

Bill No. SB 878

Barcode 530260

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Michael Haligowski and Deputy Ryan C. Seguin Memorial Traffic Safety Act."

Section 2. Subsection (11) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.--

(11)(a) If adjudication is withheld for any person ~~charged or cited under this section, pursuant to subsection (9) or subsection (10),~~ such action is not a conviction.

(b) If a person is cited for a violation of s. 322.34(2)(a) or (b) with a license that has been suspended solely for failure to appear, failure to pay a civil penalty, or failure to attend a driver improvement course pursuant to

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1 s. 322.291 and such person provides to the court a valid or
 2 reinstated driver's license and proper proof of maintenance of
 3 security as required by s. 316.646, the court may withhold
 4 adjudication pursuant to this subsection. If adjudication has
 5 not been withheld pursuant to this subsection for the 3 years
 6 before the date of the offense cited for, the withholding of
 7 adjudication for the offense cited for pursuant to this
 8 subsection is not a conviction.

9 Section 3. Subsection (7) is added to section 322.03,
 10 Florida Statutes, to read:

11 322.03 Drivers must be licensed; penalties.--

12 (7)(a) Every judgment for a violation of subsection
 13 (1), regardless of whether adjudication is withheld, shall be
 14 in writing, signed by the judge, and recorded by the clerk of
 15 the circuit court. The judge shall cause to be affixed to
 16 every such written judgment of conviction, in open court and
 17 in the presence of such judge, the fingerprints of the
 18 defendant against whom such judgment is rendered. Such
 19 fingerprints shall be affixed beneath the judge's signature to
 20 any such judgment. Beneath such fingerprints shall be appended
 21 a certificate to the following effect:

22
 23 "I hereby certify that the above and foregoing fingerprints
 24 are of the defendant, (name of defendant), and that they were
 25 placed thereon by said defendant in my presence, in open
 26 court, this the day of ..
 27 (year)."

28 (b) Such certificate shall be signed by the judge,
 29 whose signature thereto shall be followed by the word "Judge."

30 (c) Any such written judgment, or a certified copy
 31 thereof, shall be admissible in evidence in the several courts

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1 of this state as prima facie evidence that the fingerprints
 2 appearing thereon and certified by the judge as aforesaid are
 3 the fingerprints of the defendant against whom such judgment
 4 was rendered.

5 (d) At the time the defendant's fingerprints are
 6 taken, the judge shall also cause the defendant's social
 7 security number to be taken. The defendant's social security
 8 number shall be affixed to every written judgment of
 9 conviction in open court, in the presence of such judge, and
 10 at the time the judgment is rendered. If the defendant is
 11 unable or unwilling to provide his or her social security
 12 number, the reason for its absence shall be indicated on the
 13 written judgment.

14 Section 4. Effective October 1, 2006, subsection (5)
 15 of section 322.16, Florida Statutes, is amended, and
 16 subsection (7) is added to that section, to read:

17 322.16 License restrictions.--

18 (5) It is a misdemeanor of the second degree,
 19 punishable as provided in s. 775.082 or s. 775.083, for any
 20 person to operate a motor vehicle in any manner in violation
 21 of the restrictions imposed in a license issued to him or her
 22 except for a violation of paragraph (1)(d), subsection (2), ~~or~~
 23 subsection (3), or subsection (7).

24 (7)(a) A person who operates a motor vehicle in any
 25 manner in violation of an ignition interlock device
 26 restriction imposed in a license issued to him or her commits
 27 a misdemeanor of the first degree, punishable as provided in
 28 s. 775.082 or s. 775.083.

29 (b) A second or subsequent violation of paragraph (a)
 30 is a felony of the third degree, punishable as provided in s.
 31 775.082, s. 775.083, or s. 775.084. For a conviction of a

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1 violation under this paragraph, the court shall order a term
2 of incarceration of not less than 1 year.

