

By Senator Garcia

40-1608B-03

See HB 1471

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

1 with respect to category I liquefied petroleum  
2 gas dealers or LP gas installers who no longer  
3 possess a master qualifier but employ a  
4 category I liquefied petroleum gas dealer or LP  
5 gas installer qualifier; providing that the  
6 department may deny, refuse to renew, suspend,  
7 or revoke a qualifier card or master qualifier  
8 certificate for specified causes; amending s.  
9 527.06, F.S.; conforming a cross-reference;  
10 amending s. 527.065, F.S.; revising conditions  
11 under which liquefied petroleum gas licensees  
12 must notify the department of liquefied  
13 petroleum gas-related accidents involving a  
14 customer account; amending s. 527.11, F.S.;  
15 revising a prerequisite to obtaining a  
16 liquefied petroleum gas license; amending s.  
17 527.13, F.S.; authorizing the department to  
18 impose administrative penalties and suspend or  
19 revoke a qualification for violation of the  
20 provisions of ch. 527, F.S., rules adopted  
21 pursuant thereto, or a cease and desist order;  
22 increasing the period of time in which  
23 licensees may pay penalties to the department;  
24 authorizing the department to issue a warning  
25 letter to licenseholders, master qualifiers,  
26 qualifiers, or others in lieu of an  
27 administrative or civil penalty for first  
28 violations; amending s. 527.22, F.S.; revising  
29 terms of membership of the Propane Gas  
30 Education, Safety, and Research Council;  
31 amending s. 559.904, F.S.; revising provisions

1 relating to applications, renewal applications,  
2 registration, and registration fees with  
3 respect to motor vehicle repair shops; amending  
4 s. 559.929, F.S.; eliminating a condition under  
5 which the department may waive security  
6 requirements with respect to registration as a  
7 seller of travel; amending s. 501.143, F.S.;  
8 providing limitations on contracts for ballroom  
9 dance studio services and the renewal of such  
10 contracts; providing penalties, remedies, and  
11 enforcement; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Paragraph (h) is added to subsection (5) of  
16 section 527.01, Florida Statutes, subsection (7) is amended,  
17 and a new subsection (19) is added to that section, to read:

18 527.01 Definitions.--As used in this chapter:

19 (5) "Qualifier" means any person who has passed a  
20 competency examination administered by the department and is  
21 employed by a licensed business in one or more of the  
22 following classifications:

23 (h) Category V liquefied petroleum gases dealer for  
24 industrial uses only.

25 (7) "Category II liquefied petroleum gas dispenser"  
26 means any person engaging in the business of operating a  
27 liquefied petroleum gas dispensing unit for the purpose of  
28 serving liquid products to the ultimate consumer for  
29 industrial, commercial, or domestic use, and selling or  
30 offering to sell, or leasing or offering to lease, apparatus,  
31 appliances, and equipment for the use of liquefied petroleum

1 gas, including maintaining a cylinder storage rack at the  
2 licensed business location for the purpose of storing  
3 cylinders filled by the licensed business for sale or use at a  
4 later date ~~engaging in the business of operating a cylinder~~  
5 exchange unit.

6 (19) "Category V liquefied petroleum gases dealer for  
7 industrial uses only" means any person engaged in the business  
8 of filling, selling, and transporting liquefied petroleum gas  
9 containers for use in welding, forklifts, or other industrial  
10 applications.

11 Section 2. Section 527.02, Florida Statutes, is  
12 amended, and section 527.0201, Florida Statutes, is created,  
13 to read:

14 527.02 License; penalty; fees.--

15 (1)~~(a)~~ It is unlawful for any person to engage in this  
16 state in the activities of a pipeline system operator,  
17 category I liquefied petroleum gas dealer, category II  
18 liquefied petroleum gas dispenser, category III liquefied  
19 petroleum gas cylinder exchange operator, category IV  
20 liquefied petroleum gas dispenser and recreational vehicle  
21 servicer, category V liquefied petroleum gases dealer for  
22 industrial uses only, LP gas installer, specialty installer,  
23 dealer in liquefied petroleum gas appliances and equipment,  
24 manufacturer of liquefied petroleum gas appliances and  
25 equipment, requalifier of cylinders, or fabricator, repairer,  
26 and tester of vehicles and cargo tanks without first obtaining  
27 from the department a license to engage in one or more of  
28 these businesses. The sale of liquefied petroleum gas  
29 cylinders with a volume of 10 pounds water capacity or 4.2  
30 pounds liquefied petroleum gas capacity or less is exempt from  
31 the requirements of this chapter. It is a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084, to intentionally or willfully engage in any of  
3 said activities without first obtaining appropriate licensure  
4 from the department.

