

Bill No. SB 1030



831288

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/4/2008	.	
	.	
	.	

1 The Committee on Transportation (Webster) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

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

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

12 318.14 Noncriminal traffic infractions; exception;
 13 procedures.--

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

17 (b) If a person is cited for a violation of s.
18 322.34(2)(a)1. or 2. with a license that has been suspended
19 solely for failure to appear, failure to pay a civil penalty,
20 failure to attend a driver improvement course pursuant to s.
21 322.291, failure to pay child support, or failure to pay a
22 judgment and such person provides to the court a valid or
23 reinstated driver's license and proper proof of maintenance of
24 security as required by s. 316.646, the court may withhold
25 adjudication pursuant to this subsection. If adjudication is
26 withheld for any person pursuant to this paragraph, such action
27 is not a conviction if adjudication has not been withheld under
28 this paragraph for a prior offense during the 3 years before the
29 date of the cited offense. This paragraph does not affect the
30 court's ability to grant a withhold of adjudication under any
31 other provision currently in effect in any provision of traffic
32 or criminal court rules.

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

35 322.03 Drivers must be licensed; penalties.--

36 (7) Every judgment for a violation of subsection (1),
37 regardless of whether adjudication is withheld, shall be in
38 writing, signed by the judge, and recorded by the clerk of the
39 circuit court.

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

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42 322.251 Notice of cancellation, suspension, revocation, or
43 disqualification of license.--

44 (1) All orders of cancellation, suspension, revocation, or
45 disqualification issued under the provisions of this chapter,
46 chapter 318, chapter 324, or ss. 627.732-627.734 shall be given
47 either by personal delivery thereof to the licensee whose
48 license is being canceled, suspended, revoked, or disqualified
49 or by deposit in the United States mail in an envelope, first
50 class, postage prepaid, addressed to the licensee at his or her
51 last known mailing address furnished to the department. Such
52 mailing by the department constitutes notification, and any
53 failure by the person to receive the mailed order will not
54 affect or stay the effective date or term of the cancellation,
55 suspension, revocation, or disqualification of the licensee's
56 driving privilege. Notification of cancellation, suspension,
57 revocation, or disqualification given by the department under
58 this section shall also inform the person whose license or
59 driving privilege has been canceled, suspended, revoked, or
60 disqualified that any motor vehicle driven by or under the
61 actual physical control of that person while the license or
62 driving privilege is canceled, suspended, revoked, or
63 disqualified is subject to impoundment and immobilization under
64 s. 322.34; however, any failure by the department to include the
65 impoundment and immobilization information with the notification
66 or any failure by the person to receive that information will
67 not affect or stay the effective date or term of the
68 cancellation, suspension, revocation, or disqualification of the
69 licensee's driving privilege and will not preclude, bar, or

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70 otherwise affect the impoundment or immobilization of a motor
71 vehicle under s. 322.34.

72 (6) (a) Whenever a cancellation, suspension, revocation, or
73 disqualification occurs, the department shall enter the
74 cancellation, suspension, revocation, or disqualification order
75 on the licensee's driver file 20 days after the notice was
76 actually placed in the mail. Any inquiry into the file after the
77 20-day period shall reveal that the license is canceled,
78 suspended, revoked, or disqualified and whether the license has
79 been received by the department.

80 (b) The department shall make available on its Internet
81 website the means to determine the status of a person's driver's
82 license by entering the driver's license number. The department
83 shall also provide an automated telephone hotline to provide
84 callers with the status of a person's driver's license.

85 Section 5. Effective October 1, 2008, subsections (1),
86 (2), (4), (5), and (6) of section 322.34, Florida Statutes, are
87 amended, and subsection (10) is added to that section, to read:

88 322.34 Driving while license suspended, revoked, canceled,
89 or disqualified.--

90 (1) Except as provided in subsection (2) and s. 322.341,
91 any person whose driver's license or driving privilege has been
92 canceled, suspended, ~~or~~ revoked, or disqualified, except a
93 "habitual traffic offender" as defined in s. 322.264, who drives
94 a vehicle upon the highways of this state while such license or
95 privilege is canceled, suspended, ~~or~~ revoked, or disqualified
96 commits is guilty of a moving violation, punishable as provided
97 in chapter 318.

