

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES****Division of Driver Licenses**

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**PURPOSE AND EFFECT:** Is to amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules. Revisions include the definition of a commercial driver license skills test, truck tractor, and

semitrailer. The definition of a tank vehicle has been modified in addition to adding a new endorsement for school buses. Information on how to remove the airbrake restriction has been added and the Bus Only (CMV) and CMV < 26,000 lbs GVWR have been deleted. New restrictions have been added: Restriction 6, No Class A passenger vehicles, Restriction 7, No Class B passenger vehicles, Restriction 8, Automatic transmission-CMV. The requirements for a CDL temporary permit have been revised to ensure clarity. The CDL skills test definition has been expanded to include all 3-parts. The issuance procedures for CDLs have been updated plus the number of CDL tests an applicant may attempt, per day, has been noted. Information on the appropriate class of motor vehicle, to test for a CDL, has been expanded, and all references to a Class D license have been removed. Information on the Hazardous Materials Threat Assessment Program, Military Commercial Driver License qualifications and regulations regarding the Third Party Tester Program have been added.

**SUBJECT AREA TO BE ADDRESSED:** Chapter 15A-7, F.A.C., Commercial Drivers License.

**SPECIFIC AUTHORITY:** 316.12(4), 322.02(6), 322.53(5) FS.  
**LAW IMPLEMENTED:** 316.302(2)(i), 316.003(71), 322.01(17), (18), (32), (24), 322.05(4), (5), (6), (8), 322.07(3), 322.08(4), 322.12(4), 322.14(1)(b), 322.16, 322.18(2)(e), 322.21(1)(e), (f), 322.51-322.66, 322.53(2), (4), 322.54(2)(c), 322.56, 322.57(2), 322.59, 322.65, 322.121(7), (8), 322.271 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lee Ann Korst, Chief of Staff, Neil Kirkman Building, B441, Tallahassee, Florida 32399-0500. Please contact me at (850)617-3100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 15A-7.001 Definitions.

For the purpose of this chapter, the following words, acronyms, and phrases shall have the meanings indicated:

(1) "Alternative Test" means a knowledge test that is given orally by an individual or in which a computer-assisted or taped recorded oral test is presented to the applicant.

(2) "CDL" means commercial driver's license.

(3) "Commercial Driver's License" means a license issued to an individual in accordance with the requirement of chapter 322, Florida Statutes, or by another state, pursuant to the Federal Commercial Motor Vehicle Safety Act of 1986 which

authorizes that individual to drive a class of commercial motor vehicles if the holder also has any necessary endorsements to the license.

(4) "Department" means the Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Tallahassee, Florida 32399-0560.

(5) "GCWR" means gross combination weight rating.

(6) "GVWR" means gross vehicle weight rating.

(7) "Placard" means a sign that is required on the front, rear and both sides of a vehicle that is transporting hazardous materials. The placards show the hazard class of the cargo being transported.

(8) "Skills Test" means the 3-part driving test consisting of the pretrip inspection, basic control and road test as described in the American Association of Motor Vehicle Administrators (AAMVA) 2005 CDL Testing Model, which is hereby adopted by reference a driving test given to assess an applicant's ability to drive all motor vehicles of a specified class.

(9) "Tow Truck Configuration" means a tow truck with another vehicle in tow, where the gross combined weight rating of the combination is 26,000 pounds or more and the vehicle in tow exceeds 10,000 pounds gross vehicle weight rating.

(10) "Truck Tractor" means a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provisions for carrying loads independently any motor vehicle designed and used primarily for pulling other vehicles.

(11) "Semitrailer" means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.01, 322.51-322.66 FS. History-New 4-7-91, Amended \_\_\_\_\_.

#### 15A-7.002 Purpose.

The purpose of these rules is to establish uniform procedures for the orderly administration of commercial driver's license skills and knowledge tests.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.51-322.66 FS. History-New 4-7-91, Repromulgated \_\_\_\_\_.

