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1 CHAMBER ACTION

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6 Committee on Agriculture recommends the following:7
8 **Committee Substitute**

9 Remove the entire bill and insert:

10
11 A bill to be entitled12 An act relating to the Department of Agriculture and
13 Consumer Services; amending s. 527.01, F.S.; revising the
14 definition of "qualifier" for purposes of ch. 527, F.S.,
15 relating to sale of liquefied petroleum gas; revising the
16 definition of "category I liquefied petroleum gas dealer";
17 revising the definition of "category II liquefied
18 petroleum gas dispenser"; revising the definition of "LP
19 gas installer"; revising the definition of "specialty
20 installer"; defining "category V liquefied petroleum gases
21 dealer for industrial uses only"; amending s. 527.02,
22 F.S.; providing for licensure of category V liquefied
23 petroleum gases dealers for industrial uses only;
24 providing license fees for such dealers; creating s.
25 527.0201, F.S.; reorganizing existing subsections of
26 Florida Statutes; providing for examination of such
27 dealers; revising persons who may make application for
28 examination for competency; providing that no person may



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29 | act as a qualifier for more than one licensed location;
30 | providing an additional prerequisite for certification as
31 | a master qualifier; clarifying provisions with respect to
32 | procedure in the event of specified vacancies in qualifier
33 | and master qualifier positions; clarifying provisions with
34 | respect to suspension of a license in the event that a
35 | business organization no longer possesses a duly
36 | designated qualifier; providing procedure with respect to
37 | category I liquefied petroleum gas dealers or LP gas
38 | installers who no longer possess a master qualifier but
39 | employ a category I liquefied petroleum gas dealer or LP
40 | gas installer qualifier; providing that the department may
41 | deny, refuse to renew, suspend, or revoke a qualifier card
42 | or master qualifier certificate for specified causes;
43 | amending s. 527.06, F.S.; conforming a cross reference;
44 | amending s. 527.065, F.S.; revising conditions under which
45 | liquefied petroleum gas licensees must notify the
46 | department of liquefied petroleum gas-related accidents
47 | involving a customer account; amending s. 527.11, F.S.;
48 | revising a prerequisite to obtaining a liquefied petroleum
49 | gas license; amending s. 527.13, F.S.; authorizing the
50 | department to impose administrative penalties and suspend
51 | or revoke a qualification for violation of the provisions
52 | of ch. 527, F.S., rules adopted pursuant thereto, or a
53 | cease and desist order; increasing the period of time in
54 | which licensees may pay penalties to the department;
55 | authorizing the department to issue a warning letter to
56 | licenseholders, master qualifiers, qualifiers, or others



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57 | in lieu of an administrative or civil penalty for first
58 | violations; amending s. 527.22, F.S.; revising terms of
59 | membership of the Propane Gas Education, Safety, and
60 | Research Council; amending s. 559.904, F.S.; revising
61 | provisions relating to applications, renewal applications,
62 | registration, and registration fees with respect to motor
63 | vehicle repair shops; amending s. 559.929, F.S.;
64 | eliminating a condition under which the department may
65 | waive security requirements with respect to registration
66 | as a seller of travel; amending s. 501.143, F.S.;
67 | providing limitations on contracts for ballroom dance
68 | studio services, the renewal of such contracts, and oral
69 | or written representations with respect thereto; providing
70 | penalties, remedies, and enforcement; amending s. 507.03,
71 | F.S.; revising registration requirements for moving
72 | services; amending s. 507.04, F.S.; revising requirements
73 | with respect to insurance coverage for moving services;
74 | amending s. 570.382, F.S.; authorizing licensed entities
75 | permitted to race Arabian horses to conduct activities
76 | licensed under ch. 550, F.S., under specified
77 | circumstances; providing an effective date.

78 |
79 | Be It Enacted by the Legislature of the State of Florida:

80 |
81 | Section 1. Paragraph (h) is added to subsection (5) of
82 | section 527.01, Florida Statutes, subsections (6), (7), (10),
83 | and (11) are amended, and a new subsection (19) is added to said
84 | section, to read:



85 527.01 Definitions. As used in this chapter:

86 (5) "Qualifier" means any person who has passed a
87 competency examination administered by the department and is
88 employed by a licensed business in one or more of the following
89 classifications:

90 (h) Category V liquefied petroleum gases dealer for
91 industrial uses only.

