

Bill No. SB 2104

Barcode 911822

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Dockery) 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 "Deputy Michael Callin, 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 under subsection (9) or subsection (10) ~~charged or cited under this section~~, such action is not a conviction.

(b) If a person is cited for a violation of s. 322.34(2)(a) or (b), whose license has been suspended solely for failure to appear, failure to pay a civil penalty, failure to attend a driver improvement course pursuant to s. 322.291,

Bill No. SB 2104

Barcode 911822

1 failure to pay child support, or failure to pay a judgment,  
 2 and the person provides the court with a valid or reinstated  
 3 driver's license and proper proof of maintenance of security  
 4 as required by s. 316.646, the court may withhold adjudication  
 5 under this subsection. If adjudication is withheld for any  
 6 person under this paragraph, such action is not a conviction  
 7 if adjudication has not been withheld under this paragraph for  
 8 a prior offense during the 3 years before the date of the  
 9 cited offense.

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

12 322.03 Drivers must be licensed; penalties.--

13 (7)(a) Every judgment for a violation of subsection  
 14 (1), regardless of whether adjudication is withheld, must be  
 15 in writing, signed by the judge, and recorded by the clerk of  
 16 the circuit court.

17 1. In open court and in the presence of the judge, the  
 18 judge shall cause the fingerprints of the defendant against  
 19 whom the judgment is rendered to be affixed beneath the  
 20 judge's signature to the written judgment of conviction.  
 21 Beneath the fingerprints shall be appended a certificate to  
 22 the following effect:

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

29  
 30 2. The certificate must be signed by the judge, whose  
 31 signature must be followed by the word "Judge."

Bill No. SB 2104

Barcode 911822

1           3. At the time the defendant's fingerprints are taken,  
2 the judge shall also require the defendant to disclose his or  
3 her social security number. The defendant's social security  
4 number shall be affixed to every written judgment of  
5 conviction in open court, in the presence of the judge, and at  
6 the time the judgment is rendered. If the defendant is unable  
7 or unwilling to disclose his or her social security number,  
8 the reason for doing so must be entered on the written  
9 judgment.

10           (b) Any written judgment, or a certified copy thereof,  
11 is admissible in evidence in the courts of this state as prima  
12 facie evidence that the fingerprints appearing thereon and  
13 certified by the judge are the fingerprints of the defendant  
14 against whom that judgment was rendered.

15           Section 4. Subsections (1) and (6) of section 322.251,  
16 Florida Statutes, are amended to read:

17           322.251 Notice of cancellation, suspension,  
18 revocation, or disqualification of license.--

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

Bill No. SB 2104

Barcode 911822

1 Notification of cancellation, suspension, revocation, or  
2 disqualification given by the department under this section  
3 must also inform the person whose license or driving privilege  
4 has been canceled, suspended, revoked, or disqualified that  
5 any motor vehicle driven by or under the actual physical  
6 control of that person while the license or driving privilege  
7 is canceled, suspended, revoked, or disqualified is subject to  
8 impoundment and immobilization under s. 322.34. However, any  
9 failure by the department to include the impoundment and  
10 immobilization information with the notification or any  
11 failure by the person to receive that information does not  
12 affect or stay the effective date or term of the cancellation,  
13 suspension, revocation, or disqualification of the licensee's  
14 driving privilege and does not preclude, bar, or otherwise  
15 affect the impoundment or immobilization of a motor vehicle  
16 under s. 322.34.

17 (6)(a) Whenever a cancellation, suspension,  
18 revocation, or disqualification occurs, the department shall  
19 enter the cancellation, suspension, revocation, or  
20 disqualification order on the licensee's driver file 20 days  
21 after the notice was actually placed in the mail. Any inquiry  
22 into the file after the 20-day period shall reveal that the  
23 license is canceled, suspended, revoked, or disqualified and  
24 whether the license has been received by the department.

