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1
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.302, F.S.;
4 revising regulations applicable to owners and drivers
5 of commercial motor vehicles; revising the length of
6 time within which an officer is authorized to give
7 written notice requiring correction of an unduly
8 hazardous operating condition; amending s. 316.614,
9 F.S.; revising the definition of the term "motor
10 vehicle"; amending s. 316.70, F.S.; providing that
11 owners and drivers of nonpublic sector buses operated
12 on public highways of this state are subject to
13 specified provisions of law; authorizing the
14 Department of Highway Safety and Motor Vehicles to
15 conduct compliance reviews for a specified purpose;
16 revising civil penalties; authorizing certain law
17 enforcement officers and appointed agents to require
18 drivers of nonpublic sector buses to submit to an
19 inspection of the bus and the driver's records;
20 authorizing such officers and agents to require the
21 bus and driver to be removed from service under
22 specified conditions; authorizing such officers and
23 agents to give written notice; conforming provisions
24 to changes made by the act; creating s. 319.1414,
25 F.S.; authorizing the department to conduct
26 investigations and examinations of department-
27 authorized private rebuilt inspection providers;
28 authorizing the department to exercise certain powers
29 when conducting such investigations and examinations;

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30 authorizing the department to petition a court if a
31 person refuses to testify, produce materials, or obey
32 a subpoena or subpoena duces tecum; requiring the
33 court to issue an order; requiring such person to obey
34 the subpoena or show cause for failing to obey the
35 subpoena; providing a penalty for a person who fails
36 to comply with the court's order; authorizing the
37 department to designate agents for specified purposes;
38 authorizing the department to adopt rules; amending s.
39 319.25, F.S.; authorizing the department to conduct
40 investigations and examinations relating to violations
41 of provisions relating to title certificates;
42 authorizing the department to exercise certain powers
43 when conducting such investigations and examinations;
44 authorizing the department to petition a court if a
45 person refuses to testify, produce materials, or obey
46 a subpoena or subpoena duces tecum; requiring the
47 court to issue an order; requiring such person to obey
48 the subpoena or show cause for failing to obey the
49 subpoena; providing a penalty for a person who fails
50 to comply with the court's order; authorizing the
51 department to designate agents for specified purposes;
52 authorizing the department to adopt rules; amending s.
53 320.861, F.S.; authorizing the department to conduct
54 investigations and examinations relating to violations
55 of certain laws, rules, or orders relating to motor
56 vehicle licenses; revising the powers of the
57 department relating to conducting such investigations
58 and examinations; authorizing the department to

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59 petition a court if a person refuses to testify,
60 produce materials, or obey a subpoena or subpoena
61 duces tecum; authorizing the court to issue certain
62 orders or rulings relating to failure to obey the
63 subpoena; authorizing the department to designate
64 examiners, employees, or attorneys for specified
65 purposes; creating s. 322.71, F.S.; authorizing the
66 department to conduct investigations and examinations
67 relating to violations of certain laws, rules, or
68 orders relating to driver licenses; authorizing the
69 department to exercise certain powers when conducting
70 such investigations and examinations; authorizing the
71 department to petition a court if a person refuses to
72 testify, produce materials, or obey a subpoena or
73 subpoena duces tecum; requiring the court to issue an
74 order; requiring such person to obey the subpoena or
75 show cause for failing to obey the subpoena; providing
76 a penalty for a person who fails to comply with the
77 court's order; authorizing the department to designate
78 agents for specified purposes; authorizing the
79 department to adopt rules; amending s. 319.225, F.S.;
80 revising applicability; providing that vehicles that
81 meet certain conditions are exempt from odometer
82 disclosure after specified periods of time; amending
83 s. 320.0715, F.S.; requiring motor carriers and
84 vehicle owners whose registrations have been suspended
85 to return their license plates to the Department of
86 Highway Safety and Motor Vehicles or surrender their
87 license plates to law enforcement; requiring the

