

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to driving without a valid driver
3 license; amending s. 322.03, F.S.; providing criminal
4 penalties for the offense of driving without a valid
5 driver license; requiring the court to sentence an
6 offender to a specified minimum jail sentence upon a
7 third or subsequent conviction for the offense;
8 providing applicability; making technical changes;
9 amending ss. 322.15 and 322.291, F.S.; conforming
10 cross-references; providing an effective date.

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

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

16 322.03 Drivers must be licensed; penalties.—

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

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

22 1. For the first offense, a misdemeanor of the second
23 degree, punishable as provided in s. 775.082 or s. 775.083.

24 2. For the second offense, a misdemeanor of the first
25 degree, punishable as provided in s. 775.082 or s. 775.083.

26 3. For a third or subsequent offense, a misdemeanor of the
27 first degree, punishable as provided in s. 775.082 or s.
28 775.083, and the court shall order the person to serve a minimum
29 period of 10 days in jail.

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The penalties provided in paragraph (b) do not apply to violations of s. 316.212.

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

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

(3)~~(2)~~ Prior to issuing a driver license, the department shall require any person who has been convicted two or more times of a violation of s. 316.193 or of a substantially similar alcohol-related or drug-related offense outside this state within the preceding 5 years, or who has been convicted of three or more such offenses within the preceding 10 years, to present proof of successful completion of or enrollment in a department-approved substance abuse education course. If the person fails to complete such education course within 90 days after issuance,

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59 the department shall cancel the license. Further, prior to
60 issuing the driver license the department shall require such
61 person to present proof of financial responsibility as provided
62 in s. 324.031. For the purposes of this paragraph, a previous
63 conviction for violation of former s. 316.028, former s.
64 316.1931, or former s. 860.01 shall be considered a previous
65 conviction for violation of s. 316.193.

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

69 (b) A resident of this state who is required by the laws of
70 this state to possess a commercial driver license may not
71 operate a commercial motor vehicle in this state unless he or
72 she possesses a valid commercial driver license issued by this
73 state. Except as provided in paragraph (c), any person who
74 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
75 the first degree, punishable as provided in s. 775.082 or s.
76 775.083.

77 (c) Any person whose commercial driver license has been
78 expired for a period of 30 days or less and who drives a
79 commercial motor vehicle within this state commits ~~is guilty of~~
80 a nonmoving violation, punishable as provided in s. 318.18.

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

86 (6) ~~(5)~~ It is a violation of this section for any person
87 whose driver license has been expired for more than 6 months to

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88 operate a motor vehicle on the highways of this state.

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

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

101 322.15 License to be carried and exhibited on demand;
102 fingerprint to be imprinted upon a citation.—

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

112 Section 3. Section 322.291, Florida Statutes, is amended to
113 read:

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

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117 (1) Whose driving privilege has been revoked:
118 (a) Upon conviction for:
119 1. Driving, or being in actual physical control of, any
120 vehicle while under the influence of alcoholic beverages, any
121 chemical substance set forth in s. 877.111, or any substance
122 controlled under chapter 893, in violation of s. 316.193;
123 2. Driving with an unlawful blood- or breath-alcohol level;
124 3. Manslaughter resulting from the operation of a motor
125 vehicle;
126 4. Failure to stop and render aid as required under the
127 laws of this state in the event of a motor vehicle crash
128 resulting in the death or personal injury of another;
129 5. Reckless driving; or
130 (b) As a habitual offender;
131 (c) Upon direction of the court, if the court feels that
132 the seriousness of the offense and the circumstances surrounding
133 the conviction warrant the revocation of the licensee's driving
134 privilege; or
135 (2) Whose license was suspended under the point system, was
136 suspended for driving with an unlawful blood-alcohol level of
137 0.10 percent or higher before January 1, 1994, was suspended for
138 driving with an unlawful blood-alcohol level of 0.08 percent or
139 higher after December 31, 1993, was suspended for a violation of
140 s. 316.193(1), or was suspended for refusing to submit to a
141 lawful breath, blood, or urine test as provided in s. 322.2615
142
143 shall, before the driving privilege may be reinstated, present
144 to the department proof of enrollment in a department-approved
145 advanced driver improvement course operating pursuant to s.

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146 318.1451 or a substance abuse education course conducted by a
147 DUI program licensed pursuant to s. 322.292, which shall include
148 a psychosocial evaluation and treatment, if referred.
149 Additionally, for a third or subsequent violation of
150 requirements for installation of an ignition interlock device, a
151 person must complete treatment as determined by a licensed
152 treatment agency following a referral by a DUI program and have
153 the duration of the ignition interlock device requirement
154 extended by at least 1 month up to the time period required to
155 complete treatment. If the person fails to complete such course
156 or evaluation within 90 days after reinstatement, or
157 subsequently fails to complete treatment, if referred, the DUI
158 program shall notify the department of the failure. Upon receipt
159 of the notice, the department shall cancel the offender's
160 driving privilege, notwithstanding the expiration of the
161 suspension or revocation of the driving privilege. The
162 department may temporarily reinstate the driving privilege upon
163 verification from the DUI program that the offender has
164 completed the education course and evaluation requirement and
165 has reentered and is currently participating in treatment. If
166 the DUI program notifies the department of the second failure to
167 complete treatment, the department shall reinstate the driving
168 privilege only after notice of completion of treatment from the
169 DUI program.

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