

HB 7209

2011

1 A bill to be entitled
2 An act relating to the consumer services functions of the
3 Department of Agriculture and Consumer Services; amending
4 s. 493.6105, F.S.; revising the application requirements
5 and procedures for certain private investigative, private
6 security, recovery agent, firearm, and firearms instructor
7 licenses; amending s. 493.6106, F.S.; revising citizenship
8 requirements for licenses issued by the department;
9 prohibiting the licensure of applicants for a statewide
10 firearm license or firearms instructor license who are
11 prohibited from purchasing or possessing firearms;
12 requiring that private investigative, security, and
13 recovery agencies notify the Department of Agriculture and
14 Consumer Services of changes to their branch office
15 locations; amending s. 493.6107, F.S.; revising
16 requirements for the method of payment of certain fees;
17 amending s. 493.6108, F.S.; revising requirements for
18 criminal history checks of license applicants whose
19 fingerprints are not legible; requiring the department to
20 investigate the mental history and current mental and
21 emotional fitness of applicants for firearms instructor
22 licenses; amending s. 493.6111, F.S.; revising the
23 validity period for firearms instructor licenses;
24 requiring a security officer school or recovery agent
25 school to obtain the department's approval for use of a
26 fictitious name; specifying that a licensee may not
27 conduct business under more than one fictitious name;
28 amending s. 493.6113, F.S.; revising application renewal

29 | procedures and requirements; revising the documentation
30 | required for renewal of private investigative agency,
31 | recovery agency, and firearms instructor licenses;
32 | amending s. 493.6115, F.S.; conforming cross-references;
33 | amending s. 493.6118, F.S.; authorizing disciplinary
34 | action against statewide firearm licensees and firearms
35 | instructor licensees who are prohibited from purchasing or
36 | possessing firearms; amending s. 493.6121, F.S.; deleting
37 | provisions for the department's access to certain criminal
38 | history records provided to licensed gun dealers,
39 | manufacturers, and exporters; amending s. 493.6202, F.S.;
40 | revising requirements for the method of payment of certain
41 | fees; amending s. 493.6203, F.S.; prohibiting bodyguard
42 | services from being credited toward certain license
43 | requirements; revising the training requirements for
44 | private investigator intern license applicants; requiring
45 | the automatic suspension of an intern's license under
46 | certain circumstances; providing an exception; amending s.
47 | 493.6302, F.S.; revising requirements for the method of
48 | payment of certain fees; amending s. 493.6303, F.S.;
49 | revising the training requirements for security officer
50 | license applicants; amending s. 493.6304, F.S.; revising
51 | application requirements and procedures for security
52 | officer school licenses; amending s. 501.145, F.S.;
53 | deleting authority for the department to bring actions for
54 | injunctive relief under the Bedding Label Act; deleting
55 | the definitions of certain terms to conform; amending s.
56 | 525.01, F.S.; revising requirements for petroleum fuel

HB 7209

2011

57 affidavits; amending s. 526.06, F.S.; revising prohibited
 58 acts related to certain mixing, blending, compounding, or
 59 adulterating of liquid fuels; deleting certain provisions
 60 authorizing the sale of ethanol-blended fuels for use in
 61 motor vehicles; amending s. 526.203, F.S.; revising the
 62 definition of "blended gasoline" for purposes of renewable
 63 fuel standards; providing an effective date.

64

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

66

67 Section 1. Section 493.6105, Florida Statutes, is amended
 68 to read:

69 493.6105 Initial application for license.—

70 (1) Each individual, partner, or principal officer in a
 71 corporation, shall file with the department a complete
 72 application accompanied by an application fee not to exceed \$60,
 73 except that the applicant for a Class "D" or Class "G" license
 74 is shall not ~~be~~ required to submit an application fee. The
 75 application fee is shall not ~~be~~ refundable.

76 (a) The application submitted by any individual, partner,
 77 or corporate officer must shall be approved by the department
 78 before the ~~prior to that~~ individual, partner, or corporate
 79 officer assumes ~~assuming~~ his or her duties.

