



CHAMBER ACTION

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The Committee on Finance & Tax recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 527.01, F.S.; revising the definition of "qualifier" for purposes of ch. 527, F.S., relating to sale of liquefied petroleum gas; revising the definition of "category I liquefied petroleum gas dealer"; revising the definition of "category II liquefied petroleum gas dispenser"; revising the definition of "LP gas installer"; revising the definition of "specialty installer"; defining "category V liquefied petroleum gases dealer for industrial uses only"; amending s. 527.02, F.S.; providing for licensure of category V liquefied petroleum gases dealers for industrial uses only; providing license fees for such dealers; creating s. 527.0201, F.S.; reorganizing existing subsections of Florida Statutes; providing for examination of such dealers; revising persons who may make application for examination for competency; providing that no person may



HB 1471

2003  
CS

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



HB 1471

2003  
CS

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 | providing an effective date.

75 |  
76 | Be It Enacted by the Legislature of the State of Florida:  
77 |

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

82 | 527.01 Definitions. As used in this chapter:

83 | (5) "Qualifier" means any person who has passed a  
84 | competency examination administered by the department and is



HB 1471

2003  
CS

85 employed by a licensed business in one or more of the following  
86 classifications:

87 (h) Category V liquefied petroleum gases dealer for  
88 industrial uses only.

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

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

111 (10) "LP gas installer" means any person who is engaged in  
112 the liquefied petroleum gas business and whose services include



HB 1471

2003  
CS

113 the installation, servicing, altering, or modifying of  
 114 apparatus, piping, tubing, tanks, and equipment for the use of  
 115 liquefied petroleum or natural gas and selling or offering to  
 116 sell, or leasing or offering to lease, apparatus, appliances,  
 117 and equipment for the use of liquefied petroleum or natural gas.

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

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

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

132 527.02 License; penalty; fees.

133 (1)~~(a)~~ It is unlawful for any person to engage in this  
 134 state in the activities of a pipeline system operator, category  
 135 I liquefied petroleum gas dealer, category II liquefied  
 136 petroleum gas dispenser, category III liquefied petroleum gas  
 137 cylinder exchange operator, category IV liquefied petroleum gas  
 138 dispenser and recreational vehicle servicer, category V  
 139 liquefied petroleum gases dealer for industrial uses only, LP  
 140 gas installer, specialty installer, dealer in liquefied



HB 1471

2003  
CS

141 petroleum gas appliances and equipment, manufacturer of  
 142 liquefied petroleum gas appliances and equipment, requalifier of  
 143 cylinders, or fabricator, repairer, and tester of vehicles and  
 144 cargo tanks without first obtaining from the department a  
 145 license to engage in one or more of these businesses. The sale  
 146 of liquefied petroleum gas cylinders with a volume of 10 pounds  
 147 water capacity or 4.2 pounds liquefied petroleum gas capacity or  
 148 less is exempt from the requirements of this chapter. It is a  
 149 felony of the third degree, punishable as provided in s.  
 150 775.082, s. 775.083, or s. 775.084, to intentionally or  
 151 willfully engage in any of said activities without first  
 152 obtaining appropriate licensure from the department.

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

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	.....\$525	\$425
Category II liquefied		



HB 1471

2003  
CS

petroleum gas dispenser .....	525	375
Category III liquefied		
petroleum gas cylinder		
exchange unit operator .....	100	65
Category IV liquefied gas		
dispenser and recreational		
vehicle servicer .....	525	400
Category V liquefied		
petroleum gases dealer for		
industrial uses only .....	300	200
LP gas installer .....	300	200
Specialty installer .....	300	200
Dealer in appliances and		
equipment for use of		
liquefied petroleum gas .....	50	45
Manufacturer of liquefied		
petroleum gas appliances		
and equipment .....	525	375
Requalifier of cylinders .....	525	375
Fabricator, repairer, and		
tester of vehicles and		
cargo tanks .....	525	375

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(3) Any applicant for original license whose application is submitted during the last 6 months of the license year may have the original license fee reduced by one-half for the 6-month period. This provision shall apply only to those companies applying for an original license and shall not be applied to



HB 1471

2003  
CS

170 licensees who held a license during the previous license year  
171 and failed to renew the license. The department may refuse to  
172 issue an initial license to any applicant who is under  
173 investigation in any jurisdiction for an action that would  
174 constitute a violation of this chapter until such time as the  
175 investigation is complete.

