

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.)

BILL: CS/CS/SB 2822

SPONSOR: Appropriations Committee and Senator Argenziano

SUBJECT: Private Investigative Services

DATE: April 13, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
3.	<u>Blizzard</u>	<u>Hayes</u>	<u>AGG</u>	<u>Fav/CS</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Fav/CS</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for CS for SB 2822 raises the age limit for certain private investigator licenses. It specifies that a security agency must have commercial general liability insurance and failure to do so will constitute grounds for disciplinary action. Continuing education is instituted as a condition of renewing a security agent’s license. Education, experience, training, and examination standards are set as a prerequisite to obtaining certain private investigator licenses effective September 1, 2005. Fees are established for the examination of a private investigator or a private investigator intern and for continuing education provider approval. The type of education and the examination criteria is to be determined by the Department of Agriculture and Consumer Services (department). The department is to use competitive bidding to develop and conduct the continuing education classes.

This committee substitute substantially amends, the following sections of the Florida Statutes: 493.6106, 493.6110, 493.6113, 493.6118, 493.6202, and 493.6203.

II. Present Situation:

A person need only be 18 years of age to obtain a private investigative, security, or recovery license. All licensed agencies must provide proof of comprehensive general liability insurance with the type of coverages outlined in the statute. There is no continuing education requirement for applicants renewing a private security license and there are no experience requirements. An applicant for a Class “C” (Private Investigator) license must meet certain experience requirements but does not have to take an examination. Likewise, an applicant for a Class “CC” (Private Investigator Intern) license must serve an internship but does not have to pass an examination or complete any specific training.

III. Effect of Proposed Changes:

Section 1. Amends s. 493.6106(1)(a), F.S., to raise the age limit from 18 to 21 for individuals seeking Class “C,” (Private Investigator) Class “MA,” (Manager of a Private Investigative agency) or Class “M” (Manager of a dual Private Investigative and Security agency) licenses.

Section 2. Amends s. 493.6110, F.S., to specify that the type of insurance coverage shall be commercial general liability and it shall be required only of a Class “B” (Private Security Agency) agency.

Section 3. Amends s. 493.6113, F.S., regarding license renewal procedures as follows:

- Class “B” (Private Security) agencies have to provide evidence of the required insurance coverage.
- Requires 6 hours of continuing education every two years.
- Requires the department to set criteria for courses and to use competitive bidding to develop and conduct continuing education classes.
- Provides that training can be conducted at various locations and sets forth guidelines for the issuance of a certificate of completion.

Section 4. Amends s. 493.6118, F.S., to make the failure to maintain adequate commercial general liability insurance grounds for disciplinary action for a licensee.

Section 5. Amends s. 493.6202 to establish a fee of \$100 for the examination of a private investigator or an intern and establishes a continuing education provider approval fee of \$200.

Section 6. Amends s. 493.6203 to revise the licensing requirements as follows:

- Clarifies that an applicant for a Class “MA” (Manager of a Private Investigative agency) license shall have at least 2 years experience of which not more than one year can be satisfied by college coursework or law enforcement training.
- Beginning September 1, 2005, an applicant for a Class “C” (Private Investigator) license, in addition to meeting certain experience criteria, must pass an examination. This does not apply to a person holding a license on July 1, 2004, unless that license has been invalid for more than 1 year.
- Beginning September 1, 2005, an applicant for a Class “CC” (Private Investigator Intern) license must have completed 40 hours of training within the prior 12 month period which is evidenced by a certificate of completion. The applicant must also pass an examination. In addition, this requirement applies to any person whose Class “CC” license has been invalid for more than 1 year. The course content and examination criteria shall be determined by the department.

Section 7. Provides that this act shall take effect July 1, 2004.

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:

The committee substitute imposes a fee of \$100 for the examination of a private investigator or a private investigator intern and a continuing education provider approval fee \$200. The department estimates the following examination fee revenues:

Division of Licensing TF	FY 2004-05	FY 2005-06
Private Investigator Exams	\$ 46,900	\$ 93,800
Private Investigator Intern Exams	--	70,917
Provider Approval Fee for Continuing Education	\$ 5,000	--
Total	\$ 46,900	\$164,717

B. Private Sector Impact:

Persons wanting to be licensed as a private investigator or private investigator intern will incur costs for examinations, training, and continuing education. Providers of the continuing education courses will incur an approval fee.

C. Government Sector Impact:

It is estimated that any revenue realized by the department from the examinations of private investigators and interns would be offset by the costs of administering those examinations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.