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98 (2) (a) Except as provided in s. 322.341, any person whose
99 driver's license or driving privilege has been canceled,
100 suspended, ~~or~~ revoked, or disqualified as provided by law,
101 except persons defined in s. 322.264, who, knowing of such
102 cancellation, suspension, ~~or~~ revocation, or disqualification,
103 drives any motor vehicle upon the highways of this state while
104 such license or privilege is canceled, suspended, ~~or~~ revoked, or
105 disqualified, or any person who drives any motor vehicle upon
106 the highways of this state without having a valid driver's
107 license as required under s. 322.03, upon:

108 1.(a) A first conviction is guilty of a misdemeanor of the
109 second degree, punishable as provided in s. 775.082 or s.
110 775.083, except that any person whose driver's license or
111 driving privilege was canceled, suspended, revoked, or
112 disqualified under s. 322.2615 relating to unlawful blood-
113 alcohol level or breath-alcohol level or for refusal to submit
114 to a breath, urine, or blood test authorized by s. 316.1932, s.
115 322.28(2) (a) for a violation of s. 316.193 or s. 316.1931
116 prohibiting driving under the influence, s. 316.655(2) for an
117 alcohol-related or drug-related conviction, or s. 316.1939 for
118 refusal to submit to testing is guilty of a misdemeanor of the
119 first degree, punishable as provided in s. 775.082 or s.
120 775.083.

121 2.(b) A second conviction is guilty of a misdemeanor of
122 the first degree, punishable as provided in s. 775.082 or s.
123 775.083.

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124 3.(e) A third or subsequent conviction is guilty of a
125 felony of the third degree, punishable as provided in s.
126 775.082, s. 775.083, or s. 775.084.

127 (b) If any person whose driver's license or driving
128 privilege was canceled, suspended, revoked, or disqualified
129 under s. 322.2615 relating to unlawful blood-alcohol level or
130 breath-alcohol level or for refusal to submit to a breath,
131 urine, or blood test authorized by s. 316.1932, s. 322.28(2)(a)
132 for a violation of s. 316.193 or s. 316.1931 prohibiting driving
133 under the influence, s. 316.655(2) for an alcohol-related or
134 drug-related conviction, or s. 316.1939 for refusal to submit to
135 testing is convicted under this subsection, the court must order
136 imprisonment for not less than 30 days or a probationary period
137 of not less than 90 days requiring the same level of supervision
138 as community control with electronic monitoring as described in
139 chapter 948 and the use of a continuous alcohol monitor device.

140 (c) The element of knowledge is satisfied if the person
141 has been previously cited as provided in subsection (1); ~~or~~ the
142 person admits to knowledge of the cancellation, suspension, ~~or~~
143 revocation, or disqualification; or the person received notice
144 as provided in subsection (4). There shall be a rebuttable
145 presumption that the knowledge requirement is satisfied if a
146 judgment or order or a cancellation, suspension, revocation, or
147 disqualification by the department as provided in subsection (4)
148 appears in the department's records ~~for any case except for one~~
149 involving a suspension by the department for failure to pay a
150 traffic fine or for a financial responsibility violation.

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151 (4) Any judgment or order rendered by a court or
152 adjudicatory body, any cancellation, suspension, revocation, or
153 disqualification by the department, or any uniform traffic
154 citation that cancels, suspends, ~~or~~ revokes, or disqualifies a
155 person's driver's license must contain a provision notifying the
156 person that his or her driver's license has been canceled,
157 suspended, ~~or~~ revoked, or disqualified and must inform the
158 person that any motor vehicle driven by that person while the
159 license is canceled, suspended, revoked, or disqualified shall
160 be impounded or immobilized pursuant to this section.

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

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

168 (a) Without having a driver's license as required under s.
169 322.03; or

170 (b) While his or her driver's license or driving privilege
171 is canceled, suspended, ~~or~~ revoked, or disqualified pursuant to
172 s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
173

174 and who by careless or negligent operation of the motor vehicle
175 causes the death of or serious bodily injury to another human
176 being, commits is guilty of a felony of the third degree,
177 punishable as provided in s. 775.082 or s. 775.083.

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178 (10) With respect to any offense governed by this section,
179 regardless of whether adjudication is withheld, every judgment
180 shall be in writing, signed by the judge, and recorded by the
181 clerk of the circuit court.