5       (2) Each business location of a person having multiple  
6 locations shall be separately licensed and must meet the  
7 requirements of this section. Such license shall be granted to  
8 any applicant determined by the department to be competent,  
9 qualified, and trustworthy who files with the department a  
10 surety bond, insurance affidavit, or other proof of insurance,  
11 as hereinafter specified, and pays for such license the  
12 following original application fee for new licenses and annual  
13 renewal fees for existing licenses:

14	15	16	17	18
		Original		Renewal
	License Category	Application Fee		Fee
19	Category I liquefied			
20	petroleum gas dealer.....	\$525		\$425
21	Category II liquefied			
22	petroleum gas dispenser.....	525		375
23	Category III liquefied			
24	petroleum gas cylinder			
25	exchange unit operator.....	100		65
26	Category IV liquefied			
27	petroleum gas dispenser and			
28	recreational vehicle servicer.....	525		400
29	<u>Category V liquefied</u>			
30	<u>petroleum gases dealer</u>			
31	<u>for industrial uses only.....</u>	<u>300</u>		<u>200</u>

1	LP gas installer.....	300	200
2	Specialty installer.....	300	200
3	Dealer in appliances and equipment		
4	for use of liquefied petroleum gas.....	50	45
5	Manufacturer of liquefied petroleum		
6	gas appliances and equipment.....	525	375
7	Requalifier of cylinders.....	525	375
8	Fabricator, repairer, and tester of		
9	vehicles and cargo tanks.....	525	375

10

11       (3) Any applicant for original license whose  
12 application is submitted during the last 6 months of the  
13 license year may have the original license fee reduced by  
14 one-half for the 6-month period. This provision shall apply  
15 only to those companies applying for an original license and  
16 shall not be applied to licensees who held a license during  
17 the previous license year and failed to renew the license. The  
18 department may refuse to issue an initial license to any  
19 applicant who is under investigation in any jurisdiction for  
20 an action that would constitute a violation of this chapter  
21 until such time as the investigation is complete.

22       (4)~~(b)~~ Any person applying for a liquefied petroleum  
23 gas license as a specialty installer, as defined by s.  
24 527.01(11), shall upon application to the department identify  
25 the specific area of work to be performed. Upon completion of  
26 all license requirements set forth in this chapter, the  
27 department shall issue the applicant a license specifying the  
28 scope of work, as identified by the applicant and defined by  
29 rule of the department, for which the person is authorized.

30       (5)~~(c)~~ The license fee for a pipeline system operator  
31 shall be \$100 per system owned or operated by the person, not

1 to exceed \$400 per license year. Such license fee applies only  
2 to a pipeline system operator who owns or operates a liquefied  
3 petroleum gas pipeline system that is used to transmit  
4 liquefied petroleum gas from a common source to the ultimate  
5 customer and that serves 10 or more customers.

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

10 (7)~~(e)~~ Any license issued by the department may be  
11 transferred to any person, firm, or corporation for the  
12 remainder of the current license year upon written request to  
13 the department by the original licenseholder. Prior to  
14 approval of any transfer, all licensing requirements of this  
15 chapter must be met by the transferee. A license transfer fee  
16 of \$50 shall be charged for each such transfer.

