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TO: Law Enforcement Agencies
FACC
Clerk of Courts

FROM: Maureen Johnson, Chief 
Division of Motorist Services

SUBJECT: Changes to CDL Adjudication Withheld Validation Processes

Effective January 11, 2014, if an Adjudication Withheld on a Commercial Driver License (CDL) driver comes in for 318.14 (9) F.S. School Election Option or 318.14 (11) Judge ordered Adjudication Withheld it will be sent back to the Clerk of Court through TCATS as an error.

318.14(9) and 318.14(11) Florida Statutes does not allow for adjudication withheld for a CDL driver. This is also a direct violation of Federal Regulation 49 C.F.R. Part 384.226 and 49 C.F.R. Part 383.5. Furthermore, 322.01 (11) Florida Statutes adopts the **49 C.F.R. Part 383.5** definition of conviction into the Florida Statutes with regard to commercial driver licensed individuals in the state. The Florida statute reads:

(11)(a) *“Conviction” means a conviction of an offense relating to the operation of motor vehicles on highways which is a violation of this chapter or any other such law of this state or any other state, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14, or a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions.*

(b) *Notwithstanding any other provisions of this chapter, the definition of “conviction” provided in 49 C.F.R. part 383.5 applies to offenses committed in a commercial motor vehicle or by a person holding a commercial driver’s license.*

The department appreciates your patience and understanding regarding this matter. We will continue to work with all of our partners to ensure the security, integrity and efficiency of our informational services. If you have any questions you may contact courtassist@flhsmv.gov