

By the Committee on Agriculture; and Senator Garcia

303-2156-03

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.; redefining the term "qualifier"  
5           for purposes of ch. 527, F.S., relating to sale  
6           of liquefied petroleum gas; redefining the term  
7           "category II liquefied petroleum gas  
8           dispenser"; defining the term "category V  
9           liquefied petroleum gases dealer for industrial  
10          uses only"; amending s. 527.02, F.S.; providing  
11          for licensure of category V liquefied petroleum  
12          gases dealers for industrial uses only;  
13          providing license fees for such dealers;  
14          creating s. 527.0201, F.S.; providing for the  
15          examination of such dealers; revising criteria  
16          for determining who may make application for  
17          examination for competency; providing that a  
18          person may not act as a qualifier for more than  
19          one licensed location; providing an additional  
20          prerequisite for certification as a master  
21          qualifier; clarifying procedures in the event  
22          of specified vacancies in qualifier and master  
23          qualifier positions; clarifying provisions  
24          relating to suspension of a license if a  
25          business organization no longer possesses a  
26          duly designated qualifier; providing procedures  
27          relating to category I liquefied petroleum gas  
28          dealers or LP gas installers who no longer  
29          possess a master qualifier but employ a  
30          category I liquefied petroleum gas dealer or LP  
31          gas installer qualifier; providing that the

1 department may deny, refuse to renew, suspend,  
2 or revoke a qualifier card or master qualifier  
3 certificate for specified causes; amending s.  
4 527.06, F.S.; conforming a cross-reference;  
5 amending s. 527.065, F.S.; revising conditions  
6 under which liquefied petroleum gas licensees  
7 must notify the department of liquefied  
8 petroleum gas-related accidents involving a  
9 customer account; amending s. 527.11, F.S.;  
10 revising a prerequisite to obtaining a  
11 liquefied petroleum gas license; amending s.  
12 527.13, F.S.; authorizing the department to  
13 impose administrative penalties and suspend or  
14 revoke a qualification for violation of ch.  
15 527, F.S., rules adopted pursuant thereto, or a  
16 cease and desist order; increasing the period  
17 of time in which licensees may pay penalties to  
18 the department; authorizing the department to  
19 issue a warning letter to licenseholders,  
20 master qualifiers, qualifiers, or others in  
21 lieu of an administrative or civil penalty for  
22 first violations; amending s. 527.22, F.S.;  
23 revising terms of membership of the Propane Gas  
24 Education, Safety, and Research Council;  
25 amending s. 559.904, F.S.; revising provisions  
26 relating to applications, renewal applications,  
27 registration, and registration fees with  
28 respect to motor vehicle repair shops; amending  
29 s. 559.929, F.S.; eliminating a condition under  
30 which the department may waive security  
31 requirements with respect to registration as a

1 seller of travel; amending s. 501.143, F.S.;  
2 providing limitations on contracts for ballroom  
3 dance studio services, the renewal of such  
4 contracts, and oral or written representations  
5 with respect thereto; providing penalties,  
6 remedies, and enforcement; amending s. 507.03,  
7 F.S.; revising registration requirements for  
8 moving services; amending s. 507.04, F.S.;  
9 revising requirements with respect to insurance  
10 coverage for moving services; amending s.  
11 501.212, F.S.; revising an exemption from the  
12 Florida Deceptive and Unfair Trade Practices  
13 Act for certain acts or practices involving  
14 real estate; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraph (h) is added to subsection (5) of  
19 section 527.01, Florida Statutes, subsection (7) is amended,  
20 and subsection (19) is added to that section, to read:

21 527.01 Definitions.--As used in this chapter:

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

26 (h) Category V liquefied petroleum gases dealer for  
27 industrial uses only.