182 Section 6. Effective July 1, 2009, subsections (3) and (8)
183 of section 322.34, Florida Statutes, as amended by this act, are
184 amended to read:

185 322.34 Driving while license suspended, revoked, canceled,
186 or disqualified.--

187 (3) In any proceeding for a violation of this section, a
188 court may consider evidence, other than that specified in
189 subsection (2) or subsection (11), that the person knowingly
190 violated this section.

191 (8) (a) 1. If a law enforcement officer determines that a
192 motor vehicle is being driven by or is under the actual physical
193 control of a person whose driver's license or driving privilege
194 is canceled, suspended, revoked, or disqualified, the officer
195 shall immediately impound the motor vehicle or immobilize the
196 motor vehicle by installing an immobilization device on the
197 vehicle. The officer shall serve notice of the impoundment or
198 immobilization upon the driver. The notice shall include the
199 location where the motor vehicle is being held and information
200 on the procedures to have the motor vehicle released from
201 impoundment or immobilization by a department-approved vendor. A
202 law enforcement agency or officer who proceeds in good faith to
203 immobilize or impound a vehicle under this section shall not be
204 responsible for any towing, immobilizing, or impounding fees. A
205 law enforcement officer may leave the scene of the impoundment

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206 without completing the impoundment process if the officer is
207 ordered elsewhere by his superior officer or an emergency
208 elsewhere arises, or due to other exigent circumstances.

209 2. A law enforcement officer impounding or immobilizing a
210 motor vehicle under subparagraph 1. shall notify the department
211 or the department's agent within 24 hours to effect impoundment
212 or immobilization under this paragraph. The department or the
213 department's agent shall remove and impound or immobilize the
214 motor vehicle at another location. The motor vehicle may be
215 immobilized by installation of an immobilization device on the
216 vehicle; however, the impounding company shall not release the
217 motor vehicle for immobilization at another location without
218 proof that the immobilization vendor is approved by the
219 department. The motor vehicle shall remain in impound or
220 immobilized until the owner or lessee receives authorization
221 from the department for release of the motor vehicle under the
222 provisions of this subsection. The department is authorized to
223 adopt by rule procedures for removal and immobilization of the
224 motor vehicle by a department-approved vendor from the location
225 where the motor vehicle was impounded or immobilized by the law
226 enforcement officer under subparagraph 1.

227 3. A motor vehicle impounded or immobilized under this
228 paragraph that, according to the records of the department, is
229 owned or leased by the person who was driving or in actual
230 physical control of the motor vehicle when it was stopped and
231 impounded or immobilized under subparagraph 1. shall remain
232 impounded or immobilized until the person's license and driving
233 privilege are reinstated and payment of the fees imposed under

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234 paragraph (c) and all costs of towing, impoundment,
235 immobilization, and storage has been made. If department records
236 show a different owner or lessee, the motor vehicle shall be
237 released to that owner or lessee or the owner's or lessee's
238 agent upon payment of the fees imposed under paragraph (c) and
239 all costs of towing, impoundment, immobilization, and storage.
240 The department's records shall reflect that the motor vehicle is
241 immobilized or impounded.

242 (b) Within 7 business days after the date the law
243 enforcement agency or the department impounds or immobilizes the
244 motor vehicle under this subsection, the department shall send
245 notice of the impoundment or immobilization by certified mail,
246 return receipt requested, to any registered owners or coowners
247 of the motor vehicle other than the driver and to each person of
248 record claiming a lien against the motor vehicle. The notice
249 shall include the location where the motor vehicle is being held
250 and information on the procedures to have the motor vehicle
251 released from impoundment or immobilization by a department-
252 approved vendor. All costs and fees for the impoundment or
253 immobilization, including the cost of notification, must be paid
254 by the owner of the motor vehicle or, if the motor vehicle is
255 leased, by the person leasing the motor vehicle.

256 (c)1. The department shall collect a \$30 processing fee
257 from the owner or lessee prior to release of any motor vehicle
258 immobilized or impounded under this subsection. Moneys collected
259 under this subparagraph shall be forwarded to the Department of
260 Revenue, which shall deposit \$28 of the fee into the State
261 Transportation Trust Fund created under s. 206.46 to be used to

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262 carry out public transit responsibilities of the Department of
263 Transportation under s. 341.041. The Department of Revenue shall
264 remit the remaining \$2 to the Florida Law Enforcement Memorial
265 Fund of the Florida State Lodge of the Fraternal Order of Police
266 to be used to carry out the purposes of that fund in this state.

