Florida Senate - 2007

By Senator Fasano

11-1518-07

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1	A bill to be entitled
2	An act relating to the seizure and forfeiture
3	of motor vehicles; amending s. 322.34, F.S.;
4	providing that the motor vehicle that was
5	driven by a person who is convicted of a moving
6	traffic violation and who has previously been
7	convicted of three or more violations of
8	driving under the influence is subject to
9	seizure and forfeiture if, at the time of the
10	moving traffic violation, the person's driver's
11	license is suspended, revoked, or canceled as a
12	result of a prior conviction of driving under
13	the influence; providing that a percentage of
14	the net proceeds from the sale of the motor
15	vehicle be deposited into the Crimes
16	Compensation Trust Fund; amending s. 960.21,
17	F.S.; conforming provisions to changes made by
18	the act; providing an effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Subsection (10) is added to section 322.34,
23	Florida Statutes, to read:
24	322.34 Driving while license suspended, revoked,
25	canceled, or disqualified
26	(10)(a) The motor vehicle that was driven by a person
27	who is convicted of a moving traffic violation described in s.
28	322.27(3)(d) and who has previously been convicted of three or
29	more violations of s. 316.193 is subject to seizure and
30	forfeiture under ss. 932.701-932.707 and is subject to liens
31	for recovering, towing, or storing vehicles under s. 713.78

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 if, at the time of the moving traffic violation, the person's 2 driver's license is suspended, revoked, or canceled as a result of a prior conviction for driving under the influence. 3 4 (b) The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any 5 б impoundment or seizure under paragraph (a) in accordance with 7 procedures established by the department. 8 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when the seizing agency obtains a final judgment granting 9 10 forfeiture of the motor vehicle under this subsection, 30 percent of the net proceeds from the sale of the motor vehicle 11 12 shall be retained by the seizing law enforcement agency and 70 13 percent shall be deposited into the Crimes Compensation Trust Fund for the purpose of paying all necessary and proper 14 expenses incurred by the Department of Legal Affairs under 15 this subsection and for the payment of claims to innocent 16 17 persons who have suffered personal injury or death as a direct 18 result of adult and juvenile criminal acts as provided in <u>chapter 960.</u> 19 Section 2. Subsection (2) of section 960.21, Florida 2.0 21 Statutes, is amended to read: 22 960.21 Crimes Compensation Trust Fund.--23 (2) The moneys placed in the Crimes Compensation Trust Fund shall consist of all moneys appropriated by the 2.4 Legislature for the purpose of compensating the victims of 25 crime and other claimants under this act, and of moneys 26 27 recovered on behalf of the department by subrogation or other 2.8 action, recovered through restitution, received from the Federal Government, received from additional court costs, 29 30 received from fines, received from the net proceeds from the 31

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SB 1706

1	sale of motor vehicles pursuant to s. 322.34(10), or received
2	from any other public or private source.
3	Section 3. This act shall take effect July 1, 2007.
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5	* * * * * * * * * * * * * * * * * * * *
6	SENATE SUMMARY
7	Provides that the motor vehicle that was driven by a person who is convicted of a moving traffic violation and
8	who has previously been convicted of three or more violations of driving under the influence is subject to
9	seizure and forfeiture if, at the time of the moving traffic violation, the person's driver's license is
10	suspended, revoked, or canceled as a result of a prior conviction for driving under the influence. Provides that
11	a percentage of the net proceeds from the sale of the motor vehicle be deposited into the Crimes Compensation
12	Trust Fund.
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