

1
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.

31

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~~7~~ 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