FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 35	**COMPANION BILL:** SB 1370 (Martin)
TITLE: Habitual Traffic Offender Designation	**LINKED BILLS:** None
SPONSOR(S): Barnaby	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 99 **Y's** 15 **N's** **GOVERNOR'S ACTION:** Approved

SUMMARY

Effect of the Bill:
The bill 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 thereafter driving a motor vehicle.

Fiscal or Economic Impact:
The bill may have an indeterminate positive impact on prison beds by including driving a motor vehicle without a valid license to the list of offenses for which a person may be designated as a habitual traffic offender. To the extent that more offenders are designated habitual traffic offenders, and are thereafter 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 programming costs.

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ANALYSIS

EFFECT OF THE BILL:

The bill adds driving a motor vehicle without a valid license in violation of s. 322.03, F.S., to the list of offenses for which three or more convictions within five years, arising out of separate acts, requires the Department of Highway Safety and Motor Vehicles (DHSMV) to designate a person as a "habitual traffic offender" (HTO). (Section 2)

Generally, once a person is designated as an HTO, he or she can be prosecuted for a third degree felony for thereafter driving a motor vehicle[1] and the DHSMV must revoke his or her driver license for a period of five years.[2] Under the proposed bill, a person who does not have a driver license and who is designated as an HTO will not be eligible to apply for a restricted driver license during the five-year revocation period.[3]

The act is named "Isaiah's Law." (Section 1)

The bill was approved by the Governor on April 23, 2026, ch. 2026-53, L.O.F., and will become effective on July 1, 2026. (Section 3)

[1] S. 322.34(5), F.S.
[2] S. 322.27(5)(a), F.S. A person designated as an HTO must wait 12 months from the date of his or her revocation before petitioning DHSMV for reinstatement of his or her driving privilege. S. 322.271(1)(b), F.S.
[3] Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2026 House Bill 35, p. 3-4 (Sept. 30, 2025).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive impact on prison beds by including driving a motor vehicle without a valid license to the list of offenses for which a person may be designated as an HTO. To the extent that more offenders are designated as HTOs, and are thereafter 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 programming costs.[4]

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Requirements to Obtain a Driver License

In Florida, unless exempted, a person may not drive a motor vehicle[5] upon a highway[6] unless he or she has a valid driver license issued under chapter 322, F.S.[7] Generally, to obtain a Florida driver license, a person must:

- Be at least 16 years of age.[8]
- Complete a traffic law and substance abuse education course or a semester-long driver education course that meets certain Department of Education driver education course standards.[9]
- Pass a driving knowledge exam and driving skills test.[10,11]

To obtain a driver license, a person younger than 18 years of age must also hold a learner's permit for at least 12 months, not be convicted of moving traffic infractions,[12] and complete a specified amount of driving experience.[13]

Operating a Vehicle without a Valid Driver License

No Valid Driver License (NVDL)

Motor Vehicles

A person who drives a motor vehicle without ever having been issued a valid driver license commits an offense of NVDL under s. 322.03(1), F.S., which is a:

- Second degree misdemeanor, upon a first conviction.
- First degree misdemeanor, upon a second conviction.
- First degree misdemeanor and must serve 10 days in jail, upon a third or subsequent conviction.[14]

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[4] *Id.*

[5] "Motor vehicle" means 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. S. 322.01(29), F.S.

[6] "Street or highway" means the entire width between the boundary lines of a way or place if any part of that way or place is open to public use for purposes of vehicular traffic. S. 322.01(41), F.S.

[7] S. 322.03(1)(a), F.S.

[8] S. 322.05(1), F.S.

[9] S. 322.095(1), F.S.

[10] S. 322.12, F.S. See also *How to Get Your Florida Driver's License,* https://www.stateofflorida.com/drivers-license-steps/ (last visited Apr. 28, 2026).

[11] See also *General Information*, FLHSMV, https://www.flhsmv.gov/driver-licenses-id-cards/general-information/ (last visited Apr. 28, 2026).

[12] S. 322.05(2), F.S.

[13] S. 322.05(3), F.S.

[14] The penalties under s. 322.03(1), F.S., for a violation of NVDL, do not apply to a violation of 316.212, F.S., relating to the operation of golf carts. A golf cart is a type of motor vehicle as defined in s. 320.01, F.S. Under s. 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

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.[15,16]

Commercial Motor Vehicles

Under s. 322.03(2), F.S., a person who drives a commercial motor vehicle[17] 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 chapter 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.

Under s. 322.03(4), F.S., 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.

Motorcycles

Under s. 322.03(5), F.S., a person may not operate a motorcycle[18] 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.[19]

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

Under s. 322.34(2), F.S., 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(43), F.S.,[20] 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.[21]
- First degree misdemeanor,[22] upon a second or subsequent conviction.[23]

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who possesses a valid form of government-issued photographic identification. A person who violates s. 316.212, F.S., commits a noncriminal traffic infraction, punishable pursuant to chapter 318 as a nonmoving violation.

[15] S. 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.

[16] *See* FLHSMV (revised Apr. 2, 2025), https://www.flhsmv.gov/pdf/courts/utc/appendix_c.pdf (last visited Mar. 16, 2026).

[17] "Commercial motor vehicle" means 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. S. 322.01(8), F.S.

[18] "Motorcycle" means a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, tri-vehicle, or moped. S. 322.01(28), F.S.

[19] *Supra* note 16.

[20] "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.

[21] S. 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.

[22] 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.

[23] S. 322.34(2)(b)1., F.S.

- First degree misdemeanor, upon a third or subsequent specified conviction, and must serve 10 days in jail.[24]
- Third degree felony,[25] 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.[26]

Habitual Traffic Offender Designation

Under s. 322.264, F.S., a person designated as a habitual traffic offender (HTO) is any person whose record, as maintained by the 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 vehicle;
  - Driving under the influence under s. 316.193, F.S.;[27]
  - Any felony in the commission of which a motor vehicle is used;
  - DWLS;
  - 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 person;
  - Driving a commercial motor vehicle while his or her privilege is disqualified; or
- Fifteen convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, F.S.

Generally, once a person is designated as an HTO, he or she can be prosecuted for a third degree felony for thereafter driving a motor vehicle[28] and is not eligible to be relicensed for a minimum of five years from the date of revocation.[29] Unlike DWLS convictions, a person currently does not qualify for HTO status based on NVDL convictions.

[24] S. 322.34(2)(b)2., F.S.
[25] 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.
[26] S. 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.
[27] Former ss. 316.1931, or former 860.01, F.S.
[28] *Supra* note 1.
[29] *Supra* note 2.