

By Senator Gaetz

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1                   A bill to be entitled  
2           An act relating to highway safety; creating the "Deputy  
3           Michael Callin, Michael Haligowski, and Deputy Ryan C.  
4           Seguin Memorial Traffic Safety Act"; amending s. 318.14,  
5           F.S.; limiting the number of times an official having  
6           jurisdiction over a traffic infraction may grant a  
7           continuance of the hearing; authorizing the court to  
8           withhold adjudication of certain violations related to  
9           driving without a valid license if the person cited meets  
10          certain conditions; providing that the withholding of  
11          adjudication is not a conviction under certain  
12          circumstances; amending s. 322.03, F.S.; requiring a  
13          written judgment signed by the judge and recorded by the  
14          clerk for cases involving a violation of requirements to  
15          possess a valid driver license; requiring the defendant's  
16          fingerprints and a certificate to be affixed to the  
17          written judgment of conviction; providing for content of  
18          the certificate; requiring the defendant's social security  
19          number to be affixed to the written judgment of conviction  
20          or the reason for its absence to be indicated; providing  
21          that the written judgment constitutes prima facie evidence  
22          that the fingerprints are the defendant's fingerprints;  
23          amending s. 322.251, F.S.; requiring impoundment and  
24          immobilization information to be included with notice to a  
25          person whose driver license or driving privilege is being  
26          canceled, suspended, revoked, or disqualified; requiring  
27          the Department of Highway Safety and Motor Vehicles to  
28          make driver license status information available to the  
29          public through the Internet and a telephone hotline;

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30 requiring the department to certify the date of  
31 availability of the information upon request by certain  
32 persons; amending s. 322.34, F.S.; providing for  
33 application of certain penalty provisions to a person who  
34 does not have a valid driver license or whose driver  
35 license or driving privilege has been disqualified;  
36 revising penalties for driving without a valid license or  
37 knowingly driving while driver license or driving  
38 privilege is canceled, suspended, revoked, or disqualified  
39 for specified alcohol-related or drug-related convictions  
40 or refusal to submit to certain testing; revising  
41 provisions for satisfaction of the element of knowledge;  
42 requiring a cancellation, suspension, revocation, or  
43 disqualification by the department or a uniform traffic  
44 citation to contain notice that the person's driver  
45 license or driving privilege has been canceled, suspended,  
46 revoked, or disqualified; requiring impoundment and  
47 immobilization information to be included with notice to a  
48 person whose driver license or driving privilege has been  
49 canceled, suspended, revoked, or disqualified; revising  
50 penalty provisions for a habitual offender driving while  
51 his or her license is revoked; providing that a person who  
52 causes the death of or serious bodily injury to another  
53 person by careless or negligent operation of a motor  
54 vehicle while his or her license or driving privilege is  
55 canceled, suspended, revoked, or disqualified commits a  
56 felony of the third degree; requiring a written judgment  
57 signed by the judge and recorded by the clerk for cases  
58 involving a violation of requirements to possess a valid

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59 | driver license; requiring the defendant's fingerprints and  
60 | a certificate to be affixed to the written judgment of  
61 | conviction; providing for content of the certificate;  
62 | requiring the defendant's social security number to be  
63 | affixed to the written judgment of conviction or the  
64 | reason for its absence to be indicated; providing that the  
65 | written judgment constitutes prima facie evidence that the  
66 | fingerprints are the defendant's fingerprints; amending s.  
67 | 322.34, F.S.; requiring a law enforcement officer who  
68 | determines that a motor vehicle is being driven by or is  
69 | under the actual physical control of a person whose driver  
70 | license or driving privilege is canceled, suspended,  
71 | revoked, or disqualified to impound or immobilize the  
72 | motor vehicle; providing for notice to the driver;  
73 | providing for impoundment and immobilization of the motor  
74 | vehicle by the department; providing for notice to  
75 | registered owners of the motor vehicle and lienholders;  
76 | providing for the department to commence impoundment or  
77 | immobilization at the scene where the motor vehicle was  
78 | immobilized; providing procedures; providing for release  
79 | of the motor vehicle; requiring department records to  
80 | contain impoundment and immobilization information;  
81 | providing for payment of costs; providing for certain fees  
82 | and distribution of moneys collected; requiring the  
83 | department to authorize release of the motor vehicle under  
84 | certain circumstances; prohibiting operation of an  
85 | immobilized motor vehicle; providing for an immobilized  
86 | motor vehicle that is found being operated upon any street  
87 | or highway in this state before release from

