

28.10 RESTRICTED LICENSE

§ 322.16, Fla. Stat.

To prove the crime of Operating a Motor Vehicle in Violation of the Restrictions Imposed in a Restricted License, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **drove a motor vehicle upon a highway in this state.**
2. **The license was restricted by the Department of Highway Safety and Motor Vehicles of this state.**
3. **The restriction was noted upon the license.**
4. **The defendant operated the motor vehicle in violation of the restriction.**

§ 322.01, Fla. Stat. Some of these terms (such as “vehicle” and “electric bicycle”) have their own statutory definitions, which should be given if necessary.

“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].

“Restricted operator’s or chauffeur’s license” means a license issued by the Department of Highway Safety and Motor Vehicles which is restricted in any manner.

“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.

Lesser Included Offense

RESTRICTED LICENSE — 322.16

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

Under § 322.16(5), Fla. Stat., violation of a restriction imposed pursuant to § 322.16(1)(c), Fla. Stat., is a second-degree misdemeanor. Under § 322.16(6), Fla. Stat., a violation of a restriction imposed pursuant to another subsection is a moving violation.

This instruction was adopted in 1981 and amended in 2013 [131 So. 2d 692] and on October 2, 2020.