

Bill No. HB 945, 1st Enq.

Amendment No. ____ Barcode 752788

CHAMBER ACTION

Senate

House

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Senator Argenziano moved the following amendment:

Senate Amendment (with title amendment)

On page 1, between lines 12 and 13,

insert:

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

527.01 Definitions.--As used in this chapter:

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

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

(6) "Category I liquefied petroleum gas dealer" means any person selling or offering to sell by delivery or at a stationary location any liquefied petroleum gas to the ultimate consumer for industrial, commercial, or domestic use;

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

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

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

28 (11) "Specialty installer" means any person involved
 29 in the installation, service, or repair of liquefied petroleum
 30 or natural gas appliances and equipment, and selling or
 31 offering to sell, or leasing or offering to lease, apparatus,

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1 appliances, and equipment for the use of liquefied petroleum
2 gas, whose activities are limited to specific types of
3 appliances and equipment as designated by department rule.

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

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

12 527.02 License; penalty; fees.--

13 (1)~~(a)~~ It is unlawful for any person to engage in this
14 state in the activities of a pipeline system operator,
15 category I liquefied petroleum gas dealer, category II
16 liquefied petroleum gas dispenser, category III liquefied
17 petroleum gas cylinder exchange operator, category IV
18 liquefied petroleum gas dispenser and recreational vehicle
19 servicer, category V liquefied petroleum gases dealer for
20 industrial uses only, LP gas installer, specialty installer,
21 dealer in liquefied petroleum gas appliances and equipment,
22 manufacturer of liquefied petroleum gas appliances and
23 equipment, requalifier of cylinders, or fabricator, repairer,
24 and tester of vehicles and cargo tanks without first obtaining
25 from the department a license to engage in one or more of
26 these businesses. The sale of liquefied petroleum gas
27 cylinders with a volume of 10 pounds water capacity or 4.2
28 pounds liquefied petroleum gas capacity or less is exempt from
29 the requirements of this chapter. It is a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084, to intentionally or willfully engage in any of

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1 said activities without first obtaining appropriate licensure
 2 from the department.

3 (2) Each business location of a person having multiple
 4 locations shall be separately licensed and must meet the
 5 requirements of this section. Such license shall be granted to
 6 any applicant determined by the department to be competent,
 7 qualified, and trustworthy who files with the department a
 8 surety bond, insurance affidavit, or other proof of insurance,
 9 as hereinafter specified, and pays for such license the
 10 following original application fee for new licenses and annual
 11 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
LP gas installer.....	300	200
Specialty installer.....	300	200
Dealer in appliances and equipment		
for use of liquefied petroleum gas.....	50	45

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1	Manufacturer of liquefied petroleum	
2	gas appliances and equipment.....	525 375
3	Requalifier of cylinders.....	525 375
4	Fabricator, repairer, and tester of	
5	vehicles and cargo tanks.....	525 375

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

17 (4)(b) Any person applying for a liquefied petroleum
18 gas license as a specialty installer, as defined by s.
19 527.01(11), shall upon application to the department identify
20 the specific area of work to be performed. Upon completion of
21 all license requirements set forth in this chapter, the
22 department shall issue the applicant a license specifying the
23 scope of work, as identified by the applicant and defined by
24 rule of the department, for which the person is authorized.

25 (5)(c) The license fee for a pipeline system operator
26 shall be \$100 per system owned or operated by the person, not
27 to exceed \$400 per license year. Such license fee applies only
28 to a pipeline system operator who owns or operates a liquefied
29 petroleum gas pipeline system that is used to transmit
30 liquefied petroleum gas from a common source to the ultimate
31 customer and that serves 10 or more customers.

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

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

12 527.0201 Qualifiers; master qualifiers;
13 examinations.--

14 ~~(1)(2)~~ In addition to the requirements of s. 527.02
15 ~~subsection (1)~~, any person applying for a license to engage in
16 the activities of a pipeline system operator, category I
17 liquefied petroleum gas dealer, category II liquefied
18 petroleum gas dispenser, category IV liquefied petroleum gas
19 dispenser and recreational vehicle servicer, category V
20 liquefied petroleum gases dealer for industrial uses only, LP
21 gas installer, specialty installer, requalification of
22 cylinders, or fabricator, repairer, and tester of vehicles and
23 cargo tanks, must prove competency by passing a written
24 examination administered by the department or its agent with a
25 grade of 75 percent or above. Each applicant for examination
26 shall submit a \$20 nonrefundable fee. The department shall by
27 rule specify the general areas of competency to be covered by
28 each examination and the relative weight to be assigned in
29 grading each area tested.