92 (6) "Category I liquefied petroleum gas dealer" means any
93 person selling or offering to sell by delivery or at a
94 stationary location any liquefied petroleum gas to the ultimate
95 consumer for industrial, commercial, or domestic use; any person
96 leasing or offering to lease, or exchanging or offering to
97 exchange, any apparatus, appliances, and equipment for the use
98 of liquefied petroleum gas; any person installing, servicing,
99 altering, or modifying apparatus, piping, tubing, appliances,
100 and equipment for the use of liquefied petroleum or natural gas;
101 any person installing carburetion equipment; or any person
102 requalifying cylinders.

103 (7) "Category II liquefied petroleum gas dispenser" means
104 any person engaging in the business of operating a liquefied
105 petroleum gas dispensing unit for the purpose of serving liquid
106 products to the ultimate consumer for industrial, commercial, or
107 domestic use, and selling or offering to sell, or leasing or
108 offering to lease, apparatus, appliances, and equipment for the
109 use of liquefied petroleum gas, including maintaining a cylinder
110 storage rack at the licensed business location for the purpose
111 of storing cylinders filled by the licensed business for sale or



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112 use at a later date ~~engaging in the business of operating a~~
113 ~~cylinder exchange unit.~~

114 (10) "LP gas installer" means any person who is engaged in
115 the liquefied petroleum gas business and whose services include
116 the installation, servicing, altering, or modifying of
117 apparatus, piping, tubing, tanks, and equipment for the use of
118 liquefied petroleum or natural gas and selling or offering to
119 sell, or leasing or offering to lease, apparatus, appliances,
120 and equipment for the use of liquefied petroleum or natural gas.

121 (11) "Specialty installer" means any person involved in
122 the installation, service, or repair of liquefied petroleum or
123 natural gas appliances and equipment, and selling or offering to
124 sell, or leasing or offering to lease, apparatus, appliances,
125 and equipment for the use of liquefied petroleum gas, whose
126 activities are limited to specific types of appliances and
127 equipment as designated by department rule.

128 (19) "Category V liquefied petroleum gases dealer for
129 industrial uses only" means any person engaged in the business
130 of filling, selling, and transporting liquefied petroleum gas
131 containers for use in welding, forklifts, or other industrial
132 applications.

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

135 527.02 License; penalty; fees.

136 (1)(a) It is unlawful for any person to engage in this
137 state in the activities of a pipeline system operator, category
138 I liquefied petroleum gas dealer, category II liquefied
139 petroleum gas dispenser, category III liquefied petroleum gas



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140 cylinder exchange operator, category IV liquefied petroleum gas
 141 dispenser and recreational vehicle servicer, category V
 142 liquefied petroleum gases dealer for industrial uses only, LP
 143 gas installer, specialty installer, dealer in liquefied
 144 petroleum gas appliances and equipment, manufacturer of
 145 liquefied petroleum gas appliances and equipment, requalifier of
 146 cylinders, or fabricator, repairer, and tester of vehicles and
 147 cargo tanks without first obtaining from the department a
 148 license to engage in one or more of these businesses. The sale
 149 of liquefied petroleum gas cylinders with a volume of 10 pounds
 150 water capacity or 4.2 pounds liquefied petroleum gas capacity or
 151 less is exempt from the requirements of this chapter. It is a
 152 felony of the third degree, punishable as provided in s.
 153 775.082, s. 775.083, or s. 775.084, to intentionally or
 154 willfully engage in any of said activities without first
 155 obtaining appropriate licensure from the department.

156 (2) Each business location of a person having multiple
 157 locations shall be separately licensed and must meet the
 158 requirements of this section. Such license shall be granted to
 159 any applicant determined by the department to be competent,
 160 qualified, and trustworthy who files with the department a
 161 surety bond, insurance affidavit, or other proof of insurance,
 162 as hereinafter specified, and pays for such license the
 163 following original application fee for new licenses and annual
 164 renewal fees for existing licenses:

	Original	Renewal
License Category	Application Fee	Fee

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166	Category I liquefied petroleum gas dealer	\$525	\$425
167	Category II liquefied petroleum gas dispenser	525	375
168	Category III liquefied petroleum gas cylinder exchange unit operator	100	65
169	Category IV liquefied gas dispenser and recreational vehicle servicer	525	400
170	<u>Category V liquefied petroleum gases dealer for industrial uses only</u>	<u>300</u>	<u>200</u>
171	LP gas installer	300	200
172	Specialty installer	300	200
173	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
174	Manufacturer of liquefied petroleum gas appliances and equipment	525	375
	Requalifier of cylinders	525	375