176 (4)~~(b)~~ Any person applying for a liquefied petroleum gas  
177 license as a specialty installer, as defined by s. 527.01(11),  
178 shall upon application to the department identify the specific  
179 area of work to be performed. Upon completion of all license  
180 requirements set forth in this chapter, the department shall  
181 issue the applicant a license specifying the scope of work, as  
182 identified by the applicant and defined by rule of the  
183 department, for which the person is authorized.

184 (5)~~(e)~~ The license fee for a pipeline system operator  
185 shall be \$100 per system owned or operated by the person, not to  
186 exceed \$400 per license year. Such license fee applies only to a  
187 pipeline system operator who owns or operates a liquefied  
188 petroleum gas pipeline system that is used to transmit liquefied  
189 petroleum gas from a common source to the ultimate customer and  
190 that serves 10 or more customers.

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

195 (7)~~(e)~~ Any license issued by the department may be  
196 transferred to any person, firm, or corporation for the  
197 remainder of the current license year upon written request to





HB 1471

2003  
CS

198 the department by the original licenseholder. Prior to approval  
199 of any transfer, all licensing requirements of this chapter must  
200 be met by the transferee. A license transfer fee of \$50 shall be  
201 charged for each such transfer.

202 527.0201 Qualifiers; master qualifiers; examinations.--

203 (1)(2) In addition to the requirements of s. 527.02  
204 ~~subsection(1)~~, any person applying for a license to engage in  
205 the activities of a pipeline system operator, category I  
206 liquefied petroleum gas dealer, category II liquefied petroleum  
207 gas dispenser, category IV liquefied petroleum gas dispenser and  
208 recreational vehicle servicer, category V liquefied petroleum  
209 gases dealer for industrial uses only, LP gas installer,  
210 specialty installer, requalification of cylinders, or  
211 fabricator, repairer, and tester of vehicles and cargo tanks,  
212 must prove competency by passing a written examination  
213 administered by the department or its agent with a grade of 75  
214 percent or above. Each applicant for examination shall submit a  
215 \$20 nonrefundable fee. The department shall by rule specify the  
216 general areas of competency to be covered by each examination  
217 and the relative weight to be assigned in grading each area  
218 tested.

219 (2)(a) Application for examination for competency may be  
220 made by an individual or by an owner, a partner, or any person  
221 employed by ~~in a supervisory capacity of~~ the license applicant.  
222 Upon successful completion of the competency examination, the  
223 department shall issue a qualifier identification card to the  
224 examinee.



HB 1471

2003  
CS

225        (a) Qualifier identification cards, except those issued to  
226 category I liquefied petroleum gas dealers and liquefied  
227 petroleum gas installers, shall remain in effect as long as the  
228 individual shows to the department proof of active employment in  
229 the area of examination and all continuing education  
230 requirements are met. Should the individual terminate active  
231 employment in the area of examination for a period exceeding 24  
232 months, or fail to provide documentation of continuing  
233 education, the individual's qualifier status shall automatically  
234 expire. If the qualifier status has expired, the individual must  
235 apply ~~may re-apply~~ for and successfully complete an examination  
236 by the department in order to reestablish qualifier status.

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

242        (3)(b) Qualifier cards issued to category I liquefied  
243 petroleum gas dealers and liquefied petroleum gas installers  
244 shall expire 3 years after the date of issuance. All category I  
245 liquefied petroleum gas dealer qualifiers and liquefied  
246 petroleum gas installer qualifiers holding a valid qualifier  
247 card upon the effective date of this act shall retain their  
248 qualifier status until July 1, 2003, and may sit for the master  
249 qualifier examination at any time during that time period. All  
250 such ~~Alternatively, all~~ category I liquefied petroleum gas  
251 dealer qualifiers and liquefied petroleum gas installer  
252 qualifiers may renew their qualification on or before July 1,



HB 1471

2003  
CS

253 | 2003, upon application to the department, payment of a \$20  
254 | renewal fee, and documentation of the completion of a minimum of  
255 | 12 hours approved continuing education courses, as defined by  
256 | department rule, during the previous 3-year period. Applications  
257 | for renewal must be made 30 calendar days prior to expiration.  
258 | Persons failing to renew prior to the expiration date must  
259 | reapply and take a qualifier competency examination in order to  
260 | reestablish category I liquefied petroleum gas dealer qualifier  
261 | and liquefied petroleum gas installer qualifier status. In the  
262 | event a category I liquefied petroleum gas qualifier or  
263 | liquefied petroleum gas installer qualifier becomes a master  
264 | qualifier at any time during the effective date of the qualifier  
265 | card, the card shall remain in effect until expiration of the  
266 | master qualifier certification.

