



HB 1671

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1 A bill to be entitled

2 An act relating to driver training schools; amending s.
3 488.01, F.S.; requiring persons or entities operating
4 driver training schools to obtain authorization to do so,
5 instead of a license; amending s. 488.02, F.S.; revising
6 powers of the Department of Highway Safety and Motor
7 Vehicles with respect to rules and contractual agreements
8 for enforcing provisions relating to driver training
9 schools; amending s. 488.03, F.S.; prescribing fees;
10 providing for biennial renewal of authorization to conduct
11 a school; creating s. 488.031, F.S.; providing for
12 application and approval of changes of ownership of driver
13 training schools; creating s. 488.035, F.S.; prescribing
14 prerequisites for ownership of a driver training school;
15 defining the term "good moral character"; amending s.
16 488.04, F.S.; providing for certification of instructors;
17 prescribing fees; providing certification period; creating
18 s. 488.041, F.S.; providing prerequisites for
19 certification as a driver training school instructor;
20 defining the term "good moral character"; repealing s.
21 488.045, F.S., relating to agents for commercial driving
22 schools; amending s. 488.05, F.S.; providing prerequisites
23 for certification of driver training school vehicles;
24 repealing s. 488.06, F.S., relating to revocation or
25 suspension of licenses and certificates; creating s.
26 488.065, F.S.; providing fees for delinquent renewal of an
27 authorization or certificate; providing consequences of
28 failure to renew; repealing s. 488.07, F.S., relating to
29 penalties for violations; creating s. 488.075, F.S.;
30 providing for form of authorizations and certificates;



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31 prohibiting assignment of authorizations and certificates;
 32 creating s. 488.085, F.S.; proscribing certain acts by
 33 schools and instructors and providing criminal penalties
 34 for violations; creating s. 488.09, F.S.; prescribing
 35 grounds for discipline by the department; creating s.
 36 488.10, F.S.; prohibiting reapplication for a specified
 37 period after the department has denied or revoked
 38 authority to conduct a school or act as an instructor;
 39 providing exceptions; transferring, renumbering, and
 40 amending s. 488.08, F.S.; providing for disposition of
 41 funds from licenses and applications; creating s. 488.12,
 42 F.S.; providing that department regulation of driver
 43 training schools and instructors is nonexclusive; creating
 44 s. 488.13, F.S.; providing for investigations, audits, and
 45 reviews; providing an effective date.

46

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

48

49 Section 1. Section 488.01, Florida Statutes, is amended to
 50 read:

51 488.01 Authority License ~~License~~ to engage in business of
 52 operating a driver training ~~driver's~~ school required.--The
 53 Department of Highway Safety and Motor Vehicles shall authorize
 54 and regulate ~~oversee and license~~ all driver training ~~commercial~~
 55 ~~driver's~~ schools except truck driving schools. All commercial
 56 truck driving schools must ~~shall be required to~~ be licensed
 57 pursuant to chapter 1005, and additionally are ~~shall be~~ subject
 58 to the provisions of ss. 488.04 and 488.05. No person, group,
 59 organization, institution, business entity, or corporate entity
 60 may engage in the business of operating a driver training



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61 ~~driver's~~ school without first obtaining authorization ~~a license~~
 62 ~~therefor~~ from the Department of Highway Safety and Motor
 63 Vehicles pursuant to this chapter or from the State Board of
 64 Nonpublic Career Education pursuant to chapter 1005.

65 Section 2. Section 488.02, Florida Statutes, is amended to
 66 read:

67 488.02 Regulatory authority ~~Rules and regulations.~~--The
 68 Department of Highway Safety and Motor Vehicles may ~~has~~
 69 ~~authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54
 70 and enter into contractual agreements for authorizations and
 71 certifications necessary to administer ~~implement the provisions~~
 72 ~~of~~ this chapter.

73 Section 3. Section 488.03, Florida Statutes, is amended to
 74 read:

75 488.03 Driver training school ~~License;~~ application;
 76 expiration; renewal; fees.--

77 (1) An application for authorization ~~a license~~ shall be
 78 made in the form prescribed by the Department of Highway Safety
 79 and Motor Vehicles. A nonrefundable application fee of \$50 must
 80 accompany each application for original authorization. ~~Every~~
 81 ~~application for an original license must be accompanied by an~~
 82 ~~application fee of \$50, which fee may not be refunded.~~ If the
 83 application is approved, a further fee of \$300 ~~\$200~~ must be paid
 84 before the authorization ~~license~~ may be granted ~~issued~~. The
 85 authorization ~~license~~ shall be valid for a period of 2 years ~~±~~
 86 ~~year~~ from the date granted ~~of issuance~~ and is not transferable.
 87 Each application must contain the name of any owner who has any
 88 interest in the school. ~~In the event of any change in ownership~~
 89 ~~or interest in the business, an application for a new license,~~
 90 ~~together with all instructors' certificates issued thereunder,~~



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91 ~~must be surrendered to the department before a license will be~~
92 ~~issued to a new owner of the business.~~ The fee for the biennial
93 ~~annual~~ renewal of the authorization a license is \$200 ~~\$100~~.

