

By Representative Ritter

1 A bill to be entitled
2 An act relating to flight training schools;
3 creating part XV of ch. 468, F.S., the "Florida
4 Flight Training School Licensing Act of 2002";
5 creating s. 468.90, F.S.; providing a short
6 title; creating s. 468.901, F.S.; providing
7 purpose and intent; creating s. 468.903, F.S.;
8 providing definitions; creating s. 468.905,
9 F.S.; providing powers and duties of the
10 department; creating s. 468.907, F.S.;
11 providing requirements for licensure of flight
12 training schools; creating s. 468.909, F.S.;
13 providing requirements for applicants for
14 flight training; providing specified
15 violations; providing penalties; providing
16 conditions for disqualification of an applicant
17 for flight training; requiring flight training
18 schools to make specified annual reports to the
19 department; creating s. 468.911, F.S.;
20 providing for specified license fees and the
21 disposition thereof; creating s. 468.913, F.S.;
22 providing for license renewal; creating s.
23 468.915, F.S.; providing procedure with respect
24 to inactive licenses; creating s. 468.917,
25 F.S.; providing requirements with respect to
26 contents and posting of licenses; creating s.
27 468.921, F.S.; requiring the keeping of
28 specified records; creating s. 468.923, F.S.;
29 specifying violations of the act; providing
30 penalties; creating s. 468.925, F.S.;
31 specifying acts for which disciplinary action

1 by the department may be taken; creating s.
2 468.927, F.S.; requiring the department to
3 report criminal violations to appropriate
4 prosecuting authorities; providing an effective
5 date.

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7 Be It Enacted by the Legislature of the State of Florida:

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9 Section 1. Part XV of chapter 468, Florida Statutes,
10 consisting of sections 468.90, 468.901, 468.903, 468.905,
11 468.907, 468.909, 468.911, 468.913, 468.915, 468.917, 468.919,
12 468.921, 468.923, 468.925, and 468.927 is created to read:

13 PART XV

14 FLIGHT TRAINING

15 468.90 Short title.--This part shall be known and may
16 be cited as the "Florida Flight Training School Licensing Act
17 of 2002."

18 468.901 Purpose and intent.--The purpose in enacting
19 this part is to ensure the safety, security, and well-being of
20 the citizens of the State of Florida, of visitors to the State
21 of Florida, and of citizens of the United States against any
22 harm which might occur to the citizens or institutions of the
23 State of Florida or the United States as a result of any
24 criminal misuse of any form of aircraft, the training for
25 operation of which is conducted in this state. It is the
26 finding of the Legislature that, in light of the terrorist
27 attacks on the United States of September 11, 2001, the
28 stringent examination of the criminal history and background
29 of any person attempting to receive flight training in the
30 State of Florida is a matter of the highest importance to the
31 health, safety, security, and well-being of the state and the

1 nation. It is therefore the intent of the Legislature that any
2 person endeavoring to receive any form of flight training in
3 the state must undergo fingerprinting and a criminal history
4 background check, which shall include information relating to
5 any history of criminal activity or to any evidence of
6 espionage or terrorism, prior to the commencement of any such
7 training. It is the intent of the Legislature that, in
8 furtherance of the purposes and intent stated in this section,
9 all persons or entities who offer any form of flight training
10 authorized under 14 C.F.R. part 141 and part 61 in this state
11 shall be licensed by the Department of Business and
12 Professional Regulation.

13 468.903 Definitions.--As used in this part, the term:

14 (1) "Flight training school" means any person or
15 entity authorized under 14 C.F.R. part 141 or part 61 to
16 operate a civilian school for instruction in flying a
17 single-engine or multi-engine aircraft, helicopter,
18 powered-lift aircraft, gyroplane, rotorcraft, autogyro,
19 glider, or lighter-than-air aircraft, or any other aircraft
20 enumerated in 14 C.F.R. part 141 or part 161. For the purposes
21 of this act, the terms "pilot school," "provisional pilot
22 school," and aviation training school" shall have the same
23 meaning as "flight training school."

24 (2) "Applicant" means any person or entity applying to
25 the department for licensure to operate a flight training
26 school. "Applicant" also means any person applying to a flight
27 training school for instruction or training in the operation
28 of any form of aircraft.

