

By Senator Aronberg

27-560-03

1 A bill to be entitled
2 An act relating to driver training schools;
3 amending s. 488.01, F.S.; requiring persons or
4 entities operating driver training schools to
5 obtain authorization to do so, instead of a
6 license; amending s. 488.02, F.S.; revising
7 powers of the Department of Highway Safety and
8 Motor Vehicles with respect to rules and
9 contractual agreements for enforcing provisions
10 relating to driver training schools; amending
11 s. 488.03, F.S.; prescribing fees; providing
12 for biennial renewal of authorization to
13 conduct a school; creating s. 488.031, F.S.;
14 providing for application and approval of
15 changes of ownership of driver training
16 schools; creating s. 488.035, F.S.; prescribing
17 prerequisites for ownership of a driver
18 training school; defining the term "good moral
19 character"; amending s. 488.04, F.S.; providing
20 for certification of instructors; prescribing
21 fees; providing certification period; creating
22 s. 488.041, F.S.; providing prerequisites for
23 certification as a driver training school
24 instructor; defining the term "good moral
25 character"; repealing s. 488.045, F.S.,
26 relating to agents for commercial driving
27 schools; amending s. 488.05, F.S.; providing
28 prerequisites for certification of driver
29 training school vehicles; repealing s. 488.06,
30 F.S., relating to revocation or suspension of
31 licenses and certificates; creating s. 488.065,

1 F.S.; providing fees for delinquent renewal of
2 an authorization or certificate; providing
3 consequences of failure to renew; repealing s.
4 488.07, F.S., relating to penalties for
5 violations; creating s. 488.075, F.S.;
6 providing for form of authorizations and
7 certificates; prohibiting assignment of
8 authorizations and certificates; creating s.
9 488.085, F.S.; proscribing certain acts by
10 schools and instructors and providing criminal
11 penalties for violations; creating s. 488.09,
12 F.S.; prescribing grounds for discipline by the
13 department; creating s. 488.10, F.S.;
14 prohibiting reapplication for a specified
15 period after the department has denied or
16 revoked authority to conduct a school or act as
17 an instructor; providing exceptions;
18 transferring, renumbering, and amending s.
19 488.08, F.S.; providing for disposition of
20 funds from licenses and applications; creating
21 s. 488.12, F.S.; providing that department
22 regulation of driver training schools and
23 instructors is nonexclusive; creating s.
24 488.13, F.S.; providing for investigations,
25 audits, and reviews; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 488.01, Florida Statutes, is
31 amended to read:

1 488.01 Authority ~~License~~ to engage in business of
2 operating a driver training ~~driver's~~ school required.--The
3 Department of Highway Safety and Motor Vehicles shall
4 authorize and regulate ~~oversee and license~~ all driver training
5 ~~commercial driver's~~ schools except truck driving schools. All
6 commercial truck driving schools must ~~shall be required to be~~
7 licensed pursuant to chapter 1005, and additionally are ~~shall~~
8 ~~be~~ subject to the provisions of ss. 488.04 and 488.05. No
9 person, group, organization, institution, business entity, or
10 corporate entity may engage in the business of operating a
11 driver training ~~driver's~~ school without first obtaining
12 authorization ~~a license therefor~~ from the Department of
13 Highway Safety and Motor Vehicles pursuant to this chapter or
14 from the State Board of Nonpublic Career Education pursuant to
15 chapter 1005.

16 Section 2. Section 488.02, Florida Statutes, is
17 amended to read:

18 488.02 Regulatory authority ~~Rules and~~
19 ~~regulations~~.--The Department of Highway Safety and Motor
20 Vehicles may ~~has authority to~~ adopt rules pursuant to ss.
21 120.536(1) and 120.54 and enter into contractual agreements
22 for authorizations and certifications necessary to administer
23 ~~implement the provisions of~~ this chapter.

