

By Senator Argenziano

3-488A-05

See HB 1327

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.; conforming a provision
10 requiring certification of insurance coverage;
11 requiring certain licensees to complete
12 specified continuing education; requiring the
13 Department of Agriculture and Consumer Services
14 to establish by rule criteria for the approval
15 of continuing education courses and providers
16 and the form for certificates of completion;
17 amending s. 493.6202, F.S.; requiring the
18 department to establish by rule certain fees
19 relating to private investigative services;
20 amending s. 493.6203, F.S.; requiring passage
21 of an examination for licensure as a private
22 investigator; providing exemption for certain
23 licensees; requiring reexamination for
24 relicensure under certain circumstances;
25 requiring successful completion of certain
26 coursework and passage of an examination for
27 licensure as a private investigator intern;
28 requiring the department to establish by rule
29 the general content and the form for
30 certificates of completion of such training and
31 criteria for the examination; requiring

1 reexamination for relicensure under certain
2 circumstances; providing an effective date.

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

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6 Section 1. Paragraph (a) of subsection (1) of section
7 493.6106, Florida Statutes, is amended to read:

8 493.6106 License requirements; posting.--

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

10 (a) Be at least 18 years of age, except that Class
11 "C," Class "MA," and Class "M" licensees must be at least 21
12 years of age.

13 Section 2. Section 493.6110, Florida Statutes, is
14 amended to read:

15 493.6110 Licensee's insurance.--No Class "B" agency
16 license shall be issued unless the applicant first files with
17 the department a certification of insurance evidencing
18 commercial general liability coverage ~~as delineated below~~. The
19 coverage shall provide the department as an additional insured
20 for the purpose of receiving all notices of modification or
21 cancellation of such insurance. Coverage shall be written by
22 an insurance company which is lawfully engaged to provide
23 insurance coverage in Florida. Coverage shall provide for a
24 combined single-limit policy in the amount of at least
25 \$300,000, ~~which policy shall include comprehensive general~~
26 ~~liability coverage~~ for death, bodily injury, property damage,
27 and personal injury ~~coverage including false arrest, detention~~
28 ~~or imprisonment, malicious prosecution, libel, slander,~~
29 ~~defamation of character, and violation of the right of~~
30 ~~privacy~~. Coverage shall insure for the liability of all
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1 employees licensed by the department while acting in the
2 course of their employment.

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

5 (2) The licensed agency shall notify the department
6 immediately upon cancellation of the insurance policy, whether
7 such cancellation was initiated by the insurance company or
8 the insured agency.

9 (3) The agency license shall be automatically
10 suspended upon the date of cancellation unless evidence of
11 insurance is provided to the department prior to the effective
12 date of cancellation.

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

15 493.6113 Renewal application for licensure.--

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

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

25 (b) Each Class "G" licensee shall additionally submit
26 proof that he or she has received during each year of the
27 license period a minimum of 4 hours of firearms
28 recertification training taught by a Class "K" licensee and
29 has complied with such other health and training requirements
30 which the department may adopt by rule. If proof of a minimum
31 of 4 hours of annual firearms recertification training cannot

1 be provided, the renewal applicant shall complete the minimum
2 number of hours of range and classroom training required at
3 the time of initial licensure.

4 (c) Each Class "DS" or Class "RS" licensee shall
5 additionally submit the current curriculum, examination, and
6 list of instructors.

7 (d) Effective September 1, 2006, each Class "C," Class
8 "CC," Class "M," Class "MA," Class "E," Class "EE," Class
9 "MR," and Class "RI" licensee shall provide proof, in a form
10 established by rule of the department, that the licensee has
11 completed not less than 6 hours of continuing education in
12 Florida law and rules regulating the professions, including
13 criminal law, court decisions, and legal opinions that impact
14 the professions, which may include 2 hours of terrorism
15 awareness, presented by approved providers, during the
16 biennium since the issuance or last renewal of the license.
17 Licensees who hold more than one license issued pursuant to
18 this chapter shall be required to complete the continuing
19 education only once during any biennium.

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

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

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

5 Section 4. Paragraphs (f) and (g) are added to
6 subsection (1) of section 493.6202, Florida Statutes, to read:

7 493.6202 Fees.--

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

11 (f) Fee for the examination for private investigator:
12 \$100.

13 (g) Biennial fee for provider approval: \$200.

14 Section 5. Section 493.6203, Florida Statutes, is
15 amended to read:

16 493.6203 License requirements.--In addition to the
17 license requirements set forth elsewhere in this chapter, each
18 individual or agency shall comply with the following
19 additional requirements:

20 (1) Each agency or branch office shall designate a
21 minimum of one appropriately licensed individual to act as
22 manager, directing the activities of the Class "C" or Class
23 "CC" employees.

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

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

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

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

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1 (d) Experience described in paragraph (a) for at least
2 1 year and experience described as follows ~~in paragraph (e)~~
3 ~~for 1 year;~~

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

5 1. College coursework related to criminal justice,
6 criminology, or law enforcement administration; or

7 2. Successfully completed law enforcement-related
8 training received from any federal, state, county, or
9 municipal agency; or

10 ~~(e)(f)~~ Experience described in paragraph (a) for at
11 least 1 year and work in a managerial or supervisory capacity
12 for at least 1 year.

13 (3) An applicant for a Class "M" license shall qualify
14 for licensure as a Class "MA" manager as outlined under
15 subsection (2) and as a Class "MB" manager as outlined under
16 s. 493.6303(2).

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

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

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

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

29 (5)(a) Effective March 1, 2006, an applicant for a
30 Class "C" license who meets the experience criteria in
31 subsection (4) must pass an examination on the provisions of

1 this chapter, which shall be administered by the department or
2 an examination provider approved by the department. The
3 applicant is not required to pass the examination prior to
4 submission of the application but must do so prior to issuance
5 of the license. The administrator of the examination must
6 verify the identity of each applicant taking the examination.

7 (b) The examination requirements of paragraph (a) do
8 not apply to any individual who holds a valid Class "CC,"
9 Class "C," Class "MA," or Class "M" license issued on or
10 before March 1, 2006.

11 (c) Notwithstanding the exemption in paragraph (b),
12 any individual whose license has been invalid for any reason
13 for more than 1 year must successfully pass the examination,
14 even if previously taken.

15 (6)(a) Effective September 1, 2006, an applicant for a
16 Class "CC" license must have, within the preceding 12 months,
17 satisfactorily completed a minimum 40-hour course from a
18 school, college, or university regulated by the Department of
19 Education that pertains to general investigative techniques
20 and this chapter and shall pass an examination. The training
21 specified in this subsection may be provided by live
22 presentation, on-line, or by home study in accordance with
23 Department of Education rules and procedures. The
24 administrator of the examination shall verify the identity of
25 all applicants taking the examination.

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

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1 (c) The department shall by rule establish the general
2 content of the training and examination criteria.

3 (d) Any individual whose Class "CC" license has been
4 invalid for any reason for more than 1 year must complete the
5 training, even if previously taken.

6 ~~(7)(5)~~ A Class "CC" licensee shall serve an internship
7 under the direction and control of a designated sponsor, who
8 is a Class "C," Class "MA," or Class "M" licensee.

9 ~~(8)(6)~~ In addition to any other requirement, an
10 applicant for a Class "G" license shall satisfy the firearms
11 training set forth in s. 493.6115.

12 Section 6. This act shall take effect July 1, 2005.

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