17 527.0201 Qualifiers; master qualifiers;  
18 examinations.--

19 (1)~~(2)~~ In addition to the requirements of s. 527.02  
20 ~~subsection (1)~~, any person applying for a license to engage in  
21 the activities of a pipeline system operator, category I  
22 liquefied petroleum gas dealer, category II liquefied  
23 petroleum gas dispenser, category IV liquefied petroleum gas  
24 dispenser and recreational vehicle servicer, category V  
25 liquefied petroleum gases dealer for industrial uses only, LP  
26 gas installer, specialty installer, requalification of  
27 cylinders, or fabricator, repairer, and tester of vehicles and  
28 cargo tanks, must prove competency by passing a written  
29 examination administered by the department or its agent with a  
30 grade of 75 percent or above. Each applicant for examination  
31 shall submit a \$20 nonrefundable fee. The department shall by

1 rule specify the general areas of competency to be covered by  
2 each examination and the relative weight to be assigned in  
3 grading each area tested.

4 (2)~~(a)~~ Application for examination for competency may  
5 be made by an individual or by an owner, a partner, or any  
6 person employed by ~~in a supervisory capacity of~~ the license  
7 applicant. Upon successful completion of the competency  
8 examination, the department shall issue a qualifier  
9 identification card to the examinee.

10 (a) Qualifier identification cards, except those  
11 issued to category I liquefied petroleum gas dealers and  
12 liquefied petroleum gas installers, shall remain in effect as  
13 long as the individual shows to the department proof of active  
14 employment in the area of examination and all continuing  
15 education requirements are met. Should the individual  
16 terminate active employment in the area of examination for a  
17 period exceeding 24 months, or fail to provide documentation  
18 of continuing education, the individual's qualifier status  
19 shall automatically expire. If the qualifier status has  
20 expired, the individual must apply ~~may reapply~~ for and  
21 successfully complete an examination by the department in  
22 order to reestablish qualifier status.

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

28 (3)~~(b)~~ Qualifier cards issued to category I liquefied  
29 petroleum gas dealers and liquefied petroleum gas installers  
30 shall expire 3 years after the date of issuance. All category  
31 I liquefied petroleum gas dealer qualifiers and liquefied



1 petroleum gas installer qualifiers holding a valid qualifier  
2 card upon the effective date of this act shall retain their  
3 qualifier status until July 1, 2003, and may sit for the  
4 master qualifier examination at any time during that time  
5 period. All such ~~Alternatively, all~~ category I liquefied  
6 petroleum gas dealer qualifiers and liquefied petroleum gas  
7 installer qualifiers may renew their qualification on or  
8 before July 1, 2003, upon application to the department,  
9 payment of a \$20 renewal fee, and documentation of the  
10 completion of a minimum of 12 hours approved continuing  
11 education courses, as defined by department rule, during the  
12 previous 3-year period. Applications for renewal must be made  
13 30 calendar days prior to expiration. Persons failing to renew  
14 prior to the expiration date must reapply and take a qualifier  
15 competency examination in order to reestablish category I  
16 liquefied petroleum gas dealer qualifier and liquefied  
17 petroleum gas installer qualifier status. In the event a  
18 category I liquefied petroleum gas qualifier or liquefied  
19 petroleum gas installer qualifier becomes a master qualifier  
20 at any time during the effective date of the qualifier card,  
21 the card shall remain in effect until expiration of the master  
22 qualifier certification.

23 (4)~~(3)~~ A qualifier for a business organization  
24 involved in installation, repair, maintenance, or service of  
25 liquefied petroleum gas appliances, equipment, or systems must  
26 actually function in a supervisory capacity of other company  
27 employees installing, repairing, maintaining, or servicing  
28 liquefied petroleum gas appliances, equipment, or systems. A  
29 separate qualifier shall be required for every 10 such  
30 employees. Additional qualifiers are required for those  
31 business organizations employing more than 10 employees that

1 install, repair, maintain, or service liquefied petroleum gas  
2 equipment and systems.

3 (5)~~(4)~~ In addition to all other licensing  
4 requirements, each category I liquefied petroleum gas dealer  
5 and liquefied petroleum gas installer must, at the time of  
6 application for licensure, identify to the department one  
7 master qualifier who is a full-time employee at the licensed  
8 location. This person shall be a manager, owner, or otherwise  
9 primarily responsible for overseeing the operations of the  
10 licensed location and must provide documentation to the  
11 department as provided by rule. The master qualifier  
12 requirement shall be in addition to the requirements of  
13 subsection~~(1)~~~~(2)~~.