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

97 Section 4. Section 488.031, Florida Statutes, is created
98 to read:

99 488.031 Change of ownership.--

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

106 (2) A person or entity that seeks to purchase or acquire
107 control of a driver training school authorized under this
108 chapter must first apply to the department for a certificate of
109 approval for the proposed change of ownership. The application
110 must contain the name and address of the proposed new owner and
111 other information required by the department.

112 (3) Any existing stockholders or partners who intend to
113 acquire, from other stockholders or partners, control of an
114 existing driver training school authorized under this chapter
115 must first apply to the department for a certificate of approval
116 for the proposed change of ownership. The application must
117 contain the names and addresses of the stockholders or partners
118 who own any part of the driver training school and are seeking
119 to acquire control and other information required by the
120 department.



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121 (4) Before granting a certificate of approval to an
122 applicant that has applied under subsection (2) or subsection
123 (3), the department may conduct an investigation of the
124 applicant and examine the records of the entity as part of the
125 investigation in accordance with applicable law. As a part of
126 its investigation, the department shall determine if there are
127 any complaints pending against the company being purchased or
128 the owner or owner proposed to operate the school. The
129 department shall grant a certificate of approval only after it
130 has determined that the proposed new owner or owners possess the
131 financial ability, experience, and integrity to operate the
132 school under this chapter.

133 (5) Any application submitted to the department under this
134 section shall be deemed approved if the department has not
135 approved the application, or has rejected the application and
136 not provided the applicant with the basis for the rejection,
137 within 90 days after receiving the completed application.

138 Section 5. Section 488.035, Florida Statutes, is created
139 to read:

140 488.035 Driver training school authorization
141 requirements.--

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

144 (a) If an individual, be at least 21 years of age. If an
145 entity, have all of its stockholders or partners at least 21
146 years of age.

147 (b) If an individual, be of good moral character. If an
148 entity, have all of its stockholders or partners of good moral
149 character.



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

152 (d) Employ at least one certified instructor.

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

155 (2)(a) As used in this section, the term "good moral
 156 character" means a personal history of honesty, trustworthiness,
 157 fairness, a good reputation for fair dealings, respect for the
 158 rights of others, and compliance with state and federal law. The
 159 department shall institute a thorough background investigation
 160 of the good moral character of each individual owner and of each
 161 stockholder or partner of an entity. Such investigation must
 162 include:

163 1. The submission of a criminal history report from the
 164 Department of Law Enforcement.

165 2. Such other investigation as the department considers
 166 necessary.

167 (b) The department may deny an application for
 168 authorization or renewal citing lack of good moral character.
 169 Conviction of a crime within the last 7 years does not
 170 automatically bar any applicant or holder from obtaining or
 171 continuing an authorization. The department shall consider the
 172 type of crime committed, the crime's relevancy to the driver
 173 training school industry, the length of time since the
 174 conviction, and any other factors deemed relevant by the
 175 department.

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

178 488.04 Driver ~~Driver's~~ training school instructors;
 179 certificates; qualifications.--



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180 (1) No person shall receive compensation for giving
181 instructions in the operation of motor vehicles or act in the
182 capacity of a driver ~~professional-driver's~~ training school
183 instructor in this state without first obtaining an instructor's
184 certificate issued for such purpose by the Department of Highway
185 Safety and Motor Vehicles. An application for a certificate
186 shall be made in the form prescribed by the department. A
187 nonrefundable application fee of \$35 must accompany each
188 application for original certification. The certificate shall be
189 granted to every approved instructor for the remainder of the
190 corresponding driver training school's authorization period. The
191 ~~fee for the initial application is \$25, which is not refundable.~~

192 The fee for the biennial ~~annual~~ renewal of a certificate is \$20
193 ~~\$10~~. A certificate is valid for use only in connection with the
194 business of the driver's school or schools listed on the
195 certificate by the department or in connection with a driver's
196 education course offered by a district school board. The
197 department may require information and certifications to
198 determine that the applicant is of good moral character and
199 meets other requirements of this chapter. An applicant for an
200 ~~instructor's certificate shall be required to take special eye~~
201 ~~tests, written tests, and road tests and to furnish proof of his~~
202 ~~or her qualifications and ability as an instructor.~~

203 (2) The Department of Highway Safety and Motor Vehicles
204 may issue a duplicate certificate only upon receipt of an
205 affidavit stating that the original certificate was physically
206 destroyed, but may not issue a duplicate certificate for any
207 other loss of the original certificate. The fee for issuance of
208 a duplicate certificate is \$2.



