

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

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

1 respect to motor vehicle repair shops; amending
2 s. 559.929, F.S.; eliminating a condition under
3 which the department may waive security
4 requirements with respect to registration as a
5 seller of travel; amending s. 501.143, F.S.;
6 providing limitations on contracts for ballroom
7 dance studio services, the renewal of such
8 contracts, and oral or written representations
9 with respect thereto; providing penalties,
10 remedies, and enforcement; amending s. 507.03,
11 F.S.; revising registration requirements for
12 moving services; amending s. 507.04, F.S.;
13 revising requirements with respect to insurance
14 coverage for moving services; providing an
15 effective date.

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

18
19 Section 1. Paragraph (h) is added to subsection (5) of
20 section 527.01, Florida Statutes, subsections (6), (7), (10),
21 and (11) are amended, and subsection (19) is added to that
22 section, to read:

23 527.01 Definitions.--As used in this chapter:

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

28 (h) Category V liquefied petroleum gases dealer for
29 industrial uses only.

30 (6) "Category I liquefied petroleum gas dealer" means
31 any person selling or offering to sell by delivery or at a

1 stationary location any liquefied petroleum gas to the
2 ultimate consumer for industrial, commercial, or domestic use;
3 any person leasing or offering to lease, or exchanging or
4 offering to exchange, any apparatus, appliances, and equipment
5 for the use of liquefied petroleum gas; any person installing,
6 servicing, altering, or modifying apparatus, piping, tubing,
7 appliances, and equipment for the use of liquefied petroleum
8 or natural gas; any person installing carburetion equipment;
9 or any person requalifying cylinders.

10 (7) "Category II liquefied petroleum gas dispenser"
11 means any person engaging in the business of operating a
12 liquefied petroleum gas dispensing unit for the purpose of
13 serving liquid products to the ultimate consumer for
14 industrial, commercial, or domestic use, and selling or
15 offering to sell, or leasing or offering to lease, apparatus,
16 appliances, and equipment for the use of liquefied petroleum
17 gas, including maintaining a cylinder storage rack at the
18 licensed business location for the purpose of storing
19 cylinders filled by the licensed business for sale or use at a
20 later date ~~engaging in the business of operating a cylinder~~
21 ~~exchange unit.~~

22 (10) "LP gas installer" means any person who is
23 engaged in the liquefied petroleum gas business and whose
24 services include the installation, servicing, altering, or
25 modifying of apparatus, piping, tubing, tanks, and equipment
26 for the use of liquefied petroleum or natural gas and selling
27 or offering to sell, or leasing or offering to lease,
28 apparatus, appliances, and equipment for the use of liquefied
29 petroleum or natural gas.

30 (11) "Specialty installer" means any person involved
31 in the installation, service, or repair of liquefied petroleum

1 or natural gas appliances and equipment, 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, whose activities are limited to specific types of
5 appliances and equipment as designated by department rule.

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 to read:

13 527.02 License; penalty; fees.--

14 (1)~~(a)~~ It is unlawful for any person to engage in this
15 state in the activities of a pipeline system operator,
16 category I liquefied petroleum gas dealer, category II
17 liquefied petroleum gas dispenser, category III liquefied
18 petroleum gas cylinder exchange operator, category IV
19 liquefied petroleum gas dispenser and recreational vehicle
20 servicer, category V liquefied petroleum gas dealer for
21 industrial uses only, LP gas installer, specialty installer,
22 dealer in liquefied petroleum gas appliances and equipment,
23 manufacturer of liquefied petroleum gas appliances and
24 equipment, requalifier of cylinders, or fabricator, repairer,
25 and tester of vehicles and cargo tanks without first obtaining
26 from the department a license to engage in one or more of
27 these businesses. The sale of liquefied petroleum gas
28 cylinders with a volume of 10 pounds water capacity or 4.2
29 pounds liquefied petroleum gas capacity or less is exempt from
30 the requirements of this chapter. It is a felony of the third
31 degree, punishable as provided in s. 775.082, s. 775.083, or

1 s. 775.084, to intentionally or willfully engage in any of
 2 said activities without first obtaining appropriate licensure
 3 from the department.

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

License Category	Original Application Fee	Renewal Fee
Category I liquefied		
petroleum gas dealer.....	525	\$425
Category II liquefied		
petroleum gas dispenser.....	525	375
Category III liquefied		
petroleum gas cylinder		
exchange unit operator.....	100	65
Category IV liquefied		
petroleum gas dispenser and recreational vehicle servicer.....	525	400
<u>Category V liquefied</u>		
<u>petroleum gases dealer for industrial uses only</u>		
.....	<u>300</u>	<u>200</u>
LP gas installer.....	300	200

