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 1                      A bill to be entitled
 2           An act relating to motor vehicle repair shops;
 3           providing a short title; amending s. 559.904,
 4           F.S.; requiring applicants for registration to
 5           furnish proof of certain liability insurance;
 6           providing that failure to maintain such
 7           insurance is grounds for denial, revocation, or
 8           refusal to renew a registration; amending s.
 9           559.921, F.S.; providing that a violation of
10           the requirement to maintain liability insurance
11           is a criminal violation; providing for
12           administrative fines and criminal penalties;
13           providing an effective date.
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15   Be It Enacted by the Legislature of the State of Florida:
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17           Section 1.   This act may be cited as the "Abelardo 'Al'
18   Castillo Act."
19           Section 2.  Subsection (10) of section 559.904, Florida
20   Statutes, is amended, and subsection (13) is added to that
21   section, to read:
22           559.904  Motor vehicle repair shop registration;
23   application; exemption.--
24           (10)  The department may deny, revoke, or refuse to
25   renew the registration of a motor vehicle repair shop based
26   upon a determination that the motor vehicle repair shop, or
27   any of its directors, officers, owners, or general partners:
28           (a)  Have failed to meet the requirements for
29   registration as provided in this part;
30           (b)  Have not satisfied a civil fine, administrative
31   fine, or other penalty arising out of any administrative or
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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

 1 | enforcement action brought by any governmental agency based
 2 | upon conduct involving fraud, dishonest dealing, or any
 3 | violation of this part;
 4 | (c) Have had against them any civil, criminal, or
 5 | administrative adjudication in any jurisdiction, based upon
 6 | conduct involving fraud, dishonest dealing, or any violation
 7 | of this part; ~~or~~
 8 | (d) Have had a judgment entered against them in any
 9 | action brought by the department or the state attorney
10 | pursuant to ss. 501.201-501.213 or this part; or~~.~~
11 | (e) Have failed to maintain in force the insurance
12 | required under subsection (13).
13 | (13) Each applicant for an initial or renewal
14 | registration under this section shall provide the department
15 | with evidence of current and valid liability insurance in an
16 | amount not less than $300,000 on repairs performed by the
17 | motor vehicle repair shop. The department shall require that
18 | an applicant present a certificate of insurance issued by an
19 | insurance company or carrier authorized to transact business
20 | in this state before an initial or renewal registration
21 | certificate may be issued to the applicant.
22 | Section 3. Paragraph (b) of subsection (4) of section
23 | 559.921, Florida Statutes, is amended, and subsection (9) is
24 | added to that section, to read:
25 | 559.921 Remedies.--
26 | (4)
27 | (b) Upon a finding as set forth in paragraph (a), the
28 | department may enter an order doing one or more of the
29 | following:
30 | 1. Issuing a notice of noncompliance pursuant to s.
31 | 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 fails to 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, 2005.
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