

By the Committee on Commerce

577-601D-07

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; amending s. 525.07,
22 F.S.; revising a requirement for testing the
23 accuracy of devices used to measure petroleum
24 fuel; amending s. 526.51, F.S.; revising
25 requirements for registering a brand of brake
26 fluid for sale in the state; requiring an
27 applicant that does not own the brand name of a
28 brake fluid to submit a notarized affidavit to
29 the department in order to register that
30 product; revising the amount of the sample of
31 brake fluid required to be submitted to the

1 department; amending s. 527.04, F.S.; revising
2 provisions requiring proof of liability
3 insurance coverage prior to licensure under ch.
4 527, F.S., relating to the sale of liquefied
5 petroleum gas; amending s. 527.07, F.S.;
6 prohibiting a person other than the owner or
7 other authorized person from removing gas from
8 a liquefied petroleum gas container or
9 receptacle for any gas or compound; providing
10 an effective date.

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

13
14 Section 1. Present subsection (5) of section 493.6203,
15 Florida Statutes, is renumbered as subsection (6) and amended,
16 present subsection (6) is renumbered as subsection (7), and a
17 new subsection (5) is added to that section, to read:

18 493.6203 License requirements.--In addition to the
19 license requirements set forth elsewhere in this chapter, each
20 individual or agency shall comply with the following
21 additional requirements:

22 (5) Effective January 1, 2008, an applicant for a
23 Class "MA," Class "M," or Class "C" license must pass an
24 examination that covers the provisions of this chapter and is
25 administered by the department or by a provider approved by
26 the department. The applicant must pass the examination before
27 applying for licensure and must submit proof with the license
28 application on a form approved by rule of the department that
29 he or she has passed the examination. The administrator of the
30 examination shall verify the identity of each applicant taking
31 the examination.

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

4 (b) Notwithstanding the exemption provided in
5 paragraph (a), if the license of an applicant for relicensure
6 has been invalid for more than 1 year, the applicant must take
7 and pass the examination.

8 (c) The department shall establish by rule the content
9 of the examination, the manner and procedure of its
10 administration, and an examination fee that may not exceed
11 \$100.

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

16 (b) Effective September 1, 2008, an applicant for a
17 Class "CC" license must have completed at least 24 hours of a
18 40-hour course pertaining to general investigative techniques
19 and this chapter, which course is offered by a school,
20 community college, college, or university that falls within
21 the purview of the Department of Education, and the applicant
22 must pass an examination. The certificate evidencing
23 satisfactory completion of at least 24 hours of a 40 hour
24 course must be submitted with the application for a Class "CC"
25 license. The remaining 16 hours must be completed and an
26 examination passed within 180 days. If documentation of
27 completion of the required training is not submitted within
28 the specified timeframe, the individual's license is
29 automatically suspended or his or her authority to work as a
30 Class "CC" pursuant to s. 493.6105(9) is rescinded until such
31 time as proof of certificate of completion is provided to the

1 department. The training course specified in this paragraph
2 may be provided by face-to-face presentation, on-line
3 technology, or a home study course in accordance with rules
4 and procedures of the Department of Education. The
5 administrator of the examination must verify the identity of
6 each applicant taking the examination.

7 1. Upon an applicant's successful completion of each
8 part of the approved course and passage of any required
9 examination, the school, community college, college, or
10 university shall issue a certificate of completion to the
11 applicant. The certificates must be on a form established by
12 rule of the department.

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

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

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

20 493.6401 Classes of licenses.--

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

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

28 493.6406 Repossession services school or training
29 facility.--

30 (1) Any school, training facility, or instructor who
31 offers the training outlined in s. 493.6403(2) for Class "EE"

1 applicants shall, before licensure of such school, training
2 facility, or instructor, file with the department an
3 application accompanied by an application fee in an amount to
4 be determined by rule, not to exceed \$60. The fee shall not
5 be refundable. This training may be offered as face-to-face
6 training, Internet-based training, or correspondence training.

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

9 (b) The street address of the place at which the
10 training is to be conducted or the street address of the Class
11 "RS" school offering Internet-based or correspondence
12 training.

13 Section 4. Section 501.921, Florida Statutes, is
14 amended to read:

15 501.921 Standards.--The department's rules for
16 standards, definitions, and test procedures for antifreeze may
17 encompass those specified by ASTM International ~~the American~~
18 ~~Society for Testing and Materials~~. The department may adopt
19 any other specification it considers appropriate to protect
20 consumers from questionable formulations of antifreeze.

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

23 525.07 Powers and duties of department; inspections;
24 unlawful acts.--

25 (9) All persons and service agencies that adjust the
26 accuracy of a petroleum fuel measuring device must use test
27 measures that have been calibrated with standards traceable to
28 the National Institute of Standards and Technology within 1
29 year prior to the date of the adjustment for volumes of less
30 than 500 gallons and within 3 years before the date of the
31 adjustment for volumes of 500 gallons or more.

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

3 526.51 Registration; renewal and fees; departmental
4 expenses; cancellation or refusal to issue or renew.--

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

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

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

22 Section 7. Section 527.04, Florida Statutes, is
23 amended to read:

24 527.04 Proof of insurance required.--

25 (1) Before any license is issued, except to a dealer
26 in appliances and equipment for use of liquefied petroleum gas
27 or a category III liquefied petroleum gas cylinder exchange
28 operator, the applicant must deliver to the department
29 satisfactory evidence that the applicant is covered by a
30 primary policy of bodily injury liability and property damage
31 liability insurance that covers the products and operations

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

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

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

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

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

25 Section 8. Section 527.07, Florida Statutes, is
26 amended to read:

27 527.07 Restriction on use of containers.--~~A~~ ~~No~~ person,
28 other than the owner and those authorized by the owner, may
29 not ~~shall~~ sell, fill, refill, remove gas from, deliver, permit
30 to be delivered, or use in any manner any liquefied petroleum
31

1 | gas container or receptacle for any gas or compound, or for
2 | any other purpose.

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

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6 | SENATE SUMMARY

7 | Revises the requirements for obtaining a Class "C"
8 | license as a private investigator and for obtaining Class
9 | "CC" licensure as an intern. Requires that a person
10 | conducting Internet-based or correspondence training for
11 | repossessor licensees hold a Class "RS" license. Provides
12 | requirements for schools and training facilities that
13 | conduct training in repossession services. Revises
14 | requirements for testing the accuracy of devices used to
15 | measure petroleum fuel. Revises requirements for
16 | registering a brand of brake fluid with the department
17 | for sale in the state. Revises requirements that a person
18 | licensed under ch. 527, F.S., governing the sale of
19 | liquefied petroleum gas, maintain liability insurance
20 | coverage of a specified amount. Prohibits a person other
21 | than the owner or other authorized person from removing
22 | gas from a liquefied petroleum gas container or
23 | receptacle.

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