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1 A bill to be entitled

2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 527.01, F.S.; revising the
4 definition of "qualifier" for purposes of ch. 527, F.S.,
5 relating to sale of liquefied petroleum gas; revising the
6 definition of "category II liquefied petroleum gas
7 dispenser"; defining "category V liquefied petroleum gases
8 dealer for industrial uses only"; amending s. 527.02,
9 F.S.; providing for licensure of category V liquefied
10 petroleum gases dealers for industrial uses only;
11 providing license fees for such dealers; providing
12 application fees and renewal fees for retesting and
13 requalification of cargo tanks; creating s. 527.0201,
14 F.S.; reorganizing existing subsections of Florida
15 Statutes; providing for examination of such dealers;
16 revising persons who may make application for examination
17 for competency; providing that no person may act as a
18 qualifier for more than one licensed location; providing
19 an additional prerequisite for certification as a master
20 qualifier; clarifying provisions with respect to procedure
21 in the event of specified vacancies in qualifier and
22 master qualifier positions; clarifying provisions with
23 respect to suspension of a license in the event that a
24 business organization no longer possesses a duly
25 designated qualifier; providing procedure with respect to
26 category I liquefied petroleum gas dealers or LP gas
27 installers who no longer possess a master qualifier but
28 employ a category I liquefied petroleum gas dealer or LP
29 gas installer qualifier; providing that the department may
30 deny, refuse to renew, suspend, or revoke a qualifier card



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31 or master qualifier certificate for specified causes;
32 amending s. 527.06, F.S.; conforming a cross reference;
33 amending s. 527.065, F.S.; revising conditions under which
34 liquefied petroleum gas licensees must notify the
35 department of liquefied petroleum gas-related accidents
36 involving a customer account; amending s. 527.11, F.S.;
37 revising a prerequisite to obtaining a liquefied petroleum
38 gas license; amending s. 527.13, F.S.; authorizing the
39 department to impose administrative penalties and suspend
40 or revoke a qualification for violation of the provisions
41 of ch. 527, F.S., rules adopted pursuant thereto, or a
42 cease and desist order; increasing the period of time in
43 which licensees may pay penalties to the department;
44 authorizing the department to issue a warning letter to
45 licenseholders, master qualifiers, qualifiers, or others
46 in lieu of an administrative or civil penalty for first
47 violations; amending s. 527.22, F.S.; revising terms of
48 membership of the Propane Gas Education, Safety, and
49 Research Council; amending s. 559.904, F.S.; revising
50 provisions relating to applications, renewal applications,
51 registration, and registration fees with respect to motor
52 vehicle repair shops; amending s. 559.929, F.S.;
53 eliminating a condition under which the department may
54 waive security requirements with respect to registration
55 as a seller of travel; amending s. 501.143, F.S.;
56 providing limitations on contracts for ballroom dance
57 studio services and the renewal of such contracts;
58 providing penalties, remedies, and enforcement; providing
59 an effective date.
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61 Be It Enacted by the Legislature of the State of Florida:

62

63 Section 1. Paragraph (h) is added to subsection (5) of
 64 section 527.01, Florida Statutes, subsection (7) is amended, and
 65 a new subsection (19) is added to said section, to read:

66 527.01 Definitions.--As used in this chapter:

67 (5) "Qualifier" means any person who has passed a
 68 competency examination administered by the department and is
 69 employed by a licensed business in one or more of the following
 70 classifications:

71 (h) Category V liquefied petroleum gases dealer for
 72 industrial uses only.

73 (7) "Category II liquefied petroleum gas dispenser" means
 74 any person engaging in the business of operating a liquefied
 75 petroleum gas dispensing unit for the purpose of serving liquid
 76 products to the ultimate consumer for industrial, commercial, or
 77 domestic use, and selling or offering to sell, or leasing or
 78 offering to lease, apparatus, appliances, and equipment for the
 79 use of liquefied petroleum gas, including maintaining a cylinder
 80 storage rack at the licensed business location for the purpose
 81 of storing cylinders filled by the licensed business for sale or
 82 use at a later date ~~engaging in the business of operating a~~
 83 ~~cylinder exchange unit.~~

84 (19) "Category V liquefied petroleum gases dealer for
 85 industrial uses only" means any person engaged in the business
 86 of filling, selling, and transporting liquefied petroleum gas
 87 containers for use in welding, forklifts, or other industrial
 88 applications.