1	Specialty installer.....	300	200
2	Dealer in appliances and equipment		
3	for use of liquefied petroleum gas.....	50	45
4	Manufacturer of liquefied petroleum		
5	gas appliances and equipment.....	525	375
6	Requalifier of cylinders.....	525	375
7	Fabricator, repairer, and tester of		
8	vehicles and cargo tanks.....	525	375
9	<u>(3)</u> Any applicant for original license whose		
10	application is submitted during the last 6 months of the		
11	license year may have the original license fee reduced by		
12	one-half for the 6-month period. This provision shall apply		
13	only to those companies applying for an original license and		
14	shall not be applied to licensees who held a license during		
15	the previous license year and failed to renew the license. The		
16	department may refuse to issue an initial license to any		
17	applicant who is under investigation in any jurisdiction for		
18	an action that would constitute a violation of this chapter		
19	until such time as the investigation is complete.		
20	<u>(4)</u> (b) Any person applying for a liquefied petroleum		
21	gas license as a specialty installer, as defined by s.		
22	527.01(11), shall upon application to the department identify		
23	the specific area of work to be performed. Upon completion of		
24	all license requirements set forth in this chapter, the		
25	department shall issue the applicant a license specifying the		
26	scope of work, as identified by the applicant and defined by		
27	rule of the department, for which the person is authorized.		
28	<u>(5)</u> (c) The license fee for a pipeline system operator		
29	shall be \$100 per system owned or operated by the person, not		
30	to exceed \$400 per license year. Such license fee applies only		
31	to a pipeline system operator who owns or operates a liquefied		

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

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

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

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

29 ~~(a) Application for examination for competency may be~~
30 ~~made by an individual or by an owner, a partner, or any person~~
31 ~~in a supervisory capacity of the license applicant. Upon~~

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

18 ~~(b) Qualifier cards issued to category I liquefied~~
19 ~~petroleum gas dealers and liquefied petroleum gas installers~~
20 ~~shall expire 3 years after the date of issuance. All category~~
21 ~~I liquefied petroleum gas dealer qualifiers and liquefied~~
22 ~~petroleum gas installer qualifiers holding a valid qualifier~~
23 ~~card upon the effective date of this act shall retain their~~
24 ~~qualifier status until July 1, 2003, and may sit for the~~
25 ~~master qualifier examination at any time during that time~~
26 ~~period. Alternatively, all category I liquefied petroleum gas~~
27 ~~dealer qualifiers and liquefied petroleum gas installer~~
28 ~~qualifiers may renew their qualification on or before July 1,~~
29 ~~2003, upon application to the department, payment of a \$20~~
30 ~~renewal fee, and documentation of the completion of a minimum~~
31 ~~of 12 hours approved continuing education courses, as defined~~

1 ~~by department rule, during the previous 3-year period.~~
2 ~~Applications for renewal must be made 30 calendar days prior~~
3 ~~to expiration. Persons failing to renew prior to the~~
4 ~~expiration date must reapply and take a qualifier competency~~
5 ~~examination in order to reestablish category I liquefied~~
6 ~~petroleum gas dealer qualifier and liquefied petroleum gas~~
7 ~~installer qualifier status. If a category I liquefied~~
8 ~~petroleum gas qualifier or liquefied petroleum gas installer~~
9 ~~qualifier becomes a master qualifier at any time during the~~
10 ~~effective date of the qualifier card, the card shall remain in~~
11 ~~effect until expiration of the master qualifier certification.~~

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

23 ~~(4) In addition to all other licensing requirements,~~
24 ~~each category I liquefied petroleum gas dealer and liquefied~~
25 ~~petroleum gas installer must, at the time of application for~~
26 ~~licensure, identify to the department one master qualifier who~~
27 ~~is a full-time employee at the licensed location. This person~~
28 ~~shall be a manager, owner, or otherwise primarily responsible~~
29 ~~for overseeing the operations of the licensed location and~~
30 ~~must provide documentation to the department as provided by~~

31

1 ~~rule. The master qualifier requirement shall be in addition to~~
2 ~~the requirements of subsection (2).~~

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

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

25 ~~(c) Master qualifier status shall expire 3 years after~~
26 ~~the date of issuance of the certificate and may be renewed by~~
27 ~~submission to the department of documentation of completion of~~
28 ~~at least 12 hours of approved continuing education courses~~
29 ~~during the 3-year period; proof of employment with a licensed~~
30 ~~category I liquefied petroleum gas dealer, liquefied petroleum~~
31 ~~gas installer, or applicant; and a \$30 certificate renewal~~

1 ~~fee. The department shall define, by rule, approved courses of~~
2 ~~continuing education.~~

3 ~~(d) Each category I liquefied petroleum gas dealer or~~
4 ~~liquefied petroleum gas installer licensed as of August 31,~~
5 ~~2000, shall identify to the department one current category I~~
6 ~~liquefied petroleum gas dealer qualifier or liquefied~~
7 ~~petroleum gas installer qualifier who will be the designated~~
8 ~~master qualifier for the licenseholder. Such individual must~~
9 ~~provide proof of employment for 3 years or more within the~~
10 ~~liquefied petroleum gas industry, and shall, upon approval of~~
11 ~~the department, be granted a master qualifier certificate. All~~
12 ~~other requirements with regard to master qualifier certificate~~
13 ~~expiration, renewal, and continuing education shall apply.~~