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88 department to deny registration of a motor vehicle
89 trip permit under certain conditions; amending s.
90 322.01, F.S.; defining the term "human trafficking";
91 amending s. 322.05, F.S.; prohibiting the department
92 from issuing a license to any person as a commercial
93 motor vehicle operator under specified conditions;
94 amending s. 322.18, F.S.; providing that commercial
95 driver licenses expire at midnight 8 years after the
96 licensee's birthday; amending s. 322.25, F.S.;
97 requiring clerks of court to promptly report to the
98 department each conviction for human trafficking,
99 regardless of whether adjudication is withheld;
100 amending s. 322.28, F.S.; requiring the court to
101 permanently revoke the commercial driver license of a
102 person under specified conditions; requiring the
103 department to permanently revoke the driver license or
104 driving privilege of the person if the court has not
105 revoked such driver license or driving privilege
106 within a specified timeframe; amending s. 322.61,
107 F.S.; revising provisions for disqualification from
108 operating a commercial motor vehicle; providing a
109 penalty for any person who uses a commercial motor
110 vehicle in the commission of a felony involving human
111 trafficking; amending s. 322.34, F.S.; conforming a
112 cross-reference; providing an effective date.

113
114 Be It Enacted by the Legislature of the State of Florida:

115
116 Section 1. Paragraph (b) of subsection (1) and subsection

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117 (9) of section 316.302, Florida Statutes, are amended to read:
118 316.302 Commercial motor vehicles; safety regulations;
119 transporters and shippers of hazardous materials; enforcement.-

120 (1)

121 (b) Except as otherwise provided in this section, all
122 owners and ~~or~~ drivers of commercial motor vehicles that are
123 engaged in intrastate commerce are subject to the rules and
124 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
125 390-397, as such rules and regulations existed on December 31,
126 2020 ~~2018~~.

127 (9) For the purpose of enforcing this section, any law
128 enforcement officer of the Department of Highway Safety and
129 Motor Vehicles or duly appointed agent who holds a current
130 safety inspector certification from the Commercial Vehicle
131 Safety Alliance may require the driver of any commercial vehicle
132 operated on the highways of this state to stop and submit to an
133 inspection of the vehicle or the driver's records. If the
134 vehicle or driver is found to be operating in an unsafe
135 condition, or if any required part or equipment is not present
136 or is not in proper repair or adjustment, and the continued
137 operation would present an unduly hazardous operating condition,
138 the officer may require the vehicle or the driver to be removed
139 from service pursuant to the North American Standard Out-of-
140 Service Criteria, until corrected. However, if continuous
141 operation would not present an unduly hazardous operating
142 condition, the officer may give written notice requiring
143 correction of the condition within 15 ~~14~~ days.

144 (a) Any member of the Florida Highway Patrol or any law
145 enforcement officer employed by a sheriff's office or municipal

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146 police department authorized to enforce the traffic laws of this
147 state pursuant to s. 316.640 who has reason to believe that a
148 vehicle or driver is operating in an unsafe condition may, as
149 provided in subsection (11), enforce the provisions of this
150 section.

151 (b) Any person who fails to comply with an officer's
152 request to submit to an inspection under this subsection commits
153 a violation of s. 843.02 if the person resists the officer
154 without violence or a violation of s. 843.01 if the person
155 resists the officer with violence.

156 Section 2. Paragraph (a) of subsection (3) of section
157 316.614, Florida Statutes, is amended to read:

158 316.614 Safety belt usage.—

159 (3) As used in this section:

160 (a) "Motor vehicle" means a motor vehicle as defined in s.
161 316.003 which is operated on the roadways, streets, and highways
162 of this state or when stationary at a traffic control device.

163 The term does not include:

164 1. A school bus.

165 2. A bus used for the transportation of persons for
166 compensation.

167 3. A farm tractor or implement of husbandry.

168 4. A truck having a gross vehicle weight rating of more
169 than 26,000 pounds.

170 5. A motorcycle, a moped, a bicycle, or an electric
171 bicycle.

172 Section 3. Section 316.70, Florida Statutes, is amended to
173 read:

174 316.70 Nonpublic sector buses; safety rules.—

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175 (1) All owners and drivers of nonpublic sector buses
176 operated on the public highways of this state are subject to the
177 rules and regulations ~~The Department of Transportation shall~~
178 ~~establish and revise standards to ensure the safe operation of~~
179 ~~nonpublic sector buses, which standards shall be those contained~~
180 ~~in 49 C.F.R. parts 382, 385, and 390-397~~ to ensure ~~and which~~
181 ~~shall be directed toward ensuring~~ that:

182 (a) Nonpublic sector buses are safely maintained, equipped,
183 and operated.

184 (b) Nonpublic sector buses are carrying the insurance
185 required by law and carrying liability insurance on the checked
186 baggage of passengers not to exceed the standard adopted by the
187 United States Department of Transportation.

188 (c) Florida license tags are purchased for nonpublic sector
189 buses pursuant to s. 320.38.