89 Section 2. Section 527.02, Florida Statutes, is amended,
 90 and section 527.0201, Florida Statutes, is created, to read:



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91 527.02 License; penalty; fees.--

92 (1)~~(a)~~ It is unlawful for any person to engage in this
 93 state in the activities of a pipeline system operator, category
 94 I liquefied petroleum gas dealer, category II liquefied
 95 petroleum gas dispenser, category III liquefied petroleum gas
 96 cylinder exchange operator, category IV liquefied petroleum gas
 97 dispenser and recreational vehicle servicer, category V
 98 liquefied petroleum gases dealer for industrial uses only, LP
 99 gas installer, specialty installer, dealer in liquefied
 100 petroleum gas appliances and equipment, manufacturer of
 101 liquefied petroleum gas appliances and equipment, requalifier of
 102 cylinders, or fabricator, repairer, and tester of vehicles and
 103 cargo tanks without first obtaining from the department a
 104 license to engage in one or more of these businesses. The sale
 105 of liquefied petroleum gas cylinders with a volume of 10 pounds
 106 water capacity or 4.2 pounds liquefied petroleum gas capacity or
 107 less is exempt from the requirements of this chapter.

108 (2) It is a felony of the third degree, punishable as
 109 provided in s. 775.082, s. 775.083, or s. 775.084, to
 110 intentionally or willfully engage in any of said activities
 111 without first obtaining appropriate licensure from the
 112 department. Each business location of a person having multiple
 113 locations shall be separately licensed and must meet the
 114 requirements of this section. Such license shall be granted to
 115 any applicant determined by the department to be competent,
 116 qualified, and trustworthy who files with the department a
 117 surety bond, insurance affidavit, or other proof of insurance,
 118 as hereinafter specified, and pays for such license the
 119 following original application fee for new licenses and annual
 120 renewal fees for existing licenses:



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	License Category	Original Application Fee	Renewal Fee
121	Category I liquefied petroleum gas dealer	\$525	\$425
122	Category II liquefied petroleum gas dispenser	525	375
123	Category III liquefied petroleum gas cylinder exchange unit operator	100	65
124	Category IV liquefied gas dispenser and recreational vehicle servicer	525	400
125	<u>Category V liquefied petroleum gases dealer for industrial uses only</u>	<u>300</u>	<u>200</u>
126	LP gas installer	300	200
127	Specialty installer	300	200
128	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
129	Manufacturer of liquefied petroleum gas appliances and equipment	525	375
130	Requalifier of cylinders	525	375



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131	Fabricator, repairer, and tester of vehicles and cargo tanks	525	375
132	<u>Retesting and requalification of cargo tanks</u>	<u>525</u>	<u>375</u>

133

134 (3) Any applicant for original license whose application
 135 is submitted during the last 6 months of the license year may
 136 have the original license fee reduced by one-half for the 6-
 137 month period. This provision shall apply only to those companies
 138 applying for an original license and shall not be applied to
 139 licensees who held a license during the previous license year
 140 and failed to renew the license. The department may refuse to
 141 issue an initial license to any applicant who is under
 142 investigation in any jurisdiction for an action that would
 143 constitute a violation of this chapter until such time as the
 144 investigation is complete.

145 (4)~~(b)~~ Any person applying for a liquefied petroleum gas
 146 license as a specialty installer, as defined by s. 527.01(11),
 147 shall upon application to the department identify the specific
 148 area of work to be performed. Upon completion of all license
 149 requirements set forth in this chapter, the department shall
 150 issue the applicant a license specifying the scope of work, as
 151 identified by the applicant and defined by rule of the
 152 department, for which the person is authorized.

153 (5)~~(e)~~ The license fee for a pipeline system operator
 154 shall be \$100 per system owned or operated by the person, not to
 155 exceed \$400 per license year. Such license fee applies only to a
 156 pipeline system operator who owns or operates a liquefied



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157 petroleum gas pipeline system that is used to transmit liquefied
158 petroleum gas from a common source to the ultimate customer and
159 that serves 10 or more customers.

