

FLORIDA: YOUR DRIVING PRIVILEGE

Driver Licensing

Driving a motor vehicle in Florida is a privilege you earn. You cannot obtain a license in Florida under the following conditions:

- If your license is suspended or revoked in any state.
- If you are addicted to drugs or alcohol.
- If you cannot drive safely because of mental or physical problems. (Deafness alone will not prevent a person from being issued a driver license.)
- If you are under the legal age for licensing (15 for learner's license, 16 for Class E).

Every driver who obtains a license must drive safely to keep it. If you break the traffic laws or become an unsafe driver, your license can be taken away. It can be suspended, revoked, or canceled.

- Your license can be **SUSPENDED** if you:
 - Make a fraudulent driver license application.
 - Allow your license to be used for a purpose that is against the law.
 - Are convicted in a traffic court and the court orders that your license be suspended.
 - Refuse to take a test to show if you are driving while under the influence of alcohol or drugs.
 - Misuse a restricted license.
 - Earn a certain number of points for traffic offenses on the point system.
 - Break a traffic law and fail to pay your fine or appear in court as directed.
 - Fail to pay child support.
 - Fail to carry insurance on your vehicle.
 - Fail to stop for a school bus.
 - Use tobacco if you are under age.
 - Commit retail theft.

Your license must be **REVOKED** if you are found guilty of, or department records show:

- Driving while under the influence of alcohol, drugs or other controlled substances.
- A felony in which a motor vehicle is used.
- Not stopping to give help when the vehicle you are driving is involved in a crash causing death or personal injury.
- Lying about the ownership or operation of motor vehicles.
- Three cases of reckless driving within one year. Forfeiting bail and not going to court to avoid being convicted of reckless driving counts the same as a conviction.
- An immoral act in which a motor vehicle was used.
- Three major offenses or 15 offenses for which you receive points within a 5-year period.
- A felony for drug possession.
- Vision worse than the standard minimum requirements.
- Racing on the highway.

A court may also order that your license be revoked for certain other traffic offenses. Your license will be revoked for at least three years if you kill someone through reckless driving. If your license was issued because of a mistake or fraud (giving false information or identification), it will be **CANCELED**.

A licensed driver (Class E or higher) who is under the age of 17 may not operate a motor vehicle between 11:00 PM and 6:00 AM unless accompanied by a driver who is 21 years of age or older and holds a valid driver license (Class E or higher), or the operator is driving to or from work. A licensed driver (Class E or higher) who is 17 years of age may not operate a motor vehicle between 1:00 AM and 5:00 AM unless accompanied by a driver who is 21 years of age or older and holds a valid driver license (Class E or higher), or the operator is driving to or from work.

FLORIDA: YOUR DRIVING PRIVILEGE

Florida's Point System

Violation	Points ¹
Leaving the scene of a crash resulting in property damage of more than \$50. . . . .	.6
Unlawful speed resulting in a crash . . . . .	.6
Reckless driving . . . . .	.4
Any moving violation resulting in a crash . . . . .	.4
Passing a stopped school bus . . . . .	.4
Driving during restricted hours . . . . .	.3
Unlawful speed – 16 MPH or more over lawful or posted speed ² . . . . .	.4
Unlawful speed – 15 MPH or less over lawful or posted speed ³. . . . .	.3
Violation of a traffic control signal / sign / device (red lights). . . . .	.4
All other moving violations (including parking on highway outside the limits of municipalities. . . . .	.3
Violation of curfew . . . . .	.3
Open container as an operator. . . . .	.3
Child restraint violation. . . . .	.3

Length of Suspension

Not more than: 12 points within a 12-month period . . . . .	.30 days
18 points within an 18-month period . . . . .	.3 months
24 points within a 36-month period. . . . .	.1 year

In computing points and suspensions, the offense dates of all convictions are used. Three points will be deducted from the driver record of any person whose driving privilege has been suspended only once under the point system and has been reinstated, if such person has complied with all other requirements. **NOTE:** A point suspension does not prohibit these convictions from being used to accumulate additional suspensions or revocations.

Any driver under the age of 18 who accumulates six or more points within a 12-month period is automatically restricted for one year to driving for business purposes ONLY. If additional points are accumulated, the restriction will be extended for 90 days for every additional point received.

¹ The driver receives the same number of points listed if the conviction occurs out of state or in a federal court.

² The fine for exceeding the speed limit by more than 50 MPH is \$1,000 for the first offense and \$2,500 for the second.

³ Fines are doubled when infractions occur within a school zone or construction zone, with possible civil penalties up to \$1,000, and can be accompanied by requirement to complete a driving school course.

Other Serious Violations of the License Law

You can be put in jail or made to pay a fine for the following offenses:

- Changing your license in any way. Any changes must be made by the Department.
- Unlawful use of your license, including allowing your license to be used by another person.
- Making a fraudulent application for a driver license or identification card.
- Having more than one Florida driver license.
- Allowing an unlicensed person to use your car, or renting a motor vehicle to someone without a license.
- Giving false statements to an officer or in a courtroom.
- Knowingly giving false information in crash reports.
- Failing to make crash reports.