3 (c) If the records of the department show that the
4 defendant has been previously convicted of an offense of
5 violation of an ignition interlock device restriction under
6 this subsection, that evidence is sufficient by itself to
7 establish that prior conviction; however, such evidence may be
8 contradicted or rebutted by other evidence. This presumption
9 may be considered along with any other evidence presented in
10 deciding whether the defendant has been previously convicted
11 of an offense of violation of an ignition interlock device
12 restriction.

13 Section 5. Subsections (1) and (6) of section 322.251,
14 Florida Statutes, are amended to read:

15 322.251 Notice of cancellation, suspension,
16 revocation, or disqualification of license.--

17 (1) All orders of cancellation, suspension,
18 revocation, or disqualification issued under the provisions of
19 this chapter, chapter 318, chapter 324, or ss. 627.732-627.734
20 shall be given either by personal delivery thereof to the
21 licensee whose license is being canceled, suspended, revoked,
22 or disqualified or by deposit in the United States mail in an
23 envelope, first class, postage prepaid, addressed to the
24 licensee at his or her last known mailing address furnished to
25 the department. Such mailing by the department constitutes
26 notification, and any failure by the person to receive the
27 mailed order will not affect or stay the effective date or
28 term of the cancellation, suspension, revocation, or
29 disqualification of the licensee's driving privilege.

30 Notification of cancellation, suspension, revocation, or
31 disqualification given by the department under this section

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1 shall also inform the person whose driver's license or driving
 2 privilege has been canceled, suspended, revoked, or
 3 disqualified that any motor vehicle driven by or under the
 4 actual physical control of that person while the license or
 5 driving privilege is canceled, suspended, revoked, or
 6 disqualified is subject to impoundment and immobilization
 7 under s. 322.34.

8 (6)(a) Whenever a cancellation, suspension,
 9 revocation, or disqualification occurs, the department shall
 10 enter the cancellation, suspension, revocation, or
 11 disqualification order on the licensee's driver file 20 days
 12 after the notice was actually placed in the mail. Any inquiry
 13 into the file after the 20-day period shall reveal that the
 14 license is canceled, suspended, revoked, or disqualified and
 15 whether the license has been received by the department.

16 (b)1. The department shall make available on its
 17 Internet website the means to determine the status of a
 18 person's driver's license by entering the driver's license
 19 number or name and date of birth of the licensee. The
 20 department shall also provide a toll-free telephone hotline to
 21 provide callers with the status of a person's driver's
 22 license. The information provided on the Internet website or
 23 via the telephone hotline under this subparagraph shall
 24 include the date and time it was first made available to the
 25 public.

26 2. Upon request from any law enforcement agency or
 27 officer of the court, the department shall certify the date
 28 and time the information was first made available to the
 29 public under subparagraph 1.

30 Section 6. Effective October 1, 2006, subsections (1)
 31 through (6) of section 322.34, Florida Statutes, are amended,

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1 and subsection (10) is added to that section, to read:

2 322.34 Driving while license suspended, revoked,
3 canceled, or disqualified.--

4 (1) Except as provided in subsection (2), any person
5 whose driver's license or driving privilege has been canceled,
6 suspended, ~~or~~ revoked, or disqualified, except a "habitual
7 traffic offender" as defined in s. 322.264, who drives a
8 vehicle upon the highways of this state while such license or
9 privilege is canceled, suspended, ~~or~~ revoked, or disqualified
10 commits ~~is guilty of~~ a moving violation, punishable as
11 provided in chapter 318.

12 (2) Any person whose driver's license or driving
13 privilege has been canceled, suspended, ~~or~~ revoked, or
14 disqualified as provided by law, except persons defined in s.
15 322.264, who, knowing of such cancellation, suspension, ~~or~~
16 revocation, or disqualification, drives any motor vehicle upon
17 the highways of this state while such license or privilege is
18 canceled, suspended, ~~or~~ revoked, or disqualified, or any
19 person who drives any motor vehicle upon the highways of this
20 state without having a valid driver's license as required
21 under s. 322.03, upon:

22 (a) A first conviction is guilty of a misdemeanor of
23 the second degree, punishable as provided in s. 775.082 or s.
24 775.083, except that any person whose driver's license or
25 driving privilege was canceled, suspended, revoked, or
26 disqualified under s. 322.2615, relating to unlawful
27 blood-alcohol level or breath-alcohol level or for refusal to
28 submit to a breath, urine, or blood test authorized by s.
29 316.1932, s. 322.28(2)(a) for a violation of s. 316.193 or s.
30 316.1931 prohibiting driving under the influence, s.
31 316.655(2) for an alcohol-related or drug-related conviction,

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1 or s. 316.1939 for refusal to submit to testing, is guilty of
 2 a misdemeanor of the first degree, punishable as provided in
 3 s. 775.082 or s. 775.083, and the court must order
 4 imprisonment for not less than 30 days.

5 (b) A second conviction is guilty of a misdemeanor of
 6 the first degree, punishable as provided in s. 775.082 or s.
 7 775.083.

8 (c) A third or subsequent conviction is guilty of a
 9 felony of the third degree, punishable as provided in s.
 10 775.082, s. 775.083, or s. 775.084.

11
 12 The element of knowledge is satisfied if the person has been
 13 previously cited as provided in subsection (1); ~~or~~ the person
 14 admits to knowledge of the cancellation, suspension, ~~or~~
 15 revocation, or disqualification; or the person received notice
 16 as provided in subsection (4). There shall be a rebuttable
 17 presumption that the knowledge requirement is satisfied if a
 18 judgment or order or cancellation, suspension, revocation, or
 19 disqualification by the department as provided in subsection
 20 (4) appears in the department's records ~~for any case except~~
 21 ~~for one involving a suspension by the department for failure~~
 22 ~~to pay a traffic fine or for a financial responsibility~~
 23 ~~violation .~~

24 (3) In any proceeding for a violation of this section,
 25 a court may consider evidence, other than that specified in
 26 subsection (2) or subsection (8), that the person knowingly
 27 violated this section.

28 (4) Any judgment or order rendered by a court or
 29 adjudicatory body, any cancellation, suspension, revocation,
 30 or disqualification by the department, or any uniform traffic
 31 citation that cancels, suspends, ~~or~~ revokes, or disqualifies a

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1 person's driver's license must contain a provision notifying
 2 the person that his or her driver's license has been canceled,
 3 suspended, ~~or~~ revoked, or disqualified and must inform the
 4 person that any motor vehicle driven by that person while the
 5 license is canceled, suspended, revoked, or disqualified shall
 6 be impounded or immobilized pursuant to this section.

7 (5) Any person whose driver's license has been revoked
 8 pursuant to s. 322.264 (habitual offender) and who drives any
 9 motor vehicle upon the highways of this state while such
 10 license is revoked commits ~~is guilty of~~ a felony of the third
 11 degree, punishable as provided in s. 775.082, s. 775.083, or
 12 s. 775.084, and the court must order imprisonment for not less
 13 than 60 days.

14 (6) Any person who operates a motor vehicle:

15 (a) Without having a driver's license as required
 16 under s. 322.03; or

17 (b) While his or her driver's license or driving
 18 privilege is canceled, suspended, ~~or~~ revoked, or disqualified
 19 ~~pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s.~~
 20 ~~322.28(2) or (4),~~

21
 22 and who by careless or negligent operation of the motor
 23 vehicle causes the death of or serious bodily injury to
 24 another human being, commits ~~is guilty of~~ a felony of the
 25 third degree, punishable as provided in s. 775.082 or s.
 26 775.083.

27 (10)(a) Every judgment, regardless of whether
 28 adjudication is withheld, with respect to any offense governed
 29 by the provisions of this section shall be in writing, signed
 30 by the judge, and recorded by the clerk of the circuit court.
 31 The judge shall cause to be affixed to every such written

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1 judgment of conviction, in open court and in the presence of
 2 such judge, the fingerprints of the defendant against whom
 3 such judgment is rendered. Such fingerprints shall be affixed
 4 beneath the judge's signature to any such judgment. Beneath
 5 such fingerprints shall be appended a certificate to the
 6 following effect:

7
 8 "I hereby certify that the above and foregoing fingerprints
 9 are of the defendant, (name of defendant), and that they were
 10 placed thereon by said defendant in my presence, in open
 11 court, this the day of ..
 12 (year)."