25 (b)1. The department shall make available on its  
26 Internet website the means to determine the status of a  
27 person's driver's license by entering the person's driver's  
28 license number. The department shall also provide an automated  
29 telephone hotline to provide callers with the status of a  
30 person's driver's license. The information provided on the  
31 Internet website or by the telephone hotline under this

Bill No. SB 2104

Barcode 911822

1 subparagraph shall include the date and time that information  
2 was first made available to the public.

3 2. Upon request from any law enforcement agency or  
4 officer of the court, the department shall certify the date  
5 and time the information was first made available to the  
6 public under subparagraph 1.

7 Section 5. Subsections (1), (2), (4), (5), and (6) of  
8 section 322.34, Florida Statutes, are amended, and subsection  
9 (10) is added to that section, to read:

10 322.34 Driving while license suspended, revoked,  
11 canceled, or disqualified.--

12 (1) Except as provided in subsection (2) and s.  
13 322.341, any person whose driver's license or driving  
14 privilege has been canceled, suspended, ~~or~~ revoked, or  
15 disqualified, except a "habitual traffic offender" as defined  
16 in s. 322.264, who drives a vehicle upon the highways of this  
17 state while such license or privilege is canceled, suspended,  
18 ~~or~~ revoked, or disqualified ~~commits is guilty of~~ a moving  
19 violation, punishable as provided in chapter 318.

20 (2) Except as provided in s. 322.341, any person whose  
21 driver's license or driving privilege has been canceled,  
22 suspended, ~~or~~ revoked, or disqualified as provided by law,  
23 except persons defined in s. 322.264, who, knowing of such  
24 cancellation, suspension, ~~or~~ revocation, or disqualification,  
25 drives any motor vehicle upon the highways of this state while  
26 such license or privilege is canceled, suspended, ~~or~~ revoked,  
27 or disqualified, or any person who drives any motor vehicle  
28 upon the highways of this state without having a valid  
29 driver's license as required under s. 322.03, upon:

30 (a) A first conviction commits is guilty of a  
31 misdemeanor of the second degree, punishable as provided in s.

Bill No. SB 2104

Barcode 911822

1 775.082 or s. 775.083, except that any person whose driver's  
 2 license or driving privilege was canceled, suspended, revoked,  
 3 or disqualified under s. 322.2615 relating to unlawful  
 4 blood-alcohol level or breath-alcohol level or for refusal to  
 5 submit to a breath, urine, or blood test authorized by s.  
 6 316.1932, s. 322.28(2)(a) for a violation of s. 316.193 or s.  
 7 316.1931 prohibiting driving under the influence, s.  
 8 316.655(2) for an alcohol-related or drug-related conviction,  
 9 or s. 316.1939 for refusal to submit to testing commits a  
 10 misdemeanor of the first degree, punishable as provided in s.  
 11 775.082 or s. 775.083.

12           (b) A second conviction commits ~~is guilty of~~ a  
 13 misdemeanor of the first degree, punishable as provided in s.  
 14 775.082 or s. 775.083.

15           (c) A third or subsequent conviction commits ~~is guilty~~  
 16 ~~of~~ a felony of the third degree, punishable as provided in s.  
 17 775.082, s. 775.083, or s. 775.084.

18  
 19 If any person whose driver's license or driving privilege was  
 20 canceled, suspended, revoked, or disqualified under s.  
 21 322.2615 relating to unlawful blood-alcohol level or  
 22 breath-alcohol level or for refusal to submit to a breath,  
 23 urine, or blood test authorized by s. 316.1932, s.  
 24 322.28(2)(a) for a violation of s. 316.193 or s. 316.1931  
 25 prohibiting driving under the influence, s. 316.655(2) for an  
 26 alcohol-related or drug-related conviction, or s. 316.1939 for  
 27 refusal to submit to testing is convicted of an offense under  
 28 this subsection, the court must order imprisonment for not  
 29 less than 30 days. The element of knowledge is satisfied if  
 30 the person has been previously cited as provided in subsection  
 31 (1); or the person admits to knowledge of the cancellation,