29 (3) "Department" means the Department of Business and
30 Professional Regulation.

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1 (4) "Person" means an individual, corporation,
2 business trust, estate, trust, partnership, association, two
3 or more persons having a joint or common interest, or any
4 other legal entity.

5 468.905 Powers and duties of department.--It is the
6 function and duty of the department to:

7 (1) Adopt rules pursuant to ss. 120.536(1) and 120.54
8 to implement the provisions of this part.

9 (2) Develop, impose, and enforce specific standards
10 within the scope of the general qualifications established by
11 this part which must be met in order to receive a license as a
12 flight training school. These standards shall be designed to
13 ensure that flight training school owners and operators are
14 individuals of good character and otherwise suitable and
15 qualified to conduct flight training pursuant to the
16 requirements of 14 C.F.R. part 141 and part 61. Standards
17 developed pursuant to this part shall not contain requirements
18 that are inconsistent with, or more stringent than,
19 requirements established under 14 C.F.R. part 141 or part 61.

20 (3) Develop by appropriate techniques, including
21 examinations and investigations, a method for determining
22 whether an individual meets such standards.

23 (4) Issue licenses to qualified individuals meeting
24 the standards of the department and revoke or suspend licenses
25 previously issued by the department when the individual or
26 entity holding such license is determined to have failed to
27 conform substantially to the requirements of such standards.

28 (5) Establish and carry out procedures, by rule,
29 designed to ensure that licensed flight training schools will
30 comply with standards adopted by the department.

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1 (6) Receive, investigate, and take appropriate action
2 with respect to any charge or complaint filed with the
3 department to the effect that a licensed flight training
4 school has failed to comply with the requirements or standards
5 adopted by the department.

6 (7) Conduct a continuing study and investigation of
7 flight training schools in order to improve the standards
8 imposed for the licensing of such schools and the procedures
9 and methods for enforcing such standards.

10 (8) Establish procedures by rule for advising and
11 acting together with the Department of Transportation and
12 other state and federal agencies in matters affecting
13 procedures and methods for effectively enforcing the purpose
14 of this part.

15 468.907 License requirements.--

16 (1) A person may not own, operate, solicit business
17 as, or otherwise engage in or carry on the occupation of a
18 flight training school in this state unless such person first
19 procures a license for the flight training school from the
20 department. The department shall issue a license to operate a
21 flight training school only to persons or entities licensed to
22 operate a certificated pilot school or certificated
23 provisional pilot school under 14 C.F.R. part 141 or part 61
24 or other civilian school for flight instruction authorized
25 under 14 C.F.R. part 141 or part 61.

26 (2) Each application for a license must be accompanied
27 by an application fee set by the department not to exceed
28 \$300, plus the actual cost for fingerprint analysis for each
29 owner application, to cover the costs of investigating the
30 applicant. Each application for a change of operator must be
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1 accompanied by an application fee not to exceed \$150. These
2 fees are not refundable.

3 (3)(a) Each owner of a flight training school if other
4 than a corporation and each operator of a flight training
5 school shall submit to the department with the application for
6 licensure of the flight training school a full set of
7 fingerprints and a photograph of herself or himself taken
8 within the preceding year. The department shall conduct an
9 examination of fingerprint records and police records in
10 accordance with the procedure set forth in s. 468.909.

11 (b) Each owner of a flight training school that is a
12 corporation shall submit to the department, with the
13 application for licensure of the flight training school, a
14 full set of fingerprints of the principal officer signing the
15 application form, and a full set of fingerprints of each
16 operator, and a photograph of each taken within the preceding
17 year. The department shall conduct an examination of
18 fingerprint records and police records in accordance with the
19 procedure set forth in s. 468.909.

20 (4) Each application must include:

21 (a) The name and address of the owner of the flight
22 training school.

23 (b) The license or certificate number issued to the
24 applicant by the Federal Aviation Administration to operate a
25 certificated pilot school, certificated provisional pilot
26 school, or other civilian school for flight instruction
27 authorized under 14 C.F.R. part 141 or part 61.

28 (c) The street and number of the building or place
29 where the flight training school is to be located.