13 (b) Such certificate shall be signed by the judge,
 14 whose signature thereto shall be followed by the word "Judge."

15 (c) Any such written judgment, or a certified copy
 16 thereof, shall be admissible in evidence in the several courts
 17 of this state as prima facie evidence that the fingerprints
 18 appearing thereon and certified by the judge as aforesaid are
 19 the fingerprints of the defendant against whom such judgment
 20 was rendered.

21 (d) At the time the defendant's fingerprints are
 22 taken, the judge shall also cause the defendant's social
 23 security number to be taken. The defendant's social security
 24 number shall be affixed to every written judgment in open
 25 court, in the presence of such judge, and at the time the
 26 judgment is rendered. If the defendant is unable or unwilling
 27 to provide his or her social security number, the reason for
 28 its absence shall be indicated on the written judgment.

29 Section 7. Effective July 1, 2007, subsection (8) of
 30 section 322.34, Florida Statutes, as amended by this act, is
 31 renumbered as subsection (9) and amended, subsections (9) and

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1 (10) are renumbered as subsections (10) and (11),
2 respectively, and a new subsection (8) is added to that
3 section, to read:

4 322.34 Driving while license suspended, revoked,
5 canceled, or disqualified.--

6 (8) Any owner or lessee of a motor vehicle who
7 knowingly allows, permits, or authorizes a person whose
8 driver's license or driving privilege has been canceled,
9 suspended, revoked, or disqualified to drive the motor vehicle
10 upon the streets or highways of this state or knowingly gives,
11 leases, lends, or otherwise provides the motor vehicle to a
12 person whose driver's license or driving privilege has been
13 canceled, suspended, revoked, or disqualified while such
14 license or privilege is canceled, suspended, revoked, or
15 disqualified commits a misdemeanor of the second degree,
16 punishable as provided in s. 775.082 or s. 775.083. The
17 element of knowledge is satisfied if the owner or lessee has
18 been previously charged under this subsection for aiding the
19 same person; the owner admits to knowledge of the
20 cancellation, suspension, revocation, or disqualification of
21 the driver's license or driving privilege of the driver; or
22 the owner received notice as provided in subsection (9)
23 relating to the same driver. There shall be a rebuttable
24 presumption that the knowledge requirement is satisfied if the
25 cancellation, suspension, revocation, or disqualification
26 appears in the department's records and that information is
27 available to the public through the department's Internet
28 website or a toll-free telephone hotline.

29 (9)+(8)(a)1. If a law enforcement officer determines
30 that a motor vehicle is being driven by or is under the actual
31 physical control of a person whose driver's license or driving

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1 privilege is canceled, suspended, revoked, or disqualified,
 2 the officer shall immediately impound or immobilize the motor
 3 vehicle. The officer shall serve notice of the impoundment or
 4 immobilization upon the driver. The notice shall include the
 5 location where the motor vehicle is being held and information
 6 on the procedures to have the motor vehicle released from
 7 impoundment or immobilization by a department-approved vendor.

8 2. A law enforcement officer arresting a driver whose
 9 license or driving privilege is suspended shall notify the
 10 department or the department's agent within 24 hours to effect
 11 impoundment or immobilization under this paragraph. The
 12 department or the department's agent shall remove and
 13 immobilize the motor vehicle at another location. The
 14 impounding company shall not release the motor vehicle for
 15 immobilization at another location without proof that the
 16 immobilization vendor is approved by the department. The motor
 17 vehicle shall remain in impound or immobilized until the owner
 18 or lessee receives authorization from the department for
 19 release of the motor vehicle under the provisions of this
 20 subsection. The department is authorized to adopt by rule
 21 procedures for removal and immobilization of the motor vehicle
 22 by a department-approved vendor from the location where the
 23 motor vehicle was stopped by the law enforcement officer.