Bill No. SB 2104

Barcode 911822

1 suspension, ~~or~~ revocation, or disqualification; or the person  
 2 received notice as provided in subsection (4). There shall be  
 3 a rebuttable presumption that the knowledge requirement is  
 4 satisfied if a judgment or order or a cancellation,  
 5 suspension, revocation, or disqualification by the department  
 6 as provided in subsection (4) appears in the department's  
 7 records ~~for any case except for one involving a suspension by~~  
 8 ~~the department for failure to pay a traffic fine or for a~~  
 9 ~~financial responsibility violation.~~

10 (4) Any judgment or order rendered by a court or  
 11 adjudicatory body, any cancellation, suspension, revocation,  
 12 or disqualification by the department, or any uniform traffic  
 13 citation that cancels, suspends, ~~or~~ revokes, or disqualifies a  
 14 person's driver's license must contain a provision notifying  
 15 the person that his or her driver's license has been canceled,  
 16 suspended, ~~or~~ revoked, or disqualified and must inform the  
 17 person that any motor vehicle driven by that person while the  
 18 license is canceled, suspended, revoked, or disqualified shall  
 19 be impounded or immobilized under this section.

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

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

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

30 (b) While his or her driver's license or driving  
 31 privilege is canceled, suspended, ~~or~~ revoked, or disqualified

Bill No. SB 2104

Barcode 911822

1 ~~pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s.~~  
2 ~~322.28(2) or (4),~~

3  
4 and who by careless or negligent operation of the motor  
5 vehicle causes the death of or serious bodily injury to  
6 another human being commits ~~is guilty of~~ a felony of the third  
7 degree, punishable as provided in s. 775.082 or s. 775.083.

8 (10)(a) With respect to any offense governed by this  
9 section, regardless of whether adjudication is withheld, every  
10 judgment must be in writing, signed by the judge, and recorded  
11 by the clerk of the circuit court.

12 1. In open court and in the presence of the judge, the  
13 judge shall cause the fingerprints of the defendant against  
14 whom the judgment is rendered to be affixed beneath the  
15 judge's signature to the written judgment of conviction.  
16 Beneath the fingerprints shall be appended a certificate to  
17 the following effect:

18  
19 "I hereby certify that the above  
20 fingerprints are those of the defendant, (name  
21 of defendant), and that they were placed  
22 thereon by the defendant in my presence, in  
23 open court, this the .... day of ....., (year)."

24  
25 2. The certificate must be signed by the judge, whose  
26 signature must be followed by the word "Judge."

27 3. At the time the defendant's fingerprints are taken,  
28 the judge shall also require the defendant to disclose his or  
29 her social security number. The defendant's social security  
30 number shall be affixed to every written judgment of  
31 conviction in open court, in the presence of the judge, and at



Bill No. SB 2104

Barcode 911822

1 the time the judgment is rendered. If the defendant is unable  
 2 or unwilling to disclose his or her social security number,  
 3 the reason for doing so must be entered on the written  
 4 judgment.

5 (b) Any such written judgment, or a certified copy  
 6 thereof, is admissible in evidence in the courts of this state  
 7 as prima facie evidence that the fingerprints appearing  
 8 thereon and certified by the judge are the fingerprints of the  
 9 defendant against whom that judgment was rendered.

10 Section 6. Effective July 1, 2008, subsections (3) and  
 11 (8) of section 322.34, Florida Statutes, as amended by this  
 12 act, are amended, and subsection (11) is added to that  
 13 section, to read:

14 322.34 Driving while license suspended, revoked,  
 15 canceled, or disqualified.--

16 (3) In any proceeding for a violation of this section,  
 17 a court may consider evidence, other than that specified in  
 18 subsection (2) or subsection (11), that the person knowingly  
 19 violated this section.

