

1                   A bill to be entitled  
2           An act relating to relating to the Department of  
3           Agriculture and Consumer Services; amending s. 493.6203,  
4           F.S.; revising requirements for obtaining a Class "MA,"  
5           Class "M," or Class "C" license as a private investigator;  
6           revising the requirements for Class "CC" licensure as an  
7           intern; amending s. 493.6401, F.S.; requiring a person who  
8           conducts Internet-based training or correspondence  
9           training for reposessor licensees to have a Class "RS"  
10          license; amending s. 493.6406, F.S.; providing  
11          requirements for training conducted by a repossession  
12          services school or training facility; revising the  
13          information required on a licensure application relating  
14          to such a school or facility; amending s. 501.921, F.S.;  
15          revising the name of the organization that provides  
16          standards and test procedures used by the department in  
17          adopting rules governing the formulation of antifreeze;  
18          amending s. 525.07, F.S.; revising a requirement for  
19          testing the accuracy of devices used to measure petroleum  
20          fuel; amending s. 526.51, F.S.; revising requirements for  
21          registering a brand of brake fluid for sale in the state;  
22          requiring an applicant that does not own the brand name of  
23          a brake fluid to submit a notarized affidavit to the  
24          department in order to register that product; revising the  
25          amount of the sample of brake fluid required to be  
26          submitted to the department; amending s. 527.04, F.S.;  
27          revising provisions requiring proof of liability insurance  
28          coverage prior to licensure under ch. 527, F.S., relating

29 to the sale of liquefied petroleum gas; amending s.  
 30 527.07, F.S.; prohibiting a person other than the owner or  
 31 other authorized person from removing gas from a liquefied  
 32 petroleum gas container or receptacle for any gas or  
 33 compound; providing an effective date.

34

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

36

37 Section 1. Subsection (5) of section 493.6203, Florida  
 38 Statutes, is renumbered as subsection (6) and amended, present  
 39 subsection (6) is renumbered as subsection (7), and a new  
 40 subsection (5) is added to that section, to read:

41 493.6203 License requirements.--In addition to the license  
 42 requirements set forth elsewhere in this chapter, each  
 43 individual or agency shall comply with the following additional  
 44 requirements:

45 (5) Effective January 1, 2008, an applicant for a Class  
 46 "MA," Class "M," or Class "C" license must pass an examination  
 47 that covers the provisions of this chapter and is administered  
 48 by the department or by a provider approved by the department.  
 49 The applicant must pass the examination before applying for  
 50 licensure and shall submit proof with the license application on  
 51 a form approved by rule of the department that he or she has  
 52 passed the examination. The administrator of the examination  
 53 must verify the identity of each applicant taking the  
 54 examination.

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

58        (b) Notwithstanding the exemption provided in paragraph  
59 (a), if the license of an applicant for relicensure has been  
60 invalid for more than 1 year, the applicant must take and pass  
61 the examination.

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

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

68        (b) Effective September 1, 2008, an applicant for a Class  
69 "CC" license must have completed at least 24 hours of a 40-hour  
70 course pertaining to general investigative techniques and this  
71 chapter, which course is offered by a school, community college,  
72 college, or university that falls within the purview of the  
73 Department of Education, and must pass an examination. The  
74 certificate evidencing satisfactory completion of at least 24  
75 hours of a 40-hour course must be submitted with the application  
76 for a Class "CC" license. The remaining 16 hours must be  
77 completed and an examination passed within 180 days. If  
78 documentation of completion of the required training is not  
79 submitted within the specified timeframe, the individual's  
80 license is automatically suspended or his or her authority to  
81 work as a Class "CC" pursuant to s. 493.6105(9) is rescinded  
82 until such time as proof of certificate of completion is

83 provided to the department. The training course specified in  
 84 this paragraph may be provided by face-to-face presentation, on-  
 85 line technology, or a home study course in accordance with rules  
 86 and procedures of the Department of Education. The administrator  
 87 of the examination must verify the identity of each applicant  
 88 taking the examination.

89 1. Upon an applicant's successful completion of each part  
 90 of the approved course and passage of any required examination,  
 91 the school, community college, college, or university shall  
 92 issue a certificate of completion to the applicant. The  
 93 certificates must be on a form established by rule of the  
 94 department.

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

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

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

102 493.6401 Classes of licenses.--

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

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

109 493.6406 Repossession services school or training  
 110 facility.--

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111 (1) Any school, training facility, or instructor who  
 112 offers the training outlined in s. 493.6403(2) for Class "EE"  
 113 applicants shall, before licensure of such school, training  
 114 facility, or instructor, file with the department an application  
 115 accompanied by an application fee in an amount to be determined  
 116 by rule, not to exceed \$60. The fee shall not be refundable.  
 117 This training may be offered as face-to-face training, Internet-  
 118 based training, or correspondence training.

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

121 (b) The street address of the place at which the face-to-  
 122 face training is to be conducted or the street address of the  
 123 Class "RS" school offering Internet-based or correspondence  
 124 training.