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175 Fabricator, repairer, and
 176 tester of vehicles and cargo
 177 tanks 525 375

176 (3) Any applicant for original license whose application
 177 is submitted during the last 6 months of the license year may
 178 have the original license fee reduced by one-half for the 6-
 179 month period. This provision shall apply only to those companies
 180 applying for an original license and shall not be applied to
 181 licensees who held a license during the previous license year
 182 and failed to renew the license. The department may refuse to
 183 issue an initial license to any applicant who is under
 184 investigation in any jurisdiction for an action that would
 185 constitute a violation of this chapter until such time as the
 186 investigation is complete.

187 (4)~~(b)~~ Any person applying for a liquefied petroleum gas
 188 license as a specialty installer, as defined by s. 527.01(11),
 189 shall upon application to the department identify the specific
 190 area of work to be performed. Upon completion of all license
 191 requirements set forth in this chapter, the department shall
 192 issue the applicant a license specifying the scope of work, as
 193 identified by the applicant and defined by rule of the
 194 department, for which the person is authorized.

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



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

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

206 ~~(7)(e)~~ Any license issued by the department may be
207 transferred to any person, firm, or corporation for the
208 remainder of the current license year upon written request to
209 the department by the original licenseholder. Prior to approval
210 of any transfer, all licensing requirements of this chapter must
211 be met by the transferee. A license transfer fee of \$50 shall be
212 charged for each such transfer.

213 527.0201 Qualifiers; master qualifiers; examinations.--

214 ~~(1)(2)~~ In addition to the requirements of s. 527.02
215 ~~subsection (1)~~, any person applying for a license to engage in
216 the activities of a pipeline system operator, category I
217 liquefied petroleum gas dealer, category II liquefied petroleum
218 gas dispenser, category IV liquefied petroleum gas dispenser and
219 recreational vehicle servicer, category V liquefied petroleum
220 gases dealer for industrial uses only, LP gas installer,
221 specialty installer, requalification of cylinders, or
222 fabricator, repairer, and tester of vehicles and cargo tanks,
223 must prove competency by passing a written examination
224 administered by the department or its agent with a grade of 75
225 percent or above. Each applicant for examination shall submit a
226 \$20 nonrefundable fee. The department shall by rule specify the



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227 general areas of competency to be covered by each examination
228 and the relative weight to be assigned in grading each area
229 tested.

230 (2)~~(a)~~ Application for examination for competency may be
231 made by an individual or by an owner, a partner, or any person
232 employed by ~~in a supervisory capacity of~~ the license applicant.
233 Upon successful completion of the competency examination, the
234 department shall issue a qualifier identification card to the
235 examinee.

236 (a) Qualifier identification cards, except those issued to
237 category I liquefied petroleum gas dealers and liquefied
238 petroleum gas installers, shall remain in effect as long as the
239 individual shows to the department proof of active employment in
240 the area of examination and all continuing education
241 requirements are met. Should the individual terminate active
242 employment in the area of examination for a period exceeding 24
243 months, or fail to provide documentation of continuing
244 education, the individual's qualifier status shall automatically
245 expire. If the qualifier status has expired, the individual must
246 apply ~~may reapply~~ for and successfully complete an examination
247 by the department in order to reestablish qualifier status.

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

253 (3)~~(b)~~ Qualifier cards issued to category I liquefied
254 petroleum gas dealers and liquefied petroleum gas installers



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255 shall expire 3 years after the date of issuance. All category I
256 liquefied petroleum gas dealer qualifiers and liquefied
257 petroleum gas installer qualifiers holding a valid qualifier
258 card upon the effective date of this act shall retain their
259 qualifier status until July 1, 2003, and may sit for the master
260 qualifier examination at any time during that time period. All
261 such ~~Alternatively, all~~ category I liquefied petroleum gas
262 dealer qualifiers and liquefied petroleum gas installer
263 qualifiers may renew their qualification on or before July 1,
264 2003, upon application to the department, payment of a \$20
265 renewal fee, and documentation of the completion of a minimum of
266 12 hours approved continuing education courses, as defined by
267 department rule, during the previous 3-year period. Applications
268 for renewal must be made 30 calendar days prior to expiration.
269 Persons failing to renew prior to the expiration date must
270 reapply and take a qualifier competency examination in order to
271 reestablish category I liquefied petroleum gas dealer qualifier
272 and liquefied petroleum gas installer qualifier status. In the
273 event a category I liquefied petroleum gas qualifier or
274 liquefied petroleum gas installer qualifier becomes a master
275 qualifier at any time during the effective date of the qualifier
276 card, the card shall remain in effect until expiration of the
277 master qualifier certification.