30 ~~(2)(a)~~ Application for examination for competency may
31 be made by an individual or by an owner, a partner, or any

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1 person employed by in a ~~supervisory capacity~~ of the license
2 applicant. Upon successful completion of the competency
3 examination, the department shall issue a qualifier
4 identification card to the examinee.

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

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

23 (3)~~(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. All such ~~Alternatively, all~~ category I liquefied

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

18 ~~(4)(3)~~ A qualifier for a business organization
19 involved in installation, repair, maintenance, or service of
20 liquefied petroleum gas appliances, equipment, or systems must
21 actually function in a supervisory capacity of other company
22 employees installing, repairing, maintaining, or servicing
23 liquefied petroleum gas appliances, equipment, or systems. A
24 separate qualifier shall be required for every 10 such
25 employees. Additional qualifiers are required for those
26 business organizations employing more than 10 employees that
27 install, repair, maintain, or service liquefied petroleum gas
28 equipment and systems.

29 ~~(5)(4)~~ In addition to all other licensing
30 requirements, each category I liquefied petroleum gas dealer
31 and liquefied petroleum gas installer must, at the time of

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

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

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

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

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

21 ~~(6)(5)~~ A vacancy in a qualifier or master qualifier
22 position in a business organization which results from the
23 departure of the qualifier or master qualifier shall be
24 immediately reported to the department by the departing
25 qualifier or master qualifier and the licensed company.

26 (a) In the event a business organization no longer
27 possesses a duly designated qualifier, as required by this
28 section, its liquefied petroleum gas licenses shall be
29 suspended by order of the department after 20 working days.
30 The license and shall remain suspended until a competent
31 qualifier has been employed, the order of suspension

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1 terminated by the department, and the license reinstated
2 retained. A vacancy in the qualifier position for a period of
3 more than 20 working days shall be deemed to constitute an
4 immediate threat to the public health, safety, and welfare.
5 Failure to obtain a replacement qualifier within 60 days of
6 the vacancy shall be grounds for revocation of licensure or
7 eligibility for licensure.

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

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

25 (a) Violation of any provision of this chapter or any
26 rule or order of the department;

27 (b) Falsification of records relating to the qualifier
28 card or master qualifier certificate; or

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

30 (8)(6) Any individual having competency qualifications
31 on file with the department may request the transfer of such

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

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

15 ~~(10)(8)~~ All revenues collected herein shall be
16 deposited in the General Inspection Trust Fund for the purpose
17 of administering the provisions of this chapter.

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

20 527.06 Rules.--

21 (4) Rules in substantial conformity with the published
22 standards in Title 49 of the Code of Federal Regulations
23 relative to liquefied petroleum gas pipelines shall be deemed
24 to be in substantial conformity with the generally accepted
25 standards of safety concerning the same subject matter.

26 Violation of any provision of the rules adopted pursuant to
27 this subsection may be enjoined under the provisions of s.
28 527.09. Any person who violates any provision of the rules
29 adopted pursuant to this subsection shall be subject to a
30 civil penalty not to exceed \$25,000 for each such violation
31 for each day that such violation persists, except that the

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1 maximum civil penalty shall not exceed \$500,000, in aggregate,
2 for any related series of violations. Any such civil penalty
3 may be compromised by the department. In determining the
4 amount of such penalty or the amount agreed upon in
5 compromise, the appropriateness of such penalty to the size of
6 the business of the person charged, the gravity of the
7 violation, and the good faith of the person charged in
8 attempting to achieve compliance after notification of a
9 violation shall be considered. Each penalty shall be a lien
10 upon the real and personal property of such person and
11 enforceable by the department as statutory liens under chapter
12 85, the proceeds of which shall be deposited in the General
13 Inspection Trust Fund, as provided in s. 527.0201 ~~527.02~~.

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

16 527.065 Notification of accidents; leak calls.--

17 (1) Immediately upon discovery, all liquefied
18 petroleum gas licensees shall notify the department of any
19 liquefied petroleum ~~gas-related~~ ~~gas related~~ accident involving
20 a liquefied petroleum gas licensee ~~company~~ or customer account
21 ~~which~~:

22 (a) Which caused a death or personal injury requiring
23 professional medical treatment;

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

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

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

31 527.11 Minimum storage.--

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

12 Section 6. Section 527.13, Florida Statutes, is
 13 amended to read:

14 527.13 Administrative fin~~es~~ fine and warning
 15 letters.--

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

30 (2) If any license expires while administrative
 31 charges are pending against the license, the proceedings

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1 against the license shall continue to conclusion as if the
2 license were still in effect.