14 (a) In order to apply for certification as a master  
15 qualifier, each applicant must be a category I liquefied  
16 petroleum gas dealer qualifier or liquefied petroleum gas  
17 installer qualifier, must be employed by a licensed category I  
18 liquefied petroleum gas dealer, liquefied petroleum gas  
19 installer, or applicant for such license, must provide  
20 documentation of a minimum of one year's work experience in  
21 the gas industry, and must pass a master qualifier competency  
22 examination. Master qualifier examinations shall be based on  
23 Florida's laws, rules, and adopted codes governing liquefied  
24 petroleum gas safety, general industry safety standards, and  
25 administrative procedures. The examination must be  
26 successfully completed by the applicant with a grade of 75  
27 percent or more. Each applicant for master qualifier status  
28 shall submit to the department a nonrefundable \$30 examination  
29 fee prior to the examination.

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

1 certificate of master qualifier status which shall include the  
2 name of the licensed company for which the master qualifier is  
3 employed. A master qualifier may transfer from one  
4 licenseholder to another upon becoming employed by the company  
5 and providing a written request to the department.

6 (c) Master qualifier status shall expire 3 years after  
7 the date of issuance of the certificate and may be renewed by  
8 submission to the department of documentation of completion of  
9 at least 12 hours of approved continuing education courses  
10 during the 3-year period; proof of employment with a licensed  
11 category I liquefied petroleum gas dealer, liquefied petroleum  
12 gas installer, or applicant; and a \$30 certificate renewal  
13 fee. The department shall define, by rule, approved courses of  
14 continuing education.

15 (d) Each category I liquefied petroleum gas dealer or  
16 liquefied petroleum gas installer licensed as of August 31,  
17 2000, shall identify to the department one current category I  
18 liquefied petroleum gas dealer qualifier or liquefied  
19 petroleum gas installer qualifier who will be the designated  
20 master qualifier for the licenseholder. Such individual must  
21 provide proof of employment for 3 years or more within the  
22 liquefied petroleum gas industry, and shall, upon approval of  
23 the department, be granted a master qualifier certificate. All  
24 other requirements with regard to master qualifier certificate  
25 expiration, renewal, and continuing education shall apply.

26 (6)(5) A vacancy in a qualifier or master qualifier  
27 position in a business organization which results from the  
28 departure of the qualifier or master qualifier shall be  
29 immediately reported to the department by the departing  
30 qualifier or master qualifier and the licensed company.

31

1           (a) In the event a business organization no longer  
2 possesses a duly designated qualifier, as required by this  
3 section, its liquefied petroleum gas licenses shall be  
4 suspended by order of the department after 20 working days.  
5 The license and shall remain suspended until a competent  
6 qualifier has been employed, the order of suspension  
7 terminated by the department, and the license reinstated  
8 retained. A vacancy in the qualifier position for a period of  
9 more than 20 working days shall be deemed to constitute an  
10 immediate threat to the public health, safety, and welfare.  
11 Failure to obtain a replacement qualifier within 60 days of  
12 the vacancy shall be grounds for revocation of licensure or  
13 eligibility for licensure.

14           (b) Any category I liquefied petroleum gas dealer or  
15 LP gas installer who no longer possesses a master qualifier  
16 but currently employs a category I liquefied petroleum gas  
17 dealer or LP gas installer qualifier as required by this  
18 section, shall have 60 days within which to replace the master  
19 qualifier. If the company fails to replace the master  
20 qualifier within the 60-day time period, the license of the  
21 company shall be suspended by order of the department. The  
22 license shall remain suspended until a competent master  
23 qualifier has been employed, the order of suspension has been  
24 terminated by the department, and the license reinstated.  
25 Failure to obtain a replacement master qualifier within 90  
26 days of the vacancy shall be grounds for revocation of  
27 licensure or eligibility for licensure.

28           (7) The Department may deny, refuse to renew, suspend,  
29 or revoke any qualifier card or master qualifier certificate  
30 for any of the following causes:  
31

1           (a) Violation of any provision of this chapter or any  
2 rule or order of the department;

3           (b) Falsification of records relating to the qualifier  
4 card or master qualifier certificate; or

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

6           ~~(8)(6)~~ Any individual having competency qualifications  
7 on file with the department may request the transfer of such  
8 qualifications to any existing licenseholder by making a  
9 written request to the department for such transfer. Any  
10 individual having a competency examination on file with the  
11 department may use such examination for a new license  
12 application after making application in writing to the  
13 department. All examinations are confidential and exempt from  
14 the provisions of s. 119.07(1).

