

By Senator Argenziano

3-795A-04

See HB 1119

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

1 licensure as a private investigator intern;  
2 requiring the department to establish by rule  
3 the general content and the form for  
4 certificates of completion of such training and  
5 criteria for the examination; requiring  
6 reexamination for relicensure under certain  
7 circumstances; providing an effective date.  
8

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

10  
11 Section 1. Paragraph (a) of subsection (1) of section  
12 493.6106, Florida Statutes, is amended to read:

13 493.6106 License requirements; posting.--

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

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

18 Section 2. Section 493.6110, Florida Statutes, is  
19 amended to read:

20 493.6110 Licensee's insurance.--No Class "B"agency  
21 license shall be issued unless the applicant first files with  
22 the department a certification of insurance evidencing  
23 commercial general liability coverage as delineated below. The  
24 coverage shall provide the department as an additional insured  
25 for the purpose of receiving all notices of modification or  
26 cancellation of such insurance. Coverage shall be written by  
27 an insurance company which is lawfully engaged to provide  
28 insurance coverage in Florida. Coverage shall provide for a  
29 combined single-limit policy in the amount of at least  
30 \$300,000, ~~which policy shall include comprehensive general~~  
31 ~~liability coverage~~ for death, bodily injury, property damage,

1 and personal injury ~~coverage including false arrest, detention~~  
2 ~~or imprisonment, malicious prosecution, libel, slander,~~  
3 ~~defamation of character, and violation of the right of~~  
4 ~~privacy.~~ Coverage shall insure for the liability of all  
5 employees licensed by the department while acting in the  
6 course of their employment.

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

9 (2) The licensed agency shall notify the department  
10 immediately upon cancellation of the insurance policy, whether  
11 such cancellation was initiated by the insurance company or  
12 the insured agency.

13 (3) The agency license shall be automatically  
14 suspended upon the date of cancellation unless evidence of  
15 insurance is provided to the department prior to the effective  
16 date of cancellation.

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

19 493.6113 Renewal application for licensure.--

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

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

29 (b) Each Class "G" licensee shall additionally submit  
30 proof that he or she has received during each year of the  
31 license period a minimum of 4 hours of firearms

1 recertification training taught by a Class "K" licensee and  
2 has complied with such other health and training requirements  
3 which the department may adopt by rule. If proof of a minimum  
4 of 4 hours of annual firearms recertification training cannot  
5 be provided, the renewal applicant shall complete the minimum  
6 number of hours of range and classroom training required at  
7 the time of initial licensure.

8 (c) Each Class "DS" or Class "RS" licensee shall  
9 additionally submit the current curriculum, examination, and  
10 list of instructors.

11 (d) Each Class "C," Class "CC," Class "M," Class "MA,"  
12 Class "K," Class "E," Class "EE," Class "MR," and Class "RI"  
13 licensee must provide proof, in a form established by rule of  
14 the department, that the licensee has completed not less than  
15 4 hours of continuing education in the law and rules  
16 regulating the profession, including criminal law, court  
17 decisions, and legal opinions that affect the profession, and  
18 2 hours of continuing education in terrorism awareness,  
19 presented by approved providers, during the biennium since  
20 issuance or last renewal of the license.

21 (e) The department shall by rule establish criteria  
22 for the approval of courses and providers, including  
23 requirements relating to course contents and provider  
24 expertise. In order to obtain approval as a provider or guest  
25 lecturer, the person must be qualified by education or  
26 experience in the specific area of instruction to be  
27 presented.

28 (f) Approved continuing education training shall be  
29 conducted at various locations within or outside the state at  
30 times convenient for licensees, including weekends. Approved  
31 providers must verify the identity and license number of each

1 licensee receiving the training by presentation of the  
2 personal license and shall issue a certificate of completion  
3 to each licensee who successfully completes the approved  
4 courses. The certificate shall be on a form established by  
5 rule of the department and must be submitted with the  
6 application for renewal of licensure.