278 (4)~~(3)~~ A qualifier for a business organization involved in
279 installation, repair, maintenance, or service of liquefied
280 petroleum gas appliances, equipment, or systems must actually
281 function in a supervisory capacity of other company employees
282 installing, repairing, maintaining, or servicing liquefied



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283 petroleum gas appliances, equipment, or systems. A separate
284 qualifier shall be required for every 10 such employees.
285 Additional qualifiers are required for those business
286 organizations employing more than 10 employees that install,
287 repair, maintain, or service liquefied petroleum gas equipment
288 and systems.

289 ~~(5)(4)~~ In addition to all other licensing requirements,
290 each category I liquefied petroleum gas dealer and liquefied
291 petroleum gas installer must, at the time of application for
292 licensure, identify to the department one master qualifier who
293 is a full-time employee at the licensed location. This person
294 shall be a manager, owner, or otherwise primarily responsible
295 for overseeing the operations of the licensed location and must
296 provide documentation to the department as provided by rule. The
297 master qualifier requirement shall be in addition to the
298 requirements of subsection ~~(1)(2)~~.

299 (a) In order to apply for certification as a master
300 qualifier, each applicant must be a category I liquefied
301 petroleum gas dealer qualifier or liquefied petroleum gas
302 installer qualifier, must be employed by a licensed category I
303 liquefied petroleum gas dealer, liquefied petroleum gas
304 installer, or applicant for such license, must provide
305 documentation of a minimum of one year's work experience in the
306 gas industry, and must pass a master qualifier competency
307 examination. Master qualifier examinations shall be based on
308 Florida's laws, rules, and adopted codes governing liquefied
309 petroleum gas safety, general industry safety standards, and
310 administrative procedures. The examination must be successfully



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311 completed by the applicant with a grade of 75 percent or more.
312 Each applicant for master qualifier status shall submit to the
313 department a nonrefundable \$30 examination fee prior to the
314 examination.

315 (b) Upon successful completion of the master qualifier
316 examination, the department shall issue the examinee a
317 certificate of master qualifier status which shall include the
318 name of the licensed company for which the master qualifier is
319 employed. A master qualifier may transfer from one licenseholder
320 to another upon becoming employed by the company and providing a
321 written request to the department.

322 (c) Master qualifier status shall expire 3 years after the
323 date of issuance of the certificate and may be renewed by
324 submission to the department of documentation of completion of
325 at least 12 hours of approved continuing education courses
326 during the 3-year period; proof of employment with a licensed
327 category I liquefied petroleum gas dealer, liquefied petroleum
328 gas installer, or applicant; and a \$30 certificate renewal fee.
329 The department shall define, by rule, approved courses of
330 continuing education.

331 (d) Each category I liquefied petroleum gas dealer or
332 liquefied petroleum gas installer licensed as of August 31,
333 2000, shall identify to the department one current category I
334 liquefied petroleum gas dealer qualifier or liquefied petroleum
335 gas installer qualifier who will be the designated master
336 qualifier for the licenseholder. Such individual must provide
337 proof of employment for 3 years or more within the liquefied
338 petroleum gas industry, and shall, upon approval of the



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339 department, be granted a master qualifier certificate. All other
340 requirements with regard to master qualifier certificate
341 expiration, renewal, and continuing education shall apply.

342 ~~(6)(5)~~ A vacancy in a qualifier or master qualifier
343 position in a business organization which results from the
344 departure of the qualifier or master qualifier shall be
345 immediately reported to the department by the departing
346 qualifier or master qualifier and the licensed company.