267 2. The department shall charge a reasonable fee, not to
268 exceed \$6, to the owner or lessee of the motor vehicle to cover
269 the operational costs of the program and the cost of
270 immobilizing or impounding the motor vehicle. Fees collected
271 under this subparagraph shall be deposited in the Highway Safety
272 Operating Trust Fund of the Department of Highway Safety and
273 Motor Vehicles.

274 (d) The department shall authorize release of the motor
275 vehicle to the owner or lessee:

276 1. Upon satisfaction of all of the requirements under this
277 subsection for release of the motor vehicle; or

278 2. Upon request by the owner or lessee and a statement
279 that the family of the owner or lessee living in the same
280 household has no other private or public means of transportation
281 and at least one household member has a valid driver's license
282 that is not canceled, suspended, revoked, or disqualified. The
283 department shall verify the statement using department records
284 prior to authorization of release.

285 (e) A motor vehicle immobilized under this subsection may
286 not be operated in this state until released from immobilization
287 by the department or the department's agent. A motor vehicle
288 immobilized under this subsection that is found being operated
289 upon any street or highway in this state before being released

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290 by the department or the department's agent shall be seized and
291 removed from the street or highway and may be forfeited pursuant
292 to ss. 932.701-932.704.

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

295 (g) Notification of cancellation, suspension, revocation,
296 or disqualification given by the department under s. 322.251
297 shall also inform the person whose driver's license or driving
298 privilege has been canceled, suspended, revoked, or disqualified
299 that any motor vehicle driven by or under the actual physical
300 control of that person while the license or driving privilege is
301 canceled, suspended, revoked, or disqualified is subject to
302 impoundment and immobilization under this subsection; however,
303 failure to receive the information shall not preclude, bar, or
304 otherwise affect the impoundment or immobilization of a motor
305 vehicle under this subsection.

306 (h) The department shall make available on its Internet
307 website the means to determine the status of a person's driver's
308 license by entering the driver's license number. The department
309 shall also provide an automated telephone hotline to provide
310 callers with the status of a person's driver's license.

311 (i) The department may adopt rules pursuant to ss.
312 120.536(1) and 120.54 to implement the provisions of this
313 subsection. ~~Upon the arrest of a person for the offense of~~
314 ~~driving while the person's driver's license or driving privilege~~
315 ~~is suspended or revoked, the arresting officer shall determine:~~
316 ~~1. Whether the person's driver's license is suspended or~~
317 ~~revoked.~~

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318 ~~2. Whether the person's driver's license has remained~~
319 ~~suspended or revoked since a conviction for the offense of~~
320 ~~driving with a suspended or revoked license.~~

321 ~~3. Whether the suspension or revocation was made under s.~~
322 ~~316.646 or s. 627.733, relating to failure to maintain required~~
323 ~~security, or under s. 322.264, relating to habitual traffic~~
324 ~~offenders.~~

325 ~~4. Whether the driver is the registered owner or coowner~~
326 ~~of the vehicle.~~

327 ~~(b) If the arresting officer finds in the affirmative as~~
328 ~~to all of the criteria in paragraph (a), the officer shall~~
329 ~~immediately impound or immobilize the vehicle.~~

330 ~~(c) Within 7 business days after the date the arresting~~
331 ~~agency impounds or immobilizes the vehicle, either the arresting~~
332 ~~agency or the towing service, whichever is in possession of the~~
333 ~~vehicle, shall send notice by certified mail, return receipt~~
334 ~~requested, to any coregistered owners of the vehicle other than~~
335 ~~the person arrested and to each person of record claiming a lien~~
336 ~~against the vehicle. All costs and fees for the impoundment or~~
337 ~~immobilization, including the cost of notification, must be paid~~
338 ~~by the owner of the vehicle or, if the vehicle is leased, by the~~
339 ~~person leasing the vehicle.~~

340 ~~(d) Either the arresting agency or the towing service,~~
341 ~~whichever is in possession of the vehicle, shall determine~~
342 ~~whether any vehicle impounded or immobilized under this section~~
343 ~~has been leased or rented or if there are any persons of record~~
344 ~~with a lien upon the vehicle. Either the arresting agency or the~~
345 ~~towing service, whichever is in possession of the vehicle, shall~~