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

7 (4)(3) All such fines, monetary penalties, and costs
8 received by the department shall be deposited in the General
9 Inspection Trust Fund for the purpose of administering the
10 provisions of this chapter.

11 Section 7. Paragraph (c) of subsection (2) of section
12 527.22, Florida Statutes, is amended to read:

13 527.22 Florida Propane Gas Education, Safety, and
14 Research Council established; membership; duties and
15 responsibilities.--

16 (2)

17 (c) Council members shall be appointed to ~~staggered~~
18 ~~terms of 4 years, except that, of the initial members~~
19 ~~appointed, five shall be appointed for terms of 2 years, five~~
20 ~~shall be appointed for terms of 3 years, and five shall be~~
21 ~~appointed for terms of 4 years. Members may serve a maximum of~~
22 ~~two consecutive full terms. Former council members may be~~
23 ~~reappointed to the council if they have not been members for a~~
24 ~~period of 2 years. Vacancies in unexpired terms of council~~
25 ~~members may be filled by the council subject to approval of~~
26 ~~the commissioner. Members filling unexpired terms may serve a~~
27 ~~maximum of 7 consecutive years.~~

28 Section 8. A public agency or court of law shall not
29 attempt to compel or enforce any ordinance, law, or
30 administrative rule that compels any agricultural production
31 facility to distribute or provide to others any products,

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1 tanqible or intanqible, produced at such facility, owned by
2 such facility, or distributed by such facility.
3 Notwithstanding any other provision of law, an agriculture
4 promotion facility holding a license issued by a state agency
5 may conduct at any time any activity being conducted by any
6 holder of the same license. For the purpose of this section,
7 "agricultural production facility" means any facility that
8 operates a lawful business involving or associated with
9 agricultural purposes as defined by s. 193.461(5).

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

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

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

20 (a) The name of the applicant.

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

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

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

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

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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 in the event the original
23 forms filed by the applicant are changed, altered, or revised.
24 Such forms must comply with the applicable provisions of this
25 act before 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.

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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 (10) The department may deny, revoke, or refuse to

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1 renew the registration of a motor vehicle repair shop based
2 upon a determination that the motor vehicle repair shop, or
3 any of its directors, officers, owners, or general partners:
4 (a) Have failed to meet the requirements for
5 registration as provided in this part;
6 (b) Have not satisfied a civil fine, administrative
7 fine, or other penalty arising out of any administrative or
8 enforcement action brought by any governmental agency based
9 upon conduct involving fraud, dishonest dealing, or any
10 violation of this part;
11 (c) Have had against them any civil, criminal, or
12 administrative adjudication in any jurisdiction, based upon
13 conduct involving fraud, dishonest dealing, or any violation
14 of this part; or
15 (d) Have had a judgment entered against them in any
16 action brought by the department or the state attorney
17 pursuant to ss. 501.201-501.213 or this part.
18 (11) The department shall post a prominent "Closed by
19 Order of the Department" sign on any motor vehicle repair shop
20 that has had its registration suspended or revoked. The
21 department shall also post a sign on any motor vehicle repair
22 shop that has been judicially or administratively determined
23 to be operating without a registration. It is a misdemeanor of
24 the second degree, punishable as provided in s. 775.082 or s.
25 775.083, for any person to deface such sign or remove such
26 sign without written authorization by the department or for
27 any motor vehicle repair shop to open for operation without a
28 registration or to open for operation as a motor vehicle
29 repair shop while its registration is suspended or revoked.
30 The department may impose administrative sanctions provided
31 for in s. 559.921(4) for violations of this subsection.

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1 (12) In order to implement the biennial registration
2 requirements in this section, the department shall have
3 rulemaking authority in order to stagger the registrations
4 over a 2-year period. This subsection shall expire on June
5 30, 2005.

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

8 559.929 Security requirements.--

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

23 Section 11. Paragraphs (g) and (h) are added to
24 subsection (4) of section 501.143, Florida Statutes, to read:

25 501.143 Dance Studio Act.--

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

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1 be given to the customer at the time the customer signs the
2 contract.

3 (g) No contract for ballroom dance studio services or
4 lessons shall be for a period in excess of 36 months, and
5 thereafter shall only be renewable annually. Such renewal
6 contracts may not be executed and the fee therefore paid until
7 60 days or less before the preceding contract expires.

