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Rulemaking Workshop  
Ch. 15A-11, F.A.C.  
December 9, 2013  
2:00 p.m., Room B-130, Neil Kirkman Building

#### AGENDA

1. Introduction, Richard L. Brown, Esq., Assistant General Counsel
2. Review Draft Text, Julie Gentry, Bureau Chief
3. Comments on Draft Text, Open to Audience
4. Review Forms incorporated by reference, Julie Gentry
5. Comments on Forms, Open to Audience
6. Discussion of Estimated Regulatory Costs, Open to Audience
7. Close of Workshop

## CHAPTER 15A-11 COMMERCIAL DRIVING SCHOOL

- 15A-11.001 Definitions
- 15A-11.002 General Regulations
- 15A-11.003 Commercial Driving School License Application and Renewal
- 15A-11.004 Commercial Driving School Instruction Vehicles
- 15A-11.005 Program of Instruction
- 15A-11.006 Commercial Driving School Instructor Certificate Application and Renewal
- 15A-11.007 Agent Identification Cards
- 15A-11.008 Driving Instruction Contracts
- 15A-11.009 CTDS Instructor Certificate Application and Renewal
- 15A-11.010 CTDS Instruction Vehicles
- 15A-11.011 Denial, Revocation or Suspension of Driver Training School ~~CD~~S License, Driver Training School ~~CD~~S, CTDS Instructor's Certificate or Agent's Card
- ~~15A-11.012 Forms~~

### 15A-11.001 Definitions.

(1) Agent – A person who holds a valid identification card issued by the Department, pursuant to Chapter 488, F.S., indicating the individual is an agent for the Commercial Driving School ~~CD~~S, or CTDS, and is authorized by the school to solicit on its behalf.

(2) Commercial Driving School (~~CD~~S) – A school licensed by the Department pursuant to Chapter 488, F.S., which is authorized to engage in behind the wheel driving instruction. Also referred to throughout this rule as Driver Training School.

(3) Commercial Driving School License – A license issued to a school by the Department pursuant to Chapter 488, F.S., indicating that the school is authorized to engage in driving instruction.

(4) Commercial Motor Vehicle Driver Instructor Training Course (CMV-DITC) – A Traffic Safety Education Course for commercial truck driver instructors.

(5) Commercial Truck Driving School (CTDS) – A school licensed by the Commission for Independent Education pursuant to Chapter 1005, F.S., which is authorized to engage in commercial motor vehicle driving instruction.

(6) Commission for Independent Education (CIE) – The Commission for Independent Education established by Chapter 1005, F.S. which establishes criteria for commercial truck driving schools.

(7) Department – The Department of Highway Safety and Motor Vehicles, Bureau of Motorist Compliance ~~Driver Education and DUI Programs~~. The Department licenses the Driver Training School ~~CD~~S and both Driver Training School ~~CD~~S and CTDS instructors and agents, but not CTDS schools.

(8) Driver Instructor Training Course (DITC) – A Traffic Safety Education Course for driving instructors.

(9) Driving Instruction – Any activity for compensation related to on the road or classroom driving education.

(10) Driving Instruction Contract – A written agreement between a Driver Training School ~~CD~~S and each of its students to provide driving instruction.

(11) Driver License Office – A driver licensing facility operated by or under the authority of the Division of Motorist Services or local Tax Collector.

(12) Immediate Family Member – A person's spouse, parents, grandparents, brothers, sisters and children, or the spouse's parents, grandparents, brothers, sisters and children.

(13) Instructor – A person who holds a valid instructor certificate and engages in driving instruction on behalf of a commercial driving school licensed by the Department or the CIE.

(14) Instructor Certificate – An instructor certificate issued to an individual instructor by the Department, pursuant to Chapter 488, F.S., indicating the individual is an instructor for a specific commercial driving school or commercial truck driving school.

(15) Owner – The person or corporation who has the controlling financial interest of the Driver Training School ~~CD~~S.

(16) School Vehicle – A vehicle owned or leased by the Driver Training School ~~CD~~S or CTDS that is registered with the Department to provide driving instruction.

(17) Student – A person who receives driving instruction from a Driver Training School ~~CD~~S or CTDS.

(18) Lesson - A period of time spent teaching or learning a subject.

(19) Curriculum - A defined and prescribed course of studies.

*Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History–New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.002 General Regulations.**

(1) No employee of the Department or immediate family member of a Department employee shall be connected in any capacity with any Driver Training School ~~CD~~S or CTDS in accordance with Section 112.313(7), F.S.

(2) A Driver Training School ~~CD~~S shall not indicate that its program is in any way endorsed by the Department, except to say that it is “licensed.”

(3) A Driver Training School ~~CD~~S shall not utilize advertising that indicates, in any way, the school can issue or guarantee the issuance of a driver license or imply that the Driver Training School ~~CD~~S can in any way influence the Department in the issuance of a driver license, or imply preferential or advantageous treatment from the Department can be obtained.

(4) An agent, instructor, owner or any representative of a licensed Driver Training School or CTDS shall not solicit for, contract for or conduct behind the wheel training, license testing, or any other type of business on the property of any driver license office or tax collector’s office, whether owned or leased, including the driving range/routes and parking areas adjoining the driver license or tax collector’s office. Driver Training Schools are prohibited from parking their vehicles at driver license or tax collector offices at any time with the exception of when a student is using their vehicle to take an exam.

(5)(4) The Driver Training School CDS must maintain a principal place of business in Florida, which cannot be a residence and must notify the Department in writing within ten (10) days of any change in the school owner’s name, the school owner’s address, the school’s name, or the school’s principal place of business address, the school’s or telephone number, or the termination or resignation of an instructor.

