

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 Committee on Transportation

BILL: SB 1370

INTRODUCER: Senator Martin

SUBJECT: Habitual Traffic Offender Designation

DATE: February 10, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.	Parker	Stokes	CJ	Favorable
3.			RC	

I. Summary:

SB 1370 amends the definition of “habitual traffic offender” to add the offense of driving a motor vehicle without a valid license to the list of offenses for which a specified number of convictions within a five-year period requires the Department of Highway Safety and Motor Vehicles (DHSMV) to designate a person as a habitual traffic offender. Generally, once a person is designated as a habitual traffic offender, he or she can be prosecuted for a third-degree felony for subsequently driving a motor vehicle.

The bill may have an indeterminate fiscal impact on the private and governmental sectors. See Section V., Fiscal Impact Statement for additional details.

The bill takes effect July 1, 2026.

II. Present Situation:

Requirements to Obtain a Driver License

Florida law provides that, unless exempted, a person may not drive a motor vehicle¹ upon a highway unless he or she has a valid driver license issued under ch. 322, F.S.² Generally, to obtain a Florida driver license, a person must:

- Be at least 16 years of age;
- Complete a drug, alcohol, and traffic awareness course; and

¹ Sections 316.003 and 322.001(29), F.S. defines “Motor vehicle” as any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric bicycles.

² Section 322.03, F.S.

- Pass a driving knowledge exam and driving skills test.^{3,4}

A person younger than 18 years of age must also hold a learner's permit for a specified period of time, not be convicted of traffic infractions, and complete a specified amount of driving experience.⁵

Operating a Vehicle Without a Valid Driver License

A person who drives a motor vehicle without ever having been issued a valid driver license commits an offense of no valid driver license under s. 322.03(1), F.S. A person commits a:

- Second degree misdemeanor⁶, upon a first conviction.
- First degree misdemeanor⁷, upon a second conviction.
- First degree misdemeanor, and must serve 10 days in jail for a third or subsequent conviction.⁸

A person who operates a motor vehicle when his or her license has been expired for more than six months commits a criminal offense for which no points are assessed.^{9,10}

Pursuant to s. 322.03(2), F.S., a person who drives a commercial motor vehicle¹¹ may not receive a driver license unless and until he or she surrenders to DHSMV all driver licenses issued by any other jurisdiction, or makes an affidavit that he or she does not possess such a driver license. A person commits a:

- Noncriminal infraction, punishable as a moving violation under ch. 318, F.S., if he or she fails to surrender such licenses.
- First degree misdemeanor, if he or she makes a false affidavit concerning such licenses.

³ *How to Get Your Florida Driver's License*, <https://www.stateofflorida.com/drivers-license-steps/> (last visited February 9, 2026).

⁴ See also *General Information*, FLHSMV, <https://www.flhsmv.gov/driver-licenses-id-cards/general-information/> (last visited February 9, 2026).

⁵ *Supra* note 3.

⁶ A second degree misdemeanor is punishable by a definite term of imprisonment not exceeding 60 days and a \$500 fine as provided by ss. 775.082 and 775.083, F.S.

⁷ A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine as provided by ss. 775.082 and 775.083, F.S.

⁸ Section 322.03(1), F.S. provides penalties for a violation of no valid driver license, do not apply to a violation of section 316.212, F.S., relating to the operation of golf carts. A golf cart is a type of motor vehicle as defined in section 320.01, F.S. Under section 316.212(7), F.S., a golf cart may be operated on public roads or streets by a certain person not possessing a valid driver license, including a person: a) who is under 18 years of age and possesses a valid learner's driver license or valid driver license; or b) who is 18 years of age or older who possesses a valid form of government-issued photographic identification. A person who violates section 316.212, F.S., commits a noncriminal traffic infraction, punishable pursuant to chapter 318 as a nonmoving violation.

⁹ Section 322.03(6), F.S. Under s. 322.065, F.S., a person whose driver license has been expired for six months or less and who drives a motor vehicle commits an infraction and is subject to the penalty provided in s. 318.18, F.S.

¹⁰ See FLHSMV (revised Apr. 2, 2025), https://www.flhsmv.gov/pdf/courts/utc/appendix_c.pdf (last visited February 9, 2026).

¹¹ Section 322.01(8), F.S. defines "Commercial motor vehicle" to mean any motor vehicle or motor vehicle combination used on the streets or highways, which: has a gross vehicle weight rating of 26,001 pounds or more; is designed to transport more than 15 persons, including the driver; or is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

Section 322.03(4), F.S., provides a Florida resident who is required to possess a commercial driver license may not operate a commercial motor vehicle in Florida unless he or she possesses a valid commercial driver license issued by Florida. A person who drives a commercial motor vehicle in violation of these requirements commits a:

- First degree misdemeanor.
- Nonmoving violation, punishable as provided in s. 318.18, F.S., if his or her commercial driver license has been expired for 30 days or less.

