

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;  
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  
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  
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."

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  
122 before 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  
127 pursuant to subsection (9) or subsection (10) ~~charged or cited~~  
128 under this 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

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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),  
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  
158 thereon by said defendant in my presence, in open court, this  
159 the .... 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  
165 affixed to every written judgment of conviction in open court,  
166 in the presence of the judge, and at the time the judgment is  
167 rendered. If the defendant is unable or unwilling to provide his  
168 or her social security number, the reason for its absence shall

169 be indicated on the written judgment.

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

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

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

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

197 actual physical control of that person while the license or  
198 driving privilege is canceled, suspended, revoked, or  
199 disqualified is subject to impoundment and immobilization under  
200 s. 322.34; however, any failure by the department to include the  
201 impoundment and immobilization information with the notification  
202 or any failure by the person to receive that information will  
203 not affect or stay the effective date or term of the  
204 cancellation, suspension, revocation, or disqualification of the  
205 licensee's driving privilege and will not preclude, bar, or  
206 otherwise affect the impoundment or immobilization of a motor  
207 vehicle under s. 322.34.

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

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



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

229 Section 5. Effective October 1, 2008, subsections (1),  
 230 (2), (4), (5), and (6) of section 322.34, Florida Statutes, are  
 231 amended, and subsection (10) is added to that section, to read:

232 322.34 Driving while license suspended, revoked, canceled,  
 233 or disqualified.--

234 (1) Except as provided in subsection (2) and s. 322.341,  
 235 any person whose driver's license or driving privilege has been  
 236 canceled, suspended, ~~or~~ revoked, or disqualified, except a  
 237 "habitual traffic offender" as defined in s. 322.264, who drives  
 238 a vehicle upon the highways of this state while such license or  
 239 privilege is canceled, suspended, ~~or~~ revoked, or disqualified  
 240 commits is guilty of a moving violation, punishable as provided  
 241 in chapter 318.

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

252 1.(a) A first conviction is guilty of a misdemeanor of the

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253 second degree, punishable as provided in s. 775.082 or s.  
254 775.083, except that any person whose driver's license or  
255 driving privilege was canceled, suspended, revoked, or  
256 disqualified under s. 322.2615 relating to unlawful blood-  
257 alcohol level or breath-alcohol level or for refusal to submit  
258 to a breath, urine, or blood test authorized by s. 316.1932, s.  
259 322.28(2)(a) for a violation of s. 316.193 or s. 316.1931  
260 prohibiting driving under the influence, s. 316.655(2) for an  
261 alcohol-related or drug-related conviction, or s. 316.1939 for  
262 refusal to submit to testing is guilty of a misdemeanor of the  
263 first degree, punishable as provided in s. 775.082 or s.  
264 775.083.

265 2.(b) A second conviction is guilty of a misdemeanor of  
266 the first degree, punishable as provided in s. 775.082 or s.  
267 775.083.

268 3.(e) A third or subsequent conviction is guilty of a  
269 felony of the third degree, punishable as provided in s.  
270 775.082, s. 775.083, or s. 775.084.

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

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

292           (4) Any judgment or order rendered by a court or  
 293 adjudicatory body, any cancellation, suspension, revocation, or  
 294 disqualification by the department, or any uniform traffic  
 295 citation that cancels, suspends, ~~or~~ revokes, or disqualifies a  
 296 person's driver's license must contain a provision notifying the  
 297 person that his or her driver's license has been canceled,  
 298 suspended, ~~or~~ revoked, or disqualified and must inform the  
 299 person that any motor vehicle driven by that person while the  
 300 license is canceled, suspended, revoked, or disqualified shall  
 301 be impounded or immobilized pursuant to this section.

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

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

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309 (a) Without having a driver's license as required under s.  
310 322.03; or

311 (b) While his or her driver's license or driving privilege  
312 is canceled, suspended, ~~or revoked,~~ or disqualified pursuant to  
313 ~~s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),~~  
314

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

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

323 1. In open court and in the presence of the judge, the  
324 judge shall cause the fingerprints of the defendant against whom  
325 the judgment is rendered to be affixed beneath the judge's  
326 signature to the written judgment of conviction. Beneath the  
327 fingerprints shall be appended a certificate to the following  
328 effect:

329  
330 "I hereby certify that the above fingerprints are those of the  
331 defendant, (name of defendant), and that they were placed  
332 thereon by said defendant in my presence, in open court, this  
333 the .... day of ....., (year)."

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

336 3. At the time the defendant's fingerprints are taken, the

337 judge shall also cause the defendant's social security number to  
338 be taken. The defendant's social security number shall be  
339 affixed to every written judgment of conviction in open court,  
340 in the presence of the judge, and at the time the judgment is  
341 rendered. If the defendant is unable or unwilling to provide his  
342 or her social security number, the reason for its absence shall  
343 be indicated on the written judgment.