30 (5) The department shall investigate the owner and any
31 operator or operators of an applicant flight training school

1 to determine her or his ability to comply with this part and
2 her or his employment experience and qualifications.

3 (6) If the applicant is other than a corporation, the
4 application shall also include the names and addresses of all
5 persons, except bona fide employees on stated salaries,
6 financially interested, either as partners, associates, or
7 profit sharers, in the operation of the flight training school
8 in question, together with the amount of their respective
9 interest.

10 (7) If the applicant is a corporation, the application
11 shall include the corporate name and the names, residential
12 addresses, and telephone numbers of all persons actively
13 participating in the business of the corporation and shall
14 include the names of all persons exercising managing
15 responsibility in the applicant's or licensee's office.

16 (8) The application must be accompanied by affidavits
17 of at least five reputable persons who have known or have been
18 associated with the applicant for at least 3 years, stating
19 that the applicant is a person of good moral character or, in
20 the case of a corporation, has a reputation for fair dealing.

21 (9) If any information in the application supplied to
22 the department by the applicant or licensee changes in any
23 manner whatsoever, the applicant or licensee shall submit such
24 changes to the department within 30 days after the date of
25 such change or after the date such change is known or should
26 have been known to the applicant or licensee.

27 468.909 Applicants for flight training; requirements;
28 penalty for violation.--

29 (1)(a) Upon application and prior to acceptance to any
30 flight training school licensed under this part, a
31 fingerprint-based criminal history check shall be performed on

1 any applicant for flight training, which shall include
2 information relating to any history of criminal activity or to
3 any evidence of espionage or terrorism. Each individual
4 subject to the background criminal history check shall file a
5 complete set of fingerprints taken in a manner required by the
6 Department of Law Enforcement and the Department of Business
7 and Professional Regulation. Fingerprints shall be submitted
8 to the Department of Law Enforcement for state processing and
9 to the Federal Bureau of Investigation for federal processing.
10 The results of each fingerprint-based check shall be reported
11 to the department and the requesting flight training school.
12 The costs of the checks, consistent with s. 943.053(3), shall
13 be paid by the applicant for flight training. The information
14 obtained by the processing of the fingerprint card by the
15 Florida Department of Law Enforcement and the Federal Bureau
16 of Investigation shall be sent to the department for the
17 purpose of determining if the applicant is statutorily
18 qualified for licensure.

19 (b) The applicant shall also provide at the time of
20 application a photograph of herself or himself taken within
21 the preceding year, and the applicant's current residence
22 address and telephone number.

23 (c) The application must be accompanied by affidavits
24 of at least five reputable persons who have known or have been
25 associated with the applicant for at least 3 years, stating
26 that the applicant is a person of good moral character.

27 (d) If any information in the application supplied to
28 the flight training school by the applicant changes in any
29 manner whatsoever, the applicant or licensee shall submit such
30 changes to the flight training school within 30 days after the
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1 date of such change or after the date such change is known or
2 should have been known to the applicant.

3 (2)(a) Any person who fraudulently conceals,
4 withholds, alters, falsifies, mutilates, or destroys any
5 relevant information required pursuant to this section with
6 the intent to avoid, evade, circumvent, or prevent compliance
7 with the requirements of this section, commits a felony of the
8 second degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

10 (b) Any person who aids, assists, abets, or conspires
11 with a person to commit any of the acts enumerated in
12 paragraph (a) commits a felony of the second degree,
13 punishable as provided in s. 775.082, s. 775.083, or s.
14 775.084.

15 (3) By June 1, 2002, the department shall identify any
16 additional criminal convictions or other criminal history
17 factors consistent with subsection (4) which shall disqualify
18 a person from receiving flight training from a flight training
19 school licensed under this part. Such factors shall be used to
20 disqualify all applicants on or after June 1, 2002.

21 (4) In addition to other requirements for applicants
22 for flight training, the department shall provide that:

23 (a) Any person who has been convicted, regardless of
24 whether adjudication was withheld for:

25 1. Aircraft piracy under s. 860.16, s. 775.0846, s.
26 775.087, s. 776.08, or s. 782.04.

27 2. Committing an act of mass violence or an act of
28 international terrorism, as defined in 18 U.S.C. s. 2331.

