



26 department from performing certain actions for a  
27 person who is prohibited from operating a commercial  
28 motor vehicle under certain federal regulations;  
29 requiring the department to downgrade a commercial  
30 driver license or temporary commercial instruction  
31 permit of a person who is prohibited from operating a  
32 commercial motor vehicle under such regulations and to  
33 record such downgrade in the Commercial Driver's  
34 License Information System; requiring the department  
35 to provide to such person certain notification and,  
36 upon request, an opportunity for an informal hearing;  
37 providing hearing requirements; requiring the  
38 department to enter a final order directing the  
39 downgrade of the person's commercial driver license or  
40 temporary commercial instruction permit under certain  
41 circumstances; providing an exception; exempting an  
42 informal hearing from certain provisions; authorizing  
43 such hearing to be conducted by means of  
44 communications technology; requiring the department to  
45 dismiss the action to downgrade the person's  
46 commercial driver license or temporary commercial  
47 instruction permit under certain circumstances;  
48 requiring the department to record the  
49 disqualification of a person from operating a  
50 commercial motor vehicle in the person's driving

51 record upon entry of a final order to downgrade the  
 52 person's commercial driver license or temporary  
 53 commercial instruction permit; providing construction;  
 54 requiring reinstatement of the person's commercial  
 55 driver license or temporary commercial instruction  
 56 permit under certain circumstances; limiting liability  
 57 of the department; specifying that certain provisions  
 58 are the exclusive procedure for downgrade of a  
 59 commercial driver license or temporary commercial  
 60 instruction permit; providing construction;  
 61 authorizing issuance of a Class E driver license to a  
 62 person who is prohibited from operating a commercial  
 63 motor vehicle under certain circumstances; amending  
 64 ss. 322.34 and 322.61, F.S.; conforming cross-  
 65 references; providing an effective date.

66  
 67 Be It Enacted by the Legislature of the State of Florida:

68  
 69 Section 1. Subsection (1), paragraph (d) of subsection  
 70 (2), and subsection (9) of section 316.302, Florida Statutes,  
 71 are amended to read:

72 316.302 Commercial motor vehicles; safety regulations;  
 73 transporters and shippers of hazardous materials; enforcement.-

74 (1) (a) All owners and drivers of commercial motor vehicles  
 75 that are operated on the public highways of this state while

76 engaged in interstate commerce are subject to the rules and  
 77 regulations contained in 49 C.F.R. parts 382, 383, 384, 385,  
 78 386, and 390-397.

79 (b) Except as otherwise provided in this section, all  
 80 owners and drivers of commercial motor vehicles that are engaged  
 81 in intrastate commerce are subject to the rules and regulations  
 82 contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-  
 83 397, as such rules and regulations existed on December 31, 2023  
 84 ~~2020~~.

85 (c) The emergency exceptions provided by 49 C.F.R. s.  
 86 392.82 also apply to communications by utility drivers and  
 87 utility contractor drivers during a Level 1 activation of the  
 88 State Emergency Operations Center, as provided in the Florida  
 89 Comprehensive Emergency Management plan, or during a state of  
 90 emergency declared by executive order or proclamation of the  
 91 Governor.

92 (d) Except as provided in s. 316.228 for rear overhang  
 93 lighting and flagging requirements for intrastate operations,  
 94 the requirements of this section supersede all other safety  
 95 requirements of this chapter for commercial motor vehicles.

96 ~~(e) A person who operates a commercial motor vehicle~~  
 97 ~~solely in intrastate commerce which does not transport hazardous~~  
 98 ~~materials in amounts that require placarding pursuant to 49~~  
 99 ~~C.F.R. part 172 need not comply with the requirements of~~  
 100 ~~electronic logging devices and hours of service supporting~~

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101 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~  
102 ~~until December 31, 2019.~~

103 (2)

104 (d) A person who operates a commercial motor vehicle  
105 solely in intrastate commerce not transporting any hazardous  
106 material in amounts that require placarding pursuant to 49  
107 C.F.R. part 172 within a 150 air-mile radius of the location  
108 where the vehicle is based need not comply with 49 C.F.R. ss.  
109 395.8 and 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s.  
110 395.1(e)(1)(iii) and (iv) ~~s. 395.1(e)(1)(ii), (iii)(A) and (C),~~  
111 ~~and (v)~~ are met.