20 (8)(a) 1. If a law enforcement officer determines  
 21 that a motor vehicle is being driven by or is under the actual  
 22 physical control of a person whose driver's license or driving  
 23 privilege is canceled, suspended, revoked, or disqualified,  
 24 the officer shall immediately impound the motor vehicle or  
 25 immobilize the motor vehicle by installing an immobilization  
 26 device on the vehicle. The officer shall serve notice of the  
 27 impoundment or immobilization upon the driver. The notice must  
 28 include the location where the motor vehicle is being held and  
 29 information concerning the procedures to follow in order to  
 30 have the motor vehicle released from impoundment or  
 31 immobilization by a department-approved vendor. A law

Bill No. SB 2104

Barcode 911822

1 enforcement agency or officer who proceeds in good faith to  
 2 immobilize or impound a vehicle under this subsection is not  
 3 responsible for any towing, immobilizing, or impounding fees.  
 4 A law enforcement officer may leave the scene of the  
 5 impoundment without completing the impoundment process if the  
 6 officer is ordered elsewhere by his or her superior officer or  
 7 an emergency elsewhere arises, or due to other exigent  
 8 circumstances.

9       2. A law enforcement officer impounding or  
 10 immobilizing a motor vehicle under subparagraph 1. shall  
 11 notify the department or the department's agent within 24  
 12 hours to effect impoundment or immobilization under this  
 13 paragraph. The department or the department's agent shall  
 14 remove and impound or immobilize the motor vehicle at another  
 15 location. The motor vehicle may be immobilized by installation  
 16 of an immobilization device on the vehicle; however, the  
 17 impounding company may not release the motor vehicle for  
 18 immobilization at another location without proof that the  
 19 immobilization vendor is approved by the department. The motor  
 20 vehicle shall remain impounded or immobilized until the owner  
 21 or lessee receives authorization from the department for  
 22 release of the motor vehicle under this subsection. The  
 23 department may adopt by rule procedures for removing and  
 24 immobilizing a motor vehicle by a department-approved vendor  
 25 from the location where the motor vehicle was impounded or  
 26 immobilized by the law enforcement officer under subparagraph  
 27 1.

28       3. A motor vehicle impounded or immobilized under this  
 29 paragraph which, according to the records of the department,  
 30 is owned or leased by the person who was driving or in actual  
 31 physical control of the motor vehicle when it was stopped and

Bill No. SB 2104

Barcode 911822

1 impounded or immobilized under subparagraph 1. shall remain  
2 impounded or immobilized until the person's license and  
3 driving privilege are reinstated and payment of the fees  
4 imposed under paragraph (c) and all costs of towing,  
5 impoundment, immobilization, and storage has been paid. If  
6 department records show a different owner or lessee, the motor  
7 vehicle shall be released to that owner or lessee or the  
8 owner's or lessee's agent upon payment of the fees imposed  
9 under paragraph (c) and all costs of towing, impoundment,  
10 immobilization, and storage. The department's records shall  
11 reflect that the motor vehicle is immobilized or impounded.

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

28 (c)1. The department shall collect a processing fee of  
29 \$30 from the owner or lessee before releasing a motor vehicle  
30 that is immobilized or impounded under this subsection. Moneys  
31 collected under this subparagraph shall be forwarded to the

Bill No. SB 2104

Barcode 911822

1 Department of Revenue for deposit into the State  
 2 Transportation Trust Fund created under s. 206.46 to be used  
 3 to carry out public transit responsibilities of the Department  
 4 of Transportation under s. 341.041.

5 2. The department shall charge a reasonable fee, not  
 6 to exceed \$6, to the owner or lessee of the motor vehicle to  
 7 cover the operational costs of the program and the cost of  
 8 immobilizing or impounding the motor vehicle. Fees collected  
 9 under this subparagraph shall be deposited into the Operating  
 10 Trust Fund of the Department of Highway Safety and Motor  
 11 Vehicles.

12 (d) Upon satisfaction of all of the requirements under  
 13 this subsection for release of the motor vehicle, the  
 14 department shall authorize the release of the motor vehicle to  
 15 the owner or lessee.

16 (e) A motor vehicle immobilized under this subsection  
 17 may not be operated in this state until released from  
 18 immobilization by the department or the department's agent. A  
 19 motor vehicle immobilized under this subsection which is found  
 20 being operated upon any street or highway in this state before  
 21 being released by the department or the department's agent  
 22 shall be seized and removed from the street or highway and may  
 23 be forfeited under ss. 932.701-932.704.

