

1
2 An act relating to private investigative,
3 private security, and repossession services;
4 amending s. 493.6101, F.S.; redefining the term
5 "private investigation" and defining the term
6 "felony"; amending s. 493.6102, F.S.; revising
7 language with respect to inapplicability of ch.
8 493, F.S., to certain local, state, and federal
9 officers; providing for inapplicability of the
10 chapter to certain persons and firms conducting
11 genealogical research; amending s. 493.6105,
12 F.S.; revising firearms training requirements
13 for applicants for a Class "G" license;
14 amending s. 493.6108, F.S.; authorizing
15 physicians licensed under similar law of other
16 states to certify the physical fitness of Class
17 "G" applicants; authorizing rather than
18 requiring the department to deny a Class "G"
19 license to certain persons; amending s.
20 493.6115, F.S.; revising a provision relating
21 to the firearms certain licensees may carry;
22 providing that certain licensees may carry a 9
23 millimeter semiautomatic pistol while
24 performing security-related services; providing
25 training criteria for Class "G" applicants;
26 amending s. 493.6118, F.S.; revising language
27 with respect to grounds for disciplinary action
28 relating to criminal convictions; amending s.
29 493.6121, F.S.; providing for compliance with
30 certain subpoenas; amending s. 493.6201, F.S.;
31 providing that certain licensees may perform

1 bodyguard services; amending s. 493.6301, F.S.;
2 providing that certain licensees may be
3 designated as managers of certain agencies or
4 branch offices; amending s. 493.6305, F.S.;
5 requiring return of uniforms and certain other
6 equipment by licensees upon resignation or
7 termination; amending s. 493.6404, F.S.;
8 providing that United States Postal Service
9 proof of mailing is sufficient for notification
10 to debtors of the intent to dispose of their
11 property; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (17) of section 493.6101,
16 Florida Statutes, 1996 Supplement, is amended, and subsection
17 (23) is added to said section, to read:

18 493.6101 Definitions.--

19 (17) "Private investigation" means ~~bodyguard services~~
20 ~~or~~ the investigation by a person or persons for the purpose of
21 obtaining information with reference to any of the following
22 matters:

23 (a) Crime or wrongs done or threatened against the
24 United States or any state or territory of the United States,
25 when operating under express written authority of the
26 governmental official responsible for authorizing such
27 investigation.

28 (b) The identity, habits, conduct, movements,
29 whereabouts, affiliations, associations, transactions,
30 reputation, or character of any society, person, or group of
31 persons.

1 (c) The credibility of witnesses or other persons.

2 (d) The whereabouts of missing persons, owners of
3 abandoned property or escheated property, or heirs to estates.

4 (e) The location or recovery of lost or stolen
5 property.

6 (f) The causes and origin of, or responsibility for,
7 fires, libels, slanders, losses, accidents, damage, or
8 injuries to real or personal property.

9 (g) The business of securing evidence to be used
10 before investigating committees or boards of award or
11 arbitration or in the trial of civil or criminal cases and the
12 preparation therefor.

13 (23) "Felony" means a criminal offense that is
14 punishable under the laws of this state, or that would be
15 punishable if committed in this state, by death or
16 imprisonment in the state penitentiary; a crime in any other
17 state or a crime against the United States which is designated
18 as a felony; or an offense in any other state, territory, or
19 country punishable by imprisonment for a term exceeding 1
20 year.

21 Section 2. Subsection (1) of section 493.6102, Florida
22 Statutes, 1996 Supplement, is amended, and subsection (14) is
23 added to said section, to read:

24 493.6102 Inapplicability of parts I through IV of this
25 chapter.--This chapter shall not apply to:

26 (1) Any individual who is an "officer" as defined in
27 s. 943.10(14) or is a law enforcement officer of the United
28 States Government, while such local, state, or federal officer
29 is engaged in his official duties or when performing off-duty
30 security activities, not including repossession services,
31 approved by his superiors.

1 (14) Any person or firm that solely and exclusively
2 conducts genealogical research, or otherwise traces lineage or
3 ancestry, by primarily utilizing public records and historical
4 information and databases.

5 Section 3. Subsection (6) of section 493.6105, Florida
6 Statutes, is amended to read:

7 493.6105 Initial application for license.--

8 (6) In addition to the requirements outlined in
9 subsection (3), an applicant for a Class "G" license shall
10 satisfy minimum training criteria for firearms established by
11 rule of the department, which training criteria shall include,
12 but is not limited to, 28 ~~24~~ hours of range and classroom
13 training taught and administered by a Class "K" licensee
14 ~~firearms instructor who has been licensed by the department;~~
15 however, no more than 8 hours of such training shall consist
16 of range training. ~~The department shall, effective October 1,~~
17 ~~1992, increase the minimum number of hours of firearms~~
18 ~~training required for Class "G" licensure by 4 hours, and~~
19 ~~shall subsequently increase the training requirement by 4~~
20 ~~hours every 2 years, up to a maximum requirement of 48 hours.~~
21 If the applicant can show proof that he is an active law
22 enforcement officer currently certified under the Criminal
23 Justice Standards and Training Commission or has completed the
24 training required for that certification within the last 12
25 months, or if the applicant submits one of the certificates
26 specified in paragraph (7)(a), the department may waive the
27 foregoing firearms training requirement ~~referenced above.~~