190 ~~(d) The driving records of drivers of nonpublic sector~~
191 ~~buses are checked by their employers at least once each year to~~
192 ~~ascertain whether the driver has a suspended or revoked driver~~
193 ~~license.~~

194 (2) Department of Highway Safety and Motor Vehicles
195 ~~Transportation~~ personnel may conduct compliance reviews for the
196 purpose of determining compliance with this section. A civil
197 penalty ~~not to exceed \$5,000 in the aggregate~~ may be assessed
198 against any person who violates any provision of this section or
199 who violates any rule or order of the department found during a
200 compliance review as provided in s. 316.3025. ~~A of~~
201 ~~Transportation. A civil penalty not to exceed \$25,000 in the~~
202 ~~aggregate may be assessed for violations found in a followup~~
203 ~~compliance review conducted within a 24-month period. A civil~~

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204 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
205 ~~and the motor carrier may be enjoined from operation pursuant to~~
206 ~~s. 316.3026 for if violations found during a are found after a~~
207 ~~second followup compliance review within 12 months after the~~
208 ~~first followup compliance review.~~ Motor carriers found to be
209 operating without insurance coverage required by s. 627.742 or
210 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

211 (3) For the purpose of enforcing this section, any law
212 enforcement officer of the Department of Highway Safety and
213 Motor Vehicles or a duly appointed agent of the department who
214 holds a current safety inspector certification from the
215 Commercial Vehicle Safety Alliance may require the driver of any
216 nonpublic sector bus operated on the highways of this state to
217 stop and submit to an inspection of the vehicle or the driver's
218 records. If the vehicle is being operated or the driver is
219 operating the vehicle in an unsafe condition, or if any required
220 part or equipment is not present or is not in proper repair or
221 adjustment, and the continued operation would be unduly
222 hazardous, the officer or agent may require the vehicle or the
223 driver to be removed from service pursuant to the North American
224 Standard Out-of-Service Criteria until all safety concerns are
225 corrected. However, if continuous operation would not be unduly
226 hazardous, the officer or agent may give written notice
227 requiring correction of the condition within 15 days after the
228 inspection.

229 ~~(4)(3)~~ School buses subject to ~~the provisions of~~ chapter
230 1006 or s. 316.615 are exempt from ~~the provisions of~~ this
231 section.

232 Section 4. Section 319.1414, Florida Statutes, is created

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233 to read:

234 319.1414 Investigations; examinations; subpoenas; hearings;
235 witnesses.-

236 (1) The department may conduct investigations and
237 examinations of department-authorized private rebuilt inspection
238 providers as it deems necessary to determine whether a person is
239 violating or has violated this chapter or a contract entered
240 into pursuant to this chapter or to assist with the enforcement
241 of this chapter.

242 (2) For purposes of any investigation or examination
243 conducted pursuant to this section, the department may exercise
244 the power of subpoena and the powers to administer oaths or
245 affirmations, to examine witnesses, to require affidavits, to
246 take depositions, and to compel the attendance of witnesses and
247 the production of books, papers, documents, records, and other
248 evidence. A designated agent of the department may serve a
249 subpoena relating to an investigation or examination.

250 (3) If a person refuses to testify; produce books, papers,
251 documents, or records; or otherwise obey a subpoena or subpoena
252 duces tecum issued under subsection (2), the department may
253 petition a court of competent jurisdiction in the county where
254 the person's residence or principal place of business is
255 located, upon which the court must issue an order requiring such
256 person to obey the subpoena or show cause for failing to obey
257 the subpoena. Unless the person shows sufficient cause for
258 failing to obey the subpoena, the court shall direct the person
259 to obey the subpoena. Failure to comply with such order is
260 contempt of court.

261 (4) For the purpose of any investigation, examination, or

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262 proceeding initiated by the department under this chapter, the
263 department may designate agents to serve subpoenas and other
264 process and to administer oaths or affirmations.

265 (5) The department may adopt rules to administer this
266 section.

