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CS/HB 1589

2024 Legislature

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 2 An act relating to driving without a valid driver
 3 license; amending s. 322.03, F.S.; revising penalties
 4 for the offense of driving without a valid driver
 5 license; requiring a specified minimum jail sentence
 6 for a third or subsequent conviction of such offense;
 7 providing applicability; amending ss. 322.15 and
 8 322.291, F.S.; conforming cross-references; providing
 9 an effective date.

10

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

12

13 Section 1. Section 322.03, Florida Statutes, is amended to
 14 read:

15 322.03 Drivers must be licensed; penalties.—

16 (1) (a) Except as otherwise authorized in this chapter, a
 17 person may not drive any motor vehicle upon a highway in this
 18 state unless such person has a valid driver license issued under
 19 this chapter.

20 (b) A person who violates paragraph (a) commits:

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

23 2. Upon a second conviction, a misdemeanor of the first
 24 degree, punishable as provided in s. 775.082 or s. 775.083.

25 3. Upon a third or subsequent conviction, a misdemeanor of

ENROLLED

CS/HB 1589

2024 Legislature

26 | the first degree, punishable as provided in s. 775.082 or s.
27 | 775.083, and the court must order the person to serve a minimum
28 | mandatory period of 10 days in jail.

29 |
30 | The penalties provided in this paragraph do not apply to
31 | violations of s. 316.212.

32 | (2)(a) A person who drives a commercial motor vehicle may
33 | not receive a driver license unless and until he or she
34 | surrenders to the department all driver licenses in his or her
35 | possession issued to him or her by any other jurisdiction or
36 | makes an affidavit that he or she does not possess a driver
37 | license. Any such person who fails to surrender such licenses
38 | commits a noncriminal infraction, punishable as a moving
39 | violation as set forth in chapter 318. Any such person who makes
40 | a false affidavit concerning such licenses commits a misdemeanor
41 | of the first degree, punishable as provided in s. 775.082 or s.
42 | 775.083.

43 | (b) All surrendered licenses may be returned by the
44 | department to the issuing jurisdiction together with information
45 | that the licensee is now licensed in a new jurisdiction or may
46 | be destroyed by the department, which shall notify the issuing
47 | jurisdiction of such destruction. A person may not have more
48 | than one valid driver license at any time.

49 | (3)~~(2)~~ Prior to issuing a driver license, the department
50 | shall require any person who has been convicted two or more

ENROLLED

CS/HB 1589

2024 Legislature

51 times of a violation of s. 316.193 or of a substantially similar
 52 alcohol-related or drug-related offense outside this state
 53 within the preceding 5 years, or who has been convicted of three
 54 or more such offenses within the preceding 10 years, to present
 55 proof of successful completion of or enrollment in a department-
 56 approved substance abuse education course. If the person fails
 57 to complete such education course within 90 days after issuance,
 58 the department shall cancel the license. Further, prior to
 59 issuing the driver license the department shall require such
 60 person to present proof of financial responsibility as provided
 61 in s. 324.031. For the purposes of this paragraph, a previous
 62 conviction for violation of former s. 316.028, former s.
 63 316.1931, or former s. 860.01 shall be considered a previous
 64 conviction for violation of s. 316.193.

65 (4)~~(3)~~(a) The department may not issue a commercial driver
 66 license to any person who is not a resident of this state.

67 (b) A resident of this state who is required by the laws
 68 of this state to possess a commercial driver license may not
 69 operate a commercial motor vehicle in this state unless he or
 70 she possesses a valid commercial driver license issued by this
 71 state. Except as provided in paragraph (c), any person who
 72 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
 73 the first degree, punishable as provided in s. 775.082 or s.
 74 775.083.

75 (c) Any person whose commercial driver license has been

ENROLLED

CS/HB 1589

2024 Legislature

76 expired for a period of 30 days or less and who drives a
 77 commercial motor vehicle within this state commits ~~is guilty of~~
 78 a nonmoving violation, punishable as provided in s. 318.18.

79 (5)~~(4)~~ A person may not operate a motorcycle unless he or
 80 she holds a driver license that authorizes such operation,
 81 subject to the appropriate restrictions and endorsements. A
 82 person may operate an autocycle, as defined in s. 316.003,
 83 without a motorcycle endorsement.

84 (6)~~(5)~~ It is a violation of this section for any person
 85 whose driver license has been expired for more than 6 months to
 86 operate a motor vehicle on the highways of this state.