24 3. A motor vehicle impounded or immobilized under this
 25 paragraph that, according to the records of the department, is
 26 owned or leased by the person who was driving or in actual
 27 physical control of the motor vehicle when it was stopped and
 28 impounded under subparagraph 1. shall remain impounded or
 29 immobilized until the person's license and driving privilege
 30 are reinstated and payment of the fees imposed under paragraph
 31 (b) and all costs of towing, impoundment, immobilization, and

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1 storage has been made. If department records show a different
 2 owner or lessee, then the motor vehicle shall be released to
 3 that owner or lessee or the owner's or lessee's agent upon
 4 payment of the fees imposed under paragraph (c) and all costs
 5 of towing, impoundment, immobilization, and storage. The
 6 department's records shall reflect that the motor vehicle is
 7 immobilized or impounded.

8 (b) Within 7 business days after the date the law
 9 enforcement agency or the department impounds or immobilizes
 10 the motor vehicle under this subsection, the department shall
 11 send notice of the impoundment or immobilization by certified
 12 mail, return receipt requested, to any registered owners or
 13 coowners of the motor vehicle other than the driver and to
 14 each person of record claiming a lien against the motor
 15 vehicle. The notice shall include the location where the motor
 16 vehicle is being held and information on the procedures to
 17 have the motor vehicle released from impoundment or
 18 immobilization by a department-approved vendor. All costs and
 19 fees for the impoundment or immobilization, including the cost
 20 of notification, must be paid by the owner of the motor
 21 vehicle or, if the motor vehicle is leased, by the person
 22 leasing the motor vehicle.

23 (c)1. The department shall collect a \$30 processing
 24 fee from the owner or lessee prior to release of any motor
 25 vehicle immobilized or impounded under this subsection. Moneys
 26 collected under this subparagraph shall be forwarded to the
 27 Department of Revenue for deposit into the State
 28 Transportation Trust Fund created under s. 206.46 to be used
 29 to carry out public transit responsibilities of the Department
 30 of Transportation under s. 341.041.

31 2. The department shall charge a reasonable fee to the

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1 owner or lessee of the motor vehicle to cover the operational
 2 costs of the program and the cost of immobilizing or
 3 impounding the motor vehicle. Fees collected under this
 4 subparagraph shall be deposited in the Department of Highway
 5 Safety and Motor Vehicles Operating Trust Fund.

6 (d) Upon satisfaction of all of the requirements under
 7 this subsection for release of the motor vehicle, the
 8 department shall authorize release of the motor vehicle to the
 9 owner or lessee.

10 (e) If a motor vehicle impounded or immobilized under
 11 paragraph (a) is found being operated upon any street or
 12 highway in this state during the impoundment or immobilization
 13 period, it shall be seized and removed from the street or
 14 highway and may be forfeited pursuant to ss. 932.701-932.704.

15 (f) The department may contract with vendors to carry
 16 out the provisions of this subsection.

17 (g) Notification of cancellation, suspension,
 18 revocation, or disqualification given by the department under
 19 s. 322.251 shall also inform the person whose driver's license
 20 or driving privilege has been canceled, suspended, revoked, or
 21 disqualified that any motor vehicle driven by or under the
 22 actual physical control of that person while the license or
 23 driving privilege is canceled, suspended, revoked, or
 24 disqualified is subject to impoundment under this subsection;
 25 however, failure to receive such notification shall not
 26 preclude, bar, or otherwise affect the impoundment of a motor
 27 vehicle under this subsection.

28 (h) The department shall make available on its
 29 Internet website the means to determine the status of a
 30 person's driver's license by entering the driver license
 31 number or name and date of birth of the licensee. The

1 department shall also provide a toll-free telephone hotline to
2 provide callers with the status of a person's driver's
3 license.

4 (i) The department may adopt rules pursuant to ss.
5 120.536(1) and 120.54 to implement the provisions of this
6 subsection. Upon the arrest of a person for the offense of
7 driving while the person's driver's license or driving
8 privilege is suspended or revoked, the arresting officer shall
9 determine:

10 1. Whether the person's driver's license is suspended
11 or revoked.