267 Section 5. Section 319.25, Florida Statutes, is amended to
268 read:

269 319.25 Cancellation of certificates; investigations;
270 subpoenas and other process; oaths; rules.-

271 (1) If it appears that a certificate of title has been
272 improperly issued, the department shall cancel the certificate.
273 Upon cancellation of any certificate of title, the department
274 shall notify the person to whom the certificate of title was
275 issued, as well as any lienholders appearing thereon, of the
276 cancellation and shall demand the surrender of the certificate
277 of title, but the cancellation shall not affect the validity of
278 any lien noted thereon. The holder of the certificate of title
279 shall return it to the department forthwith. If a certificate of
280 registration has been issued to the holder of a certificate of
281 title so canceled, the department shall immediately cancel the
282 certificate of registration and demand the return of such
283 certificate of registration and license plate or mobile home
284 sticker; and the holder of such certificate of registration and
285 license plate or sticker shall return them to the department
286 forthwith.

287 (2) The department is authorized, upon application of any
288 person and payment of the proper fees, to prepare and furnish
289 lists containing title information in such form as the
290 department may authorize, to search the records of the

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291 department and make reports thereof, and to make photographic
292 copies of the department records and attestations thereof,
293 except as provided in chapter 119.

294 (3) The department may conduct investigations and
295 examinations of any person suspected of violating or of having
296 violated this chapter or any rule adopted or order issued under
297 this chapter.

298 (4) For purposes of any investigation or examination
299 conducted pursuant to this section, the department may exercise
300 the power of subpoena and the powers to administer oaths or
301 affirmations, to examine witnesses, to require affidavits, to
302 take depositions, and to compel the attendance of witnesses and
303 the production of books, papers, documents, records, and other
304 evidence. An authorized representative of the department may
305 serve a subpoena relating to an investigation or examination.

306 (5) If a person refuses to testify; produce books, papers,
307 documents, or records; or otherwise obey the subpoena or
308 subpoena duces tecum issued under subsection (4), the department
309 may petition a court of competent jurisdiction in the county
310 where the person's residence or principal place of business is
311 located, upon which the court must issue an order requiring such
312 person to obey the subpoena or show cause for failing to obey
313 the subpoena. Unless the person shows sufficient cause for
314 failing to obey the subpoena, the court must direct the person
315 to obey the subpoena. Failure to comply with such order is
316 contempt of court.

317 (6) For the purpose of any investigation, examination, or
318 proceeding initiated by the department under this chapter, the
319 department may designate agents to serve subpoenas and other

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320 process and to administer oaths or affirmations.

321 (7) The department may adopt rules to administer this
322 section.

323 Section 6. Section 320.861, Florida Statutes, is amended to
324 read:

325 320.861 Investigations; subpoenas and other process; oaths;
326 rules ~~Inspection of records; production of evidence; subpoena~~
327 ~~power.~~

328 (1) The department may conduct investigations and
329 examinations of any person whom the department reasonably
330 suspects of violating or of having violated this chapter or any
331 rule adopted or order issued under this chapter based on
332 specific facts in a written complaint to the department, the
333 department's observations, or evidence in the department's
334 possession ~~inspect the pertinent books, records, letters, and~~
335 ~~contracts of any licensee, whether dealer or manufacturer,~~
336 ~~relating to any written complaint made to it against such~~
337 ~~licensee.~~

338 (2) For purposes of any investigation or examination
339 conducted pursuant to this section, the department may ~~is~~
340 ~~granted and authorized to exercise the power of subpoena and,~~
341 after providing a reasonable opportunity for a person or the
342 person's employee or agent to consult with counsel, exercise the
343 powers to administer oaths or affirmations, to examine
344 witnesses, to require affidavits, to take depositions, and to
345 compel the attendance of witnesses and the production of
346 pertinent books, papers, documents, records, and other evidence
347 relevant to the investigation or examination. A designated agent
348 of the department may serve a subpoena relating to an

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349 ~~investigation or examination for the attendance of witnesses and~~
350 ~~the production of any documentary evidence necessary to the~~
351 ~~disposition by it of any written complaint against any licensee,~~
352 ~~whether dealer or manufacturer.~~

353 (3) If a person refuses to testify; to produce pertinent
354 books, papers, documents, or records; or to otherwise obey the
355 subpoena or subpoena duces tecum issued under subsection (2),
356 the department may petition a court of competent jurisdiction in
357 the county where the person's residence or principal place of
358 business is located, upon which the court may issue an order
359 requiring such person to obey the subpoena or show cause for
360 failing to obey the subpoena. If the court determines that the
361 person has not shown sufficient cause for failing to obey the
362 subpoena, the court may direct the person to obey the subpoena.
363 The court may rule that failure to comply with such order
364 constitutes contempt of court.