(5) A duplicate school license or vehicle registration may be issued to a school by submitting a request to the Department on a completed form HSMV 77074S (Rev. 9/10), which is available as provided in Rule 15A-11.012, F.A.C. An affidavit stating that the original document was physically destroyed or lost must accompany the form HSMV 77074S (Rev. 9/10). The fee for issuance of a duplicate certificate shall be two dollars (\$2).

(6) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner’s license permit issued by the Department or another jurisdiction for the purpose of learning how to drive.

(7) A Driver Training School ~~CD~~S shall sufficiently train its students that do not have a Class “E” driver license to better enable students to safely operate a motor vehicle. The Department may require performance evaluations of a Driver Training School ~~CD~~S, to determine whether if the Department determines the school’s driving instruction meets does not meet this standard.

(8) An agent, instructor, owner or any representative of a licensed Driver Training School shall not store, reveal, or sell questions that are currently housed in the Department’s library of knowledge test questions. Nothing prohibits the Driver Training School from storing, banking or utilizing test questions other than the Department’s questions including test questions developed independently of the Department’s library of knowledge test questions for use as practice test questions.

(9) A Driver Training School shall not use any name in its advertising besides the name shown on form HSMV 77074S (Rev. 10/2013), Driver Training School Application Form, herein incorporated by reference, which is obtainable by contacting the Bureau of Motorist Compliance, Neil Kirkman Building, Tallahassee, Florida 32399-0517 and shall not use the word “state, state of Florida, DMV, DDL” or any other words that would associate the business with the Department of Highway Safety and Motor Vehicles, in any part of its name or in any advertising.

(10) A Driver Training School must permit the Department to inspect its meeting facilities, classrooms, offices, vehicles and records at the discretion of the Department.

(11) A Driver Training School shall make reasonable effort to protect the student from conditions harmful to learning by providing an atmosphere free from distractions.

(12) A Driver Training School shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

(13) A Driver Training School shall not behave in a manner which the Department determines endangers the health, safety and welfare or creates a hostile environment for any student, the general public, department employees or their agents, other Driver

Training School licensees, instructors, or agents. This includes but is not limited to threatening, harrasing, intimidating, stalking, coercing or otherwise posing an immediate or potential danger to the safety and welfare of others as documented by an official police report or by an investigation conducted by the department.

(14) Use, replication or adaptation of department web pages, logos, brochures, advertising materials, slogans, or other practices without the authorization of the Department is strictly prohibited.

(15) The use of cameras to record the official exam is prohibited.

(16) Complaints from citizens against a Driver Training School shall be in writing, signed and dated. All complaints filed against Driver Training Schools must be submitted in writing. Complaints from a Driver Training School must be submitted on company letterhead, signed by the school owner and dated with original blue ink signatures. All complaints filed with the Department are public record except those with a specific exemption as listed in Chapter 119, Florida Statutes.

*Rulemaking Authority 488.02 FS. Law Implemented 119.071, 120.60, 488.01 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

### **15A-11.003 Driver Training School ~~CD~~S License Application and Renewal.**

(1) The Department oversees and licenses all Driver Training Schools ~~CD~~S, except CTDS licensed by the CIE. All private (non-public) CTDS are required to be licensed pursuant to Chapter 1005, F.S. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license from the Department or from CIE pursuant to Chapter 1005, F.S.

(2) All owners or all officers or partners, desiring to engage in the business of ~~conducting~~ a Driver Training School ~~CD~~S shall, prior to engaging in such business, secure a license ~~License~~ from the Department by filing an application on form HSMV77074S (Rev. 10/2013 9/40), Driver Training School Application Form ~~which is available as provided in Rule 15A-11.012, F.A.C.~~

(3) Every owner, officer, or partner of the school shall provide one set of finger prints for a fingerprint-based criminal background check, the cost of which is borne by the applicant.

(4) Every application for a license must be accompanied by a non-refundable application fee of fifty dollars (\$50) along with a license fee of two hundred dollars (\$200) and shall be paid by money order, personal check, certified check or company check, to the Department. All complete applications for original licensure will either be denied or a license will be issued within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(5) Each original license shall be valid for a period of one year from the date of issuance.

(6) The license shall not be transferable in the event of a change of school ownership. Application for a new license shall be made by the new owner and the old license and all instructor certificates previously issued shall be surrendered to the Department before a license will be issued to the new owner. Additionally, if the school is a previously licensed CTDS, a copy of the new CIE license must be furnished to the Department.

(7) The license or a legible copy must be retained and displayed at the licensed ~~in each~~ place of business operated by the Driver Training School ~~CD~~S.

(8) A Driver Training School ~~CD~~S license is only operational at the address listed in the license.

(9) Application for renewal of a Driver Training School ~~CD~~S license shall be made at least forty-five (45) days prior to the certificate's expiration date on form HSMV 77074S (Rev. 10/2013 9/40), Driver Training School Application Form ~~which is available as provided in Rule 15A-11.012, F.A.C.~~, and accompanied by a fee of one hundred dollars (\$100) payable to the Department by money order, personal check, certified check or company check. The renewal period for a Driver Training School ~~CD~~S license is one year. Owners who permit their license to expire shall not be permitted to operate their school and shall have to apply for a new license as set forth above. Any application received less than 45 days from the expiration date will not be considered.

(10) A duplicate school license or vehicle identification certificate may be issued to a school by submitting a request to the Department on a completed form HSMV 77074S (Rev. 10/2013), Driver Training School Application Form. An affidavit stating that the original document was physically destroyed or lost must accompany the form HSMV 77074S (Rev. 10/2013), Driver Training School Application Form. The fee for issuance of a duplicate certificate shall be two dollars (\$2).