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88 immobilization to be seized and subject to forfeit;  
89 authorizing the department to contract with vendors;  
90 directing the department to inform the person whose driver  
91 license or driving privilege has been canceled, suspended,  
92 revoked, or disqualified that any motor vehicle driven by  
93 or under the actual physical control of that person is  
94 subject to impoundment and immobilization; requiring the  
95 department to make driver license status information  
96 available to the public through the Internet and a  
97 telephone hotline; authorizing the department to adopt  
98 rules; providing penalties for knowingly aiding a person  
99 whose driver license or driving privilege is canceled,  
100 suspended, revoked, or disqualified by providing a motor  
101 vehicle or authorizing use of a motor vehicle; providing  
102 for a rebuttable presumption of satisfaction of the  
103 knowledge requirement; amending s. 322.341, F.S.; revising  
104 penalty provisions for a person who drives a motor vehicle  
105 when his or her driver license has been permanently  
106 revoked; directing the department to inform drivers whose  
107 license or driving privilege has been canceled, suspended,  
108 revoked, or disqualified and the motoring public of the  
109 provisions for impoundment and immobilization of motor  
110 vehicles under this act; providing effective dates.

111  
112 Be It Enacted by the Legislature of the State of Florida:

113  
114 Section 1. This act may be cited as the "Deputy Michael  
115 Callin, Michael Haligowski, and Deputy Ryan C. Seguin Memorial  
116 Traffic Safety Act."

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117 Section 2. Subsections (6) and (11) of section 318.14,  
118 Florida Statutes, are amended to read:

119 318.14 Noncriminal traffic infractions; exception;  
120 procedures.--

121 (6) (a) When a person elects or is required to appear before  
122 the designated official, the official shall not grant a  
123 continuance of the hearing more than three times.

124 (b) The commission of a charged infraction at a hearing  
125 under this chapter must be proved beyond a reasonable doubt.

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

129 (b) If a person is cited for a violation of s.  
130 322.34(2)(a)1. or 2. with a license that has been suspended  
131 solely for failure to appear, failure to pay a civil penalty,  
132 failure to attend a driver improvement course pursuant to s.  
133 322.291, failure to pay child support, or failure to pay a  
134 judgment and such person provides to the court a valid or  
135 reinstated driver's license and proper proof of maintenance of  
136 security as required by s. 316.646, the court may withhold  
137 adjudication pursuant to this subsection. If adjudication is  
138 withheld for any person pursuant to this paragraph, such action  
139 is not a conviction if adjudication has not been withheld under  
140 this paragraph for a prior offense during the 3 years before the  
141 date of the cited offense.

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

144 322.03 Drivers must be licensed; penalties.--

145 (7) (a) Every judgment for a violation of subsection (1),

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146 regardless of whether adjudication is withheld, shall be in  
147 writing, signed by the judge, and recorded by the clerk of the  
148 circuit court.

149 1. In open court and in the presence of the judge, the  
150 judge shall cause the fingerprints of the defendant against whom  
151 the judgment is rendered to be affixed beneath the judge's  
152 signature to the written judgment of conviction. Beneath the  
153 fingerprints shall be appended a certificate to the following  
154 effect:

155  
156 "I hereby certify that the above fingerprints are those of the  
157 defendant, (name of defendant), and that they were placed thereon  
158 by said defendant in my presence, in open court, this the ....  
159 day of ....., (year)."

160 2. The certificate shall be signed by the judge, whose  
161 signature shall be followed by the word "Judge."

