

1                                   A bill to be entitled  
2           An act relating to the Department of  
3           Agriculture and Consumer Services; amending s.  
4           493.6203, F.S.; revising requirements for  
5           obtaining a Class "MA," Class "M," or Class "C"  
6           license as a private investigator; revising the  
7           requirements for Class "CC" licensure as an  
8           intern; amending s. 493.6401, F.S.; requiring a  
9           person who conducts Internet-based training or  
10          correspondence training for reposessor  
11          licensees to have a Class "RS" license;  
12          amending s. 493.6406, F.S.; providing  
13          requirements for training conducted by a  
14          repossession services school or training  
15          facility; revising the information required on  
16          a licensure application relating to such a  
17          school or facility; amending s. 501.921, F.S.;  
18          revising the name of the organization that  
19          provides standards and test procedures used by  
20          the department in adopting rules governing the  
21          formulation of antifreeze; creating s. 501.973,  
22          F.S.; providing definitions; prohibiting  
23          certain business entities from using the term  
24          "chamber of commerce" under certain  
25          circumstances; providing exceptions; providing  
26          a penalty; specifying nonimposition of certain  
27          requirements; authorizing chambers of commerce  
28          to sue certain business entities to enjoin use  
29          of certain terms; amending s. 525.07, F.S.;  
30          revising a requirement for testing the accuracy  
31          of devices used to measure petroleum fuel;

1 | amending s. 526.51, F.S.; revising requirements  
2 | for registering a brand of brake fluid for sale  
3 | in the state; requiring an applicant that does  
4 | not own the brand name of a brake fluid to  
5 | submit a notarized affidavit to the department  
6 | in order to register that product; revising the  
7 | amount of the sample of brake fluid required to  
8 | be submitted to the department; amending s.  
9 | 527.04, F.S.; revising provisions requiring  
10 | proof of liability insurance coverage prior to  
11 | licensure under ch. 527, F.S., relating to the  
12 | sale of liquefied petroleum gas; amending s.  
13 | 527.07, F.S.; prohibiting a person other than  
14 | the owner or other authorized person from  
15 | removing gas from a liquefied petroleum gas  
16 | container or receptacle for any gas or  
17 | compound; creating s. 576.092, F.S.; creating  
18 | the Consumer Fertilizer Task Force; providing  
19 | legislative findings; providing for task force  
20 | membership and appointment of a chair and vice  
21 | chair; requiring the department to staff the  
22 | task force; requiring a report to the  
23 | Legislature by a time certain; providing for  
24 | abolition of the task force; providing an  
25 | appropriation; providing an effective date.

26 |  
27 | Be It Enacted by the Legislature of the State of Florida:

28 |  
29 | Section 1. Present subsection (5) of section 493.6203,  
30 | Florida Statutes, is renumbered as subsection (6) and amended,  
31 |

1 present subsection (6) is renumbered as subsection (7), and a  
2 new subsection (5) is added to that section, to read:

3           493.6203 License requirements.--In addition to the  
4 license requirements set forth elsewhere in this chapter, each  
5 individual or agency shall comply with the following  
6 additional requirements:

7           (5) Effective January 1, 2008, an applicant for a  
8 Class "MA," Class "M," or Class "C" license must pass an  
9 examination that covers the provisions of this chapter and is  
10 administered by the department or by a provider approved by  
11 the department. The applicant must pass the examination before  
12 applying for licensure and must submit proof with the license  
13 application on a form approved by rule of the department that  
14 he or she has passed the examination. The administrator of the  
15 examination shall verify the identity of each applicant taking  
16 the examination.

17           (a) The examination requirement in this subsection  
18 does not apply to an individual who holds a valid Class "CC,"  
19 Class "C," Class "MA," or Class "M" license.

20           (b) Notwithstanding the exemption provided in  
21 paragraph (a), if the license of an applicant for relicensure  
22 has been invalid for more than 1 year, the applicant must take  
23 and pass the examination.