80 (b) Individuals who invest in the ownership of a licensed
 81 agency, but do not participate in, direct, or control the
 82 operations of the agency are shall not ~~be~~ required to file an
 83 application.

84 (2) Each application must shall be signed and verified by

85 the individual under oath as provided in s. 92.525 ~~and shall be~~
 86 ~~notarized.~~

87 (3) The application must ~~shall~~ contain the following
 88 information concerning the individual signing the application
 89 ~~same:~~

90 (a) Name and any aliases.

91 (b) Age and date of birth.

92 (c) Place of birth.

93 (d) Social security number or alien registration number,
 94 whichever is applicable.

95 (e) Current ~~Present~~ residence address and mailing address
 96 ~~and his or her residence addresses within the 5 years~~
 97 ~~immediately preceding the submission of the application.~~

98 ~~(f) Occupations held presently and within the 5 years~~
 99 ~~immediately preceding the submission of the application.~~

100 ~~(f)(g)~~ A statement of all criminal convictions, findings
 101 of guilt, and pleas of guilty or nolo contendere, regardless of
 102 adjudication of guilt. If the application is submitted for a
 103 Class "G" or Class "K" license by an applicant who is younger
 104 than 24 years of age, the application must also include a
 105 statement of all findings of the applicant having committed a
 106 delinquent act in any state, territory, or country which was
 107 punishable by imprisonment for a term exceeding 1 year and which
 108 would, if committed by an adult, have been a felony.

109 (g) One passport-type color photograph taken within the 6
 110 months immediately preceding submission of the application.

111 (h) A statement whether he or she has ever been
 112 adjudicated incompetent under chapter 744.

113 (i) A statement whether he or she has ever been committed
 114 to a mental institution under chapter 394.

115 (j) A full set of fingerprints on a card provided by the
 116 department and a fingerprint fee to be established by rule of
 117 the department based upon costs determined by state and federal
 118 agency charges and department processing costs. An applicant who
 119 has, within the immediately preceding 6 months, submitted a
 120 fingerprint card and fee for licensing purposes under this
 121 chapter shall not be required to submit another fingerprint card
 122 or fee.

123 (k) A personal inquiry waiver which allows the department
 124 to conduct necessary investigations to satisfy the requirements
 125 of this chapter.

126 (l) Such further facts as may be required by the
 127 department to show that the individual signing the application
 128 is of good moral character and qualified by experience and
 129 training to satisfy the requirements of this chapter.

130 ~~(4) In addition to the application requirements outlined~~
 131 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
 132 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
 133 ~~color photographs taken within the 6 months immediately~~
 134 ~~preceding the submission of the application, which meet~~
 135 ~~specifications prescribed by rule of the department. All other~~
 136 ~~applicants shall submit one photograph taken within the 6 months~~
 137 ~~immediately preceding the submission of the application.~~

138 (4)~~(5)~~ In addition to the application requirements
 139 outlined under subsection (3), the applicant for a Class "C,"
 140 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"

141 license shall include a statement on a form provided by the
 142 department of the experience which he or she believes will
 143 qualify him or her for such license.

144 (5)~~(6)~~ In addition to the requirements outlined in
 145 subsection (3), an applicant for a Class "G" license shall
 146 satisfy minimum training criteria for firearms established by
 147 rule of the department, which training criteria shall include,
 148 but is not limited to, 28 hours of range and classroom training
 149 taught and administered by a Class "K" licensee; however, no
 150 more than 8 hours of such training shall consist of range
 151 training. If the applicant can show proof that he or she is an
 152 active law enforcement officer currently certified under the
 153 Criminal Justice Standards and Training Commission or has
 154 completed the training required for that certification within
 155 the last 12 months, or if the applicant submits one of the
 156 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
 157 department may waive the foregoing firearms training
 158 requirement.

159 (6)~~(7)~~ In addition to the requirements under subsection
 160 (3), an applicant for a Class "K" license shall:

161 (a) Submit one of the following ~~certificates~~:

162 1. The Florida Criminal Justice Standards and Training
 163 Commission Instructor ~~Firearms Instructor's~~ Certificate and
 164 written confirmation by the commission that the applicant
 165 possesses an active firearms certification.