267 |       ~~(4)~~(3) A qualifier for a business organization involved in  
268 | installation, repair, maintenance, or service of liquefied  
269 | petroleum gas appliances, equipment, or systems must actually  
270 | function in a supervisory capacity of other company employees  
271 | installing, repairing, maintaining, or servicing liquefied  
272 | petroleum gas appliances, equipment, or systems. A separate  
273 | qualifier shall be required for every 10 such employees.  
274 | Additional qualifiers are required for those business  
275 | organizations employing more than 10 employees that install,  
276 | repair, maintain, or service liquefied petroleum gas equipment  
277 | and systems.

278 |       ~~(5)~~(4) In addition to all other licensing requirements,  
279 | each category I liquefied petroleum gas dealer and liquefied  
280 | petroleum gas installer must, at the time of application for



HB 1471

2003  
CS

281 licensure, identify to the department one master qualifier who  
282 is a full-time employee at the licensed location. This person  
283 shall be a manager, owner, or otherwise primarily responsible  
284 for overseeing the operations of the licensed location and must  
285 provide documentation to the department as provided by rule. The  
286 master qualifier requirement shall be in addition to the  
287 requirements of subsection (1)~~(2)~~.

288 (a) In order to apply for certification as a master  
289 qualifier, each applicant must be a category I liquefied  
290 petroleum gas dealer qualifier or liquefied petroleum gas  
291 installer qualifier, must be employed by a licensed category I  
292 liquefied petroleum gas dealer, liquefied petroleum gas  
293 installer, or applicant for such license, must provide  
294 documentation of a minimum of one year's work experience in the  
295 gas industry, and must pass a master qualifier competency  
296 examination. Master qualifier examinations shall be based on  
297 Florida's laws, rules, and adopted codes governing liquefied  
298 petroleum gas safety, general industry safety standards, and  
299 administrative procedures. The examination must be successfully  
300 completed by the applicant with a grade of 75 percent or more.  
301 Each applicant for master qualifier status shall submit to the  
302 department a nonrefundable \$30 examination fee prior to the  
303 examination.

304 (b) Upon successful completion of the master qualifier  
305 examination, the department shall issue the examinee a  
306 certificate of master qualifier status which shall include the  
307 name of the licensed company for which the master qualifier is  
308 employed. A master qualifier may transfer from one licenseholder



HB 1471

2003  
CS

309 to another upon becoming employed by the company and providing a  
310 written request to the department.

311 (c) Master qualifier status shall expire 3 years after the  
312 date of issuance of the certificate and may be renewed by  
313 submission to the department of documentation of completion of  
314 at least 12 hours of approved continuing education courses  
315 during the 3-year period; proof of employment with a licensed  
316 category I liquefied petroleum gas dealer, liquefied petroleum  
317 gas installer, or applicant; and a \$30 certificate renewal fee.  
318 The department shall define, by rule, approved courses of  
319 continuing education.

320 (d) Each category I liquefied petroleum gas dealer or  
321 liquefied petroleum gas installer licensed as of August 31,  
322 2000, shall identify to the department one current category I  
323 liquefied petroleum gas dealer qualifier or liquefied petroleum  
324 gas installer qualifier who will be the designated master  
325 qualifier for the licenseholder. Such individual must provide  
326 proof of employment for 3 years or more within the liquefied  
327 petroleum gas industry, and shall, upon approval of the  
328 department, be granted a master qualifier certificate. All other  
329 requirements with regard to master qualifier certificate  
330 expiration, renewal, and continuing education shall apply.

331 (6)~~(5)~~ A vacancy in a qualifier or master qualifier  
332 position in a business organization which results from the  
333 departure of the qualifier or master qualifier shall be  
334 immediately reported to the department by the departing  
335 qualifier or master qualifier and the licensed company.