365 (4) For the purpose of any investigation, examination, or
366 proceeding initiated by the department under this chapter, the
367 department may designate examiners or investigatory employees of
368 the department or attorneys representing the department to serve
369 subpoenas and other process and to administer oaths or
370 affirmations. The department shall exercise this power on its
371 own initiative in accordance with ss. 320.615 and 320.71.

372 Section 7. Section 322.71, Florida Statutes, is created to
373 read:

374 322.71 Investigations; subpoenas and other process; oaths;
375 rules.-

376 (1) The department may conduct investigations and
377 examinations of any person suspected of violating or of having

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378 violated any provision of this chapter or any rule adopted or
379 order issued under this chapter.

380 (2) For purposes of any investigation or examination
381 conducted pursuant to this section, the department may exercise
382 the power of subpoena and the powers to administer oaths or
383 affirmations, to examine witnesses, to require affidavits, to
384 take depositions, and to compel the attendance of witnesses and
385 the production of books, papers, documents, records, and other
386 evidence. Such subpoenas may be served by an authorized
387 representative of the department.

388 (3) If a person refuses to testify; to produce books,
389 papers, documents, or records; or to otherwise obey the subpoena
390 or subpoena duces tecum issued under subsection (2), the
391 department may petition a court of competent jurisdiction in the
392 county where the person's residence or principal place of
393 business is located, upon which the court must issue an order
394 requiring such person to obey the subpoena or show cause for
395 failing to obey the subpoena. Unless the person shows sufficient
396 cause for failing to obey the subpoena, the court must direct
397 the person to obey the subpoena. Failure to comply with such
398 order constitutes contempt of court.

399 (4) For the purpose of any investigation, examination, or
400 proceeding initiated by the department under this chapter, the
401 department may designate agents to serve subpoenas and other
402 process and to administer oaths or affirmations.

403 (5) The department may adopt rules to administer this
404 section.

405 Section 8. Subsection (4) of section 319.225, Florida
406 Statutes, is amended to read:

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407 319.225 Transfer and reassignment forms; odometer
408 disclosure statements.—

409 (4) Upon transfer or reassignment of a certificate of title
410 to a used motor vehicle, the transferor shall complete the
411 odometer disclosure statement provided for by this section and
412 the transferee shall acknowledge the disclosure by signing and
413 printing his or her name in the spaces provided. This subsection
414 does not apply to a vehicle that has a gross vehicle rating of
415 more than 16,000 pounds, a vehicle that is not self-propelled,
416 or a vehicle that is exempt from odometer disclosure. A vehicle
417 with a model year of 2011 or newer is exempt from odometer
418 disclosure after 20 years, and a vehicle with a model year of
419 2010 or older is exempt from odometer disclosure after 10 years
420 ~~old or older~~. A lessor who transfers title to his or her vehicle
421 without obtaining possession of the vehicle shall make odometer
422 disclosure as provided by 49 C.F.R. s. 580.7. Any person who
423 fails to complete or acknowledge a disclosure statement as
424 required by this subsection is guilty of a misdemeanor of the
425 second degree, punishable as provided in s. 775.082 or s.
426 775.083. The department may not issue a certificate of title
427 unless this subsection has been complied with.

428 Section 9. Subsections (6) and (7) are added to section
429 320.0715, Florida Statutes, to read:

430 320.0715 International Registration Plan; motor carrier
431 services; permits; retention of records.—

432 (6) A motor carrier or vehicle owner whose registration has
433 been suspended shall return his or her license plate to the
434 department or surrender his or her license plates to law
435 enforcement.

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436 (7) The department shall deny registration if:

437 (a) The applicant fails to disclose material information
438 required on the application;

439 (b) The applicant has applied in an attempt to hide the
440 disclosure of the real party in interest who has been issued a
441 federal out-of-service order; or

442 (c) The applicant's business is operated, managed, or
443 otherwise controlled by or affiliated with a person who is
444 ineligible for registration, including the applicant entity, a
445 relative, a family member, a corporate officer, or a
446 shareholder.

447 Section 10. Present subsections (25) through (47) of
448 section 322.01, Florida Statutes, are redesignated as
449 subsections (26) through (48), respectively, and a new
450 subsection (25) is added to that section, to read:

451 322.01 Definitions.—As used in this chapter:

452 (25) "Human trafficking" has the same meaning as provided
453 in s. 787.06(2)(d).