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346 ~~notify by express courier service with receipt or certified~~
347 ~~mail, return receipt requested, within 7 business days after the~~
348 ~~date of the immobilization or impoundment of the vehicle, the~~
349 ~~registered owner and all persons having a recorded lien against~~
350 ~~the vehicle that the vehicle has been impounded or immobilized.~~
351 ~~A lessor, rental car company, or lienholder may then obtain the~~
352 ~~vehicle, upon payment of any lawful towing or storage charges.~~
353 ~~If the vehicle is a rental vehicle subject to a written~~
354 ~~contract, the charges may be separately charged to the renter,~~
355 ~~in addition to the rental rate, along with other separate fees,~~
356 ~~charges, and recoupments disclosed on the rental agreement. If~~
357 ~~the storage facility fails to provide timely notice to a lessor,~~
358 ~~rental car company, or lienholder as required by this paragraph,~~
359 ~~the storage facility shall be responsible for payment of any~~
360 ~~towing or storage charges necessary to release the vehicle to a~~
361 ~~lessor, rental car company, or lienholder that accrue after the~~
362 ~~notice period, which charges may then be assessed against the~~
363 ~~driver of the vehicle if the vehicle was lawfully impounded or~~
364 ~~immobilized.~~

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

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

370 ~~2. The owner presents proof of sale of the vehicle to the~~
371 ~~arresting agency and the buyer presents proof of insurance to~~
372 ~~the arresting agency.~~

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

377 ~~(f) The owner of a vehicle that is impounded or~~
378 ~~immobilized under this subsection may, within 10 days after the~~
379 ~~date the owner has knowledge of the location of the vehicle,~~
380 ~~file a complaint in the county in which the owner resides to~~
381 ~~determine whether the vehicle was wrongfully taken or withheld.~~
382 ~~Upon the filing of a complaint, the owner may have the vehicle~~
383 ~~released by posting with the court a bond or other adequate~~
384 ~~security equal to the amount of the costs and fees for~~
385 ~~impoundment or immobilization, including towing or storage, to~~
386 ~~ensure the payment of such costs and fees if the owner does not~~
387 ~~prevail. When the vehicle owner does not prevail on a complaint~~
388 ~~that the vehicle was wrongfully taken or withheld, he or she~~
389 ~~must pay the accrued charges for the immobilization or~~
390 ~~impoundment, including any towing and storage charges assessed~~
391 ~~against the vehicle. When the bond is posted and the fee is paid~~
392 ~~as set forth in s. 28.24, the clerk of the court shall issue a~~
393 ~~certificate releasing the vehicle. At the time of release, after~~
394 ~~reasonable inspection, the owner must give a receipt to the~~
395 ~~towing or storage company indicating any loss or damage to the~~
396 ~~vehicle or to the contents of the vehicle.~~

397 Section 7. Section 322.3402, Florida Statutes, is created
398 to read:

399 322.3402 State attorney Drive Legal program.--

400 (1) The state attorney may establish a Drive Legal program
401 for a person accused of a violation of the misdemeanor offense



402 of driving while license suspended if the person's license was
403 suspended at the time of the offense for failure to pay a
404 penalty, failure to appear, failure to complete a driver
405 improvement program, failure to pay child support, or failure to
406 satisfy financial responsibility requirements, insurance
407 requirements, or judgments. The program may divert the person
408 from prosecution or offer a negotiated disposition to an offense
409 other than the one charged. The program may be established
410 within the state attorney's office or through an independent
411 contractor. The use of such a diversion program shall not affect
412 the authority of the state attorney to prosecute any person for
413 any such violation. Exceptions to any program criteria,
414 policies, or procedures shall be made solely at the discretion
415 of the state attorney.

416 (2) In establishing the criteria for admission to the
417 program, for the effective administration of the program, and
418 for the protection of the public, the state attorney may exclude
419 any applicant, including, but not limited to, an applicant:

420 (a) Who has been previously or is currently classified as
421 a habitual traffic offender.

422 (b) Whose license has been previously or is currently
423 permanently suspended or revoked.

424 (c) Who has any convictions or suspensions on his or her
425 license for the offense of DUI or a violation of chapter 893.

426 (d) Who has been adjudicated or has had adjudication of
427 guilt withheld for a felony driving or traffic offense in this
428 state or any other jurisdiction.



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429 (e) Who is deemed at fault by a law enforcement officer in
430 a traffic crash in the instant offense.

431 (f) Who is charged with another misdemeanor or felony
432 violation emanating out of the instant offense.