Pursuant to s. 322.03(5), F.S., a person may not operate a motorcycle unless he or she holds a driver license that authorizes such operation, subject to the appropriate restrictions and endorsements. A violation of this requirement is a criminal offense for which no points are assessed.¹²

Driving While License Suspended, Revoked, Canceled, or Disqualified (DWLS)

Section 322.34(2), F.S., provides a person whose driver license or driving privilege has been canceled, suspended, or revoked, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(42), F.S.,¹³ who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives a motor vehicle upon a highway in Florida, commits a:

- Second degree misdemeanor, upon a first conviction.¹⁴
- First degree misdemeanor,¹⁵ upon a second or subsequent conviction.¹⁶
- First degree misdemeanor, upon a third or subsequent specified conviction, and must serve 10 days in jail.¹⁷
- Third degree felony,¹⁸ upon a third or subsequent conviction, if the current or most recent violation relates to a DWLS that resulted 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.¹⁹

¹² *Supra* note 8.

¹³ “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. DHSMV 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.

¹⁴ Section 322.34(2)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Ss. 775.082 and 775.083, F.S.

¹⁵ A first-degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Ss. 775.082 and 775.083, F.S.

¹⁶ Section 322.34(2)(b)1., F.S.

¹⁷ Section 322.34(2)(b)2., F.S.

¹⁸ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

¹⁹ Section 322.34(2)(c), F.S. A person whose third or subsequent DWLS qualifies as a third degree felony under s. 322.34(2)(c), F.S., is not subject to the minimum mandatory period of 10 days in jail that applies to a third or subsequent DWLS under s. 322.34(2)(b), F.S.

Habitual Traffic Offender Designation

Section 322.264, F.S., provides that a person designated as a habitual traffic offender (HTO) is any person whose record, as maintained by DHSMV, shows that he or she has accumulated, within a five-year period:

- Three or more convictions, arising out of separate acts, for any of the following offenses:
 - Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle²⁰;
 - Driving under the influence²¹ under s. 316.193, F.S.;²²
 - Any felony in the commission of which a motor vehicle is used²³;
 - Driving while the license is suspended or revoked²⁴;
 - Failing to stop and render aid as required in the event of a motor vehicle crash resulting in the death of or personal injury to another person²⁵; or
 - Driving a commercial motor vehicle while his or her privilege is disqualified²⁶.
- Accumulating 15 convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, F.S.²⁷

A person commits a third-degree felony if he or she drives any motor vehicle on the highways of Florida if he or she is designated an HTO.²⁸ Additionally, an HTO must have his or her driving privilege revoked and is not eligible to be relicensed for a minimum of five years from the date of revocation.²⁹ Currently, driving with no valid driver license is not a qualifying offense for HTO designation.

III. Effect of Proposed Changes:

The bill amends s. 322.264, F.S., to expand the definition of “habitual traffic offender” to include driving a motor vehicle without a valid license in violation of s. 322.03, F.S., that three or more convictions within five years, arising out of separate acts, requires DHSMV to designate a person as a “habitual traffic offender.”

The act shall be known as “Isaiah’s Law.”

Once a person is designated as a habitual traffic offender, he or she may be prosecuted for a third degree felony for thereafter driving a motor vehicle and the DHSMV must revoke his or her driver license for a period of five years.³⁰

²⁰ Section 322.264(1)(a), F.S.

²¹ Section 322.264(1)(b), F.S.

²² Former ss. 316.1931, or former 860.01, F.S.

²³ Section 322.264(1)(c), F.S.

²⁴ Section 322.264(1)(d), F.S.

²⁵ Section 322.264(1)(e), F.S.

²⁶ Section 322.264(1)(f), F.S.

²⁷ Section 322.264(2), F.S.

²⁸ Section 322.34(5), F.S.

²⁹ *Supra* note 2.; s. 322.27, F.S.

³⁰ Section 322.27(5)(a), F.S. A person designated as a habitual traffic offender must wait 12 months from the date of his or her revocation before petitioning DHSMV for reinstatement of his or her driving privilege. Section 322.271(1)(b), F.S.

As required by s. 322.27(5)(a), F.S., DHSMV will revoke the driver license of any person designated as a habitual traffic offender for five years and such person will be eligible to apply for a restricted driver license after one year. A person who does not have a driver license (and has the requisite three or more convictions to be classified as a habitual traffic offender) will not be eligible to apply for a restricted driver license because such person has never had a driver license to which the restriction would apply. As a result, such person would be required to serve the entire five-year revocation period without driving.³¹

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons designated as a habitual traffic offender as result of the bill would be subject to enhanced penalties, and the indirect costs associated with the loss of driving privileges.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact to local and state governments. To the extent that more offenders are designated as habitual traffic offenders, and are thereafter

³¹ Florida Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2026 House Bill 35*, p. 3-4 (Sept. 30, 2025).

convicted of specified driving offenses, such offenders may be subject to longer terms of incarceration.

Additionally, the DHSMV estimates that the bill will have a fiscal impact of \$46,110 related to information technology programming and implementation costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Citing ongoing information technology projects, DHSMV recommends delaying the effective date of the bill from July 1, 2026, to October 1, 2026.

VIII. Statutes Affected:

This bill amends section 322.264 of the Florida Statutes.

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.