15           ~~(9)(7)~~ If a duplicate license, qualifier card, or  
16 master qualifier certificate is requested by the licensee, a  
17 fee of \$10 must be received before issuance of the duplicate  
18 license or card. If a facsimile transmission of an original  
19 license is requested, upon completion of the transmission a  
20 fee of \$10 must be received by the department before the  
21 original license may be mailed to the requester.

22           ~~(10)(8)~~ All revenues collected herein shall be  
23 deposited in the General Inspection Trust Fund for the purpose  
24 of administering the provisions of this chapter.

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

27           527.06 Rules.--

28           (4) Rules in substantial conformity with the published  
29 standards in Title 49 of the Code of Federal Regulations  
30 relative to liquefied petroleum gas pipelines shall be deemed  
31 to be in substantial conformity with the generally accepted

1 standards of safety concerning the same subject matter.  
2 Violation of any provision of the rules adopted pursuant to  
3 this subsection may be enjoined under the provisions of s.  
4 527.09. Any person who violates any provision of the rules  
5 adopted pursuant to this subsection shall be subject to a  
6 civil penalty not to exceed \$25,000 for each such violation  
7 for each day that such violation persists, except that the  
8 maximum civil penalty shall not exceed \$500,000, in aggregate,  
9 for any related series of violations. Any such civil penalty  
10 may be compromised by the department. In determining the  
11 amount of such penalty or the amount agreed upon in  
12 compromise, the appropriateness of such penalty to the size of  
13 the business of the person charged, the gravity of the  
14 violation, and the good faith of the person charged in  
15 attempting to achieve compliance after notification of a  
16 violation shall be considered. Each penalty shall be a lien  
17 upon the real and personal property of such person and  
18 enforceable by the department as statutory liens under chapter  
19 85, the proceeds of which shall be deposited in the General  
20 Inspection Trust Fund, as provided in s. 527.0201 ~~527.02~~.

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

23 527.065 Notification of accidents; leak calls.--

24 (1) Immediately upon discovery, all liquefied  
25 petroleum gas licensees shall notify the department of any  
26 liquefied petroleum gas-related ~~gas-related~~ accident involving  
27 a liquefied petroleum gas licensee ~~company~~ or customer account  
28 ~~which~~:

29 (a) Which caused a death or personal injury requiring  
30 professional medical treatment;

31

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

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

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

8           527.11 Minimum storage.--

9           (1) Every person who engages in the distribution of  
10 liquefied petroleum gas for resale to domestic, commercial, or  
11 industrial consumers as a prerequisite to obtaining a  
12 liquefied petroleum gas license shall install own or lease a  
13 bulk storage filling plant of not less than 18,000 gallons  
14 (water capacity) within the state and shall be located within  
15 a 75-mile radius of the licensed company's business location.  
16 Such bulk storage filling plant must have loading and  
17 unloading provisions solely for the license holder and be  
18 operated and maintained in compliance with this chapter for  
19 the duration of the license.

20           Section 6. Section 527.13, Florida Statutes, is  
21 amended to read:

22           527.13 Administrative fine.--

23           (1) If any person violates any provision of this  
24 chapter or any rule adopted pursuant thereto or a cease and  
25 desist order, the department may impose ~~a~~ a civil or  
26 administrative penalties ~~penalty~~ not to exceed \$3,000 for each  
27 offense, ~~or~~ suspend or revoke the license or qualification  
28 issued to such person, or any of the foregoing. The cost of  
29 the proceedings to enforce this chapter may be added to any  
30 penalty imposed. The department may allow the licensee a  
31 reasonable period, not to exceed 90 ~~30~~ days, within which to

1 pay to the department the amount of the penalty so imposed. If  
2 the licensee fails to pay the penalty in its entirety to the  
3 department at its office at Tallahassee within the period so  
4 allowed, the licenses of the licensee shall stand revoked upon  
5 expiration of such period.