433 (g) Who has previously applied to, and successfully or
434 unsuccessfully completed, the program or a comparable program in
435 another jurisdiction.

436 (h) Who has a significant prior criminal history.

437 (3) Policies for the administration of the program should
438 include provisions requiring the applicant to:

439 (a) Apply to the program within a specified period of
440 time.

441 (b) Knowingly and intelligently waive his or her rights to
442 speedy trial and discovery.

443 (c) Take all necessary steps to obtain a valid Florida
444 driver's license, including paying or satisfying all outstanding
445 citations, fines, court costs and fees, child support payments,
446 and judgments, within a specified period of time.

447 (d) Attend an appropriate educational program.

448 (e) Obtain and maintain for a specified period of time
449 valid motor vehicle insurance for all vehicles owned and
450 operated by the applicant.

451 (f) Correct all previously cited equipment violations for
452 all vehicles owned and operated by the applicant.

453 (g) Complete any driving schools required by the
454 Department of Highway Safety and Motor Vehicles or the program.

455 (h) Pay a reasonable application fee to cover the costs of
456 the program.

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457 (4) Polices for the administration of the program should
458 include provisions that would make the applicant no longer
459 eligible for successful completion of the program, including,
460 but not limited to:

461 (a) Any arrest or charge for any criminal offense or any
462 traffic offense that is a moving violation.

463 (b) Any failure to continue to make good faith efforts to
464 comply with the requirements set forth in subsection (3).

465 (5) For the effective administration of the state
466 attorney's program, the county courts and the clerks of court
467 shall cooperate with the state attorney to facilitate the
468 consolidation of all of an applicant's pending traffic matters
469 before one judge of the county court. Additionally, in order to
470 assist indigent applicants obtain a valid Florida driver's
471 license, all such parties shall develop a process for the
472 disposition of pending outstanding monetary obligations by
473 ordering public works or community service as provided by law.

474 Section 8. Effective October 1, 2008, section 322.341,
475 Florida Statutes, is amended to read:

476 322.341 Driving while license permanently revoked.--Any
477 person whose driver's license or driving privilege has been
478 permanently revoked pursuant to s. 322.26 or s. 322.28 and who
479 drives a motor vehicle upon the highways of this state commits
480 is guilty of a felony of the third degree, punishable as
481 provided in s. 775.082, s. 775.083, or s. 775.084, and the court
482 must order:

483 (1) Imprisonment for not less than 90 days; or



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484 (2) Imprisonment for not less than 30 days followed by a
 485 minimum of 180 days of community control with electronic
 486 monitoring as provided for in chapter 948 and the use of a
 487 continuous alcohol monitor device.

488 Section 9. The Department of Highway Safety and Motor
 489 Vehicles shall inform the motoring public of the changes to s.
 490 322.34, Florida Statutes, made by this act relating to
 491 impoundment or immobilization of a motor vehicle being driven by
 492 a person whose driver license is canceled, suspended, revoked,
 493 or disqualified and shall provide such information in newly
 494 printed driver license educational materials after July 1, 2008,
 495 and in public service announcements produced in cooperation with
 496 the Florida Highway Patrol.

497 Section 10. During the period from July 1, 2008, to July
 498 1, 2009, the Department of Highway Safety and Motor Vehicles
 499 shall notify by mail persons whose driver license or driving
 500 privilege has been canceled, suspended, revoked, or disqualified
 501 of the changes to s. 322.34, Florida Statutes, made by this act
 502 relating to impoundment or immobilization of a motor vehicle
 503 being driven by such person; however, failure to receive such
 504 notification shall not preclude, bar, or otherwise affect the
 505 impoundment or immobilization of a motor vehicle under s.
 506 322.34, Florida Statutes.