112 (9) For the purpose of enforcing this section, any law  
113 enforcement officer of the Department of Highway Safety and  
114 Motor Vehicles or duly appointed agent who holds a current  
115 safety inspector certification from the Commercial Vehicle  
116 Safety Alliance may require the driver of any commercial vehicle  
117 operated on the highways of this state to stop and submit to an  
118 inspection of the vehicle or the driver's records. If the  
119 vehicle or driver is found to be operating in an unsafe  
120 condition, or if any required part or equipment is not present  
121 or is not in proper repair or adjustment, and the continued  
122 operation would present an unduly hazardous operating condition,  
123 the officer or agent may require the vehicle or the driver to be  
124 removed from service pursuant to the North American Standard  
125 Out-of-Service Criteria, until corrected. However, if continuous

126 operation would not present an unduly hazardous operating  
 127 condition, the officer or agent may give written notice  
 128 requiring correction of the condition within 15 days.

129 (a) Any member of the Florida Highway Patrol or any law  
 130 enforcement officer employed by a sheriff's office or municipal  
 131 police department authorized to enforce the traffic laws of this  
 132 state pursuant to s. 316.640 who has reason to believe that a  
 133 vehicle or driver is operating in an unsafe condition may, as  
 134 provided in subsection (11), enforce ~~the provisions of~~ this  
 135 section.

136 (b) Any person who fails to comply with an officer's  
 137 request to submit to an inspection under this subsection commits  
 138 a violation of s. 843.02 if the person resists the officer  
 139 without violence or a violation of s. 843.01 if the person  
 140 resists the officer with violence.

141 Section 2. Subsections (16) through (48) of section  
 142 322.01, Florida Statutes, are renumbered as subsections (17)  
 143 through (49), respectively, subsection (5) and present  
 144 subsections (37) and (41) are amended, and a new subsection (16)  
 145 is added to that section, to read:

146 322.01 Definitions.—As used in this chapter:

147 (5) "Cancellation" means the act of declaring a driver  
 148 license void and terminated but does not include a downgrade.

149 (16) "Downgrade" has the same meaning as the term "CDL  
 150 downgrade" as defined in 49 C.F.R. s. 383.5(4).

151        ~~(38)~~~~(37)~~ "Revocation" means the termination of a  
 152        licensee's privilege to drive. The term does not include a  
 153        downgrade.

154        ~~(42)~~~~(41)~~ "Suspension" means the temporary withdrawal of a  
 155        licensee's privilege to drive a motor vehicle. The term does not  
 156        include a downgrade.

157        Section 3. Subsection (2) of section 322.02, Florida  
 158        Statutes, is amended to read:

159        322.02 Legislative intent; administration.—

160        (2) The Department of Highway Safety and Motor Vehicles is  
 161        charged with the administration and function of enforcement of  
 162        the provisions of this chapter and the administration and  
 163        enforcement of 49 C.F.R. parts 382-386 and 390-397.

164        Section 4. Subsections (7) through (12) of section 322.05,  
 165        Florida Statutes, are renumbered as subsections (8) through  
 166        (13), respectively, and a new subsection (7) is added to that  
 167        section to read:

168        322.05 Persons not to be licensed.—The department may not  
 169        issue a license:

170        (7) To any person, as a commercial motor vehicle operator,  
 171        who is ineligible to operate a commercial motor vehicle pursuant  
 172        to 49 C.F.R. part 383.

173        Section 5. Subsection (3) of section 322.07, Florida  
 174        Statutes, is amended to read:

175        322.07 Instruction permits and temporary licenses.—

176 (3) Any person who, except for his or her lack of  
 177 instruction in operating a commercial motor vehicle, would  
 178 otherwise be qualified to obtain a commercial driver license  
 179 under this chapter, may apply for a temporary commercial  
 180 instruction permit. The department shall issue such a permit  
 181 entitling the applicant, while having the permit in his or her  
 182 immediate possession, to drive a commercial motor vehicle on the  
 183 highways, if:

184 (a) The applicant possesses a valid Florida driver  
 185 license; ~~and~~

186 (b) The applicant, while operating a commercial motor  
 187 vehicle, is accompanied by a licensed driver who is 21 years of  
 188 age or older, who is licensed to operate the class of vehicle  
 189 being operated, and who is occupying the closest seat to the  
 190 right of the driver; and

191 (c) The department has not been notified that, under 49  
 192 C.F.R. s. 382.501(a), the applicant is prohibited from operating  
 193 a commercial motor vehicle.

