

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Communications and Public Utilities Committee

BILL: CS/SB 660

INTRODUCER: Commerce and Consumer Services Committee and Senator Lynn

SUBJECT: Agriculture and Consumer Services

DATE: February 10, 2006

REVISED: 2/14/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Earlywine</u>	<u>Cooper</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Wiehle</u>	<u>Caldwell</u>	<u>CU</u>	<u>Fav/1 amendment</u>
3.	<u> </u>	<u> </u>	<u>JU</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>GA</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

The committee substitute makes several changes to the statutes relating to the Department of Agriculture and Consumer Services. Specifically, the committee substitute:

- authorizes the department, rather than the Attorney General, to initiate judicial proceedings in the enforcement of Chapter 493, F.S., on private security licenses;
- revises the continuing education requirements for a private security license;
- defines the term “alternative fuel” and includes alternative fuel in the definition of petroleum fuel for purposes of inspection of gasoline and oil;
- exempts persons delivering specified amounts of liquefied propane gas from minimum storage requirements;
- deletes requirements that an agency receiving a consumer complaint from the department file progress reports with the department; and
- creates an exemption from insurance requirements for a governmental entity that is operating an amusement ride.

The committee substitute substantially amends the following sections of the Florida Statutes: 493.6106, 493.6121, 493.6303, 525.01, 527.11, 570.46, 570.47, 570.544 and 616.242.

II. Present Situation:

Private Security License

Section 493.6303(4), F.S., requires that an applicant for a private security license must have completed a minimum of 40 hours of professional training at a school or training facility licensed by the Department of Agriculture and Consumer Services (department). An applicant may satisfy this requirement either by successful completion of all 40 hours of training before the initial license application or by successful completion of 24 hours of training before the initial license application and of the remaining 16 hours of training upon the first application for renewal of the license. This makes it possible that a person may obtain a license with only the initial 24 hours of training, allow the license to expire, then re-apply using the same 24 hours of training, and avoiding ever completing the remaining 16 hours of training.

Section 493.6121(7), F.S., provides that the Department of Legal Affairs is to represent the department in judicial proceedings to enforce Chapter 493.

Alternative Fuels

Chapter 525, F.S., authorizes the department to inspect fuel quality and all measuring devices used in selling or distributing petroleum fuel at wholesale and retail. Current Florida law does not specifically include alternative fuels, such as alcohol blended and biodiesel fuels. According to the department, there is recent interest and advancements in the use of alternative fuels and their increasing presence throughout the consumer marketplace.

Petroleum Storage

Chapter 527, F.S., provides for sales of liquefied petroleum gas, and designates the department as the enforcing authority. Under s. 527.11, F.S., every person who engages in the distribution of liquefied petroleum gas for resale to domestic, commercial, or industrial consumers must install, own, or lease a bulk storage filling plant of not less than 18,000 gallons (water capacity) within the state and located within a 75-mile radius of the licensed company's business location. There is an exemption from minimum storage requirements for companies operating cylinder exchange units, or a single dispenser serving liquid product directly to the public, since these types of facilities provide a product that is not used for essential services by the end user (such as home heating). These products are for grills, recreational vehicles, mosquito control, and other non-essential functions. However, the existing language of the law prohibits these companies from delivering small cylinders to their customers or from conducting the periodic testing required by law to ensure cylinder suitability for continued safe use, without first obtaining either a storage container of 18,000 gallons or acquiring multiple licenses.

Consumer Complaints

Chapter 570, F.S., creates and provides for the department. Sections 570.47 and 570.46, F.S., provide for the duties of the department's Division of Standards. Section 570.544(3), F.S., provides that the Division of Consumer Services is to serve as a clearinghouse for consumer complaints, transferring the complaints to the agency most directly concerned in order that the

complaint or grievance may be expeditiously handled in the best interests of the complaining consumer, or, if there is no such agency, seeking a settlement of the complaint using formal or informal methods of mediation and conciliation. Under subsection (6), the agency receiving a consumer has 30 days to acknowledge the complaint and to report to the department as to the disposition of the complaint. If the complaint is not disposed of within 30 days, the other agency must file additional reports with the department concerning the status of the complaint.

Fair Rides

Chapter 616, F.S., provides for public fairs and expositions. Section 616.242(9), F.S., prohibits operation of an amusement ride unless the owner has in effect at all times of operation an insurance policy or surety bond in the amount of \$1 million per occurrence, \$1 million in the aggregate procured from an insurer or surety that is licensed to transact business in Florida or that is approved as a surplus lines insurer.

III. Effect of Proposed Changes:

Section 1 amends s. 493.6106, F.S., to correct an obsolete reference. The Division of Licensing (for private investigation, private security, and repossession services) was transferred from the Department of State to the Department of Agriculture and Consumer Services (department) in 2003.

Section 2 amends s. 493.6121(5), F.S., to make the same correction to an obsolete reference. It also amends subsection (7) to authorize the department, rather than the Attorney General, to initiate judicial proceedings in the enforcement of this chapter.

Section 3 amends s. 493.6303, F.S., to require that a person obtaining a security license with only the initial 24 hours of training successfully complete the remaining 16 hours of training within 180 days after the date of licensure and document that completion. If documentation is not timely submitted, the license is automatically suspended until documentation is provided. Finally, anyone who successfully completed all 40 hours of training before January 1, 2007, at a school or training facility licensed by the department, is exempt from this new requirement.

Section 4 amends s. 525.01, F.S., to include “alternative fuel” in the definition of “petroleum fuel” and to define the term “alternative fuel” to mean:

- Methanol, denatured ethanol, or other alcohols;
- Mixtures containing 85 percent or more by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or other such percentage, but not less than 70 percent, as determined by the department by rules, to provide for requirements relating to the cold start, safety, or vehicles functions;
- Hydrogen;
- Coal-derived liquid fuels;
- Fuels, other than alcohol, derived from biological materials; and
- Electricity, including electricity from solar energy.

This authorizes the department to inspect facilities selling alternative fuels to the general public and to adopt relevant fuel quality standards into department rule.

Section 5 amends s. 527.11, F.S., to provide that a licensee who has a single dispensing unit may deliver cylinders of 40 lbs. or less of propane gas capacity to residential customers without the current requirement of building or leasing 18,000 gallons worth of storage. These types of cylinders are commonly used for grilling, mosquito control and similar applications. The section also prohibits delivery of liquefied petroleum gas by cargo vehicle without compliance with the minimum storage requirements.

Sections 6 and 7 amend ss. 570.46 and 570.47, F.S., respectively to include enforcement of the statutes on sales of liquefied petroleum gas within the powers and duties of the department's Division of Standards and its Division Director. The Bureau of LP Gas Inspection was transferred to the department's Division of Standards, from the Department of Insurance, in 1993.

Section 8 amends s. 570.544, F.S., to delete the requirements that an agency receiving a consumer complaint forwarded by the division of consumer services report to the division on the status of that complaint.

Section 9 amends s. 616.242, F.S., to create an exemption from the insurance requirements for a governmental entity that is operating an amusement ride and that is covered by provisions of s. 768.28(16), F.S., the sovereign immunity statute.

Section 10 provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

Barcode 071044 by Communications and Public Utilities:

The amendment deletes electricity from the definition of “alternative fuel.”

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