#### 15A-7.0025 Application.

These rules are applicable to all applicants for a Florida commercial driver's license.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.08, 322.51-322.66, 322.53, 322.54 FS. History-New 4-7-91, Repromulgated \_\_\_\_\_.

#### 15A-7.003 CDL Endorsements.

(1) The endorsements to a commercial driver's license shall be as follows:

(a) T – Double/Triple trailers. Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate a complete unit, except, triple trailers are not permitted in Florida;

(b) P – Passengers. Passenger vehicle means a motor vehicle designed to transport more than 15 persons, including the driver, or a school bus designed to transport more than 15 persons, including the driver. For vehicles designed to transport more than 15 persons, including the driver; or a school bus designed to transport more than 11 persons, including the driver;

(c) N – Tank Vehicle. Means a commercial motor vehicle with a permanent or temporary attached tank designed to transport liquid or gaseous materials and with a rated capacity of one thousand gallons or more. Tank vehicles, permanently or temporarily attached to the vehicle, shall not include a vehicle with a tank having a rated capacity under 1,000 gallons or tank vehicles that transport materials other than liquid or gaseous material;

(d) H – Hazardous materials. Hazardous material that is required to be placarded in accordance with Title 49 Code of Federal Regulations Part 172, Subpart F;

(e) X – Combination tank vehicles and placarded hazardous materials;

(f) S – School Bus. Means a motor vehicle that is designed to transport more than 15 persons, including the driver, and that is used to transport students to and from a public or private school or in connection with school activities, but does not include a bus operated by a common carrier in the urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools. To obtain a school bus endorsement the applicant must pass the school bus endorsement knowledge exam, in addition to other CDL knowledge exams applicable to passenger vehicles, and complete the 3-part skills test in a school bus equivalent to the classification of license that will be issued.

(2) If a driver's towing operations are restricted to emergency "first moves" from the site of a malfunction or traffic crash to the nearest appropriate repair facility, then no CDL endorsement of any kind is required.

(3) If a driver's towing operations include any "subsequent moves" from one repair or disposal facility to another, then endorsements requisite to the vehicles being towed are required. Exception: Tow truck operators need not obtain a passenger endorsement.

(4) No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement.

Specific Authority 322.02(6)(3) FS. Law Implemented 234.091, 316.003(71), 316.193(5)(a), (b), 322.01(17), 322.14(1)(b), 322.121(7), (8)(6), 322.21(1)(c), 322.54(2)(a), (b), (c), (d), (e), 322.55(4), 322.57(1)(e), (f), 322.57(2), 322.57(3)(a) FS., 49 CFR, 383.931-383.939 History-New 4-7-91, Amended \_\_\_\_\_.

## 15A-7.004 CDL Restrictions.

(1) Special restrictions imposed on a commercial driver's license shall be as follows:

(a) "Vehicles Without Air Brakes", means no operation of a commercial motor vehicle, which is equipped with air brakes. To remove an airbrake restriction the driver must, at a minimum, successfully complete the airbrake knowledge test, successfully complete the pretrip inspection portion of the standard CDL skills test in an airbrake equipped commercial motor vehicle and demonstrate the ability to safely and effectively operate the vehicle's air brakes by stopping the vehicle so that the front bumper is within two feet of a designated point on the skills testing area.

(b) "CDL Intrastate Only", means a commercial motor vehicle can be operated only in the State of Florida;

~~(c) "Bus Only (CMV)", means the operation of a commercial motor vehicle bus only."~~

~~(d) "CMV < 26,000 lbs GVWR", means no operation of a commercial motor vehicle with a gross vehicle weight rating, declared weight or actual weight of 26,000 pounds or more;~~

(e) "No Tractor/Trailers", means no operation of a commercial motor vehicle which is a tractor/semitrailer combination as defined in Sections 320.01(5) and 320.01(11), Florida Statutes. To remove the "no tractor/trailers" restriction from a Class A CDL the driver must, at a minimum, pass the pretrip inspection, basic control and road test in a tractor/semitrailer combination.

(f) "No Class A passenger vehicle", means no operation of a commercial motor vehicle classified as a Class A passenger vehicle.