24 (f) The department may contract with vendors to carry  
 25 out this subsection.

26 (g) Notification of cancellation, suspension,  
 27 revocation, or disqualification given by the department under  
 28 s. 322.251 shall also inform the person whose driver's license  
 29 or driving privilege has been canceled, suspended, revoked, or  
 30 disqualified that any motor vehicle driven by or under the  
 31 actual physical control of that person while the license or

Bill No. SB 2104

Barcode 911822

1 driving privilege is canceled, suspended, revoked, or  
 2 disqualified is subject to impoundment and immobilization  
 3 under this subsection; however, failure to receive the  
 4 information does not preclude, bar, or otherwise affect the  
 5 impoundment or immobilization of a motor vehicle under this  
 6 subsection.

7       (h) The department shall make available on its  
 8 Internet website the methods to use to determine the status of  
 9 a person's driver's license by entering the driver's license  
 10 number. The department shall also provide an automated  
 11 telephone hotline to provide callers with the status of a  
 12 person's driver's license.

13       (i) The department may adopt rules pursuant to ss.  
 14 120.536(1) and 120.54 to administer this subsection. Upon the  
 15 arrest of a person for the offense of driving while the  
 16 person's driver's license or driving privilege is suspended or  
 17 revoked, the arresting officer shall determine:

18           1. Whether the person's driver's license is suspended  
 19 or revoked.

20           2. Whether the person's driver's license has remained  
 21 suspended or revoked since a conviction for the offense of  
 22 driving with a suspended or revoked license.

23           3. Whether the suspension or revocation was made under  
 24 s. 316.646 or s. 627.733, relating to failure to maintain  
 25 required security, or under s. 322.264, relating to habitual  
 26 traffic offenders.

27           4. Whether the driver is the registered owner or  
 28 coowner of the vehicle.

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

Bill No. SB 2104

Barcode 911822

1           ~~(c) Within 7 business days after the date the~~  
2 ~~arresting agency impounds or immobilizes the vehicle, either~~  
3 ~~the arresting agency or the towing service, whichever is in~~  
4 ~~possession of the vehicle, shall send notice by certified~~  
5 ~~mail, return receipt requested, to any coregistered owners of~~  
6 ~~the vehicle other than the person arrested and to each person~~  
7 ~~of record claiming a lien against the vehicle. All costs and~~  
8 ~~fees for the impoundment or immobilization, including the cost~~  
9 ~~of notification, must be paid by the owner of the vehicle or,~~  
10 ~~if the vehicle is leased, by the person leasing the vehicle.~~

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

Bill No. SB 2104

Barcode 911822

1 ~~payment of any towing or storage charges necessary to release~~  
 2 ~~the vehicle to a lessor, rental car company, or lienholder~~  
 3 ~~that accrue after the notice period, which charges may then be~~  
 4 ~~assessed against the driver of the vehicle if the vehicle was~~  
 5 ~~lawfully impounded or immobilized.~~

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

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

11 ~~2. The owner presents proof of sale of the vehicle to~~  
 12 ~~the arresting agency and the buyer presents proof of insurance~~  
 13 ~~to the arresting agency.~~

14  
 15 ~~If proof is not presented within 35 days after the impoundment~~  
 16 ~~or immobilization, a lien shall be placed upon such vehicle~~  
 17 ~~pursuant to s. 713.78.~~

18 ~~(f) The owner of a vehicle that is impounded or~~  
 19 ~~immobilized under this subsection may, within 10 days after~~  
 20 ~~the date the owner has knowledge of the location of the~~  
 21 ~~vehicle, file a complaint in the county in which the owner~~  
 22 ~~resides to determine whether the vehicle was wrongfully taken~~  
 23 ~~or withheld. Upon the filing of a complaint, the owner may~~  
 24 ~~have the vehicle released by posting with the court a bond or~~  
 25 ~~other adequate security equal to the amount of the costs and~~  
 26 ~~fees for impoundment or immobilization, including towing or~~  
 27 ~~storage, to ensure the payment of such costs and fees if the~~  
 28 ~~owner does not prevail. When the vehicle owner does not~~  
 29 ~~prevail on a complaint that the vehicle was wrongfully taken~~  
 30 ~~or withheld, he or she must pay the accrued charges for the~~  
 31 ~~immobilization or impoundment, including any towing and~~

