

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle repair shops; amending s.
7 559.904, F.S.; requiring applicants for registration to
8 furnish proof of certain liability insurance; providing
9 that failure to maintain such insurance is grounds for
10 denial, revocation, or refusal to renew a registration;
11 amending s. 559.921, F.S.; providing criminal and
12 administrative penalties for a violation of the
13 requirement to maintain liability insurance; providing an
14 effective date.

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

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18 Section 1. Subsection (10) of section 559.904, Florida
19 Statutes, is amended, and subsection (13) is added to that
20 section, to read:

21 559.904 Motor vehicle repair shop registration;
22 application; exemption.--

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

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

29 (b) Have not satisfied a civil fine, administrative fine,
30 or other penalty arising out of any administrative or
31 enforcement action brought by any governmental agency based upon
32 conduct involving fraud, dishonest dealing, or any violation of
33 this part;

34 (c) Have had against them any civil, criminal, or
35 administrative adjudication in any jurisdiction, based upon
36 conduct involving fraud, dishonest dealing, or any violation of
37 this part; ~~or~~

38 (d) Have had a judgment entered against them in any action
39 brought by the department or the state attorney pursuant to ss.
40 501.201-501.213 or this part; or-

41 (e) Have failed to maintain in force the insurance
42 required under subsection (13).

43 (13) Each applicant for an initial or renewal registration
44 under this section shall provide the department with evidence of
45 current and valid liability insurance in an amount not less than
46 \$300,000 on repairs performed by the motor vehicle repair shop.
47 The department shall require that an applicant present a
48 certificate of insurance issued by an insurance company or
49 carrier authorized to transact business in this state before an

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50 initial or renewal registration certificate may be issued to the
51 applicant.

52 Section 2. Subsection (4) of section 559.921, Florida
53 Statutes, is amended, and subsection (9) is added to that
54 section, to read:

55 559.921 Remedies.--

56 (4)(a) The department may enter an order imposing one or
57 more of the penalties set forth in paragraph (b) if the
58 department finds that a motor vehicle repair shop:

59 1. Violated or is operating in violation of any of the
60 provisions of this part or of the rules adopted or orders issued
61 thereunder;

62 2. Made a material false statement in any application,
63 document, or record required to be submitted or retained under
64 this part;

65 3. Refused or failed, or any of its principal officers
66 have refused or failed, after notice, to produce any document or
67 record or disclose any information required to be produced or
68 disclosed under this part or the rules of the department;

69 4. Made a material false statement in response to any
70 request or investigation by the department, the Department of
71 Legal Affairs, or the state attorney; or

72 5. Has intentionally defrauded the public through
73 dishonest or deceptive means.

74 (b) Upon a finding as set forth in paragraph (a), the
75 department may enter an order doing one or more of the
76 following:

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77 | 1. Issuing a notice of noncompliance pursuant to s.
78 | 120.695.

79 | 2. Imposing an administrative fine not to exceed \$1,000
80 | per violation for each act which constitutes a violation of this
81 | part or a rule or order.

82 | 3. Imposing an administrative fine not to exceed \$5,000
83 | per violation for failure to maintain the liability insurance
84 | required under s. 559.904(13).

85 | ~~4.3.~~ Directing that the motor vehicle repair shop cease
86 | and desist specified activities.

87 | ~~5.4.~~ Refusing to register or revoking or suspending a
88 | registration.

89 | ~~6.5.~~ Placing the registrant on probation for a period of
90 | time, subject to such conditions as the department may specify.

91 | (c) The administrative proceedings which could result in
92 | the entry of an order imposing any of the penalties specified in
93 | paragraph (b) shall be conducted in accordance with chapter 120.

94 | (9) A person who engages in motor vehicle repair and fails
95 | to maintain current and valid liability insurance as required
96 | under s. 559.904(13) commits a misdemeanor of the second degree,
97 | punishable as provided in s. 775.082 or s. 775.083.

98 | Section 3. This act shall take effect July 1, 2005.