(11) A Driver Training School shall notify the department within 10 days of the termination or resignation of an instructor and shall submit the instructor's certificate to the department for destruction.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.01, 488.06 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

**15A-11.004 Driver Training School CDS Instruction Vehicles.**

(1) No vehicle shall be used for instruction unless the licensee has obtained a school vehicle identification certificate from the Department, unless the student has signed a waiver to use their personal vehicle. The vehicle identification certificate registration shall be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall notify the Department in writing within ten (10) days.

(2) The school must complete the vehicle section of the school application form HSMV77074S (Rev. 10/2013 9/10), Driver Training School Application Form, or the vehicle identification certificate registration form HSMV77071S (Rev. 10/2013 2/10), Vehicle Identification Certificate Application Form, herein incorporated by reference, which is obtainable by contacting the Bureau of Motorist Compliance, Neil Kirkman Building, Tallahassee, Florida 32399-0517 ~~which are available as provided in Rule 15A-11.012, F.A.C.~~ The application shall include evidence of sufficient security in accordance with Chapter 324 and Section 627.7275, F.S., as evidence of Financial Responsibility and in compliance with Florida Motor Vehicle No-Fault Law and the Florida Financial Responsibility Law.

(3) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, personal check, company check or certified check for each motor vehicle being certified as an instruction vehicle registered. The vehicle certification registration shall be valid for one year from the date of approval. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of a completed application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(4) Each school must pay the Department a non-refundable fee of ten dollars (\$10) for each motor vehicle certification registration being renewed. The vehicle certification registration shall be valid for one year from the date of approval. All complete applications for renewal must be received no less than 45 days from the expiration date. Any application received less than 45 days from the expiration date will not be accepted by the department and the license will not be renewed.

(5) A motor vehicle used for behind the wheel training must exhibit the name of the Driver Training School, identify "Student Driver" in four (4) inch letters or larger print and display the telephone number of the school. The above information must be visible from all directions. The display of instructor's telephone numbers on Driver Training School vehicles is strictly prohibited.

(6) A motor vehicle used for behind the wheel training must have installed dual brakes for the safety of the student and other drivers.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.05 FS., 49 CFR s. 396.17. History—New 9-20-10, Amended \_\_\_\_\_.*

**15A-11.005 Program of Instruction.**

(1) All programs of instruction offered by a Driver Training School CDS shall be consistent with and subject to the Florida Uniform Traffic Control Law, Chapter 316, F.S., and the laws concerning licensing of drivers, Chapter 322, F.S.

(2) Driver Training Schools shall develop curriculum and administer structured lesson plans to all students to whom they provide behind the wheel training.

(3)(2) No Driver Training School CDS or CTDS instructor, employee or agent shall be permitted to teach the student using use the driving route, including the areas used to test parking, backing and three point turns, on or off the premises, of any driver license examining office or tax collector's office during the hours when driving tests are being conducted.

(4)(3) No Driver Training School CDS or CTDS instructor, employee or agent shall accompany any student into a driver license examining office to assist the student during the actual taking of a driver's license examination.

(5)(4) All instructors shall ascertain, before giving driving instruction, that the student possesses a valid learner's or instruction permit issued by the Department or another jurisdiction for the purpose of learning to drive.

(6) All students shall be instructed in accordance with the curriculum.

*Rulemaking Authority 488.02 FS. Law Implemented 119.071, 488.01, 488.04, 488.06, 322.07, 322.2615 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

**15A-11.006 Driver Training School CDS Instructor Certificate Application and Renewal.**

(1) All Driver Training School CDS instructors must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given. The application shall be on form HSMV 77073S (Rev. 10/2013 9/10), Instructor/Agent Application Form, herein incorporated by

reference, which is obtainable by contacting the Bureau of Motorist Compliance, Neil Kirkman Building, Tallahassee, Florida 32399-0517 which is available as provided in Rule 15A 11.012, F.A.C. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(2) Instructor qualifications.

(a) Instructors who teach students having a learner's or instructional permits shall be at least twenty-one (21) years of age,

(b) All instructors shall hold a valid driver license issued by this or another state for a period of one year prior to applying for an instructor's license. Every instructor shall have a valid Class E driver license.

(c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include more than one (1) ~~three (3)~~ chargeable motor vehicle ~~crash~~ ~~erashes~~ or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the revocation ~~suspension~~ of the instructor's certificate.

(d) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(e) Every instructor shall have ~~provide one set of finger prints for~~ a fingerprint-based criminal background check via a Live Scan Provider, the cost of which is borne by the applicant.

(3) All instructors shall complete a Driver Performance Analysis System Test or the equivalent approved by the Department to initially qualify as an instructor. Documentation of such training shall accompany the application. Once licensed, all instructors are required to participate in the next available Department approved 32-hour instructor training course. All instructors are required to participate in a Department approved 8-hour refresher course every three years. Documentation of such refresher training shall be submitted to the Department upon completion. An instructor who fails to complete the requirements listed in this subsection will have their license revoked and must apply for an original license as outlined in this section. ~~All instructors shall have successfully completed a DITC in driver education or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.~~

(4) Driver Training School ~~CDS~~ instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV77073S (Rev. 10/2013 9/10), Instructor/Agent Application Form, at least forty-five (45) days prior to the certificate's expiration date. All complete applications for renewal must be received no less than 45 days from the expiration date. Any application received less than 45 days from the expiration date will not be accepted by the department and the license will not be renewed.

(5) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, personal check, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

(6) Instructors must notify the department within 10 days of termination or resignation from a Driver Training School and shall submit the instructor's certificate to the department for destruction.