29 3. The manufacture, possession, sale, delivery,
30 display, use, or attempted or threatened use of a weapon of
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1 mass destruction or hoax weapon of mass destruction under s.
2 790.166.
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4 shall not be qualified as an applicant for flight training.
5 (b) Any person who has within the past 5 years been
6 convicted, regardless of whether adjudication was withheld,
7 for:
8 1. Dealing in stolen property.
9 2. Any violation of s. 893.135.
10 3. Any violation involving the sale, manufacturing,
11 delivery, or possession with intent to sell, manufacture, or
12 deliver a controlled substance.
13 4. Burglary.
14 5. Robbery.
15 6. Any violation of s. 790.07.
16 7. Any crime an element of which includes use or
17 possession of a firearm.
18 8. A dangerous crime as specified in s. 907.041(4)(a).
19 9. Criminal anarchy under ss. 876.01 and 876.02.
20 10. Extortion under s. 836.05.
21 11. Explosives violations under s. 552.22(1) and (2).
22 12. Resisting an officer with violence under s.
23 843.01.
24 13. Treason under s. 876.32.
25 14. Assisting self-murder under s. 782.08.
26 15. Sabotage under s. 876.38.
27 16. Stalking or aggravated stalking under s. 784.048.
28 17. Any conviction for any similar offenses under the
29 laws of another jurisdiction.
30 18. Conviction for conspiracy to commit any of the
31 offenses enumerated in this subsection

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2 shall not be qualified as an applicant for flight training.

3 (5) By October 1 of each year, each flight training
4 school shall report to the Department of Law Enforcement each
5 determination of denial of an applicant for flight training.
6 The report shall include the identity of the individual
7 affected, the factors supporting the determination, and any
8 other material factors used in making the determination.

9 468.911 Fees; establishment; disposition.--

10 (1) The department, by rule, shall establish fees to
11 be paid for application, licensing and renewal, reinstatement,
12 and recordmaking and recordkeeping. The department may also
13 establish, by rule, a late renewal penalty. The department
14 shall establish fees which are adequate to fund the
15 proportionate expenses incurred by the department in carrying
16 out its licensure and other related responsibilities under
17 this part. Fees shall be based on department estimates of the
18 revenue required to implement this part and the provisions of
19 law with respect to the regulation of flight training schools.

20 (2) The application fee shall not exceed \$300 and
21 shall be nonrefundable.

22 (3) The application fee for change of operator shall
23 not exceed \$150.

24 (4) The initial license fee shall not exceed \$500.

25 (5) The biennial renewal fee shall not exceed \$500.

26 (6) The fee for application for an inactive status
27 license or for reactivation of an inactive status license
28 shall not exceed \$100.

29 (7) All moneys derived from fees and fines imposed
30 pursuant to this part shall be deposited in a separate account
31 within the Professional Regulation Trust Fund.

1 468.913 Renewal of license.--

2 (1) The department shall renew a license upon receipt
3 of the renewal application, renewal fee, and proof
4 satisfactory to the department that the renewal applicant is
5 currently licensed, in good standing, to operate a
6 certificated pilot school or certificated provisional pilot
7 school under 14 C.F.R. part 141 or part 61 or other civilian
8 school for flight instruction authorized under 14 C.F.R. part
9 141 or part 61.

10 (2) The department shall adopt rules establishing a
11 procedure for the biennial renewal of licenses and
12 certificates.

13 468.915 Inactive status.--The department shall adopt
14 rules relating to application procedures for inactive status,
15 the renewal of an inactive license, and the reactivation of an
16 inactive license.

17 468.917 License; content; posting.--

18 (1) The flight training school license shall be valid
19 for the biennial period in which issued and shall be in such
20 form as may be determined by the department, but shall at
21 least specify the name under which the applicant is to
22 operate, the address of the place of business, the expiration
23 date of the license, the full names and titles of the owner
24 and the operator or operators, and the number of the license.

25 (2) The flight training school license shall at all
26 times be displayed conspicuously in the place of business in
27 such manner as to be open to the view of the public and
28 subject to the inspection of all duly authorized officers of
29 the state and county.

30 (3) If a licensee desires to cancel her or his
31 license, she or he must notify the department and forthwith

1 return to the department the license so canceled. No license
2 fee may be refunded upon cancellation of the license.