24 Section 3. Section 488.03, Florida Statutes, is
25 amended to read:

26 488.03 Driver training school ~~License~~; application;
27 expiration; renewal; fees.--

28 (1) An application for authorization ~~a license~~ shall
29 be made in the form prescribed by the Department of Highway
30 Safety and Motor Vehicles. A nonrefundable application fee of
31 \$50 must accompany each application for original

1 authorization. ~~Every application for an original license must~~
2 ~~be accompanied by an application fee of \$50, which fee may not~~
3 ~~be refunded. If the application is approved, a further fee of~~
4 ~~\$300~~~~\$200~~ must be paid before the authorization license may be
5 granted issued. The authorization license shall be valid for
6 a period of 2 years ~~1 year~~ from the date granted ~~of issuance~~
7 and is not transferable. Each application must contain the
8 name of any owner who has any interest in the school. ~~In the~~
9 ~~event of any change in ownership or interest in the business,~~
10 ~~an application for a new license, together with all~~
11 ~~instructors' certificates issued thereunder, must be~~
12 ~~surrendered to the department before a license will be issued~~
13 ~~to a new owner of the business.~~ The fee for the biennial
14 ~~annual~~ renewal of the authorization a license is \$200 ~~\$100~~.

15 (2) The department may require information and
16 certifications to determine that the applicant is of good
17 moral character and meets other requirements of this chapter.

18 Section 4. Section 488.031, Florida Statutes, is
19 created to read:

20 488.031 Change of ownership.--

21 (1) An authorization granted to any person or entity
22 under this chapter may not be transferred or assigned, and a
23 driver training school may not operate under any name or at
24 any location other than that specified in the application for
25 authorization without the prior written consent of the
26 Department of Highway Safety and Motor Vehicles.

27 (2) A person or entity that seeks to purchase or
28 acquire control of a driver training school authorized under
29 this chapter must first apply to the department for a
30 certificate of approval for the proposed change of ownership.
31 The application must contain the name and address of the

1 proposed new owner and other information required by the
2 department.

3 (3) Any existing stockholders or partners who intend
4 to acquire, from other stockholders or partners, control of an
5 existing driver training school authorized under this chapter
6 must first apply to the department for a certificate of
7 approval for the proposed change of ownership. The application
8 must contain the names and addresses of the stockholders or
9 partners who own any part of the driver training school and
10 are seeking to acquire control and other information required
11 by the department.

12 (4) Before granting a certificate of approval to an
13 applicant that has applied under subsection (2) or subsection
14 (3), the department may conduct an investigation of the
15 applicant and examine the records of the entity as part of the
16 investigation in accordance with applicable law. As a part of
17 its investigation, the department shall determine if there are
18 any complaints pending against the company being purchased or
19 the owner or owner proposed to operate the school. The
20 department shall grant a certificate of approval only after it
21 has determined that the proposed new owner or owners possess
22 the financial ability, experience, and integrity to operate
23 the school under this chapter.

24 (5) Any application submitted to the department under
25 this section shall be deemed approved if the department has
26 not approved the application, or has rejected the application
27 and not provided the applicant with the basis for the
28 rejection, within 90 days after receiving the completed
29 application.

30 Section 5. Section 488.035, Florida Statutes, is
31 created to read:

1 488.035 Driver training school authorization
2 requirements.--

3 (1) Each driver training school owner authorized by
4 the Department of Highway Safety and Motor Vehicles must:

5 (a) If an individual, be at least 21 years of age. If
6 an entity, have all of its stockholders or partners at least
7 21 years of age.

8 (b) If an individual, be of good moral character. If
9 an entity, have all of its stockholders or partners of good
10 moral character.

11 (c) Have the education or managerial or business
12 experience to successfully operate a driver training school.

13 (d) Employ at least one certified instructor.

14 (e) Ensure that any student under age 18 holds a valid
15 driver's license.

16 (2)(a) As used in this section, the term "good moral
17 character" means a personal history of honesty,
18 trustworthiness, fairness, a good reputation for fair
19 dealings, respect for the rights of others, and compliance
20 with state and federal law. The department shall institute a
21 thorough background investigation of the good moral character
22 of each individual owner and of each stockholder or partner of
23 an entity. Such investigation must include:

24 1. The submission of a criminal history report from
25 the Department of Law Enforcement.

26 2. Such other investigation as the department
27 considers necessary.

28 (b) The department may deny an application for
29 authorization or renewal citing lack of good moral character.
30 Conviction of a crime within the last 7 years does not
31 automatically bar any applicant or holder from obtaining or

1 continuing an authorization. The department shall consider the
2 type of crime committed, the crime's relevancy to the driver
3 training school industry, the length of time since the
4 conviction, and any other factors deemed relevant by the
5 department.