(7) Instructors may not display their personal contact information alone on any form of advertisement including business cards. The contact information of the driving school is required.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.04, 488.06 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.007 Agent Identification Cards.**

(1) Upon application to the Department, an agent shall be issued a card identifying him as an agent of a particular driving school to be used while acting on behalf of the school, if the agent is otherwise in compliance with these rules. All applications for agent identification cards must be answered completely on form HSMV 77073S (Rev. 10/2013 9/10), Instructor/Agent Application Form which is available as provided in Rule 15A 11.012, F.A.C. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(2) Every agent shall have ~~provide one set of finger prints for~~ a fingerprint-based criminal background check via a Live Scan Provider, the cost of which is borne by the applicant.

(3) Each original application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25) payable to the Department by money order, certified check, company check or personal check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

(4) The card shall be valid for a period of one year from its date of issuance and shall be renewed by applying to the Department upon the proper form at least forty-five (45) days prior to the expiration date of the card. All complete applications for renewal must be received no less than 45 days from the expiration date. Any application received less than 45 days from the expiration date will not be accepted by the department and the license will not be renewed.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.04, 488.06 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.008 Driving Instruction Contracts.**

(1) The Driver Training School ~~CD~~S is authorized, but not required, to use form HSMV77072S (Rev. 10/2013 ~~2/40~~), Driving Instruction, herein incorporated by reference, which is available by contacting the Bureau of Motorist Compliance, Neil Kirkman Building, Tallahassee, Florida 32399-0517 which is available as provided in Rule 15A-11.012, F.A.C.

(2) If the Driver Training School receives compensation for giving instruction in the operation of motor vehicles or acts in the capacity of a professional driver training school, and elects not to use form HSMV 77072S(Rev 10/2013), Driving Instruction, it must document the following information:

- (a) The name of the student.
- (b) The date of birth of the student.
- (c) The address of the student.
- (d) The driver license number of the student.
- (e) The date of the agreement.
- (f) The name of the Driver Training School.
- (g) The name of the Instructor.
- (h) The signatures of both the student and the instructor.
- (i) The number of behind the wheel lessons.
- (j) The fee for the instructor per behind the wheel lesson or for a course of lessons.
- (k) The length of time for each behind the wheel lesson.
- (l) The fee for the use of the school's vehicle, if applicable.
- (m) Cancellation and refund policy information and any other disclaimers.
- (n) The fee for classroom instruction.
- (o) All charges associated with picking up and/or returning a student to a specific point of origin.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.01, 488.04, FS. History—New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.009 CTDS Instructor Certificate Application and Renewal.**

(1) No person shall perform any instructional duties for any CTDS licensed under Chapter 1005, F.S., unless such person shall meet the qualifications for instructors as herein provided. All instructional personnel must submit an application and possess a valid instructor's certificate issued by the Department, which shall be carried in the instructional vehicle at all times while driving instructions are being given. An application shall be made on form HSMV 77073S (Rev. 10/2013 ~~9/40~~), Instructor/Agent Application Form, which is available as provided in Rule 15A-11.012, F.A.C. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(2) Instructor qualifications.

(a) Every Instructor in a school who teaches students having a learner's or instructional permits shall be at least twenty-one (21) years of age.

(b) Every instructor shall have a valid Class A driver license.

(c) Every instructor must maintain, during any consecutive three year period, a driving record which does not include *more than* three (3) chargeable motor vehicle crashes or violations as defined in Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate.

(d) Every instructor shall have a minimum of three years of driving experience as a Class A CDL driver prior to application for an instructor's license.

(e) An instructor shall not have any physical or mental impediments that prohibit the instructor from satisfactorily providing driving instruction.

(f) Every instructor shall ~~have provide one set of finger prints for~~ a fingerprint-based criminal background check via a Live Scan Provider, the cost of which is borne by the applicant.

(3) All CTDS instructors shall have successfully completed a driver education course consisting of written examinations and road tests or the equivalent approved by the Department prior to the instructor's certificate being issued. Documentation of such training shall accompany the application.

(4) CTDS instructor's certificates shall be valid for a period of one year from their date of issuance and shall be renewed yearly by applying to the Department on form HSMV 77073S (Rev. 10/2013 9/10), Instructor/Agent Application Form, at least forty-five (45) days prior to the certificate's expiration date. All complete applications for renewal must be received no less than 45 days from the expiration date . Any application received less than 45 days from the expiration date will not be accepted by the department and the license will not be renewed.

(5) Each original instructor application shall be accompanied by a non-refundable fee of twenty-five (\$25) dollars payable to the Department by money order, personal check, company check or certified check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department as set forth above.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.04, 488.06 FS. History—New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.010 CTDS Instruction Vehicles.**

(1) No vehicle shall be used for instruction unless it has been issued a federally approved safety inspection in accordance with Title 49 of the Code of Federal Regulations, section 396.17 (June, 17, 2009) and a motor vehicle identification certificate registration by the Department. The safety inspection and vehicle identification certificate registration must be carried in the vehicle at all times while driving instructions are being given. When a vehicle is no longer being used by a school, the school shall give the Department written notice of this fact.

(2) CTDS must submit the vehicle identification certificate registration form HSMV77071S (Rev. 10/2013 2/10), Vehicle Registration Application Form ~~which is available as provided in Rule 15A-11.012, F.A.C.~~ The owner shall file with the Department evidence of sufficient security in accordance with Chapter 324 and Section 627.7275, F.S., as evidence of Financial Responsibility and in compliance with Florida Motor Vehicle No-Fault Law and the Florida Financial Responsibility Law.