347 (a) In the event a business organization no longer
348 possesses a duly designated qualifier, as required by this
349 section, its liquefied petroleum gas licenses shall be suspended
350 by order of the department after 20 working days. The license
351 and shall remain suspended until a competent qualifier has been
352 employed, the order of suspension terminated by the department,
353 and the license reinstated ~~retained~~. A vacancy in the qualifier
354 position for a period of more than 20 working days shall be
355 deemed to constitute an immediate threat to the public health,
356 safety, and welfare. Failure to obtain a replacement qualifier
357 within 60 days of the vacancy shall be grounds for revocation of
358 licensure or eligibility for licensure.

359 (b) Any category I liquefied petroleum gas dealer or LP
360 gas installer who no longer possesses a master qualifier but
361 currently employs a category I liquefied petroleum gas dealer or
362 LP gas installer qualifier as required by this section, shall
363 have 60 days within which to replace the master qualifier. If
364 the company fails to replace the master qualifier within the 60-
365 day time period, the license of the company shall be suspended
366 by order of the department. The license shall remain suspended



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367 until a competent master qualifier has been employed, the order
368 of suspension has been terminated by the department, and the
369 license reinstated. Failure to obtain a replacement master
370 qualifier within 90 days of the vacancy shall be grounds for
371 revocation of licensure or eligibility for licensure.

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

375 (a) Violation of any provision of this chapter or any rule
376 or order of the department;

377 (b) Falsification of records relating to the qualifier
378 card or master qualifier certificate; or

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

380 (8)(6) Any individual having competency qualifications on
381 file with the department may request the transfer of such
382 qualifications to any existing licenseholder by making a written
383 request to the department for such transfer. Any individual
384 having a competency examination on file with the department may
385 use such examination for a new license application after making
386 application in writing to the department. All examinations are
387 confidential and exempt from the provisions of s. 119.07(1).

388 (9)(7) If a duplicate license, qualifier card, or master
389 qualifier certificate is requested by the licensee, a fee of \$10
390 must be received before issuance of the duplicate license or
391 card. If a facsimile transmission of an original license is
392 requested, upon completion of the transmission a fee of \$10 must
393 be received by the department before the original license may be
394 mailed to the requester.



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395 | ~~(10)(8)~~ All revenues collected herein shall be deposited
396 | in the General Inspection Trust Fund for the purpose of
397 | administering the provisions of this chapter.

398 | Section 3. Subsection (4) of section 527.06, Florida
399 | Statutes, is amended to read:

400 | 527.06 Rules.

401 | (4) Rules in substantial conformity with the published
402 | standards in Title 49 of the Code of Federal Regulations
403 | relative to liquefied petroleum gas pipelines shall be deemed to
404 | be in substantial conformity with the generally accepted
405 | standards of safety concerning the same subject matter.
406 | Violation of any provision of the rules adopted pursuant to this
407 | subsection may be enjoined under the provisions of s. 527.09.
408 | Any person who violates any provision of the rules adopted
409 | pursuant to this subsection shall be subject to a civil penalty
410 | not to exceed \$25,000 for each such violation for each day that
411 | such violation persists, except that the maximum civil penalty
412 | shall not exceed \$500,000, in aggregate, for any related series
413 | of violations. Any such civil penalty may be compromised by the
414 | department. In determining the amount of such penalty or the
415 | amount agreed upon in compromise, the appropriateness of such
416 | penalty to the size of the business of the person charged, the
417 | gravity of the violation, and the good faith of the person
418 | charged in attempting to achieve compliance after notification
419 | of a violation shall be considered. Each penalty shall be a lien
420 | upon the real and personal property of such person and
421 | enforceable by the department as statutory liens under chapter



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422 85, the proceeds of which shall be deposited in the General
423 Inspection Trust Fund, as provided in s. 527.0201 ~~527.02~~.

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

426 527.065 Notification of accidents; leak calls.

427 (1) Immediately upon discovery, all liquefied petroleum
428 gas licensees shall notify the department of any liquefied
429 petroleum gas-related ~~gas-related~~ accident involving a liquefied
430 petroleum gas licensee ~~company~~ or customer account ~~which~~:

431 (a) Which caused a death or personal injury requiring
432 professional medical treatment;

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

436 (c) Which caused estimated damage to property exceeding
437 \$1,000.

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

440 527.11 Minimum storage.