160 ~~(6)(d)~~ The department shall promulgate rules specifying
161 acts deemed by the department to demonstrate a lack of
162 trustworthiness to engage in activities requiring a license or
163 qualifier identification card under this section.

164 ~~(7)(e)~~ Any license issued by the department may be
165 transferred to any person, firm, or corporation for the
166 remainder of the current license year upon written request to
167 the department by the original licenseholder. Prior to approval
168 of any transfer, all licensing requirements of this chapter must
169 be met by the transferee. A license transfer fee of \$50 shall be
170 charged for each such transfer.

171 527.0201 Qualifiers; master qualifers; examinations.--

172 ~~(1)(2)~~ In addition to the requirements of s. 527.02
173 ~~subsection (1)~~, any person applying for a license to engage in
174 the activities of a pipeline system operator, category I
175 liquefied petroleum gas dealer, category II liquefied petroleum
176 gas dispenser, category IV liquefied petroleum gas dispenser and
177 recreational vehicle servicer, category V liquefied petroleum
178 gases dealer for industrial uses only, LP gas installer,
179 specialty installer, requalification of cylinders, or
180 fabricator, repairer, and tester of vehicles and cargo tanks,
181 must prove competency by passing a written examination
182 administered by the department or its agent with a grade of 75
183 percent or above. Each applicant for examination shall submit a
184 \$20 nonrefundable fee. The department shall by rule specify the
185 general areas of competency to be covered by each examination



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186 and the relative weight to be assigned in grading each area
187 tested.

188 (2)(a) Application for examination for competency may be
189 made by an individual or by an owner, a partner, or any person
190 employed by in a supervisory capacity of the license applicant.
191 Upon successful completion of the competency examination, the
192 department shall issue a qualifier identification card to the
193 examinee.

194 (a) Qualifier identification cards, except those issued to
195 category I liquefied petroleum gas dealers and liquefied
196 petroleum gas installers, shall remain in effect as long as the
197 individual shows to the department proof of active employment in
198 the area of examination and all continuing education
199 requirements are met. Should the individual terminate active
200 employment in the area of examination for a period exceeding 24
201 months, or fail to provide documentation of continuing
202 education, the individual's qualifier status shall automatically
203 expire. If the qualifier status has expired, the individual must
204 apply ~~may reapply~~ for and successfully complete an examination
205 by the department in order to reestablish qualifier status.

206 (b) Every business organization shall employ ~~possess such~~
207 a full-time qualifier at all times who has successfully
208 completed an examination in the corresponding category of the
209 license held by the business organization. No person may act as
210 a qualifier for more than one licensed location.

211 (3)(b) Qualifier cards issued to category I liquefied
212 petroleum gas dealers and liquefied petroleum gas installers
213 shall expire 3 years after the date of issuance. All category I
214 liquefied petroleum gas dealer qualifiers and liquefied
215 petroleum gas installer qualifiers holding a valid qualifier



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216 card upon the effective date of this act shall retain their
217 qualifier status until July 1, 2003, and may sit for the master
218 qualifier examination at any time during that time period. All
219 such ~~Alternatively, all~~ category I liquefied petroleum gas
220 dealer qualifiers and liquefied petroleum gas installer
221 qualifiers may renew their qualification on or before July 1,
222 2003, upon application to the department, payment of a \$20
223 renewal fee, and documentation of the completion of a minimum of
224 12 hours approved continuing education courses, as defined by
225 department rule, during the previous 3-year period. Applications
226 for renewal must be made 30 calendar days prior to expiration.
227 Persons failing to renew prior to the expiration date must
228 reapply and take a qualifier competency examination in order to
229 reestablish category I liquefied petroleum gas dealer qualifier
230 and liquefied petroleum gas installer qualifier status. In the
231 event a category I liquefied petroleum gas qualifier or
232 liquefied petroleum gas installer qualifier becomes a master
233 qualifier at any time during the effective date of the qualifier
234 card, the card shall remain in effect until expiration of the
235 master qualifier certification.