(g) "No Class B passenger vehicle", means no operation of a commercial motor vehicle classified as a Class A or B passenger vehicle.

(h) "Automatic transmission-CMV", means no operation of a commercial motor vehicle that is not equipped with an automatic transmission.

(2) No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.16(1)(a), ~~(b)~~, 322.54(2)(c), 322.57(2) FS. History—New 4-7-91, Amended \_\_\_\_\_.

## 15A-7.005 Temporary CDL Instructional Permit.

(1) If otherwise qualified an individual 18 years of age or older who holds a valid driver's license may be issued a commercial driver's instruction permit. Instructional permits are valid for six months. One six-month extension is permitted. The commercial driver's instruction permit may not be issued for a period to exceed six months and is nonrenewable.

(2) An individual who holds a commercial driver instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle only while accompanied by a driver 21 years of age or older who is holding a CDL valid for the type of vehicle being driven and who is occupying the closest seat to the right of the driver, the holder of a commercial driver's license valid for the type of vehicle driven who is actually occupying the closest seat to the right of the individual for the purpose of giving instructions in driving the commercial motor vehicle.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.01(32), 322.05(4), 322.07(3)(2), 49 CFR 383.23 322.47 FS. History—New 4-7-91, Amended \_\_\_\_\_.

15A-7.006 Application; Operation in Interstate or Foreign Commerce; Certification Required; Medical Required; Exceptions.

(1) Upon making application for a CDL, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce or any applicant otherwise subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, pursuant to sections 322.08(4) and 322.59, F.S., shall certify that he or she meets the qualification requirements of Part 391.

(2) Upon application for a driver's license, applicants who are subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, will present to the department a valid medical examiner's certificate ~~required by Title 49 C.F.R. Part 391~~ issued not more than 2 years immediately preceding licensure.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.01(24), 322.07(3)(a), 322.08(4), 322.59 FS., 49 CFR 391 History—New 4-7-91, Amended \_\_\_\_\_.

15A-7.007 Application; Intrastate Operation; Certification; Exceptions.

(1) Upon making application for a CDL, any applicant who ~~operates or expects to operate a commercial motor vehicle solely within this state shall certify on a form provided by the department that he or she~~ is not subject to Title 49 Code Federal Regulation Part 391, pursuant to Sections 322.08(4) and 322.59, F.S., shall certify such exemption to the Department. Any applicant making a certification pursuant to this section is not required to present to the department a medical examiners certificate prior to licensure.

(2) Drivers of commercial motor vehicles driving interstate or intrastate, transporting hazardous materials that are required to be placarded in accordance with Title 49 Code of Federal Regulations Part 172, Subpart F must present to the department a valid medical examiner's certificate required by Title 49 C.F.R. Part 391, issued not more than two (2) years immediately preceding licensure.

(3) Commercial driver license applicants who operate or expect to operate a commercial motor vehicle solely in intrastate commerce must meet the minimum visual standards in Rule 15A-1.013, F.A.C., and comply with the provisions of Section 316.302(2)(~~4~~), F.S., before licensing and will have an intrastate restriction applied to the license.

(4) Driver applicants who are deaf will not be issued a commercial driver's license.

Specific Authority 322.02(~~6~~)(~~3~~), 316.12(4) FS. Law Implemented 316.302(2)(~~4~~), 322.05(5), (6), (8), 322.08(4), 322.12(~~3~~), (4), 322.16, 322.59 FS., 49 CFR 391 History–New 4-7-91, Amended.

15A-7.008 Combination Vehicle Tow Truck Testing and Licensing.

(1) For an unrestricted Class “A” license, the driver must pass applicant will take the combination vehicle knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip inspection, basic control and road test and skills tests in a truck-tractor/semitrailer combination commercial vehicle as defined by Rule 15A-7.001, F.A.C.