194 Section 6. Subsection (8) and paragraph (a) of subsection  
 195 (9) of section 322.21, Florida Statutes, are amended to read:

196 322.21 License fees; procedure for handling and collecting  
 197 fees.—

198 (8) A person who applies for reinstatement following the  
 199 suspension or revocation of the person's driver license must pay  
 200 a service fee of \$45 following a suspension, and \$75 following a



201 revocation, which is in addition to the fee for a license. A  
 202 person who applies for reinstatement of a commercial driver  
 203 license following the disqualification or downgrade of the  
 204 person's privilege to operate a commercial motor vehicle must  
 205 ~~shall~~ pay a service fee of \$75, which is in addition to the fee  
 206 for a license. The department shall collect all of these fees at  
 207 the time of reinstatement. The department shall issue proper  
 208 receipts for such fees and shall promptly transmit all funds  
 209 received by it as follows:

210 (a) Of the \$45 fee received from a licensee for  
 211 reinstatement following a suspension:

212 1. If the reinstatement is processed by the department,  
 213 the department shall deposit \$15 in the General Revenue Fund and  
 214 \$30 in the Highway Safety Operating Trust Fund.

215 2. If the reinstatement is processed by the tax collector,  
 216 \$15, less the general revenue service charge set forth in s.  
 217 215.20(1), shall be retained by the tax collector, \$15 shall be  
 218 deposited into the Highway Safety Operating Trust Fund, and \$15  
 219 shall be deposited into the General Revenue Fund.

220 (b) Of the \$75 fee received from a licensee for  
 221 reinstatement following a revocation, ~~or~~ disqualification, or  
 222 downgrade:

223 1. If the reinstatement is processed by the department,  
 224 the department shall deposit \$35 in the General Revenue Fund and  
 225 \$40 in the Highway Safety Operating Trust Fund.

226           2. If the reinstatement is processed by the tax collector,  
 227 \$20, less the general revenue service charge set forth in s.  
 228 215.20(1), shall be retained by the tax collector, \$20 shall be  
 229 deposited into the Highway Safety Operating Trust Fund, and \$35  
 230 shall be deposited into the General Revenue Fund.

231  
 232 If the revocation or suspension of the driver license was for a  
 233 violation of s. 316.193, or for refusal to submit to a lawful  
 234 breath, blood, or urine test, an additional fee of \$130 must be  
 235 charged. However, only one \$130 fee may be collected from one  
 236 person convicted of violations arising out of the same incident.  
 237 The department shall collect the \$130 fee and deposit the fee  
 238 into the Highway Safety Operating Trust Fund at the time of  
 239 reinstatement of the person's driver license, but the fee may  
 240 not be collected if the suspension or revocation is overturned.  
 241 If the revocation or suspension of the driver license was for a  
 242 conviction for a violation of s. 817.234(8) or (9) or s.  
 243 817.505, an additional fee of \$180 is imposed for each offense.  
 244 The department shall collect and deposit the additional fee into  
 245 the Highway Safety Operating Trust Fund at the time of  
 246 reinstatement of the person's driver license.

247           (9) An applicant:  
 248           (a) Requesting a review authorized in s. 322.222, s.  
 249 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must  
 250 pay a filing fee of \$25 to be deposited into the Highway Safety

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

251 Operating Trust Fund.

252 Section 7. Section 322.591, Florida Statutes, is created  
253 to read:

254 322.591 Commercial driver license and temporary commercial  
255 instruction permit; Commercial Driver's License Drug and Alcohol  
256 Clearinghouse; prohibition on issuance of commercial driver  
257 licenses; downgrades.—Beginning November 18, 2024:

258 (1) When a person applies for or seeks to renew, transfer,  
259 or make any other change to a commercial driver license or  
260 temporary commercial instruction permit, the department must  
261 obtain the person's driving record from the Commercial Driver's  
262 License Drug and Alcohol Clearinghouse established pursuant to  
263 49 C.F.R. part 382. The department may not issue, renew, or  
264 transfer, or revise the types of authorized vehicles that may be  
265 operated or the endorsements applicable to, a commercial driver  
266 license or temporary commercial instruction permit for any  
267 person for whom the department receives notification that,  
268 pursuant to 49 C.F.R. s. 382.501(a), the person is prohibited  
269 from operating a commercial motor vehicle.