HB 1471

2003  
CS

336        (a) In the event a business organization no longer  
337 possesses a duly designated qualifier, as required by this  
338 section, its liquefied petroleum gas licenses shall be suspended  
339 by order of the department after 20 working days. The license  
340 ~~and~~ shall remain suspended until a competent qualifier has been  
341 employed, the order of suspension terminated by the department,  
342 and the license reinstated ~~retained~~. A vacancy in the qualifier  
343 position for a period of more than 20 working days shall be  
344 deemed to constitute an immediate threat to the public health,  
345 safety, and welfare. Failure to obtain a replacement qualifier  
346 within 60 days of the vacancy shall be grounds for revocation of  
347 licensure or eligibility for licensure.

348        (b) Any category I liquefied petroleum gas dealer or LP  
349 gas installer who no longer possesses a master qualifier but  
350 currently employs a category I liquefied petroleum gas dealer or  
351 LP gas installer qualifier as required by this section, shall  
352 have 60 days within which to replace the master qualifier. If  
353 the company fails to replace the master qualifier within the 60-  
354 day time period, the license of the company shall be suspended  
355 by order of the department. The license shall remain suspended  
356 until a competent master qualifier has been employed, the order  
357 of suspension has been terminated by the department, and the  
358 license reinstated. Failure to obtain a replacement master  
359 qualifier within 90 days of the vacancy shall be grounds for  
360 revocation of licensure or eligibility for licensure.

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



HB 1471

2003  
CS

364 | (a) Violation of any provision of this chapter or any rule  
365 | or order of the department;

366 | (b) Falsification of records relating to the qualifier  
367 | card or master qualifier certificate; or

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

369 | (8)(6) Any individual having competency qualifications on  
370 | file with the department may request the transfer of such  
371 | qualifications to any existing licenseholder by making a written  
372 | request to the department for such transfer. Any individual  
373 | having a competency examination on file with the department may  
374 | use such examination for a new license application after making  
375 | application in writing to the department. All examinations are  
376 | confidential and exempt from the provisions of s. 119.07(1).

377 | (9)(7) If a duplicate license, qualifier card, or master  
378 | qualifier certificate is requested by the licensee, a fee of \$10  
379 | must be received before issuance of the duplicate license or  
380 | card. If a facsimile transmission of an original license is  
381 | requested, upon completion of the transmission a fee of \$10 must  
382 | be received by the department before the original license may be  
383 | mailed to the requester.

384 | (10)(8) All revenues collected herein shall be deposited  
385 | in the General Inspection Trust Fund for the purpose of  
386 | administering the provisions of this chapter.

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

389 | 527.06 Rules.

390 | (4) Rules in substantial conformity with the published  
391 | standards in Title 49 of the Code of Federal Regulations



HB 1471

2003  
CS

392 relative to liquefied petroleum gas pipelines shall be deemed to  
 393 be in substantial conformity with the generally accepted  
 394 standards of safety concerning the same subject matter.  
 395 Violation of any provision of the rules adopted pursuant to this  
 396 subsection may be enjoined under the provisions of s. 527.09.  
 397 Any person who violates any provision of the rules adopted  
 398 pursuant to this subsection shall be subject to a civil penalty  
 399 not to exceed \$25,000 for each such violation for each day that  
 400 such violation persists, except that the maximum civil penalty  
 401 shall not exceed \$500,000, in aggregate, for any related series  
 402 of violations. Any such civil penalty may be compromised by the  
 403 department. In determining the amount of such penalty or the  
 404 amount agreed upon in compromise, the appropriateness of such  
 405 penalty to the size of the business of the person charged, the  
 406 gravity of the violation, and the good faith of the person  
 407 charged in attempting to achieve compliance after notification  
 408 of a violation shall be considered. Each penalty shall be a lien  
 409 upon the real and personal property of such person and  
 410 enforceable by the department as statutory liens under chapter  
 411 85, the proceeds of which shall be deposited in the General  
 412 Inspection Trust Fund, as provided in s. 527.0201 ~~527.02~~.

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

415 527.065 Notification of accidents; leak calls.

