

Committee Substitute for Senate Bill No. 2462

An act relating to the Department of Agriculture and Consumer Services; amending s. 527.01, F.S.; redefining the term “qualifier” for purposes of ch. 527, F.S., relating to sale of liquefied petroleum gas; redefining the term “category I liquefied petroleum gas dealer”; redefining the term “category II liquefied petroleum gas dispenser”; redefining the term “LP gas installer”; redefining the term “specialty installer”; defining the term “category V liquefied petroleum gases dealer for industrial uses only”; amending s. 527.02, F.S.; providing for licensure of category V liquefied petroleum gases dealers for industrial uses only; providing license fees for such dealers; creating s. 527.0201, F.S.; providing for the examination of such dealers; revising criteria for determining who may make application for examination for competency; providing that a person may not act as a qualifier for more than one licensed location; providing an additional prerequisite for certification as a master qualifier; clarifying procedures in the event of specified vacancies in qualifier and master qualifier positions; clarifying provisions relating to suspension of a license if a business organization no longer possesses a duly designated qualifier; providing procedures relating to category I liquefied petroleum gas dealers or LP gas installers who no longer possess a master qualifier but employ a category I liquefied petroleum gas dealer or LP gas installer qualifier; providing that the department may deny, refuse to renew, suspend, or revoke a qualifier card or master qualifier certificate for specified causes; amending s. 527.06, F.S.; conforming a cross-reference; amending s. 527.065, F.S.; revising conditions under which liquefied petroleum gas licensees must notify the department of liquefied petroleum gas-related accidents involving a customer account; amending s. 527.11, F.S.; revising a prerequisite to obtaining a liquefied petroleum gas license; amending s. 527.13, F.S.; authorizing the department to impose administrative penalties and suspend or revoke a qualification for violation of ch. 527, F.S., rules adopted pursuant thereto, or a cease and desist order; increasing the period of time in which licensees may pay penalties to the department; authorizing the department to issue a warning letter to licenseholders, master qualifiers, qualifiers, or others in lieu of an administrative or civil penalty for first violations; amending s. 527.22, F.S.; revising terms of membership of the Propane Gas Education, Safety, and Research Council; amending s. 559.904, F.S.; revising provisions relating to applications, renewal applications, registration, and registration fees with respect to motor vehicle repair shops; amending s. 559.929, F.S.; eliminating a condition under which the department may waive security requirements with respect to registration as a seller of travel; amending s. 501.143, F.S.; providing limitations on contracts for ballroom dance studio services, the renewal of such contracts, and oral or written representations with respect thereto; providing penalties, remedies, and enforcement; amending s. 507.03, F.S.; revising registration requirements for moving services; amending s. 507.04, F.S.; revising

requirements with respect to insurance coverage for moving services; providing an effective date.

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

Section 1. Paragraph (h) is added to subsection (5) of section 527.01, Florida Statutes, subsections (6), (7), (10), and (11) are amended, and 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; any person leasing or offering to lease, or exchanging or offering to exchange, any apparatus, appliances, and equipment for the use of liquefied petroleum gas; any person installing, servicing, altering, or modifying apparatus, piping, tubing, appliances, and equipment for the use of liquefied petroleum or natural gas; any person installing carburetion equipment; or any person requalifying cylinders.

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

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

(11) “Specialty installer” means any person involved in the installation, service, or repair of liquefied petroleum or natural gas appliances and equipment, and selling or offering to sell, or leasing or offering to lease, apparatus, appliances, and equipment for the use of liquefied petroleum gas, whose activities are limited to specific types of appliances and equipment as designated by department rule.

(19) “Category V liquefied petroleum gases dealer for industrial uses only” means any person engaged in the business of filling, selling, and

transporting liquefied petroleum gas containers for use in welding, forklifts, or other industrial applications.

Section 2. Section 527.02, Florida Statutes, is amended to read:

527.02 License; penalty; fees.—

(1)(a) It is unlawful for any person to engage in this state in the activities of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category III liquefied petroleum gas cylinder exchange operator, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gas dealer for industrial uses only, LP gas installer, specialty installer, dealer in liquefied petroleum gas appliances and equipment, manufacturer of liquefied petroleum gas appliances and equipment, requalifier of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks without first obtaining from the department a license to engage in one or more of these businesses. The sale of liquefied petroleum gas cylinders with a volume of 10 pounds water capacity or 4.2 pounds liquefied petroleum gas capacity or less is exempt from the requirements of this chapter. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, to intentionally or willfully engage in any of said activities without first obtaining appropriate licensure from the department.