28 (7) "Category II liquefied petroleum gas dispenser"  
29 means any person engaging in the business of operating a  
30 liquefied petroleum gas dispensing unit for the purpose of  
31 serving liquid products to the ultimate consumer for

1 industrial, commercial, or domestic use, and selling or  
2 offering to sell, or leasing or offering to lease, apparatus,  
3 appliances, and equipment for the use of liquefied petroleum  
4 gas, including maintaining a cylinder storage rack at the  
5 licensed business location for the purpose of storing  
6 cylinders filled by the licensed business for sale or use at a  
7 later date ~~engaging in the business of operating a cylinder~~  
8 ~~exchange unit.~~

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

14 Section 2. Section 527.02, Florida Statutes, is  
15 amended to read:

16 527.02 License; penalty; fees.--

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

1 pounds liquefied petroleum gas capacity or less is exempt from  
2 the requirements of this chapter. It is a felony of the third  
3 degree, punishable as provided in s. 775.082, s. 775.083, or  
4 s. 775.084, to intentionally or willfully engage in any of  
5 said activities without first obtaining appropriate licensure  
6 from the department.

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

| 16               | 17              | 18 | 19      | 20 |
|------------------|-----------------|----|---------|----|
|                  | Original        |    | Renewal |    |
| License Category | Application Fee |    | Fee     |    |
| 21               |                 |    |         |    |
| 22               |                 |    |         |    |
| 23               |                 |    |         |    |
| 24               |                 |    |         |    |
| 25               |                 |    |         |    |
| 26               |                 |    |         |    |
| 27               |                 |    |         |    |
| 28               |                 |    |         |    |
| 29               |                 |    |         |    |
| 30               |                 |    |         |    |
| 31               |                 |    |         |    |

|    |   |            |
|----|---|------------|
| 1  | <u>Category V liquefied</u>   |            |
| 2  | <u>petroleum gases dealer for industrial uses only</u>                  |            |
| 3  | .....300  | <u>200</u> |
| 4  | LP gas installer.....300  | 200        |
| 5  | Specialty installer.....300   | 200        |
| 6  | Dealer in appliances and equipment                                      |            |
| 7  | for use of liquefied petroleum gas.....50                               | 45         |
| 8  | Manufacturer of liquefied petroleum                                     |            |
| 9  | gas appliances and equipment.....525                                    | 375        |
| 10 | Requalifier of cylinders.....525  | 375        |
| 11 | Fabricator, repairer, and tester of                                     |            |
| 12 | vehicles and cargo tanks.....525  | 375        |
| 13 | <u>(3)</u> Any applicant for original license whose                     |            |
| 14 | application is submitted during the last 6 months of the                |            |
| 15 | license year may have the original license fee reduced by               |            |
| 16 | one-half for the 6-month period. This provision shall apply             |            |
| 17 | only to those companies applying for an original license and            |            |
| 18 | shall not be applied to licensees who held a license during             |            |
| 19 | the previous license year and failed to renew the license. The          |            |
| 20 | department may refuse to issue an initial license to any                |            |
| 21 | applicant who is under investigation in any jurisdiction for            |            |
| 22 | an action that would constitute a violation of this chapter             |            |
| 23 | until such time as the investigation is complete.                       |            |
| 24 | <u>(4)</u> <del>(b)</del> Any person applying for a liquefied petroleum |            |
| 25 | gas license as a specialty installer, as defined by s.                  |            |
| 26 | 527.01(11), shall upon application to the department identify           |            |
| 27 | the specific area of work to be performed. Upon completion of           |            |
| 28 | all license requirements set forth in this chapter, the                 |            |
| 29 | department shall issue the applicant a license specifying the           |            |
| 30 | scope of work, as identified by the applicant and defined by            |            |
| 31 | rule of the department, for which the person is authorized.             |            |

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

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

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

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

1 ~~competency to be covered by each examination and the relative~~  
2 ~~weight to be assigned in grading each area tested.~~

