

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 appropriation; providing an
 34 effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103 493.6401 Classes of licenses.--

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

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

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

CS/HB 1197

2007

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1197

2007

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

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

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

197 527.04 Proof of insurance required.--

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

CS/HB 1197

2007

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

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

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

CS/HB 1197

2007

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

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

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

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

294 Section 9. The sum of \$58,559 is appropriated for the
295 2007-2008 fiscal year from the Licensing Trust Fund to the
296 Department of Agriculture and Consumer Services for the purpose
297 of developing curriculum and administering examinations to
298 applicants for licensure as private investigators.

299 Section 10. This act shall take effect July 1, 2007.