

Bill No. SPB 7038

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	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1	Comm: 2/FAV	.	
2	02/21/2007 08:49 AM	.	
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11	The Committee on Commerce (Diaz de la Portilla) recommended		
12	the following amendment:		
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14	Senate Amendment (with title amendment)		
15	Delete everything after the enacting clause		
16			
17	and insert:		
18	Section 1. Present subsection (5) of section 493.6203,		
19	Florida Statutes, is renumbered as subsection (6) and amended,		
20	present subsection (6) is renumbered as subsection (7), and a		
21	new subsection (5) is added to that section, to read:		
22	493.6203 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	<u>(5) Effective January 1, 2008, an applicant for a</u>		
27	<u>Class "MA," Class "M," or Class "C" license must pass an</u>		
28	<u>examination that covers the provisions of this chapter and is</u>		
29	<u>administered by the department or by a provider approved by</u>		
30	<u>the department. The applicant must pass the examination before</u>		
31	<u>applying for licensure and must submit proof with the license</u>		

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1 application on a form approved by rule of the department that
2 he or she has passed the examination. The administrator of the
3 examination shall verify the identity of each applicant taking
4 the examination.

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

8 (b) Notwithstanding the exemption provided in
9 paragraph (a), if the license of an applicant for relicensure
10 has been invalid for more than 1 year, the applicant must take
11 and pass the examination.

12 (c) The department shall establish by rule the content
13 of the examination, the manner and procedure of its
14 administration, and an examination fee that may not exceed
15 \$100.

16 (6)(a)(5) A Class "CC" licensee shall serve an
17 internship under the direction and control of a designated
18 sponsor, who is a Class "C," Class "MA," or Class "M"
19 licensee.

20 (b) Effective September 1, 2008, an applicant for a
21 Class "CC" license must have completed at least 24 hours of a
22 40-hour course pertaining to general investigative techniques
23 and this chapter, which course is offered by a school,
24 community college, college, or university that falls within
25 the purview of the Department of Education, and the applicant
26 must pass an examination. The certificate evidencing
27 satisfactory completion of at least 24 hours of a 40 hour
28 course must be submitted with the application for a Class "CC"
29 license. The remaining 16 hours must be completed and an
30 examination passed within 180 days. If documentation of
31 completion of the required training is not submitted within

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1 the specified timeframe, the individual's license is
 2 automatically suspended or his or her authority to work as a
 3 Class "CC" pursuant to s. 493.6105(9) is rescinded until such
 4 time as proof of certificate of completion is provided to the
 5 department. The training course specified in this paragraph
 6 may be provided by face-to-face presentation, on-line
 7 technology, or a home study course in accordance with rules
 8 and procedures of the Department of Education. The
 9 administrator of the examination must verify the identity of
 10 each applicant taking the examination.

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

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

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

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

24 493.6401 Classes of licenses.--

25 (7) Any person who operates a reposessor school or
 26 training facility or who conducts an Internet-based training
 27 course or a correspondence training course must ~~shall~~ have a
 28 Class "RS" license.

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

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1 493.6406 Repossession services school or training
2 facility.--

3 (1) Any school, training facility, or instructor who
4 offers the training outlined in s. 493.6403(2) for Class "EE"
5 applicants shall, before licensure of such school, training
6 facility, or instructor, file with the department an
7 application accompanied by an application fee in an amount to
8 be determined by rule, not to exceed \$60. The fee shall not
9 be refundable. This training may be offered as face-to-face
10 training, Internet-based training, or correspondence training.
11 Records of all final examinations must be maintained within
12 the state.

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

15 (b) The street address of the place at which the
16 training is to be conducted or the street address of the Class
17 "RS" school offering Internet-based or correspondence
18 training.

19 Section 4. Section 501.921, Florida Statutes, is
20 amended to read:

21 501.921 Standards.--The department's rules for
22 standards, definitions, and test procedures for antifreeze may
23 encompass those specified by ASTM International ~~the American~~
24 ~~Society for Testing and Materials~~. The department may adopt
25 any other specification it considers appropriate to protect
26 consumers from questionable formulations of antifreeze.

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

29 525.07 Powers and duties of department; inspections;
30 unlawful acts.--

31 (9) All persons and service agencies that adjust the

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1 accuracy of a petroleum fuel measuring device must use test
2 measures that have been calibrated with standards traceable to
3 the National Institute of Standards and Technology within 1
4 year prior to the date of the adjustment for volumes of less
5 than 500 gallons and within 3 years before the date of the
6 adjustment for volumes of 500 gallons or more.