162 3. At the time the defendant's fingerprints are taken, the  
163 judge shall also cause the defendant's social security number to  
164 be taken. The defendant's social security number shall be affixed  
165 to every written judgment of conviction in open court, in the  
166 presence of the judge, and at the time the judgment is rendered.  
167 If the defendant is unable or unwilling to provide his or her  
168 social security number, the reason for its absence shall be  
169 indicated on the written judgment.

170 (b) Any such written judgment, or a certified copy thereof,  
171 shall be admissible in evidence in the several courts of this  
172 state as prima facie evidence that the fingerprints appearing  
173 thereon and certified by the judge are the fingerprints of the  
174 defendant against whom that judgment was rendered.

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

177 322.251 Notice of cancellation, suspension, revocation, or  
178 disqualification of license.--

179 (1) All orders of cancellation, suspension, revocation, or  
180 disqualification issued under the provisions of this chapter,  
181 chapter 318, chapter 324, or ss. 627.732-627.734 shall be given  
182 either by personal delivery thereof to the licensee whose license  
183 is being canceled, suspended, revoked, or disqualified or by  
184 deposit in the United States mail in an envelope, first class,  
185 postage prepaid, addressed to the licensee at his or her last  
186 known mailing address furnished to the department. Such mailing  
187 by the department constitutes notification, and any failure by  
188 the person to receive the mailed order will not affect or stay  
189 the effective date or term of the cancellation, suspension,  
190 revocation, or disqualification of the licensee's driving  
191 privilege. Notification of cancellation, suspension, revocation,  
192 or disqualification given by the department under this section  
193 shall also inform the person whose license or driving privilege  
194 has been canceled, suspended, revoked, or disqualified that any  
195 motor vehicle driven by or under the actual physical control of  
196 that person while the license or driving privilege is canceled,  
197 suspended, revoked, or disqualified is subject to impoundment and  
198 immobilization under s. 322.34; however, any failure by the  
199 department to include the impoundment and immobilization  
200 information with the notification or any failure by the person to  
201 receive that information will not affect or stay the effective  
202 date or term of the cancellation, suspension, revocation, or  
203 disqualification of the licensee's driving privilege and will not

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204 preclude, bar, or otherwise affect the impoundment or  
205 immobilization of a motor vehicle under s. 322.34.

206 (6) (a) Whenever a cancellation, suspension, revocation, or  
207 disqualification occurs, the department shall enter the  
208 cancellation, suspension, revocation, or disqualification order  
209 on the licensee's driver file 20 days after the notice was  
210 actually placed in the mail. Any inquiry into the file after the  
211 20-day period shall reveal that the license is canceled,  
212 suspended, revoked, or disqualified and whether the license has  
213 been received by the department.

214 (b)1. The department shall make available on its Internet  
215 website the means to determine the status of a person's driver's  
216 license by entering the driver's license number. The department  
217 shall also provide an automated telephone hotline to provide  
218 callers with the status of a person's driver's license. The  
219 information provided on the Internet website or via the telephone  
220 hotline under this subparagraph shall include the date and time  
221 that information was first made available to the public.

222 2. Upon request from any law enforcement agency or officer  
223 of the court, the department shall certify the date and time the  
224 information was first made available to the public under  
225 subparagraph 1.

226 Section 5. Effective October 1, 2008, subsections (1), (2),  
227 (4), (5), and (6) of section 322.34, Florida Statutes, are  
228 amended, and subsection (10) is added to that section, to read:

229 322.34 Driving while license suspended, revoked, canceled,  
230 or disqualified.--

231 (1) Except as provided in subsection (2) and s. 322.341,  
232 any person whose driver's license or driving privilege has been



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233 canceled, suspended, ~~or~~ revoked, or disqualified, except a  
234 "habitual traffic offender" as defined in s. 322.264, who drives  
235 a vehicle upon the highways of this state while such license or  
236 privilege is canceled, suspended, ~~or~~ revoked, or disqualified  
237 commits is guilty of a moving violation, punishable as provided  
238 in chapter 318.

