

By Senator Fasano

11-52-06

1                                   A bill to be entitled

2           An act relating to motor vehicle repair shops;

3           amending s. 559.904, F.S.; requiring applicants

4           for registration to furnish proof of certain

5           liability insurance; providing that failure to

6           maintain such insurance is grounds for denial,

7           revocation, or refusal to renew a registration;

8           amending s. 559.921, F.S.; providing that a

9           violation of the requirement to maintain

10          liability insurance is a criminal violation;

11          providing administrative fines and criminal

12          penalties; providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16           Section 1. This act may be cited as the "Abelardo 'Al'

17 Castillo Act."

18           Section 2. 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.--

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

24 renew the registration of a motor vehicle repair shop based

25 upon a determination that the motor vehicle repair shop, or

26 any of its directors, officers, owners, or general partners:

27           (a) Have failed to meet the requirements for

28 registration as provided in this part;

29           (b) Have not satisfied a civil fine, administrative

30 fine, or other penalty arising out of any administrative or

31 enforcement action brought by any governmental agency based

1 upon conduct involving fraud, dishonest dealing, or any  
2 violation of this part;

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

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

10 (e) Have not maintained in force the insurance  
11 required under subsection (13).

12 (13) Each applicant for an initial or renewal  
13 registration under this section shall provide the department  
14 with evidence of current and valid liability insurance in an  
15 amount not less than \$300,000 on repairs performed by the  
16 motor vehicle repair shop. The department shall require that  
17 an applicant present a certificate of insurance issued by an  
18 insurance company or carrier authorized to transact business  
19 in this state before an initial or renewal registration  
20 certificate may be issued to the applicant.

21 Section 3. Paragraph (b) of subsection (4) of section  
22 559.921, Florida Statutes, is amended, and subsection (9) is  
23 added to that section, to read:

24 559.921 Remedies.--

25 (4)

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

29 1. Issuing a notice of noncompliance pursuant to s.  
30 120.695.

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

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

7           ~~4.3.~~ Directing that the motor vehicle repair shop  
8 cease and desist specified activities.

9           ~~5.4.~~ Refusing to register or revoking or suspending a  
10 registration.

11           ~~6.5.~~ Placing the registrant on probation for a period  
12 of time, subject to such conditions as the department may  
13 specify.

14           (9) A person who engages in motor vehicle repair and  
15 does not maintain current and valid liability insurance as  
16 required under s. 559.904(13) commits a misdemeanor of the  
17 second degree, punishable as provided in s. 775.082 or s.  
18 775.083.

19           Section 4. This act shall take effect July 1, 2006.

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22           SENATE SUMMARY

23           Requires motor vehicle repair shops to maintain liability  
24 insurance in the amount of \$300,000 as a condition of  
25 registration. Provides that failure to maintain such  
26 insurance is grounds for denying, revoking, or refusing  
27 to renew a shop's registration. Provides administrative  
28 fines and criminal penalties for failing to maintain the  
29 required insurance.  
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