

By Senator Lynn

7-479B-06

1 A bill to be entitled

2 An act relating to the Department of

3 Agriculture and Consumer Services; amending s.

4 493.6106, F.S.; clarifying that private

5 investigative, security, and repossession

6 services are licensed by the Department of

7 Agriculture and Consumer Services; amending s.

8 493.6121, F.S.; authorizing the department to

9 institute judicial proceedings to enforce ch.

10 493, F.S., or any rule or order of the

11 department; amending s. 493.6303, F.S.;

12 revising the requirements for a Class "D"

13 private security license; requiring that the

14 department establish the required hours of

15 training; providing for automatic suspension of

16 a license upon failure to submit documentation

17 of completing the required training; amending

18 s. 525.01, F.S.; defining the term "alternative

19 fuel" for purposes of ch. 525, F.S., relating

20 to the inspection of gasoline and oil; amending

21 s. 527.11, F.S.; exempting the delivery of

22 certain amounts of propane gas for use with

23 outdoor equipment or appliances from provisions

24 governing the delivery of liquefied petroleum

25 gas; requiring that a person delivering

26 liquefied petroleum gas in bulk comply with

27 certain storage requirements; amending ss.

28 570.46 and 570.47, F.S.; authorizing the

29 Division of Standards within the department to

30 enforce ch. 527, F.S., relating to the sale of

31 liquefied petroleum gas; amending s. 570.544,

1 F.S.; deleting provisions requiring that an
2 office or agency receiving a complaint file
3 progress reports with the Division of Consumer
4 Services within the department; amending s.
5 616.242, F.S.; exempting certain governmental
6 entities from requirements that operators of
7 amusement rides maintain specified amounts of
8 insurance coverage; providing an effective
9 date.

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

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13 Section 1. Paragraph (c) of subsection (2) of section
14 493.6106, Florida Statutes, is amended to read:

15 493.6106 License requirements; posting.--

16 (2) Each agency shall have a minimum of one physical
17 location within this state from which the normal business of
18 the agency is conducted, and this location shall be considered
19 the primary office for that agency in this state.

20 (c) Each Class "A," Class "B," Class "R," branch
21 office, or school licensee shall display, in a place that is
22 in clear and unobstructed public view, a notice on a form
23 prescribed by the department stating that the business
24 operating at this location is licensed and regulated by the
25 Department of Agriculture and Consumer Services ~~State~~ and that
26 any questions or complaints should be directed to the
27 department.

28 Section 2. Subsections (5) and (7) of section
29 493.6121, Florida Statutes, are amended to read:

30 493.6121 Enforcement; investigation.--

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1 (5) In order to carry out the duties of the department
2 prescribed in this chapter, designated employees of the
3 Division of Licensing of the Department of Agriculture and
4 Consumer Services ~~State~~ may obtain access to the information
5 in criminal justice information systems and to criminal
6 justice information as defined in s. 943.045, on such terms
7 and conditions as are reasonably calculated to provide
8 necessary information and protect the confidentiality of the
9 information. Such criminal justice information submitted to
10 the division is confidential and exempt from the provisions of
11 s. 119.07(1).

12 (7) The department may institute ~~of Legal Affairs~~
13 ~~shall represent the Department of Agriculture and Consumer~~
14 ~~Services in~~ judicial proceedings in the appropriate circuit
15 court seeking enforcement of this chapter, or any rule or
16 order of the department ~~upon an action by any party seeking~~
17 ~~redress against the department, and shall coordinate with the~~
18 ~~department in the conduct of any investigations incident to~~
19 ~~its legal responsibility.~~

20 Section 3. Subsection (4) of section 493.6303, Florida
21 Statutes, is amended to read:

22 493.6303 License requirements.--In addition to the
23 license requirements set forth elsewhere in this chapter, each
24 individual or agency shall comply with the following
25 additional requirements:

26 (4)(a) Effective January 1, 2007 ~~October 1, 1994~~, an
27 applicant for a Class "D" license must complete ~~have completed~~
28 a minimum of 40 hours of professional training at a school or
29 training facility licensed by the department. The department
30 shall by rule establish the general content and number of
31 hours of all ~~the~~ training.

1 (b) An applicant may fulfill the training requirement
2 prescribed in paragraph (a) by submitting proof of:

3 1. Successful completion of the total number of
4 required ~~40~~ hours of training before initial application for a
5 Class "D" license; or

6 2. Successful completion of 24 hours of training
7 before initial application ~~for~~, and the remaining 16 hours of
8 training within 180 days after the date that upon the first
9 application is submitted for renewal of, a Class "D" license.