239 (2) (a) Except as provided in s. 322.341, any person whose  
240 driver's license or driving privilege has been canceled,  
241 suspended, ~~or~~ revoked, or disqualified as provided by law, except  
242 persons defined in s. 322.264, who, knowing of such cancellation,  
243 suspension, ~~or~~ revocation, or disqualification, drives any motor  
244 vehicle upon the highways of this state while such license or  
245 privilege is canceled, suspended, ~~or~~ revoked, or disqualified, or  
246 any person who drives any motor vehicle upon the highways of this  
247 state without having a valid driver's license as required under  
248 s. 322.03, upon:

249 1. ~~(a)~~ A first conviction is guilty of a misdemeanor of the  
250 second degree, punishable as provided in s. 775.082 or s.  
251 775.083, except that any person whose driver's license or driving  
252 privilege was canceled, suspended, revoked, or disqualified under  
253 s. 322.2615 relating to unlawful blood-alcohol level or breath-  
254 alcohol level or for refusal to submit to a breath, urine, or  
255 blood test authorized by s. 316.1932, s. 322.28(2) (a) for a  
256 violation of s. 316.193 or s. 316.1931 prohibiting driving under  
257 the influence, s. 316.655(2) for an alcohol-related or drug-  
258 related conviction, or s. 316.1939 for refusal to submit to  
259 testing is guilty of a misdemeanor of the first degree,  
260 punishable as provided in s. 775.082 or s. 775.083.

261 2. ~~(b)~~ A second conviction is guilty of a misdemeanor of the

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262 first degree, punishable as provided in s. 775.082 or s. 775.083.

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

266 (b) If any person whose driver's license or driving  
267 privilege was canceled, suspended, revoked, or disqualified under  
268 s. 322.2615 relating to unlawful blood-alcohol level or breath-  
269 alcohol level or for refusal to submit to a breath, urine, or  
270 blood test authorized by s. 316.1932, s. 322.28(2)(a) for a  
271 violation of s. 316.193 or s. 316.1931 prohibiting driving under  
272 the influence, s. 316.655(2) for an alcohol-related or drug-  
273 related conviction, or s. 316.1939 for refusal to submit to  
274 testing is convicted under this subsection, the court must order  
275 imprisonment for not less than 30 days.

276 (c) The element of knowledge is satisfied if the person has  
277 been previously cited as provided in subsection (1); ~~or~~ the  
278 person admits to knowledge of the cancellation, suspension, ~~or~~  
279 revocation, or disqualification; or the person received notice as  
280 provided in subsection (4). There shall be a rebuttable  
281 presumption that the knowledge requirement is satisfied if a  
282 judgment or order or a cancellation, suspension, revocation, or  
283 disqualification by the department as provided in subsection (4)  
284 appears in the department's records ~~for any case except for one~~  
285 ~~involving a suspension by the department for failure to pay a~~  
286 ~~traffic fine or for a financial responsibility violation.~~

287 (4) Any judgment or order rendered by a court or  
288 adjudicatory body, any cancellation, suspension, revocation, or  
289 disqualification by the department, or any uniform traffic  
290 citation that cancels, suspends, ~~or~~ revokes, or disqualifies a

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291 person's driver's license must contain a provision notifying the  
292 person that his or her driver's license has been canceled,  
293 suspended, ~~or~~ revoked, or disqualified and must inform the person  
294 that any motor vehicle driven by that person while the license is  
295 canceled, suspended, revoked, or disqualified shall be impounded  
296 or immobilized pursuant to this section.

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

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

304 (a) Without having a driver's license as required under s.  
305 322.03; or

306 (b) While his or her driver's license or driving privilege  
307 is canceled, suspended, ~~or~~ revoked, or disqualified ~~pursuant to~~  
308 ~~s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),~~  
309

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

314 (10) (a) With respect to any offense governed by this  
315 section, regardless of whether adjudication is withheld, every  
316 judgment shall be in writing, signed by the judge, and recorded  
317 by the clerk of the circuit court.