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209 Section 7. Section 488.041, Florida Statutes, is created
 210 to read:

211 488.041 Driver training school instructor certification
 212 requirements.--

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

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

216 (b) Be of good moral character.

217 (c) Complete instructor training as prescribed by the
 218 department.

219 (2)(a) As used in this section, the term "good moral
 220 character" means a personal history of honesty, trustworthiness,
 221 fairness, a good reputation for fair dealings, respect for the
 222 rights of others, and compliance with state and federal law. The
 223 department shall institute a thorough background investigation
 224 of the individual's good moral character. Such investigation
 225 must include:

226 1. The submission of a criminal history report from the
 227 Department of Law Enforcement.

228 2. Such other investigation of the individual as the
 229 department considers necessary.

230 (b) The department may deny an application for
 231 certification or renewal citing lack of good moral character.
 232 Conviction of a crime within the last 7 years does not
 233 automatically bar any applicant or holder from obtaining or
 234 continuing a certification. The department shall consider the
 235 type of crime committed, the crime's relevancy to the driver
 236 training school industry, the length of time since the
 237 conviction, and any other factors deemed relevant by the
 238 department.



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

240 Section 9. Section 488.05, Florida Statutes, is amended to
 241 read:

242 488.05 Driver training ~~Driver's~~ school vehicle
 243 identification certificates.--A motor vehicle owned or
 244 controlled by a driver training ~~driver's~~ school may not be used
 245 for the purpose of giving driving instructions until the driver
 246 training school licensee has obtained a school vehicle
 247 identification certificate from the Department of Highway Safety
 248 and Motor Vehicles, which certificate shall be carried in such
 249 vehicle at all times. A nonrefundable application fee of \$25
 250 must accompany each application for original certification. The
 251 certificate shall be granted to all approved vehicles for the
 252 remainder of the corresponding driver training school's
 253 authorization period. An application for an initial certificate
 254 shall be accompanied by a fee of \$15, which is not refundable.
 255 The fee for the biennial ~~annual~~ renewal of a certificate is \$20
 256 \$10. A school vehicle certificate will not be issued by The
 257 department may not issue a school vehicle certificate unless the
 258 vehicle is equipped in accordance with safety requirements
 259 established by the department, which include dual driver
 260 controls located on the passenger side of the vehicle and
 261 permanent markings on the exterior of the vehicle which state
 262 the name of the driver training school.

263 Section 10. Section 488.06, Florida Statutes, is repealed.

264 Section 11. Section 488.065, Florida Statutes, is created
 265 to read:

266 488.065 Delinquent renewal.--Failure to renew any
 267 authorization or certificate under s. 488.03, s. 488.04, or s.
 268 488.05 results in the renewal becoming delinquent. The holder



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269 has 30 days after the renewal date in which to renew and pay a
270 late fee set by the Department of Highway Safety and Motor
271 Vehicles not to exceed \$300. If payment is not received within
272 this 30-day period, the authorization or certification
273 automatically expires without further action of the department,
274 and the holder is ineligible to reapply for authorization or
275 certification for a period of 1 year following its expiration.

276 Section 12. Section 488.07, Florida Statutes, is repealed.

277 Section 13. Section 488.075, Florida Statutes, is created
278 to read:

279 488.075 Authorization and certification.--

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

283 (2) An authorization or certification is not valid for any
284 person or entity that engages in the business of a driver
285 training school under any name other than that specified in the
286 authorization or certification. Authorizations and
287 certifications issued under this chapter are not assignable, and
288 business may not be conducted under a fictitious name without
289 prior written authorization of the department. The department
290 may not authorize the use of a name that is so similar to that
291 of a public officer or agency, or to that used by another driver
292 training school, that the public may be confused or misled
293 thereby. A driver training school may not conduct business under
294 more than one name unless it has obtained a separate
295 authorization.

