

TO: Clerks of County Court  
Law Enforcement Agencies  
State Attorneys

FROM: Dana Reiding, Chief *Dana Reiding*  
Bureau of Records

DATE: June 15, 2010

SUBJECT: Proof of Compliance  
House Bill 795, Effective October 1, 2010  
House Bill 971, Effective September 1, 2010

Currently, all criminal (knowing) charges for driving a motor vehicle while license suspended or revoked (DWLSR) with verdicts of guilty or adjudication withheld count toward the calculation of Habitual Traffic Offender (HTO). The department issued a legal opinion in April 2009, which stated that drivers charged with criminal DWLSR may provide proof of compliance under section 318.14(10)(a), Florida Statutes. If the Clerk submits Verdict D (proof of compliance) as the disposition, then the violation does not count toward the HTO calculation.

Effective September 1, 2010, House Bill 971 extends the option for proof of compliance by specifically authorizing it for the violations listed in section 322.34(10)(a), Florida Statutes. The Department has created a new violation code (600) for the clerks to report violations written by law enforcement under section 322.34(10)(a), Florida Statutes. To facilitate enforcement, DAVID will display a notice if the driver's ineligible status is due to a suspension related to an item listed in section 322.34(10)(a), Florida Statutes. These suspension types include child support, failure to pay financial obligation, failure to comply with civil penalties, failure to maintain financial responsibility, and failure to comply with school attendance. This language is repeated in House Bill 795.

Also effective September 1, 2010, House Bill 971 extends the option of proof of compliance allowed in section 318.14(10)(a), Florida Statutes, to include child support, other financial obligations except criminal financial obligations listed in section 322.245(1), Florida Statutes, and school truancy suspensions. This language is repeated in House Bill 795.

In addition, House Bill 795 provides an amnesty period for drivers who currently are Habitual Traffic Offenders. Beginning October 1, 2010, the clerk may accept proof of compliance for criminal DWLSR violations which occurred prior to July 1, 2010, if the underlying suspension is one listed in section 322.34(10)(a), Florida Statutes.

The intent is not to amend a disposition of the court, but rather to allow those who paid the civil penalty or elected school attendance to now bring in proof of compliance. If the clerk accepts the proof of compliance, then the clerk must amend the disposition and send a supplemental record through TCATS with the amended verdict (Verdict D). The Department's system will update the verdict and recalculate the HTO status. In most cases, this recalculation will remove the HTO.

The amnesty period ends July 1, 2011. Customers who wish to present proof of compliance for offenses prior to July 1, 2010 must do so between October 1, 2010 and July 1, 2011. Please note that these bills do not cover offenses between July 1, 2010 and August 31, 2010. In other words, someone receiving a citation for an offense as listed in section 322.34(10)(a), Florida Statutes, may only show proof of compliance based on the department's previous legal opinion, which relates back to section 318.14(10)(a), Florida Statutes. If the underlying offense is not one covered by section 318.14(10)(a), Florida Statutes, the customer cannot show proof of compliance during this period, nor may he or she request amnesty.

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