10 If documentation of completion of the required training is not
11 submitted within the specified timeframe, the individual's
12 license is automatically suspended until such time as proof of
13 the required training is provided to the department. However,
14 Individuals licensed before October 1, 1994, or individuals
15 who have successfully completed 40 hours of professional
16 training before January 1, 2007, at a school or training
17 facility that is licensed by the department are exempt from
18 the training requirement of paragraph (a) need not complete
19 additional training hours in order to renew their licenses.

20
21 However, any person whose license has been revoked or
22 suspended pursuant to subparagraph 2. or whose license has
23 been expired for 1 year or longer is considered, upon
24 reapplication for a license, an initial applicant and must
25 submit proof of successful completion of 40 hours of
26 professional training at a school or training facility
27 licensed by the department before a license will be issued.

28 Section 4. Subsection (1) of section 525.01, Florida
29 Statutes, is amended to read:

30 525.01 Gasoline and oil to be inspected.--

31 (1) For the purpose of this chapter:

1 (a) "Department" means the Department of Agriculture
2 and Consumer Services.

3 (b) "Petroleum fuel" means all gasoline, kerosene
4 (except when used as aviation turbine fuel), diesel fuel,
5 benzine, ~~or~~ other like products of petroleum under whatever
6 name designated, or an alternative fuel used for illuminating,
7 heating, cooking, or power purposes, sold, offered, or exposed
8 for sale in this state.

9 (c) "Alternative fuel" means:

- 10 1. Methanol, denatured ethanol, or other alcohols;
11 2. Mixtures containing 85 percent or more by volume of
12 methanol, denatured ethanol, or other alcohols with gasoline
13 or other fuels, or such other percentage, but not less than 70
14 percent, as determined by the department by rule, to provide
15 for requirements relating to cold start, safety, or vehicle
16 functions;
17 3. Hydrogen;
18 4. Coal-derived liquid fuels;
19 5. Fuels, other than alcohol, derived from biological
20 materials;
21 6. Electricity, including electricity from solar
22 energy; and
23 7. Any other fuel determined by the department by
24 rule.

25 Section 5. Section 527.11, Florida Statutes, is
26 amended to read:

27 527.11 Minimum storage.--

28 (1) Every person who engages in the distribution of
29 liquefied petroleum gas for resale to domestic, commercial, or
30 industrial consumers as a prerequisite to obtaining a
31 liquefied petroleum gas license shall install, own, or lease a

1 bulk storage filling plant of not less than 18,000 gallons
2 (water capacity) within the state and shall be located within
3 a 75-mile radius of the licensed company's business location.
4 This bulk storage filling plant must have loading and
5 unloading provisions solely for the licenseholder and be
6 operated and maintained in compliance with this chapter for
7 the duration of the license.

8 (2) A dealer in liquefied petroleum gas licensed as of
9 August 31, 2000, who has entered or who enters into a written
10 agreement with a wholesaler that the wholesaler will provide
11 liquefied petroleum gas to the dealer for a period of 12
12 continuous months is exempt from the requirements of
13 subsection (1), if the wholesaler has at least 18,000 gallons
14 (water capacity) of bulk storage within this state permanently
15 connected for storage, which is used as such for each dealer
16 to whom gas is sold, and if the wholesaler has loading and
17 unloading provisions. Such dealer must provide certification
18 of this agreement on a form provided by the department to the
19 department before her or his license may be issued. The form
20 must be signed by both the wholesaler or his or her agent and
21 the dealer or his or her agent and must be submitted annually
22 with the license renewal application. A dealer who does not
23 provide written proof of minimum storage may have her or his
24 license denied, suspended, or revoked. ~~A No~~ wholesaler may not
25 enter into written agreements that allocate an amount of
26 storage that exceeds the wholesaler's total storage capacity
27 minus 18,000 gallons (water capacity).

28 (3) A dealer in liquefied petroleum gas operating a
29 single dispensing unit for the sole purpose of direct product
30 sale to customers, including delivery of cylinders of 40 lbs.
31 or less of propane gas capacity for use with outdoor equipment

1 or appliances that are not connected to or part of the
2 permanent interior piping of a structure, (no deliveries) or
3 an operator of a cylinder exchange unit is exempt from the
4 requirements of this section. A person may not deliver
5 liquefied petroleum gas in bulk by cargo vehicle unless the
6 person complies with requirements for minimum storage
7 capacity.