236 (4)~~(3)~~ A qualifier for a business organization involved in
237 installation, repair, maintenance, or service of liquefied
238 petroleum gas appliances, equipment, or systems must actually
239 function in a supervisory capacity of other company employees
240 installing, repairing, maintaining, or servicing liquefied
241 petroleum gas appliances, equipment, or systems. A separate
242 qualifier shall be required for every 10 such employees.
243 Additional qualifiers are required for those business
244 organizations employing more than 10 employees that install,



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245 repair, maintain, or service liquefied petroleum gas equipment
246 and systems.

247 ~~(5)(4)~~ In addition to all other licensing requirements,
248 each category I liquefied petroleum gas dealer and liquefied
249 petroleum gas installer must, at the time of application for
250 licensure, identify to the department one master qualifier who
251 is a full-time employee at the licensed location. This person
252 shall be a manager, owner, or otherwise primarily responsible
253 for overseeing the operations of the licensed location and must
254 provide documentation to the department as provided by rule. The
255 master qualifier requirement shall be in addition to the
256 requirements of subsection ~~(1)(2)~~.

257 (a) In order to apply for certification as a master
258 qualifier, each applicant must be a category I liquefied
259 petroleum gas dealer qualifier or liquefied petroleum gas
260 installer qualifier, must be employed by a licensed category I
261 liquefied petroleum gas dealer, liquefied petroleum gas
262 installer, or applicant for such license, must provide
263 documentation of a minimum of one year's work experience in the
264 gas industry, and must pass a master qualifier competency
265 examination. Master qualifier examinations shall be based on
266 Florida's laws, rules, and adopted codes governing liquefied
267 petroleum gas safety, general industry safety standards, and
268 administrative procedures. The examination must be successfully
269 completed by the applicant with a grade of 75 percent or more.
270 Each applicant for master qualifier status shall submit to the
271 department a nonrefundable \$30 examination fee prior to the
272 examination.

273 (b) Upon successful completion of the master qualifier
274 examination, the department shall issue the examinee a



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275 certificate of master qualifier status which shall include the
276 name of the licensed company for which the master qualifier is
277 employed. A master qualifier may transfer from one licenseholder
278 to another upon becoming employed by the company and providing a
279 written request to the department.

280 (c) Master qualifier status shall expire 3 years after the
281 date of issuance of the certificate and may be renewed by
282 submission to the department of documentation of completion of
283 at least 12 hours of approved continuing education courses
284 during the 3-year period; proof of employment with a licensed
285 category I liquefied petroleum gas dealer, liquefied petroleum
286 gas installer, or applicant; and a \$30 certificate renewal fee.
287 The department shall define, by rule, approved courses of
288 continuing education.

289 (d) Each category I liquefied petroleum gas dealer or
290 liquefied petroleum gas installer licensed as of August 31,
291 2000, shall identify to the department one current category I
292 liquefied petroleum gas dealer qualifier or liquefied petroleum
293 gas installer qualifier who will be the designated master
294 qualifier for the licenseholder. Such individual must provide
295 proof of employment for 3 years or more within the liquefied
296 petroleum gas industry, and shall, upon approval of the
297 department, be granted a master qualifier certificate. All other
298 requirements with regard to master qualifier certificate
299 expiration, renewal, and continuing education shall apply.

300 ~~(6)~~(5) A vacancy in a qualifier or master qualifier
301 position in a business organization which results from the
302 departure of the qualifier or master qualifier shall be
303 immediately reported to the department by the departing
304 qualifier or master qualifier and the licensed company.



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305 (a) In the event a business organization no longer
306 possesses a duly designated qualifier, as required by this
307 section, its liquefied petroleum gas licenses shall be suspended
308 by order of the department after 20 working days. The license
309 ~~and~~ shall remain suspended until a competent qualifier has been
310 employed, the order of suspension terminated by the department,
311 and the license reinstated ~~retained~~. A vacancy in the qualifier
312 position for a period of more than 20 working days shall be
313 deemed to constitute an immediate threat to the public health,
314 safety, and welfare. Failure to obtain a replacement qualifier
315 within 60 days of the vacancy shall be grounds for revocation of
316 licensure or eligibility for licensure.