(3) Each school shall be required to pay a non-refundable fee of fifteen dollars (\$15) payable to the Department by money order, or certified check for each motor vehicle being registered. The vehicle identification certificate registration shall be valid for one year from the date of approval. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application.

(4) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle identification certificate registration being renewed. The renewed vehicle identification certificate registration shall be valid for one year from the date of approval. All complete applications for renewal must be received no less than 45 days from the expiration date. Any application received less than 45 days from the expiration date will not be accepted by the department and the license will not be renewed.

*Rulemaking Authority 488.02 FS. Law Implemented 120.60, 488.05 FS., 49 CFR s. 396.17. History—New 9-20-10, Amended \_\_\_\_\_.*

#### **15A-11.011 Denial, Revocation or Suspension of Driver Training School CDS License, Driver Training School CDS, CTDS Instructor's Certificate or Agent's Card.**

(1) Any applicant will be denied licensure and any licensee license, certificate or agent identification card will be denied, revoked or suspended by the Department for the following reasons:

(a) The violation of any provision of Chapter 488, F.S., or of any of these rules.

(b) The conviction of, the plea of no contest to, or the adjudication withheld for, any felony or misdemeanor offense as shown by a fingerprint-based criminal background check conducted by the Department. Applicants with any convictions must wait at least 5 years after the conviction date to be considered. Applicants who have pled no contest to, had adjudication withheld or were

~~convicted of a felony or misdemeanor with convictions~~ that directly relates to the business of conducting a commercial driver training school, including ~~those convictions~~ that directly relate to the personal safety of a student will not be considered. DUI convictions or personal use drug convictions outside the five year period will not automatically disqualify an applicant if the applicant has served their revocation period and has a full unrestricted driver's license.

(c) The employment of instructors, teachers or agents who have not been approved and certified or issued identification cards by the Department, or giving driving instruction without being certified by the Department.

(d) The instruction of students contrary to the restrictions imposed on the students' driver licenses.

(e) Business solicitation on any premises, including parking areas, used by the Department or a tax collector for the purpose of licensing.

(f) Storing, revealing, or selling questions that are housed in the Department's library of knowledge test questions issued through the Department's Driver License Testing Web Service.

~~(g)(#)~~ Committing fraud or willful misrepresentation in applying for or obtaining a license.

(h) Behaving in a manner which the Department determines endangers the health, safety and welfare or creates a hostile environment for any student, the general public, department employees or their agents, other Driver Training School licensees, instructors, or agents. This includes but is not limited to threatening, harrassing, intimidating, stalking, coercing or otherwise posing an immediate or potential danger to the safety and welfare of others as documented by an official police report or by an investigation conducted by the department.

(i) Obtaining or assisting a person in obtaining any driver license by fraud or misrepresentation.

(j) Utilizing department driving ranges or test routes.

(2) The Department ~~will~~ ~~may~~ take emergency suspension or revocation action, without preliminary hearing whenever any school or instructor has ~~knowingly~~ been involved in assisting anyone to obtain a driver license fraudulently.

(3) The Department shall notify CIE if negative action is taken against a truck driver training school or its instructors.

*Rulemaking Authority 488.02 FS. Law Implemented 112.011(1)(b), 119.071, 120.60, 488.06 FS. History—New 9-20-10, Amended*

#### **~~15A-11.012 Forms.~~**

~~The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the Bureau of Driver Education and DUI Programs Section, Neil Kirkman Building, Tallahassee, Florida 32399-0571. The following forms are available via our website at <http://www.flhsmv.gov/ddl/eomschool.html>.~~

~~(1) Vehicle Registration Application Form, HSMV Form 77071S (Rev. 2/10);~~

~~(2) Student Contract Form, HSMV Form 77072S (Rev. 2/10);~~

~~(3) Instructor/Agent Application Form, HSMV Form 77073S (Rev. 9/10);~~

~~(4) Driver Training School Application Form, HSMV Form 77074S (Rev. 9/10).~~

*Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History—New 9-20-10, Repealed*

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
DIVISION OF MOTORIST SERVICES  
BUREAU OF MOTORIST COMPLIANCE

VEHICLE IDENTIFICATION CERTIFICATE APPLICATION FOR DRIVER TRAINING SCHOOL

Chapter 488, Florida Statutes, and Florida Administrative Code 15A-11.004 and 15A-11.010 requires that all instructional vehicles have an Original Identification Certificate that must show a vehicle owned or leased by the Commercial Driving School where that vehicle is used for providing driving instruction. The 90 day licensing period starts at the receipt of a complete application.

A complete application for the renewal of the Identification Certificate of a vehicle owned or leased by the Commercial Driving School where the vehicle is used for providing driving instruction must be received by the department not less than 45 days (s. 120.60(4),F.S) from the expiration date. If received less than 45 days from the expiration date the renewal application is considered to be late. In such cases, the late renewal will be considered an original application and the commercial driving school must pay the original registration fee of \$30.00.