344 (b) Any such written judgment, or a certified copy  
345 thereof, shall be admissible in evidence in the several courts  
346 of this state as prima facie evidence that the fingerprints  
347 appearing thereon and certified by the judge are the  
348 fingerprints of the defendant against whom that judgment was  
349 rendered.

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

353 322.34 Driving while license suspended, revoked, canceled,  
354 or disqualified.--

355 (3) In any proceeding for a violation of this section, a  
356 court may consider evidence, other than that specified in  
357 subsection (2) or subsection (11), that the person knowingly  
358 violated this section.

359 (8)(a)1. If a law enforcement officer determines that a  
360 motor vehicle is being driven by or is under the actual physical  
361 control of a person whose driver's license or driving privilege  
362 is canceled, suspended, revoked, or disqualified, the officer  
363 shall immediately impound the motor vehicle or immobilize the  
364 motor vehicle by installing an immobilization device on the

365 vehicle. The officer shall serve notice of the impoundment or  
366 immobilization upon the driver. The notice shall include the  
367 location where the motor vehicle is being held and information  
368 on the procedures to have the motor vehicle released from  
369 impoundment or immobilization by a department-approved vendor. A  
370 law enforcement agency or officer who proceeds in good faith to  
371 immobilize or impound a vehicle under this section shall not be  
372 responsible for any towing, immobilizing, or impounding fees. A  
373 law enforcement officer may leave the scene of the impoundment  
374 without completing the impoundment process if the officer is  
375 ordered elsewhere by his superior officer or an emergency  
376 elsewhere arises, or due to other exigent circumstances.

377 2. A law enforcement officer impounding or immobilizing a  
378 motor vehicle under subparagraph 1. shall notify the department  
379 or the department's agent within 24 hours to effect impoundment  
380 or immobilization under this paragraph. The department or the  
381 department's agent shall remove and impound or immobilize the  
382 motor vehicle at another location. The motor vehicle may be  
383 immobilized by installation of an immobilization device on the  
384 vehicle; however, the impounding company shall not release the  
385 motor vehicle for immobilization at another location without  
386 proof that the immobilization vendor is approved by the  
387 department. The motor vehicle shall remain in impound or  
388 immobilized until the owner or lessee receives authorization  
389 from the department for release of the motor vehicle under the  
390 provisions of this subsection. The department is authorized to  
391 adopt by rule procedures for removal and immobilization of the  
392 motor vehicle by a department-approved vendor from the location

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393 where the motor vehicle was impounded or immobilized by the law  
394 enforcement officer under subparagraph 1.

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

410 (b) Within 7 business days after the date the law  
411 enforcement agency or the department impounds or immobilizes the  
412 motor vehicle under this subsection, the department shall send  
413 notice of the impoundment or immobilization by certified mail,  
414 return receipt requested, to any registered owners or coowners  
415 of the motor vehicle other than the driver and to each person of  
416 record claiming a lien against the motor vehicle. The notice  
417 shall include the location where the motor vehicle is being held  
418 and information on the procedures to have the motor vehicle  
419 released from impoundment or immobilization by a department-  
420 approved vendor. All costs and fees for the impoundment or

421 immobilization, including the cost of notification, must be paid  
 422 by the owner of the motor vehicle or, if the motor vehicle is  
 423 leased, by the person leasing the motor vehicle.

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

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

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

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

446 2. Upon request by the owner or lessee and a statement  
 447 that the family of the owner or lessee living in the same  
 448 household has no other private or public means of transportation



449 and at least one household member has a valid driver's license  
450 that is not canceled, suspended, revoked, or disqualified. The  
451 department shall verify the statement using department records  
452 prior to authorization of release.

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

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

463 (g) Notification of cancellation, suspension, revocation,  
464 or disqualification given by the department under s. 322.251  
465 shall also inform the person whose driver's license or driving  
466 privilege has been canceled, suspended, revoked, or disqualified  
467 that any motor vehicle driven by or under the actual physical  
468 control of that person while the license or driving privilege is  
469 canceled, suspended, revoked, or disqualified is subject to  
470 impoundment and immobilization under this subsection; however,  
471 failure to receive the information shall not preclude, bar, or  
472 otherwise affect the impoundment or immobilization of a motor  
473 vehicle under this subsection.

474 (h) The department shall make available on its Internet  
475 website the means to determine the status of a person's driver's  
476 license by entering the driver's license number. The department

477 shall also provide an automated telephone hotline to provide  
478 callers with the status of a person's driver's license.

479 (i) The department may adopt rules pursuant to ss.  
480 120.536(1) and 120.54 to implement the provisions of this  
481 subsection. Upon the arrest of a person for the offense of  
482 driving while the person's driver's license or driving privilege  
483 is suspended or revoked, the arresting officer shall determine:

484 1. Whether the person's driver's license is suspended or  
485 revoked.