12 2. Whether the person's driver's license has remained
13 suspended or revoked since a conviction for the offense of
14 driving with a suspended or revoked license.

15 3. Whether the suspension or revocation was made under
16 s. 316.646 or s. 627.733, relating to failure to maintain
17 required security, or under s. 322.264, relating to habitual
18 traffic offenders.

19 4. Whether the driver is the registered owner or
20 coowner of the vehicle.

21 (b) If the arresting officer finds in the affirmative
22 as to all of the criteria in paragraph (a), the officer shall
23 immediately impound or immobilize the vehicle.

24 (c) Within 7 business days after the date the
25 arresting agency impounds or immobilizes the vehicle, either
26 the arresting agency or the towing service, whichever is in
27 possession of the vehicle, shall send notice by certified
28 mail, return receipt requested, to any coregistered owners of
29 the vehicle other than the person arrested and to each person
30 of record claiming a lien against the vehicle. All costs and
31 fees for the impoundment or immobilization, including the cost

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1 ~~of notification, must be paid by the owner of the vehicle or,~~
2 ~~if the vehicle is leased, by the person leasing the vehicle.~~

3 ~~(d) Either the arresting agency or the towing service,~~
4 ~~whichever is in possession of the vehicle, shall determine~~
5 ~~whether any vehicle impounded or immobilized under this~~
6 ~~section has been leased or rented or if there are any persons~~
7 ~~of record with a lien upon the vehicle. Either the arresting~~
8 ~~agency or the towing service, whichever is in possession of~~
9 ~~the vehicle, shall notify by express courier service with~~
10 ~~receipt or certified mail, return receipt requested, within 7~~
11 ~~business days after the date of the immobilization or~~
12 ~~impoundment of the vehicle, the registered owner and all~~
13 ~~persons having a recorded lien against the vehicle that the~~
14 ~~vehicle has been impounded or immobilized. A lessor, rental~~
15 ~~car company, or lienholder may then obtain the vehicle, upon~~
16 ~~payment of any lawful towing or storage charges. If the~~
17 ~~vehicle is a rental vehicle subject to a written contract, the~~
18 ~~charges may be separately charged to the renter, in addition~~
19 ~~to the rental rate, along with other separate fees, charges,~~
20 ~~and recoupments disclosed on the rental agreement. If the~~
21 ~~storage facility fails to provide timely notice to a lessor,~~
22 ~~rental car company, or lienholder as required by this~~
23 ~~paragraph, the storage facility shall be responsible for~~
24 ~~payment of any towing or storage charges necessary to release~~
25 ~~the vehicle to a lessor, rental car company, or lienholder~~
26 ~~that accrue after the notice period, which charges may then be~~
27 ~~assessed against the driver of the vehicle if the vehicle was~~
28 ~~lawfully impounded or immobilized.~~

29 ~~(e) Except as provided in paragraph (d), the vehicle~~
30 ~~shall remain impounded or immobilized for any period imposed~~
31 ~~by the court until:~~

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1 ~~1. The owner presents proof of insurance to the~~
2 ~~arresting agency; or~~

3 ~~2. The owner presents proof of sale of the vehicle to~~
4 ~~the arresting agency and the buyer presents proof of insurance~~
5 ~~to the arresting agency.~~

6
7 ~~If proof is not presented within 35 days after the impoundment~~
8 ~~or immobilization, a lien shall be placed upon such vehicle~~
9 ~~pursuant to s. 713.78.~~