**THIS APPLICATION MUST BE COMPLETED AND SUBMITTED WITH ALL REQUIRED DOCUMENTS AND FEES ATTACHED.**

**This form, all required documentation, and fees must be submitted to:**

Department of Highway Safety and Motor Vehicles  
Bureau of Motorist Compliance  
Neil Kirkman Building, Mail Stop 88  
2900 Apalachee Parkway  
Tallahassee, Florida 32399-0570

*All fees are due at submission of the application. Fees are payable by check or money order to Department of Highway Safety and Motor Vehicles (DHSMV).*

**Original Identification Certificate or Renewal Identification Certificate**

Vehicle Identification Certificate (Original): \$15.00 \_\_\_\_\_ (non. refundable per F.S. 488.05)

Vehicle Identification Certificate (Renewal): \$10.00 \_\_\_\_\_

**1. GENERAL INFORMATION**

(A) Name of School \_\_\_\_\_

(B) Physical Address \_\_\_\_\_

(C) Mailing Address \_\_\_\_\_

(D) Phone number(s) \_\_\_\_\_

**2. VEHICLE INFORMATION**

Enter the following information for each vehicle being identified. Each vehicle must have a dual brake installed. If the vehicle is leased by the school, please attach a copy of the lease agreement (if necessary continue on a separate sheet and attach to this application). Enclose a current certificate of insurance for the vehicle listed:

<b>MAKE</b>	<b>YEAR</b>	<b>VIN</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ATTACH THE FOLLOWING TO THIS APPLICATION:**

1. All information required for this Identification Certificate.
2. All fees for application.
3. Certificate of Insurance for each vehicle including policy effective dates, vehicle description, certificate holder, insured, agent, insurance coverage and limits. The certificate must state that ten (10) days notice will be given to the Bureau of Motorist Compliance, Department of Highway Safety and Motor Vehicles in the event of change or cancellation of the policy.  
(Department of Highway Safety & Motor Vehicle must be listed as the certificate holder)
4. Commercial Truck Driving Schools, attach the current year U.S. Department of Transportation Annual Inspection form (NAV-90-553) on each vehicle registered.

**Operating Agreements:**

***Please read the following information and on the line provided place your initials. These must be initialed in order for the application to be considered complete.***

1. I acknowledge and understand that when a vehicle is no longer being used by a school; the school shall notify the Department in writing within ten (10) days. \_\_\_\_\_
2. I acknowledge and understand that the motor vehicles that are used for behind the wheel training must exhibit the name of the Driver Training School, identify "Student Driver" in four (4) inch letters or larger print and display the telephone number of the school. The above mentioned information must be visible from all directions. Displaying the instructor's telephone number(s) alone on Driver Training School Vehicles is strictly prohibited. \_\_\_\_\_
3. I acknowledge and understand that any vehicle owned by a Driver Training School being used for behind the wheel training must have a dual brake installed on the vehicle. \_\_\_\_\_
4. I acknowledge and understand the use of cameras to record the official exam is prohibited.\_\_\_\_

***Note: Original application must be signed in blue ink.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position within School

**Driving Instruction**

This form is in accordance with the provisions of Chapter 488, Florida Statutes and Administrative Rule 15A-11.008 and 15A-11.012.

**Student Information**

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Address \_\_\_\_\_ Phone number \_\_\_\_\_  
Driver License # \_\_\_\_\_ Expires \_\_\_\_\_

**Driver Training School Information**

Name of School \_\_\_\_\_ Phone number \_\_\_\_\_  
Address \_\_\_\_\_ Instructor Name \_\_\_\_\_  
Number of behind the wheel Instructions the student has completed \_\_\_\_\_

**Agreement**

\_\_\_\_\_ **Name of Student** \_\_\_\_\_ hereby agrees to take professional driver instruction consisting of \_\_\_\_\_ lessons. The school agrees to furnish a dual controlled car for all practical instruction without additional cost. The fee for the instructor is \$ \_\_\_\_\_ per lesson or \$ \_\_\_\_\_ for a course consisting of \_\_\_\_\_ lessons.

A lesson consists of \_\_\_\_\_ minutes and more than one lesson per appointment may be given. It is agreed that an owner, instructor, agent, or employee of this school shall not give the impression to a student that upon completion of their instruction, this school will guarantee the securing of a driver license to operate a motor vehicle. Use of the school training car for the road test is at the option of the student. If used, an additional fee of \$ \_\_\_\_\_ for such service will be charged. Classroom instruction relating to traffic laws is available and is \$ \_\_\_\_\_ per lesson.

*This school will not refund any tuition or part of tuition if the school is ready, willing, and able to fulfill its part of the contract. Appointments must be cancelled 24 hours in advance to avoid forfeiture of a lesson. It is understood that upon the signing of this contract all instruction must be completed within 60 days.*

Deposit \$ \_\_\_\_\_  
Balance Due \$ \_\_\_\_\_  
Paid in Full \$ \_\_\_\_\_

\_\_\_\_\_  
Student Signature Date

\_\_\_\_\_  
Instructors Signature Date

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
DIVISION OF MOTORIST SERVICES  
BUREAU OF MOTORIST COMPLIANCE

APPLICATION FOR AN INSTRUCTOR OR AGENT CERTIFICATE FOR DRIVER TRAINING SCHOOL

In accordance with the provisions of Chapter 488, Florida Statutes, and Administrative Rules 15A-11.002, 15A-11.006, 15A-11.007, 15A-11.009, and 15A-11.012, this form is to be used for original and renewal applications for the purpose of securing approval to engage in motor vehicle driving instruction by the individual employee of a commercial driving school or as an agent for a commercial driving school. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of a complete application by this agency. All complete applications for renewal must be received no less than 45 days from the expiration date (s. 120.60(4), F.S.). Any application received less than 45 days from the expiration date will be considered untimely and will not be accepted by the department and the license will not be renewed. In this instance a commercial driving school instructor must submit an original application for licensure.