296 Section 14. Section 488.085, Florida Statutes, is created
297 to read:

298 488.085 Prohibitions; penalties.--



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- 299 (1) A person may not:
 300 (a) Practice or offer to practice as a driver training
 301 school or driver training school instructor unless such person
 302 or entity is authorized or certified under this chapter.
 303 (b) Practice or offer to practice as a driver training
 304 school unless all of its instructors are certified under this
 305 chapter.
 306 (c) Use the name or title "driver training school,"
 307 "commercial driver school," "commercial driving school," or
 308 words that would tend to lead one to believe that such person or
 309 entity is authorized under this chapter, when such person or
 310 entity has not been so authorized.
 311 (d) Present as his or her own or his or her entity's own
 312 the authorization or certification of another.
 313 (e) Knowingly give false or forged evidence to the
 314 department.
 315 (f) Use or attempt to use an authorization or
 316 certification that has been suspended or revoked.
 317 (g) Solicit business within 300 feet, including the
 318 parking lot, of a driver license office.
 319 (2) A violation of this section constitutes a misdemeanor
 320 of the first degree, punishable as provided in s. 775.082 or s.
 321 775.083.

322 Section 15. Section 488.09, Florida Statutes, is created
 323 to read:

324 488.09 Discipline.--

- 325 (1) The following constitute grounds for which
 326 disciplinary action against the authorization of a driver
 327 training school or the certification of an instructor may be
 328 taken by the Department of Highway Safety and Motor Vehicles:



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329 (a) Being convicted or found guilty of, or entering a plea
330 of nolo contendere to, regardless of adjudication, bribery,
331 fraud, or willful misrepresentation in obtaining, attempting to
332 obtain, or renewing an authorization or certification.

333 (b) Being convicted or found guilty of, or entering a plea
334 of nolo contendere to, regardless of adjudication, a crime in
335 any jurisdiction which relates to the operation of a driver
336 training school or the ability to engage in business as a driver
337 training school.

338 (c) Being convicted or found guilty of, or entering a plea
339 of nolo contendere to, regardless of adjudication, fraud,
340 deceit, or misconduct in the operation of a driver training
341 school.

342 (d) Conducting business without an active authorization or
343 contract.

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

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

348 (g) Having been confined in any county jail,
349 postadjudication; being confined in any state or federal prison
350 or mental institution; or being unable, through mental disease
351 or deterioration, to be safely entrusted to deal with the public
352 or in a confidential capacity.

353 (h) Failing to inform the department in writing within 30
354 days after being convicted or found guilty of, or entering a
355 plea of nolo contendere to, any fellow, regardless of
356 adjudication.

357 (i) Failing to conform to any lawful order of the
358 department.



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

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

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

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

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

371 (o) Attempting to obtain, obtaining, or renewing an
372 authorization or certification to provide driver training school
373 services by bribery, misrepresentation, or fraud.

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

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

378 (a) Deny an application for authorization or
379 certification.

380 (b) Permanently revoke, suspend, restrict, or not renew an
381 authorization or certification.

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

384 (d) Issue a reprimand.

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



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388 (f) Assess costs associated with investigation and
389 prosecution.

390 (3) Upon revocation or suspension of an authorization or
391 certification, the authorization or certification must
392 immediately be returned to the department.

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

395 Section 16. Section 488.10, Florida Statutes, is created
396 to read:

397 488.10 Eligibility for reapplication.--An applicant is
398 ineligible to reapply for authorization or certification for 3
399 years following final agency action on the denial or revocation
400 of authority applied for or granted under this chapter. This
401 time restriction does not apply to administrative denials or
402 revocations entered because:

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

405 (2) The experience documented to the Department of Highway
406 Safety and Motor Vehicles was insufficient at the time of the
407 previous application;

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

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

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



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418 Section 17. Section 488.08, Florida Statutes, is
 419 transferred, renumbered as section 488.11, Florida Statutes, and
 420 amended to read:

421 488.11 ~~488.08~~ Disposition of revenues; budget.--All moneys
 422 received from the application for, or from the issuance of,
 423 licenses and certificates under this chapter shall be deposited
 424 into the Highway Safety Operating Trust Fund for the
 425 administration of this program. ~~General Revenue Fund. The~~
 426 ~~Department of Highway Safety and Motor Vehicles shall include an~~
 427 ~~amount in its legislative budget request sufficient for the~~
 428 ~~proper administration of the provisions of this chapter.~~

429 Section 18. Section 488.12, Florida Statutes, is created
 430 to read:

431 488.12 Additional regulation.--This chapter does not
 432 exempt a driver training school from any other license
 433 requirement imposed by federal, state, or local law or
 434 ordinance.

435 Section 19. Section 488.13, Florida Statutes, is created
 436 to read:

437 488.13 Investigations; audits; review.--The Department of
 438 Highway Safety and Motor Vehicles may make investigations,
 439 audits, or reviews within or outside this state as it deems
 440 necessary:

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

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

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