24           (c) The department shall establish by rule the content  
25 of the examination, the manner and procedure of its  
26 administration, and an examination fee that may not exceed  
27 \$100.

28           ~~(6)(a)(5)~~ A Class "CC" licensee shall serve an  
29 internship under the direction and control of a designated  
30 sponsor, who is a Class "C," Class "MA," or Class "M"  
31 licensee.

1           (b) Effective September 1, 2008, an applicant for a  
2 Class "CC" license must have completed at least 24 hours of a  
3 40-hour course pertaining to general investigative techniques  
4 and this chapter, which course is offered by a state  
5 university or by a school, community college, college, or  
6 university under the purview of the Department of Education,  
7 and the applicant must pass an examination. The certificate  
8 evidencing satisfactory completion of at least 24 hours of a  
9 40 hour course must be submitted with the application for a  
10 Class "CC" license. The remaining 16 hours must be completed  
11 and an examination passed within 180 days. If documentation of  
12 completion of the required training is not submitted within  
13 the specified timeframe, the individual's license is  
14 automatically suspended or his or her authority to work as a  
15 Class "CC" pursuant to s. 493.6105(9) is rescinded until such  
16 time as proof of certificate of completion is provided to the  
17 department. The training course specified in this paragraph  
18 may be provided by face-to-face presentation, on-line  
19 technology, or a home study course in accordance with rules  
20 and procedures of the Department of Education. The  
21 administrator of the examination must verify the identity of  
22 each applicant taking the examination.

23           1. Upon an applicant's successful completion of each  
24 part of the approved course and passage of any required  
25 examination, the school, community college, college, or  
26 university shall issue a certificate of completion to the  
27 applicant. The certificates must be on a form established by  
28 rule of the department.

29           2. The department shall establish by rule the general  
30 content of the training course and the examination criteria.

31

1           3. If the license of an applicant for relicensure has  
2 been invalid for more than 1 year, the applicant must complete  
3 the required training and pass any required examination.

4           Section 2. Subsection (7) of section 493.6401, Florida  
5 Statutes, is amended to read:

6           493.6401 Classes of licenses.--

7           (7) Any person who operates a repossessor school or  
8 training facility or who conducts an Internet-based training  
9 course or a correspondence training course must ~~shall~~ have a  
10 Class "RS" license.

11           Section 3. Subsection (1) and paragraph (b) of  
12 subsection (2) of section 493.6406, Florida Statutes, are  
13 amended to read:

14           493.6406 Repossession services school or training  
15 facility.--

16           (1) Any school, training facility, or instructor who  
17 offers the training outlined in s. 493.6403(2) for Class "EE"  
18 applicants shall, before licensure of such school, training  
19 facility, or instructor, file with the department an  
20 application accompanied by an application fee in an amount to  
21 be determined by rule, not to exceed \$60. The fee shall not  
22 be refundable. This training may be offered as face-to-face  
23 training, Internet-based training, or correspondence training.

24           (2) The application shall be signed and notarized and  
25 shall contain, at a minimum, the following information:

26           (b) The street address of the place at which the  
27 training is to be conducted or the street address of the Class  
28 "RS" school offering Internet-based or correspondence  
29 training.

30           Section 4. Section 501.921, Florida Statutes, is  
31 amended to read:

1           501.921 Standards.--The department's rules for  
2 standards, definitions, and test procedures for antifreeze may  
3 encompass those specified by ASTM International ~~the American~~  
4 ~~Society for Testing and Materials~~. The department may adopt  
5 any other specification it considers appropriate to protect  
6 consumers from questionable formulations of antifreeze.

7           Section 5. Section 501.973, Florida Statutes, is  
8 created to read:

9           501.973 Chambers of commerce.--

10          (1) For the purposes of this section:

11          (a) "Business entity" means any corporation,  
12 partnership, limited partnership, proprietorship, firm,  
13 enterprise, franchise, association, self-employed individual,  
14 or trust, whether fictitiously named or not, doing business in  
15 this state.