6 (2) If any license expires while administrative  
7 charges are pending against the license, the proceedings  
8 against the license shall continue to conclusion as if the  
9 license were still in effect.

10 (3) In lieu of an administrative or civil penalty in  
11 subsection (1), the department may issue a warning letter to  
12 the license holder, master qualifier, qualifier, or any person  
13 for a first violation.

14 (4)~~(3)~~ All such fines, monetary penalties, and costs  
15 received by the department shall be deposited in the General  
16 Inspection Trust Fund for the purpose of administering the  
17 provisions of this chapter.

18 Section 7. Paragraph (c) of subsection (2) of section  
19 527.22, Florida Statutes, is amended to read:

20 527.22 Florida Propane Gas Education, Safety, and  
21 Research Council established; membership; duties and  
22 responsibilities.--

23 (2)

24 (c) Council members shall be appointed to ~~staggered~~  
25 ~~terms of 4 years, except that, of the initial members~~  
26 ~~appointed, five shall be appointed for terms of 2 years, five~~  
27 ~~shall be appointed for terms of 3 years, and five shall be~~  
28 ~~appointed for terms of 4 years. Members may serve a maximum of~~  
29 ~~two consecutive full terms. Former council members may be~~  
30 ~~reappointed to the council if they have not been members for a~~  
31 ~~period of 2 years. Vacancies in unexpired terms of council~~



1 members may be filled by the council subject to approval of  
2 the commissioner. ~~Members filling unexpired terms may serve a~~  
3 ~~maximum of 7 consecutive years.~~

4 Section 8. Section 559.904, Florida Statutes, is  
5 amended to read:

6 559.904 Motor vehicle repair shop registration;  
7 application; exemption.--

8 (1) Each motor vehicle repair shop engaged or  
9 attempting to engage in the business of motor vehicle repair  
10 work must register with the department prior to doing business  
11 in this state. The application for registration must be on a  
12 form provided by the department and must include at least the  
13 following information:

14 (a) The name of the applicant.

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

17 (c) The business address at which the applicant  
18 performs repair work or in the case of a mobile motor vehicle  
19 repair shop, the home address of the owner, if different from  
20 the business address.

21 (d) Copies of all licenses, permits, and  
22 certifications obtained by the applicant or employees of the  
23 applicant.

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

26 (2) Any motor vehicle repair shop maintaining more  
27 than one place of business may file a single application  
28 biennially ~~annually~~, which, along with the other information  
29 required by this part, clearly indicates the location of and  
30 the individual in charge of each facility or in the case of a  
31 mobile motor vehicle repair shop, the home address of the

1 owner, if different from the business address. In such case,  
2 fees shall be paid for each place of business.

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

6 (a) If the place of business has 1 to 5 employees:  
7 \$50.

8 (b) If the place of business has 6 to 10 employees:  
9 \$150.

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

12 (4) Each initial ~~and renewal~~ application for  
13 registration must be accompanied by copies of the applicant's  
14 estimate and invoice forms. Each renewal application for  
15 registration must be accompanied by copies of the applicant's  
16 estimate and invoice forms only in the event the original  
17 forms filed by the applicant are changed, altered, or revised.  
18 Such forms must comply with the applicable provisions of this  
19 act before a registration may be issued.

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

26 (6) The department shall issue to each applicant a  
27 registration certificate in the form and size as prescribed by  
28 the department in accordance with s. 120.60. In the case of an  
29 applicant with more than one place of business, the department  
30 shall issue a registration certificate for each place of  
31 business. The certificate must show at least the name and

1 address of the motor vehicle repair shop and the registration  
2 number for that place of business. In the case of a mobile  
3 motor vehicle repair shop, the certificate must show the home  
4 address of the owner, if different from the business address.

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

11 (8) Each registration must be renewed biennially  
12 ~~annually~~ on or before the expiration date of the current  
13 registration. A late fee of \$25 shall be paid, in addition to  
14 the registration fee or any other penalty, for any  
15 registration renewal application that is received by the  
16 department after the expiration date of the current  
17 registration. The department may not issue the registration  
18 until all fees are paid.

