

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 717 CS Private Security Services
SPONSOR(S): Taylor
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	11 Y, 0 N, w/CS	Kaiser	Reese
2) Business Regulation Committee		Morris	Liepshutz
3) Criminal Justice Committee			
4) State Resources Council			
5) _____			

SUMMARY ANALYSIS

The Division of Licensing in the Department of Agriculture and Consumer Services licenses and regulates the private security industry in accordance with Chapter 493, Florida Statutes. Currently security officers and managers of security or investigative agencies holding a hand gun permit are authorized to carry .38 or .357 caliber revolvers, unless otherwise approved by the department. Private investigators and managers of private investigation agencies, holding a hand gun permit, are authorized to carry not only .38 or .357 caliber revolvers, but also .380 or 9 millimeter semiautomatic weapons.

This legislation authorizes security officers, managers of investigative and security agencies, and managers of security agencies holding a statewide firearm permit to carry the same weaponry as permitted for private investigators and managers of private investigative agencies.

Existing law allows the department to grant exceptions to the prohibitions for the types of weapons authorized for private investigator interns, security officers, and managers of investigative and/or security agencies, and reports that, on occasion, the current law has been waived to allow a security officer to carry a semi-automatic weapon when the officer's employer can justify the need for such.

The legislation does not appear to have a fiscal impact on state government; nor does it appear to negatively impact counties or municipalities.

The bill provides that the act will take effect July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This legislation may implicate the following House principles:

Safeguard individual liberty: This legislation expands the type weaponry authorized for security officers and managers of investigative and/or security agencies holding a statewide firearms license, to include .380 and 9 millimeter semiautomatic pistols.

Maintain public security: This legislation expands the type weaponry authorized for security officers and managers of investigative and/or security agencies holding a statewide firearms license, to include .380 and 9 millimeter semiautomatic pistols.

B. EFFECT OF PROPOSED CHANGES:

The Division of Licensing of the Department of Agriculture and Consumer Services licenses and regulates the private security industry in accordance with Chapter 493, Florida Statutes.

A security officer is any individual or business who, for consideration, advertises as or is engaged in the business of furnishing security services, such as acting as a bodyguard, guarding property, transporting prisoners, guarding armored cars, attempting to prevent theft, misappropriation or concealment of property or other valuables and seeking the return of stolen valuables.

When an application is received for a Class "D" security officer license, the Florida Department of Law Enforcement and the Federal Bureau of Investigation performs a criminal history record check to determine if the applicant has a criminal history which will disqualify him or her from licensure. In addition, applicants must have 40 hours of training at a licensed school or training facility.

To carry a firearm in the performance of security duties, a security officer must also obtain statewide firearm license [Class "G" license]. The license may not be issued unless the firearm is required by the employing agency and the firearm must be carried openly.¹ A statewide firearm license requires an additional 28 hours of range and classroom training administered by a licensed firearms instructor.

Current law² allows private investigator interns, security officers, and managers of security and/or investigative agencies, holding a hand gun permit to carry .38 or .357 caliber revolvers, unless otherwise approved by the department. Private investigators (Class "C" licensees) and managers of private investigation firms (Class "MA" licensees), holding a statewide firearms permit, are authorized to carry a .38 or .357 caliber revolver or a .380 or 9 millimeter semiautomatic pistol. No licensee is allowed to carry more than two firearms and only those type firearms for which the licensee has received training under the provisions of chapter 493.

This legislation expands the type weaponry authorized for security officers and managers of investigative and/or security agencies holding a statewide firearms license, to include .380 and 9 millimeter semiautomatic pistols.

Whenever a person holding a statewide firearms permit [Class "G"] discharges a firearm in the course of duty, that person and the agency for which the person works, is required to file a report with the department with an explanation describing the nature of the incident, the necessity for using the firearm, and a copy of any report prepared by the investigating law enforcement agency. The

¹ See s. 790.06 for authority to carry concealed weapons.

² See s. 493.6115, F.S.

department may suspend or revoke the licensee's license and the licensed agency's agency license for failing to comply with these reporting requirements.

In addition, s. 493.6118, F.S., outlines various grounds for disciplinary action by the department against persons holding any type of firearms license, including the commission of an act of violence or the use of force on any person except in the lawful protection of one's self or another from physical harm. That statute also allows for the imposition of administrative fines, reprimands, probation or the suspension or revocation of a license for violations.

The department reports that, on occasion, the current law has been waived to allow a security officer to carry a semi-automatic weapon when the officer's employer can justify the need for such.

C. SECTION DIRECTORY:

Section 1: Amends s. 493.6115(6), F.S.; expanding the types of firearms a security officer and managers of security and investigative agencies are authorized to carry.

Section 2: Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Neither the Department of Agriculture and Consumer Services nor the National Rifle Association has taken a position on this legislation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 23, 2005, the Committee on Agriculture adopted an amendment allowing Classes "M" and "MB" licensees (managers of security firms) to carry the same weaponry as permitted for Class "C" and Class "MA."