28 Section 4. Subsections (2) and (3) of section
29 493.6108, Florida Statutes, 1996 Supplement, are amended to
30 read:

31

1 493.6108 Investigation of applicants by Department of
2 State.--

3 (2) In addition to subsection (1), the department
4 shall make an investigation of the general physical fitness of
5 the Class "G" applicant to bear a weapon or firearm.
6 Determination of physical fitness shall be certified by a
7 physician currently licensed pursuant to chapter 458, ~~or~~
8 chapter 459, or any similar law of another state or authorized
9 to act as a licensed physician by a federal agency or
10 department. Such certification shall be submitted on a form
11 provided by the department.

12 (3) The department shall also investigate the mental
13 history and current mental and emotional fitness of any Class
14 "G" applicant, and may ~~shall~~ deny a Class "G" license to
15 anyone who has a history of mental illness or drug or alcohol
16 abuse.

17 Section 5. Subsections (6) and (8) of section
18 493.6115, Florida Statutes, are amended to read:

19 493.6115 Weapons and firearms.--

20 (6) Unless otherwise approved by the department, the
21 only firearm a Class "CC," Class "D," Class "M," or Class "MB"
22 licensee who has been issued a Class "G" license may carry is
23 a .38 or .357 caliber revolver with factory .38 caliber
24 ammunition only. In addition to any other firearm approved by
25 the department, a Class "C" or ~~and~~ Class "MA" licensee who has
26 been issued a Class "G" license may carry a .38 caliber
27 revolver; or a .380 caliber or 9 millimeter semiautomatic
28 pistol; or a .357 caliber revolver with .38 caliber ammunition
29 only. A Class "C" licensee who also holds a Class "D"
30 license, and who has been issued a Class "G" license, may
31 carry a 9 millimeter semiautomatic pistol while performing

1 security-related services. No licensee may carry more than
2 two firearms upon his person when performing his duties. A
3 licensee may only carry a firearm of the specific type and
4 caliber with which he is qualified pursuant to the firearms
5 training referenced in subsection (8) or s. 493.6113(3)(b).

6 (8) A Class "G" applicant licensee must satisfy the
7 minimum training criteria as set forth in s. 493.6105(6) and
8 as established by rule of the department, ~~which criteria must~~
9 ~~include, but need not be limited to, 28 hours of range and~~
10 ~~classroom training taught and administered by a Class "K"~~
11 ~~licensee; however, no more than 8 hours of such training shall~~
12 ~~consist of range training. If the applicant can show proof~~
13 ~~that he is an active law enforcement officer currently~~
14 ~~certified under the Criminal Justice Standards and Training~~
15 ~~Commission, or if the applicant submits one of the~~
16 ~~certifications specified under s. 493.6105(7)(a), the~~
17 ~~department may waive the foregoing firearms training~~
18 ~~requirements.~~

19 Section 6. Paragraph (c) of subsection (1) and
20 subsection (4) of section 493.6118, Florida Statutes, are
21 amended to read:

22 493.6118 Grounds for disciplinary action.--

23 (1) The following constitute grounds for which
24 disciplinary action specified in subsection (2) may be taken
25 by the department against any licensee, agency, or applicant
26 regulated by this chapter, or any unlicensed person engaged in
27 activities regulated under this chapter.

28 (c) Being found guilty of or entering a plea of guilty
29 or nolo contendere to, regardless of adjudication, or being
30 convicted ~~Conviction~~ of a crime that directly relates to the
31 business for which the license is held or sought, ~~regardless~~

1 ~~of whether imposition of sentence was suspended. A conviction~~
2 ~~based on a plea of nolo contendere shall create~~ creates a
3 rebuttable presumption of guilt to the underlying criminal
4 charges, and the department shall allow the individual being
5 disciplined or denied an application for a license to present
6 any mitigating ~~evidence relevant to the reason for, and the~~
7 circumstances surrounding his plea.

8 (4) Notwithstanding the provisions of paragraph (1)(c)
9 and subsection (2):

10 (a) If the applicant or licensee has been convicted of
11 a felony ~~in any state or of a crime against the United States~~
12 ~~which is designated as a felony, or convicted of an offense in~~
13 ~~any other state, territory, or country punishable by~~
14 ~~imprisonment for a term exceeding 1 year, the department shall~~
15 deny the application or revoke the license unless and until
16 civil rights have been restored by the State of Florida or by
17 a state acceptable to Florida and a period of 10 years has
18 expired since final release from supervision.

19 (b) ~~Additionally,~~ A Class "G" applicant who has been
20 ~~so~~ convicted of a felony shall also have had the specific
21 right to possess, carry, or use a firearm restored by the
22 State of Florida.