454 Section 11. Subsection (12) is added to section 322.05,
455 Florida Statutes, to read:

456 322.05 Persons not to be licensed.—The department may not
457 issue a license:

458 (12) To any person, as a commercial motor vehicle operator,
459 who has been convicted of, or has entered a plea of guilty or
460 nolo contendere to, regardless of whether adjudication was
461 withheld, any felony involving human trafficking under state or
462 federal law involving the use of a commercial motor vehicle.

463 Section 12. Paragraph (f) is added to subsection (2) of
464 section 322.18, Florida Statutes, to read:

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465 322.18 Original applications, licenses, and renewals;
466 expiration of licenses; delinquent licenses.—

467 (2) Each applicant who is entitled to the issuance of a
468 driver license, as provided in this section, shall be issued a
469 driver license, as follows:

470 (f) Notwithstanding any other provision of this chapter, an
471 applicant applying for an original issuance of a commercial
472 driver license as defined in s. 322.01(7) shall be issued a
473 driver license that expires at midnight 8 years after the
474 licensee's last birthday.

475 Section 13. Subsection (7) is added to section 322.25,
476 Florida Statutes, to read:

477 322.25 When court to forward license to department and
478 report convictions.—

479 (7) Each clerk of court shall promptly report to the
480 department each conviction, regardless of whether adjudication
481 was withheld, for human trafficking which involves the use of a
482 commercial motor vehicle.

483 Section 14. Subsection (8) is added to section 322.28,
484 Florida Statutes, to read:

485 322.28 Period of suspension or revocation.—

486 (8) The court shall permanently revoke the commercial
487 driver license of a person who is convicted of, or has entered a
488 plea of guilty or nolo contendere to, regardless of whether
489 adjudication is withheld, any felony involving human trafficking
490 under state or federal law which involves the use of a
491 commercial motor vehicle. If the court has not permanently
492 revoked such driver license or driving privilege within 30 days
493 after imposing a sentence, the department must permanently

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494 revoke the driver license or driving privilege pursuant to this
495 section.

496 Section 15. Section 322.61, Florida Statutes, is amended to
497 read:

498 322.61 Disqualification from operating a commercial motor
499 vehicle.—

500 (1) A person who, for offenses occurring within a 3-year
501 period, is convicted of two of the following serious traffic
502 violations or any combination thereof, arising in separate
503 incidents committed in a commercial motor vehicle shall, in
504 addition to any other applicable penalties, be disqualified from
505 operating a commercial motor vehicle for a period of 60 days. A
506 holder of a commercial driver license or commercial learner's
507 permit who, for offenses occurring within a 3-year period, is
508 convicted of two of the following serious traffic violations, or
509 any combination thereof, arising in separate incidents committed
510 in a noncommercial motor vehicle shall, in addition to any other
511 applicable penalties, be disqualified from operating a
512 commercial motor vehicle for a period of 60 days if such
513 convictions result in the suspension, revocation, or
514 cancellation of the licenseholder's driving privilege:

515 (a) A violation of any state or local law relating to motor
516 vehicle traffic control, other than a parking violation, arising
517 in connection with a crash resulting in death;

518 (b) Reckless driving, as defined in s. 316.192;

519 (c) Unlawful speed of 15 miles per hour or more above the
520 posted speed limit;

521 (d) Improper lane change, as defined in s. 316.085;

522 (e) Following too closely, as defined in s. 316.0895;

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523 (f) Driving a commercial vehicle without obtaining a
524 commercial driver license;

525 (g) Driving a commercial vehicle without the proper class
526 of commercial driver license or commercial learner's permit or
527 without the proper endorsement; ~~or~~

528 (h) Driving a commercial vehicle without a commercial
529 driver license or commercial learner's permit in possession, as
530 required by s. 322.03;~~-~~

531 (i) Texting while driving; or

532 (j) Using a handheld mobile telephone while driving.

533 (2) (a) Any person who, for offenses occurring within a 3-
534 year period, is convicted of three serious traffic violations
535 specified in subsection (1) or any combination thereof, arising
536 in separate incidents committed in a commercial motor vehicle
537 shall, in addition to any other applicable penalties, including
538 but not limited to the penalty provided in subsection (1), be
539 disqualified from operating a commercial motor vehicle for a
540 period of 120 days.

541 (b) A holder of a commercial driver license or commercial
542 learner's permit who, for offenses occurring within a 3-year
543 period, is convicted of three serious traffic violations
544 specified in subsection (1) or any combination thereof arising
545 in separate incidents committed in a noncommercial motor vehicle
546 shall, in addition to any other applicable penalties, including,
547 but not limited to, the penalty provided in subsection (1), be
548 disqualified from operating a commercial motor vehicle for a
549 period of 120 days if such convictions result in the suspension,
550 revocation, or cancellation of the licenseholder's driving
551 privilege.

