

HB 1119

2004

1 A bill to be entitled

2 An act relating to private investigative, private  
3 security, and repossession services; amending s. 493.6106,  
4 F.S.; increasing the minimum age required for certain  
5 licensees; amending s. 493.6110, F.S.; revising agency  
6 insurance requirements and limiting such requirements to  
7 security agencies; amending s. 493.6113, F.S., relating to  
8 licensure renewal; conforming a provision requiring  
9 certification of insurance coverage; requiring certain  
10 licensees to complete specified continuing education that  
11 includes terrorism awareness; requiring the Department of  
12 Agriculture and Consumer Services to establish by rule  
13 criteria for the approval of continuing education courses  
14 and providers and the form for certificates of completion;  
15 amending s. 493.6118, F.S.; conforming a ground for  
16 disciplinary action relating to failure to maintain  
17 required insurance coverage, for which there are  
18 penalties; amending s. 493.6202, F.S.; providing  
19 examination fees for private investigators and private  
20 investigator interns; amending s. 493.6203, F.S.;  
21 requiring passage of an examination for licensure as a  
22 private investigator; providing exemption for certain  
23 licensees; requiring reexamination for relicensure under  
24 certain circumstances; requiring successful completion of  
25 certain coursework and passage of an examination for  
26 licensure as a private investigator intern; requiring the  
27 department to establish by rule the general content and  
28 the form for certificates of completion of such training  
29 and criteria for the examination; requiring reexamination

HB 1119

2004

30 for relicensure under certain circumstances; providing an  
 31 effective date.

32

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

34

35 Section 1. Paragraph (a) of subsection (1) of section  
 36 493.6106, Florida Statutes, is amended to read:

37 493.6106 License requirements; posting.--

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

39 (a) Be at least 18 years of age, except that each  
 40 individual licensed by the department in Class "C," Class "MA,"  
 41 or Class "M" must be at least 21 years of age.

42 Section 2. Section 493.6110, Florida Statutes, is amended  
 43 to read:

44 493.6110 Licensee's insurance.--No Class "B" agency  
 45 license shall be issued unless the applicant first files with  
 46 the department a certification of insurance evidencing  
 47 commercial general liability coverage as delineated below. The  
 48 coverage shall provide the department as an additional insured  
 49 for the purpose of receiving all notices of modification or  
 50 cancellation of such insurance. Coverage shall be written by an  
 51 insurance company which is lawfully engaged to provide insurance  
 52 coverage in Florida. Coverage shall provide for a combined  
 53 single-limit policy in the amount of at least \$300,000, ~~which~~  
 54 ~~policy shall include comprehensive general liability coverage~~  
 55 ~~for death, bodily injury, property damage, and personal injury~~  
 56 ~~coverage including false arrest, detention or imprisonment,~~  
 57 ~~malicious prosecution, libel, slander, defamation of character,~~  
 58 ~~and violation of the right of privacy.~~ Coverage shall insure for

HB 1119

2004

59 the liability of all employees licensed by the department while  
60 acting in the course of their employment.

61 (1) The licensed agency shall notify the department of any  
62 claim against such insurance.

63 (2) The licensed agency shall notify the department  
64 immediately upon cancellation of the insurance policy, whether  
65 such cancellation was initiated by the insurance company or the  
66 insured agency.

67 (3) The agency license shall be automatically suspended  
68 upon the date of cancellation unless evidence of insurance is  
69 provided to the department prior to the effective date of  
70 cancellation.

71 Section 3. Subsection (3) of section 493.6113, Florida  
72 Statutes, is amended to read:

73 493.6113 Renewal application for licensure.--

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

78 (a) Each ~~Class "A,"~~ Class "B," ~~or Class "R"~~ licensee shall  
79 additionally submit on a form prescribed by the department a  
80 certification of insurance which evidences that the licensee  
81 maintains adequate commercial general liability coverage as  
82 required under s. 493.6110.

83 (b) Each Class "G" licensee shall additionally submit  
84 proof that he or she has received during each year of the  
85 license period a minimum of 4 hours of firearms recertification  
86 training taught by a Class "K" licensee and has complied with  
87 such other health and training requirements which the department

HB 1119

2004

88 may adopt by rule. If proof of a minimum of 4 hours of annual  
 89 firearms recertification training cannot be provided, the  
 90 renewal applicant shall complete the minimum number of hours of  
 91 range and classroom training required at the time of initial  
 92 licensure.

93 (c) Each Class "DS" or Class "RS" licensee shall  
 94 additionally submit the current curriculum, examination, and  
 95 list of instructors.

96 (d) Each Class "C," Class "CC," Class "M," Class "MA,"  
 97 Class "K," Class "E," Class "EE," Class "MR," and Class "RI"  
 98 licensee must provide proof, in a form established by rule of  
 99 the department, that the licensee has completed not less than 4  
 100 hours of continuing education in the law and rules regulating  
 101 the profession, including criminal law, court decisions, and  
 102 legal opinions that affect the profession, and 2 hours of  
 103 continuing education in terrorism awareness, presented by  
 104 approved providers, during the biennium since issuance or last  
 105 renewal of the license.

106 (e) The department shall by rule establish criteria for  
 107 the approval of courses and providers, including requirements  
 108 relating to course contents and provider expertise. In order to  
 109 obtain approval as a provider or guest lecturer, the person must  
 110 be qualified by education or experience in the specific area of  
 111 instruction to be presented.