317 (b) Any category I liquefied petroleum gas dealer or LP
318 gas installer who no longer possesses a master qualifier but
319 currently employs a category I liquefied petroleum gas dealer or
320 LP gas installer qualifier as required by this section, shall
321 have 60 days within which to replace the master qualifier. If
322 the company fails to replace the master qualifier within the 60-
323 day time period, the license of the company shall be suspended
324 by order of the department. The license shall remain suspended
325 until a competent master qualifier has been employed, the order
326 of suspension has been terminated by the department, and the
327 license reinstated. Failure to obtain a replacement master
328 qualifier within 90 days of the vacancy shall be grounds for
329 revocation of licensure or eligibility for licensure.

330 (7) The Department may deny, refuse to renew, suspend, or
331 revoke any qualifier card or master qualifier certificate for
332 any of the following causes:

333 (a) Violation of any provision of this chapter or any rule
334 or order of the department;



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335 (b) Falsification of records relating to the qualifier
336 card or master qualifier certificate; or

337 (c) Failure to meet any of the renewal requirements.

338 ~~(8)(6)~~ Any individual having competency qualifications on
339 file with the department may request the transfer of such
340 qualifications to any existing licenseholder by making a written
341 request to the department for such transfer. Any individual
342 having a competency examination on file with the department may
343 use such examination for a new license application after making
344 application in writing to the department. All examinations are
345 confidential and exempt from the provisions of s. 119.07(1).

346 ~~(9)(7)~~ If a duplicate license, qualifier card, or master
347 qualifier certificate is requested by the licensee, a fee of \$10
348 must be received before issuance of the duplicate license or
349 card. If a facsimile transmission of an original license is
350 requested, upon completion of the transmission a fee of \$10 must
351 be received by the department before the original license may be
352 mailed to the requester.

353 ~~(10)(8)~~ All revenues collected herein shall be deposited
354 in the General Inspection Trust Fund for the purpose of
355 administering the provisions of this chapter.

356 Section 3. Subsection (4) of section 527.06, Florida
357 Statutes, is amended to read:

358 527.06 Rules.--

359 (4) Rules in substantial conformity with the published
360 standards in Title 49 of the Code of Federal Regulations
361 relative to liquefied petroleum gas pipelines shall be deemed to
362 be in substantial conformity with the generally accepted
363 standards of safety concerning the same subject matter.

364 Violation of any provision of the rules adopted pursuant to this



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365 subsection may be enjoined under the provisions of s. 527.09.
 366 Any person who violates any provision of the rules adopted
 367 pursuant to this subsection shall be subject to a civil penalty
 368 not to exceed \$25,000 for each such violation for each day that
 369 such violation persists, except that the maximum civil penalty
 370 shall not exceed \$500,000, in aggregate, for any related series
 371 of violations. Any such civil penalty may be compromised by the
 372 department. In determining the amount of such penalty or the
 373 amount agreed upon in compromise, the appropriateness of such
 374 penalty to the size of the business of the person charged, the
 375 gravity of the violation, and the good faith of the person
 376 charged in attempting to achieve compliance after notification
 377 of a violation shall be considered. Each penalty shall be a lien
 378 upon the real and personal property of such person and
 379 enforceable by the department as statutory liens under chapter
 380 85, the proceeds of which shall be deposited in the General
 381 Inspection Trust Fund, as provided in s. 527.0201 ~~527.02~~.

382 Section 4. Subsection (1) of section 527.065, Florida
 383 Statutes, is amended to read:

384 527.065 Notification of accidents; leak calls.--

385 (1) Immediately upon discovery, all liquefied petroleum
 386 gas licensees shall notify the department of any liquefied
 387 petroleum gas-related ~~gas-related~~ accident involving a liquefied
 388 petroleum gas licensee ~~company~~ or customer account ~~which~~:

389 (a) Which caused a death or personal injury requiring
 390 professional medical treatment;

391 (b) Where ~~Resulted in the~~ uncontrolled ignition of
 392 liquefied petroleum gas resulted in death, personal injury, or
 393 property damage exceeding \$1,000; or



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394 (c) Which caused estimated damage to property exceeding
395 \$1,000.

