

By the Committee on Agriculture; and Senator Argenziano

303-2337-04

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

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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.--A Class "B"~~No~~ agency
21 license may not ~~shall~~ be issued unless the applicant first
22 files with the department a certification of insurance
23 evidencing commercial general liability coverage as delineated
24 below. The coverage shall provide the department as an
25 additional insured for the purpose of receiving all notices of
26 modification or cancellation of such insurance. Coverage shall
27 be written by an insurance company which is lawfully engaged
28 to provide insurance coverage in Florida. Coverage shall
29 provide for a combined single-limit policy in the amount of at
30 least \$300,000, ~~which policy shall include comprehensive~~
31 ~~general liability coverage~~ for death, bodily injury, property

1 damage, and personal injury ~~coverage including false arrest,~~
2 ~~detention or imprisonment, malicious prosecution, libel,~~
3 ~~slander, defamation of character, and violation of the right~~
4 ~~of 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. The department shall competitively solicit for the
25 services to develop and conduct specific areas of instruction
26 for continuing education classes.

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

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

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

8 493.6118 Grounds for disciplinary action.--

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

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

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

19 493.6202 Fees.--

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

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

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

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

29 493.6203 License requirements.--In addition to the
30 license requirements set forth elsewhere in this chapter, each
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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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2822

The committee substitute makes technical changes by conforming language to that of CS/SB 1300 written to the same section of the statutes, and it further differs from the original bill in that it removes terms addressing the qualifications of instructor, and replaces it with a requirement that the department use competitive bidding to develop and conduct the continuing education courses.