

FOR CONSIDERATION By the Committee on Commerce

577-601C-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 the requirements for
5 obtaining a Class "C" license as a private
6 investigator; revising the requirements for
7 Class "CC" licensure as an intern; amending s.
8 493.6401, F.S.; requiring a person who conducts
9 Internet-based training or correspondence
10 training for repossessor licensees to have a
11 Class "RS" license; amending s. 493.6406, F.S.;
12 providing requirements for training conducted
13 by a repossession services school or training
14 facility; requiring that certain records be
15 maintained within the state; revising the
16 requirements for a license application by such
17 a school or facility; amending s. 501.921,
18 F.S.; revising the name of the organization
19 that provides standards and test procedures
20 used by the department in adopting rules
21 governing the formulation of antifreeze;
22 amending s. 525.07, F.S.; revising a
23 requirement for testing the accuracy of devices
24 used to measure petroleum fuel; amending s.
25 526.51, F.S.; revising certain requirements for
26 registering a brand of brake fluid for sale in
27 the state; requiring an applicant that does not
28 own the brand name of a brake fluid to submit a
29 notarized affidavit to the department in order
30 to register that product; amending s. 527.04,
31 F.S.; revising provisions requiring proof of

1 liability insurance coverage prior to licensure
2 under ch. 527, F.S., relating to the sale of
3 liquefied petroleum gas; amending s. 527.07,
4 F.S.; prohibiting a person other than the owner
5 or other authorized person from removing gas
6 from a liquefied petroleum gas container or
7 receptacle; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 493.6203, Florida Statutes, is
12 amended to read:

13 493.6203 License requirements.--In addition to the
14 license requirements set forth elsewhere in this chapter, each
15 individual or agency shall comply with the following
16 additional requirements:

17 (1) Each agency or branch office shall designate a
18 minimum of one appropriately licensed individual to act as
19 manager, directing the activities of the Class "C" or Class
20 "CC" employees.

21 (2) An applicant for a Class "MA" license shall have 2
22 years of lawfully gained, verifiable, full-time experience, or
23 training in:

24 (a) Private investigative work or related fields of
25 work that provided equivalent experience or training;

26 (b) Work as a Class "CC" licensed intern;

27 (c) Any combination of paragraphs (a) and (b);

28 (d) Experience described in paragraph (a) for 1 year
29 and experience described in paragraph (e) for 1 year;

30 (e) No more than 1 year using:
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1 1. College coursework related to criminal justice,
2 criminology, or law enforcement administration; or

3 2. Successfully completed law enforcement-related
4 training received from any federal, state, county, or
5 municipal agency; or

6 (f) Experience described in paragraph (a) for 1 year
7 and work in a managerial or supervisory capacity for 1 year.

8 (3) An applicant for a Class "M" license shall qualify
9 for licensure as a Class "MA" manager as outlined under
10 subsection (2) and as a Class "MB" manager as outlined under
11 s. 493.6303(2).

12 (4)~~(a)~~ An applicant for a Class "C" license shall have
13 2 years of lawfully gained, verifiable, full-time experience,
14 or training in one, or a combination of more than one, of the
15 following:

16 ~~1.(a)~~ Private investigative work or related fields of
17 work that provided equivalent experience or training.

18 ~~2.(b)~~ College coursework related to criminal justice,
19 criminology, or law enforcement administration, or successful
20 completion of any law enforcement-related training received
21 from any federal, state, county, or municipal agency, except
22 that no more than 1 year may be used from this category.

23 ~~3.(c)~~ Work as a Class "CC" licensed intern.

24 (b) Effective January 1, 2008, an applicant for a
25 Class "C" license who meets the experience criteria in this
26 section must pass an examination that covers the provisions of
27 this chapter and that is administered by the department or by
28 a provider approved by the department. The applicant must pass
29 the examination before applying for licensure and shall submit
30 proof with the license application on a form approved by rule
31 of the department that he or she has passed the examination.

1 The administrator of the examination must verify the identity
2 of each applicant taking the examination.

3 1. The examination requirements in this paragraph do
4 not apply to an individual who holds a valid Class "CC," Class
5 "C," Class "MA," or Class "M" license.

6 2. Notwithstanding the exemption provided in
7 subparagraph 1., if the license of an applicant for
8 relicensure has been invalid for more than 1 year for any
9 reason, the applicant must successfully pass the examination
10 regardless of whether he or she previously passed the
11 examination.

12 3. 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 (5)(a) A Class "CC" licensee shall serve an internship
17 under the direction and control of a designated sponsor, who
18 is a Class "C," Class "MA," or Class "M" licensee.

19 (b) Effective September 1, 2008, an applicant for a
20 Class "CC" license must have completed at least 24 hours of a
21 40-hour course pertaining to general investigative techniques
22 and this chapter, which is offered by a school, college, or
23 university that falls within the purview of the Department of
24 Education, and must pass an examination. The remaining 16
25 hours and an examination must be completed within 180 days.
26 The training course specified in this paragraph may be
27 provided by a live presentation, on-line technology, or a home
28 study course in accordance with rules and procedures of the
29 Department of Education. The administrator of the examination
30 must verify the identity of each applicant taking the
31 examination.

1 1. Upon an applicant's successful completion of each
2 part of the approved course and an examination, the school,
3 college, or university shall issue a certificate of completion
4 to the applicant. The certificate must be on a form
5 established by rule of the department and must be submitted
6 with the application for a Class "CC" license.

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

9 3. If the license of an applicant for relicensure has
10 been invalid for more than 1 year for any reason, the
11 applicant must complete the training regardless of whether he
12 or she previously completed the training.

13 (6) In addition to any other requirement, an applicant
14 for a Class "G" license shall satisfy the firearms training
15 set forth in s. 493.6115.

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

18 493.6401 Classes of licenses.--

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

23 Section 3. Subsections (1) and (2) of section
24 493.6406, Florida Statutes, are amended to read:

25 493.6406 Repossession services school or training
26 facility.--

27 (1) Any school, training facility, or instructor who
28 offers the training outlined in s. 493.6403(2) for Class "EE"
29 applicants shall, before licensure of such school, training
30 facility, or instructor, file with the department an
31 application accompanied by an application fee in an amount to

1 be determined by rule, not to exceed \$60. The fee shall not
2 be refundable. This training may be offered as live
3 face-to-face training, Internet-based training, or
4 correspondence training. Records of all final examinations
5 must be maintained within the state.

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

8 (a) The name and address of the school or training
9 facility and, if the applicant is an individual, his or her
10 name, address, and social security or alien registration
11 number.

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

16 (c) A copy of the training curriculum and final
17 examination to be administered.

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

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

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

28 525.07 Powers and duties of department; inspections;
29 unlawful acts.--

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

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

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

8 | 526.51 Registration; renewal and fees; departmental
9 | expenses; cancellation or refusal to issue or renew.--

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

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

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

26 Section 7. Section 527.04, Florida Statutes, is
27 amended to read:

28 527.04 Proof of insurance required.--

29 (1) Before any license is issued, except to a dealer
30 in appliances and equipment for use of liquefied petroleum gas
31 or a category III liquefied petroleum gas cylinder exchange

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

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

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

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

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

28 | Section 8. Section 527.07, Florida Statutes, is
29 | amended to read:

30 | 527.07 Restriction on use of containers.--No person,
31 | other than the owner and those authorized by the owner, shall

1 | sell, fill, refill, remove gas from, deliver, permit to be
2 | delivered, or use in any manner any liquefied petroleum gas
3 | container or receptacle for any gas or compound, or for any
4 | other purpose.

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

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8 | SENATE SUMMARY

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

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