441 (1) Every person who engages in the distribution of
442 liquefied petroleum gas for resale to domestic, commercial, or
443 industrial consumers as a prerequisite to obtaining a liquefied
444 petroleum gas license shall install, own or lease a bulk storage
445 filling plant of not less than 18,000 gallons (water capacity)
446 within the state and shall be located within a 75-mile radius of
447 the licensed company's business location. This bulk storage
448 filling plant must have loading and unloading provisions solely



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449 for the licenseholder and be operated and maintained in
 450 compliance with this chapter for the duration of the license.

451 Section 6. Section 527.13, Florida Statutes, is amended to
 452 read:

453 527.13 Administrative finer fine and warning letters.--

454 (1) If any person violates any provision of this chapter
 455 or any rule adopted pursuant thereto or a cease and desist
 456 order, the department may impose a civil or administrative
 457 penalties penalty not to exceed \$3,000 for each offense, or
 458 suspend or revoke the license or qualification issued to such
 459 person, or any of the foregoing. The cost of the proceedings to
 460 enforce this chapter may be added to any penalty imposed. The
 461 department may allow the licensee a reasonable period, not to
 462 exceed 90 ~~30~~ days, within which to pay to the department the
 463 amount of the penalty so imposed. If the licensee fails to pay
 464 the penalty in its entirety to the department at its office at
 465 Tallahassee within the period so allowed, the licenses of the
 466 licensee shall stand revoked upon expiration of such period.

467 (2) If any license expires while administrative charges
 468 are pending against the license, the proceedings against the
 469 license shall continue to conclusion as if the license were
 470 still in effect.

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

475 (4)~~(3)~~ All such fines, monetary penalties, and costs
 476 received by the department shall be deposited in the General



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477 Inspection Trust Fund for the purpose of administering the
478 provisions of this chapter.

479 Section 7. Paragraph (c) of subsection (2) of section
480 527.22, Florida Statutes, is amended to read:

481 527.22 Florida Propane Gas Education, Safety, and Research
482 Council established; membership; duties and responsibilities.

483 (2)

484 (c) Council members shall be appointed to ~~staggered~~ terms
485 of 4 years, ~~except that, of the initial members appointed, five~~
486 ~~shall be appointed for terms of 2 years, five shall be appointed~~
487 ~~for terms of 3 years, and five shall be appointed for terms of 4~~
488 ~~years. Members may serve a maximum of two consecutive full~~
489 ~~terms. Former council members may be reappointed to the council~~
490 ~~if they have not been members for a period of 2 years. Vacancies~~
491 ~~in unexpired terms of council members may be filled by the~~
492 ~~council subject to approval of the commissioner. Members filling~~
493 ~~unexpired terms may serve a maximum of 7 consecutive years.~~

494 Section 8. Section 559.904, Florida Statutes, is amended
495 to read:

496 559.904 Motor vehicle repair shop registration;
497 application; exemption.

498 (1) Each motor vehicle repair shop engaged or attempting
499 to engage in the business of motor vehicle repair work must
500 register with the department prior to doing business in this
501 state. The application for registration must be on a form
502 provided by the department and must include at least the
503 following information:

504 (a) The name of the applicant.



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

506 (c) The business address at which the applicant performs
507 repair work or in the case of a mobile motor vehicle repair
508 shop, the home address of the owner, if different from the
509 business address.

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

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

514 (2) Any motor vehicle repair shop maintaining more than
515 one place of business may file a single application biennially
516 ~~annually~~, which, along with the other information required by
517 this part, clearly indicates the location of and the individual
518 in charge of each facility or in the case of a mobile motor
519 vehicle repair shop, the home address of the owner, if different
520 from the business address. In such case, fees shall be paid for
521 each place of business.

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

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

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

527 (c) If the place of business has 11 or more employees:
528 \$300.

529 (4) Each initial ~~and renewal~~ application for registration
530 must be accompanied by copies of the applicant's estimate and
531 invoice forms. Each renewal application for registration must be
532 accompanied by copies of the applicant's estimate and invoice



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533 | forms only in the event the original forms filed by the
534 | applicant are changed, altered, or revised. Such forms must
535 | comply with the applicable provisions of this act before a
536 | registration may be issued.

537 | (5) No biennial ~~annual~~ registration fee is required for
538 | any motor vehicle repair shop which has a local municipal or
539 | county license issued pursuant to an ordinance containing
540 | standards which the department determines are at least equal to
541 | the requirements of this part, or for any motor vehicle dealer
542 | licensed pursuant to chapter 320.