8 Section 6. Subsection (5) is added to section 570.46,
9 Florida Statutes, to read:

10 570.46 Division of Standards; powers and duties.--The
11 duties of the Division of Standards include, but are not
12 limited to:

13 (5) Enforcing the provisions of chapter 527.

14 Section 7. Subsection (2) of section 570.47, Florida
15 Statutes, is amended to read:

16 570.47 Director; qualifications; duties.--

17 (2) The director shall supervise, direct, and
18 coordinate the activities of the division and to that end
19 shall, under the direction of the department, enforce the
20 provisions of chapters 501, 525, 526, 527, 531, and 616.

21 Section 8. Subsections (6) and (7) of section 570.544,
22 Florida Statutes, are amended to read:

23 570.544 Division of Consumer Services; director;
24 powers; processing of complaints; records.--

25 (6)~~(a)~~ The office or agency to which a complaint has
26 been referred shall within 30 days acknowledge receipt of the
27 complaint ~~and report on the disposition made of the complaint.~~
28 ~~In the event a complaint has not been disposed of within 30~~
29 ~~days, the receiving office or agency shall file progress~~
30 ~~reports with the Division of Consumer Services no less~~
31 ~~frequently than 30 days until final disposition.~~

1 ~~(b) The report shall contain at least the following~~
2 ~~information:~~

3 1. ~~A finding of whether the receiving agency has~~
4 ~~jurisdiction of the subject matter involved in the complaint.~~

5 2. ~~Whether the complaint is deemed to be frivolous,~~
6 ~~sham, or without basis in fact or law.~~

7 3. ~~What action has been taken and a report on whether~~
8 ~~the original complainant was satisfied with the final~~
9 ~~disposition.~~

10 4. ~~Any recommendation regarding needed changes in law~~
11 ~~or procedure which in the opinion of the reporting agency or~~
12 ~~office will improve consumer protection in the area involved.~~

13 ~~(7)(a) If the office or agency receiving a complaint~~
14 ~~fails to file a report as contemplated in this section, that~~
15 ~~failure shall be construed as a denial by the receiving office~~
16 ~~or agency that it has jurisdiction of the subject matter~~
17 ~~contained in the complaint.~~

18 ~~(b)~~ If an office or agency receiving a complaint
19 determines that the matter presents a prima facie case for
20 criminal prosecution or if the complaint cannot be settled at
21 the administrative level, the complaint together with all
22 supporting evidence shall be transmitted to the Department of
23 Legal Affairs or other appropriate enforcement agency with a
24 recommendation for civil or criminal action warranted by the
25 evidence.

26 Section 9. Subsection (9) of section 616.242, Florida
27 Statutes, is amended to read:

28 616.242 Safety standards for amusement rides.--

29 (9) INSURANCE REQUIREMENTS.--
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1 (a) An owner may not operate an amusement ride unless
2 the owner has in effect at all times of operation insurance
3 meeting the following requirements:

4 1. An insurance policy in an amount of not less than
5 \$1 million per occurrence, \$1 million in the aggregate, which
6 insures the owner of the amusement ride against liability for
7 injury to persons arising out of the use of the amusement
8 ride; or

9 2. A bond in a like amount; however, the aggregate
10 liability of the surety under the bond may not exceed the face
11 amount thereof.

12 (b) The policy or bond must be procured from an
13 insurer or surety that is licensed to transact business in
14 this state or that is approved as a surplus lines insurer.

15 (c) The insurance requirements imposed under this
16 subsection do not apply to a governmental entity that is
17 covered by the provisions of s. 768.28(16).

18 Section 10. This act shall take effect July 1, 2006.

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21 SENATE SUMMARY

22 Provides that private investigative, security, and
23 repossession services are licensed by the Department of
24 Agriculture and Consumer Services. Authorizes the
25 department to institute judicial proceedings. Revises the
26 requirements for a Class "D" private security license.
27 Defines the term "alternative fuel" for purposes of ch.
28 525, F.S., relating to the inspection of gasoline and
29 oil. Provides that the delivery of certain amounts of
30 propane gas is exempt from requirements for delivering
31 liquefied petroleum gas. Authorizes the Division of
Standards to enforce ch. 527, F.S. Deletes requirements
that an office or agency receiving a complaint file
progress reports with the Division of Consumer Services.
Exempts certain governmental entities from requirements
that operators of amusement rides maintain insurance
coverage.