3 ~~(a) Application for examination for competency may be~~  
4 ~~made by an individual or by an owner, a partner, or any person~~  
5 ~~in a supervisory capacity of the license applicant. Upon~~  
6 ~~successful completion of the competency examination, the~~  
7 ~~department shall issue a qualifier identification card to the~~  
8 ~~examinee. Qualifier identification cards, except those issued~~  
9 ~~to category I liquefied petroleum gas dealers and liquefied~~  
10 ~~petroleum gas installers, shall remain in effect as long as~~  
11 ~~the individual shows to the department proof of active~~  
12 ~~employment in the area of examination and all continuing~~  
13 ~~education requirements are met. Should the individual~~  
14 ~~terminate active employment in the area of examination for a~~  
15 ~~period exceeding 24 months, or fail to provide documentation~~  
16 ~~of continuing education, the individual's qualifier status~~  
17 ~~shall expire. The individual may reapply for examination by~~  
18 ~~the department in order to reestablish qualifier status.~~  
19 ~~Every business organization shall possess such a full-time~~  
20 ~~qualifier at all times who has successfully completed an~~  
21 ~~examination in the corresponding category of the license held~~  
22 ~~by the business organization.~~

23 ~~(b) Qualifier cards issued to category I liquefied~~  
24 ~~petroleum gas dealers and liquefied petroleum gas installers~~  
25 ~~shall expire 3 years after the date of issuance. All category~~  
26 ~~I liquefied petroleum gas dealer qualifiers and liquefied~~  
27 ~~petroleum gas installer qualifiers holding a valid qualifier~~  
28 ~~card upon the effective date of this act shall retain their~~  
29 ~~qualifier status until July 1, 2003, and may sit for the~~  
30 ~~master qualifier examination at any time during that time~~  
31 ~~period. Alternatively, all category I liquefied petroleum gas~~

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

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

28 ~~(4) In addition to all other licensing requirements,~~  
29 ~~each category I liquefied petroleum gas dealer and liquefied~~  
30 ~~petroleum gas installer must, at the time of application for~~  
31 ~~licensure, identify to the department one master qualifier who~~

1 ~~is a full-time employee at the licensed location. This person~~  
2 ~~shall be a manager, owner, or otherwise primarily responsible~~  
3 ~~for overseeing the operations of the licensed location and~~  
4 ~~must provide documentation to the department as provided by~~  
5 ~~rule. The master qualifier requirement shall be in addition to~~  
6 ~~the requirements of subsection (2).~~

7       ~~(a) In order to apply for certification as a master~~  
8 ~~qualifier, each applicant must be a category I liquefied~~  
9 ~~petroleum gas dealer qualifier or liquefied petroleum gas~~  
10 ~~installer qualifier, must be employed by a licensed category I~~  
11 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~  
12 ~~installer, or applicant for such license, and must pass a~~  
13 ~~master qualifier competency examination. Master qualifier~~  
14 ~~examinations shall be based on Florida's laws, rules, and~~  
15 ~~adopted codes governing liquefied petroleum gas safety,~~  
16 ~~general industry safety standards, and administrative~~  
17 ~~procedures. The examination must be successfully completed by~~  
18 ~~the applicant with a grade of 75 percent or more. Each~~  
19 ~~applicant for master qualifier status shall submit to the~~  
20 ~~department a nonrefundable \$30 examination fee prior to the~~  
21 ~~examination.~~

22       ~~(b) Upon successful completion of the master qualifier~~  
23 ~~examination, the department shall issue the examinee a~~  
24 ~~certificate of master qualifier status which shall include the~~  
25 ~~name of the licensed company for which the master qualifier is~~  
26 ~~employed. A master qualifier may transfer from one~~  
27 ~~licenseholder to another upon becoming employed by the company~~  
28 ~~and providing a written request to the department.~~

29       ~~(c) Master qualifier status shall expire 3 years after~~  
30 ~~the date of issuance of the certificate and may be renewed by~~  
31 ~~submission to the department of documentation of completion of~~