543 | (6) The department shall issue to each applicant a
544 | registration certificate in the form and size as prescribed by
545 | the department in accordance with s. 120.60. In the case of an
546 | applicant with more than one place of business, the department
547 | shall issue a registration certificate for each place of
548 | business. The certificate must show at least the name and
549 | address of the motor vehicle repair shop and the registration
550 | number for that place of business. In the case of a mobile motor
551 | vehicle repair shop, the certificate must show the home address
552 | of the owner, if different from the business address.

553 | (7) Any person applying for or renewing a local
554 | occupational license on or after October 1, 1993, to engage in
555 | business as a motor vehicle repair shop must exhibit an active
556 | registration certificate ~~or active affidavit of exemption proof~~
557 | ~~of filing certificate~~ from the department before the local
558 | occupational license may be issued or renewed.

559 | (8) Each registration must be renewed biennially ~~annually~~
560 | on or before the expiration date of the current registration. A



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561 late fee of \$25 shall be paid, in addition to the registration
562 fee or any other penalty, for any registration renewal
563 application that is received by the department after the
564 expiration date of the current registration. The department may
565 not issue the registration until all fees are paid.

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

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

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

577 (b) Have not satisfied a civil fine, administrative fine,
578 or other penalty arising out of any administrative or
579 enforcement action brought by any governmental agency based upon
580 conduct involving fraud, dishonest dealing, or any violation of
581 this part;

582 (c) Have had against them any civil, criminal, or
583 administrative adjudication in any jurisdiction, based upon
584 conduct involving fraud, dishonest dealing, or any violation of
585 this part; or

586 (d) Have had a judgment entered against them in any action
587 brought by the department or the state attorney pursuant to ss.
588 501.201-501.213 or this part.



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589 (11) The department shall post a prominent "Closed by
590 Order of the Department" sign on any motor vehicle repair shop
591 that has had its registration suspended or revoked. The
592 department shall also post a sign on any motor vehicle repair
593 shop that has been judicially or administratively determined to
594 be operating without a registration. It is a misdemeanor of the
595 second degree, punishable as provided in s. 775.082 or s.
596 775.083, for any person to deface such sign or remove such sign
597 without written authorization by the department or for any motor
598 vehicle repair shop to open for operation without a registration
599 or to open for operation as a motor vehicle repair shop while
600 its registration is suspended or revoked. The department may
601 impose administrative sanctions provided for in s. 559.921(4)
602 for violations of this subsection.

603 (12) In order to implement the biennial registration
604 requirements in this section, the department shall have
605 rulemaking authority in order to stagger the registrations over
606 a 2-year period. This subsection shall expire on June 30, 2005.

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

609 559.929 Security requirements.

610 (6) The department may waive the bond, letter of credit,
611 or certificate of deposit requirement on an annual basis if the
612 seller of travel has had 5 or more consecutive years of
613 experience as a seller of travel in Florida in compliance with
614 this part, ~~can demonstrate financial responsibility in the~~
615 ~~submission of audited financial statements or the prior year's~~
616 ~~federal income tax return,~~ has not had any civil, criminal, or



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617 administrative action instituted against the seller of travel in
618 the vacation and travel business by any governmental agency or
619 any action involving fraud, theft, misappropriation of property,
620 or moral turpitude, and has a satisfactory consumer complaint
621 history with the department. Such waiver may be revoked if the
622 seller of travel violates any provision of this part.

623 Section 10. Paragraphs (g) and (h) are added to subsection
624 (4) of section 501.143, Florida Statutes, to read:

625 501.143 Dance Studio Act.

626 (4) CONTRACT REQUIREMENTS. Every contract for ballroom
627 dance studio services or lessons shall be in writing and shall
628 be subject to this section. All provisions, requirements, and
629 prohibitions which are mandated by this section shall be
630 contained in the written contract before it is signed by the
631 customer. A copy of the signed contract shall be given to the
632 customer at the time the customer signs the contract.

633 (g) No contract for ballroom dance studio services or
634 lessons shall be for a period in excess of 36 months, and
635 thereafter shall only be renewable annually. Such renewal
636 contracts may not be executed and the fee therefore paid until
637 60 days or less before the preceding contract expires.