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

9 526.51 Registration; renewal and fees; departmental
10 expenses; cancellation or refusal to issue or renew.--

11 (1)(a) Application for registration of each brand of
12 brake fluid shall be made on forms to be supplied by the
13 department. The applicant shall give his or her name and
14 address and, the brand name of the brake fluid, state that he
15 or she owns the ~~said~~ brand name and has complete control over
16 the product sold thereunder in Florida, and provide the name
17 and address of resident agent in Florida. If the applicant
18 does not own the brand name but wishes to register the product
19 with the department, a notarized affidavit that gives the
20 applicant full authorization to register the brand name and
21 that is signed by the owner of the brand name must accompany
22 the application for registration. The affidavit must include
23 all affected brand names, the owner's company or corporate
24 name and address, the applicant's company or corporate name
25 and address, and a statement from the owner authorizing the
26 applicant to register the product with the department. The
27 owner of the brand name shall maintain complete control over
28 each product sold under that brand name in this state. All new
29 product applications must ~~Application shall~~ be accompanied by
30 a certified report from ~~of~~ an independent testing laboratory,
31 setting forth the analysis of the ~~said~~ brake fluid which shall

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1 show its quality to be not less than the specifications
 2 established by the department for brake fluids. A sample of
 3 not less than 24 fluid ounces ~~one-half gallon~~ of brake fluid
 4 shall be submitted, in a container or containers, with labels
 5 representing ~~labeled~~ exactly how the ~~as~~ containers of brake
 6 fluid will be labeled when sold, and the ~~such~~ sample and
 7 container shall be analyzed and inspected by the Division of
 8 Standards in order that compliance with the department's
 9 specifications and labeling requirements may be verified.
 10 Upon approval of the ~~such~~ application, the department shall
 11 register the brand name of the ~~such~~ brake fluid and issue to
 12 the applicant a permit authorizing the registrant to sell the
 13 ~~such~~ brake fluid in this state during the permit year
 14 specified in the permit.

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

28 Section 7. Section 527.04, Florida Statutes, is
 29 amended to read:

30 527.04 Proof of insurance required.--

31 (1) Before any license is issued, except to a dealer

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

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1 ~~liability insurance covering the products and operations with~~
2 ~~respect to such business, issued by an insurer authorized to~~
3 ~~do business in the state, for an amount not less than \$1~~
4 ~~million and that the premiums on such insurance are paid, an~~
5 ~~insurance affidavit or other satisfactory evidence of~~
6 ~~acceptable insurance coverage shall be accepted in lieu of the~~
7 ~~bond.~~ A new bond is not required as long as the original bond
8 remains sufficient and in force. If the licenseholder's
9 insurance coverage ~~coverages~~ as required by this subsection is
10 ~~are~~ canceled or otherwise terminated, the insurer must notify
11 the department within 30 days after the ~~such~~ cancellation or
12 termination.

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

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

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

31 Section 8. Section 527.07, Florida Statutes, is

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1 amended to read:

2 527.07 Restriction on use of containers.--~~A~~ ~~No~~ person,
3 other than the owner and those authorized by the owner, may
4 not ~~shall~~ sell, fill, refill, remove gas from, deliver, permit
5 to be delivered, or use in any manner any liquefied petroleum
6 gas container or receptacle for any gas or compound, or for
7 any other purpose.

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

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete everything before the enacting clause

14

15 and insert:

16 A bill to be entitled

17 An act relating to the Department of

18 Agriculture and Consumer Services; amending s.

19 493.6203, F.S.; revising requirements for

20 obtaining a Class "MA," Class "M," or Class "C"

21 license as a private investigator; revising the

22 requirements for Class "CC" licensure as an

23 intern; amending s. 493.6401, F.S.; requiring a

24 person who conducts Internet-based training or

25 correspondence training for reposessor

26 licensees to have a Class "RS" license;

27 amending s. 493.6406, F.S.; providing

28 requirements for training conducted by a

29 repossession services school or training

30 facility; requiring that certain records be

31 maintained within the state; revising the

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1 information required on a licensure application
2 relating to such a school or facility; amending
3 s. 501.921, F.S.; revising the name of the
4 organization that provides standards and test
5 procedures used by the department in adopting
6 rules governing the formulation of antifreeze;
7 amending s. 525.07, F.S.; revising a
8 requirement for testing the accuracy of devices
9 used to measure petroleum fuel; amending s.
10 526.51, F.S.; revising requirements for
11 registering a brand of brake fluid for sale in
12 the state; requiring an applicant that does not
13 own the brand name of a brake fluid to submit a
14 notarized affidavit to the department in order
15 to register that product; revising the amount
16 of the sample of brake fluid required to be
17 submitted to the department; amending s.
18 527.04, F.S.; revising provisions requiring
19 proof of liability insurance coverage prior to
20 licensure under ch. 527, F.S., relating to the
21 sale of liquefied petroleum gas; amending s.
22 527.07, F.S.; prohibiting a person other than
23 the owner or other authorized person from
24 removing gas from a liquefied petroleum gas
25 container or receptacle for any gas or
26 compound; providing an effective date.

31