(2) For a ~~restricted~~ Class “A” license restricted to “No Tractor-Trailers” with tow truck privileges, the driver must pass applicant will take the combination knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip, basic control and road test and skills tests in a vehicle that is not a truck-tractor/semitrailer combination as defined by Rule 15A-7.001, F.A.C., but otherwise represents vehicles requiring a class A CDL, including tow truck configurations as defined in subsection 15A-7.001(9), F.A.C. tow truck configuration. License will be restricted to “No Tractor-Trailers”. The applicant will pretrip the tow truck and explain how the hitch is checked for safety rather than check those portions of the pretrip which pertains to tractor trailers (i.e., air hoses, fifth wheel landing gear). To remove the “No Tractor Trailer” restriction, the driver will take a pretrip inspection and a skills test in a tractor trailer vehicle. See chart below for diverse combinations.

Combination		Class	
Tow Truck	Vehicle in Tow	GCWR	LIC. REQ Restrictions
GVWR		GVWR	04-01-91 (If needed)
a. <26,000#	10,000 # or less	<26,000#	“D”**
b. <26,000#	>10,000#	<26,000#	“D”**
c. <26,000#	10,000 # or less	26,000# or more	“C”
d. <26,000#	>10,000#	26,000# or more	“A” No Tr. Trl's**
e. >26,000#	<10,000#	26,000# or more	“B”
f. >26,000#	>10,000#	26,000# or more	“A” No Tr. Trl's**
		*Nonecommercial Licenses	
		**No Tractor-Trailers	

Specific Authority 322.02(~~6~~)(~~3~~) FS. Law Implemented 322.12(4), 322.57 FS. History–New 4-7-91, Amended.

15A-7.009 Issuance of Commercial Driver's License; Department; Duties.

(1) Check the driving record of the applicant as maintained by the department; and

(2) Electronically check ~~Contact~~ the Commercial Driver License Information System (CDLIS) to determine whether the applicant possesses a valid commercial driver's license issued by any other state, and whether such license or the applicant's privilege to operate commercial motor vehicle has been disqualified.

(3) Electronically check ~~Contact~~ the National Driver Register (NDR) to determine if the applicant has any open driver license suspensions, revocations or cancellations.

Specific Authority 322.02(~~6~~)(~~3~~) FS. Law Implemented ~~322.17~~, 322.65 FS. History–New 4-7-91, Amended.

15A-7.010 Issuance of License; Department Notify Commercial Driver's License Information System.

Prior to the issuance of an original or renewal commercial driver's license or the reissuance of a commercial driver's license with a change of any classification, endorsement, restriction, or name change, the department shall electronically check ~~notify~~ the Commercial Driver License Information System (CDLIS) ~~of the issuance and shall provide the applicant's name, social security number and any other required information to the operator of the system.~~

Specific Authority 322.02(~~6~~)(~~3~~) FS. Law Implemented ~~322.17~~, 322.65 FS., 49 CFR 383.153(b)(2) History–New 4-7-91, Amended.

15A-7.011 Administration of Commercial Driver's License Knowledge Tests.

(1) The department may offer knowledge tests in written, computer-assisted, or alternative formats.

~~(2) The department may offer the commercial driver's license general knowledge bus test to applicants who operate commercial buses or school buses only. Applicants choosing to take the general knowledge bus test, as opposed to the regular general knowledge test, shall have their commercial driver's license restricted to buses only for the class of license for which the applicant is applying.~~

~~(2)(3)~~ Applicants must obtain a minimum score of 80 percent to pass a commercial driver's license knowledge test.

~~(4) A time limit may not be applied to;~~

~~(a) Alternative testing methods;~~

~~(b) Commercial driver's license general knowledge tests, except, any testing started shall be stopped at the station's regularly scheduled closing time.~~

~~(3)(5)~~ Applicants who fail to pass the commercial driver's license knowledge test will be permitted to review the questions they missed.

~~(4)(6)~~ Applicants are limited to two attempts per day on each type of knowledge exam. There is no limit on the number of times a knowledge test may be taken by an applicant.

