

December 4, 2015

TO: Law Enforcement Agencies  
Florida Clerk of Courts (FCCC)  
County & Circuit Judges

FROM: Maureen Johnson, Chief   
Bureau of Records  
Division of Motorist Services

SUBJECT: CDL Adjudication Withheld Validation Processes Update

On October 29, 2015, the Department notified all Clerks of Court, Law Enforcement Agencies, and County and Circuit Judges that by December 18, 2015, the Department would develop new business rules for processing infraction dispositions for commercial driver license (CDL), and commercial learner permit (CLP) holders, and for any person operating a commercial motor vehicle (CMV). These rules will apply to cases in which the driver exercises a driving school election option pursuant to s. 318.14 (9), or the court withholds adjudication of guilt pursuant to s. 318.14 (11), Fla. Stat. This change is required for the Department to comply with Florida and federal law. The new business rules will be implemented in early January 2016 and will apply **prospectively** to all such dispositions submitted to the Department on or after the implementation date.

In order to ensure the new business rules are applied only to dispositions received on or after the implementation date, the Department will require the Clerks of Court to submit all CDL/CLP/CMV infraction dispositions currently in their TCATS error queues to the Department **on or before December 31, 2015**. All such dispositions will be posted to the driver record with the original verdict. Please note that these dispositions will be used to support CDL or CLP disqualification if the driver receives a new qualifying disposition on or after the implementation of the new business rules. The new rules are outlined below.

### **318.14 (11) Adjudication Withheld**

Section 322.01(11)(b) states “Notwithstanding any other provisions of this chapter, the definition of “conviction” provided in 49 C.F.R. s. 383.5 applies to offenses committed in a commercial motor vehicle or by a person holding a commercial driver license.” 49 C.F.R. 383.5 includes within the definition of “conviction” “a determination that a person has violated or

December 4, 2015

Page 2

failed to comply with the law . . . a plea of guilty or nolo contendere accepted by the court, [or] the payment of a fine or court cost.”

When the Department receives an infraction disposition for any person holding a CDL or CLP, or who was operating a commercial motor vehicle, in which adjudication was withheld by the court pursuant to as provided in s. 318.14(11) Fla. Stat., the disposition will be added to the driver history and transcript with the following phrase “ADJ WITHHELD BY JUDGE with CONV-FED Purposes Only.”

The original disposition submitted by the court will not be changed in the TCATS system. Points will not be assessed for the disposition; however, it will be routed through the disqualification process and may count toward disqualification even though adjudication was withheld. The disposition will also be reported to other states through the Commercial Driver License Information System (CDLIS) as a conviction as required by Florida and federal law.

### **318.14 (9) School Election**

The school election option in s. 318.14 (9) Fla. Stat., is not available to drivers who hold a CDL or CLP or who were driving a commercial vehicle. If the Department receives a school election disposition for any CDL or CLP holder or for any driver who was cited while operating a commercial motor vehicle, the disposition will be converted to “guilty” and posted to the driver history and transcript accordingly. The original disposition submitted by the clerk will not be changed in the Traffic Citation Accounting Transmission System (TCATS), but the driver history and transcript will indicate guilty. Points will be assessed and sanctions created as applicable.

The Department will continue to work with its partners to ensure the security, integrity and efficiency of its informational services. If you have any questions please contact [courtassist@flhsmv.gov](mailto:courtassist@flhsmv.gov).