

## C

**Effective:[See Text Amendments]**

West's Florida Statutes Annotated [Currentness](#)

Title XXIII. Motor Vehicles (Chapters 316-325)

▢ [Chapter 322](#). Drivers' Licenses ([Refs & Annos](#))

→ **322.055. Revocation or suspension** of, or delay of eligibility for, **driver's license** for persons 18 years of age or older convicted of certain **drug** offenses

(1) Notwithstanding the provisions of [s. 322.28](#), upon the conviction of a person 18 years of age or older for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance, the court shall direct the department to revoke the **driver's license** or driving privilege of the person. The period of such revocation shall be 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a **drug** treatment and rehabilitation program approved or regulated by the Department of Children and Family Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by [s. 322.271](#), if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or [s. 322.056](#) may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on length of **suspension** or revocation. In no case shall a restricted license be available until 6 months of the **suspension** or revocation period has expired.

(2) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a **driver's license** or privilege, the court shall direct the department to withhold issuance of such person's **driver's license** or driving privilege for a period of 2 years after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a **drug** treatment and rehabilitation program approved or regulated by the Department of Children and Family Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by [s. 322.271](#), if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or [s. 322.056](#) may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of **suspension** or revocation. In no case shall a restricted license be available until 6 months of the **suspension** or revocation period has expired.

(3) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person's **driver's license** or driving privilege is already under **suspension** or revocation for any reason, the court shall direct the department to extend the period of such **suspension** or revocation by an additional period of 2 years or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a **drug** treatment and rehabilitation program approved or regulated by the Department of Children and Family Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by [s. 322.271](#), if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or [s. 322.056](#) may, upon the expiration of 6

months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of **suspension** or revocation. In no case shall a restricted license be available until 6 months of the **suspension** or revocation period has expired.

(4) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a **driver's license** or driving privilege, the court shall direct the department to withhold issuance of such person's **driver's license** or driving privilege for a period of 2 years after the date that he or she would otherwise have become eligible or until he or she becomes eligible by reason of age for a **driver's license** and is evaluated for and, if deemed necessary by the evaluating agency, completes a **drug** treatment and rehabilitation program approved or regulated by the Department of Children and Family Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by [s. 322.271](#), if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or [s. 322.056](#) may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of **suspension** or revocation. In no case shall a restricted license be available until 6 months of the **suspension** or revocation period has expired.

(5) Each clerk of court shall promptly report to the department each conviction for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.

#### CREDIT(S)

[Laws 1987, c. 87-243, § 12](#); [Laws 1989, c. 89-281, § 4](#); [Laws 1990, c. 90-265, § 7](#); [Laws 1994, c. 94-306, § 74](#). Amended by [Laws 1995, c. 95-148, § 928, eff. July 10, 1995](#); [Laws 1999, c. 99-8, § 60, eff. June 29, 1999](#); [Laws 1999, c. 99-248, § 281, eff. June 8, 1999](#).


#### HISTORICAL AND STATUTORY NOTES

##### Amendment Notes:

Laws 1990, c. 90-265, § 8, provides that this act shall take effect October 1, 1990, and shall apply to offenses committed on or after that date.

#### LIBRARY REFERENCES

##### 2005 Main Volume

[Automobiles](#)  [144.1\(1\)](#).

Westlaw Topic No. [48A](#).

[C.J.S. Motor Vehicles §§ 290 to 314](#).

#### RESEARCH REFERENCES

##### ALR Library

[18 ALR 5th 542](#), Validity and Application of Statute or Regulation Authorizing Revocation or Suspension of Driver's License for Reason Unrelated to Use Of, or Ability to Operate, Motor Vehicle.

[89 ALR 2nd 540](#), Plea of Nolo Contendere or Non Vult Contendere.

[113 ALR 1179](#), What Amounts to Conviction or Satisfies Requirement as to Showing of Conviction, Within Statute Making Conviction a Ground for Refusing to Grant or for Canceling License or Special Privilege.

[54 ALR 730](#), Constitutionality of Statute Regulating Sale of Poisons, Drugs, or Medicines.

#### Encyclopedias

Conviction of Drug Offense, [FL Jur. 2d Automobiles & Other Vehicles § 179](#).

Persons Convicted of Certain Drug Offenses, [FL Jur. 2d Automobiles & Other Vehicles § 187](#).