7 Section 4. Paragraph (h) of subsection (1) of section  
8 493.6118, Florida Statutes, is amended to read:

9 493.6118 Grounds for disciplinary action.--

10 (1) The following constitute grounds for which  
11 disciplinary action specified in subsection (2) may be taken  
12 by the department against any licensee, agency, or applicant  
13 regulated by this chapter, or any unlicensed person engaged in  
14 activities regulated under this chapter.

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

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

20 493.6202 Fees.--

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

24 (f) Fee for the examination for private investigator:  
25 \$100.

26 (g) Fee for the examination for private investigator  
27 intern: \$100.

28 Section 6. Section 493.6203, Florida Statutes, is  
29 amended to read:

30 493.6203 License requirements.--In addition to the  
31 license requirements set forth elsewhere in this chapter, each

1 individual or agency shall comply with the following  
2 additional requirements:

3 (1) Each agency or branch office shall designate a  
4 minimum of one appropriately licensed individual to act as  
5 manager, directing the activities of the Class "C" or Class  
6 "CC" employees.

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

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

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

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

14 (d) Experience described in paragraph (a) for at least  
15 1 year and experience described as follows ~~in paragraph (e)~~  
16 for ~~1 year~~

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

18 1. College coursework related to criminal justice,  
19 criminology, or law enforcement administration; or

20 2. Successfully completed law enforcement-related  
21 training received from any federal, state, county, or  
22 municipal agency; or

23 ~~(e)(f)~~ Experience described in paragraph (a) for at  
24 least 1 year and work in a managerial or supervisory capacity  
25 for at least 1 year.

26 (3) An applicant for a Class "M" license shall qualify  
27 for licensure as a Class "MA" manager as outlined under  
28 subsection (2) and as a Class "MB" manager as outlined under  
29 s. 493.6303(2).

30 (4) An applicant for a Class "C" license shall have 2  
31 years of lawfully gained, verifiable, full-time experience, or

1 training in one, or a combination of more than one, of the  
2 following:

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

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

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

11 (5)(a) Beginning July 1, 2004, an applicant for a  
12 Class "C" license who meets the experience criteria in  
13 subsection (4) must also pass an examination on the provisions  
14 of this chapter, which shall be administered by the department  
15 or an examination provider approved by the department. The  
16 applicant is not required to pass the examination prior to  
17 submission of the application but must do so prior to issuance  
18 of the license. The administrator of the examination must  
19 verify the identity of each applicant taking the examination.

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

24 (c) Notwithstanding the exemption in paragraph (b),  
25 any individual whose license has been invalid for any reason  
26 for more than 1 year must successfully pass the examination,  
27 even if previously taken, prior to issuance of the Class "C"  
28 license being applied for under this subsection.

29 (6)(a) Beginning July 1, 2004, an applicant for a  
30 Class "CC" license must have completed within the preceding 12  
31 months a minimum 40-hour course from a school, college, or

1 university regulated by the Department of Education which  
2 relates to general investigative techniques and the provisions  
3 of this chapter and must also pass an examination, which shall  
4 be administered by the Department of Agriculture and Consumer  
5 Services or an examination provider approved by such  
6 department. The training required by this subsection may be  
7 provided on-line, by live presentation, or by home study in  
8 accordance with rules and procedures of the Department of  
9 Education. The administrator of the examination must verify  
10 the identity of each applicant taking the examination.

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

16 (c) The department shall by rule establish the general  
17 content of the training and criteria for the examination  
18 required by this subsection.

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

24 (7)(5) A Class "CC" licensee shall serve an internship  
25 under the direction and control of a designated sponsor, who  
26 is a Class "C," Class "MA," or Class "M" licensee.

27 (8)(6) In addition to any other requirement, an  
28 applicant for a Class "G" license shall satisfy the firearms  
29 training set forth in s. 493.6115.

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

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