16          (b) "Chamber of commerce" means a voluntary  
17 membership, dues-paying organization of business and  
18 professional persons dedicated, as stated in the articles of  
19 incorporation or bylaws of the organization, to improving the  
20 economic climate and business development of the community,  
21 area, or region in which the organization is located and  
22 which:

23           1. Operates as an approved not-for-profit corporation  
24 under chapter 617 and as a corporation or association  
25 qualified for tax exempt status under s. 501(c)(3) or s.  
26 501(c)(6) of the Internal Revenue Code of 1986, as amended.

27           2. Files any required corporation annual reports with  
28 the Secretary of State and, if applicable, required annual  
29 information returns with the United States Internal Revenue  
30 Service.

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1           3. Is governed by a volunteer board of directors of at  
2 least seven members who are elected from among the membership  
3 of the organization and who serve without compensation.

4           (2) A business entity, other than a chamber of  
5 commerce, shall not use the term "chamber of commerce" in its  
6 name or to describe itself, except for binational chambers of  
7 commerce recognized by the Office of International Affairs of  
8 the Department of State or chambers of commerce in existence  
9 on or before October 1, 1992. Any business entity which  
10 violates this subsection commits a misdemeanor of the first  
11 degree, punishable as provided in s. 775.082 or s. 775.083.

12           (3) This section imposes no requirement for oversight  
13 or regulation of a business entity name, trademark, trade  
14 name, or other requirement for filing or registration under  
15 any provision of law.

16           (4) Subject to the provisions of s. 495.151, a chamber  
17 of commerce may sue any business entity that is not a chamber  
18 of commerce as defined in this section to enjoin such entity  
19 from using the term "chamber of commerce" in its name or to  
20 describe itself as a chamber of commerce in any business or  
21 commerce.

22           Section 6. Subsection (9) of section 525.07, Florida  
23 Statutes, is amended to read:

24           525.07 Powers and duties of department; inspections;  
25 unlawful acts.--

26           (9) All persons and service agencies that adjust the  
27 accuracy of a petroleum fuel measuring device must use test  
28 measures that have been calibrated with standards traceable to  
29 the National Institute of Standards and Technology within 1  
30 year prior to the date of the adjustment for volumes of less  
31

1 than 500 gallons and within 3 years before the date of the  
 2 adjustment for volumes of 500 gallons or more.

3 Section 7. Subsection (1) of section 526.51, Florida  
 4 Statutes, is amended to read:

5 526.51 Registration; renewal and fees; departmental  
 6 expenses; cancellation or refusal to issue or renew.--

7 (1)(a) Application for registration of each brand of  
 8 brake fluid shall be made on forms to be supplied by the  
 9 department. The applicant shall give his or her name and  
 10 address and, the brand name of the brake fluid, state that he  
 11 or she owns the said brand name and has complete control over  
 12 the product sold thereunder in Florida, and provide the name  
 13 and address of resident agent in Florida. If the applicant  
 14 does not own the brand name but wishes to register the product  
 15 with the department, a notarized affidavit that gives the  
 16 applicant full authorization to register the brand name and  
 17 that is signed by the owner of the brand name must accompany  
 18 the application for registration. The affidavit must include  
 19 all affected brand names, the owner's company or corporate  
 20 name and address, the applicant's company or corporate name  
 21 and address, and a statement from the owner authorizing the  
 22 applicant to register the product with the department. The  
 23 owner of the brand name shall maintain complete control over  
 24 each product sold under that brand name in this state. All new  
 25 product applications must ~~Application shall~~ be accompanied by  
 26 a certified report from ~~of~~ an independent testing laboratory,  
 27 setting forth the analysis of the said brake fluid which shall  
 28 show its quality to be not less than the specifications  
 29 established by the department for brake fluids. A sample of  
 30 not less than 24 fluid ounces ~~one-half gallon~~ of brake fluid  
 31 shall be submitted, in a container or containers, with labels