Hardship Cases; Limited or Restricted Driving Privilege for Business or Employment Use Only, [FL Jur. 2d Automobiles & Other Vehicles § 198](#).

#### Forms

[Florida Pleading and Practice Forms § 31:5](#), Suspension, Revocation, or Cancellation of License.

#### Treatises and Practice Aids

[16 Florida Practice Series § 6.4](#), Direct and Collateral Consequences and Special Sanctions.

[16 Florida Practice Series § 9.19](#), Mandatory Dispositions.

#### NOTES OF DECISIONS

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##### [1](#). Validity

Statute requiring revocation of driver's licenses of those convicted of possession, sale, or trafficking in controlled substance did not violate substantive due process; license revocation was rationally related to legislative goal of combatting substance abuse and crime since such penalty would deter incidence of illicit drug possession and sales and trafficking, curtail transportation of illegal drugs, and reduce mobility of those involved in drugs. [Lite v. State, 617 So.2d 1058 \(1993\)](#). [Automobiles](#)  [132](#); [Constitutional Law](#)  [4358](#)

Statute requiring revocation of driver's licenses of those convicted of possession, sale or trafficking in controlled substance was constitutionally valid even without requirement that motor vehicle be used during commission of crime. [Lite v. State, 617 So.2d 1058 \(1993\)](#). [Automobiles](#)  [132](#)

Statute requiring revocation of driver's licenses of those convicted of possession, sale or trafficking in controlled substance did not violate equal protection principles. [Lite v. State, 617 So.2d 1058 \(1993\)](#). [Automobiles](#) 

### [132; Constitutional Law](#) ↪ [3733](#)

Rational basis, and not strict scrutiny, standard was used to determine whether statute requiring revocation of driver's licenses of those convicted of possession, sale, or trafficking in controlled substance denied equal protection; strict scrutiny standard was not applicable since driving was not fundamental right and drug offenders did not constitute suspect class. [Lite v. State, 617 So.2d 1058 \(1993\)](#). [Constitutional Law](#) ↪ [3733](#)

Right to drive is not fundamental right and, therefore, test to be applied to determine if there is any violation of due process in statutory requirement that driver's license of one convicted of various drug offenses be suspended is whether statute bears reasonable relationship to permissible legislative objective and is not discriminatory, arbitrary, or oppressive. [State v. Lite, App. 4 Dist., 592 So.2d 1202 \(1992\)](#), jurisdiction accepted [602 So.2d 942](#), approved [617 So.2d 1058](#). [Constitutional Law](#) ↪ [4358](#)

Since there was no fundamental right to drive and statutory requirement that driver's license of one convicted of various drug offenses be revoked is not directed toward suspect class, equal protection challenge had to be analyzed under rational basis standard; to meet rational basis standard it had to be conceivable that statutory classification complained of bore some rational relationship to legitimate state purpose. [State v. Lite, App. 4 Dist., 592 So.2d 1202 \(1992\)](#), jurisdiction accepted [602 So.2d 942](#), approved [617 So.2d 1058](#). [Constitutional Law](#) ↪ [3733](#)

Statutory requirement that driver's license of one convicted of possession, sale, or trafficking of controlled substances be revoked does not violate equal protection principles by its failure to apply to all drug offenders. [State v. Lite, App. 4 Dist., 592 So.2d 1202 \(1992\)](#), jurisdiction accepted [602 So.2d 942](#), approved [617 So.2d 1058](#). [Automobiles](#) ↪ [132; Constitutional Law](#) ↪ [3733](#)

Statutory requirement that driver's license of one convicted of various drug offenses be revoked does not violate due process, though no relationship is required between vehicle and offense; statute bears rational relationship to permissible legislative objective of combatting substance abuse and crime. [State v. Lite, App. 4 Dist., 592 So.2d 1202 \(1992\)](#), jurisdiction accepted [602 So.2d 942](#), approved [617 So.2d 1058](#). [Automobiles](#) ↪ [132; Constitutional Law](#) ↪ [4358](#)

#### [2. Purchase of cannabis](#)


Defendant's conviction for purchase of cannabis was not within ambit of statute regarding suspension of drivers' licenses and accordingly, it was error for defendant's license to be revoked by trial court. [Lee v. State, App. 4 Dist., 673 So.2d 990 \(1996\)](#). [Automobiles](#) ↪ [144.1\(1\)](#)


