

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal Justice Committee

BILL: SB 210

INTRODUCER: Senator Lynn

SUBJECT: Habitual Traffic Offenders

DATE: March 19, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Boyd</u>	<u>Meyer</u>	<u>TR</u>	Favorable
2.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Section 322.264 (1), F.S., is amended to except a person convicted for driving a motor vehicle without knowledge that his or her license has been suspended or revoked under s. 322.34(1), F.S., from being a habitual traffic offender.

This bill substantially amends section 322.264 of the Florida Statutes.

II. Present Situation:

Section 322.264(1), F.S., provides any person who, in a five year period, has three or more convictions for specific offenses is designated as a habitual traffic offender. These offenses include:

- Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
- Any violation of s. 316.193, (Driving Under Influence);
- Any felony in the commission of which a motor vehicle is used;
- Driving a motor vehicle while his or her license is suspended or revoked;
- Failing to stop and render aid as required under the laws of the state in the event of a motor vehicle crash resulting in the death or personal injury of another; or
- Driving a commercial motor vehicle while his or her privilege is disqualified.

Section 322.264(2), F.S., further provides any person who, in a five year period, has fifteen convictions for moving traffic offenses for which points may be assessed is also designated as a habitual traffic offender.

The Department of Highway Safety and Motor Vehicles is required under s. 322.27(5), F.S., to revoke the license of any person designated a habitual traffic offender for a minimum of 5 years.

Currently, s. 322.34(1), F.S., provides any person whose driving privilege has been cancelled, suspended, or revoked, except a “habitual traffic offender” as defined in s. 322.264, F.S., who drives a vehicle upon the highways of this state without the knowledge that his or her driving privilege has been canceled, suspended, or revoked is guilty of a moving violation.

A habitual traffic offender who drives a motor vehicle while his or her license is revoked is guilty of a felony of the third degree, punishable by potential imprisonment up to five years and/or a fine up to \$5,000.

III. Effect of Proposed Changes:

This bill amends s. 322.264 (1), F.S., to except a person convicted for driving a motor vehicle without knowledge that his or her license has been suspended under s. 322.34(1), F.S., from being a habitual traffic offender.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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