10 ~~(f) The owner of a vehicle that is impounded or~~
11 ~~immobilized under this subsection may, within 10 days after~~
12 ~~the date the owner has knowledge of the location of the~~
13 ~~vehicle, file a complaint in the county in which the owner~~
14 ~~resides to determine whether the vehicle was wrongfully taken~~
15 ~~or withheld. Upon the filing of a complaint, the owner may~~
16 ~~have the vehicle released by posting with the court a bond or~~
17 ~~other adequate security equal to the amount of the costs and~~
18 ~~fees for impoundment or immobilization, including towing or~~
19 ~~storage, to ensure the payment of such costs and fees if the~~
20 ~~owner does not prevail. When the vehicle owner does not~~
21 ~~prevail on a complaint that the vehicle was wrongfully taken~~
22 ~~or withheld, he or she must pay the accrued charges for the~~
23 ~~immobilization or impoundment, including any towing and~~
24 ~~storage charges assessed against the vehicle. When the bond is~~
25 ~~posted and the fee is paid as set forth in s. 28.24, the clerk~~
26 ~~of the court shall issue a certificate releasing the vehicle.~~
27 ~~At the time of release, after reasonable inspection, the owner~~
28 ~~must give a receipt to the towing or storage company~~
29 ~~indicating any loss or damage to the vehicle or to the~~
30 ~~contents of the vehicle.~~

31 Section 8. Effective October 1, 2006, section 322.341,

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1 Florida Statutes, is amended to read:

2 322.341 Driving while license permanently
3 revoked.--Any person whose driver's license or driving
4 privilege has been permanently revoked pursuant to s. 322.26
5 or s. 322.28 and who drives a motor vehicle upon the highways
6 of this state ~~commitsis guilty of~~ a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084, and the court must order imprisonment for not less
9 than 90 days.

10 Section 9. The Department of Highway Safety and Motor
11 Vehicles shall inform the motoring public of the changes to s.
12 322.34, Florida Statutes, made by this act relating to
13 impoundment or immobilization of a motor vehicle being driven
14 by a person whose driver license is canceled, suspended,
15 revoked, or disqualified and shall provide such information in
16 newly printed driver's license educational materials after
17 July 1, 2006, and in public service announcements produced in
18 cooperation with the Florida Highway Patrol.

19 Section 10. During the period from July 1, 2006, to
20 July 1, 2007, the Department of Highway Safety and Motor
21 Vehicles shall notify by mail persons whose driver license or
22 driving privilege has been canceled, suspended, revoked, or
23 disqualified of the changes to s. 322.34, Florida Statutes,
24 made by this act relating to impoundment or immobilization of
25 a motor vehicle being driven by such person; however, failure
26 to receive such notification shall not preclude, bar, or
27 otherwise affect the impoundment or immobilization of a motor
28 vehicle under s. 322.34, Florida Statutes.

29 Section 11. Except as otherwise expressly provided in
30 this act, this act shall take effect July 1, 2006.

31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 An act relating to unlawful operation of a
7 motor vehicle; creating the "Michael Haligowski
8 and Deputy Ryan C. Seguin Memorial Traffic
9 Safety Act"; amending s. 318.14, F.S.;
10 authorizing the court to withhold adjudication
11 of certain violations related to driving
12 without a valid license if the person cited
13 meets certain conditions; providing
14 circumstances when the withholding of
15 adjudication shall not be considered a
16 conviction; amending s. 322.03, F.S.; requiring
17 a written judgment signed by the judge and
18 recorded by the clerk for cases involving a
19 violation of requirements to possess a valid
20 driver license; providing for content of the
21 written judgment; requiring fingerprints of the
22 defendant and a certificate to be affixed to
23 the written judgment of conviction; providing
24 for content of the certificate; providing that
25 the written judgment shall be admissible as
26 prima facie evidence that the fingerprints
27 appearing thereon and certified by the judge
28 are the fingerprints of the defendant;
29 requiring the defendant's social security
30 number to be affixed to the written judgment of
31 conviction or the reason for its absence to be

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1 indicated; amending s. 322.16, F.S.;

2 prohibiting operation of a motor vehicle in

3 violation of an ignition interlock device

4 restriction imposed in the operator's driver

5 license; providing penalties; providing an

6 enhanced penalty for second and subsequent

7 offenses; providing for an evidentiary

8 presumption of prior convictions of specified

9 violations of ignition interlock device

10 restrictions; providing applicability; amending

11 s. 322.251, F.S.; requiring certain information

12 to be included with notice to a person whose

13 driver license or driving privilege is being

14 canceled, suspended, revoked, or disqualified;