**THIS APPLICATION MUST BE COMPLETE WITH ALL REQUIRED DOCUMENTS AND FEES ATTACHED PRIOR TO SUBMISSION TO THIS OFFICE.**

**This form along with all required documentation and fees are to be submitted to:**

Department of Highway Safety & Motor Vehicles  
Bureau of Motorist Compliance  
Neil Kirkman Building, Mail Stop 88  
2900 Apalachee Parkway  
Tallahassee, Florida 32399-0570

*All fees are due at submission of the application. Fees are payable by check or money order to Department of Highway Safety and Motor Vehicles (DHSMV).*

**Original Application or Renewal Application**

Original Instructor/Agent Fee: \$20.00 \_\_\_\_ Non-Refundable per F.S. 488.04(1)

Renewal Instructor/Agent Fee: \$15.00 \_\_\_\_

Duplicate Instructor/Agent Card \$2.00 \_\_\_\_



**4. BACKGROUND INFORMATION:**

Every Instructor or agent must have a fingerprint-based criminal background check via a Live Scan, the cost of which is borne by the applicant. This report will accepted up to 90 days from the date of submission. The conviction of, the plea of no contest to, or the adjudication withheld for, any felony or misdemeanor offense as shown by a fingerprint-based criminal background check conducted by the Department can disqualify a person as a holder of a license or acting as an instructor, agent or employee of the school.

**5. WORK EXPERIENCE:**

Have you have worked as a commercial driving school instructor before?  Yes  No  
If yes, please list the name of the school.

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Are you currently working for another commercial driving school?  Yes  No  
If yes, please list the name of the school .

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**ATTACH THE FOLLOWING TO THIS APPLICATION:**

1. All information called for throughout the application.
2. All fees for this application.
3. If you choose not to allow the use of your official DL photo, two photographs (one for original application, one for renewal) taken within thirty days of the application. All pictures must be identical 1 and 1/2 inch square. Pictures must show neck, shoulders, uncovered head, and have a solid background.
4. A notarized statement from the owner of the school that the instructor will be employed by and authorized to provide driving instructions on behalf of the school. Owners that are also Instructors are not required to submit letter of employment.
5. Attach proof of completion of the Driver Performance Analyses System Test.
6. Attach proof of registration in a department approved 32-hour course or proof of completion of such course.

***The Driver Privacy Protection Act, 18 United States Code, Sections 2721-2725 (DPPA) keeps personal information private by limiting who has access to the information. The department automatically blocks personal information on motor vehicle and driver license records.***

For this reason, please indicate from one of the following.

Yes, I give the Department of Highway Safety & Motor Vehicles permission to use the photo on my driver's license, as my certificate photo.

No, I do not give permission to use my driver's license photo.

**Operating Agreement:**

*Please read the following information and on the line provided place your initials indicating you understand the directive. These must be initialed in order for the application to be considered complete.*

1. I acknowledge that as an agent or instructor of a licensed Driver Training School or CTDS, I shall not solicit for, contract for or conduct behind the wheel training, license testing or any other type of business on the property of any driver license office or tax collector's office, whether owned or leased, including the driving range and parking areas adjoining the driver license or tax collector's office. \_\_\_\_\_

2. I acknowledge that Instructor's personal telephone numbers shall not be displayed alone on any form of advertisement including business cards unless the telephone number of the school is also present.  
\_\_\_\_\_

3. I acknowledge that as an agent or instructor of a licensed Driver Training School or CTDS, I shall behave in a manner which the Department determines endangers the health, safety, and welfare or creates a hostile environment for any student, the general public, department employees or their agents, other Driver Training School licensees, instructors, or agents. This includes but is not limited to threatening, harassing, intimidating, stalking, coercing, or otherwise posing immediate or potential danger to the safety and welfare of others as documented by an official police report or by an investigation conducted by the department. \_\_\_\_\_

4. I acknowledge that as an agent or instructor of a licensed Driver Training School or CTDS, I shall notify the department within 10 days of my termination or resignation as an instructor and shall submit the instructor's certificate to the department for destruction. \_\_\_\_\_

5. I acknowledge that I must maintain, during any consecutive three year period, a driving record which does not include more than one chargeable motor vehicle crash or violation as defined by Chapter 316, F.S. Any traffic or other violation resulting in suspension or revocation of the driving privilege will automatically cause the suspension of the instructor's certificate. \_\_\_\_\_

6. I acknowledge and understand the use of cameras to record the official exam is prohibited. \_\_\_\_\_

7. I acknowledge that no agent or instructor is allowed on the driving range/route at any time. \_\_\_\_\_

**I attest that the information provided is true and complete. I understand that any fraudulent or incorrect information provided or any information withheld by me will result in the revocation of my commercial driving school instructor certificate or agent card.**

**Note: Original application must be signed in blue ink.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position within School

\_\_\_\_\_  
Date

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
DIVISION OF MOTORIST SERVICES  
BUREAU OF MOTORIST COMPLIANCE

LICENSE APPLICATION FOR DRIVER TRAINING SCHOOL

In accordance with the provisions of Chapter 488, Florida Statutes and Florida Administrative Code 15A-11.002, 15A-11.003, 15A-11.004, and 15A-11.012, any individual, association, corporation or partnership, as owner of a potential or current Commercial Driving School must apply for licensure or renew a license using this form. All complete applications for original licensure will either be denied or accepted within 90 days of receipt of application by this agency. The 90 day licensing period starts at the receipt of a complete application. All complete applications for renewal must be received no less than 45 days from the expiration date (s. 120.60(4), F.S.), any application received less than 45 days from the expiration date will be considered untimely and will not be accepted by the department and the license will not be renewed. In this instance a commercial driving school must submit an original application for licensure and must cease conducting business on the day of expiration.