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

28 ~~(6) Any individual having competency qualifications on~~
29 ~~file with the department may request the transfer of such~~
30 ~~qualifications to any existing licenseholder by making a~~
31 ~~written request to the department for such transfer. Any~~

1 ~~individual having a competency examination on file with the~~
2 ~~department may use such examination for a new license~~
3 ~~application after making application in writing to the~~
4 ~~department. All examinations are confidential and exempt from~~
5 ~~the provisions of s. 119.07(1).~~

6 ~~(7) If a duplicate license, qualifier card, or master~~
7 ~~qualifier certificate is requested by the licensee, a fee of~~
8 ~~\$10 must be received before issuance of the duplicate license~~
9 ~~or card. If a facsimile transmission of an original license~~
10 ~~is requested, upon completion of the transmission a fee of \$10~~
11 ~~must be received by the department before the original license~~
12 ~~may be mailed to the requester.~~

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

16 Section 3. Section 527.0201, Florida Statutes, is
17 created to read:

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

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

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

5 (2) Application for examination for competency may be
6 made by an individual or by an owner, a partner, or any person
7 employed by the license applicant. Upon successful completion
8 of the competency examination, the department shall issue a
9 qualifier 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 for and successfully
21 complete an examination by the department in order to
22 reestablish qualifier status.

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

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

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

31

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

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

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

29 (b) Upon successful completion of the master qualifier
30 examination, the department shall issue the examinee a
31 certificate of master qualifier status which shall include the

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

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

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

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

30 (a) If a business organization no longer possesses a
31 duly designated qualifier, as required by this section, its

1 liquefied petroleum gas licenses shall be suspended by order
2 of the department after 20 working days. The license shall
3 remain suspended until a competent qualifier has been
4 employed, the order of suspension terminated by the
5 department, and the license reinstated. A vacancy in the
6 qualifier position for a period of more than 20 working days
7 shall be deemed to constitute an immediate threat to the
8 public health, safety, and welfare. Failure to obtain a
9 replacement qualifier within 60 days after the vacancy occurs
10 shall be grounds for revocation of licensure or eligibility
11 for licensure.

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

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

29 (a) Violation of any provision of this chapter or any
30 rule or order of the department;

31

1 (b) Falsification of records relating to the qualifier
2 card or master qualifier certificate; or

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

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

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

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

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

25 527.06 Rules.--

26 (4) Rules in substantial conformity with the published
27 standards in Title 49 of the Code of Federal Regulations
28 relative to liquefied petroleum gas pipelines shall be deemed
29 to be in substantial conformity with the generally accepted
30 standards of safety concerning the same subject matter.
31 Violation of any provision of the rules adopted pursuant to

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

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

21 527.065 Notification of accidents; leak calls.--

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

27 (a) Which caused a death or personal injury requiring
28 professional medical treatment;

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

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

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

5 527.11 Minimum storage.--

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

17 Section 7. Section 527.13, Florida Statutes, is
18 amended to read:

19 527.13 Administrative fines and warning letters
20 ~~fine~~--

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

1 the department at its office at Tallahassee within the period
2 so allowed, the licenses of the licensee shall stand revoked
3 upon expiration of such period.

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

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

12 (4)~~(3)~~ All such fines, monetary penalties, and costs
13 received by the department shall be deposited in the General
14 Inspection Trust Fund for the purpose of administering the
15 provisions of this chapter.

16 Section 8. Paragraph (c) of subsection (2) of section
17 527.22, Florida Statutes, is amended to read:

18 527.22 Florida Propane Gas Education, Safety, and
19 Research Council established; membership; duties and
20 responsibilities.--

21 (2)

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

1 the commissioner. ~~Members filling unexpired terms may serve a~~
2 ~~maximum of 7 consecutive years.~~

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

5 559.904 Motor vehicle repair shop registration;
6 application; exemption.--

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

13 (a) The name of the applicant.

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

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

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

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

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

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 if the original forms filed by
17 the applicant are changed, altered, or revised. Such forms
18 must comply with the applicable provisions of this act before
19 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 (12) In order to implement the biennial registration
28 requirements set forth in this section, the department has
29 rulemaking authority to stagger the registrations over a
30 2-year period. This subsection expires June 30, 2005.

31

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

3 559.929 Security requirements.--

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

18 Section 11. Paragraphs (g) and (h) are added to
19 subsection (4) of section 501.143, Florida Statutes, and
20 subsections (7), (8), and (10) of that section are reenacted
21 to read:

22 501.143 Dance Studio Act.--

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

31

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

6 (h) A ballroom dance studio may not, directly or
7 indirectly, make an oral or written representation that a
8 ballroom dance studio contract for future services is for a
9 lifetime, constitutes a perpetual membership, or is otherwise
10 for an indefinite term.

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

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

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

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

31

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

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

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

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

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

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

30 507.03 Registration.--
31

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

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

19 507.04 Cargo legal liability valuation and insurance
20 coverage.--

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

30 Section 14. This act shall take effect upon becoming a
31 law.