416 (1) Immediately upon discovery, all liquefied petroleum  
 417 gas licensees shall notify the department of any liquefied  
 418 petroleum gas-related ~~gas-related~~ accident involving a liquefied  
 419 petroleum gas licensee ~~company~~ or customer account ~~which~~:





HB 1471

2003  
CS

420 (a) Which caused a death or personal injury requiring  
421 professional medical treatment;

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

425 (c) Which caused estimated damage to property exceeding  
426 \$1,000.

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

429 527.11 Minimum storage.

430 (1) Every person who engages in the distribution of  
431 liquefied petroleum gas for resale to domestic, commercial, or  
432 industrial consumers as a prerequisite to obtaining a liquefied  
433 petroleum gas license shall install, own or lease a bulk storage  
434 filling plant of not less than 18,000 gallons (water capacity)  
435 within the state and shall be located within a 75-mile radius of  
436 the licensed company's business location. This bulk storage  
437 filling plant must have loading and unloading provisions solely  
438 for the licenseholder and be operated and maintained in  
439 compliance with this chapter for the duration of the license.

440 Section 6. Section 527.13, Florida Statutes, is amended to  
441 read:

442 527.13 Administrative finer ~~fine~~ and warning letters.--

443 (1) If any person violates any provision of this chapter  
444 or any rule adopted pursuant thereto or a cease and desist  
445 order, the department may impose a civil or administrative  
446 penalties ~~penalty~~ not to exceed \$3,000 for each offense, ~~or~~  
447 suspend or revoke the license or qualification issued to such



HB 1471

2003  
CS

448 | person, or any of the foregoing. The cost of the proceedings to  
449 | enforce this chapter may be added to any penalty imposed. The  
450 | department may allow the licensee a reasonable period, not to  
451 | exceed 90 ~~30~~ days, within which to pay to the department the  
452 | amount of the penalty so imposed. If the licensee fails to pay  
453 | the penalty in its entirety to the department at its office at  
454 | Tallahassee within the period so allowed, the licenses of the  
455 | licensee shall stand revoked upon expiration of such period.

456 | (2) If any license expires while administrative charges  
457 | are pending against the license, the proceedings against the  
458 | license shall continue to conclusion as if the license were  
459 | still in effect.

460 | (3) In lieu of an administrative or civil penalty in  
461 | subsection (1) of this section, the department may issue a  
462 | warning letter to the license holder, master qualifier,  
463 | qualifier, or any person for a first violation.

464 | (4)~~(3)~~ All such fines, monetary penalties, and costs  
465 | received by the department shall be deposited in the General  
466 | Inspection Trust Fund for the purpose of administering the  
467 | provisions of this chapter.

468 | Section 7. Paragraph (c) of subsection (2) of section  
469 | 527.22, Florida Statutes, is amended to read:

470 | 527.22 Florida Propane Gas Education, Safety, and Research  
471 | Council established; membership; duties and responsibilities.

472 | (2)

473 | (c) Council members shall be appointed to ~~staggered~~ terms  
474 | of 4 years, ~~except that, of the initial members appointed, five~~  
475 | ~~shall be appointed for terms of 2 years, five shall be appointed~~



HB 1471

2003  
CS

476 ~~for terms of 3 years, and five shall be appointed for terms of 4~~  
477 ~~years. Members may serve a maximum of two consecutive full~~  
478 ~~terms. Former council members may be reappointed to the council~~  
479 ~~if they have not been members for a period of 2 years. Vacancies~~  
480 ~~in unexpired terms of council members may be filled by the~~  
481 ~~council subject to approval of the commissioner. Members filling~~  
482 ~~unexpired terms may serve a maximum of 7 consecutive years.~~

483 Section 8. Section 559.904, Florida Statutes, is amended  
484 to read:

485 559.904 Motor vehicle repair shop registration;  
486 application; exemption.

487 (1) Each motor vehicle repair shop engaged or attempting  
488 to engage in the business of motor vehicle repair work must  
489 register with the department prior to doing business in this  
490 state. The application for registration must be on a form  
491 provided by the department and must include at least the  
492 following information:

493 (a) The name of the applicant.

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

495 (c) The business address at which the applicant performs  
496 repair work or in the case of a mobile motor vehicle repair  
497 shop, the home address of the owner, if different from the  
498 business address.