Specific Authority 322.02(~~6~~)(~~3~~) FS. Law Implemented ~~322.12~~(4), 322.57 FS., 49 CFR 383.121, 49 CFR 391.11(b)(2) History–New 4-7-91, Amended.

## 15A-7.012 Commercial Driver's License Skills Tests.

(1) The commercial driver's license skills test is a three-part test established by the department to certify the driving skills necessary for operation of a commercial motor vehicle. The test consists of:

- (a) Pretrip inspection; and
- (b) Basic vehicle control skills test; and
- (c) Road test ~~Safe driving skills test~~.

(2) No change.

(3) A driver applicant is required to take the pretrip inspection, before any other part of the test is taken. An applicant must pass the basic control test before the road test. The following are exempt from this requirement pass the commercial driver's license skills test in the order specified in subsection (1), except:

(a) ~~An applicant who qualifies for a waiver of skills tests as defined in Section 322.55, F.S.; or~~

~~(a)(b)~~ An applicant for a class "C" commercial driver's license that will not be endorsed for school bus operation and that will be restricted to vehicles not equipped with air brakes will not be required to pass the pretrip inspection or the basic control skills test.

(b) An applicant for a class "C" commercial driver's license that will not have an air brake restriction must pass, at a minimum, the tests specified in subsection 15A-7.004(1), F.A.C., for removing CDL air brake restrictions in addition to the CDL road test specified in paragraph 15A-7.012(1)(c), F.A.C.

(4) A skills test applicant shall provide an appropriate vehicle for the skills test.

(a) The vehicle used for the skills test must be unloaded, except tow trucks may have a vehicle in tow and the towed vehicle must be unloaded.

(b) The vehicle used for the skills test must have a valid registration and proof of insurance, unless exempt from providing proof under current law.

(c) The vehicle cannot be laden with placarded hazardous materials.

(d) Motor vehicles provided must have a stationary seat to the right of the driver for use by the examiner who administers the test.

(5) An appointment is required for the CDL skills test.

(6) To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in Title 49 Code of Federal Regulations 383.113.

(7) If the driver applicant does not obey traffic laws, commits a dangerous act, or causes a traffic crash during the test, he or she shall automatically fail the test. ~~Once any part of the test is failed, scoring of the test will end immediately.~~

(8) The required tests in this rule shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.12(4), 322.57 FS., 49 CFR 383.113 History--New 4-7-91, Amended.

## 15A-7.013 Appropriate Motor Vehicle.

(1) Each applicant for a commercial driver's license shall provide a motor vehicle of a type appropriate to test the applicant's ability to drive motor vehicles that may be driven under the type and class of license for which the applicant will be skills tested.

(2) Class A Commercial Driver's License Skills Test.

(a) For the a Class A commercial driver's license three-part skills test, the applicant shall provide a tractor-trailer combination of vehicles with a GCWR of 26,001 ~~26000~~ or more pounds, provided the GVWR of the trailer being towed is in excess of 10,000 pounds GVWR.

(b) If the applicant provides a combination of vehicles other than tractor-trailer combinations the department shall restrict the applicant to combinations of vehicles other than tractor-trailers.

(c) If the motor vehicle is not a passenger transport combination vehicle (bus) designed to transport 16 or more passengers, including the driver, ~~or a school bus designed to transport 11 or more passengers, including the driver,~~ the department may not endorse the applicant's license for a passenger transport vehicle in that class of vehicle.

(3) Class B Commercial Driver's License Skills Test.

(a) The applicant shall provide any single motor vehicle with GVWR of 26,001 ~~26000~~ or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

(b) If the motor vehicle is not a passenger transport single unit vehicle (bus) designed to transport 16 or more passengers, including the driver ~~or a school bus designed to transport 11 or more passengers, including the driver,~~ the department may not endorse the applicant's license for a passenger endorsement vehicle in that class of vehicle. Note: Federal regulations require all drivers operating a school bus be licensed with a Commercial Driver License having both the passenger endorsement and school bus endorsement.

(4) Class C Commercial Driver's License Skills Test. The department may permit an appropriate noncommercial motor vehicle to be used in the skills testing of an applicant for a commercial driver's license in this class.