15 requiring the Department of Highway Safety and

16 Motor Vehicles to make driver license status

17 information available to the public through the

18 Internet and a phone system; requiring the

19 department to certify the availability of the

20 information upon request by certain persons;

21 amending s. 322.34, F.S.; providing for

22 application of certain penalty provisions for

23 driving without a valid license to a person

24 whose driver license or driving privilege has

25 been disqualified; revising penalties for

26 driving without a valid license or knowingly

27 driving while driver license or driving

28 privilege is canceled, suspended, revoked, or

29 disqualified for specified alcohol-related or

30 drug-related convictions or refusal to submit

31 to certain testing; revising provisions for

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1 satisfaction of the element of knowledge;
2 requiring a cancellation, suspension,
3 revocation, or disqualification by the
4 department or a uniform traffic citation to
5 contain a provision notifying the person that
6 his or her driver license or driving privilege
7 has been canceled, suspended, revoked, or
8 disqualified; requiring impoundment and
9 immobilization information to be included with
10 notice to a person whose driver license or
11 driving privilege has been canceled, suspended,
12 revoked, or disqualified; revising penalty
13 provisions for a habitual offender driving
14 while his or her license is revoked; revising
15 circumstances for application of specified
16 penalties for certain careless or negligent
17 driving offenses; requiring a written judgment
18 signed by the judge and recorded by the clerk
19 for cases involving a violation of requirements
20 to possess a valid driver license; providing
21 for content of the written judgment; requiring
22 fingerprints of the defendant and a certificate
23 to be affixed to the written judgment of
24 conviction; providing for content of the
25 certificate; providing that the written
26 judgment shall be admissible as prima facie
27 evidence that the fingerprints appearing
28 thereon and certified by the judge are the
29 fingerprints of the defendant; requiring the
30 defendant's social security number to be
31 affixed to the written judgment of conviction

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1 or the reason for its absence to be indicated;
2 amending s. 322.34, F.S.; providing penalties
3 for knowingly aiding a person whose driver
4 license or driving privilege is canceled,
5 suspended, revoked, or disqualified by
6 providing a motor vehicle or authorizing use of
7 a motor vehicle; providing for a rebuttable
8 presumption of the knowledge requirement;
9 requiring an officer stopping a motor vehicle
10 being driven by or under the actual physical
11 control of a person whose driver license or
12 driving privilege is canceled, suspended,
13 revoked, or disqualified to impound or
14 immobilize the motor vehicle; providing for
15 notice to the driver; providing for impoundment
16 and immobilization of the motor vehicle by the
17 department; providing for notice to registered
18 owners of the motor vehicle and lienholders;
19 authorizing the department to adopt rules
20 providing for the department to commence
21 impoundment or immobilization at the scene
22 where the motor vehicle was stopped; providing
23 procedures; providing for release of the motor
24 vehicle; requiring department records to
25 contain impoundment and immobilization
26 information; providing for payment of costs;
27 providing for certain fees for certain
28 purposes; requiring the department to authorize
29 release of the motor vehicle upon satisfaction
30 of all requirements; providing for an impounded
31 or immobilized motor vehicle that is found

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1 being operated upon any street or highway in
2 this state during period of impoundment or
3 immobilization to be seized and subject to
4 forfeit; authorizing the department to contract
5 with vendors; requiring the department to make
6 driver license status information available to
7 the public through the Internet and a phone
8 system; authorizing the department to adopt
9 rules; amending s. 322.341, F.S.; revising
10 penalty provisions for a person who drives a
11 motor vehicle when his or her driver license
12 has been permanently revoked; directing the
13 department to inform drivers whose license or
14 driving privilege has been canceled, suspended,
15 revoked, or disqualified and the motoring
16 public of the provisions for impoundment and
17 immobilization of motor vehicles under this
18 act; providing effective dates.

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