125 Section 4. Section 501.921, Florida Statutes, is amended  
 126 to read:

127 501.921 Standards.--The department's rules for standards,  
 128 definitions, and test procedures for antifreeze may encompass  
 129 those specified by ASTM International ~~the American Society for~~  
 130 ~~Testing and Materials~~. The department may adopt any other  
 131 specification it considers appropriate to protect consumers from  
 132 questionable formulations of antifreeze.

133 Section 5. Subsection (9) of section 525.07, Florida  
 134 Statutes, is amended to read:

135 525.07 Powers and duties of department; inspections;  
 136 unlawful acts.--

137 (9) All persons and service agencies that adjust the  
 138 accuracy of a petroleum fuel measuring device must use test

139 | measures that have been calibrated with standards traceable to  
 140 | the National Institute of Standards and Technology within 1 year  
 141 | prior to the date of the adjustment for volumes of less than 500  
 142 | gallons and within 3 years prior to the date of the adjustment  
 143 | for volumes of 500 gallons or more.

144 | Section 6. Subsection (1) of section 526.51, Florida  
 145 | Statutes, is amended to read:

146 | 526.51 Registration; renewal and fees; departmental  
 147 | expenses; cancellation or refusal to issue or renew.--

148 | (1) (a) Application for registration of each brand of brake  
 149 | fluid shall be made on forms to be supplied by the department.  
 150 | The applicant shall give his or her name and address and, the  
 151 | brand name of the brake fluid, state that he or she owns the  
 152 | ~~said~~ brand name and has complete control over the product sold  
 153 | thereunder in Florida, and provide the name and address of the  
 154 | resident agent in Florida. If the applicant does not own the  
 155 | brand name but wishes to register the product with the  
 156 | department, a notarized affidavit that gives the applicant full  
 157 | authorization to register the brand name and that is signed by  
 158 | the owner of the brand name must accompany the application for  
 159 | registration. The affidavit must include all affected brand  
 160 | names, the owner's company or corporate name and address, the  
 161 | applicant's company or corporate name and address, and a  
 162 | statement from the owner authorizing the applicant to register  
 163 | the product with the department. The owner of the brand name  
 164 | shall maintain complete control over each product sold under  
 165 | that brand name in this state. All new product applications must  
 166 | ~~Application shall~~ be accompanied by a certified report from ~~of~~

167 an independent testing laboratory, setting forth the analysis of  
 168 the said brake fluid, which shall show its quality to be not  
 169 less than the specifications established by the department for  
 170 brake fluids. A sample of not less than 24 fluid ounces ~~one-half~~  
 171 ~~gallon~~ of brake fluid shall be submitted, in a container or  
 172 containers, with labels representing ~~labeled~~ exactly how the ~~as~~  
 173 containers of brake fluid will be labeled when sold, and such  
 174 sample and container shall be analyzed and inspected by the  
 175 Division of Standards in order that compliance with the  
 176 department's specifications and labeling requirements may be  
 177 verified. Upon approval of such application, the department  
 178 shall register the brand name of such brake fluid and issue to  
 179 the applicant a permit authorizing the registrant to sell such  
 180 brake fluid in this state during the permit year specified in  
 181 the permit.

182 (b) Each applicant shall pay a fee of \$100 with each  
 183 application. A permit may be renewed by application to the  
 184 department, accompanied by a renewal fee of \$50 on or before the  
 185 last day of the permit year immediately preceding the permit  
 186 year for which application is made for renewal of registration.  
 187 To any fee not paid when due, there shall accrue a penalty of  
 188 \$25 which shall be added to the renewal fee. Renewals will be  
 189 accepted only on brake fluids that ~~which~~ have no change in  
 190 formula, composition, or brand name. Any change in formula,  
 191 composition, or brand name of any brake fluid constitutes ~~shall~~  
 192 ~~constitute~~ a new product that must ~~which shall~~ be registered in  
 193 accordance with the provisions of this part.

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194 Section 7. Section 527.04, Florida Statutes, is amended to  
195 read:

196 527.04 Proof of insurance required.--

197 (1) Before any license is issued, except to a dealer in  
198 appliances and equipment for use of liquefied petroleum gas or a  
199 category III liquefied petroleum gas cylinder exchange operator,  
200 the applicant must deliver to the department satisfactory  
201 evidence that the applicant is covered by a primary policy of  
202 bodily injury liability and property damage liability insurance  
203 that covers the products and operations with respect to such  
204 business and is issued by an insurer authorized to do business  
205 in this state for an amount not less than \$1 million and that  
206 the premium on such insurance is paid. An insurance certificate,  
207 affidavit, or other satisfactory evidence of acceptable  
208 insurance coverage shall be accepted as proof of insurance. In  
209 lieu of an insurance policy, the applicant may deliver a good  
210 and sufficient bond in the amount of \$1 million, payable to the  
211 Governor of Florida, with the applicant as principal and a  
212 surety company authorized to do business in this state as  
213 surety. The bond must be conditioned upon the applicant's  
214 ~~principal's~~ compliance with the provisions of this chapter and  
215 the rules of the department with respect to the conduct of such  
216 business and shall indemnify and hold harmless all persons from  
217 loss or damage by reason of the applicant's ~~principal's~~ failure  
218 to comply. However, the aggregated liability of the surety may  
219 not exceed \$1 million. If the insurance policy is canceled or  
220 otherwise terminated or the bond becomes insufficient, the  
221 department may require new proof of insurance or a new bond to