(2) Each business location of a person having multiple locations shall be separately licensed and must meet the requirements of this section. Such license shall be granted to any applicant determined by the department to be competent, qualified, and trustworthy who files with the department a surety bond, insurance affidavit, or other proof of insurance, as hereinafter specified, and pays for such license the following original application fee for new licenses and annual 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 petroleum gases dealer for industrial uses only</u>	<u>300</u>	<u>200</u>
LP gas installer	300	200
Specialty installer	300	200
Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
Manufacturer of liquefied petroleum gas appliances and equipment	525	375

License Category	Original Application Fee	Renewal Fee
Requalifier of cylinders	525	375
Fabricator, repairer, and tester of vehicles and cargo tanks	525	375

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

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

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

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

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

~~(2) In addition to the requirements of subsection (1), any person applying for a license to engage in the activities of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, LP gas installer, specialty installer, requalification of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks, must prove competency by passing a written examination administered by the department or its agent with a grade of 75 percent or above. Each applicant for examination shall submit a \$20 nonrefundable fee. The department shall~~

by rule specify the general areas of competency to be covered by each examination and the relative weight to be assigned in grading each area tested.

(a) ~~Application for examination for competency may be made by an individual or by an owner, a partner, or any person in a supervisory capacity of the license applicant. Upon successful completion of the competency examination, the department shall issue a qualifier identification card to the examinee. Qualifier identification cards, except those issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers, shall remain in effect as long as the individual shows to the department proof of active employment in the area of examination and all continuing education requirements are met. Should the individual terminate active employment in the area of examination for a period exceeding 24 months, or fail to provide documentation of continuing education, the individual's qualifier status shall expire. The individual may reapply for examination by the department in order to reestablish qualifier status. Every business organization shall possess such a full-time qualifier at all times who has successfully completed an examination in the corresponding category of the license held by the business organization.~~

(b) ~~Qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers shall expire 3 years after the date of issuance. All category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers holding a valid qualifier card upon the effective date of this act shall retain their qualifier status until July 1, 2003, and may sit for the master qualifier examination at any time during that time period. Alternatively, all category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers may renew their qualification on or before July 1, 2003, upon application to the department, payment of a \$20 renewal fee, and documentation of the completion of a minimum of 12 hours approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days prior to expiration. Persons failing to renew prior to the expiration date must reapply and take a qualifier competency examination in order to reestablish category I liquefied petroleum gas dealer qualifier and liquefied petroleum gas installer qualifier status. If a category I liquefied petroleum gas qualifier or liquefied petroleum gas installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card shall remain in effect until expiration of the master qualifier certification.~~

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

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

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

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

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

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

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

(5) ~~A vacancy in a qualifier or master qualifier position in a business organization which results from the departure of the qualifier shall be immediately reported to the department. If a business organization no longer possesses a duly designated qualifier, as required by this section, its liquefied petroleum gas licenses shall be suspended by order of the department after 20 working days and shall remain suspended until a competent qualifier has been retained. A vacancy in the qualifier position for a period of more than 20 working days shall be deemed to constitute an immediate~~

threat to the public health, safety, and welfare. Failure to obtain a replacement qualifier within 60 days after the vacancy occurs shall be grounds for revocation of licensure or eligibility for licensure.

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

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

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

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

527.0201 Qualifiers; master qualifiers; examinations.—

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

(2) Application for examination for competency may be made by an individual or by an owner, a partner, or any person employed by the license applicant. Upon successful completion of the competency examination, the department shall issue a qualifier identification card to the examinee.

(a) Qualifier identification cards, except those issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers, shall remain in effect as long as the individual shows to the department proof of active employment in the area of examination and all continuing education requirements are met. Should the individual terminate active employment in the area of examination for a period exceeding 24 months, or fail to provide documentation of continuing education, the individual's qualifier status shall automatically expire. If the qualifier status has expired, the

individual must apply for and successfully complete an examination by the department in order to reestablish qualifier status.