8 (h) No ballroom dance studio shall directly or
9 indirectly make any oral or written representation that a
10 ballroom dance studio contract for future services is for a
11 lifetime, constitutes a perpetual membership, or is otherwise
12 for an indefinite term.

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

15 507.03 Registration.--

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

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

3 507.04 Cargo legal liability valuation and insurance
4 coverage.--

5 (2) All insurance coverages required under
6 subsection(1) shall be issued by an insurance company or
7 carrier duly authorized to transact business in the State of
8 Florida. The department shall ~~may~~ require a mover to present a
9 certificate of insurance ~~evidence~~ of the required coverages
10 prior to issuance of a registration certificate, or renewal
11 thereof, under s. 507.03. The department shall be named as a
12 certificateholder in the certificate, and shall be notified at
13 least 30 days in advance of any changes in insurance coverage.

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

16
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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 3, after the first semicolon,

21

22 insert:

23 amending s. 527.01, F.S.; revising the
24 definition of "qualifier" for purposes of ch.
25 527, F.S., relating to sale of liquefied
26 petroleum gas; revising the definition of
27 "category I liquefied petroleum gas dealer";
28 revising the definition of "category II
29 liquefied petroleum gas dispenser"; revising
30 the definition of "LP gas installer"; revising
31 the definition of "specialty installer";

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1 defining "category V liquefied petroleum gases
 2 dealer for industrial uses only"; amending s.
 3 527.02, F.S.; providing for licensure of
 4 category V liquefied petroleum gases dealers
 5 for industrial uses only; providing license
 6 fees for such dealers; creating s. 527.0201,
 7 F.S.; reorganizing existing subsections of
 8 Florida Statutes; providing for examination of
 9 such dealers; designating persons who may make
 10 application for examination for competency;
 11 providing that no person may act as a qualifier
 12 for more than one licensed location; providing
 13 an additional prerequisite for certification as
 14 a master qualifier; clarifying provisions with
 15 respect to procedure in the event of specified
 16 vacancies in qualifier and master qualifier
 17 positions; clarifying provisions with respect
 18 to suspension of a license in the event that a
 19 business organization no longer possesses a
 20 duly designated qualifier; providing procedure
 21 with respect to category I liquefied petroleum
 22 gas dealers or LP gas installers who no longer
 23 possess a master qualifier but employ a
 24 category I liquefied petroleum gas dealer or LP
 25 gas installer qualifier; providing that the
 26 department may deny, refuse to renew, suspend,
 27 or revoke a qualifier card or master qualifier
 28 certificate for specified causes; amending s.
 29 527.06, F.S.; conforming a cross-reference;
 30 amending s. 527.065, F.S.; revising conditions
 31 under which liquefied petroleum gas licensees

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1 must notify the department of liquefied
2 petroleum gas-related accidents involving a
3 customer account; amending s. 527.11, F.S.;
4 revising a prerequisite to obtaining a
5 liquefied petroleum gas license; amending s.
6 527.13, F.S.; authorizing the department to
7 impose administrative penalties and suspend or
8 revoke a qualification for violation of the
9 provisions of ch. 527, F.S., rules adopted
10 pursuant thereto, or a cease and desist order;
11 increasing the period of time in which
12 licensees may pay penalties to the department;
13 authorizing the department to issue a warning
14 letter to licenseholders, master qualifiers,
15 qualifiers, or others in lieu of an
16 administrative or civil penalty for first
17 violations; amending s. 527.22, F.S.; revising
18 terms of membership of the Propane Gas
19 Education, Safety, and Research Council;
20 providing that agricultural production
21 facilities cannot be compelled by law to
22 distribute its products; defining the term
23 "agricultural production facility"; amending s.
24 559.904, F.S.; revising provisions relating to
25 applications, renewal applications,
26 registration, and registration fees with
27 respect to motor vehicle repair shops; amending
28 s. 559.929, F.S.; eliminating a condition under
29 which the department may waive security
30 requirements with respect to registration as a
31 seller of travel; amending s. 501.143, F.S.;

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1 providing limitations on contracts for ballroom
2 dance studio services, the renewal of such
3 contracts, and oral or written representations
4 with respect thereto; providing penalties,
5 remedies, and enforcement; amending s. 507.03,
6 F.S.; revising registration requirements for
7 moving services; amending s. 507.04, F.S.;
8 revising requirements with respect to insurance
9 coverage for moving services;

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