1 ~~at least 12 hours of approved continuing education courses~~  
2 ~~during the 3-year period; proof of employment with a licensed~~  
3 ~~category I liquefied petroleum gas dealer, liquefied petroleum~~  
4 ~~gas installer, or applicant; and a \$30 certificate renewal~~  
5 ~~fee. The department shall define, by rule, approved courses of~~  
6 ~~continuing education.~~

7 ~~(d) Each category I liquefied petroleum gas dealer or~~  
8 ~~liquefied petroleum gas installer licensed as of August 31,~~  
9 ~~2000, shall identify to the department one current category I~~  
10 ~~liquefied petroleum gas dealer qualifier or liquefied~~  
11 ~~petroleum gas installer qualifier who will be the designated~~  
12 ~~master qualifier for the licenseholder. Such individual must~~  
13 ~~provide proof of employment for 3 years or more within the~~  
14 ~~liquefied petroleum gas industry, and shall, upon approval of~~  
15 ~~the department, be granted a master qualifier certificate. All~~  
16 ~~other requirements with regard to master qualifier certificate~~  
17 ~~expiration, renewal, and continuing education shall apply.~~

18 ~~(5) A vacancy in a qualifier or master qualifier~~  
19 ~~position in a business organization which results from the~~  
20 ~~departure of the qualifier shall be immediately reported to~~  
21 ~~the department. If a business organization no longer possesses~~  
22 ~~a duly designated qualifier, as required by this section, its~~  
23 ~~liquefied petroleum gas licenses shall be suspended by order~~  
24 ~~of the department after 20 working days and shall remain~~  
25 ~~suspended until a competent qualifier has been retained. A~~  
26 ~~vacancy in the qualifier position for a period of more than 20~~  
27 ~~working days shall be deemed to constitute an immediate threat~~  
28 ~~to the public health, safety, and welfare. Failure to obtain a~~  
29 ~~replacement qualifier within 60 days after the vacancy occurs~~  
30 ~~shall be grounds for revocation of licensure or eligibility~~  
31 ~~for licensure.~~

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

10           ~~(7) If a duplicate license, qualifier card, or master~~  
11 ~~qualifier certificate is requested by the licensee, a fee of~~  
12 ~~\$10 must be received before issuance of the duplicate license~~  
13 ~~or card. If a facsimile transmission of an original license~~  
14 ~~is requested, upon completion of the transmission a fee of \$10~~  
15 ~~must be received by the department before the original license~~  
16 ~~may be mailed to the requester.~~

17           ~~(8) All revenues collected herein shall be deposited~~  
18 ~~in the General Inspection Trust Fund for the purpose of~~  
19 ~~administering the provisions of this chapter.~~

20           Section 3. Section 527.0201, Florida Statutes, is  
21 created to read:

22           527.0201 Qualifiers; master qualifiers;  
23 examinations.--

24           (1) In addition to the requirements of s. 527.02, any  
25 person applying for a license to engage in the activities of a  
26 pipeline system operator, category I liquefied petroleum gas  
27 dealer, category II liquefied petroleum gas dispenser,  
28 category IV liquefied petroleum gas dispenser and recreational  
29 vehicle servicer, category V liquefied petroleum gases dealer  
30 for industrial uses only, LP gas installer, specialty  
31 installer, requalification of cylinders, or fabricator,

1 repairer, and tester of vehicles and cargo tanks must prove  
2 competency by passing a written examination administered by  
3 the department or its agent with a grade of 75 percent or  
4 above. Each applicant for examination shall submit a \$20  
5 nonrefundable fee. The department shall by rule specify the  
6 general areas of competency to be covered by each examination  
7 and the relative weight to be assigned in grading each area  
8 tested.

9 (2) Application for examination for competency may be  
10 made by an individual or by an owner, a partner, or any person  
11 employed by the license applicant. Upon successful completion  
12 of the competency examination, the department shall issue a  
13 qualifier identification card to the examinee.