23 (c) If the applicant or licensee has been found guilty
24 of, entered a plea of guilty to, or entered a plea of nolo
25 contendere to a felony and adjudication of guilt is withheld,
26 the department shall deny the application or revoke the
27 license until a period of 3 years has expired since final
28 release from supervision.

29 (d) A ~~conviction based on a~~ plea of nolo contendere
30 shall create a rebuttable presumption of guilt to the
31 underlying criminal charges, and the department shall allow

1 the person being disciplined or denied an application for a
2 license to present any mitigating ~~evidence relevant to the~~
3 ~~reason for,~~ and the circumstances surrounding, his plea. ~~The~~
4 ~~department shall deny the application of any applicant who is~~
5 ~~currently serving a suspended sentence on a felony charge, or~~
6 ~~is on probation on a felony charge.~~

7 (e) The grounds for discipline or denial cited in this
8 subsection shall be applied to any disqualifying criminal
9 history regardless of the date of commission of the underlying
10 criminal charge. Such provisions ~~provision~~ shall be applied
11 retroactively and prospectively.

12 Section 7. Subsection (4) of section 493.6121, Florida
13 Statutes, 1996 Supplement, is amended to read:

14 493.6121 Enforcement; investigation.--

15 (4) In the exercise of its enforcement responsibility
16 and in the conduct of any investigation authorized by this
17 chapter, the department shall have the power to subpoena and
18 bring before it any person in the state, require the
19 production of any papers it deems necessary, administer oaths,
20 and take depositions of any persons so subpoenaed. If any
21 person fails or refuses to comply with a proper subpoena
22 ~~Failure or refusal of any person properly subpoenaed to be~~
23 ~~examined or~~ fails or refuses to answer any question about his
24 qualifications or the business methods or business practices
25 under investigation or refuses ~~to refuse~~ access to agency
26 records in accordance with s. 493.6119, the circuit court of
27 Leon County or of the county wherein such person resides may
28 issue an order on the application of the department requiring
29 such person to comply with the subpoena and to testify. Such
30 failure or refusal shall also be grounds for revocation,
31 suspension, or other disciplinary action. The testimony of

1 witnesses in any such proceeding shall be under oath before
2 the department or its agents.

3 Section 8. Subsection (8) is added to section
4 493.6201, Florida Statutes, to read:

5 493.6201 Classes of licenses.--

6 (8) A Class "C" or Class "CC" licensee may perform
7 bodyguard services without obtaining a Class "D" license.

8 Section 9. Paragraph (a) of subsection (3) and
9 subsection (5) of section 493.6301, Florida Statutes, 1996
10 Supplement, are amended to read:

11 493.6301 Classes of licenses.--

12 (3) Any individual who performs the services of a
13 manager for a:

14 (a) Class "B" security agency or Class "BB" branch
15 office shall have a Class "MB" license. A Class "M" licensee,
16 or a Class "D" licensee who has been so licensed for a minimum
17 of 2 years, may be designated as the manager, in which case
18 the Class "MB" license is not required.

19 (5) Any individual who performs the services of a
20 security officer shall have a Class "D" license. However, a
21 Class "C" licensee or a Class "CC" licensee may perform
22 bodyguard services without a Class "D" license.

23 Section 10. Subsection (1) of section 493.6305,
24 Florida Statutes, is amended to read:

25 493.6305 Uniforms, required wear; exceptions.--

26 (1) Class "D" licensees shall perform duties regulated
27 under this chapter in a uniform which bears at least one patch
28 or emblem visible at all times clearly identifying the
29 employing agency. Upon resignation or termination of
30 employment, a Class "D" licensee shall immediately return to

31

1 the employer any uniform and any other equipment issued to him
2 by the employer.

3 Section 11. Subsection (2) of section 493.6404,
4 Florida Statutes, is amended to read:

5 493.6404 Property inventory; vehicle license
6 identification numbers.--

7 (2) Within 5 working days after the date of a
8 repossession, the Class "E" or Class "EE" licensee shall give
9 written notification to the debtor of the whereabouts of
10 personal effects or other property inventoried pursuant to
11 this section. At least 45 days prior to disposing of such
12 personal effects or other property, the Class "E" or Class
13 "EE" licensee shall, by United States Postal Service proof of
14 mailing or certified mail, notify the debtor of the intent to
15 dispose of said property. Should the debtor, or his lawful
16 designee, appear to retrieve the personal property, prior to
17 the date on which the Class "E" or Class "EE" licensee is
18 allowed to dispose of the property, the licensee shall
19 surrender the personal property to that individual upon
20 payment of any reasonably incurred expenses for inventory and
21 storage. If personal property is not claimed within 45 days
22 of the notice of intent to dispose, the licensee may dispose
23 of the personal property at his discretion, except that
24 illegal items or contraband shall be surrendered to a law
25 enforcement agency, and the licensee shall retain a receipt or
26 other proof of surrender as part of the inventory and disposal
27 records he maintains.

28 Section 12. This act shall take effect October 1,
29 1997.

30
31