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

(3) Qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers shall expire 3 years after the date of issuance. All category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers holding a valid qualifier card upon the effective date of this act shall retain their qualifier status until July 1, 2003, and may sit for the master qualifier examination at any time during that time period. All such category I liquefied petroleum gas dealer qualifiers and liquefied petroleum gas installer qualifiers may renew their qualification on or before July 1, 2003, upon application to the department, payment of a \$20 renewal fee, and documentation of the completion of a minimum of 12 hours approved continuing education courses, as defined by department rule, during the previous 3-year period. Applications for renewal must be made 30 calendar days prior to expiration. Persons failing to renew prior to the expiration date must reapply and take a qualifier competency examination in order to reestablish category I liquefied petroleum gas dealer qualifier and liquefied petroleum gas installer qualifier status. If a category I liquefied petroleum gas qualifier or liquefied petroleum gas installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card shall remain in effect until expiration of the master qualifier certification.

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

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

(a) In order to apply for certification as a master qualifier, each applicant must be a category I liquefied petroleum gas dealer qualifier or liquefied petroleum gas installer qualifier, must be employed by a licensed category I liquefied petroleum gas dealer, liquefied petroleum gas installer, or applicant for such license, must provide documentation of a minimum of 1 year's

work experience in the gas industry, and must pass a master qualifier competency examination. Master qualifier examinations shall be based on Florida's laws, rules, and adopted codes governing liquefied petroleum gas safety, general industry safety standards, and administrative procedures. The examination must be successfully completed by the applicant with a grade of 75 percent or more. Each applicant for master qualifier status shall submit to the department a nonrefundable \$30 examination fee prior to the examination.

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

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

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

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

(a) If a business organization no longer possesses a duly designated qualifier, as required by this section, its liquefied petroleum gas licenses shall be suspended by order of the department after 20 working days. The license shall remain suspended until a competent qualifier has been employed, the order of suspension terminated by the department, and the license reinstated. A vacancy in the qualifier position for a period of more than 20 working days shall be deemed to constitute an immediate threat to the public health, safety, and welfare. Failure to obtain a replacement qualifier within 60 days after the vacancy occurs shall be grounds for revocation of licensure or eligibility for licensure.

(b) Any category I liquefied petroleum gas dealer or LP gas installer who no longer possesses a master qualifier but currently employs a category I liquefied petroleum gas dealer or LP gas installer qualifier as required by

this section, shall have 60 days within which to replace the master qualifier. If the company fails to replace the master qualifier within the 60-day time period, the license of the company shall be suspended by order of the department. The license shall remain suspended until a competent master qualifier has been employed, the order of suspension has been terminated by the department, and the license reinstated. Failure to obtain a replacement master qualifier within 90 days after the vacancy occurs shall be grounds for revocation of licensure or eligibility for licensure.

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

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

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

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

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

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

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

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

527.06 Rules.—

(4) Rules in substantial conformity with the published standards in Title 49 of the Code of Federal Regulations relative to liquefied petroleum gas pipelines shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Violation of any provision of the rules adopted pursuant to this subsection may be enjoined under the provisions of s. 527.09. Any person who violates any provision of the rules adopted pursuant to this subsection shall be subject to a civil penalty not to exceed \$25,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not

exceed \$500,000, in aggregate, for any related series of violations. Any such civil penalty may be compromised by the department. In determining the amount of such penalty or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after notification of a violation shall be considered. Each penalty shall be a lien upon the real and personal property of such person and enforceable by the department as statutory liens under chapter 85, the proceeds of which shall be deposited in the General Inspection Trust Fund, as provided in s. 527.0201 s. 527.02.

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

527.065 Notification of accidents; leak calls.—

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

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

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

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

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

527.11 Minimum storage.—

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

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

527.13 Administrative fines and warning letters fine.—

(1) If any person violates any provision of this chapter or any rule adopted pursuant thereto or a cease and desist order, the department may impose a civil or administrative penalties ~~penalty~~ not to exceed \$3,000 for each offense, ~~or~~ suspend or revoke the license or qualification issued to such person, or any of the foregoing. The cost of the proceedings to enforce this

chapter may be added to any penalty imposed. The department may allow the licensee a reasonable period, not to exceed ~~90~~ 30 days, within which to pay to the department the amount of the penalty so imposed. If the licensee fails to pay the penalty in its entirety to the department at its office at Tallahassee within the period so allowed, the licenses of the licensee shall stand revoked upon expiration of such period.