#### [3. Attempts](#)


Trial court had authority to direct Department of Highway Safety to revoke defendant's driver's license after he was found guilty of attempt to purchase cocaine. [Vinyard v. State, App. 2 Dist., 586 So.2d 1301 \(1991\)](#). [Automobiles](#) ↪ [144.1\(1\); Automobiles](#) ↪ [144.2\(5.1\)](#)

To revoke defendant's driver's license for attempted purchase of cocaine, trial court should forward record of conviction and factual basis showing use of motor vehicle in commission of felony to Department of Highway Safety and Motor Vehicles at which point it becomes Department's responsibility to revoke license privilege. [Vinyard v. State, App. 2 Dist., 586 So.2d 1301 \(1991\)](#). [Automobiles](#) ↪ [144.2\(5.1\)](#)


#### [4. Suspension of licenses](#)


Unlawful manufacture of marijuana conviction did not warrant revocation of defendant's driver's license absent specific mention of offense in license revocation statute. [Huesca v. State, App. 2 Dist., 841 So.2d 585 \(2003\)](#). [Automobiles](#)  [144.1\(1\)](#)

While trial court had authority to direct Department of Highway Safety and Motor Vehicles to suspend defendant's driver's license upon his conviction for possession of cocaine, court did not have authority to suspend license itself. [Crawford v. State, App. 4 Dist., 651 So.2d 731 \(1995\)](#), rehearing denied. [Automobiles](#)  [144.2\(5.1\)](#)


Uttering forged instruments and burglary of a structure, to which defendant pleaded nolo contendere, were not crimes for which defendant's driving privileges could be suspended as part of his sentence. [Nichols v. State, App. 2 Dist., 559 So.2d 104 \(1990\)](#). [Automobiles](#)  [144.1\(1\)](#)

#### 5. Sentencing court


Subsection (1) of this section did not give the trial court itself the authority to suspend driver's license but required that the court direct the Department of Highway Safety and Motor Vehicles to do so. [Neil v. State, App. 2 Dist., 556 So.2d 486 \(1990\)](#). [Automobiles](#)  [144.2\(5.1\)](#)

At time defendant convicted of sale or delivery of controlled substance committed his offense, trial court had no authority to suspend his driver's license. [Callahan v. State, App. 2 Dist., 550 So.2d 79 \(1989\)](#). [Automobiles](#)  [144.2\(5.1\)](#)


#### 6. Probation condition

Department of Highway Safety and Motor Vehicles' revocation of driving privileges, for period of two years, of any person convicted of possession or sale of controlled substance may be imposed as condition of probation. [Martin v. State, App. 1 Dist., 618 So.2d 737 \(1993\)](#). [Sentencing And Punishment](#)  [1979\(2\)](#)

#### 7. Business purpose only license

Motorist whose license privileges were revoked after he pled guilty to possession of controlled substance was not required, under statute authorizing revocation of license for drug conviction, to successfully complete approved substance abuse education course, as required by statute granting court authority to modify license revocation, before being granted business purpose only (BPO) license. [State, Dept. of Highway Safety and Motor Vehicles v. Litsch, App. 4 Dist., 664 So.2d 25 \(1995\)](#), rehearing denied, dismissed [675 So.2d 926](#). [Automobiles](#)  [144.2\(14\)](#)

#### 8. Length of suspension

Trial court did not have authority to suspend driver's license of defendant convicted of cocaine possession for less than the two years mandated by statute. [Easley v. State, App. 2 Dist., 709 So.2d 646 \(1998\)](#). [Automobiles](#)  [144.2\(14\)](#)

#### 9. Plea agreements

Defendant's plea of nolo contendere to charge of possession of cocaine and cannabis was involuntary, absent his notification and understanding that such plea would result in mandatory driver's license revocation; defendant was placed on probation, not sentenced to lengthy term of imprisonment, and thus, effect of revocation was not

minimal. [Daniels v. State, App. 4 Dist., 716 So.2d 827 \(1998\)](#). [Criminal Law](#)  [275.4\(1\)](#)

West's F. S. A. § 322.055, FL ST § 322.055

Current through Chapter 339 and S.J.R. 2D (End) of the 2007 Special D Session of the Twentieth Legislature

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