

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation & Modals
 2 Subcommittee

3 Representative Melo offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 252-346 and insert:

7 Section 7. Section 322.31, Florida Statutes, is amended to
 8 read:

9 322.31 Right of review.—The final orders and rulings of
 10 the department wherein any person's license is denied, canceled,
 11 suspended, or revoked or wherein any person's commercial driver
 12 license or temporary commercial instruction permit is downgraded
 13 ~~person is denied a license, or where such license has been~~
 14 ~~canceled, suspended, or revoked,~~ shall be reviewable in the
 15 manner and within the time provided by the Florida Rules of
 16 Appellate Procedure only by a writ of certiorari issued by the

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17 circuit court in the county wherein such person shall reside, in
18 the manner prescribed by the Florida Rules of Appellate
19 Procedure, any provision in chapter 120 to the contrary
20 notwithstanding.

21 Section 8. Section 322.591, Florida Statutes, is created
22 to read:

23 322.591 Commercial driver license and temporary commercial
24 instruction permit; Commercial Driver's License Drug and Alcohol
25 Clearinghouse; prohibition on issuance of commercial driver
26 licenses; downgrades.—Beginning November 18, 2024:

27 (1) When a person applies for or seeks to renew, transfer,
28 or make any other change to a commercial driver license or
29 temporary commercial instruction permit, the department must
30 obtain the person's driving record from the Commercial Driver's
31 License Drug and Alcohol Clearinghouse established pursuant to
32 49 C.F.R. part 382. The department may not issue, renew, or
33 transfer, or revise the types of authorized vehicles that may be
34 operated or the endorsements applicable to, a commercial driver
35 license or temporary commercial instruction permit for any
36 person for whom the department receives notification that,
37 pursuant to 49 C.F.R. s. 382.501(a), the person is prohibited
38 from operating a commercial motor vehicle.

39 (2) The department shall downgrade the commercial driver
40 license or temporary commercial instruction permit of a person
41 for whom the department receives notification that, pursuant to

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42 49 C.F.R. s. 382.501(a), the person is prohibited from operating
43 a commercial motor vehicle. Any such downgrade must be completed
44 and recorded by the department in the Commercial Driver's
45 License Information System within 60 days after the department's
46 receipt of such notification.

47 (3)(a) Upon receipt of notification that, pursuant to 49
48 C.F.R. s. 382.501(a), a person is prohibited from operating a
49 commercial motor vehicle, the department shall immediately
50 notify the person who is the subject of such notification that
51 he or she is prohibited from operating a commercial motor
52 vehicle and, upon his or her request, must afford him or her an
53 opportunity for an informal hearing pursuant to this section.
54 The department's notice must be provided to the person in the
55 same manner as, and providing notice has the same effect as,
56 notices provided pursuant to s. 322.251(1) and (2).

57 (b) An informal hearing under paragraph (a) must be
58 requested no later than 20 days after the person receives the
59 notice of the downgrade. If a request for a hearing is not
60 received within 20 days after receipt of such notice, the
61 department must enter a final order directing the downgrade of
62 the person's commercial driver license or temporary commercial
63 instruction permit unless the department receives notification
64 that, pursuant to 49 C.F.R. s. 382.503(a), the person is no
65 longer prohibited from operating a commercial motor vehicle.

66 (c) A hearing requested under paragraph (b) must be

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67 scheduled and held no later than 30 days after receipt by the
68 department of a request for the hearing. The submission of a
69 request for hearing under paragraph (b) tolls the deadline to
70 file a petition for writ of certiorari pursuant to s. 322.31
71 until after the department enters a final order after a hearing
72 under paragraph (b).

73 (d) The informal hearing authorized by this subsection is
74 exempt from chapter 120. Such hearing must be conducted before a
75 hearing officer designated by the department. The hearing
76 officer may conduct such hearing by means of communications
77 technology.

78 (e) The notification received by the department pursuant
79 to 49 C.F.R. s. 382.501(a) must be in the record for
80 consideration by the hearing officer and in any proceeding under
81 s. 322.31 and is considered self-authenticating. The basis for
82 the notification received by the department pursuant to 49
83 C.F.R. s. 382.501(a) and the information in the Commercial
84 Driver's License Drug and Alcohol Clearinghouse which resulted
85 in such notification are not subject to challenge in the hearing
86 or in any proceeding brought under s. 322.31.

87 (f) If, before the entry of a final order arising from a
88 notification received by the department pursuant to 49 C.F.R. s.
89 382.501(a), the department receives notification that, pursuant
90 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited
91 from operating a commercial motor vehicle, the department must

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92 dismiss the action to downgrade the person's commercial driver
93 license or temporary commercial instruction permit.

94 (g) Upon the entry of a final order that results in the
95 downgrade of a person's commercial driver license or temporary
96 commercial instruction permit, the department shall record
97 immediately in the person's driving record that the person is
98 disqualified from operating a commercial motor vehicle. The
99 downgrade of a commercial driver license or temporary commercial
100 instruction permit pursuant to a final order entered pursuant to
101 this section and, upon the entry of a final order, the recording
102 in the person's record that the person subject to such final
103 order is disqualified from operating a commercial motor vehicle,
104 are not stayed during the pendency of any proceeding pursuant to
105 s. 322.31.

106 (h) If, after the department enters a final order that
107 results in the downgrade of a person's commercial driver license
108 or temporary commercial instruction permit and records in the
109 person's driving record that the person is disqualified from
110 operating a commercial motor vehicle, the department receives:

111 1. Notification that, pursuant to 49 C.F.R. s. 382.503(a),
112 the person is no longer prohibited from operating a commercial
113 motor vehicle, the department must reinstate the person's
114 commercial driver license or temporary commercial instruction
115 permit upon application by such person.

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116 2. Notification from the Federal Motor Carrier Safety
117 Administration pursuant to 49 C.F.R. s. 383.73(q)(3) that the
118 person was erroneously identified as being prohibited from
119 operating a commercial motor vehicle, the department must notify
120 the person; reinstate, without payment of the reinstatement fee
121 required pursuant to s. 322.21, the person's commercial driver
122 license or commercial instruction permit as expeditiously as
123 possible; and remove any reference to the person's erroneous
124 prohibited status from the Commercial Driver's License
125 Information System and the person's record.

126
127 -----

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

129 Remove line 22 and insert:
130 commercial instruction permit; amending s. 322.31,
131 F.S.; requiring that the final orders and rulings of
132 the department wherein a commercial driver license or
133 temporary commercial instruction permit is downgraded
134 be reviewable; creating s. 322.591,