(5) Vehicles used for skills testing to obtain a school bus endorsement must be identified as a School Bus on the federal certification plate and be equipped, at a minimum, with a stop arm, emergency exit, front and rear red flashing loading lights, front corner mounted student mirror, right and left exterior rear view mirrors, interior student mirror, and emergency flares or triangle reflectors.

(6) If the vehicle used for testing is equipped with an automatic transmission, the applicant will have an automatic transmission restriction applied to the license.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.12(4)  
~~322.57~~ FS. History–New 4-7-91, Amended.

15A-7.014 Commercial Driver's License Document; Requirements; Class; Security Features.

A commercial driver's license issued by the department shall comply with all of the following:

(1) Requirements set forth in Sections 322.14 and 322.08, F.S.

(2) Upon request of the person to whom the license is issued, a license shall indicate the fact that the person is an anatomical donor.

(3) A commercial driver's license shall indicate the class of license issued, and the acronym "CDL" shall appear on the face of the license.

(4) The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any commercial driver's license that prohibits as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.08, 322.14  
FS. History–New 4-7-91, Repromulgated.

15A-7.015 Commercial Driver's License for Hardship Purposes Only.

The department will not issue a hardship commercial driver's license authorizing a person to drive a commercial motor vehicle if the person's commercial driver's license is disqualified, suspended, revoked, or canceled.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.272 FS.  
History–New 4-7-91, Amended.

15A-7.016 Persons Exempt from Requirements of Commercial Driver's License Program; Noncommercial Driver's License Endorsement.

(1) The following persons are exempt from the requirement to obtain a commercial driver's license:

(a) Legitimate farm to market operations by farmers and to those operators of a farm vehicle which is:

1. Controlled and operated by a farmer;

2. Used to transport either agricultural, horticultural or forestry products, farm machinery, farm supplies or both to or from farm or harvest place to the first place of processing or storage or from farm or harvest place directly to market;

3. Not used in the operations of a common or contract motor carrier; and

4. Used within 150 miles of the person's farm.

(b) Military personnel driving military vehicles. This exemption applies to any active duty military personnel, and members of the reserves and national guard on active duty

including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice);

(c) Drivers of authorized emergency vehicles as defined in Section 322.01(4), F.S. This exemption applies to drivers who operate emergency or fire equipment which is necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions and are not subject to normal traffic regulations. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included;

(d) Drivers of recreational vehicles, as defined in Section 320.01, Florida Statutes. This exemption applies to drivers of recreational vehicles operated solely as a family/personal conveyance for recreational purposes;

(e) Drivers of straight trucks that are exclusively transporting their own tangible personal property which is not for sale.

(2) "Operated by a farmer" in (1) above can include employees or family members of the farmer, as long as the vehicle is controlled by the farmer and conditions 2. through 4. are met, but not employees whose primary purpose of employment is the operation of motor vehicles.

~~(3) A person operating a farm commercial motor vehicle is required to have a valid class D driver's license which contains the endorsement "F" = Farm Commercial Motor Vehicle." The "F" endorsement is to be issued without additional charge.~~

~~(4) A person operating an authorized emergency commercial motor vehicle is required to have a valid class D driver's license which contains the endorsement "E" = Emergency Commercial Motor Vehicle." The "E" endorsement is to be issued without additional charge.~~

Specific Authority ~~322.02(6)(3), 322.53(5)~~ FS. Law Implemented 322.01(18), 322.53(2), (4) FS. History–New 4-7-91, Amended.

15A-7.017 Hazmat Endorsement Threat Assessment Program.

(1) All applicants for a CDL hazardous materials (Hazmat) endorsements are required to undergo fingerprint-based background checks in accordance with the USA Patriot Act and federal regulations of the Transportation Security Administration, 49 CFR, Part 1572. Department policy and procedures for processing Hazmat applicants procedures conform to 49 CFR Part 1572 in all respects.