1 ~~representing~~ ~~labeled~~ exactly how the ~~as~~ containers of brake  
2 fluid will be labeled when sold, and the ~~such~~ sample and  
3 container shall be analyzed and inspected by the Division of  
4 Standards in order that compliance with the department's  
5 specifications and labeling requirements may be verified.  
6 Upon approval of the ~~such~~ application, the department shall  
7 register the brand name of the ~~such~~ brake fluid and issue to  
8 the applicant a permit authorizing the registrant to sell the  
9 ~~such~~ brake fluid in this state during the permit year  
10 specified in the permit.

11 (b) Each applicant shall pay a fee of \$100 with each  
12 application. A permit may be renewed by application to the  
13 department, accompanied by a renewal fee of \$50 on or before  
14 the last day of the permit year immediately preceding the  
15 permit year for which application is made for renewal of  
16 registration. To any fee not paid when due, there shall  
17 accrue a penalty of \$25 which shall be added to the renewal  
18 fee. Renewals will be accepted only on brake fluids that  
19 ~~which~~ have no change in formula, composition or brand name.  
20 Any change in formula, composition or brand name of any brake  
21 fluid constitutes ~~shall constitute~~ a new product that must  
22 ~~which shall~~ be registered in accordance with ~~the provisions of~~  
23 this part.

24 Section 8. Section 527.04, Florida Statutes, is  
25 amended to read:

26 527.04 Proof of insurance required.--

27 (1) Before any license is issued, except to a dealer  
28 in appliances and equipment for use of liquefied petroleum gas  
29 or a category III liquefied petroleum gas cylinder exchange  
30 operator, the applicant must deliver to the department  
31 satisfactory evidence that the applicant is covered by a

1 primary policy of bodily injury liability and property damage  
2 liability insurance that covers the products and operations  
3 with respect to such business and is issued by an insurer  
4 authorized to do business in this state for an amount not less  
5 than \$1 million and that the premium on such insurance is  
6 paid. An insurance certificate, affidavit, or other  
7 satisfactory evidence of acceptable insurance coverage shall  
8 be accepted as proof of insurance. In lieu of an insurance  
9 policy, the applicant may deliver a good and sufficient bond  
10 in the amount of \$1 million, payable to the Governor of  
11 Florida, with the applicant as principal and a surety company  
12 authorized to do business in this state as surety. The bond  
13 must be conditioned upon the applicant's ~~principal's~~  
14 compliance with ~~the provisions of~~ this chapter and the rules  
15 of the department with respect to the conduct of such business  
16 and shall indemnify and hold harmless all persons from loss or  
17 damage by reason of the applicant's ~~principal's~~ failure to  
18 comply. However, the aggregated liability of the surety may  
19 not exceed \$1 million. If the insurance policy is canceled or  
20 otherwise terminated or the bond becomes insufficient, the  
21 department may require new proof of insurance or a new bond to  
22 be filed, and if the licenseholder ~~principal~~ fails to comply  
23 ~~do so~~, the department shall cancel the license issued and give  
24 the licenseholder ~~principal~~ written notice that it is unlawful  
25 to engage in business without a license. ~~If the applicant~~  
26 ~~furnishes satisfactory evidence that he or she is covered by a~~  
27 ~~primary policy of bodily injury liability and property damage~~  
28 ~~liability insurance covering the products and operations with~~  
29 ~~respect to such business, issued by an insurer authorized to~~  
30 ~~do business in the state, for an amount not less than \$1~~  
31 ~~million and that the premiums on such insurance are paid, an~~

1 ~~insurance affidavit or other satisfactory evidence of~~  
2 ~~acceptable insurance coverage shall be accepted in lieu of the~~  
3 ~~bond.~~ A new bond is not required as long as the original bond  
4 remains sufficient and in force. If the licenseholder's  
5 insurance coverage ~~coverages~~ as required by this subsection is  
6 ~~are~~ canceled or otherwise terminated, the insurer must notify  
7 the department within 30 days after the ~~such~~ cancellation or  
8 termination.

