

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 1574

INTRODUCER: Senator Taddeo

SUBJECT: Unarmed Security Licenses

DATE: January 19, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	<b>Pre-meeting</b>
2.			RI	
3.			RC	

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**I. Summary:**

SB 1574 allows applicants for licensure as a class “D” licensee (security officer) to perform required pre-licensing training online. Currently, a security officer applicant must attend 40 hours of pre-licensing training in-person.

A security officer may not carry a gun in the course of his or her work unless he or she obtains an additional, class “G” license (“statewide firearm”).<sup>1</sup> A statewide firearm applicant must perform an additional 28 hours of classroom and range training.<sup>2</sup>

**II. Present Situation:**

**Security Officers, Generally**

The Division of Licensing within the Florida Department of Agriculture and Consumer Services (department) is responsible for investigating and issuing licenses to conduct private security, private investigative, and recovery services pursuant to ch. 493, F.S. As of December 2017, there were 134,033 class “D” security officer licenses and 379 class “DS” security officer school or facility licenses issued by the department.<sup>3</sup>

A security officer is an individual who advertises for, or performs: bodyguard services, personal or property protection; theft and loss prevention; armored car staffing; and transportation of

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<sup>1</sup> Section 493.6105(5), F.S.

<sup>2</sup> Florida Department of Agriculture and Consumer Services, Division of Licensing, Class “G” Statewide Firearm License Training, <http://www.freshfromflorida.com/Divisions-Offices/Licensing/Private-Investigation/Private-Investigation-and-Firearms/G-License-Classroom-and-Range-Requirements> (last visited Jan. 19, 2018).

<sup>3</sup> Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licensees by Type* (Dec. 31, 2017), [http://www.freshfromflorida.com/content/download/7471/118627/Number\\_of\\_Licensees\\_By\\_Type.pdf](http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf) (last visited Jan. 19, 2018).

prisoners.<sup>4</sup> Law enforcement officers engaged in their official duties or off-duty security activities that have been approved by appropriate superiors are not considered security officers.<sup>5</sup> Additionally, unarmed security officers who are employed by, and perform their work entirely on the premises of either their employer's business, a church or denominational organization, or a church cemetery are not required to be licensed as a security officer under ch. 493, F.S.<sup>6</sup>

A class "D" security officer licensee must obtain an additional license, a class "G" statewide firearm license, in order to be able to carry a firearm in the course of his or her work as a security officer.<sup>7</sup> A class "G" license has additional statutory qualifications, such as the requirement that the applicant not be prohibited from purchasing or possessing a firearm, and requires an additional 28 hours of classroom and range training.<sup>8</sup>

### Licensing Requirements

An applicant for a class "D" license must be at least 18 years old, and be permitted to work in the U.S. as either a citizen, permanent legal resident, or possessor of a work visa.<sup>9</sup> Additionally, the applicant must evince that he or she has no disqualifying criminal history, is of good moral character, and has no history of mental illness or substance abuse.<sup>10</sup>

So the department may review and investigate the fitness of a class "D" license applicant, the applicant must submit an application with general, personal information, including:

- The applicant's social security number or alien registration number;
- A statement of all criminal convictions, findings of guilt, and pleas of guilty or nolo contendere, regardless of adjudication of guilt;
- A statement whether he or she has ever been adjudicated incompetent or committed to a mental institution;
- A full set of fingerprints and associated fees for processing and retaining the information; and
- A waiver permitting the department to conduct investigations into the applicant's personal background.<sup>11</sup>

In addition, the applicant must submit a \$45 license fee<sup>12</sup> and proof of successful completion of 40 hours of professional training at a school or training facility that is licensed by the

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<sup>4</sup> Section 493.6101(19), F.S.; *see also*, Florida Department of Agriculture and Consumer Services, *Private Security*, <http://www.freshfromflorida.com/Divisions-Offices/Licensing/Private-Security> (last visited Jan. 19, 2018).