318 1. In open court and in the presence of the judge, the  
319 judge shall cause the fingerprints of the defendant against whom

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320 the judgment is rendered to be affixed beneath the judge's  
321 signature to the written judgment of conviction. Beneath the  
322 fingerprints shall be appended a certificate to the following  
323 effect:

324  
325 "I hereby certify that the above fingerprints are those of the  
326 defendant, (name of defendant), and that they were placed thereon  
327 by said defendant in my presence, in open court, this the ....  
328 day of ....., (year)."

329 2. The certificate shall be signed by the judge, whose  
330 signature shall be followed by the word "Judge."

331 3. At the time the defendant's fingerprints are taken, the  
332 judge shall also cause the defendant's social security number to  
333 be taken. The defendant's social security number shall be affixed  
334 to every written judgment of conviction in open court, in the  
335 presence of the judge, and at the time the judgment is rendered.  
336 If the defendant is unable or unwilling to provide his or her  
337 social security number, the reason for its absence shall be  
338 indicated on the written judgment.

339 (b) Any such written judgment, or a certified copy thereof,  
340 shall be admissible in evidence in the several courts of this  
341 state as prima facie evidence that the fingerprints appearing  
342 thereon and certified by the judge are the fingerprints of the  
343 defendant against whom that judgment was rendered.

344 Section 6. Effective July 1, 2009, subsections (3) and (8)  
345 of section 322.34, Florida Statutes, as amended by this act, are  
346 amended, and subsection (11) is added to that section, to read:

347 322.34 Driving while license suspended, revoked, canceled,  
348 or disqualified.--

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349 (3) In any proceeding for a violation of this section, a  
350 court may consider evidence, other than that specified in  
351 subsection (2) or subsection (11), that the person knowingly  
352 violated this section.

353 (8) (a) 1. If a law enforcement officer determines that a  
354 motor vehicle is being driven by or is under the actual physical  
355 control of a person whose driver's license or driving privilege  
356 is canceled, suspended, revoked, or disqualified, the officer  
357 shall immediately impound the motor vehicle or immobilize the  
358 motor vehicle by installing an immobilization device on the  
359 vehicle. The officer shall serve notice of the impoundment or  
360 immobilization upon the driver. The notice shall include the  
361 location where the motor vehicle is being held and information on  
362 the procedures to have the motor vehicle released from  
363 impoundment or immobilization by a department-approved vendor. A  
364 law enforcement agency or officer who proceeds in good faith to  
365 immobilize or impound a vehicle under this section shall not be  
366 responsible for any towing, immobilizing, or impounding fees. A  
367 law enforcement officer may leave the scene of the impoundment  
368 without completing the impoundment process if the officer is  
369 ordered elsewhere by his superior officer or an emergency  
370 elsewhere arises, or due to other exigent circumstances.

371 2. A law enforcement officer impounding or immobilizing a  
372 motor vehicle under subparagraph 1. shall notify the department  
373 or the department's agent within 24 hours to effect impoundment  
374 or immobilization under this paragraph. The department or the  
375 department's agent shall remove and impound or immobilize the  
376 motor vehicle at another location. The motor vehicle may be  
377 immobilized by installation of an immobilization device on the

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378 vehicle; however, the impounding company shall not release the  
379 motor vehicle for immobilization at another location without  
380 proof that the immobilization vendor is approved by the  
381 department. The motor vehicle shall remain in impound or  
382 immobilized until the owner or lessee receives authorization from  
383 the department for release of the motor vehicle under the  
384 provisions of this subsection. The department is authorized to  
385 adopt by rule procedures for removal and immobilization of the  
386 motor vehicle by a department-approved vendor from the location  
387 where the motor vehicle was impounded or immobilized by the law  
388 enforcement officer under subparagraph 1.

389 3. A motor vehicle impounded or immobilized under this  
390 paragraph that, according to the records of the department, is  
391 owned or leased by the person who was driving or in actual  
392 physical control of the motor vehicle when it was stopped and  
393 impounded or immobilized under subparagraph 1. shall remain  
394 impounded or immobilized until the person's license and driving  
395 privilege are reinstated and payment of the fees imposed under  
396 paragraph (c) and all costs of towing, impoundment,  
397 immobilization, and storage has been made. If department records  
398 show a different owner or lessee, the motor vehicle shall be  
399 released to that owner or lessee or the owner's or lessee's agent  
400 upon payment of the fees imposed under paragraph (c) and all  
401 costs of towing, impoundment, immobilization, and storage. The  
402 department's records shall reflect that the motor vehicle is  
403 immobilized or impounded.

