

1 A bill to be entitled
 2 An act relating to motor vehicle repair shops; amending s.
 3 559.904, F.S.; requiring applicants for registration to
 4 furnish proof of certain liability insurance; providing
 5 that failure to maintain such insurance is grounds for
 6 denial, revocation, or refusal to renew a registration;
 7 amending s. 559.921, F.S.; providing that a violation of
 8 the requirement to maintain liability insurance is a
 9 criminal violation; providing administrative fines and
 10 criminal penalties; providing an effective date.

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

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 14 Section 1. This act may be cited as the "Abelardo 'Al'
 15 Castillo Act."

16 Section 2. Subsection (10) of section 559.904, Florida
 17 Statutes, is amended, and subsection (13) is added to that
 18 section, to read:

19 559.904 Motor vehicle repair shop registration;
 20 application; exemption.--

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

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

27 (b) Have not satisfied a civil fine, administrative fine,
 28 or other penalty arising out of any administrative or

29 enforcement action brought by any governmental agency based upon
 30 conduct involving fraud, dishonest dealing, or any violation of
 31 this part;

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

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

39 (e) Have not maintained in force the insurance required
 40 under subsection (13).

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

50 Section 3. Paragraph (b) of subsection (4) of section
 51 559.921, Florida Statutes, is amended, and subsection (9) is
 52 added to that section, to read:

53 559.921 Remedies.--

54 (4)

55 (b) Upon a finding as set forth in paragraph (a), the
 56 department may enter an order doing one or more of the

57 following:

58 1. Issuing a notice of noncompliance pursuant to s.
59 120.695.

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

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

66 ~~4.3.~~ Directing that the motor vehicle repair shop cease
67 and desist specified activities.

68 ~~5.4.~~ Refusing to register or revoking or suspending a
69 registration.

70 ~~6.5.~~ Placing the registrant on probation for a period of
71 time, subject to such conditions as the department may specify.

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

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