<sup>5</sup> Section 493.6102(1), F.S.

<sup>6</sup> Section 493.6102(4), (13), F.S.

<sup>7</sup> Sections 493.6115(2) and 493.6301(6) F.S.

<sup>8</sup> *See* note 2, *supra*; s. 493.6106(1)(g), F.S.

<sup>9</sup> 493.6106(1), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 493.6105, F.S., *see also*, Florida Department of Agriculture and Consumer Services, Application for Class "D" Security Officer License, available at: <http://forms.freshfromflorida.com/16007.pdf> (last visited Jan. 19, 2018)

<sup>12</sup> Section 493.6302(1)(d), F.S.; *see also*, Florida Department of Agriculture and Consumer Services, *Private Investigation, Security, Recovery: Chapter 493, Florida Statutes New License Fee Schedule*, available at: [http://www.freshfromflorida.com/content/download/33389/815718/FS493\\_License\\_Fees.pdf](http://www.freshfromflorida.com/content/download/33389/815718/FS493_License_Fees.pdf) (last visited Jan. 19, 2018).

department.<sup>13</sup> A class “D” licensee must renew his or her license every two years, and provide associated fees.<sup>14</sup>

### **Security Officer Schools and Training Facilities**

Schools and training facilities that wish to provide instruction and training for class “D” license applicants must become licensed as a class “DS” licensee under ch. 493, F.S.<sup>15</sup> The application for this license must include:

- The name and address of the school or training facility. If the applicant is an individual, his or her name, address, and social security or alien registration number;
- The street address of the place at which the school or facility will conduct training; and
- A copy of the school or facility’s training curriculum and final examination.

In addition, the school or training facility must submit a \$60 initial license fee,<sup>16</sup> and renew its license every two years.<sup>17</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 493.6303(4), F.S., to permit required training for class “D” licensure to be performed by in-person instruction or via a school or facility’s secure website. The department must verify that a class “D” applicant attended and successfully completed the training.

**Section 2** amends s. 493.6304(2), F.S., to require class “DS” license applicants, security officer schools or training facilities, to provide their name and website address on their application if they plan to provide training for class “D” licensure online.

**Section 3** provides an effective date of July 1, 2018.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

<sup>13</sup> Section 493.6303(4)(a), F.S.

<sup>14</sup> Section 493.6113, F.S.

<sup>15</sup> Section 493.6304, F.S.

<sup>16</sup> Section 493.6304(1); *see also*, Florida Department of Agriculture and Consumer Services, *Private Investigation, Security, Recovery: Chapter 493, Florida Statutes New License Fee Schedule*, available at:

[http://www.freshfromflorida.com/content/download/33389/815718/FS493\\_License\\_Fees.pdf](http://www.freshfromflorida.com/content/download/33389/815718/FS493_License_Fees.pdf) (last visited Jan. 19, 2018).

<sup>17</sup> Section 493.6113, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

After an initial outlay to develop online services, schools and training facilities may incur savings by foregoing classroom costs. The schools and training facilities may pass on these savings to license applicants in the form of reduced course fees.

**C. Government Sector Impact:**

There may be an increase in class “D” security guard applicants, because it will be more convenient for those who do not have access to in-person training to complete the licensure requirements. The department may also need to adopt rules to implement this bill. The department states that any additional regulatory work can be performed by existing staff.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Section 493.6304(2)(b), F.S., requires security officer school or training facility applicants to provide “the street address of the place at which the training is to be conducted.” This requirement may be inapplicable to schools or facilities that will perform online training.

Additionally, it is unclear how the department will be able to independently verify that an applicant attended and successfully completed online training at a training school or facility.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 493.6303, 493.6304.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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<sup>18</sup> Florida Department of Agriculture and Consumer Services, *HB 813 Agency Analysis* (Dec. 27, 2017), on file with the Senate Committee on Commerce and Tourism.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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