Bill No. SB 2104

Barcode 911822

1 ~~storage charges assessed against the vehicle. When the bond is~~  
2 ~~posted and the fee is paid as set forth in s. 28.24, the clerk~~  
3 ~~of the court shall issue a certificate releasing the vehicle.~~  
4 ~~At the time of release, after reasonable inspection, the owner~~  
5 ~~must give a receipt to the towing or storage company~~  
6 ~~indicating any loss or damage to the vehicle or to the~~  
7 ~~contents of the vehicle.~~

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



Bill No. SB 2104

Barcode 911822

1 Section 7. Effective October 1, 2007, section 322.341,  
2 Florida Statutes, is amended to read:

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

11 Section 8. The Department of Highway Safety and Motor  
12 Vehicles shall inform the motoring public of the changes to s.  
13 322.34, Florida Statutes, made by this act relating to  
14 impoundment or immobilization of a motor vehicle being driven  
15 by a person whose driver license is canceled, suspended,  
16 revoked, or disqualified and shall provide such information in  
17 newly printed driver license educational materials after July  
18 1, 2007, and in public service announcements produced in  
19 cooperation with the Florida Highway Patrol.

20 Section 9. During the period from July 1, 2007, to  
21 July 1, 2008, the Department of Highway Safety and Motor  
22 Vehicles must notify by mail persons whose driver license or  
23 driving privilege has been canceled, suspended, revoked, or  
24 disqualified of the changes to s. 322.34, Florida Statutes,  
25 made by this act relating to impoundment or immobilization of  
26 a motor vehicle being driven by such person; however, failure  
27 to receive such notification does not preclude, bar, or  
28 otherwise affect the impoundment or immobilization of a motor  
29 vehicle under s. 322.34, Florida Statutes.

30 Section 10. Except as otherwise expressly provided in  
31 this act, this act shall take effect July 1, 2007.

Bill No. SB 2104

Barcode 911822

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                           A bill to be entitled

7           An act relating to driving without a valid  
8           license; creating the "Deputy Michael Callin,  
9           Michael Haligowski, and Deputy Ryan C. Seguin  
10          Memorial Traffic Safety Act"; amending s.  
11          318.14, F.S.; authorizing the court to withhold  
12          adjudication of certain violations relating to  
13          driving without a valid license if the person  
14          cited meets certain conditions; providing that  
15          the withholding of adjudication is not a  
16          conviction under certain circumstances;  
17          amending s. 322.03, F.S.; requiring a written  
18          judgment signed by the judge and recorded by  
19          the clerk for cases involving a violation of  
20          requirements to possess a valid driver's  
21          license; requiring the defendant's fingerprints  
22          and a certificate to be affixed to the written  
23          judgment of conviction; providing the contents  
24          of the certificate; requiring the defendant's  
25          social security number to be affixed to the  
26          written judgment of conviction or the reason  
27          for its absence to be indicated; providing that  
28          the written judgment is prima facie evidence  
29          that the fingerprints are the defendant's  
30          fingerprints; amending s. 322.251, F.S.;  
31          requiring impoundment and immobilization