166 ~~2. The National Rifle Association Police Firearms~~
 167 ~~Instructor's Certificate.~~

168 ~~2.3.~~ The National Rifle Association Private Security

169 Firearm Instructor ~~Firearms Instructor's~~ Certificate.

170 3.4. A firearms instructor ~~instructor's~~ certificate issued
 171 by ~~from~~ a federal law enforcement agency, ~~state, county, or~~
 172 ~~municipal police academy in this state recognized as such by the~~
 173 ~~Criminal Justice Standards and Training Commission or by the~~
 174 ~~Department of Education.~~

175 (b) Pay the fee for and pass an examination administered
 176 by the department which shall be based upon, but is not
 177 necessarily limited to, a firearms instruction manual provided
 178 by the department.

179 (7) ~~(8)~~ In addition to the application requirements for
 180 individuals, partners, or officers outlined under subsection
 181 (3), the application for an agency license shall contain the
 182 following information:

183 (a) The proposed name under which the agency intends to
 184 operate.

185 (b) The street address, mailing address, and telephone
 186 numbers of the principal location at which business is to be
 187 conducted in this state.

188 (c) The street address, mailing address, and telephone
 189 numbers of all branch offices within this state.

190 (d) The names and titles of all partners or, in the case
 191 of a corporation, the names and titles of its principal
 192 officers.

193 (8) ~~(9)~~ Upon submission of a complete application, a Class
 194 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
 195 Class "MA," Class "MB," or Class "MR" applicant may commence
 196 employment or appropriate duties for a licensed agency or branch

197 office. However, the Class "C" or Class "E" applicant must work
 198 under the direction and control of a sponsoring licensee while
 199 his or her application is being processed. If the department
 200 denies application for licensure, the employment of the
 201 applicant must be terminated immediately, unless he or she
 202 performs only unregulated duties.

203 Section 2. Paragraph (f) of subsection (1) and paragraph
 204 (a) of subsection (2) of section 493.6106, Florida Statutes, are
 205 amended, and paragraph (g) is added to subsection (1) of that
 206 section, to read:

207 493.6106 License requirements; posting.—

208 (1) Each individual licensed by the department must:

209 (f) Be a citizen or permanent legal resident alien of the
 210 United States or have appropriate ~~been granted~~ authorization
 211 issued to seek employment in this country by the United States
 212 Bureau of Citizenship and Immigration Services of the United
 213 States Department of Homeland Security.

214 (g) Not be prohibited from purchasing or possessing a
 215 firearm by state or federal law if the individual is applying
 216 for a Class "G" license or a Class "K" license.

217 (2) Each agency shall have a minimum of one physical
 218 location within this state from which the normal business of the
 219 agency is conducted, and this location shall be considered the
 220 primary office for that agency in this state.

221 (a) If an agency or branch office desires to change the
 222 physical location of the business, as it appears on the ~~agency~~
 223 license, the department must be notified within 10 days after ~~of~~
 224 the change, and, except upon renewal, the fee prescribed in s.

HB 7209

2011

225 493.6107 must be submitted for each license requiring revision.
 226 Each license requiring revision must be returned with such
 227 notification.

228 Section 3. Subsection (3) of section 493.6107, Florida
 229 Statutes, is amended to read:

230 493.6107 Fees.—

231 (3) The fees set forth in this section must be paid by
 232 ~~certified~~ check or money order or, at the discretion of the
 233 department, by electronic funds transfer ~~agency check~~ at the
 234 time the application is approved, except that the applicant for
 235 a Class "G" or Class "M" license must pay the license fee at the
 236 time the application is made. If a license is revoked or denied
 237 or if the application is withdrawn, the license fee shall not be
 238 refunded.

