



382268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
	.	
	.	
	.	

---

The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 255 - 372

and insert:

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

322.31 Right of review.—The final orders and rulings of the department wherein any person is denied a license, has a commercial driver license or commercial instruction permit downgraded, or where such license has been canceled, suspended,



382268

11 or revoked, must ~~shall~~ be reviewable in the manner and within  
12 the time provided by the Florida Rules of Appellate Procedure  
13 only by a writ of certiorari issued by the circuit court in the  
14 county wherein such person shall reside, in the manner  
15 prescribed by the Florida Rules of Appellate Procedure, any  
16 provision in chapter 120 to the contrary notwithstanding.

17 Section 8. Section 322.591, Florida Statutes, is created to  
18 read:

19 322.591 Commercial driver license and temporary commercial  
20 instruction permit; Commercial Driver's License Drug and Alcohol  
21 Clearinghouse; prohibition on issuance of commercial driver  
22 licenses; downgrades.—Beginning November 18, 2024:

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

35 (2) The department shall downgrade the commercial driver  
36 license or temporary commercial instruction permit of a person  
37 for whom the department receives notification that, pursuant to  
38 49 C.F.R. s. 382.501(a), the person is prohibited from operating  
39 a commercial motor vehicle. Any such downgrade must be completed



382268

40 and recorded by the department in the Commercial Driver's  
41 License Information System within 60 days after the department's  
42 receipt of such notification.

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

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

62 (c) A hearing requested under paragraph (b) must be  
63 scheduled and held no later than 30 days after receipt by the  
64 department of a request for the hearing. The submission of a  
65 request for hearing under paragraph (b) tolls the deadline to  
66 file a petition for writ of certiorari pursuant to s. 322.31  
67 until after the department enters a final order after a hearing  
68 under paragraph (b).



382268

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

74       (e) The notification received by the department pursuant to  
75 49 C.F.R. s. 382.501(a) must be in the record for consideration  
76 by the hearing officer and in any proceeding under s. 322.31 and  
77 is considered self-authenticating. The basis for the  
78 notification received by the department pursuant to 49 C.F.R. s.  
79 382.501(a) and the information in the Commercial Driver's  
80 License Drug and Alcohol Clearinghouse which resulted in such  
81 notification are not subject to challenge in the hearing or in  
82 any proceeding brought under s. 322.31.

83       (f) If, before the entry of a final order arising from a  
84 notification received by the department pursuant to 49 C.F.R. s.  
85 382.501(a), the department receives notification that, pursuant  
86 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited  
87 from operating a commercial motor vehicle, the department must  
88 dismiss the action to downgrade the person's commercial driver  
89 license or temporary commercial instruction permit.

90       (g) Upon the entry of a final order that results in the  
91 downgrade of a person's commercial driver license or temporary  
92 commercial instruction permit, the department shall record  
93 immediately in the person's driving record that the person is  
94 disqualified from operating a commercial motor vehicle. The  
95 downgrade of a commercial driver license or temporary commercial  
96 instruction permit pursuant to a final order entered pursuant to  
97 this section and, upon the entry of a final order, the recording



382268

98 in the person's record that the person subject to such final  
99 order is disqualified from operating a commercial motor vehicle,  
100 are not stayed during the pendency of any proceeding pursuant to  
101 s. 322.31.

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

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

112 2. Notification from the Federal Motor Carrier Safety  
113 Administration pursuant to 49 C.F.R. s. 383.73(q) (3) that the  
114 person was erroneously identified as being prohibited from  
115 operating a commercial motor vehicle, the department must notify  
116 the person; reinstate, without payment of the reinstatement fee  
117 required pursuant to s. 322.31, the person's commercial driver  
118 license or commercial instruction permit as expeditiously as  
119 possible; and remove any reference to the person's erroneous  
120 prohibited status from the Commercial Driver's License  
121 Information System and the person's record.

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

125 (j) This section is the exclusive procedure for the  
126 downgrade of a commercial driver license or temporary commercial



382268

127 instruction permit following notification received by the  
128 department that, pursuant to 49 C.F.R. s. 382.501(a), a person  
129 is prohibited from operating a commercial motor vehicle.

130 (k) The downgrade of a person's commercial driver license  
131 or temporary commercial instruction permit pursuant to this  
132 section does not preclude the suspension of the driving  
133 privilege for that person pursuant to s. 322.2615 or the  
134 disqualification of that person from operating a commercial  
135 motor vehicle pursuant to s. 322.64. The driving privilege of a  
136 person whose commercial driver license or temporary commercial  
137 instruction permit has been downgraded pursuant to this section  
138 also may be suspended for a violation of s. 316.193.

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

145  
146 ===== T I T L E A M E N D M E N T =====

147 And the title is amended as follows:

148 Delete line 25

149 and insert:

150 temporary commercial instruction permit; amending s.  
151 322.31, F.S.; requiring that the final orders and  
152 rulings of the department regarding commercial driver  
153 licenses and commercial instruction permits be  
154 reviewable; creating s.