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

27 (b) Every business organization shall employ at all  
28 times a full-time qualifier who has successfully completed an  
29 examination in the corresponding category of the license held  
30 by the business organization. A person may not act as a  
31 qualifier for more than one licensed location.

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

26           (4) A qualifier for a business organization involved  
27 in installation, repair, maintenance, or service of liquefied  
28 petroleum gas appliances, equipment, or systems must actually  
29 function in a supervisory capacity of other company employees  
30 installing, repairing, maintaining, or servicing liquefied  
31 petroleum gas appliances, equipment, or systems. A separate

1 qualifier shall be required for every 10 such employees.  
2 Additional qualifiers are required for those business  
3 organizations employing more than 10 employees that install,  
4 repair, maintain, or service liquefied petroleum gas equipment  
5 and systems.

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

16 (a) In order to apply for certification as a master  
17 qualifier, each applicant must be a category I liquefied  
18 petroleum gas dealer qualifier or liquefied petroleum gas  
19 installer qualifier, must be employed by a licensed category I  
20 liquefied petroleum gas dealer, liquefied petroleum gas  
21 installer, or applicant for such license, must provide  
22 documentation of a minimum of 1 year's work experience in the  
23 gas industry, and must pass a master qualifier competency  
24 examination. Master qualifier examinations shall be based on  
25 Florida's laws, rules, and adopted codes governing liquefied  
26 petroleum gas safety, general industry safety standards, and  
27 administrative procedures. The examination must be  
28 successfully completed by the applicant with a grade of 75  
29 percent or more. Each applicant for master qualifier status  
30 shall submit to the department a nonrefundable \$30 examination  
31 fee prior to the examination.

1           (b) Upon successful completion of the master qualifier  
2 examination, the department shall issue the examinee a  
3 certificate of master qualifier status which shall include the  
4 name of the licensed company for which the master qualifier is  
5 employed. A master qualifier may transfer from one  
6 licenseholder to another upon becoming employed by the company  
7 and providing a written request to the department.

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

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

28           (6) A vacancy in a qualifier or master qualifier  
29 position in a business organization which results from the  
30 departure of the qualifier or master qualifier shall be  
31

1 immediately reported to the department by the departing  
2 qualifier or master qualifier and the licensed company.

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

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

30  
31

1           (7) The department may deny, refuse to renew, suspend,  
2 or revoke any qualifier card or master qualifier certificate  
3 for any of the following causes:

4           (a) Violation of any provision of this chapter or any  
5 rule or order of the department;

6           (b) Falsification of records relating to the qualifier  
7 card or master qualifier certificate; or

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

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

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

25           (10) All revenues collected herein shall be deposited  
26 in the General Inspection Trust Fund for the purpose of  
27 administering the provisions of this chapter.

28           Section 4. Subsection (4) of section 527.06, Florida  
29 Statutes, is amended to read:

30           527.06 Rules.--  
31

1           (4) Rules in substantial conformity with the published  
2 standards in Title 49 of the Code of Federal Regulations  
3 relative to liquefied petroleum gas pipelines shall be deemed  
4 to be in substantial conformity with the generally accepted  
5 standards of safety concerning the same subject matter.  
6 Violation of any provision of the rules adopted pursuant to  
7 this subsection may be enjoined under the provisions of s.  
8 527.09. Any person who violates any provision of the rules  
9 adopted pursuant to this subsection shall be subject to a  
10 civil penalty not to exceed \$25,000 for each such violation  
11 for each day that such violation persists, except that the  
12 maximum civil penalty shall not exceed \$500,000, in aggregate,  
13 for any related series of violations. Any such civil penalty  
14 may be compromised by the department. In determining the  
15 amount of such penalty or the amount agreed upon in  
16 compromise, the appropriateness of such penalty to the size of  
17 the business of the person charged, the gravity of the  
18 violation, and the good faith of the person charged in  
19 attempting to achieve compliance after notification of a  
20 violation shall be considered. Each penalty shall be a lien  
21 upon the real and personal property of such person and  
22 enforceable by the department as statutory liens under chapter  
23 85, the proceeds of which shall be deposited in the General  
24 Inspection Trust Fund, as provided in s. 527.0201 ~~s. 527.02~~.

