

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR
DESOTO, MANATEE, AND SARASOTA COUNTIES**

Administrative Order 2010-3.3

**IN RE: VEHICLE IMMOBILIZATION/
IMPOUNDMENT**

WHEREAS, Florida Statute 316.193(6)(d) requires the Court to order the immobilization/impoundment of a vehicle which was driven by, or in the actual physical control of, a person convicted of violating the provisions of Florida Statutes 316.193; and

WHEREAS, Florida Statute 316.193 was amended recently by adding sections 316.193(13) & (14) limiting who may participate in the immobilization of vehicles; and

WHEREAS, neither personnel of the Twelfth Judicial Circuit nor the Sheriffs of DeSoto, Manatee, and Sarasota Counties immobilize vehicles pursuant to section 316.193(6); and

WHEREAS, in order to ensure that immobilization entities operating in DeSoto, Manatee, and Sarasota Counties are in compliance with all statutory requirements, the Twelfth Judicial Circuit hereby establishes a vehicle immobilization/impoundment program.

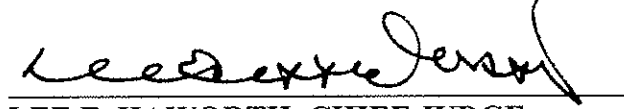
It is therefore, pursuant to the authority vested in me as Chief Judge of the Twelfth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215,

ORDERED as follows:

1. A vehicle immobilization/impoundment program shall be permanently established within the Twelfth Judicial Circuit.
2. Court Administration will maintain a list of the names and numbers of all immobilization agencies that meet the requirements of Florida Statute 316.193(13) and which operate and provide all the essential services associated with the immobilization/impoundment of vehicles pursuant to Florida Statute 316.193(6)(d) and in accordance with the directives of the Court.
3. Companies seeking to have their names placed on Court Administration's list, which names are then listed on the Orders of Impoundment or Immobilization, must submit an application showing proof that all of the requirements of Florida Statute 316.193(13) have been fulfilled along with an initial processing fee of \$500.00.
4. Once approved, companies have an on-going responsibility to inform Court Administration of any new employees, agents or independent contractors working on the vendors' behalf who will be immobilizing vehicles in the Twelfth Judicial Circuit as well as any other changes affecting their status as a qualified immobilization agency.

- a. After a qualifying immobilization agency hires a new employee or retains a new independent contractor, it shall immediately submit proof that the person has no disqualifying criminal history.
 - b. No new employee, agent or independent contractors will be permitted to immobilize vehicles in the Twelfth Judicial Circuit unless and until the company has received written notice from Court Administration that the employee has been approved.
 - c. A \$50.00 processing fee will be required for each new employee/independent contractor that Court Administration must confirm complies with the statutory requirements.
5. Once the application has been reviewed and it is confirmed that the requirements of Florida Statute 316.193(13) have been met, the name of the immobilization agency will be added to the Court's Order of Impoundment or Immobilization. Companies who fail to comply with the statutory requirements or who, in the chief judge's discretion, are engaging in practices which compromise the integrity of the court, may be removed from the circuit's approved list of immobilization agencies.
6. An approved list of Immobilization Agencies for the Twelfth Judicial Circuit shall be established by the Chief Judge each year. Immobilization agencies must provide notice to the Chief Judge of their intent to renew their active status on the circuit's immobilization list. At the time of renewal, a reasonable renewal fee set by the Chief Judge shall be due from immobilization agency.
7. Immobilization agencies on the list maintained by the Twelfth Judicial Circuit shall comply with all rules and statutes pertaining to vehicle immobilization and will be expected to keep up to date with any new provisions within said rules and statutes.
8. To offset administrative costs associated with the Vehicle Immobilization Program, a monthly fee will be assessed against the immobilizing agency in an amount equal to that charged by the company for a thirty (30) day immobilization.
9. Monthly payment will be due by the tenth (10th) day of each month. The immobilization agency will also provide monthly a list of the cases in which a vehicle was impounded or immobilized along with the number of days the vehicle was impounded.
10. The approved immobilizing agencies shall submit to Court Administration a proposed fee schedule for their immobilizations. The fee schedule shall be reviewed by Court Administration on an annual basis and must be approved by Court Administration prior to it being imposed.

DONE AND ORDERED in chambers, Sarasota, Sarasota County, Florida, on this 19th day of January, 2010.


**LEE E. HAWORTH, CHIEF JUDGE
TWELFTH JUDICIAL CIRCUIT
STATE OF FLORIDA**

Distribution:

Original to: Clerk of Court, Sarasota County

Copies to: All Judges of the Twelfth Judicial Circuit
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Clerk of Court, Manatee County
Clerk of Court, DeSoto County
Sarasota County Bar Association
Manatee County Bar Association

☐ In the County Court for _____ County
☐ In the Circuit Court/Twelfth Judicial Circuit

Case No(s). _____

STATE OF FLORIDA,
Plaintiff

v.

_____,
Defendant
_____ /

ORDER OF IMMOBILIZATION OR IMPOUNDMENT

The Court, having adjudicated the Defendant guilty of driving under the influence ("DUI"), pursuant to §316.193, Fla. Stat., order the immobilization or impoundment of the vehicle described below, pursuant to §316.193(6)(d), as a condition of the Defendant's probation.

Year	Make	Model	Color
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VIN No.: _____ Vehicle Tag No.: _____ State: _____

The immobilization shall be for consecutive period of:

☐ 10 days ☐ 30 days ☐ 90 days

Owner's name: _____ Phone: _____

Owner's Current Address: _____

Defendant's Current Address: _____ Phone: _____

First Lien Holder: _____ Phone: _____

First Lien Holder's Address: _____

**FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN A VIOLATION OF
PROBATION**

A list of immobilization agencies and their telephone numbers are attached hereto and incorporated herein as Exhibit "A."

DONE AND ORDERED in Open Court at _____, _____ County, Florida
on this ____ day of _____, 20 ____.

Circuit/County Court Judge