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552 (3) (a) Except as provided in subsection (4), any person who
553 is convicted of one of the offenses listed in paragraph (b)
554 while operating a commercial motor vehicle shall, in addition to
555 any other applicable penalties, be disqualified from operating a
556 commercial motor vehicle for a period of 1 year.

557 (b) Except as provided in subsection (4), any holder of a
558 commercial driver license or commercial learner's permit who is
559 convicted of one of the offenses listed in this paragraph while
560 operating a noncommercial motor vehicle shall, in addition to
561 any other applicable penalties, be disqualified from operating a
562 commercial motor vehicle for a period of 1 year:

563 1. Driving a motor vehicle while he or she is under the
564 influence of alcohol or a controlled substance;

565 2. Driving a commercial motor vehicle while the alcohol
566 concentration of his or her blood, breath, or urine is .04
567 percent or higher;

568 3. Leaving the scene of a crash involving a motor vehicle
569 driven by such person;

570 4. Using a motor vehicle in the commission of a felony;

571 5. Refusing to submit to a test to determine his or her
572 alcohol concentration while driving a motor vehicle;

573 6. Driving a commercial motor vehicle when, as a result of
574 prior violations committed operating a commercial motor vehicle,
575 his or her commercial driver license or commercial learner's
576 permit is revoked, suspended, or canceled, or he or she is
577 disqualified from operating a commercial motor vehicle; or

578 7. Causing a fatality through the negligent operation of a
579 commercial motor vehicle.

580 (4) Any person who is transporting hazardous materials as

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581 defined in s. 322.01(24) shall, upon conviction of an offense
582 specified in subsection (3), be disqualified from operating a
583 commercial motor vehicle for a period of 3 years. The penalty
584 provided in this subsection shall be in addition to any other
585 applicable penalty.

586 (5) A person who is convicted of two violations specified
587 in subsection (3) which were committed while operating a
588 commercial motor vehicle, or any combination thereof, arising in
589 separate incidents shall be permanently disqualified from
590 operating a commercial motor vehicle. A holder of a commercial
591 driver license or commercial learner's permit who is convicted
592 of two violations specified in subsection (3) which were
593 committed while operating any motor vehicle arising in separate
594 incidents shall be permanently disqualified from operating a
595 commercial motor vehicle. The penalty provided in this
596 subsection is in addition to any other applicable penalty.

597 (6) Notwithstanding subsections (3), (4), and (5), any
598 person who uses a commercial motor vehicle in the commission of
599 any felony involving the manufacture, distribution, or
600 dispensing of a controlled substance, including possession with
601 intent to manufacture, distribute, or dispense a controlled
602 substance, shall, upon conviction of such felony, be permanently
603 disqualified from operating a commercial motor vehicle.

604 Notwithstanding subsections (3), (4), and (5), any holder of a
605 commercial driver license or commercial learner's permit who
606 uses a noncommercial motor vehicle in the commission of any
607 felony involving the manufacture, distribution, or dispensing of
608 a controlled substance, including possession with intent to
609 manufacture, distribute, or dispense a controlled substance,

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610 shall, upon conviction of such felony, be permanently
611 disqualified from operating a commercial motor vehicle. The
612 penalty provided in this subsection is in addition to any other
613 applicable penalty.

614 (7) Any person who uses a commercial motor vehicle in the
615 commission of any felony involving human trafficking under state
616 or federal law shall, upon conviction of, or plea of guilty or
617 nolo contendere to, regardless of whether adjudication is
618 withheld, such felony, be permanently disqualified from
619 operating a commercial motor vehicle. The penalty provided in
620 this subsection is in addition to any other applicable penalty.

621 (8)~~(7)~~ A person whose privilege to operate a commercial
622 motor vehicle is disqualified under this section may, if
623 otherwise qualified, be issued a Class E driver license,
624 pursuant to s. 322.251.

625 (9)~~(8)~~ A driver who is convicted of or otherwise found to
626 have committed a violation of an out-of-service order while
627 driving a commercial motor vehicle is disqualified as follows:

628 (a) At least 180 days but not more than 1 year if the
629 driver is convicted of or otherwise found to have committed a
630 first violation of an out-of-service order.