239 Section 4. Paragraph (a) of subsection (1) and subsection
 240 (3) of section 493.6108, Florida Statutes, are amended to read:

241 493.6108 Investigation of applicants by Department of
 242 Agriculture and Consumer Services.—

243 (1) Except as otherwise provided, prior to the issuance of
 244 a license under this chapter, the department shall make an
 245 investigation of the applicant for a license. The investigation
 246 shall include:

247 (a)1. An examination of fingerprint records and police
 248 records. When a criminal history analysis of any applicant under
 249 this chapter is performed by means of fingerprint card
 250 identification, the time limitations prescribed by s. 120.60(1)
 251 shall be tolled during the time the applicant's fingerprint card
 252 is under review by the Department of Law Enforcement or the

253 United States Department of Justice, Federal Bureau of
 254 Investigation.

255 2. If a legible set of fingerprints, as determined by the
 256 Department of Law Enforcement or the Federal Bureau of
 257 Investigation, cannot be obtained after two attempts, the
 258 Department of Agriculture and Consumer Services may determine
 259 the applicant's eligibility based upon a criminal history record
 260 check under the applicant's name conducted by the Department of
 261 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
 262 ~~A set of fingerprints~~ are taken by a law enforcement agency or
 263 the department and the applicant submits a written statement
 264 signed by the fingerprint technician or a licensed physician
 265 stating that there is a physical condition that precludes
 266 obtaining a legible set of fingerprints or that the fingerprints
 267 taken are the best that can be obtained ~~is sufficient to meet~~
 268 ~~this requirement.~~

269 (3) The department shall also investigate the mental
 270 history and current mental and emotional fitness of any Class
 271 "G" or Class "K" applicant, and may deny a Class "G" or Class
 272 "K" license to anyone who has a history of mental illness or
 273 drug or alcohol abuse.

274 Section 5. Subsections (2) and (4) of section 493.6111,
 275 Florida Statutes, is amended to read:

276 493.6111 License; contents; identification card.—

277 (2) Licenses shall be valid for a period of 2 years,
 278 except for Class "A," Class "B," Class "AB," Class "K," Class
 279 "R," and branch agency licenses, which shall be valid for a
 280 period of 3 years.

HB 7209

2011

281 (4) Notwithstanding the existence of a valid Florida
 282 corporate registration, an ~~no~~ agency or school licensee may not
 283 conduct activities regulated under this chapter under any
 284 fictitious name without prior written authorization from the
 285 department to use that name in the conduct of activities
 286 regulated under this chapter. The department may not authorize
 287 the use of a name which is so similar to that of a public
 288 officer or agency, or of that used by another licensee, that the
 289 public may be confused or misled thereby. The authorization for
 290 the use of a fictitious name shall require, as a condition
 291 precedent to the use of such name, the filing of a certificate
 292 of engaging in business under a fictitious name under s. 865.09.
 293 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
 294 under more than one fictitious name except as separately
 295 licensed nor shall the license be valid to protect any licensee
 296 who is engaged in ~~the~~ business under any name other than that
 297 specified in the license. An agency desiring to change its
 298 licensed name shall notify the department and, except upon
 299 renewal, pay a fee not to exceed \$30 for each license requiring
 300 revision including those of all licensed employees except Class
 301 "D" or Class "G" licensees. Upon the return of such licenses to
 302 the department, revised licenses shall be provided.

303 Section 6. Subsection (2) and paragraph (a) of subsection
 304 (3) of section 493.6113, Florida Statutes, are amended, and
 305 paragraph (d) is added to subsection (3) of that section, to
 306 read:

307 493.6113 Renewal application for licensure.—

308 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the

309 expiration date of the license, the department shall mail a
 310 written notice to the last known mailing ~~residence~~ address of
 311 the licensee ~~for individual licensees and to the last known~~
 312 ~~agency address for agencies.~~

313 (3) Each licensee shall be responsible for renewing his or
 314 her license on or before its expiration by filing with the
 315 department an application for renewal accompanied by payment of
 316 the prescribed license fee.

317 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
 318 licensee shall additionally submit on a form prescribed by the
 319 department a certification of insurance which evidences that the
 320 licensee maintains coverage as required under s. 493.6110.

321 (d) Each Class "K" licensee shall additionally submit one
 322 of the certificates specified under s. 493.6105(6) as proof that
 323 he or she remains certified to provide firearms instruction.