6 Section 6. Section 488.04, Florida Statutes, is
7 amended to read:

8 488.04 Driver ~~Driver's~~ training school instructors;
9 certificates; qualifications.--

10 (1) No person shall receive compensation for giving
11 instructions in the operation of motor vehicles or act in the
12 capacity of a driver ~~professional driver's~~ training school
13 instructor in this state without first obtaining an
14 instructor's certificate issued for such purpose by the
15 Department of Highway Safety and Motor Vehicles. An
16 application for a certificate shall be made in the form
17 prescribed by the department. A nonrefundable application fee
18 of \$35 must accompany each application for original
19 certification. The certificate shall be granted to every
20 approved instructor for the remainder of the corresponding
21 driver training school's authorization period.~~The fee for the~~
22 ~~initial application is \$25, which is not refundable.~~ The fee
23 for the biennial ~~annual~~ renewal of a certificate is \$20 ~~\$10~~.
24 A certificate is valid for use only in connection with the
25 business of the driver's school or schools listed on the
26 certificate by the department or in connection with a driver's
27 education course offered by a district school board. The
28 department may require information and certifications to
29 determine that the applicant is of good moral character and
30 meets other requirements of this chapter.~~An applicant for an~~
31 ~~instructor's certificate shall be required to take special eye~~

1 ~~tests, written tests, and road tests and to furnish proof of~~
2 ~~his or her qualifications and ability as an instructor.~~

3 (2) The Department of Highway Safety and Motor
4 Vehicles may issue a duplicate certificate only upon receipt
5 of an affidavit stating that the original certificate was
6 physically destroyed, but may not issue a duplicate
7 certificate for any other loss of the original certificate.
8 The fee for issuance of a duplicate certificate is \$2.

9 Section 7. Section 488.041, Florida Statutes, is
10 created to read:

11 488.041 Driver training school instructor
12 certification requirements.--

13 (1) Each driver training school instructor certified
14 by the Department of Highway Safety and Motor Vehicles must:

15 (a) Be at least 21 years of age.

16 (b) Be of good moral character.

17 (c) Complete instructor training as prescribed by the
18 department.

19 (2)(a) As used in this section, the term "good moral
20 character" means a personal history of honesty,
21 trustworthiness, fairness, a good reputation for fair
22 dealings, respect for the rights of others, and compliance
23 with state and federal law. The department shall institute a
24 thorough background investigation of the individual's good
25 moral character. Such investigation must include:

26 1. The submission of a criminal history report from
27 the Department of Law Enforcement.

28 2. Such other investigation of the individual as the
29 department considers necessary.

30 (b) The department may deny an application for
31 certification or renewal citing lack of good moral character.

1 Conviction of a crime within the last 7 years does not
2 automatically bar any applicant or holder from obtaining or
3 continuing a certification. The department shall consider the
4 type of crime committed, the crime's relevancy to the driver
5 training school industry, the length of time since the
6 conviction, and any other factors deemed relevant by the
7 department.

8 Section 8. Section 488.045, Florida Statutes, is
9 repealed.

10 Section 9. Section 488.05, Florida Statutes, is
11 amended to read:

12 488.05 Driver training ~~Driver's~~ school vehicle
13 identification certificates.--A motor vehicle owned or
14 controlled by a driver training ~~driver's~~ school may not be
15 used for the purpose of giving driving instructions until the
16 driver training school licensee has obtained a school vehicle
17 identification certificate from the Department of Highway
18 Safety and Motor Vehicles, which certificate shall be carried
19 in such vehicle at all times. A nonrefundable application fee
20 of \$25 must accompany each application for original
21 certification. The certificate shall be granted to all
22 approved vehicles for the remainder of the corresponding
23 driver training school's authorization period.~~An application~~
24 ~~for an initial certificate shall be accompanied by a fee of~~
25 ~~\$15, which is not refundable.~~The fee for the biennial ~~annual~~
26 renewal of a certificate is \$20~~\$10~~. ~~A school vehicle~~
27 ~~certificate will not be issued by~~ The department may not issue
28 a school vehicle certificate unless the vehicle is equipped in
29 accordance with safety requirements established by the
30 department, which include dual driver controls located on the
31 passenger side of the vehicle and permanent markings on the

1 exterior of the vehicle which state the name of the driver
2 training school.