19 (9) No ~~annual~~ registration application or fee is  
20 required for an individual with no employees and no  
21 established place of business. In the case of a mobile motor  
22 vehicle repair shop, the established place of business shall  
23 be considered the home address of the owner, if different than  
24 the business address.

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

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

31

1 (b) Have not satisfied a civil fine, administrative  
2 fine, or other penalty arising out of any administrative or  
3 enforcement action brought by any governmental agency based  
4 upon conduct involving fraud, dishonest dealing, or any  
5 violation of this part;

6 (c) Have had against them any civil, criminal, or  
7 administrative adjudication in any jurisdiction, based upon  
8 conduct involving fraud, dishonest dealing, or any violation  
9 of this part; or

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

13 (11) The department shall post a prominent "Closed by  
14 Order of the Department" sign on any motor vehicle repair shop  
15 that has had its registration suspended or revoked. The  
16 department shall also post a sign on any motor vehicle repair  
17 shop that has been judicially or administratively determined  
18 to be operating without a registration. It is a misdemeanor of  
19 the second degree, punishable as provided in s. 775.082 or s.  
20 775.083, for any person to deface such sign or remove such  
21 sign without written authorization by the department or for  
22 any motor vehicle repair shop to open for operation without a  
23 registration or to open for operation as a motor vehicle  
24 repair shop while its registration is suspended or revoked.  
25 The department may impose administrative sanctions provided  
26 for in s. 559.921(4) for violations of this subsection.

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

29 559.929 Security requirements.--

30 (6) The department may waive the bond, letter of  
31 credit, or certificate of deposit requirement on an annual

1 basis if the seller of travel has had 5 or more consecutive  
2 years of experience as a seller of travel in Florida in  
3 compliance with this part, ~~can demonstrate financial~~  
4 ~~responsibility in the submission of audited financial~~  
5 ~~statements or the prior year's federal income tax return,~~ has  
6 not had any civil, criminal, or administrative action  
7 instituted against the seller of travel in the vacation and  
8 travel business by any governmental agency or any action  
9 involving fraud, theft, misappropriation of property, or moral  
10 turpitude, and has a satisfactory consumer complaint history  
11 with the department. Such waiver may be revoked if the seller  
12 of travel violates any provision of this part.

13 Section 10. Paragraphs (g) and (h) are added to  
14 subsection (4) of section 501.143, Florida Statutes, and  
15 subsections (7), (8), and (10) of that section are reenacted  
16 to read:

17 501.143 Dance Studio Act.--

18 (4) CONTRACT REQUIREMENTS.--Every contract for  
19 ballroom dance studio services or lessons shall be in writing  
20 and shall be subject to this section. All provisions,  
21 requirements, and prohibitions which are mandated by this  
22 section shall be contained in the written contract before it  
23 is signed by the customer. A copy of the signed contract shall  
24 be given to the customer at the time the customer signs the  
25 contract.

26 (g) No contract for ballroom dance studio services or  
27 lessons shall be for a period in excess of 36 months, and  
28 thereafter shall only be renewable annually. Such renewal  
29 contracts may not be executed and the fee therefore paid until  
30 60 days or less before the preceding contract expires.

31

1           (h) A ballroom dance studio may not directly or  
2 indirectly make an oral or written representation that a  
3 ballroom dance studio contract for future services is for a  
4 lifetime term, constitutes a perpetual membership, or is  
5 otherwise for an indefinite term.

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

9           (a) The department shall have administrative authority  
10 to issue a notice of noncompliance pursuant to s. 120.695 and  
11 to suspend or revoke the registration of any ballroom dance  
12 studio that violates any of the provisions of this section or  
13 the rules adopted or orders issued pursuant to such rules.  
14 Such ballroom dance studio may not engage in business while  
15 the registration is revoked or suspended.

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

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

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

31

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

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

10           (8) CRIMINAL PENALTIES.--Any person which knowingly  
11 violates this section commits a misdemeanor of the first  
12 degree, punishable as provided in s. 775.082 or s. 775.083.  
13 However, any person which knowingly conducts business as a  
14 ballroom dance studio without registering annually with the  
15 department commits a misdemeanor of the second degree,  
16 punishable as provided in s. 775.082 or s. 775.083.

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

23           Section 11. This act shall take effect upon becoming a  
24 law.