(2) Hazmat endorsements and the associated background check results obtained in other states are not transferable to Florida CDLs. All Hazmat applicants including applicants

reciprocating an out of state Hazmat-endorsed CDL are required to pass a new Hazmat knowledge exam and a new background check. Applicants presenting Hazmat endorsed CDLs from other states in conjunction with application for a Florida CDL will receive a 90-day temporary Hazmat endorsement pending completion of this process. Florida CDLs issued to these applicants will display "Hazmat until (date of issuance + 90 days)".

(3) Hazardous materials knowledge test results older than 60 days prior to the date of application may not be used to meet the testing requirement for issuance of a Hazmat endorsement.

(4) In accordance with Section 322.18(2)(e), Florida Statutes, hazmat-endorsed CDLs are valid for a period of 4 years. Hazmat-endorsed CDLs may be renewed up to 12 months in advance of their expiration dates.

(5) In accordance with Section 322.21(1)(f), Florida Statutes, the application fee for a Hazmat endorsement is initially set at \$91. The Hazmat application fee may be adjusted within the statutory maximum of \$100 as may be needed to accommodate changes in fees charged to the Department for this process by the Florida Department of Law Enforcement, the Federal Bureau of Investigation and the Transportation Security Administration. This fee applies in addition to other applicable issuance and endorsement fees established by Section 322.21, Florida Statutes.

Specific Authority 322.02(6) FS. Law Implemented 322.18(2)(e), 322.21(1)(f) FS., 49 CFR Part 1572. History--New \_\_\_\_\_.

#### 15A-7.018 Military Qualifications for Waiver of Commercial Driver License Skills Test.

In accordance with Federal Motor Carrier Safety Administration Regulation 49 CFR, Section 383.77, applicants seeking waiver of CDL skills testing due to military experience must:

(1) Pass all required written knowledge exams for the CDL class and endorsements they will be issued.

(2) Apply for the CDL qualification waiver while on active duty status or within 90 days of separation of service. The applicant must provide a military active duty identification card or DD-214 (military discharge papers). The skills test waiver process must be completed, and the CDL issued, within 120 days of separation from service.

(3) Certify that for at least 2 years immediately proceeding the application, he or she operated a motor vehicle representative of the CDL class and endorsements for which he or she is applying.

(4) To waive the CDL skills test the applicant must present the Certification for Waiver of Skill Test for Military Personnel form, filled out in its entirety, and signed by his or her commanding officer or designee.

Specific Authority 322.02(6) FS. Law Implemented 322.12 FS., 49 CFR Part 383.77. History--New \_\_\_\_\_.

#### 15A-7.019 Third Party Testing Program.

(1) Commercial Driver License Third Party Administrators and Third Party Testers may be authorized by the Department to conduct driver license tests in accordance with Section 322.56, Florida Statutes.

(2) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with all rules established in this chapter except those that by their nature cannot apply.

(3) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with contractual agreements, instructional manuals, approved testing locations and routes, and similar written documents establishing policies, procedures, and recordkeeping requirements to maintain the integrity of the testing program.

(4) Electronic and written records created by Commercial Driver License Third Party Administrators and Third Party Testers are public records of the State of Florida, and are subject to applicable laws and penalties regarding falsification of such records. Acts that constitute falsification of third party testing records include, but are not limited to:

(a) Entry of information on CDL test score sheets (form HSMV 7183) that falsifies the parts of a test performed, the type of vehicle used, the test applicant's (driver's) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test;

(b) Entry of information in the Department's electronic test records that falsifies the parts of a test performed, the type of vehicle used, the test applicant's (driver's) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test. Use of the tester's login name and password to create an electronic test record is deemed an electronic signature affirming that the test was personally conducted and the results were entered by that tester.

(c) Withholding or destruction of information that falsifies the true record of test activity, such as not recording a test given but failed by the applicant.

Specific Authority 322.02(6) FS. Law Implemented 322.56 FS., 49 CFR Part 383.75. History--New \_\_\_\_\_.