9 (2) Before any license is issued to a class III  
10 liquefied petroleum gas cylinder exchange operator, the  
11 applicant must deliver to the department satisfactory evidence  
12 that the applicant is covered by a primary policy of bodily  
13 injury liability and property damage liability insurance that  
14 covers the products and operations with respect to the  
15 business and is issued by an insurer authorized to do business  
16 in this state for an amount not less than \$300,000 and that  
17 the premium on the insurance is paid. An insurance  
18 certificate, affidavit, or other satisfactory evidence of  
19 acceptable insurance coverage shall be accepted as proof of  
20 insurance. In lieu of an insurance policy, the applicant may  
21 deliver a good and sufficient bond in the amount of \$300,000,  
22 payable to the Governor, with the applicant as principal and a  
23 surety company authorized to do business in this state as  
24 surety. The bond must be conditioned upon the applicant's  
25 ~~principal's~~ compliance with this chapter and the rules of the  
26 department with respect to the conduct of such business and  
27 must indemnify and hold harmless all persons from loss or  
28 damage by reason of the applicant's ~~principal's~~ failure to  
29 comply. However, the aggregated liability of the surety may  
30 not exceed \$300,000. If the insurance policy is canceled or  
31 otherwise terminated or the bond becomes insufficient, the

1 department may require new proof of insurance or a new bond to  
 2 be filed, and if the licenseholder ~~principal~~ fails to comply  
 3 ~~do so~~, the department shall cancel the license issued and give  
 4 the licenseholder ~~principal~~ written notice that it is unlawful  
 5 to engage in business without a license. ~~If the applicant~~  
 6 ~~furnishes satisfactory evidence that he or she is covered by a~~  
 7 ~~primary policy of bodily injury liability and property damage~~  
 8 ~~liability insurance covering the products and operations with~~  
 9 ~~respect to such business, issued by an insurer authorized to~~  
 10 ~~do business in the state, for an amount not less than \$300,000~~  
 11 ~~and that the premiums on such insurance are paid, an insurance~~  
 12 ~~affidavit or other satisfactory evidence of acceptable~~  
 13 ~~insurance coverage shall be accepted in lieu of the bond. A~~  
 14 new bond is not required as long as the original bond remains  
 15 sufficient and in force. If the licenseholder's insurance  
 16 coverage ~~coverages~~ required by this subsection is ~~are~~ canceled  
 17 or otherwise terminated, the insurer must notify the  
 18 department within 30 days after the ~~such~~ cancellation or  
 19 termination.

20 (3) Any person having a cause of action on the ~~such~~  
 21 bond may bring suit against the principal and surety, and a  
 22 copy of such bond duly certified by the department shall be  
 23 received in evidence in the courts of this state without  
 24 further proof. The department shall furnish a certified copy  
 25 of such bond upon payment to it of its lawful fee for making  
 26 and certifying such copy.

27 Section 9. Section 527.07, Florida Statutes, is  
 28 amended to read:

29 527.07 Restriction on use of containers.--~~A~~ ~~No~~ person,  
 30 other than the owner and those authorized by the owner, may  
 31 not ~~shall~~ sell, fill, refill, remove gas from, deliver, permit

1 to be delivered, or use in any manner any liquefied petroleum  
2 gas container or receptacle for any gas or compound, or for  
3 any other purpose.

4 Section 10. Section 576.092, Florida Statutes, is  
5 created to read:

6 576.092 Consumer Fertilizer Task Force.--

7 (1) The Legislature finds that:

8 (a) There is a need for better training and education  
9 regarding the proper use of consumer fertilizers.

10 (b) There should exist a mechanism to help local  
11 governments promote and encourage the proper use of  
12 fertilizers, thereby eliminating or minimizing the potential  
13 for environmental impacts.

