

By Senator Baker

20-01466-10

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1                   A bill to be entitled  
2           An act relating to private investigative, private  
3           security, and repossession services; amending s.  
4           493.6104, F.S.; creating the Board of Investigation,  
5           Security, and Recovery within the Department of  
6           Agriculture and Consumer Services; providing for  
7           members of the board to be appointed by the  
8           Commissioner of Agriculture; providing for the powers,  
9           duties, and meetings of the board; providing for the  
10          removal of members and reimbursement of expenses for  
11          members of the board; providing for the transfer of  
12          functions from the Department of Agriculture and  
13          Consumer Services to the board; providing for annual  
14          budget requests; providing for an annual report to the  
15          Governor and Legislature; providing for the adoption  
16          of rules; deleting provisions relating to the Private  
17          Investigation, Recovery, and Security Advisory  
18          Council; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Section 493.6104, Florida Statutes, is amended  
23           to read:

24           493.6104 Board of Investigation, Security, and Recovery  
25           ~~Advisory council.~~

26           (1) The Board of Investigation, Security, and Recovery is  
27           created within the Department of Agriculture and Consumer  
28           Services. The board shall be composed of 13 members, of whom 8  
29           members must be licensed under this chapter and must have been

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30 licensed for a minimum of 5 years. One member must be an active  
31 law enforcement officer who is certified under the Criminal  
32 Justice Standards and Training Commission and shall represent a  
33 statewide or county law enforcement agency or statewide  
34 association of law enforcement agencies. Two members must  
35 represent businesses that regularly contract with Class "A,"  
36 Class "B," or Class "R" agencies. Four members must represent  
37 the security profession, at least one of whom must represent an  
38 agency that employs 20 or fewer security officers; two members  
39 must represent the private investigative profession, at least  
40 one of whom must represent an agency that employs five or fewer  
41 investigators; two members must represent the collateral  
42 recovery profession; and the remaining two members must be  
43 laypersons who have never engaged in private security, private  
44 investigation, or collateral recovery activities. The licensed  
45 members must be geographically distributed throughout the state,  
46 if reasonably possible. The department shall designate an  
47 advisory council, known as the Private Investigation, Recovery,  
48 and Security Advisory Council, to be composed of 11 members. One  
49 member must be an active law enforcement officer, certified  
50 under the Florida Criminal Justice Standards and Training  
51 Commission, representing a statewide law enforcement agency or  
52 statewide association of law enforcement agencies. One member  
53 must be the owner or operator of a business that regularly  
54 contracts with Class "A," Class "B," or Class "R" agencies. Nine  
55 members must be geographically distributed, insofar as possible,  
56 and must be licensed pursuant to this chapter. Two members must  
57 be from the security profession, one of whom represents an  
58 agency that employs 20 security guards or fewer; two members

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59 ~~must be from the private investigative profession, one of whom~~  
60 ~~represents an agency that employs five investigators or fewer;~~  
61 ~~one member shall be from the repossession profession; and the~~  
62 ~~remaining four members may be drawn from any of the professions~~  
63 ~~regulated under this chapter.~~

64 (2) Seven of the initial board Council members shall be  
65 appointed by the Commissioner of Agriculture for 3-year terms  
66 and six shall be appointed for 4-year terms. Thereafter, each  
67 member shall be appointed by the commissioner for a 4-year term.  
68 In the event of an appointment to fill an unexpired term, the  
69 appointment shall be for no longer than the remainder of the  
70 unexpired term. A ~~No~~ member may not serve more than two full  
71 consecutive terms. Members may be removed by the commissioner ~~of~~  
72 Agriculture for cause, with the consent of the board. Cause  
73 includes shall include, but is not limited to, absences from two  
74 consecutive meetings, conviction of a felony or violent  
75 misdemeanor, revocation or suspension of licensure, professional  
76 conduct that is below or contrary to acceptable standards, or  
77 conduct that brings disrepute upon the professions regulated by  
78 the board.

79 (3) Members shall elect a chairperson annually. A ~~No~~ member  
80 may not serve as chairperson more than twice.

81 (4) The board council shall meet at least 4 times yearly  
82 upon the call of the chairperson, at the request of a majority  
83 of the membership, or at the request of the department. Notice  
84 of ~~council~~ meetings and the agenda shall be published in the  
85 Florida Administrative Weekly at least 14 days prior to such  
86 meeting.

87 (5) The board shall have all regulatory powers and duties

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88 under this chapter which were previously held by the department,  
89 including those relating to the receipt and processing of  
90 complaints, investigations, and disciplinary actions;  
91 determining legal sufficiency and probable cause; issuing  
92 orders, notices of noncompliance, notices to cease and desist,  
93 subpoenas, and citations; retaining legal counsel and other  
94 professionals; and any other acts relating to the regulation of  
95 persons under this chapter.

96 (a) Complaints and information obtained pursuant to an  
97 investigation by the board are confidential and exempt from s.  
98 119.07(1) until probable cause is found by the board.

99 (b) The board may contract, pursuant to s. 287.057(3), to  
100 obtain services it deems necessary to perform its duties. Any  
101 entity with which it contracts must comply with all  
102 recordkeeping and public-records requirements imposed upon the  
103 board.

104 (c) The board shall submit an operating budget request to  
105 the department by October 1 of each year, and the department  
106 shall submit copies of that budget request, without alteration,  
107 to the Governor and the Legislature pursuant to s. 216.023.

108 (d) By October 1 of each year, the board shall submit an  
109 annual report of its activities to the Governor, the President  
110 of the Senate, the Speaker of the House of Representatives, the  
111 chairs of the appropriations committees of the Senate and House  
112 of Representatives, and the Commissioner of Agriculture. The  
113 report shall include:

- 114 1. The number of complaints received;  
115 2. The number of complaints determined to be legally  
116 sufficient;

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- 117       3. The number of complaints determined to be legally  
118 insufficient;
- 119       4. The number of complaints dismissed;
- 120       5. The number of complaints filed in circuit court;
- 121       6. The number of complaints determined to have probable  
122 cause;
- 123       7. The number of administrative complaints issued and the  
124 status of the complaints;
- 125       8. The number and nature of disciplinary actions taken by  
126 the board;
- 127       9. The number and the amount of fines and penalties  
128 imposed;
- 129       10. The number and the amount of fines and penalties  
130 collected;
- 131       11. Total revenues and expenses incurred;
- 132       12. Total completed investigations;
- 133       13. Total pending investigations; and
- 134       14. A summary of audits performed, including financial  
135 reports and performance audits of any entity hired pursuant to  
136 paragraph (a). The council shall advise the department and make  
137 recommendations relative to the regulation of the security,  
138 investigative, and recovery industries.
- 139       (6) Board ~~Council~~ members shall serve without pay; however,  
140 state per diem and travel allowances may be claimed for  
141 attendance at officially called meetings as provided by s.  
142 112.061.
- 143       (7) A quorum of seven ~~six~~ members is ~~shall be~~ necessary for  
144 a meeting to convene or continue. All official action taken by  
145 the board ~~council~~ shall be by simple majority of those members

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146 present. Members may not participate or vote by proxy. Meetings  
147 shall be recorded, and minutes of the meetings shall be  
148 maintained by the department.

149 (8) The director of the Division of Licensing or the  
150 director's designee shall serve, in a nonvoting capacity, as  
151 secretary to the board ~~council~~. The Division of Licensing shall  
152 provide all administrative and legal support required by the  
153 board ~~council~~ in the conduct of its official business.

154 (9) The board may adopt rules to administer this section.  
155 Section 2. This act shall take effect July 1, 2010.