

Approved:

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Department of Transportation

DRIVER'S RECORD REQUIREMENTS

AUTHORITY:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

REFERENCE:

Section 322.27, F.S.

PURPOSE:

It is the policy of the Florida Department of Transportation (Department) to establish requirements for Department employees in positions that have the operation of a motor vehicle identified as a requirement in their position descriptions, and employees who occasionally operate vehicles (Department, rental, or personal) to perform Department business.

SCOPE:

This procedure applies to hiring managers, Department employees whose positions require driving, and employees who operate vehicles to perform Department business.

PROCEDURE:

1. APPOINTMENT TO POSITIONS THAT REQUIRE DRIVING

- 1.1** Positions that require employees to maintain a driver's license will have the requirement clearly stated on the position description and in any advertisement for the position. The class of license will also be noted. Applicants will not be considered for a position that requires a driver's license

unless the applicant currently possesses a valid license in the class required except as otherwise noted in this procedure below. The Department will not hire applicants or appoint current Department employees who have an unacceptable driving record to positions that require driving.

The Department may consider a Class B Commercial Driver's License Instructional Permit as meeting the required level of Driver's certification for any position that requires a Class B Commercial Driver's License. However, if selected, the applicant must obtain a Class B Commercial Driver's License within six (6) months of hire.

1.2 For purposes of this procedure, an unacceptable driving record is defined as any of the following:

- (A) Three or more moving violations, as defined by the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), in the past three (3) years that accumulate three (3) or more points per violation under **Section 322.27, F.S.**
- (B) Any two (2) convictions of reckless driving, regardless of whether suspension or revocation is involved, in the past three (3) years.
- (C) A suspension or a revocation of the driver's license for moving violation(s) in the past three (3) years. Suspensions for failure to carry insurance, failure to pay child support, under age tobacco use, and other offenses not involving the operation of a vehicle will not be considered an unacceptable driver record provided that the suspension has been resolved and the driver's license has been restored.
- (D) A suspension or a revocation of the driver's license for refusal to take a sobriety test for alcohol or drugs, or any suspension or revocation of the driver's license for conviction of Driving Under the Influence (DUI), in the past four (4) years.

1.3 Applicants with driving records containing violations not listed above will not be disqualified from employment in positions requiring driving.

2. REQUIREMENTS FOR CURRENT EMPLOYEES WHO OCCUPY POSITIONS THAT REQUIRE DRIVING

2.1 Reporting a Suspended or Revoked License

An employee in a position that requires driving, whose license is suspended or revoked, is required to report the suspension or revocation to his or her immediate supervisor by the next business day following the suspension or

revocation. The employee will immediately cease performing driving duties until further notice by the supervisor. An employee whose driving privilege has been restored on a restricted basis under a hardship provision will not be allowed to operate Department vehicles.

2.2 Suspension/Revocation Not Involving DUI

An employee in a position that requires driving, whose license is suspended or revoked for a reason other than DUI may be reassigned or demoted to an available position not requiring driving, or may have driving duties removed from his or her position. However, depending on the availability of suitable positions, or the length of the suspension or revocation, such an employee also may be dismissed from the Department for inability to perform as a result of the suspension or revocation. The employee will not be re-appointed back into a position that requires driving, or have driving duties added back to his or her position if previously removed, until the Department has proof that unrestricted driving privileges have been restored.

2.3 Revocation Involving DUI/Refusal to Take Test

An employee in a position that requires driving, whose license is suspended or revoked for conviction of a DUI, may be dismissed from employment by the Department. An Assistant Secretary, District Secretary, or Executive Director may elect to retain the employee for a first DUI conviction if an alternative position that does not require driving is available or if the employee's position can be changed to eliminate the driving requirement. An employee retained under this provision would not be allowed to operate a motor vehicle to perform Department business, or have driving duties assigned to the position, until the Department has proof that unrestricted driving privileges have been restored.

An employee in a position that requires driving, whose license is suspended for refusal to take a sobriety test when asked by an officer for suspicion of driving under the influence of alcoholic beverages, chemical substances, or controlled substances, will immediately be prevented from performing driving duties for the Department pending the outcome of a review hearing with the FLHSMV. If the suspension is upheld, the employee will normally be dismissed. As noted above, an Assistant Secretary, District Secretary or Executive Director may elect to retain the employee for the first offense, if an alternative position that does not require driving is available, or if the employee's position can be changed to eliminate the driving requirement.

An employee whose license is suspended or revoked for conviction of a DUI or refusal to take a sobriety test while driving a Department vehicle will be dismissed.

If an employee is retained under this subsection, a second revocation or suspension of his or her driver's license for any reason, other than non-driving related, within (4) years following the first occurrence will result in the employee's immediate dismissal from employment with the Department.

3. REQUIREMENTS FOR EMPLOYEES WHO DRIVE OCCASIONALLY TO PERFORM DEPARTMENT BUSINESS

An employee who occasionally drives to perform Department business in a Department, rental, or personal vehicle, must possess a valid driver license to operate the type of vehicle being driven. A hardship license to drive on a restricted basis will not be accepted by the Department to allow an employee to operate a vehicle on Department business. Operating a Department vehicle or personal or rental vehicle on Department business without a valid license will be cause for disciplinary action up to dismissal.

4. DRIVER RECORD CHECKS

The Human Resources Office will perform a monthly driver's license verification on each employee required to drive as a condition of employment and will notify the employee and the employee's supervisor of any driving violations and/or pending sanctions. A driver's license with a pending sanction is valid until the effective date of the sanction, if not resolved by the employee prior to the effective date.

If the violation occurred in a Department vehicle or while the employee was performing Department business, the supervisor will confirm that the employee properly reported the violation. Based on the severity of the violation or a pattern of violations, the supervisor may determine that the employee needs additional training or may take other action, including disciplinary action, as appropriate.

5. TRAINING

No training is required for this procedure.

6. FORMS

No forms are required for this procedure.