, F.S., may not be convicted if, prior to or at a court or hearing appearance, the person is able to produce a driver license valid at the time of arrest.¹

Driving While License Suspended, Revoked, Cancelled or Disqualified

Except as provided in s. 322.34(2), F.S., any person whose driver license or driving privilege has been canceled, suspended, or revoked, except a "habitual traffic offender", who drives a vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in ch. 318, F.S.²

Section 322.34(2), F.S., sets out penalties for driving while a driver license is suspended, revoked, canceled or disqualified, or who does not have a driver license but is under suspension or revocation status as defined in s. 322.01(42), F.S., who, *knowing* of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives a motor vehicle in the state.³ These penalties include:

- A second degree misdemeanor, upon a first conviction;
- A first degree misdemeanor, upon a second or subsequent conviction, except as provided below, and, for a third or subsequent conviction, a minimum of 10 days in jail;
- A third degree felony, upon a third or subsequent conviction if the current violation or the most recent prior violation is related to driving while license canceled, suspended, revoke, or suspension or revocation equivalent status resulting from a violation of: driving under the influence, refusal to submit to a urine, breath-alcohol, or blood alcohol test, a traffic offense causing death or serious bodily injury, or fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in s. 322.34(1), F.S.; or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in s. 322.34(4), F.S. There is a rebuttable presumption that the knowledge requirement is satisfied if a

¹ Section 320.03(6), F.S.

² Section 322.34(1), F.S.

³ "Suspension or revocation equivalent status" is a designation for a person who does not have a driver license or driving privilege but would qualify for suspension or revocation of his or her driver license or driving privilege if licensed. The Department of Highway Safety and Motor Vehicles may designate a person as having suspension or revocation equivalent status in the same manner as it is authorized to suspend or revoke a driver license or driving privilege by law.

judgment or order as provided in s. 322.23(4), F.S., appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.⁴

Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver license or places a person under suspension or revocation equivalent status must contain a provision notifying the person that his or her driver license has been canceled, suspended, or revoked, or of such suspension or revocation equivalent status.⁵

Driver License Requirements - Operation of Golf Carts

As previously noted, persons 18 years of age or older operating a golf cart in accordance with s. 316.212, F.S., are exempt from the requirement to obtain a driver license.⁶ Section 316.212, F.S., sets out various operational and equipment requirements that are applicable to golf carts. In terms of driver licensing, this section provides that a golf cart may not be operated on public roads or streets by a person:

- Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license, or
- Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

III. Effect of Proposed Changes:

This bill amends s. 322.03, F.S., to provide, that if any person operates any motor vehicle upon a highway, without a valid driver license, a person commits: for the first offense, a misdemeanor of the second degree; for the second offense, a misdemeanor of the first degree; and for a third or subsequent offense, a misdemeanor of the first degree, and is subject to a minimum of 10 days in jail as ordered by the court.

The bill provides that the penalties established in the bill do not apply to violations of s. 316.212, F.S., related to the operation of golf carts on certain roads.

The bill includes various conforming and technical provisions.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴ Section 322.34(2), F.S.

⁵ Section 322.34(4), F.S.

⁶ Section 320.04(1)(e), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Individuals operating motor vehicles in Florida without the required driver's license will be subject to enhanced penalties.

C. Government Sector Impact:

The bill creates new misdemeanor offenses which may have a positive indeterminate county jail bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.03, 322.15, and 322.291.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