3 Section 10. Section 488.06, Florida Statutes, is
4 repealed.

5 Section 11. Section 488.065, Florida Statutes, is
6 created to read:

7 488.065 Delinquent renewal.--Failure to renew any
8 authorization or certificate under s. 488.03, s. 488.04, or s.
9 488.05 results in the renewal becoming delinquent. The holder
10 has 30 days after the renewal date in which to renew and pay a
11 late fee set by the Department of Highway Safety and Motor
12 Vehicles not to exceed \$300. If payment is not received within
13 this 30-day period, the authorization or certification
14 automatically expires without further action of the
15 department, and the holder is ineligible to reapply for
16 authorization or certification for a period of 1 year
17 following its expiration.

18 Section 12. Section 488.07, Florida Statutes, is
19 repealed.

20 Section 13. Section 488.075, Florida Statutes, is
21 created to read:

22 488.075 Authorization and certification.--

23 (1) All authorizations and certifications issued under
24 this chapter shall be in a form prescribed by the Department
25 of Highway Safety and Motor Vehicles.

26 (2) An authorization or certification is not valid for
27 any person or entity that engages in the business of a driver
28 training school under any name other than that specified in
29 the authorization or certification. Authorizations and
30 certifications issued under this chapter are not assignable,
31 and business may not be conducted under a fictitious name

1 without prior written authorization of the department. The
2 department may not authorize the use of a name that is so
3 similar to that of a public officer or agency, or to that used
4 by another driver training school, that the public may be
5 confused or misled thereby. A driver training school may not
6 conduct business under more than one name unless it has
7 obtained a separate authorization.

8 Section 14. Section 488.085, Florida Statutes, is
9 created to read:

10 488.085 Prohibitions; penalties.--

11 (1) A person may not:

12 (a) Practice or offer to practice as a driver training
13 school or driver training school instructor unless such person
14 or entity is authorized or certified under this chapter.

15 (b) Practice or offer to practice as a driver training
16 school unless all of its instructors are certified under this
17 chapter.

18 (c) Use the name or title "driver training school,"
19 "commercial driver school," "commercial driving school," or
20 words that would tend to lead one to believe that such person
21 or entity is authorized under this chapter, when such person
22 or entity has not been so authorized.

23 (d) Present as his or her own or his or her entity's
24 own the authorization or certification of another.

25 (e) Knowingly give false or forged evidence to the
26 department.

27 (f) Use or attempt to use an authorization or
28 certification that has been suspended or revoked.

29 (g) Solicit business within 300 feet, including the
30 parking lot, of a driver license office.

31

1 (2) A violation of this section constitutes a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083.

4 Section 15. Section 488.09, Florida Statutes, is
5 created to read:

6 488.09 Discipline.--

7 (1) The following constitute grounds for which
8 disciplinary action against the authorization of a driver
9 training school or the certification of an instructor may be
10 taken by the Department of Highway Safety and Motor Vehicles:

11 (a) Being convicted or found guilty of, or entering a
12 plea of nolo contendere to, regardless of adjudication,
13 bribery, fraud, or willful misrepresentation in obtaining,
14 attempting to obtain, or renewing an authorization or
15 certification.

16 (b) Being convicted or found guilty of, or entering a
17 plea of nolo contendere to, regardless of adjudication, a
18 crime in any jurisdiction which relates to the operation of a
19 driver training school or the ability to engage in business as
20 a driver training school.

21 (c) Being convicted or found guilty of, or entering a
22 plea of nolo contendere to, regardless of adjudication, fraud,
23 deceit, or misconduct in the operation of a driver training
24 school.

25 (d) Conducting business without an active
26 authorization or contract.

27 (e) Transferring or attempting to transfer an
28 authorization or a certification issued under this chapter.

29 (f) Violating any provision of this chapter or any
30 lawful order or rule issued under this chapter.

31

1 (g) Having been confined in any county jail,
2 postadjudication; being confined in any state or federal
3 prison or mental institution; or being unable, through mental
4 disease or deterioration, to be safely entrusted to deal with
5 the public or in a confidential capacity.

6 (h) Failing to inform the department in writing within
7 30 days after being convicted or found guilty of, or entering
8 a plea of nolo contendere to, any fellow, regardless of
9 adjudication.

10 (i) Failing to conform to any lawful order of the
11 department.