396 Section 5. Subsection (1) of section 527.11, Florida
397 Statutes, is amended to read:

398 527.11 Minimum storage.--

399 (1) Every person who engages in the distribution of
400 liquefied petroleum gas for resale to domestic, commercial, or
401 industrial consumers as a prerequisite to obtaining a liquefied
402 petroleum gas license shall install own or lease a bulk storage
403 filling plant of not less than 18,000 gallons (water capacity)
404 within the state and shall be located within a 75-mile radius of
405 the licensed company's business location. Such bulk storage must
406 have loading and unloading provisions solely for the license
407 holder and be operated and maintained in compliance with this
408 chapter for the duration of the license.

409 Section 6. Section 527.13, Florida Statutes, is amended to
410 read:

411 527.13 Administrative fine.--

412 (1) If any person violates any provision of this chapter
413 or any rule adopted pursuant thereto or a cease and desist
414 order, the department may impose a civil or administrative
415 penalties ~~penalty~~ not to exceed \$3,000 for each offense, ~~or~~
416 suspend or revoke the license or qualification issued to such
417 person, or any of the foregoing. The cost of the proceedings to
418 enforce this chapter may be added to any penalty imposed. The
419 department may allow the licensee a reasonable period, not to
420 exceed 90 ~~30~~ days, within which to pay to the department the
421 amount of the penalty so imposed. If the licensee fails to pay
422 the penalty in its entirety to the department at its office at



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423 Tallahassee within the period so allowed, the licenses of the
 424 licensee shall stand revoked upon expiration of such period.

425 (2) If any license expires while administrative charges
 426 are pending against the license, the proceedings against the
 427 license shall continue to conclusion as if the license were
 428 still in effect.

429 (3) In lieu of an administrative or civil penalty in
 430 subsection (1) of this section, the department may issue a
 431 warning letter to the license holder, master qualifier,
 432 qualifier or any person for a first violation.

433 (4)~~(3)~~ All such fines, monetary penalties, and costs
 434 received by the department shall be deposited in the General
 435 Inspection Trust Fund for the purpose of administering the
 436 provisions of this chapter.

437 Section 7. Paragraph (c) of subsection (2) of section
 438 527.22, Florida Statutes, is amended to read:

439 527.22 Florida Propane Gas Education, Safety, and Research
 440 Council established; membership; duties and responsibilities.--

441 (2)

442 (c) Council members shall be appointed to ~~staggered~~ terms
 443 of 4 years, ~~except that, of the initial members appointed, five~~
 444 ~~shall be appointed for terms of 2 years, five shall be appointed~~
 445 ~~for terms of 3 years, and five shall be appointed for terms of 4~~
 446 ~~years. Members may serve a maximum of two consecutive full~~
 447 ~~terms. Former council members may be reappointed to the council~~
 448 ~~if they have not been members for a period of 2 years. Vacancies~~
 449 in unexpired terms of council members may be filled by the
 450 council subject to approval of the commissioner. ~~Members filling~~
 451 ~~unexpired terms may serve a maximum of 7 consecutive years.~~



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452 Section 8. Section 559.904, Florida Statutes, is amended
453 to read:

454 559.904 Motor vehicle repair shop registration;
455 application; exemption.--

456 (1) Each motor vehicle repair shop engaged or attempting
457 to engage in the business of motor vehicle repair work must
458 register with the department prior to doing business in this
459 state. The application for registration must be on a form
460 provided by the department and must include at least the
461 following information:

462 (a) The name of the applicant.

463 (b) The name under which the applicant is doing business.

464 (c) The business address at which the applicant performs
465 repair work or in the case of a mobile motor vehicle repair
466 shop, the home address of the owner, if different from the
467 business address.

468 (d) Copies of all licenses, permits, and certifications
469 obtained by the applicant or employees of the applicant.

470 (e) Number of employees which the applicant intends to
471 employ or which are currently employed.