486 2. Whether the person's driver's license has remained  
487 suspended or revoked since a conviction for the offense of  
488 driving with a suspended or revoked license.

489 3. Whether the suspension or revocation was made under s.  
490 316.646 or s. 627.733, relating to failure to maintain required  
491 security, or under s. 322.264, relating to habitual traffic  
492 offenders.

493 4. Whether the driver is the registered owner or coowner  
494 of the vehicle.

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

498 (c) Within 7 business days after the date the arresting  
499 agency impounds or immobilizes the vehicle, either the arresting  
500 agency or the towing service, whichever is in possession of the  
501 vehicle, shall send notice by certified mail, return receipt  
502 requested, to any coregistered owners of the vehicle other than  
503 the person arrested and to each person of record claiming a lien  
504 against the vehicle. All costs and fees for the impoundment or

505 ~~immobilization, including the cost of notification, must be paid~~  
506 ~~by the owner of the vehicle or, if the vehicle is leased, by the~~  
507 ~~person leasing the vehicle.~~

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

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

536 ~~1. The owner presents proof of insurance to the arresting~~  
 537 ~~agency; or~~

538 ~~2. The owner presents proof of sale of the vehicle to the~~  
 539 ~~arresting agency and the buyer presents proof of insurance to~~  
 540 ~~the arresting agency.~~

541  
 542 ~~If proof is not presented within 35 days after the impoundment~~  
 543 ~~or immobilization, a lien shall be placed upon such vehicle~~  
 544 ~~pursuant to s. 713.78.~~

545 ~~(f) The owner of a vehicle that is impounded or~~  
 546 ~~immobilized under this subsection may, within 10 days after the~~  
 547 ~~date the owner has knowledge of the location of the vehicle,~~  
 548 ~~file a complaint in the county in which the owner resides to~~  
 549 ~~determine whether the vehicle was wrongfully taken or withheld.~~  
 550 ~~Upon the filing of a complaint, the owner may have the vehicle~~  
 551 ~~released by posting with the court a bond or other adequate~~  
 552 ~~security equal to the amount of the costs and fees for~~  
 553 ~~impoundment or immobilization, including towing or storage, to~~  
 554 ~~ensure the payment of such costs and fees if the owner does not~~  
 555 ~~prevail. When the vehicle owner does not prevail on a complaint~~  
 556 ~~that the vehicle was wrongfully taken or withheld, he or she~~  
 557 ~~must pay the accrued charges for the immobilization or~~  
 558 ~~impoundment, including any towing and storage charges assessed~~  
 559 ~~against the vehicle. When the bond is posted and the fee is paid~~  
 560 ~~as set forth in s. 28.24, the clerk of the court shall issue a~~

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561 ~~certificate releasing the vehicle. At the time of release, after~~  
562 ~~reasonable inspection, the owner must give a receipt to the~~  
563 ~~towing or storage company indicating any loss or damage to the~~  
564 ~~vehicle or to the contents of the vehicle.~~

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

587 Section 7. Effective October 1, 2008, section 322.341,  
588 Florida Statutes, is amended to read:

589           322.341 Driving while license permanently revoked.--Any  
 590 person whose driver's license or driving privilege has been  
 591 permanently revoked pursuant to s. 322.26 or s. 322.28 and who  
 592 drives a motor vehicle upon the highways of this state commits  
 593 ~~is guilty of~~ a felony of the third degree, punishable as  
 594 provided in s. 775.082, s. 775.083, or s. 775.084, and the court  
 595 must order imprisonment for not less than 90 days.

596           Section 8. The Department of Highway Safety and Motor  
 597 Vehicles shall inform the motoring public of the changes to s.  
 598 322.34, Florida Statutes, made by this act relating to  
 599 impoundment or immobilization of a motor vehicle being driven by  
 600 a person whose driver license is canceled, suspended, revoked,  
 601 or disqualified and shall provide such information in newly  
 602 printed driver license educational materials after July 1, 2008,  
 603 and in public service announcements produced in cooperation with  
 604 the Florida Highway Patrol.

605           Section 9. During the period from July 1, 2008, to July 1,  
 606 2009, the Department of Highway Safety and Motor Vehicles shall  
 607 notify by mail persons whose driver license or driving privilege  
 608 has been canceled, suspended, revoked, or disqualified of the  
 609 changes to s. 322.34, Florida Statutes, made by this act  
 610 relating to impoundment or immobilization of a motor vehicle  
 611 being driven by such person; however, failure to receive such  
 612 notification shall not preclude, bar, or otherwise affect the  
 613 impoundment or immobilization of a motor vehicle under s.  
 614 322.34, Florida Statutes.

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