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

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



HB 1471

2003  
CS

503 (2) Any motor vehicle repair shop maintaining more than  
504 one place of business may file a single application biennially  
505 ~~annually~~, which, along with the other information required by  
506 this part, clearly indicates the location of and the individual  
507 in charge of each facility or in the case of a mobile motor  
508 vehicle repair shop, the home address of the owner, if different  
509 from the business address. In such case, fees shall be paid for  
510 each place of business.

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

- 514 (a) If the place of business has 1 to 5 employees: \$50.  
515 (b) If the place of business has 6 to 10 employees: \$150.  
516 (c) If the place of business has 11 or more employees:  
517 \$300.

518 (4) Each initial ~~and renewal~~ application for registration  
519 must be accompanied by copies of the applicant's estimate and  
520 invoice forms. Each renewal application for registration must be  
521 accompanied by copies of the applicant's estimate and invoice  
522 forms only in the event the original forms filed by the  
523 applicant are changed, altered, or revised. Such forms must  
524 comply with the applicable provisions of this act before a  
525 registration may be issued.

526 (5) No biennial ~~annual~~ registration fee is required for  
527 any motor vehicle repair shop which has a local municipal or  
528 county license issued pursuant to an ordinance containing  
529 standards which the department determines are at least equal to



530 the requirements of this part, or for any motor vehicle dealer  
531 licensed pursuant to chapter 320.

532 (6) The department shall issue to each applicant a  
533 registration certificate in the form and size as prescribed by  
534 the department in accordance with s. 120.60. In the case of an  
535 applicant with more than one place of business, the department  
536 shall issue a registration certificate for each place of  
537 business. The certificate must show at least the name and  
538 address of the motor vehicle repair shop and the registration  
539 number for that place of business. In the case of a mobile motor  
540 vehicle repair shop, the certificate must show the home address  
541 of the owner, if different from the business address.

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

548 (8) Each registration must be renewed biennially ~~annually~~  
549 on or before the expiration date of the current registration. A  
550 late fee of \$25 shall be paid, in addition to the registration  
551 fee or any other penalty, for any registration renewal  
552 application that is received by the department after the  
553 expiration date of the current registration. The department may  
554 not issue the registration until all fees are paid.

555 (9) No ~~annual~~ registration application or fee is required  
556 for an individual with no employees and no established place of  
557 business. In the case of a mobile motor vehicle repair shop, the



558 established place of business shall be considered the home  
559 address of the owner, if different than the business address.

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

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

566 (b) Have not satisfied a civil fine, administrative fine,  
567 or other penalty arising out of any administrative or  
568 enforcement action brought by any governmental agency based upon  
569 conduct involving fraud, dishonest dealing, or any violation of  
570 this part;

571 (c) Have had against them any civil, criminal, or  
572 administrative adjudication in any jurisdiction, based upon  
573 conduct involving fraud, dishonest dealing, or any violation of  
574 this part; or

575 (d) Have had a judgment entered against them in any action  
576 brought by the department or the state attorney pursuant to ss.  
577 501.201-501.213 or this part.

578 (11) The department shall post a prominent "Closed by  
579 Order of the Department" sign on any motor vehicle repair shop  
580 that has had its registration suspended or revoked. The  
581 department shall also post a sign on any motor vehicle repair  
582 shop that has been judicially or administratively determined to  
583 be operating without a registration. It is a misdemeanor of the  
584 second degree, punishable as provided in s. 775.082 or s.  
585 775.083, for any person to deface such sign or remove such sign



HB 1471

2003  
CS

586 without written authorization by the department or for any motor  
587 vehicle repair shop to open for operation without a registration  
588 or to open for operation as a motor vehicle repair shop while  
589 its registration is suspended or revoked. The department may  
590 impose administrative sanctions provided for in s. 559.921(4)  
591 for violations of this subsection.

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

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

598 559.929 Security requirements.

599 (6) The department may waive the bond, letter of credit,  
600 or certificate of deposit requirement on an annual basis if the  
601 seller of travel has had 5 or more consecutive years of  
602 experience as a seller of travel in Florida in compliance with  
603 this part, ~~can demonstrate financial responsibility in the~~  
604 ~~submission of audited financial statements or the prior year's~~  
605 ~~federal income tax return,~~ has not had any civil, criminal, or  
606 administrative action instituted against the seller of travel in  
607 the vacation and travel business by any governmental agency or  
608 any action involving fraud, theft, misappropriation of property,  
609 or moral turpitude, and has a satisfactory consumer complaint  
610 history with the department. Such waiver may be revoked if the  
611 seller of travel violates any provision of this part.