472 (2) Any motor vehicle repair shop maintaining more than
473 one place of business may file a single application biennially
474 ~~annually~~, which, along with the other information required by
475 this part, clearly indicates the location of and the individual
476 in charge of each facility or in the case of a mobile motor
477 vehicle repair shop, the home address of the owner, if different
478 from the business address. In such case, fees shall be paid for
479 each place of business.



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480 (3) Each application for registration must be accompanied
481 by a registration fee calculated on a per-year basis ~~set forth~~
482 as follows:

483 (a) If the place of business has 1 to 5 employees: \$50.

484 (b) If the place of business has 6 to 10 employees: \$150.

485 (c) If the place of business has 11 or more employees:
486 \$300.

487 (4) Each initial and renewal application for registration
488 must be accompanied by copies of the applicant's estimate and
489 invoice forms. Each renewal application for registration must be
490 accompanied by copies of the applicant's estimate and invoice
491 forms only in the event the original forms filed by the
492 applicant are changed, altered, or revised. Such forms must
493 comply with the applicable provisions of this act before a
494 registration may be issued.

495 (5) No biennial ~~annual~~ registration fee is required for
496 any motor vehicle repair shop which has a local municipal or
497 county license issued pursuant to an ordinance containing
498 standards which the department determines are at least equal to
499 the requirements of this part, or for any motor vehicle dealer
500 licensed pursuant to chapter 320.

501 (6) The department shall issue to each applicant a
502 registration certificate in the form and size as prescribed by
503 the department in accordance with s. 120.60. In the case of an
504 applicant with more than one place of business, the department
505 shall issue a registration certificate for each place of
506 business. The certificate must show at least the name and
507 address of the motor vehicle repair shop and the registration
508 number for that place of business. In the case of a mobile motor



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509 vehicle repair shop, the certificate must show the home address
510 of the owner, if different from the business address.

511 (7) Any person applying for or renewing a local
512 occupational license on or after October 1, 1993, to engage in
513 business as a motor vehicle repair shop must exhibit an active
514 registration certificate ~~or active affidavit of exemption proof~~
515 ~~of filing certificate~~ from the department before the local
516 occupational license may be issued or renewed.

517 (8) Each registration must be renewed biennially ~~annually~~
518 on or before the expiration date of the current registration. A
519 late fee of \$25 shall be paid, in addition to the registration
520 fee or any other penalty, for any registration renewal
521 application that is received by the department after the
522 expiration date of the current registration. The department may
523 not issue the registration until all fees are paid.

524 (9) No ~~annual~~ registration application or fee is required
525 for an individual with no employees and no established place of
526 business. In the case of a mobile motor vehicle repair shop, the
527 established place of business shall be considered the home
528 address of the owner, if different than the business address.

529 (10) The department may deny, revoke, or refuse to renew
530 the registration of a motor vehicle repair shop based upon a
531 determination that the motor vehicle repair shop, or any of its
532 directors, officers, owners, or general partners:

533 (a) Have failed to meet the requirements for registration
534 as provided in this part;

535 (b) Have not satisfied a civil fine, administrative fine,
536 or other penalty arising out of any administrative or
537 enforcement action brought by any governmental agency based upon



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538 conduct involving fraud, dishonest dealing, or any violation of
539 this part;

540 (c) Have had against them any civil, criminal, or
541 administrative adjudication in any jurisdiction, based upon
542 conduct involving fraud, dishonest dealing, or any violation of
543 this part; or

544 (d) Have had a judgment entered against them in any action
545 brought by the department or the state attorney pursuant to ss.
546 501.201-501.213 or this part.

547 (11) The department shall post a prominent "Closed by
548 Order of the Department" sign on any motor vehicle repair shop
549 that has had its registration suspended or revoked. The
550 department shall also post a sign on any motor vehicle repair
551 shop that has been judicially or administratively determined to
552 be operating without a registration. It is a misdemeanor of the
553 second degree, punishable as provided in s. 775.082 or s.
554 775.083, for any person to deface such sign or remove such sign
555 without written authorization by the department or for any motor
556 vehicle repair shop to open for operation without a registration
557 or to open for operation as a motor vehicle repair shop while
558 its registration is suspended or revoked. The department may
559 impose administrative sanctions provided for in s. 559.921(4)
560 for violations of this subsection.