25           Section 5. Subsection (1) of section 527.065, Florida  
26 Statutes, is amended to read:

27           527.065 Notification of accidents; leak calls.--

28           (1) Immediately upon discovery, all liquefied  
29 petroleum gas licensees shall notify the department of any  
30 liquefied petroleum gas-related ~~gas-related~~ accident involving  
31

1 a liquefied petroleum gas licensee ~~company~~ or customer account  
2 ~~which~~:

3 (a) Which caused a death or personal injury requiring  
4 professional medical treatment;

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

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

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

12 527.11 Minimum storage.--

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

24 Section 7. Section 527.13, Florida Statutes, is  
25 amended to read:

26 527.13 Administrative fines and warning letters  
27 ~~fine~~.--

28 (1) If any person violates any provision of this  
29 chapter or any rule adopted pursuant thereto or a cease and  
30 desist order, the department may impose ~~a~~ civil or  
31 administrative penalties ~~penalty~~ not to exceed \$3,000 for each

1 offense,~~or~~ suspend or revoke the license or qualification  
2 issued to such person, or any of the foregoing. The cost of  
3 the proceedings to enforce this chapter may be added to any  
4 penalty imposed. The department may allow the licensee a  
5 reasonable period, not to exceed 90 ~~30~~ days, within which to  
6 pay to the department the amount of the penalty so imposed.  
7 If the licensee fails to pay the penalty in its entirety to  
8 the department at its office at Tallahassee within the period  
9 so allowed, the licenses of the licensee shall stand revoked  
10 upon expiration of such period.

11 (2) If any license expires while administrative  
12 charges are pending against the license, the proceedings  
13 against the license shall continue to conclusion as if the  
14 license were still in effect.

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

19 (4)~~(3)~~ All such fines, monetary penalties, and costs  
20 received by the department shall be deposited in the General  
21 Inspection Trust Fund for the purpose of administering the  
22 provisions of this chapter.

23 Section 8. Paragraph (c) of subsection (2) of section  
24 527.22, Florida Statutes, is amended to read:

25 527.22 Florida Propane Gas Education, Safety, and  
26 Research Council established; membership; duties and  
27 responsibilities.--

28 (2)

29 (c) Council members shall be appointed to ~~staggered~~  
30 terms of 4 years, ~~except that, of the initial members~~  
31 ~~appointed, five shall be appointed for terms of 2 years, five~~

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

9 Section 9. Section 559.904, Florida Statutes, is  
10 amended to read:

11 559.904 Motor vehicle repair shop registration;  
12 application; exemption.--

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

19 (a) The name of the applicant.

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

22 (c) The business address at which the applicant  
23 performs repair work or in the case of a mobile motor vehicle  
24 repair shop, the home address of the owner, if different from  
25 the business address.

26 (d) Copies of all licenses, permits, and  
27 certifications obtained by the applicant or employees of the  
28 applicant.

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

31

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

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

12           (a) If the place of business has 1 to 5 employees:  
13 \$50.

14           (b) If the place of business has 6 to 10 employees:  
15 \$150.

16           (c) If the place of business has 11 or more employees:  
17 \$300.

18           (4) Each initial ~~and renewal~~ application for  
19 registration must be accompanied by copies of the applicant's  
20 estimate and invoice forms. Each renewal application for  
21 registration must be accompanied by copies of the applicant's  
22 estimate and invoice forms only if the original forms filed by  
23 the applicant are changed, altered, or revised. Such forms  
24 must comply with the applicable provisions of this act before  
25 a registration may be issued.

