

Committee Substitute for Senate Bill No. 1988

An act relating to driving with a license that is suspended, revoked, or canceled; amending s. 322.34, F.S.; providing that a person commits a second-degree misdemeanor upon a first conviction and a first-degree misdemeanor upon a second or subsequent conviction of the same offense if the person commits certain specified violations of law; requiring the Department of Highway Safety and Motor Vehicles to study the effectiveness of suspending a person's driver's license for certain specified violations of law; requiring that the department, in consultation with the Office of Program Policy Analysis and Government Accountability and other affected entities, prepare a report and submit its findings and recommendations to the Governor and the Legislature by a specified date; providing an effective date.

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

Section 1. Subsection (10) is added to section 322.34, Florida Statutes, to read:

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

(10)(a) Notwithstanding any other provision of this section, if a person does not have a prior forcible felony conviction as defined in s. 776.08, the penalties provided in paragraph (b) apply if a person's driver's license or driving privilege is canceled, suspended, or revoked for:

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;
 2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);
 3. Failing to comply with a civil penalty required in s. 318.15;
 4. Failing to maintain vehicular financial responsibility as required by chapter 324;
 5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or
 6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver's license or driver privilege for any underlying violation listed in subparagraphs 1.-5.
- (b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The Department of Highway Safety and Motor Vehicles shall conduct a study of the effectiveness of suspending a person's driver's license for any of the underlying violations as provided in section 1 of this act. The department, in consultation with the Office of Program Policy Analysis and Government Accountability and other affected entities, shall prepare a report that includes recommendations and describes the success of using alternative methods that are designed to increase compliance with these types of underlying violations. The department shall submit its findings and recommendations to the Governor and the Legislature by January 2, 2009.

Section 3. This act shall take effect July 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.