**Return completed application with attachments to:**

Department of Highway Safety and Motor Vehicles  
Bureau of Motorist Compliance  
Neil Kirkman Building, Mail Stop 88  
2900 Apalachee Parkway  
Tallahassee, Florida 32399-0570

*All fees are due at submission of the application. Fees are payable by check or money order to Department of Highway Safety and Motor Vehicles (DHSMV).*

**Original Application or Renewal Application:**

Application Fee: \$ 50.00 \_\_\_ Non-Refundable per F.S.488.03  
Original License Fee: \$200.00 \_\_\_  
License Renewal Fee: \$100.00 \_\_\_  
Duplicate Fee: \$2.00 \_\_\_ In addition to the fee, an affidavit stating that the original document has been destroyed or lost must accompany the request for a duplicate license or Vehicle Identification Certificate.  
Original Vehicle Registration: \$ 15.00 \_\_\_ Non-Refundable per F.S.488.05  
Renewal Vehicle Registration: \$ 10.00 \_\_\_

**1. GENERAL INFORMATION:**

No employee of the Department or immediate family member of the Department shall be connected in any capacity with any commercial driving school in accordance with section 112.313(7), F.S. and Administrative Rule 15A-11.002.

a. Name of Business: \_\_\_\_\_

b. Business Address: \_\_\_\_\_  
(Note: Each branch office location requires a separate license application)

c. Phone Number(s): \_\_\_\_\_

**2. OWNER/OPERATOR:**

a. If the school is owned by an individual, partnership, association or a corporation, list the name, addresses and positions of all persons involved. (Continue on a separate sheet of paper and attach if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. PROGRAM OF INSTRUCTION:**

a. A behind the wheel curriculum with structured lesson plans covering the information outlined in 15A-11.005, F.A.C shall be submitted with the application. Briefly describe what is contained in the curriculum and an overview of the lesson plan. Submit the entire curriculum with the application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. List of all instructors and agents who will be employed by the school. If necessary, please continue on a separate sheet of paper and attached to this application.

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c. In the boxes below, list the following information in regards to school vehicles that are licensed by the Department to be used by your organization. These vehicles must be dual controlled. If necessary continue on a separate sheet and attach to this application.

<u>MAKE</u>	<u>YEAR</u>	<u>VIN</u>
<hr/>	<hr/>	<hr/>

*Note: Whenever vehicles are replaced or added, notify the Department and forward a valid certificate of insurance to obtain a new vehicle registration.*

**4. BACKGROUND INFORMATION:**

a. Every owner, officer, or partner of the school, must have a fingerprint-based criminal background check via a Live Scan provider, the cost of which is borne by the applicant. This report will be accepted up to 90 days from the date of issuance. The conviction of, the plea of no contest to, or the adjudication withheld for, any felony or misdemeanor offense as shown by a fingerprint-based criminal background check conducted by the Department can disqualify a person as a holder of a license or acting as an instructor, agent or employee of the school.

**ATTACH THE FOLLOWING TO THIS APPLICATION:**

1. All information called for throughout the application.
2. All fees for this license.
3. Attach a certified copy of the Certificate of Fictitious Name, from the Department of State, as filed under the Fictitious Name Act. The Certificate must be current. If your school is incorporated you must submit a copy of the Certificate of Incorporation filed with the Department of State within the last 12 months. (To request information on how to obtain a copy of your certificate please call 850 – 488 – 9000).
4. Certificate of Insurance for each vehicle including policy effective dates, vehicle description, certificate holder, insured, agent, insurance coverage and limits. The certificate must state that ten (10) days' notice will be given to the Bureau of Motorist Compliance, Department of Highway Safety and Motor Vehicles in the event of change or cancellation of the policy. (Department of Highway Safety & Motor Vehicle must be listed as the certificate holder)
5. Attach certificate of occupancy or lease agreement for the principal place of business.
6. Attach proof of completion of the Driver Performance Analyses System Test.
7. Attach proof of registration in a department approved 32- hour course or proof of completion of such course.
8. **For Commercial Truck Driving Schools**, attach the current year U.S. Department of Transportation Annual Inspection form (NAV-90-553) on each vehicle your organization will use for instruction.

**Operating Agreement:**

***Please read the following information and on the line provided place your initials indicating you understand the directive. These must be initialed in order for the application to be considered complete.***

1. I acknowledge that as owner of a licensed Driver Training School, I and my employees are prohibited from soliciting for, contracting for or conducting behind the wheel training, license testing, or any other type of business on the property of any driver license office or tax collector's office, whether owned or leased, including the driving range and parking areas adjoining the driver license or tax collector's office. \_\_\_\_\_
  
2. I acknowledge that as a Driver Training School, I nor my employee's shall behave in a manner which the Department determines endangers the health, safety, and welfare or creates a hostile environment for any student, the general public, department employees or their agents, other Driver Training School licensees, instructors, or agents. This includes but is not limited to threatening, harassing, intimidating, stalking, coercing, or otherwise posing immediate or potential danger to the safety and welfare of others as documented by an official police report or by an investigation conducted by the department. \_\_\_\_\_
  
3. I acknowledge that as a Driver Training School, I shall notify the department within 10 days of the termination or resignation of an instructor and submit the instructor's certificate to the department for destruction. \_\_\_\_\_
  
4. I acknowledge that Instructor's personal telephone numbers shall not be displayed alone on any form of advertisement including business cards unless the telephone number of the school is also present. \_\_\_\_\_
  
5. I acknowledge and understand the use of cameras to record the official exam is prohibited. \_\_\_\_\_
  
6. I acknowledge that my employees are not allowed on the driving range/route at any time. \_\_\_\_\_

**I attest that the information provided in this application is true and complete. I understand that any fraudulent or incorrect information provided or any information withheld by me will result in the revocation of my Driver Training School certificate. I have read and understand Chapter 488, F.S., and Florida Administrative Code 15A-11 and agree that this business and all its employees will abide by the statute and rule. By my signature I acknowledge that failure to abide by the statute and rules will cause the department to take administrative action against my license.**

*Note: Original application must be signed in blue ink.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position in School