14 (c) Local government regulation of fertilizer uses for  
15 nonagricultural applications should be based on sound science,  
16 including water quality, agronomics, and horticulture.

17 (d) There is a need for education regarding the use of  
18 consumer fertilizers.

19 (e) There is a need for improved standards regarding  
20 nonagricultural fertilizer use and application.

21 (f) While the constituents in fertilizer are naturally  
22 occurring in the environment, the improper use of fertilizer  
23 can be one of many contributors to nonpoint source pollution.

24 (g) The state's local governments are potentially  
25 subject to regulatory enforcement action by state or federal  
26 entities as a result of nonpoint source pollution caused by  
27 stormwater runoff.

28 (2)(a) There is hereby created the Consumer Fertilizer  
29 Task Force within the Department of Agriculture and Consumer  
30 Services for the purposes of:

31

1           1. Assessing existing data and information regarding  
2 nutrient enrichment and surface waters due to fertilizer,  
3 assessing management strategies for reducing water quality  
4 impacts associated with fertilizer, and identifying additional  
5 research needs.

6           2. Developing statewide guidelines governing  
7 nonagricultural fertilizer use rates, formulations, and  
8 applications with attention to the geographic regions  
9 identified in Rule 5E-1.003, Florida Administrative Code.

10           3. Taking public input and testimony concerning the  
11 issues in this section.

12           4. Recommending methods to ensure local ordinances are  
13 based on best available data and science and to achieve  
14 uniformity among local government ordinances where possible,  
15 unless local ordinance variations are necessary to meet  
16 mandated state and federal water quality standards.

17           5. Developing model ordinances for municipalities and  
18 counties concerning the use of nonagricultural fertilizer.

19           (b)1. The task force shall consist of 13 members who  
20 are technically qualified by training, education, or  
21 experience in water quality, horticultural, or agronomic  
22 science, and who shall be appointed as follows: three members  
23 appointed by the President of the Senate, one of whom shall be  
24 a representative from the Department of Environmental  
25 Protection, one of whom shall be a representative of the  
26 environmental community, and one of whom shall be a member of  
27 the Senate; three members appointed by the Speaker of the  
28 House of Representatives, one of whom shall be a  
29 representative from a water management district, one of whom  
30 shall be a representative of the University of Florida's  
31 Institute for Food and Agricultural Sciences, and one of whom

1 shall be a member of the House of Representatives; five  
2 members appointed by the Commissioner of Agriculture, one of  
3 whom shall be a representative from the Department of  
4 Agriculture and Consumer Services, one of whom shall be a  
5 representative from the Office of Agricultural Water Policy,  
6 one of whom shall be a representative from the national  
7 fertilizer industry, one of whom shall be a representative  
8 from the Florida-based fertilizer industry, and one of whom  
9 shall be a registered landscape architect; one member  
10 appointed by the Florida League of Cities, Inc.; and one  
11 member appointed by the Florida Association of Counties.

12 2. Members shall choose a chair and vice chair from  
13 the membership of the task force.

14 (3) Staffing for the task force shall be provided by  
15 the Department of Agriculture and Consumer Services.

16 (4) The task force shall review and evaluate the  
17 issues identified in paragraph (2)(a) and take public  
18 testimony. A report of the recommendations and findings of the  
19 task force, including recommendations for statutory changes,  
20 if any, shall be submitted to the President of the Senate and  
21 the Speaker of the House of Representatives by January 15,  
22 2008, and the task force shall be abolished upon the  
23 transmittal of the report.

24 Section 11. The sum of \$58,559 is appropriated for the  
25 2007-2008 fiscal year from the Licensing Trust Fund to the  
26 Department of Agriculture and Consumer Services for the  
27 purpose of developing curriculum and administering  
28 examinations to applicants for licensure as private  
29 investigators.

30 Section 12. This act shall take effect July 1, 2007.  
31