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

1           (6) The department shall issue to each applicant a  
2 registration certificate in the form and size as prescribed by  
3 the department in accordance with s. 120.60. In the case of an  
4 applicant with more than one place of business, the department  
5 shall issue a registration certificate for each place of  
6 business. The certificate must show at least the name and  
7 address of the motor vehicle repair shop and the registration  
8 number for that place of business. In the case of a mobile  
9 motor vehicle repair shop, the certificate must show the home  
10 address of the owner, if different from the business address.

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

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

25           (9) No ~~annual~~ registration application or fee is  
26 required for an individual with no employees and no  
27 established place of business. In the case of a mobile motor  
28 vehicle repair shop, the established place of business shall  
29 be considered the home address of the owner, if different than  
30 the business address.

31

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

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

7           (b) Have not satisfied a civil fine, administrative  
8 fine, or other penalty arising out of any administrative or  
9 enforcement action brought by any governmental agency based  
10 upon conduct involving fraud, dishonest dealing, or any  
11 violation of this part;

12           (c) Have had against them any civil, criminal, or  
13 administrative adjudication in any jurisdiction, based upon  
14 conduct involving fraud, dishonest dealing, or any violation  
15 of this part; or

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

19           (11) The department shall post a prominent "Closed by  
20 Order of the Department" sign on any motor vehicle repair shop  
21 that has had its registration suspended or revoked. The  
22 department shall also post a sign on any motor vehicle repair  
23 shop that has been judicially or administratively determined  
24 to be operating without a registration. It is a misdemeanor of  
25 the second degree, punishable as provided in s. 775.082 or s.  
26 775.083, for any person to deface such sign or remove such  
27 sign without written authorization by the department or for  
28 any motor vehicle repair shop to open for operation without a  
29 registration or to open for operation as a motor vehicle  
30 repair shop while its registration is suspended or revoked.

31

1 The department may impose administrative sanctions provided  
2 for in s. 559.921(4) for violations of this subsection.

3 (12) In order to implement the biennial registration  
4 requirements set forth in this section, the department has  
5 rulemaking authority to stagger the registrations over a  
6 2-year period. This subsection expires June 30, 2005.

7 Section 10. Subsection (6) of section 559.929, Florida  
8 Statutes, is amended to read:

9 559.929 Security requirements.--

10 (6) The department may waive the bond, letter of  
11 credit, or certificate of deposit requirement on an annual  
12 basis if the seller of travel has had 5 or more consecutive  
13 years of experience as a seller of travel in Florida in  
14 compliance with this part, ~~can demonstrate financial~~  
15 ~~responsibility in the submission of audited financial~~  
16 ~~statements or the prior year's federal income tax return,~~ has  
17 not had any civil, criminal, or administrative action  
18 instituted against the seller of travel in the vacation and  
19 travel business by any governmental agency or any action  
20 involving fraud, theft, misappropriation of property, or moral  
21 turpitude, and has a satisfactory consumer complaint history  
22 with the department. Such waiver may be revoked if the seller  
23 of travel violates any provision of this part.

24 Section 11. Paragraphs (g) and (h) are added to  
25 subsection (4) of section 501.143, Florida Statutes, and  
26 subsections (7), (8), and (10) of that section are reenacted  
27 to read:

28 501.143 Dance Studio Act.--

29 (4) CONTRACT REQUIREMENTS.--Every contract for  
30 ballroom dance studio services or lessons shall be in writing  
31 and shall be subject to this section. All provisions,

1 requirements, and prohibitions which are mandated by this  
2 section shall be contained in the written contract before it  
3 is signed by the customer. A copy of the signed contract  
4 shall be given to the customer at the time the customer signs  
5 the contract.

6 (g) A contract for ballroom dance studio services or  
7 lessons may not be for a period in excess of 36 months and,  
8 thereafter, is only renewable annually. Such renewal contracts  
9 may not be executed nor may the fee therefor be paid until 60  
10 days or less before the preceding contract expires.