87 (7)~~(6)~~ A person who is charged with a violation of this
 88 section, other than a violation of paragraph (2)(a) ~~of~~
 89 ~~subsection (1)~~, may not be convicted if, prior to or at the time
 90 of his or her court or hearing appearance, the person produces
 91 in court or to the clerk of the court in which the charge is
 92 pending a driver license issued to him or her and valid at the
 93 time of his or her arrest. The clerk of the court is authorized
 94 to dismiss such case at any time prior to the defendant's
 95 appearance in court. The clerk of the court may assess a fee of
 96 \$5 for dismissing the case under this subsection.

97 Section 2. Subsection (3) of section 322.15, Florida
 98 Statutes, is amended to read:

99 322.15 License to be carried and exhibited on demand;
 100 fingerprint to be imprinted upon a citation.—

ENROLLED

CS/HB 1589

2024 Legislature

101 (3) In relation to violations of subsection (1) or s.
 102 322.03(6) ~~s. 322.03(5)~~, persons who cannot supply proof of a
 103 valid driver license for the reason that the license was
 104 suspended for failure to comply with that citation shall be
 105 issued a suspension clearance by the clerk of the court for that
 106 citation upon payment of the applicable penalty and fee for that
 107 citation. If proof of a valid driver license is not provided to
 108 the clerk of the court within 30 days, the person's driver
 109 license shall again be suspended for failure to comply.

110 Section 3. Section 322.291, Florida Statutes, is amended
 111 to read:

112 322.291 Driver improvement schools or DUI programs;
 113 required in certain suspension and revocation cases.—Except as
 114 provided in s. 322.03(3) ~~s. 322.03(2)~~, any person:

115 (1) Whose driving privilege has been revoked:

116 (a) Upon conviction for:

117 1. Driving, or being in actual physical control of, any
 118 vehicle while under the influence of alcoholic beverages, any
 119 chemical substance set forth in s. 877.111, or any substance
 120 controlled under chapter 893, in violation of s. 316.193;

121 2. Driving with an unlawful blood- or breath-alcohol
 122 level;

123 3. Manslaughter resulting from the operation of a motor
 124 vehicle;

125 4. Failure to stop and render aid as required under the

ENROLLED

CS/HB 1589

2024 Legislature

126 | laws of this state in the event of a motor vehicle crash
 127 | resulting in the death or personal injury of another;
 128 | 5. Reckless driving; or
 129 | (b) As a habitual offender;
 130 | (c) Upon direction of the court, if the court feels that
 131 | the seriousness of the offense and the circumstances surrounding
 132 | the conviction warrant the revocation of the licensee's driving
 133 | privilege; or
 134 | (2) Whose license was suspended under the point system,
 135 | was suspended for driving with an unlawful blood-alcohol level
 136 | of 0.10 percent or higher before January 1, 1994, was suspended
 137 | for driving with an unlawful blood-alcohol level of 0.08 percent
 138 | or higher after December 31, 1993, was suspended for a violation
 139 | of s. 316.193(1), or was suspended for refusing to submit to a
 140 | lawful breath, blood, or urine test as provided in s. 322.2615
 141 |
 142 | shall, before the driving privilege may be reinstated, present
 143 | to the department proof of enrollment in a department-approved
 144 | advanced driver improvement course operating pursuant to s.
 145 | 318.1451 or a substance abuse education course conducted by a
 146 | DUI program licensed pursuant to s. 322.292, which shall include
 147 | a psychosocial evaluation and treatment, if referred.
 148 | Additionally, for a third or subsequent violation of
 149 | requirements for installation of an ignition interlock device, a
 150 | person must complete treatment as determined by a licensed

ENROLLED

CS/HB 1589

2024 Legislature

151 treatment agency following a referral by a DUI program and have
152 the duration of the ignition interlock device requirement
153 extended by at least 1 month up to the time period required to
154 complete treatment. If the person fails to complete such course
155 or evaluation within 90 days after reinstatement, or
156 subsequently fails to complete treatment, if referred, the DUI
157 program shall notify the department of the failure. Upon receipt
158 of the notice, the department shall cancel the offender's
159 driving privilege, notwithstanding the expiration of the
160 suspension or revocation of the driving privilege. The
161 department may temporarily reinstate the driving privilege upon
162 verification from the DUI program that the offender has
163 completed the education course and evaluation requirement and
164 has reentered and is currently participating in treatment. If
165 the DUI program notifies the department of the second failure to
166 complete treatment, the department shall reinstate the driving
167 privilege only after notice of completion of treatment from the
168 DUI program.

169 Section 4. This act shall take effect July 1, 2024.