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

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

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

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

527.22 Florida Propane Gas Education, Safety, and Research Council established; membership; duties and responsibilities.—

(2)

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

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

559.904 Motor vehicle repair shop registration; application; exemption.—

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

(a) The name of the applicant.

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

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

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

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

(2) Any motor vehicle repair shop maintaining more than one place of business may file a single application biennially ~~annually~~, which, along with the other information required by this part, clearly indicates the location of and the individual in charge of each facility or in the case of a mobile motor vehicle repair shop, the home address of the owner, if different from the business address. In such case, fees shall be paid for each place of business.

(3) Each application for registration must be accompanied by a registration fee calculated on a per-year basis ~~set forth~~ as follows:

- (a) If the place of business has 1 to 5 employees: \$50.
- (b) If the place of business has 6 to 10 employees: \$150.
- (c) If the place of business has 11 or more employees: \$300.

(4) Each initial ~~and renewal~~ application for registration must be accompanied by copies of the applicant's estimate and invoice forms. Each renewal application for registration must be accompanied by copies of the applicant's estimate and invoice forms only if the original forms filed by the applicant are changed, altered, or revised. Such forms must comply with the applicable provisions of this act before a registration may be issued.

(5) No biennial ~~annual~~ registration fee is required for any motor vehicle repair shop which has a local municipal or county license issued pursuant to an ordinance containing standards which the department determines are at least equal to the requirements of this part, or for any motor vehicle dealer licensed pursuant to chapter 320.

(6) The department shall issue to each applicant a registration certificate in the form and size as prescribed by the department in accordance with s. 120.60. In the case of an applicant with more than one place of business, the department shall issue a registration certificate for each place of business. The certificate must show at least the name and address of the motor vehicle repair shop and the registration number for that place of business. In the case of a mobile motor vehicle repair shop, the certificate must show the home address of the owner, if different from the business address.

(7) Any person applying for or renewing a local occupational license on or after October 1, 1993, to engage in business as a motor vehicle repair shop must exhibit an active registration certificate ~~or active affidavit of exemption proof of filing certificate~~ from the department before the local occupational license may be issued or renewed.

(8) Each registration must be renewed biennially ~~annually~~ on or before the expiration date of the current registration. A late fee of \$25 shall be paid, in addition to the registration fee or any other penalty, for any registration

renewal application that is received by the department after the expiration date of the current registration. The department may not issue the registration until all fees are paid.

(9) No ~~annual~~ registration application or fee is required for an individual with no employees and no established place of business. In the case of a mobile motor vehicle repair shop, the established place of business shall be considered the home address of the owner, if different than the business address.

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

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

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

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

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

(11) The department shall post a prominent "Closed by Order of the Department" sign on any motor vehicle repair shop that has had its registration suspended or revoked. The department shall also post a sign on any motor vehicle repair shop that has been judicially or administratively determined to be operating without a registration. It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person to deface such sign or remove such sign without written authorization by the department or for any motor vehicle repair shop to open for operation without a registration or to open for operation as a motor vehicle repair shop while its registration is suspended or revoked. The department may impose administrative sanctions provided for in s. 559.921(4) for violations of this subsection.

(12) In order to implement the biennial registration requirements set forth in this section, the department has rulemaking authority to stagger the registrations over a 2-year period. This subsection expires June 30, 2005.

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

559.929 Security requirements.—

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

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

501.143 Dance Studio Act.—

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

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

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

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

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

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

(c) Notwithstanding the provisions of subsection (5), the department may require any ballroom dance studio that has operated or is operating in violation of any of the provisions of this section or the rules adopted or orders

issued pursuant to such rules to post security with the department in an amount not to exceed \$25,000.

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

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

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

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

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

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

507.03 Registration.—

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

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

507.04 Cargo legal liability valuation and insurance coverage.—

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

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

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.