324 Section 7. Subsection (8), paragraph (d) of subsection
 325 (12), and subsection (16) of section 493.6115, Florida Statutes,
 326 are amended to read:

327 493.6115 Weapons and firearms.—

328 (8) A Class "G" applicant must satisfy the minimum
 329 training criteria as set forth in s. 493.6105(5) ~~(6)~~ and as
 330 established by rule of the department.

331 (12) The department may issue a temporary Class "G"
 332 license, on a case-by-case basis, if:

333 (d) The applicant has received approval from the
 334 department subsequent to its conduct of a criminal history
 335 record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

336 (16) If the criminal history record check program

337 | referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
 338 | department may issue a temporary "G" license on a case-by-case
 339 | basis, provided that the applicant has met all statutory
 340 | requirements for the issuance of a temporary "G" license as
 341 | specified in subsection (12), excepting the criminal history
 342 | record check stipulated there; provided, that the department
 343 | requires that the licensed employer of the applicant conduct a
 344 | criminal history record check of the applicant pursuant to
 345 | standards set forth in rule by the department, and provide to
 346 | the department an affidavit containing such information and
 347 | statements as required by the department, including a statement
 348 | that the criminal history record check did not indicate the
 349 | existence of any criminal history that would prohibit licensure.
 350 | Failure to properly conduct such a check, or knowingly providing
 351 | incorrect or misleading information or statements in the
 352 | affidavit shall constitute grounds for disciplinary action
 353 | against the licensed agency, including revocation of license.

354 | Section 8. Paragraph (u) of subsection (1) of section
 355 | 493.6118, Florida Statutes, is redesignated as paragraph (v),
 356 | and a new paragraph (u) is added to that subsection to read:

357 | 493.6118 Grounds for disciplinary action.—

358 | (1) The following constitute grounds for which
 359 | disciplinary action specified in subsection (2) may be taken by
 360 | the department against any licensee, agency, or applicant
 361 | regulated by this chapter, or any unlicensed person engaged in
 362 | activities regulated under this chapter.

363 | (u) For a Class "G" or a Class "K" applicant or licensee,
 364 | being prohibited from purchasing or possessing a firearm by

365 state or federal law.

366 Section 9. Subsections (7) and (8) of section 493.6121,
 367 Florida Statutes, are renumbered as subsections (6) and (7),
 368 respectively, and present subsection (6) of that section is
 369 amended, to read:

370 493.6121 Enforcement; investigation.—

371 ~~(6) The department shall be provided access to the program~~
 372 ~~that is operated by the Department of Law Enforcement, pursuant~~
 373 ~~to s. 790.065, for providing criminal history record information~~
 374 ~~to licensed gun dealers, manufacturers, and exporters. The~~
 375 ~~department may make inquiries, and shall receive responses in~~
 376 ~~the same fashion as provided under s. 790.065. The department~~
 377 ~~shall be responsible for payment to the Department of Law~~
 378 ~~Enforcement of the same fees as charged to others afforded~~
 379 ~~access to the program.~~

380 Section 10. Subsection (3) of section 493.6202, Florida
 381 Statutes, is amended to read:

382 493.6202 Fees.—

383 (3) The fees set forth in this section must be paid by
 384 ~~certified~~ check or money order or, at the discretion of the
 385 department, by electronic funds transfer ~~agency check~~ at the
 386 time the application is approved, except that the applicant for
 387 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
 388 license must pay the license fee at the time the application is
 389 made. If a license is revoked or denied or if the application is
 390 withdrawn, the license fee shall not be refunded.

391 Section 11. Subsections (2), (4), and (6) of section
 392 493.6203, Florida Statutes, are amended to read:

393 493.6203 License requirements.—In addition to the license
 394 requirements set forth elsewhere in this chapter, each
 395 individual or agency shall comply with the following additional
 396 requirements:

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

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

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

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

404 (d) Experience described in paragraph (a) for 1 year and
 405 experience described in paragraph (e) for 1 year;

406 (e) No more than 1 year using:

407 1. College coursework related to criminal justice,
 408 criminology, or law enforcement administration; or

409 2. Successfully completed law enforcement-related training
 410 received from any federal, state, county, or municipal agency;
 411 or

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

414

415 However, experience in performing bodyguard services is not
 416 creditable toward the requirements of this subsection.

