

CHAPTER 15A-11 DRIVER TRAINING SCHOOL

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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 CDS, or CTDS, and is authorized by the school to solicit on its behalf.

(2) Commercial Driving School (CDS) – A school licensed by the Department pursuant to Chapter 488, F.S., which is authorized to engage in driving instruction.

(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 Driver Education and DUI Programs. The Department licenses the CDS and both CDS 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 CDS 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 Driver Licenses 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 CDS.

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

(17) Student – A person who receives driving instruction from a CDS or CTDS.

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 CDS or CTDS in accordance with Section 112.313(7), F.S.

(2) A CDS shall not indicate that its program is in any way endorsed by the Department, except to say that it is "licensed."

(3) A CDS 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 CDS 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) The CDS 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 or telephone number.

(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 permit issued by the Department or another jurisdiction for the purpose of learning how to drive.

(7) A CDS 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 CDS, if the Department determines the school's driving instruction does not meet this standard.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History--New 9-20-10.

15A-11.003 CDS License Application and Renewal.

(1) The Department oversees and licenses all CDS, 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 CDS shall, prior to engaging in such business, secure a License from the Department by filing an application on form HSMV77074S (Rev. 9/10), 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, certified check or company check, to the Department.

(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 in each place of business operated by the CDS.

(8) A CDS license is only operational at the address listed in the license.

(9) Application for renewal of a CDS license shall be made at least forty-five (45) days prior to the certificate's expiration date on form HSMV 77074S (Rev. 9/10), 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 CDS 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.

Rulemaking Authority 488.02 FS. Law Implemented 488.01, 488.06 FS. History--New 9-20-10.

15A-11.004 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 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. 9/10) or the vehicle registration form HSMV77071S (Rev. 2/10), 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, company check or certified check for each motor vehicle being registered. The vehicle registration shall be valid for one year from the date of approval.

(4) Each school must pay the Department a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The vehicle registration shall be valid for one year from the date of approval.

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

15A-11.005 Program of Instruction.

(1) All programs of instruction offered by a 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) No CDS or CTDS instructor, employee or agent shall be permitted to use the driving route, on or off the premises, of any driver license examining office during the hours when driving tests are being conducted.

(3) No 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.

(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.

Rulemaking Authority 488.02 FS. Law Implemented 488.01, 322.07, 322.2615 FS. History—New 9-20-10.

15A-11.006 CDS Instructor Certificate Application and Renewal.

(1) All 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. 9/10), which is available as provided in Rule 15A-11.012, F.A.C.

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

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

(3) 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) 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. 9/10) at least forty-five (45) days prior to the certificate's expiration date.

(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, certified check or company check. The renewal application shall be accompanied by a non-refundable fee of ten dollars (\$10) payable to the Department.

Rulemaking Authority 488.02 FS. Law Implemented 488.04, 488.06 FS. History—New 9-20-10.

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. 9/10), which is available as provided in Rule 15A-11.012, F.A.C.

(2) Every agent shall provide one set of finger prints for a fingerprint-based criminal background check, 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.

Rulemaking Authority 488.02 FS. Law Implemented 488.04, 488.06 FS. History--New 9-20-10.

15A-11.008 Driving Instruction Contracts.

The CDS is authorized, but not required, to use form HSMV77072S (Rev. 2/10), which is available as provided in Rule 15A-11.012, F.A.C.

Rulemaking Authority 488.02 FS. Law Implemented 488.01 FS. History--New 9-20-10.

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. 9/10), which is available as provided in Rule 15A-11.012, F.A.C.

(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 provide one set of finger prints for a fingerprint-based criminal background check, 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. 9/10) at least forty-five (45) days prior to the certificate's expiration date.

(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, 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 488.04, 488.06 FS. History--New 9-20-10.

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 registration by the Department. The safety inspection and vehicle 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 registration form HSMV77071S (Rev. 2/10), 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 registration shall be valid for one year from the date of approval.

(4) Each school must pay to the Department, a non-refundable fee of ten dollars (\$10) for each motor vehicle registration being renewed. The renewed vehicle registration shall be valid for one year from the date of approval.

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

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

(1) Any 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 with convictions that directly relates to the business of conducting a commercial driver training school, including 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) Committing fraud or willful misrepresentation in applying for or obtaining a license.

(2) The Department 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), 488.06 FS. History—New 9-20-10.

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/comschool.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.