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



HB 1471

2003  
CS

614 501.143 Dance Studio Act.

615 (4) CONTRACT REQUIREMENTS. Every contract for ballroom  
616 dance studio services or lessons shall be in writing and shall  
617 be subject to this section. All provisions, requirements, and  
618 prohibitions which are mandated by this section shall be  
619 contained in the written contract before it is signed by the  
620 customer. A copy of the signed contract shall be given to the  
621 customer at the time the customer signs the contract.

622 (g) No contract for ballroom dance studio services or  
623 lessons shall be for a period in excess of 36 months, and  
624 thereafter shall only be renewable annually. Such renewal  
625 contracts may not be executed and the fee therefore paid until  
626 60 days or less before the preceding contract expires.

627 (h) No ballroom dance studio shall directly or indirectly  
628 make any oral or written representation that a ballroom dance  
629 studio contract for future services is for a lifetime,  
630 constitutes a perpetual membership, or is otherwise for an  
631 indefinite term.

632 (7) PENALTIES; REMEDIES. The following penalties and  
633 remedies are available for enforcement of the provisions of this  
634 section:

635 (a) The department shall have administrative authority to  
636 issue a notice of noncompliance pursuant to s. 120.695 and to  
637 suspend or revoke the registration of any ballroom dance studio  
638 that violates any of the provisions of this section or the rules  
639 adopted or orders issued pursuant to such rules. Such ballroom  
640 dance studio may not engage in business while the registration  
641 is revoked or suspended.





HB 1471

2003  
CS

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

646 (c) Notwithstanding the provisions of subsection(5), the  
647 department may require any ballroom dance studio that has  
648 operated or is operating in violation of any of the provisions  
649 of this section or the rules adopted or orders issued pursuant  
650 to such rules to post security with the department in an amount  
651 not to exceed \$25,000.

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

656 (e) The enforcing authority may seek a civil penalty not  
657 to exceed \$5,000 for each violation of this section or the rules  
658 adopted or orders issued pursuant to such rules and may  
659 institute a civil action in circuit court to recover any  
660 penalties or damages allowed in this section and for injunctive  
661 relief to enforce compliance with this section or any rule or  
662 order of the department.

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

665 (8) CRIMINAL PENALTIES. Any person which knowingly  
666 violates this section commits a misdemeanor of the first degree,  
667 punishable as provided in s. 775.082 or s. 775.083. However, any  
668 person which knowingly conducts business as a ballroom dance  
669 studio without registering annually with the department commits



HB 1471

2003  
CS

670 a misdemeanor of the second degree, punishable as provided in s.  
671 775.082 or s. 775.083.

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

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

680 507.03 Registration.--

681 (1) Each mover shall annually register with the  
682 department, providing its legal business and trade name, mailing  
683 address, and business locations; the full names, addresses, and  
684 ~~telephone numbers, and social security numbers~~ of its owners or  
685 corporate officers and directors and the Florida agent of the  
686 corporation; a statement whether it is a domestic or foreign  
687 corporation, its state and date of incorporation, its charter  
688 number, and, if a foreign corporation, the date it registered  
689 with the State of Florida, and occupational license where  
690 applicable; the date on which a mover registered its fictitious  
691 name if the mover is operating under a fictitious or trade name;  
692 the name of all other corporations, business entities, and trade  
693 names through which each owner of the mover operated, was known,  
694 or did business as a mover within the preceding 5 years; and  
695 proof of insurance coverage as required by this act.

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



HB 1471

2003  
CS

698 | 507.04 Cargo legal liability valuation and insurance  
699 | coverage.--

700 | (2) All insurance coverages required under subsection(1)  
701 | shall be issued by an insurance company or carrier duly  
702 | authorized to transact business in the State of Florida. The  
703 | department shall ~~may~~ require a mover to present a certificate of  
704 | insurance ~~evidence~~ of the required coverages prior to issuance  
705 | of a registration certificate, or renewal thereof, under s.  
706 | 507.03. The department shall be named as a certificateholder in  
707 | the certificate, and shall be notified at least 30 days in  
708 | advance of any changes in insurance coverage.

709 | Section 13. This act shall take effect upon becoming a  
710 | law.