270 (2) The department shall downgrade the commercial driver  
271 license or temporary commercial instruction permit of a person  
272 for whom the department receives notification that, pursuant to  
273 49 C.F.R. s. 382.501(a), the person is prohibited from operating  
274 a commercial motor vehicle. Any such downgrade must be completed  
275 and recorded by the department in the Commercial Driver's

276 License Information System within 60 days after the department's  
277 receipt of such notification.

278 (3)(a) Upon receipt of notification that, pursuant to 49  
279 C.F.R. s. 382.501(a), a person is prohibited from operating a  
280 commercial motor vehicle, the department shall immediately  
281 notify the person who is the subject of such notification that  
282 he or she is prohibited from operating a commercial motor  
283 vehicle and, upon his or her request, must afford him or her an  
284 opportunity for an informal hearing pursuant to this section.  
285 The department's notice must be provided to the person in the  
286 same manner as, and providing notice has the same effect as,  
287 notices provided pursuant to s. 322.251(1) and (2).

288 (b) An informal hearing under paragraph (a) must be  
289 requested no later than 20 days after the person receives the  
290 notice of the downgrade. If a request for a hearing is not  
291 received within 20 days after receipt of such notice, the  
292 department must enter a final order directing the downgrade of  
293 the person's commercial driver license or temporary commercial  
294 instruction permit unless the department receives notification  
295 that, pursuant to 49 C.F.R. s. 382.503(a), the person is no  
296 longer prohibited from operating a commercial motor vehicle.

297 (c) A hearing requested under paragraph (b) must be  
298 scheduled and held no later than 30 days after receipt by the  
299 department of a request for the hearing. The submission of a  
300 request for hearing under paragraph (b) tolls the deadline to

301 file a petition for writ of certiorari pursuant to s. 322.31  
302 until after the department enters a final order after a hearing  
303 under paragraph (b).

304 (d) The informal hearing authorized by this subsection is  
305 exempt from chapter 120. Such hearing must be conducted before a  
306 hearing officer designated by the department. The hearing  
307 officer may conduct such hearing by means of communications  
308 technology.

309 (e) The notification received by the department pursuant  
310 to 49 C.F.R. s. 382.501(a) must be in the record for  
311 consideration by the hearing officer and in any proceeding under  
312 s. 322.31 and is considered self-authenticating. The basis for  
313 the notification received by the department pursuant to 49  
314 C.F.R. s. 382.501(a) and the information in the Commercial  
315 Driver's License Drug and Alcohol Clearinghouse which resulted  
316 in such notification are not subject to challenge in the hearing  
317 or in any proceeding brought under s. 322.31.

318 (f) If, before the entry of a final order arising from a  
319 notification received by the department pursuant to 49 C.F.R. s.  
320 382.501(a), the department receives notification that, pursuant  
321 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited  
322 from operating a commercial motor vehicle, the department must  
323 dismiss the action to downgrade the person's commercial driver  
324 license or temporary commercial instruction permit.

325 (g) Upon the entry of a final order that results in the

326 downgrade of a person's commercial driver license or temporary  
327 commercial instruction permit, the department shall record  
328 immediately in the person's driving record that the person is  
329 disqualified from operating a commercial motor vehicle. The  
330 downgrade of a commercial driver license or temporary commercial  
331 instruction permit pursuant to a final order entered pursuant to  
332 this section and, upon the entry of a final order, the recording  
333 in the person's record that the person subject to such final  
334 order is disqualified from operating a commercial motor vehicle,  
335 are not stayed during the pendency of any proceeding pursuant to  
336 s. 322.31.

337 (h) If, after the department enters a final order that  
338 results in the downgrade of a person's commercial driver license  
339 or temporary commercial instruction permit and records in the  
340 person's driving record that the person is disqualified from  
341 operating a commercial motor vehicle, the department receives  
342 notification that, pursuant to 49 C.F.R. s. 382.503(a), the  
343 person is no longer prohibited from operating a commercial motor  
344 vehicle, the department must reinstate the person's commercial  
345 driver license or temporary commercial instruction permit upon  
346 application by such person.