631 (b) At least 2 years but not more than 5 years if, for
632 offenses occurring during any 10-year period, the driver is
633 convicted of or otherwise found to have committed two violations
634 of out-of-service orders in separate incidents.

635 (c) At least 3 years but not more than 5 years if, for
636 offenses occurring during any 10-year period, the driver is
637 convicted of or otherwise found to have committed three or more
638 violations of out-of-service orders in separate incidents.

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639 (d) At least 180 days but not more than 2 years if the
640 driver is convicted of or otherwise found to have committed a
641 first violation of an out-of-service order while transporting
642 hazardous materials required to be placarded under the Hazardous
643 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
644 while operating motor vehicles designed to transport more than
645 15 passengers, including the driver. A driver is disqualified
646 for a period of at least 3 years but not more than 5 years if,
647 for offenses occurring during any 10-year period, the driver is
648 convicted of or otherwise found to have committed any subsequent
649 violations of out-of-service orders, in separate incidents,
650 while transporting hazardous materials required to be placarded
651 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
652 5101 et seq., or while operating motor vehicles designed to
653 transport more than 15 passengers, including the driver.

654 (10)~~(9)~~ A driver who is convicted of or otherwise found to
655 have committed an offense of operating a commercial motor
656 vehicle in violation of federal, state, or local law or
657 regulation pertaining to one of the following six offenses at a
658 railroad-highway grade crossing must be disqualified for the
659 period of time specified in subsection (11) ~~(10)~~:

660 (a) For drivers who are not always required to stop,
661 failing to slow down and check that the tracks are clear of
662 approaching trains.

663 (b) For drivers who are not always required to stop,
664 failing to stop before reaching the crossing if the tracks are
665 not clear.

666 (c) For drivers who are always required to stop, failing to
667 stop before driving onto the crossing.

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668 (d) For all drivers, failing to have sufficient space to
669 drive completely through the crossing without stopping.

670 (e) For all drivers, failing to obey a traffic control
671 device or all directions of an enforcement official at the
672 crossing.

673 (f) For all drivers, failing to negotiate a crossing
674 because of insufficient undercarriage clearance.

675 (11) (a) ~~(10) (a)~~ A driver must be disqualified for at least
676 60 days if the driver is convicted of or otherwise found to have
677 committed a first violation of a railroad-highway grade crossing
678 violation.

679 (b) A driver must be disqualified for at least 120 days if,
680 for offenses occurring during any 3-year period, the driver is
681 convicted of or otherwise found to have committed a second
682 railroad-highway grade crossing violation in separate incidents.

683 (c) A driver must be disqualified for at least 1 year if,
684 for offenses occurring during any 3-year period, the driver is
685 convicted of or otherwise found to have committed a third or
686 subsequent railroad-highway grade crossing violation in separate
687 incidents.

688 Section 16. Subsection (2) of section 322.34, Florida
689 Statutes, is amended to read:

690 322.34 Driving while license suspended, revoked, canceled,
691 or disqualified.—

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

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697 322.264, who, knowing of such cancellation, suspension,
698 revocation, or suspension or revocation equivalent status,
699 drives any motor vehicle upon the highways of this state while
700 such license or privilege is canceled, suspended, or revoked, or
701 while under suspension or revocation equivalent status, commits:

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

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

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

710 (c) A felony of the third degree, punishable as provided in
711 s. 775.082, s. 775.083, or s. 775.084, upon a third or
712 subsequent conviction if the current violation of this section
713 or the most recent prior violation of the section is related to
714 driving while license canceled, suspended, revoked, or
715 suspension or revocation equivalent status resulting from a
716 violation of:

717 1. Driving under the influence;

718 2. Refusal to submit to a urine, breath-alcohol, or blood
719 alcohol test;

720 3. A traffic offense causing death or serious bodily
721 injury; or

722 4. Fleeing or eluding.

723

724 The element of knowledge is satisfied if the person has been
725 previously cited as provided in subsection (1); or the person

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726 admits to knowledge of the cancellation, suspension, or
727 revocation, or suspension or revocation equivalent status; or
728 the person received notice as provided in subsection (4). There
729 shall be a rebuttable presumption that the knowledge requirement
730 is satisfied if a judgment or order as provided in subsection
731 (4) appears in the department's records for any case except for
732 one involving a suspension by the department for failure to pay
733 a traffic fine or for a financial responsibility violation.

734 Section 17. This act shall take effect July 1, 2021.