3 468.921 Records required to be kept.--Each flight
4 training school shall keep on file the application,
5 registration, and contract of each applicant and shall keep on
6 file copies of all information collected pursuant to s.
7 468.909. In addition, such file must include the name and
8 address of each applicant and the amount of the compensation
9 received from the applicant. No flight training school or
10 employee thereof shall knowingly make any false entry in
11 applicant files or receipt files. Each card or document in
12 such files shall be preserved for a period of 5 years after
13 the date of the last entry thereon.

14 468.923 Violations; penalties.--

15 (1) A licensee who provides, or allows to be provided,
16 flight training to an applicant without fulfilling the
17 requirements for fingerprinting and criminal history records
18 check of the applicant as required under s. 468.909 commits a
19 felony of the second degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

21 (2) Each of the following acts constitutes a felony of
22 the third degree, punishable as provided in s. 775.082, s.
23 775.083, or s. 775.084:

24 (a) Owning or operating, or soliciting business as, a
25 flight training school in this state without first procuring a
26 license from the department.

27 (b) Obtaining or attempting to obtain a license by
28 means of fraud, misrepresentation, or concealment.

29 (c) Failing to maintain the records required by s.
30 468.921 or knowingly making false entries in such records.

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1 (3) Each of the following acts constitutes a
2 misdemeanor of the second degree, punishable as provided in s.
3 775.082 or s. 775.083:

4 (a) Relocating a business as a flight training school,
5 or operating under any name other than that designated on the
6 license, unless written notification is given to the
7 department and to the surety or sureties on the original bond,
8 and unless the license is returned to the department for the
9 recording thereon of such changes.

10 (b) Assigning or attempting to assign a license issued
11 under this part.

12 (c) Failing to show on a license application whether
13 or not the flight training school or any owner of the flight
14 training school is financially interested in any other
15 business of like nature and, if so, failing to specify such
16 interest or interests.

17 (4) The court may, in addition to other punishment
18 provided for in subsection (3), suspend or revoke the license
19 of any licensee under this part who has been found guilty of
20 any misdemeanor listed in subsection (3).

21 (5) In the event the department or any state attorney
22 shall have probable cause to believe that a flight training
23 school or other person has violated any provision of
24 subsection (1) or subsection (2), an action may be brought by
25 the department or any state attorney to enjoin such flight
26 training school or any person from continuing such violation,
27 or engaging therein or doing any acts in furtherance thereof,
28 and for such other relief as to the court seems appropriate.
29 In addition to this remedy, the department may assess a
30 penalty against any flight training school or any person in an
31 amount not to exceed \$10,000.

- 1 468.925 Disciplinary proceedings.--
2 (1) The following acts constitute grounds for denial
3 of a license or disciplinary action:
4 (a) Procuring or attempting to procure a license by
5 bribery, by fraudulent misrepresentation, or through an error
6 of the department.
7 (b) Having a license revoked, suspended, or otherwise
8 acted against, including denial of licensure, by the licensing
9 authority of another state or by the Federal Aviation
10 Administration.
11 (c) Being convicted or found guilty of, or entering a
12 plea of nolo contendere to, regardless of adjudication, a
13 crime in any jurisdiction which directly relates to the
14 practice of providing flight training or instruction.
15 (d) Making or filing a report or record which the
16 licensee knows to be false, intentionally or negligently
17 failing to file a report or records required by state or
18 federal law, willfully impeding or obstructing such filing, or
19 inducing another person to impede or obstruct such filing.
20 Such report or record shall include only those reports or
21 records which are signed in one's capacity as a licensed
22 flight training school owner or operator.
23 (e) Advertising services in a manner which is
24 fraudulent, false, deceptive, or misleading in form or
25 content.
26 (f) Being proven guilty of fraud or deceit or of
27 negligence, incompetency, or misconduct in the practice of
28 providing flight training or instruction.
29 (g) Violating a lawful order of the department
30 previously entered in a disciplinary hearing, or failing to
31 comply with a lawfully issued subpoena of the department.

1 (h) Practicing with a revoked, suspended, inactive, or
2 delinquent license.