347 (i) The department is not liable for any commercial driver  
348 license or temporary commercial instruction permit downgrade  
349 resulting from the discharge of its duties.

350 (j) This section is the exclusive procedure for the

351 downgrade of a commercial driver license or temporary commercial  
 352 instruction permit following notification received by the  
 353 department that, pursuant to 49 C.F.R. s. 382.501(a), a person  
 354 is prohibited from operating a commercial motor vehicle.

355 (k) The downgrade of a person's commercial driver license  
 356 or temporary commercial instruction permit pursuant to this  
 357 section does not preclude the suspension of the driving  
 358 privilege for that person pursuant to s. 322.2615 or the  
 359 disqualification of that person from operating a commercial  
 360 motor vehicle pursuant to s. 322.64. The driving privilege of a  
 361 person whose commercial driver license or temporary commercial  
 362 instruction permit has been downgraded pursuant to this section  
 363 also may be suspended for a violation of s. 316.193.

364 (4) A person for whom the department receives notification  
 365 that, pursuant to 49 C.F.R. s. 382.501(a), the person is  
 366 prohibited from operating a commercial motor vehicle may, if  
 367 otherwise qualified, be issued a Class E driver license pursuant  
 368 to s. 322.251(4), valid for the length of his or her unexpired  
 369 license period, at no cost.

370 Section 8. Subsection (2) of section 322.34, Florida  
 371 Statutes, is amended to read:

372 322.34 Driving while license suspended, revoked, canceled,  
 373 or disqualified.—

374 (2) Any person whose driver license or driving privilege  
 375 has been canceled, suspended, or revoked as provided by law, or

376 | who does not have a driver license or driving privilege but is  
377 | under suspension or revocation equivalent status as defined in  
378 | s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.  
379 | 322.264, who, knowing of such cancellation, suspension,  
380 | revocation, or suspension or revocation equivalent status,  
381 | drives any motor vehicle upon the highways of this state while  
382 | such license or privilege is canceled, suspended, or revoked, or  
383 | while under suspension or revocation equivalent status, commits:

384 |       (a) A misdemeanor of the second degree, punishable as  
385 | provided in s. 775.082 or s. 775.083.

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

389 |       2. A person convicted of a third or subsequent conviction,  
390 | except as provided in paragraph (c), must serve a minimum of 10  
391 | days in jail.

392 |       (c) A felony of the third degree, punishable as provided  
393 | in s. 775.082, s. 775.083, or s. 775.084, upon a third or  
394 | subsequent conviction if the current violation of this section  
395 | or the most recent prior violation of the section is related to  
396 | driving while license canceled, suspended, revoked, or  
397 | suspension or revocation equivalent status resulting from a  
398 | violation of:

399 |           1. Driving under the influence;

400 |           2. Refusal to submit to a urine, breath-alcohol, or blood



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401 alcohol test;

402 3. A traffic offense causing death or serious bodily  
403 injury; or

404 4. Fleeing or eluding.

405

406 The element of knowledge is satisfied if the person has been  
407 previously cited as provided in subsection (1); or the person  
408 admits to knowledge of the cancellation, suspension, or  
409 revocation, or suspension or revocation equivalent status; or  
410 the person received notice as provided in subsection (4). There  
411 shall be a rebuttable presumption that the knowledge requirement  
412 is satisfied if a judgment or order as provided in subsection  
413 (4) appears in the department's records for any case except for  
414 one involving a suspension by the department for failure to pay  
415 a traffic fine or for a financial responsibility violation.

416 Section 9. Subsection (4) of section 322.61, Florida  
417 Statutes, is amended to read:

418 322.61 Disqualification from operating a commercial motor  
419 vehicle.—

420 (4) Any person who is transporting hazardous materials as  
421 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of  
422 an offense specified in subsection (3), be disqualified from  
423 operating a commercial motor vehicle for a period of 3 years.  
424 The penalty provided in this subsection shall be in addition to  
425 any other applicable penalty.

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426 |       Section 10.   This act shall take effect July 1, 2024.       |