112 (f) Approved continuing education training shall be  
 113 conducted at various locations within or outside the state at  
 114 times convenient for licensees, including weekends. Approved  
 115 providers must verify the identity and license number of each  
 116 licensee receiving the training by presentation of the personal

HB 1119

2004

117 license and shall issue a certificate of completion to each  
 118 licensee who successfully completes the approved courses. The  
 119 certificate shall be on a form established by rule of the  
 120 department and must be submitted with the application for  
 121 renewal of licensure.

122 Section 4. Paragraph (h) of subsection (1) of section  
 123 493.6118, Florida Statutes, is amended to read:

124 493.6118 Grounds for disciplinary action.--

125 (1) The following constitute grounds for which  
 126 disciplinary action specified in subsection (2) may be taken by  
 127 the department against any licensee, agency, or applicant  
 128 regulated by this chapter, or any unlicensed person engaged in  
 129 activities regulated under this chapter.

130 (h) Failure of the Class "B" licensee to maintain in full  
 131 force and effect adequate commercial ~~the~~ general liability  
 132 insurance coverage required by s. 493.6110.

133 Section 5. Paragraphs (f) and (g) are added to subsection  
 134 (1) of section 493.6202, Florida Statutes, to read:

135 493.6202 Fees.--

136 (1) The department shall establish by rule examination and  
 137 biennial license fees, which shall not exceed the following:

138 (f) Fee for the examination for private investigator:  
 139 \$100.

140 (g) Fee for the examination for private investigator  
 141 intern: \$100.

142 Section 6. Section 493.6203, Florida Statutes, is amended  
 143 to read:

144 493.6203 License requirements.--In addition to the license  
 145 requirements set forth elsewhere in this chapter, each

HB 1119

2004

146 individual or agency shall comply with the following additional  
 147 requirements:

148 (1) Each agency or branch office shall designate a minimum  
 149 of one appropriately licensed individual to act as manager,  
 150 directing the activities of the Class "C" or Class "CC"  
 151 employees.

152 (2) An applicant for a Class "MA" license shall have at  
 153 least 2 years of lawfully gained, verifiable, full-time  
 154 experience, or training in:

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

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

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

159 (d) Experience described in paragraph (a) for at least 1  
 160 year and experience described as follows ~~in paragraph (e)~~ for ~~±~~  
 161 ~~year~~;

162 ~~(e)~~ no more than 1 year ~~using~~:

163 1. College coursework related to criminal justice,  
 164 criminology, or law enforcement administration; or

165 2. Successfully completed law enforcement-related training  
 166 received from any federal, state, county, or municipal agency;  
 167 or

168 ~~(e)~~~~(f)~~ Experience described in paragraph (a) for at least  
 169 1 year and work in a managerial or supervisory capacity for at  
 170 least 1 year.

171 (3) An applicant for a Class "M" license shall qualify for  
 172 licensure as a Class "MA" manager as outlined under subsection  
 173 (2) and as a Class "MB" manager as outlined under s.  
 174 493.6303(2).

HB 1119

2004

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

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

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

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

187 (5)(a) Beginning July 1, 2004, an applicant for a Class  
188 "C" license who meets the experience criteria in subsection (4)  
189 must also pass an examination on the provisions of this chapter,  
190 which shall be administered by the department or an examination  
191 provider approved by the department. The applicant is not  
192 required to pass the examination prior to submission of the  
193 application but must do so prior to issuance of the license. The  
194 administrator of the examination must verify the identity of  
195 each applicant taking the examination.

196 (b) The examination requirements of paragraph (a) do not  
197 apply to any individual who holds a valid Class "CC," Class "C,"  
198 Class "MA," or Class "M" license issued on or before July 1,  
199 2004.

200 (c) Notwithstanding the exemption in paragraph (b), any  
201 individual whose license has been invalid for any reason for  
202 more than 1 year must successfully pass the examination, even if

HB 1119

2004

203 previously taken, prior to issuance of the Class "C" license  
 204 being applied for under this subsection.

205 (6)(a) Beginning July 1, 2004, an applicant for a Class  
 206 "CC" license must have completed within the preceding 12 months  
 207 a minimum 40-hour course from a school, college, or university  
 208 regulated by the Department of Education which relates to  
 209 general investigative techniques and the provisions of this  
 210 chapter and must also pass an examination, which shall be  
 211 administered by the Department of Agriculture and Consumer  
 212 Services or an examination provider approved by such department.  
 213 The training required by this subsection may be provided on-  
 214 line, by live presentation, or by home study in accordance with  
 215 rules and procedures of the Department of Education. The  
 216 administrator of the examination must verify the identity of  
 217 each applicant taking the examination.

218 (b) Upon successful completion of the approved course, the  
 219 school, college, or university shall issue a certificate of  
 220 completion to the applicant. The certificate shall be on a form  
 221 established by rule of the department and must be submitted with  
 222 the application for the Class "CC" license.

223 (c) The department shall by rule establish the general  
 224 content of the training and criteria for the examination  
 225 required by this subsection.

226 (d) Any individual whose Class "CC" license has been  
 227 invalid for any reason for more than 1 year must complete the  
 228 training and examination, even if previously taken, prior to  
 229 issuance of the Class "CC" license being applied for under this  
 230 subsection.



HB 1119

2004

231        (7)~~(5)~~ A Class "CC" licensee shall serve an internship  
 232 under the direction and control of a designated sponsor, who is  
 233 a Class "C," Class "MA," or Class "M" licensee.

234        (8)~~(6)~~ In addition to any other requirement, an applicant  
 235 for a Class "G" license shall satisfy the firearms training set  
 236 forth in s. 493.6115.

237        Section 7. This act shall take effect July 1, 2004.