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Hotels and Restaurants

RULE NO.: 61C-4.010  
 RULE TITLE: Sanitation and Safety Requirements  
 PURPOSE AND EFFECT: The purpose of the proposed rule is to require public food service establishment employees to complete a Hospitality Education Program workshop following a suspected or confirmed food borne illness. Requiring the training will increase awareness of techniques to prevent the spread of food borne illness.  
 SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the Hospitality Education Program training required following specific food borne illness investigations.  
 SPECIFIC AUTHORITY: 509.032 FS.  
 LAW IMPLEMENTED: 509.032 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32303-1012, telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-4.010 Sanitation and Safety Requirements.

(1) through (7) No change.

(8) Training Required for Suspected or Confirmed Food Borne Illness – When an epidemiology investigation conducted by the Department of Health results in a report of a suspected or confirmed food borne illness at a public food service establishment licensed by the division the public food service establishment's employees, including all managers, shall complete a Hospitality Education Program training workshop addressing food borne illness prevention techniques. Failure to complete the training within 90 days of the date the division notifies the public food service establishment that the training is required may result in enforcement action, as authorized by Section 509.261, F.S.

Specific Authority 509.032 FS. Law Implemented 509.032, 509.035, 509.221 FS. History–New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00, 2-27-05,\_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Construction Industry Licensing Board

RULE NO.: 61G4-15.012  
 RULE TITLE: Certification of Residential Solar Water Heating Specialty Contractors

PURPOSE AND EFFECT: The Board proposes the amendment to address the certification of residential solar water heating contractors.

SUBJECT AREA TO BE ADDRESSED: Certification of residential solar water heating specialty contractors.

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.002  
 RULE TITLE: Application for Certification by Examination; Reexamination

PURPOSE AND EFFECT: The purpose and effect is to create and add a new Application for Certification by Examination form.

SUBJECT AREA TO BE ADDRESSED: Application for Certification by Examination; Reexamination.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.511 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony



B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### DEPARTMENT OF HEALTH

##### Division of Health Access and Tobacco

RULE NOS.: RULE TITLES:

64I-1.001	Definitions
64I-1.002	Services
64I-1.003	Order of Selection
64I-1.004	Scope of Services

PURPOSE AND EFFECT: To develop an order of selection for eligibility to the Brain and Spinal Cord Injury Program (BSCIP) and to define the scope of services provided by the BSCIP.

SUBJECT AREA TO BE ADDRESSED: Order of selection and scope of services.

SPECIFIC AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.7395, 381.745, 381.76, 381.79 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: August 29, 2008, 8:30 a.m.; September 30, 2008, 8:30 a.m.; October 27, 2008, 8:30 a.m.

PLACE: Physical location for August 29, 2008: Tampa General Hospital, R-200 Rehab Center, 2 Columbia Drive, Tampa, FL 33606; Physical location for September 30, 2008: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399; Physical location for October 27: Rhode State Building, Conference Room N423 in North Tower, 401 N. W. 2nd Avenue, Miami, FL 33128

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

#### DEPARTMENT OF STATE

##### Division of Elections

RULE NO.:

1S-2.009

RULE TITLE:

Constitutional Amendment by Initiative Petition

PURPOSE AND EFFECT: The amendments to this rule update the procedures governing the content of constitutional amendment initiative petitions.

SUMMARY: The proposed amendments primarily implement changes to procedural requirements for submission of constitutional amendment initiative petition forms and their contents. The revised rule clarifies that the sponsoring political committee must include its address in the political disclaimer portion of the form and that no additional information other than that permitted by the rule may be printed on the petition form. The rule deletes the provision that prohibits the bundling of petitions while being circulated for signature because Section 100.371, F.S., now expressly contains the prohibition. The rule also corrects an incorrect citation to the specific authority for the rule and adds the Florida Constitution as an implementing law source.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(2), (7), 101.161(2) FS.

LAW IMPLEMENTED: Art XI, Fla. Const., 100.371, 101.161 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, September 8, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; [nlshotwell@dos.state.fl.us](mailto:nlshotwell@dos.state.fl.us). If you are hearing