404 (b) Within 7 business days after the date the law  
405 enforcement agency or the department impounds or immobilizes the  
406 motor vehicle under this subsection, the department shall send

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407 notice of the impoundment or immobilization by certified mail,  
408 return receipt requested, to any registered owners or coowners of  
409 the motor vehicle other than the driver and to each person of  
410 record claiming a lien against the motor vehicle. The notice  
411 shall include the location where the motor vehicle is being held  
412 and information on the procedures to have the motor vehicle  
413 released from impoundment or immobilization by a department-  
414 approved vendor. All costs and fees for the impoundment or  
415 immobilization, including the cost of notification, must be paid  
416 by the owner of the motor vehicle or, if the motor vehicle is  
417 leased, by the person leasing the motor vehicle.

418 (c)1. The department shall collect a \$30 processing fee  
419 from the owner or lessee prior to release of any motor vehicle  
420 immobilized or impounded under this subsection. Moneys collected  
421 under this subparagraph shall be forwarded to the Department of  
422 Revenue, which shall deposit \$28 of the fee into the State  
423 Transportation Trust Fund created under s. 206.46 to be used to  
424 carry out public transit responsibilities of the Department of  
425 Transportation under s. 341.041. The Department of Revenue shall  
426 remit the remaining \$2 to the Florida Law Enforcement Memorial  
427 Fund of the Florida State Lodge of the Fraternal Order of Police  
428 to be used to carry out the purposes of that fund in this state.

429 2. The department shall charge a reasonable fee, not to  
430 exceed \$6, to the owner or lessee of the motor vehicle to cover  
431 the operational costs of the program and the cost of immobilizing  
432 or impounding the motor vehicle. Fees collected under this  
433 subparagraph shall be deposited in the Highway Safety Operating  
434 Trust Fund of the Department of Highway Safety and Motor  
435 Vehicles.

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

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

440 2. Upon request by the owner or lessee and a statement that  
441 the family of the owner or lessee living in the same household  
442 has no other private or public means of transportation and at  
443 least one household member has a valid driver's license that is  
444 not canceled, suspended, revoked, or disqualified. The department  
445 shall verify the statement using department records prior to  
446 authorization of release.

447 (e) A motor vehicle immobilized under this subsection may  
448 not be operated in this state until released from immobilization  
449 by the department or the department's agent. A motor vehicle  
450 immobilized under this subsection that is found being operated  
451 upon any street or highway in this state before being released by  
452 the department or the department's agent shall be seized and  
453 removed from the street or highway and may be forfeited pursuant  
454 to ss. 932.701-932.704.

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

457 (g) Notification of cancellation, suspension, revocation,  
458 or disqualification given by the department under s. 322.251  
459 shall also inform the person whose driver's license or driving  
460 privilege has been canceled, suspended, revoked, or disqualified  
461 that any motor vehicle driven by or under the actual physical  
462 control of that person while the license or driving privilege is  
463 canceled, suspended, revoked, or disqualified is subject to  
464 impoundment and immobilization under this subsection; however,



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465 failure to receive the information shall not preclude, bar, or  
466 otherwise affect the impoundment or immobilization of a motor  
467 vehicle under this subsection.

468 (h) The department shall make available on its Internet  
469 website the means to determine the status of a person's driver's  
470 license by entering the driver's license number. The department  
471 shall also provide an automated telephone hotline to provide  
472 callers with the status of a person's driver's license.