11 (h) A ballroom dance studio may not, directly or  
12 indirectly, make an oral or written representation that a  
13 ballroom dance studio contract for future services is for a  
14 lifetime, constitutes a perpetual membership, or is otherwise  
15 for an indefinite term.

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

19 (a) The department shall have administrative authority  
20 to issue a notice of noncompliance pursuant to s. 120.695 and  
21 to suspend or revoke the registration of any ballroom dance  
22 studio that violates any of the provisions of this section or  
23 the rules adopted or orders issued pursuant to such rules.  
24 Such ballroom dance studio may not engage in business while  
25 the registration is revoked or suspended.

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

30 (c) Notwithstanding the provisions of subsection (5),  
31 the department may require any ballroom dance studio that has

1 operated or is operating in violation of any of the provisions  
2 of this section or the rules adopted or orders issued pursuant  
3 to such rules to post security with the department in an  
4 amount not to exceed \$25,000.

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

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

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

19 (8) CRIMINAL PENALTIES.--Any person which knowingly  
20 violates this section commits a misdemeanor of the first  
21 degree, punishable as provided in s. 775.082 or s. 775.083.  
22 However, any person which knowingly conducts business as a  
23 ballroom dance studio without registering annually with the  
24 department commits a misdemeanor of the second degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

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

1           Section 12. Subsection (1) of section 507.03, Florida  
2 Statutes, is amended to read:

3           507.03 Registration.--

4           (1) Each mover shall annually register with the  
5 department, providing its legal business and trade name,  
6 mailing address, and business locations; the full names,  
7 addresses, and telephone numbers, ~~and social security numbers~~  
8 of its owners or corporate officers and directors and the  
9 Florida agent of the corporation; a statement whether it is a  
10 domestic or foreign corporation, its state and date of  
11 incorporation, its charter number, and, if a foreign  
12 corporation, the date it registered with the State of Florida,  
13 and occupational license where applicable; the date on which a  
14 mover registered its fictitious name if the mover is operating  
15 under a fictitious or trade name; the name of all other  
16 corporations, business entities, and trade names through which  
17 each owner of the mover operated, was known, or did business  
18 as a mover within the preceding 5 years; and proof of  
19 insurance coverage as required by this act.

20           Section 13. Subsection (2) of section 507.04, Florida  
21 Statutes, is amended to read:

22           507.04 Cargo legal liability valuation and insurance  
23 coverage.--

24           (2) All insurance coverages required under subsection  
25 (1) shall be issued by an insurance company or carrier duly  
26 authorized to transact business in the State of Florida. The  
27 department shall ~~may~~ require a mover to present a certificate  
28 of insurance ~~evidence~~ of the required coverages prior to  
29 issuance of a registration certificate, or renewal thereof,  
30 under s. 507.03. The department shall be named as a  
31

1 certificate holder in the certificate and shall be notified at  
2 least 30 days in advance of any changes in insurance coverage.

3 Section 14. Subsection (6) of section 501.212, Florida  
4 Statutes, is amended to read:

5 501.212 Application.--This part does not apply to:

6 (6) An act or practice involving the sale, lease,  
7 rental, or appraisal of real estate ~~by a person licensed,~~  
8 ~~certified, or registered pursuant to chapter 475, which act or~~  
9 ~~practice violates s. 475.42 or s. 475.626.~~

10 Section 15. This act shall take effect upon becoming a  
11 law.

12  
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 Senate Bill 2462

16 Committee Substitute for Senate Bill 2462 is different from  
17 Senate Bill 2462 in that it:

- 18 1. Provides rulemaking authority for the department to  
19 stagger the registration of motor vehicle repair shops  
20 over a two year period.
- 21 2. Deletes the requirement that movers provide social  
22 security numbers for key personnel on their annual  
23 registration.
- 24 3. Requires movers to designate the Department of  
25 Agriculture and Consumer Services as a certificate holder  
26 on its insurance policy.
- 27 4. Makes technical corrections.