417 (4) An applicant for a Class "C" license shall have 2
 418 years of lawfully gained, verifiable, full-time experience, or
 419 training in one, or a combination of more than one, of the
 420 following:

HB 7209

2011

421 (a) Private investigative work or related fields of work
422 that provided equivalent experience or training.

423 (b) College coursework related to criminal justice,
424 criminology, or law enforcement administration, or successful
425 completion of any law enforcement-related training received from
426 any federal, state, county, or municipal agency, except that no
427 more than 1 year may be used from this category.

428 (c) Work as a Class "CC" licensed intern.

429

430 However, experience in performing bodyguard services is not
431 creditable toward the requirements of this subsection.

432 (6) (a) A Class "CC" licensee shall serve an internship
433 under the direction and control of a designated sponsor, who is
434 a Class "C," Class "MA," or Class "M" licensee.

435 (b) Effective January 1, 2012 ~~September 1, 2008~~, before
436 submission of an application to the department, the an applicant
437 for a Class "CC" license must have completed a minimum of 40 at
438 ~~least 24 hours of professional training a 40-hour course~~
439 pertaining to general investigative techniques and this chapter,
440 which course is offered by a state university or by a school,
441 community college, college, or university under the purview of
442 the Department of Education, and the applicant must pass an
443 examination. The training must be provided in two parts, one 24-
444 hour course and one 16-hour course. The certificate evidencing
445 satisfactory completion of the 40 at least 24 hours of
446 professional training a 40-hour course must be submitted with
447 the application for a Class "CC" license. ~~The remaining 16 hours~~
448 ~~must be completed and an examination passed within 180 days. If~~

HB 7209

2011

449 ~~documentation of completion of the required training is not~~
450 ~~submitted within the specified timeframe, the individual's~~
451 ~~license is automatically suspended or his or her authority to~~
452 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
453 ~~until such time as proof of certificate of completion is~~
454 ~~provided to the department.~~ The training ~~course~~ specified in
455 this paragraph may be provided by face-to-face presentation,
456 online technology, or a home study course in accordance with
457 rules and procedures of the Department of Education. The
458 administrator of the examination must verify the identity of
459 each applicant taking the examination.

460 (c) An individual who submits an application for a Class
461 "CC" license on or after September 1, 2008, through December 31,
462 2011, who has not completed the 16-hour course must submit proof
463 of successful completion of the course within 180 days after the
464 date the application is submitted. If documentation of
465 completion of the required training is not submitted by that
466 date, the individual's license is automatically suspended until
467 proof of the required training is submitted to the department.
468 An individual licensed on or before August 31, 2008, is not
469 required to complete additional training hours in order to renew
470 an active license beyond the required total amount of training,
471 and within the timeframe, in effect at the time he or she was
472 licensed.

473 1. Upon an applicant's successful completion of each part
474 of the approved training ~~course~~ and passage of any required
475 examination, the school, community college, college, or
476 university shall issue a certificate of completion to the

HB 7209

2011

477 applicant. The certificates must be on a form established by
478 rule of the department.

479 2. The department shall establish by rule the general
480 content of the professional training ~~course~~ and the examination
481 criteria.

482 3. If the license of an applicant for relicensure is ~~has~~
483 ~~been~~ invalid for more than 1 year, the applicant must complete
484 the required training and pass any required examination.

485 Section 12. Subsection (3) of section 493.6302, Florida
486 Statutes, is amended to read:

487 493.6302 Fees.—

488 (3) The fees set forth in this section must be paid by
489 ~~certified~~ check or money order or, at the discretion of the
490 department, by electronic funds transfer ~~agency check~~ at the
491 time the application is approved, except that the applicant for
492 a Class "D," Class "G," Class "M," or Class "MB" license must
493 pay the license fee at the time the application is made. If a
494 license is revoked or denied or if the application is withdrawn,
495 the license fee shall not be refunded.

