

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Andrade offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 2130 and 2131, insert:

5 Section 47. Subsections (25) through (47) of section  
6 322.01, Florida Statutes, are renumbered as subsections (26)  
7 through (48), respectively, and a new subsection (25) is added  
8 to that section, to read:

9 322.01 Definitions.—As used in this chapter:

10 (25) "Human trafficking" shall have the same meaning as  
11 provided in s. 787.06(2)(d) or 22 U.S.C. s. 7102(11).

12 Section 48. Subsections (7) through (11) of section  
13 322.05, Florida Statutes, are renumbered as subsections (8)

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14 through (12), respectively, and a new subsection (7) is added to  
15 that section, to read:

16 322.05 Persons not to be licensed.—The department may not  
17 issue a license:

18 (7) To any person, as a commercial motor vehicle operator,  
19 who has been convicted of, or has entered a plea of guilty or  
20 nolo contendere to, regardless of whether adjudication was  
21 withheld, any felony involving human trafficking involving the  
22 use of a commercial motor vehicle.

23 Section 49. Subsection (7) is added to section 322.25,  
24 Florida Statutes, to read:

25 322.25 When court to forward license to department and  
26 report convictions.—

27 (7) Each clerk of court shall promptly report to the  
28 department each conviction for human trafficking.

29 Section 50. Subsections (4) through (7) of section 322.28,  
30 Florida Statutes, are renumbered as subsections (5) through (8),  
31 respectively, and subsection (4) is added to that section, to  
32 read:

33 322.28 Period of suspension or revocation.—

34 (4) The court shall permanently revoke the commercial  
35 driver license of a person who uses a commercial motor vehicle  
36 in the commission of any felony involving human trafficking.

37 Section 51. Paragraph (e) of subsection (2) of section  
38 316.027, Florida Statutes, is amended to read:

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39 316.027 Crash involving death or personal injuries.-

40 (2)

41 (e) A driver who violates paragraph (a), paragraph (b), or  
42 paragraph (c) shall have his or her driver license revoked for  
43 at least 3 years as provided in s. 322.28(5) ~~s. 322.28(4)~~.

44 1. A person convicted of violating paragraph (a),  
45 paragraph (b), or paragraph (c) shall, before his or her driving  
46 privilege may be reinstated, present to the department proof of  
47 completion of a victim's impact panel session in a judicial  
48 circuit if such a panel exists, or if such a panel does not  
49 exist, a department-approved driver improvement course relating  
50 to the rights of vulnerable road users relative to vehicles on  
51 the roadway as provided in s. 322.0261(2).

52 2. The department may reinstate an offender's driving  
53 privilege after he or she satisfies the 3-year revocation period  
54 as provided in s. 322.28(5) ~~s. 322.28(4)~~ and successfully  
55 completes either a victim's impact panel session or a  
56 department-approved driver improvement course relating to the  
57 rights of vulnerable road users relative to vehicles on the  
58 roadway as provided in s. 322.0261(2).

59 3. For purposes of this paragraph, an offender's driving  
60 privilege may be reinstated only after the department verifies  
61 that the offender participated in and successfully completed a  
62 victim's impact panel session or a department-approved driver  
63 improvement course.

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64 Section 52. Subsection (2) and paragraph (b) of subsection  
65 (6) of section 322.34, Florida Statutes, are amended to read:

66 322.34 Driving while license suspended, revoked, canceled,  
67 or disqualified.—

68 (2) Any person whose driver license or driving privilege  
69 has been canceled, suspended, or revoked as provided by law, or  
70 who does not have a driver license or driving privilege but is  
71 under suspension or revocation equivalent status as defined in  
72 s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s.

73 322.264, who, knowing of such cancellation, suspension,  
74 revocation, or suspension or revocation equivalent status,  
75 drives any motor vehicle upon the highways of this state while  
76 such license or privilege is canceled, suspended, or revoked, or  
77 while under suspension or revocation equivalent status, commits:

78 (a) A misdemeanor of the second degree, punishable as  
79 provided in s. 775.082 or s. 775.083.

80 (b)1. A misdemeanor of the first degree, punishable as  
81 provided in s. 775.082 or s. 775.083, upon a second or  
82 subsequent conviction, except as provided in paragraph (c).

83 2. A person convicted of a third or subsequent conviction,  
84 except as provided in paragraph (c), must serve a minimum of 10  
85 days in jail.

86 (c) A felony of the third degree, punishable as provided  
87 in s. 775.082, s. 775.083, or s. 775.084, upon a third or  
88 subsequent conviction if the current violation of this section

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89 or the most recent prior violation of the section is related to  
90 driving while license canceled, suspended, revoked, or  
91 suspension or revocation equivalent status resulting from a  
92 violation of:

- 93 1. Driving under the influence;
- 94 2. Refusal to submit to a urine, breath-alcohol, or blood  
95 alcohol test;
- 96 3. A traffic offense causing death or serious bodily  
97 injury; or
- 98 4. Fleeing or eluding.

99

100 The element of knowledge is satisfied if the person has been  
101 previously cited as provided in subsection (1); or the person  
102 admits to knowledge of the cancellation, suspension, or  
103 revocation, or suspension or revocation equivalent status; or  
104 the person received notice as provided in subsection (4). There  
105 shall be a rebuttable presumption that the knowledge requirement  
106 is satisfied if a judgment or order as provided in subsection  
107 (4) appears in the department's records for any case except for  
108 one involving a suspension by the department for failure to pay  
109 a traffic fine or for a financial responsibility violation.

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

111 (b) While his or her driver license or driving privilege  
112 is canceled, suspended, or revoked pursuant to s. 316.655, s.  
113 322.26(8), s. 322.27(2), or s. 322.28(2) or (5) ~~s. 322.28(2) or~~

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114 ~~(4),~~

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116 and who by careless or negligent operation of the motor vehicle  
117 causes the death of or serious bodily injury to another human  
118 being commits a felony of the third degree, punishable as  
119 provided in s. 775.082 or s. 775.083.

120 Section 53. Subsections (7) through (10) of section  
121 322.61, Florida Statutes, are renumbered as subsections (8)  
122 through (11), respectively, and subsection (7) is added to that  
123 section, to read:

124 322.61 Disqualification from operating a commercial motor  
125 vehicle.-

126 (7) Notwithstanding subsections (3), (4), and (5), any  
127 person who uses a commercial motor vehicle in the commission of  
128 any felony involving an act or practice of human trafficking  
129 shall, upon conviction of such felony, be permanently  
130 disqualified from operating a commercial motor vehicle. The  
131 penalty provided in this subsection is in addition to any other  
132 applicable penalty.

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135 **T I T L E A M E N D M E N T**

136 Remove line 135 and insert:  
137 state interest; amending s. 322.01, F.S.; defining the  
138 term "human trafficking"; amending s. 322.05, F.S.;

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139 providing that certain commercial motor vehicle  
140 operators are not eligible for a driver license;  
141 amending s. 322.25, F.S.; requiring each clerk of  
142 court to report to the Department of Highway Safety  
143 and Motor Vehicles certain convictions; amending s.  
144 322.28, F.S.; requiring the court to permanently  
145 revoke the commercial driver license of persons  
146 convicted of a specified felony using a commercial  
147 motor vehicle; amending ss. 316.027, 322.34 and  
148 322.61, F.S.; conforming cross-references; providing  
149 effective dates.

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