638 (h) No ballroom dance studio shall directly or indirectly
639 make any oral or written representation that a ballroom dance
640 studio contract for future services is for a lifetime,
641 constitutes a perpetual membership, or is otherwise for an
642 indefinite term.



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643 (7) PENALTIES; REMEDIES. The following penalties and
644 remedies are available for enforcement of the provisions of this
645 section:

646 (a) The department shall have administrative authority to
647 issue a notice of noncompliance pursuant to s. 120.695 and to
648 suspend or revoke the registration of any ballroom dance studio
649 that violates any of the provisions of this section or the rules
650 adopted or orders issued pursuant to such rules. Such ballroom
651 dance studio may not engage in business while the registration
652 is revoked or suspended.

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

657 (c) Notwithstanding the provisions of subsection (5), the
658 department may require any ballroom dance studio that has
659 operated or is operating in violation of any of the provisions
660 of this section or the rules adopted or orders issued pursuant
661 to such rules to post security with the department in an amount
662 not to exceed \$25,000.

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

667 (e) The enforcing authority may seek a civil penalty not
668 to exceed \$5,000 for each violation of this section or the rules
669 adopted or orders issued pursuant to such rules and may
670 institute a civil action in circuit court to recover any



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671 penalties or damages allowed in this section and for injunctive
672 relief to enforce compliance with this section or any rule or
673 order of the department.

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

676 (8) CRIMINAL PENALTIES. Any person which knowingly
677 violates this section commits a misdemeanor of the first degree,
678 punishable as provided in s. 775.082 or s. 775.083. However, any
679 person which knowingly conducts business as a ballroom dance
680 studio without registering annually with the department commits
681 a misdemeanor of the second degree, punishable as provided in s.
682 775.082 or s. 775.083.

683 (10) ENFORCEMENT BY CUSTOMER. Any customer injured by a
684 fraudulent act or fraudulent omission in violation of this
685 section may bring an action for the recovery of damages.
686 Judgment may be entered for three times the amount at which the
687 actual damages are assessed, plus costs and reasonable
688 attorney's fees.

689 Section 11. Subsection (1) of section 507.03, Florida
690 Statutes, is amended to read:

691 507.03 Registration.--

692 (1) Each mover shall annually register with the
693 department, providing its legal business and trade name, mailing
694 address, and business locations; the full names, addresses, and
695 ~~telephone numbers, and social security numbers~~ of its owners or
696 corporate officers and directors and the Florida agent of the
697 corporation; a statement whether it is a domestic or foreign
698 corporation, its state and date of incorporation, its charter



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699 number, and, if a foreign corporation, the date it registered
700 with the State of Florida, and occupational license where
701 applicable; the date on which a mover registered its fictitious
702 name if the mover is operating under a fictitious or trade name;
703 the name of all other corporations, business entities, and trade
704 names through which each owner of the mover operated, was known,
705 or did business as a mover within the preceding 5 years; and
706 proof of insurance coverage as required by this act.

707 Section 12. Subsection (2) of section 507.04, Florida
708 Statutes, is amended to read:

709 507.04 Cargo legal liability valuation and insurance
710 coverage.--

711 (2) All insurance coverages required under subsection (1)
712 shall be issued by an insurance company or carrier duly
713 authorized to transact business in the State of Florida. The
714 department shall ~~may~~ require a mover to present a certificate of
715 insurance evidence of the required coverages prior to issuance
716 of a registration certificate, or renewal thereof, under s.
717 507.03. The department shall be named as a certificateholder in
718 the certificate, and shall be notified at least 30 days in
719 advance of any changes in insurance coverage.

720 Section 13. Subsection (6) is added to section 570.382,
721 Florida Statutes, to read:

722 570.382 Arabian horse racing; breeders' and stallion
723 awards; Arabian Horse Council; horse registration fees; Florida
724 Arabian Horse Racing Promotion Fund.--

725 (6) Notwithstanding any contrary provisions of law and in
726 order to enhance the horse breeding industry of this state, any



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727 licensed entity that is permitted to race Arabian horses and
728 would be required to make contributions to the Florida Arabian
729 Horse Racing Promotion Fund may conduct at any time any activity
730 authorized by law and being conducted within 35 miles of its
731 licensed facility by any other entity licensed pursuant to
732 chapter 550.

733 Section 14. This act shall take effect upon becoming a
734 law.