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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2024	.	
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The Committee on Criminal Justice (Martin) recommended the following:

Senate Amendment (with title amendment)

Between lines 290 and 291
insert:

Section 6. Subsection (2) of section 322.34, Florida Statutes, is amended to read:

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

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or



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11 who does not have a driver license or driving privilege but is
12 under suspension or revocation equivalent status as defined in
13 s. 322.01(42), except persons defined in s. 322.264, who,
14 knowing of such cancellation, suspension, revocation, or
15 suspension or revocation equivalent status, drives any motor
16 vehicle upon the highways of this state while such license or
17 privilege is canceled, suspended, or revoked, or while under
18 suspension or revocation equivalent status, commits:

19 (a) A misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083.

21 (b)~~1~~ A misdemeanor of the first degree, punishable as
22 provided in s. 775.082 or s. 775.083, upon a second or
23 subsequent conviction, except as provided in paragraph (c).

24 ~~2~~ A person convicted of a third or subsequent conviction,
25 except as provided in paragraph (c), must serve a minimum of 10
26 days in jail.

27 (c) A felony of the third degree, punishable as provided in
28 s. 775.082, s. 775.083, or s. 775.084, upon a third or
29 subsequent conviction if the current violation of this section
30 or the most recent prior violation of the section is related to
31 driving while license canceled, suspended, revoked, or
32 suspension or revocation equivalent status resulting from a
33 violation of:

34 1. Driving under the influence. A person to whom this
35 subparagraph applies must serve a minimum of 30 days in jail
36 upon a first conviction, a minimum of 60 days in jail upon a
37 second conviction, and a minimum of 90 days in jail upon a third
38 or subsequent conviction;

39 2. Refusal to submit to a urine, breath-alcohol, or blood



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40 alcohol test. A person to whom this subparagraph applies must
41 serve a minimum of 30 days in jail upon a first conviction, a
42 minimum of 60 days in jail upon a second conviction, and a
43 minimum of 90 days in jail upon a third or subsequent
44 conviction;

45 3. A traffic offense causing death or serious bodily
46 injury; or

47 4. Fleeing or eluding.
48

49 The element of knowledge is satisfied if the person has been
50 previously cited as provided in subsection (1); or the person
51 admits to knowledge of the cancellation, suspension, or
52 revocation, or suspension or revocation equivalent status; or
53 the person received notice as provided in subsection (4). There
54 is shall be a rebuttable presumption that the knowledge
55 requirement is satisfied if a judgment or an order as provided
56 in subsection (4) appears in the department's records for any
57 case except for one involving a suspension by the department for
58 failure to pay a traffic fine or for a financial responsibility
59 violation.
60

61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete line 33

64 and insert:

65 violation; amending s. 322.34, F.S.; providing
66 penalties for specified violations of driving while a
67 license or driving privilege is canceled, suspended,
68 or revoked or under suspension or revocation



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equivalent status; making technical changes; providing
an effective date.