Bill No. SB 2104

Barcode 911822

1 information to be included with the notice to a  
2 person whose driver's license or driving  
3 privilege is being canceled, suspended,  
4 revoked, or disqualified; amending s. 322.34,  
5 F.S.; providing for application of certain  
6 penalty provisions to a person who does not  
7 have a valid driver's license or whose driver's  
8 license or driving privilege has been  
9 disqualified; revising penalties for driving  
10 without a valid license or knowingly driving  
11 while a driver's license or driving privilege  
12 is canceled, suspended, revoked, or  
13 disqualified for specified alcohol-related or  
14 drug-related convictions or refusal to submit  
15 to certain testing; revising provisions for  
16 satisfaction of the element of knowledge;  
17 requiring a notice of cancellation, suspension,  
18 revocation, or disqualification by the  
19 department or a uniform traffic citation to  
20 notify the person that his or her driver's  
21 license or driving privilege has been canceled,  
22 suspended, revoked, or disqualified; requiring  
23 impoundment and immobilization information to  
24 be included with notice to a person whose  
25 driver's license or driving privilege has been  
26 canceled, suspended, revoked, or disqualified;  
27 revising penalty provisions for a habitual  
28 offender driving while his or her driver's  
29 license is revoked; providing that a person who  
30 causes the death of or serious bodily injury to  
31 another person by careless or negligent

Bill No. SB 2104

Barcode 911822

1 operation of a motor vehicle while his or her  
2 driver's license or driving privilege is  
3 canceled, suspended, revoked, or disqualified  
4 commits a felony of the third degree; providing  
5 criminal penalties; requiring a written  
6 judgment signed by the judge and recorded by  
7 the clerk for cases involving a violation of  
8 requirements to possess a valid driver's  
9 license; requiring defendant's fingerprints and  
10 a certificate to be affixed to the written  
11 judgment of conviction; providing the content  
12 of the certificate; requiring the defendant's  
13 social security number to be affixed to the  
14 written judgment of conviction or the reason  
15 for its absence to be indicated; providing that  
16 the written judgment constitutes prima facie  
17 evidence that the fingerprints are the  
18 defendant's fingerprints; amending s. 322.34,  
19 F.S.; requiring a law enforcement officer who  
20 determines that a motor vehicle is being driven  
21 by or under the actual physical control of a  
22 person whose driver's license or driving  
23 privilege is canceled, suspended, revoked, or  
24 disqualified to impound or immobilize the motor  
25 vehicle; providing for notice to the driver;  
26 providing for impoundment and immobilization of  
27 the motor vehicle by the Department of Highway  
28 Safety and Motor Vehicles; requiring the  
29 department to commence impoundment or  
30 immobilization at the scene where the motor  
31 vehicle was immobilized; providing procedures;

Bill No. SB 2104

Barcode 911822

1 providing for release of the motor vehicle;  
2 requiring department records to contain  
3 impoundment and immobilization information;  
4 providing for payment of costs; providing for  
5 certain fees and distribution of moneys  
6 collected; requiring the department to  
7 authorize release of the motor vehicle upon  
8 satisfaction of all requirements; prohibiting  
9 operation of an immobilized motor vehicle;  
10 providing for an immobilized motor vehicle that  
11 is found being operated upon any street or  
12 highway in this state before release from  
13 immobilization to be seized and subject to  
14 forfeiture; authorizing the department to  
15 contract with vendors; requiring the department  
16 to inform the person whose driver's license or  
17 driving privilege has been canceled, suspended,  
18 revoked, or disqualified that any motor vehicle  
19 driven by or under the actual physical control  
20 of that person is subject to impoundment and  
21 immobilization; authorizing the department to  
22 adopt rules; providing penalties for knowingly  
23 aiding a person whose driver's license or  
24 driving privilege is canceled, suspended,  
25 revoked, or disqualified by providing a motor  
26 vehicle or authorizing use of a motor vehicle;  
27 providing for a rebuttable presumption of  
28 satisfaction of the knowledge requirement;  
29 amending s. 322.341, F.S.; revising the penalty  
30 provisions for a person who drives a motor  
31 vehicle when his or her driver's license has

Bill No. SB 2104

Barcode 911822

1           been permanently revoked; requiring the  
2           department to inform drivers whose license or  
3           driving privilege has been canceled, suspended,  
4           revoked, or disqualified and the motoring  
5           public of the provisions for impoundment and  
6           immobilization of motor vehicles under this  
7           act; providing effective dates.

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