473 (i) The department may adopt rules pursuant to ss.  
474 120.536(1) and 120.54 to implement the provisions of this  
475 subsection. ~~Upon the arrest of a person for the offense of~~  
476 ~~driving while the person's driver's license or driving privilege~~  
477 ~~is suspended or revoked, the arresting officer shall determine:~~

478 1. ~~Whether the person's driver's license is suspended or~~  
479 ~~revoked.~~

480 2. ~~Whether the person's driver's license has remained~~  
481 ~~suspended or revoked since a conviction for the offense of~~  
482 ~~driving with a suspended or revoked license.~~

483 3. ~~Whether the suspension or revocation was made under s.~~  
484 ~~316.646 or s. 627.733, relating to failure to maintain required~~  
485 ~~security, or under s. 322.264, relating to habitual traffic~~  
486 ~~offenders.~~

487 4. ~~Whether the driver is the registered owner or coowner of~~  
488 ~~the vehicle.~~

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

492 ~~(c) Within 7 business days after the date the arresting~~  
493 ~~agency impounds or immobilizes the vehicle, either the arresting~~

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494 ~~agency or the towing service, whichever is in possession of the~~  
495 ~~vehicle, shall send notice by certified mail, return receipt~~  
496 ~~requested, to any coregistered owners of the vehicle other than~~  
497 ~~the person arrested and to each person of record claiming a lien~~  
498 ~~against the vehicle. All costs and fees for the impoundment or~~  
499 ~~immobilization, including the cost of notification, must be paid~~  
500 ~~by the owner of the vehicle or, if the vehicle is leased, by the~~  
501 ~~person leasing the vehicle.~~

502 ~~(d) Either the arresting agency or the towing service,~~  
503 ~~whichever is in possession of the vehicle, shall determine~~  
504 ~~whether any vehicle impounded or immobilized under this section~~  
505 ~~has been leased or rented or if there are any persons of record~~  
506 ~~with a lien upon the vehicle. Either the arresting agency or the~~  
507 ~~towing service, whichever is in possession of the vehicle, shall~~  
508 ~~notify by express courier service with receipt or certified mail,~~  
509 ~~return receipt requested, within 7 business days after the date~~  
510 ~~of the immobilization or impoundment of the vehicle, the~~  
511 ~~registered owner and all persons having a recorded lien against~~  
512 ~~the vehicle that the vehicle has been impounded or immobilized. A~~  
513 ~~lessor, rental car company, or lienholder may then obtain the~~  
514 ~~vehicle, upon payment of any lawful towing or storage charges. If~~  
515 ~~the vehicle is a rental vehicle subject to a written contract,~~  
516 ~~the charges may be separately charged to the renter, in addition~~  
517 ~~to the rental rate, along with other separate fees, charges, and~~  
518 ~~recoupments disclosed on the rental agreement. If the storage~~  
519 ~~facility fails to provide timely notice to a lessor, rental car~~  
520 ~~company, or lienholder as required by this paragraph, the storage~~  
521 ~~facility shall be responsible for payment of any towing or~~  
522 ~~storage charges necessary to release the vehicle to a lessor,~~

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523 ~~rental car company, or lienholder that accrue after the notice~~  
524 ~~period, which charges may then be assessed against the driver of~~  
525 ~~the vehicle if the vehicle was lawfully impounded or immobilized.~~

526 ~~(c) Except as provided in paragraph (d), the vehicle shall~~  
527 ~~remain impounded or immobilized for any period imposed by the~~  
528 ~~court until:~~

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

531 ~~2. The owner presents proof of sale of the vehicle to the~~  
532 ~~arresting agency and the buyer presents proof of insurance to the~~  
533 ~~arresting agency.~~

534  
535 ~~If proof is not presented within 35 days after the impoundment or~~  
536 ~~immobilization, a lien shall be placed upon such vehicle pursuant~~  
537 ~~to s. 713.78.~~

