

1 A bill to be entitled

2 An act relating to the Department of Highway Safety and  
3 Motor Vehicles; creating s. 322.2645, F.S.; providing for  
4 creation of a publicly accessible Internet database of  
5 certain habitual traffic offenders; provides requirements  
6 for the database; provides immunity from civil damages for  
7 certain good faith actions relating to the database;  
8 provides a presumption of good faith in specified  
9 circumstances; creating s. 322.294, F.S.; requiring the  
10 department to develop a publication regarding the  
11 requirements concerning the restoration of certain driving  
12 privileges following an arrest or conviction for specified  
13 offenses; requiring the department to post the publication  
14 on its website and distribute it to the courts and various  
15 executive officers and enforcing entities; providing for  
16 distribution of the publication by courts and such  
17 officers or entities to persons charged with or convicted  
18 of specified offenses; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Section 322.2645, Florida Statutes, is created  
23 to read:

24 322.2645 Habitual traffic offender database.--

25 (1) The department shall make identification information  
26 for habitual traffic offenders, as defined in s. 322.264, whose  
27 licenses have been suspended or revoked and not subsequently  
28 reinstated available to the public through an Internet database.

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29 The database shall be searchable by the public and shall include  
30 the capability of searching for offenders by zip code.

31 (2) The database shall not allow the public to access  
32 information that is confidential and exempt from public  
33 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State  
34 Constitution.

35 (3) The department, its personnel, and any individual or  
36 entity acting at the request or upon the direction of the  
37 department are immune from civil liability for damages for good  
38 faith compliance with this section and will be presumed to have  
39 acted in good faith by reporting information. The presumption of  
40 good faith is not overcome if technical or clerical errors are  
41 made by the department, its personnel, or any individual or  
42 entity acting at the request of or upon the direction of the  
43 department in reporting the information, if the department and  
44 its personnel are unable to report information because the  
45 information has not been provided or reported by a person or  
46 agency required to provide or report the information to the  
47 department, or if the department, its personnel, or any  
48 individual or entity acting at the request of or upon the  
49 direction of the department reports information that was falsely  
50 reported without the knowledge of the department, its personnel,  
51 or such individual or entity.

52 Section 2. Section 322.294, Florida Statutes, is created  
53 to read:

54 322.294 Information concerning reinstatement of driving  
55 privileges.--

56 (1) The department shall develop and distribute a

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57 publication to inform each person whose driver's license is  
58 suspended under s. 322.2615 or s. 322.2616 or suspended or  
59 temporarily revoked for a violation of s. 316.193 or who is  
60 disqualified from operating a commercial motor vehicle for a  
61 violation of s. 322.61(3)(a), (b), or (f) or s. 322.62,  
62 concerning whether he or she may have the driver's license or  
63 commercial motor vehicle license reinstated and the requirements  
64 that must be met for reinstatement.

65 (2) Each court that convicts a person of violating s.  
66 316.193 or s. 322.62, each law enforcement officer or  
67 correctional officer who suspends the driving privilege of a  
68 person under s. 322.2615 or s. 322.2616, and each entity that  
69 disqualifies a person from operating a commercial vehicle for a  
70 violation of s. 322.61(3)(a), (b), or (f) shall, at the time of  
71 such a conviction, suspension, or disqualification, provide the  
72 person with a copy of the publication created under subsection  
73 (1).

74 (3) The department shall post the publication created  
75 under subsection (1) on its Internet website and make copies of  
76 the publication available to each court that adjudicates  
77 violations of s. 316.193 or s. 322.62, to each law enforcement  
78 or correctional officer authorized to suspend licenses under s.  
79 322.2615 or s. 322.2616, and to each entity authorized to  
80 disqualify a person from operating a commercial motor vehicle  
81 for a violation of s. 322.61(3)(a), (b), or (f).

82 Section 3. This act shall take effect October 1, 2007.