496 Section 13. Subsection (4) of section 493.6303, Florida
497 Statutes, is amended to read:

498 493.6303 License requirements.—In addition to the license
499 requirements set forth elsewhere in this chapter, each
500 individual or agency shall comply with the following additional
501 requirements:

502 (4) (a) Effective January 1, 2012, an applicant for a Class
503 "D" license must submit proof of successful completion of
504 ~~complete~~ a minimum of 40 hours of professional training at a

HB 7209

2011

505 school or training facility licensed by the department. The
506 training must be provided in two parts, one 24-hour course and
507 one 16-hour course. The department shall by rule establish the
508 general content and number of hours of each subject area to be
509 taught.

510 (b) An individual who submits an application for a Class
511 "D" license on or after January 1, 2007, through December 31,
512 2011, who has not completed the 16-hour course must submit proof
513 of successful completion of the course within 180 days after the
514 date the application is submitted. If documentation of
515 completion of the required training is not submitted by that
516 date, the individual's license is automatically suspended until
517 proof of the required training is submitted to the department.
518 This section does not require a person licensed before January
519 1, 2007, to complete additional training hours in order to renew
520 an active license beyond the required total amount of training
521 within the timeframe prescribed by law at the time he or she was
522 licensed. An applicant may fulfill the training requirement
523 prescribed in paragraph (a) by submitting proof of:

524 1. ~~Successful completion of the total number of required~~
525 ~~hours of training before initial application for a Class "D"~~
526 ~~license; or~~

527 2. ~~Successful completion of 24 hours of training before~~
528 ~~initial application for a Class "D" license and successful~~
529 ~~completion of the remaining 16 hours of training within 180 days~~
530 ~~after the date that the application is submitted. If~~
531 ~~documentation of completion of the required training is not~~
532 ~~submitted within the specified timeframe, the individual's~~

HB 7209

2011

533 ~~license is automatically suspended until such time as proof of~~
534 ~~the required training is provided to the department.~~

535 (c) An individual ~~However, any person~~ whose license is
536 suspended or has been revoked, ~~suspended~~ pursuant to paragraph
537 (b) subparagraph 2., or is expired for at least 1 year, ~~or~~
538 ~~longer~~ is considered, upon reapplication for a license, an
539 initial applicant and must submit proof of successful completion
540 of 40 hours of professional training at a school or training
541 facility licensed by the department as provided ~~prescribed~~ in
542 paragraph (a) before a license is ~~will be~~ issued. Any person
543 ~~whose license was issued before January 1, 2007, and whose~~
544 ~~license has been expired for less than 1 year must, upon~~
545 ~~reapplication for a license, submit documentation of completion~~
546 ~~of the total number of hours of training prescribed by law at~~
547 ~~the time her or his initial license was issued before another~~
548 ~~license will be issued. This subsection does not require an~~
549 ~~individual licensed before January 1, 2007, to complete~~
550 ~~additional training hours in order to renew an active license,~~
551 ~~beyond the required total amount of training within the~~
552 ~~timeframe prescribed by law at the time she or he was licensed.~~

553 Section 14. Subsection (2) of section 493.6304, Florida
554 Statutes, is amended to read:

555 493.6304 Security officer school or training facility.—

556 (2) The application shall be signed and verified by the
557 applicant under oath as provided in s. 92.525 ~~notarized~~ and
558 shall contain, at a minimum, the following information:

559 (a) The name and address of the school or training
560 facility and, if the applicant is an individual, her or his

HB 7209

2011

561 name, address, and social security or alien registration number.

562 (b) The street address of the place at which the training
563 is to be conducted.

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

566 Section 15. Subsections (2) and (4) of section 501.145,
567 Florida Statutes, are amended to read:

568 501.145 Bedding Label Act.—

569 (2) DEFINITIONS.—As used in ~~For the purpose of~~ this
570 section, the term—

571 ~~(a)~~ "bedding" means any mattress, box spring, pillow, or
572 cushion made of leather or any other material which is or can be
573 stuffed or filled in whole or in part with any substance or
574 material, which can be used by any human being for sleeping or
575 reclining purposes.