507 Section 11. Except as otherwise expressly provided in this
 508 act, this act shall take effect July 1, 2008.

509
 510 ===== T I T L E A M E N D M E N T =====

511 And the title is amended as follows:

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512 Delete everything before the enacting clause

513 and insert:

514 A bill to be entitled

515 An act relating to highway safety; creating the "Deputy
516 Michael Callin, Michael Haligowski, and Deputy Ryan C.
517 Seguin Memorial Traffic Safety Act"; amending s. 318.14,
518 F.S.; authorizing the court to withhold adjudication of
519 certain violations related to driving without a valid
520 license if the person cited meets certain conditions;
521 providing that the withholding of adjudication is not a
522 conviction under certain circumstances; amending s.
523 322.03, F.S.; requiring a written judgment signed by the
524 judge and recorded by the clerk for cases involving a
525 violation of requirements to possess a valid driver
526 license; amending s. 322.251, F.S.; requiring impoundment
527 and immobilization information to be included with notice
528 to a person whose driver license or driving privilege is
529 being canceled, suspended, revoked, or disqualified;
530 requiring the Department of Highway Safety and Motor
531 Vehicles to make driver license status information
532 available to the public through the Internet and a
533 telephone hotline; amending s. 322.34, F.S.; providing for
534 application of certain penalty provisions to a person who
535 does not have a valid driver license or whose driver
536 license or driving privilege has been disqualified;
537 revising penalties for driving without a valid license or
538 knowingly driving while driver license or driving
539 privilege is canceled, suspended, revoked, or disqualified

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540 for specified alcohol-related or drug-related convictions
541 or refusal to submit to certain testing; revising
542 provisions for satisfaction of the element of knowledge;
543 requiring a cancellation, suspension, revocation, or
544 disqualification by the department or a uniform traffic
545 citation to contain notice that the person's driver
546 license or driving privilege has been canceled, suspended,
547 revoked, or disqualified; requiring impoundment and
548 immobilization information to be included with notice to a
549 person whose driver license or driving privilege has been
550 canceled, suspended, revoked, or disqualified; revising
551 penalty provisions for a habitual offender driving while
552 his or her license is revoked; providing that a person who
553 causes the death of or serious bodily injury to another
554 person by careless or negligent operation of a motor
555 vehicle while his or her license or driving privilege is
556 canceled, suspended, revoked, or disqualified commits a
557 felony of the third degree; requiring a written judgment
558 signed by the judge and recorded by the clerk for cases
559 involving a violation of requirements to possess a valid
560 driver license; amending s. 322.34, F.S.; requiring a law
561 enforcement officer who determines that a motor vehicle is
562 being driven by or is under the actual physical control of
563 a person whose driver license or driving privilege is
564 canceled, suspended, revoked, or disqualified to impound
565 or immobilize the motor vehicle; providing for notice to
566 the driver; providing for impoundment and immobilization
567 of the motor vehicle by the department; providing for

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568 notice to registered owners of the motor vehicle and
569 lienholders; providing for the department to commence
570 impoundment or immobilization at the scene where the motor
571 vehicle was immobilized; providing procedures; providing
572 for release of the motor vehicle; requiring department
573 records to contain impoundment and immobilization
574 information; providing for payment of costs; providing for
575 certain fees and distribution of moneys collected;
576 requiring the department to authorize release of the motor
577 vehicle under certain circumstances; prohibiting operation
578 of an immobilized motor vehicle; providing for an
579 immobilized motor vehicle that is found being operated
580 upon any street or highway in this state before release
581 from immobilization to be seized and subject to forfeit;
582 authorizing the department to contract with vendors;
583 directing the department to inform the person whose driver
584 license or driving privilege has been canceled, suspended,
585 revoked, or disqualified that any motor vehicle driven by
586 or under the actual physical control of that person is
587 subject to impoundment and immobilization; requiring the
588 department to make driver license status information
589 available to the public through the Internet and a
590 telephone hotline; authorizing the department to adopt
591 rules; creating s. 322.3402, F.S.; authorizing the state
592 attorney to establish a Drive Legal program for certain
593 persons accused of a misdemeanor offense of driving while
594 license suspended to divert the person from prosecution or
595 offer a negotiated disposition; providing for exceptions

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596 to be made by the state attorney; providing for criteria
597 for admission to the program; providing for program
598 administration policies; requiring county courts and
599 clerks of court to cooperate with the state attorney to
600 consolidate an applicant's pending traffic matters and to
601 assist indigent applicants obtain a valid Florida driver's
602 license by disposing of outstanding monetary obligations
603 by ordering public works or community service; amending s.
604 322.341, F.S.; revising penalty provisions for a person
605 who drives a motor vehicle when his or her driver license
606 has been permanently revoked; directing the department to
607 inform drivers whose license or driving privilege has been
608 canceled, suspended, revoked, or disqualified and the
609 motoring public of the provisions for impoundment and
610 immobilization of motor vehicles under this act; providing
611 effective dates.