561 Section 9. Subsection (6) of section 559.929, Florida
562 Statutes, is amended to read:

563 559.929 Security requirements.--

564 (6) The department may waive the bond, letter of credit,
565 or certificate of deposit requirement on an annual basis if the
566 seller of travel has had 5 or more consecutive years of
567 experience as a seller of travel in Florida in compliance with



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568 this part, ~~can demonstrate financial responsibility in the~~
 569 ~~submission of audited financial statements or the prior year's~~
 570 ~~federal income tax return,~~ has not had any civil, criminal, or
 571 administrative action instituted against the seller of travel in
 572 the vacation and travel business by any governmental agency or
 573 any action involving fraud, theft, misappropriation of property,
 574 or moral turpitude, and has a satisfactory consumer complaint
 575 history with the department. Such waiver may be revoked if the
 576 seller of travel violates any provision of this part.

577 Section 10. Paragraph (g) is added to subsection (4) of
 578 section 501.143, Florida Statutes, to read:

579 501.143 Dance Studio Act.--

580 (4) CONTRACT REQUIREMENTS.--Every contract for ballroom
 581 dance studio services or lessons shall be in writing and shall
 582 be subject to this section. All provisions, requirements, and
 583 prohibitions which are mandated by this section shall be
 584 contained in the written contract before it is signed by the
 585 customer. A copy of the signed contract shall be given to the
 586 customer at the time the customer signs the contract.

587 (g) No contract for ballroom dance studio services or
 588 lessons shall be for a period in excess of 36 months, and
 589 thereafter shall only be renewable annually. Such renewal
 590 contracts may not be executed and the fee therefore paid until
 591 60 days or less before the preceding contract expires.

592 (7) PENALTIES; REMEDIES.--The following penalties and
 593 remedies are available for enforcement of the provisions of this
 594 section:

595 (a) The department shall have administrative authority to
 596 issue a notice of noncompliance pursuant to s. 120.695 and to
 597 suspend or revoke the registration of any ballroom dance studio



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598 that violates any of the provisions of this section or the rules
599 adopted or orders issued pursuant to such rules. Such ballroom
600 dance studio may not engage in business while the registration
601 is revoked or suspended.

602 (b) The department may impose an administrative fine not
603 to exceed \$5,000 per violation against any ballroom dance studio
604 that violates any of the provisions of this section or the rules
605 adopted or orders issued pursuant to this section.

606 (c) Notwithstanding the provisions of subsection (5), the
607 department may require any ballroom dance studio that has
608 operated or is operating in violation of any of the provisions
609 of this section or the rules adopted or orders issued pursuant
610 to such rules to post security with the department in an amount
611 not to exceed \$25,000.

612 (d) The department may proceed by injunction to prevent
613 any ballroom dance studio from doing business subject to the
614 provisions of this section until a performance bond, letter of
615 credit, or certificate of deposit is posted with the department.

616 (e) The enforcing authority may seek a civil penalty not
617 to exceed \$5,000 for each violation of this section or the rules
618 adopted or orders issued pursuant to such rules and may
619 institute a civil action in circuit court to recover any
620 penalties or damages allowed in this section and for injunctive
621 relief to enforce compliance with this section or any rule or
622 order of the department.

623 (f) The remedies provided in this section are in addition
624 to any other remedies available for the same conduct.

625 (8) CRIMINAL PENALTIES.--Any person which knowingly
626 violates this section commits a misdemeanor of the first degree,
627 punishable as provided in s. 775.082 or s. 775.083. However, any



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628 person which knowingly conducts business as a ballroom dance
629 studio without registering annually with the department commits
630 a misdemeanor of the second degree, punishable as provided in s.
631 775.082 or s. 775.083.

632 (10) ENFORCEMENT BY CUSTOMER.--Any customer injured by a
633 fraudulent act or fraudulent omission in violation of this
634 section may bring an action for the recovery of damages.
635 Judgment may be entered for three times the amount at which the
636 actual damages are assessed, plus costs and reasonable
637 attorney's fees.

638 Section 11. This act shall take effect upon becoming a
639 law.