538 ~~(f) The owner of a vehicle that is impounded or immobilized~~  
539 ~~under this subsection may, within 10 days after the date the~~  
540 ~~owner has knowledge of the location of the vehicle, file a~~  
541 ~~complaint in the county in which the owner resides to determine~~  
542 ~~whether the vehicle was wrongfully taken or withheld. Upon the~~  
543 ~~filing of a complaint, the owner may have the vehicle released by~~  
544 ~~posting with the court a bond or other adequate security equal to~~  
545 ~~the amount of the costs and fees for impoundment or~~  
546 ~~immobilization, including towing or storage, to ensure the~~  
547 ~~payment of such costs and fees if the owner does not prevail.~~  
548 ~~When the vehicle owner does not prevail on a complaint that the~~  
549 ~~vehicle was wrongfully taken or withheld, he or she must pay the~~  
550 ~~accrued charges for the immobilization or impoundment, including~~  
551 ~~any towing and storage charges assessed against the vehicle. When~~

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552 | ~~the bond is posted and the fee is paid as set forth in s. 28.24,~~  
553 | ~~the clerk of the court shall issue a certificate releasing the~~  
554 | ~~vehicle. At the time of release, after reasonable inspection, the~~  
555 | ~~owner must give a receipt to the towing or storage company~~  
556 | ~~indicating any loss or damage to the vehicle or to the contents~~  
557 | ~~of the vehicle.~~

558 |       (11) Any owner or lessee of a motor vehicle who knowingly  
559 | allows, permits, or authorizes a person whose driver's license or  
560 | driving privilege has been canceled, suspended, revoked, or  
561 | disqualified to drive the motor vehicle upon the streets or  
562 | highways of this state or knowingly gives, leases, lends, or  
563 | otherwise provides the motor vehicle to a person whose driver's  
564 | license or driving privilege has been canceled, suspended,  
565 | revoked, or disqualified while such license or privilege is  
566 | canceled, suspended, revoked, or disqualified commits a  
567 | misdemeanor of the second degree, punishable as provided in s.  
568 | 775.082 or s. 775.083. The element of knowledge is satisfied if  
569 | the owner or lessee has been previously charged under this  
570 | subsection for providing a motor vehicle to the same person; the  
571 | owner admits to knowledge of the cancellation, suspension,  
572 | revocation, or disqualification of the driver's license or  
573 | driving privilege of the driver; or the owner received notice as  
574 | provided in subsection (8) relating to the same driver. There  
575 | shall be a rebuttable presumption that the knowledge requirement  
576 | is satisfied if the cancellation, suspension, revocation, or  
577 | disqualification appears in the department's records and that  
578 | information is available to the public through the department's  
579 | Internet website or a telephone hotline.

580 |       Section 7. Effective October 1, 2008, section 322.341,

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581 Florida Statutes, is amended to read:

582       322.341 Driving while license permanently revoked.--Any  
583 person whose driver's license or driving privilege has been  
584 permanently revoked pursuant to s. 322.26 or s. 322.28 and who  
585 drives a motor vehicle upon the highways of this state commits ~~is~~  
586 ~~guilty of~~ a felony of the third degree, punishable as provided in  
587 s. 775.082, s. 775.083, or s. 775.084, and the court must order  
588 imprisonment for not less than 90 days.

589       Section 8. The Department of Highway Safety and Motor  
590 Vehicles shall inform the motoring public of the changes to s.  
591 322.34, Florida Statutes, made by this act relating to  
592 impoundment or immobilization of a motor vehicle being driven by  
593 a person whose driver license is canceled, suspended, revoked, or  
594 disqualified and shall provide such information in newly printed  
595 driver license educational materials after July 1, 2008, and in  
596 public service announcements produced in cooperation with the  
597 Florida Highway Patrol.

598       Section 9. During the period from July 1, 2008, to July 1,  
599 2009, the Department of Highway Safety and Motor Vehicles shall  
600 notify by mail persons whose driver license or driving privilege  
601 has been canceled, suspended, revoked, or disqualified of the  
602 changes to s. 322.34, Florida Statutes, made by this act relating  
603 to impoundment or immobilization of a motor vehicle being driven  
604 by such person; however, failure to receive such notification  
605 shall not preclude, bar, or otherwise affect the impoundment or  
606 immobilization of a motor vehicle under s. 322.34, Florida  
607 Statutes.

608       Section 10. Except as otherwise expressly provided in this  
609 act, this act shall take effect July 1, 2008.