576 ~~(b)~~ "Department" means the Department of Agriculture and
577 Consumer Services.

578 ~~(c)~~ "Enforcing authority" means the Department of
579 Agriculture and Consumer Services or the Department of Legal
580 Affairs.

581 (4) PENALTIES.—The Department of Legal Affairs ~~enforcing~~
582 ~~authority~~ may bring an action for injunctive relief against any
583 person who violates the provisions of this section. Any person
584 who knowingly sells bedding which contains used material that is
585 not labeled in accordance with this section commits a
586 misdemeanor of the second degree, punishable as provided in s.
587 775.082 or s. 775.083.

588 Section 16. Subsection (2) of section 525.01, Florida

HB 7209

2011

589 Statutes, is amended to read:

590 525.01 Gasoline and oil to be inspected.—

591 (2) All petroleum fuels are ~~shall be~~ subject to inspection
 592 and analysis by the department. Before selling or offering for
 593 sale in this state any petroleum fuel, all manufacturers,
 594 terminal suppliers, wholesalers, and importers as defined in s.
 595 206.01 ~~jobbers~~ shall file with the department:

596 (a) An affidavit stating that they desire to do business
 597 in this state, and the name and address of the manufacturer of
 598 the petroleum fuel.

599 (b) An affidavit stating that the petroleum fuel is in
 600 conformity with the standards prescribed by department rule.

601 Section 17. Section 526.06, Florida Statutes, is amended
 602 to read:

603 526.06 Mixing, blending, compounding, or adulteration of
 604 liquid fuels of same manufacturer prohibited; ~~sale of gasoline~~
 605 ~~blended with ethanol.—A It is unlawful for any person may not to~~
 606 mix, blend, compound, or adulterate the liquid fuel, lubricating
 607 oil, grease, or similar product of a manufacturer or distributor
 608 with a liquid fuel, lubricating oil, grease, or similar product
 609 of the same manufacturer or distributor of a character or nature
 610 different from the character or nature of the liquid fuel,
 611 lubricating oil, grease, or similar product so mixed, blended,
 612 compounded, or adulterated, and expose for sale, offer for sale,
 613 or sell the same as the unadulterated product of such
 614 manufacturer or distributor or as the unadulterated product of
 615 any other manufacturer or distributor. However, ~~nothing in this~~
 616 chapter does not ~~shall be construed to~~ prevent the lawful owner

HB 7209

2011

617 of such products from applying his, her, or its own trademark,
618 trade name, or symbol to any product or material. ~~Ethanol-~~
619 ~~blended fuels which contain unleaded gasoline and up to 10~~
620 ~~percent denatured ethanol by volume may be sold at retail~~
621 ~~service stations for use in motor vehicles. To provide retail~~
622 ~~service stations flexibility during the transition period to~~
623 ~~ethanol-blended fuels, the T50 and TV/L specifications for~~
624 ~~gasoline containing between 9 and 10 percent ethanol shall be~~
625 ~~applied to all gasoline containing between 1 and 10 percent~~
626 ~~ethanol by volume provided the last three or fewer deliveries~~
627 ~~contained between 9 and 10 percent ethanol by volume. If there~~
628 ~~is no reasonable availability of ethanol or the price of ethanol~~
629 ~~exceeds the price of gasoline, the T50 and TV/L specifications~~
630 ~~for gasoline containing between 9 and 10 percent ethanol shall~~
631 ~~be applicable for gasoline containing between 1 and 10 percent~~
632 ~~ethanol for up to three deliveries of fuel.~~

633 Section 18. Paragraph (b) of subsection (1) of section
634 526.203, Florida Statutes, is amended to read:

635 526.203 Renewable fuel standard.—

636 (1) DEFINITIONS.—As used in this act:

637 (b) "Blended gasoline" means a mixture of ~~90 to~~ 91 percent
638 or less gasoline and 9 ~~to~~ 10 percent or more fuel ethanol, by
639 volume, that meets the specifications as adopted by the
640 department. The fuel ethanol portion may be derived from any
641 agricultural source.

642 Section 19. This act shall take effect July 1, 2011.