FLORIDA: YOUR DRIVING PRIVILEGE

Zero Tolerance

Any driver under 21 years of age who is stopped by law enforcement and has a breath or blood alcohol level of .02 or higher will automatically have his or her driving privilege suspended for 6 months. Any driver under 21 with a breath or blood alcohol level of .05 or higher is required to attend a substance abuse course. An evaluation will be completed and parents or legal guardians will be notified of the results for all drivers under the age of 19. Any driver who has a breath or blood alcohol level of .08 or higher can be convicted for driving under the influence (DUI). If the driver refuses to take a test, his or her driving privilege is automatically suspended for one year.

Implied Consent Law

You will be asked to take a blood, urine, or breath test if a law enforcement officer thinks you are under the influence of alcohol or drugs while driving. By law, if you drive in Florida, you have agreed by signing your driver license to take these tests if asked. If you refuse to take the tests when asked, your license will be automatically suspended for one year. A second or subsequent refusal is a first degree misdemeanor.

In DUI cases involving death or serious injury, you will be required to take the blood test without your consent. The blood must be drawn by a doctor, nurse or other health professional. If you are unconscious and cannot refuse the blood test, blood may be drawn. The results of the test may be used as evidence, even if you object after becoming conscious.

Penalties for DUI (Including Previous DWI and DUBAL Convictions)

	1st Conviction	2nd Conviction	3rd Conviction	4th+ Conviction
Fine	\$500 - \$1,000; with BAL .15 or higher or minor in vehicle, not less than \$1,000 or more than \$2,000	\$1,000 - \$2,000; with BAL .15 or higher or minor in vehicle, not less than \$2,000 or more than \$4,000	\$2,000 - \$5,000; with BAL .15 or higher or minor in vehicle, not less than \$4,000	Not less than \$1,000
Community Service	50 hours			
Probation	Not more than 1 year			
Imprisonment	Not more than 6 months; with BAL .15 or higher or minor in vehicle, not more than 9 months	Not more than 9 months; 2nd conviction within 5 years, 10 days in jail; 48 hours of confinement must be consecutive	Not more than 12 months; 3rd conviction within 10 years, mandatory 30 days in jail; 48 hours must be consecutive	Not more than 5 years
License Revocation	Minimum 180 days	Minimum 180 days; 2nd offense within 5 years after 1st conviction – 5 year revocation	Minimum 180 days; 3rd offense within 10 years after 2nd conviction – 10 year revocation	Permanent revocation
DUI School	12 hours DUI school requirement evaluation conducted to determine need for treatment	21 hours DUI school requirement evaluation conducted to determine need for treatment	21 hours DUI school requirement evaluation conducted to determine need for treatment	
Ignition Interlock Device	6 continuous months	Minimum of 1 year	Minimum of 2 years	

FLORIDA: YOUR DRIVING PRIVILEGE

Traffic Crashes – Your Responsibilities

1. **Stop.** If you are in a crash while driving, you must stop. If anyone is hurt, you must get help. You must also be ready to give your name, address, and vehicle registration number, as well as show your driver license to others involved in the crash.
2. **Report the crash.** If the crash causes injury, death, or property damage, it must be reported. Call the local police, the Florida Highway Patrol, or the county sheriff's office. If the crash involves a charge of driving under the influence (DUI) or results in death, injury, or property damage to the extent that a wrecker must tow a vehicle away, the officer will fill out a report. If the crash is investigated by an officer, the driver need not make a written report. If property damage appears to be over \$500 and no report is written by an officer, you must make a written report of the crash to the Department of Highway Safety and Motor Vehicles within 10 days. The officer will provide you with a copy of the form for your records.
3. **Move your car if it is blocking traffic.** If your car is blocking the flow of traffic, you must move it. If you cannot move it yourself, you must get help or call a tow truck. This is true anytime your vehicle is blocking the flow of traffic whether it has been involved in a crash or not.
4. **Appear in court.** If you are charged in a driving crash, you may have to go to court. The officer who comes to the scene of the crash will file charges against any driver who violated a traffic law. Anyone who is charged will have a chance to explain to the court what happened. The court will then decide what the penalty is. Anyone who is not charged with violating the law may have to come to court as a witness. If you are found at fault in a collision where anyone is injured and transported to a medical treatment facility or it is your second collision in a two-year period, you will be required by law to attend a Traffic Collision Avoidance Course. A driver convicted of leaving the scene of a crash involving death or personal injury will have his or her license revoked. The driver is also subject to criminal penalties.

Crash Involving an Unattended Vehicle

If, while driving, you hit a vehicle with no one in it or if you damage any object that belongs to someone else, you must tell the owner. Give the owner your name, address, and license plate number in person or in a note attached to the object that was hit. Report the crash immediately to the proper law enforcement agency.

Littering

Drivers are responsible for any littering from their vehicles. Use ash trays for cigarettes and litter bags for trash while riding in motor vehicles. Empty ash trays and litter bags only into trash cans. Littering is a crime. People who throw trash on public streets and highways can be fined up to \$500 or jailed up to 60 days. You can be charged with a first degree misdemeanor and fined up to \$1,000 if dumping more than 15 pounds of trash. The court may also require you to pick up litter along roadways.

Road Damage

It is against the law to damage the roads by driving on the rim of a flat tire or by any other means.

The information in this document is taken from the Florida Driver's Handbook.