3 (i) Using, or causing or promoting the use of, any
4 advertising matter, promotional literature, testimonial,
5 guarantee, warranty, label, brand, insignia, or other
6 representation, however disseminated or published, which is
7 misleading, deceiving, or untruthful.

8 (j) Aiding, assisting, procuring, employing, or
9 advising any licensee or business entity to provide flight
10 training or instruction contrary to this part, chapter 455, or
11 any rule adopted pursuant thereto.

12 (k) Misrepresenting the professional services
13 available with respect to any flight training or instruction
14 offered or using any other term or title which might connote
15 the availability of professional services when such use is not
16 accurate.

17 (l) Failing to notify the department in writing of a
18 change in current mailing and place-of-practice address within
19 30 days after such change.

20 (m) Exercising influence on a client in such a manner
21 as to exploit the client for financial gain of the licensee or
22 of a third party.

23 (n) Failing to give each applicant a copy of a
24 contract which lists the services to be provided and the fees
25 to be charged, which states that the flight training school is
26 regulated by the department, and which lists the address and
27 telephone number of the department.

28 (o) Practicing or offering to practice beyond the
29 scope permitted by law or accepting and performing
30 professional responsibilities the licensee knows, or has
31 reason to know, the licensee is not competent to perform.

1 (p) Aiding, assisting, procuring, or employing any
2 unlicensed person to provide flight training or instruction.

3 (q) Delegating or contracting for the performance of
4 flight training responsibilities by a person when the licensee
5 delegating or contracting for performance of such
6 responsibilities knows, or has reason to know, such person is
7 not qualified by training, experience, and authorization to
8 perform them.

9 (r) Committing any act upon a client which would
10 constitute sexual battery or which would constitute sexual
11 misconduct.

12 (s) Being unable to practice the profession for which
13 she or he is licensed under this part with reasonable skill or
14 competence as a result of any mental or physical condition or
15 by reason of illness, drunkenness, or use of drugs, narcotics,
16 chemicals, or any other substance. In enforcing this
17 paragraph, upon a finding by the secretary or her or his
18 designee that probable cause exists to believe that the
19 licensee is unable to practice the profession because of the
20 reasons stated in this paragraph, the department shall have
21 the authority to compel a licensee to submit to a mental or
22 physical examination by a physician, psychologist, clinical
23 social worker, marriage and family therapist, or mental health
24 counselor designated by the department. If the licensee
25 refuses to comply with the department's order directing the
26 examination, such order may be enforced by filing a petition
27 for enforcement in the circuit court in the circuit in which
28 the licensee resides or does business. The department shall
29 be entitled to the summary procedure provided in s. 51.011. A
30 licensee affected under this paragraph shall at reasonable
31 intervals be afforded an opportunity to demonstrate that she

1 or he can resume the competent practice for which she or he is
2 licensed with reasonable skill and safety.

3 (t) Violating any provision of this part or any rules
4 adopted pursuant thereto.

5 (2) The board may enter an order denying licensure
6 against any applicant for licensure or licensee who is found
7 guilty of violating any provision of subsection (1).

8 (3) The department shall reissue the license which has
9 been suspended or revoked upon certification by the department
10 that the licensee has complied with all of the terms and
11 conditions set forth in the final order.

12 468.927 Prosecution of criminal violations.--The
13 department shall report any criminal violation of this part to
14 the proper prosecuting authority for prompt prosecution.

15 Section 2. This act shall take effect upon becoming a
16 law.

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HOUSE SUMMARY

Creates part XV of ch. 468, F.S., the "Florida Flight Training School Licensing Act of 2002," for the purpose of requiring licensure and regulation of flight training schools by the Department of Business and Professional Regulation. Specifies purpose and intent of the act. Provides definitions. Provides powers and duties of the department. Requires licensure of flight training schools by the department. Provides license requirements for owners and operators of flight training schools. Provides fees for licensure, renewal, and reactivation of a license and the disposition of such fees. Provides requirements with respect to the contents and display of license. Specifies violations of the act and penalties therefor. Provides for disciplinary proceedings. Provides for prosecution of criminal violations.

Provides requirements for applicants to flight training schools, which include fingerprinting and criminal history background checks. Specifies violations and penalties therefor. Provides conditions for disqualification of applicants for flight training. Requires flight training schools to make specified annual reports to the department.