12 (j) Being determined liable for civil fraud by a court
13 in any adjudication.

14 (k) Having adverse material final action taken by any
15 state or federal regulatory agency for violations with the
16 scope of control of the driver training school.

17 (l) Failing to inform the department in writing within
18 30 days after any adverse material final action by a state or
19 federal regulatory agency.

20 (m) Failing to meet or maintain the requirements for
21 authorization as a driver training school or instructor.

22 (n) Engaging as an instructor any person who is not
23 certified as an instructor by the department.

24 (o) Attempting to obtain, obtaining, or renewing an
25 authorization or certification to provide driver training
26 school services by bribery, misrepresentation, or fraud.

27 (p) Soliciting business within 300 feet, including the
28 parking lot, of a driver license office.

29 (2) When the department finds any violation of
30 subsection (1), it may do one or more of the following:

31

1 (a) Deny an application for authorization or
2 certification.

3 (b) Permanently revoke, suspend, restrict, or not
4 renew an authorization or certification.

5 (c) Impose an administrative fine not to exceed \$5,000
6 for each count or separate offense.

7 (d) Issue a reprimand.

8 (e) Place the driver training school authorization on
9 probation for such period of time and subject to such
10 conditions as the department specifies.

11 (f) Assess costs associated with investigation and
12 prosecution.

13 (3) Upon revocation or suspension of an authorization
14 or certification, the authorization or certification must
15 immediately be returned to the department.

16 (4) The department shall specify by rule or
17 contractual agreement the penalties for any violation of this
18 chapter.

19 Section 16. Section 488.10, Florida Statutes, is
20 created to read:

21 488.10 Eligibility for reapplication.--An applicant is
22 ineligible to reapply for authorization or certification for 3
23 years following final agency action on the denial or
24 revocation of authority applied for or granted under this
25 chapter. This time restriction does not apply to
26 administrative denials or revocations entered because:

27 (1) The applicant has made an inadvertent error or
28 omission on the application;

29 (2) The experience documented to the Department of
30 Highway Safety and Motor Vehicles was insufficient at the time
31 of the previous application;

1 (3) The department is unable to complete the criminal
2 background investigation because of insufficient information
3 from the Department of Law Enforcement, the Federal Bureau of
4 Investigation, or any other applicable law enforcement agency;

5 (4) The applicant has failed to submit required fees;
6 or

7 (5) An applicant has been deemed ineligible for
8 authorization or certification because of the lack of good
9 moral character of an individual or individuals when such
10 individual or individuals are no longer employed in a capacity
11 that would require authority under this chapter.

12 Section 17. Section 488.08, Florida Statutes, is
13 transferred, renumbered as section 488.11, Florida Statutes,
14 and amended to read:

15 488.11 ~~488.08~~ Disposition of revenues; budget.--All
16 moneys received from the application for, or from the issuance
17 of, licenses and certificates under this chapter shall be
18 deposited into the Highway Safety Operating Trust Fund for the
19 administration of this program.~~General Revenue Fund. The~~
20 ~~Department of Highway Safety and Motor Vehicles shall include~~
21 ~~an amount in its legislative budget request sufficient for the~~
22 ~~proper administration of the provisions of this chapter.~~

23 Section 18. Section 488.12, Florida Statutes, is
24 created to read:

25 488.12 Additional regulation.--This chapter does not
26 exempt a driver training school from any other license
27 requirement imposed by federal, state, or local law or
28 ordinance.

29 Section 19. Section 488.13, Florida Statutes, is
30 created to read:

31

1 488.13 Investigations; audits; review.--The Department
2 of Highway Safety and Motor Vehicles may make investigations,
3 audits, or reviews within or outside this state as it deems
4 necessary:

5 (1) To determine whether a person or entity has
6 violated or is in danger of violating this chapter or any
7 rule, order, or contractual agreement under this chapter;

8 (2) To aid in the enforcement of this chapter.

9 Section 20. This act shall take effect July 1, 2003.

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

SENATE SUMMARY

Extensively revises provisions governing commercial driving schools, including authority to operate, certification to act as an instructor in such a school, application and renewal fees, procedures upon change of ownership, determination of good moral character of applicants for new or renewed authorization or certification, requirements applicable to school vehicles, disciplinary proceedings and penalties for violations, budgetary matters, and investigations and audits. (See bill for details.)