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222 be filed, and, if the licenseholder ~~principal~~ fails to comply ~~de~~  
 223 ~~se~~, the department shall cancel the license issued and give the  
 224 licenseholder ~~principal~~ written notice that it is unlawful to  
 225 engage in business without a license. ~~If the applicant furnishes~~  
 226 ~~satisfactory evidence that he or she is covered by a primary~~  
 227 ~~policy of bodily injury liability and property damage liability~~  
 228 ~~insurance covering the products and operations with respect to~~  
 229 ~~such business, issued by an insurer authorized to do business in~~  
 230 ~~the state, for an amount not less than \$1 million and that the~~  
 231 ~~premiums on such insurance are paid, an insurance affidavit or~~  
 232 ~~other satisfactory evidence of acceptable insurance coverage~~  
 233 ~~shall be accepted in lieu of the bond. A new bond is not~~  
 234 required as long as the original bond remains sufficient and in  
 235 force. If the licenseholder's insurance coverage ~~coverages~~ as  
 236 required by this subsection is ~~are~~ canceled or otherwise  
 237 terminated, the insurer must notify the department within 30  
 238 days after such cancellation or termination.

239 (2) Before any license is issued to a class III liquefied  
 240 petroleum gas cylinder exchange operator, the applicant must  
 241 deliver to the department satisfactory evidence that the  
 242 applicant is covered by a primary policy of bodily injury  
 243 liability and property damage liability insurance that covers  
 244 the products and operations with respect to such business and is  
 245 issued by an insurer authorized to do business in this state for  
 246 an amount not less than \$300,000 and that the premium on such  
 247 insurance is paid. An insurance certificate, affidavit, or other  
 248 satisfactory evidence of acceptable insurance coverage shall be  
 249 accepted as proof of insurance. In lieu of an insurance policy,

250 the applicant may deliver a good and sufficient bond in the  
 251 amount of \$300,000, payable to the Governor, with the applicant  
 252 as principal and a surety company authorized to do business in  
 253 this state as surety. The bond must be conditioned upon the  
 254 applicant's ~~principal's~~ compliance with this chapter and the  
 255 rules of the department with respect to the conduct of such  
 256 business and must indemnify and hold harmless all persons from  
 257 loss or damage by reason of the applicant's ~~principal's~~ failure  
 258 to comply. However, the aggregated liability of the surety may  
 259 not exceed \$300,000. If the insurance policy is canceled or  
 260 otherwise terminated or the bond becomes insufficient, the  
 261 department may require new proof of insurance or a new bond to  
 262 be filed, and, if the licenseholder ~~principal~~ fails to comply ~~de~~  
 263 ~~se~~, the department shall cancel the license issued and give the  
 264 licenseholder ~~principal~~ written notice that it is unlawful to  
 265 engage in business without a license. ~~If the applicant furnishes~~  
 266 ~~satisfactory evidence that he or she is covered by a primary~~  
 267 ~~policy of bodily injury liability and property damage liability~~  
 268 ~~insurance covering the products and operations with respect to~~  
 269 ~~such business, issued by an insurer authorized to do business in~~  
 270 ~~the state, for an amount not less than \$300,000 and that the~~  
 271 ~~premiums on such insurance are paid, an insurance affidavit or~~  
 272 ~~other satisfactory evidence of acceptable insurance coverage~~  
 273 ~~shall be accepted in lieu of the bond.~~ A new bond is not  
 274 required as long as the original bond remains sufficient and in  
 275 force. If the licenseholder's insurance coverage ~~coverages~~  
 276 required by this subsection is ~~are~~ canceled or otherwise

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277 terminated, the insurer must notify the department within 30  
278 days after such cancellation or termination.

279 (3) Any person having a cause of action on such bond may  
280 bring suit against the principal and surety, and a copy of such  
281 bond duly certified by the department shall be received in  
282 evidence in the courts of this state without further proof. The  
283 department shall furnish a certified copy of such bond upon  
284 payment to it of its lawful fee for making and certifying such  
285 copy.

286 Section 8. Section 527.07, Florida Statutes, is amended to  
287 read:

288 527.07 Restriction on use of containers.--No person, other  
289 than the owner and those authorized by the owner, shall sell,  
290 fill, refill, remove gas from, deliver, permit to be delivered,  
291 or use in any manner any liquefied petroleum gas container or  
292 receptacle for any gas or compound, or for any other purpose.

293 Section 9. This act shall take effect July 1, 2007.