

By Senator Farmer

34-01565B-20

20201834__

1 A bill to be entitled
2 An act relating to private investigative, private
3 security, and repossession services; amending s.
4 493.6105, F.S.; requiring licensed Class "K" firearms
5 instructors to submit proof of certain training to the
6 Department of Agriculture and Consumer Services;
7 requiring such instructors to provide a copy of the
8 training results to persons who completed the
9 training; authorizing an applicant for a Class "K"
10 license to submit a specified form to meet certain
11 requirements; amending s. 493.6106, F.S.; authorizing
12 the Department of Law Enforcement to provide certain
13 information to the Department of Agriculture and
14 Consumer Services under certain circumstances;
15 amending s. 493.6108, F.S.; deleting a provision
16 requiring the department to provide arrest information
17 to certain agencies; amending s. 493.6109, F.S.;
18 providing that a certain requirement relating to
19 adopting rules for licensing reciprocity may be waived
20 during a state of emergency; amending s. 493.6111,
21 F.S.; revising the authority of the department when
22 issuing licenses under ch. 493, F.S.; authorizing a
23 licensee to carry an electronic image of his or her
24 license card in lieu of carrying a physical card;
25 amending s. 493.6112, F.S.; revising the circumstances
26 under which an agency must report certain information
27 to the department; amending s. 493.6113, F.S.;
28 revising renewal requirements for Class "G" licensees;
29 requiring Class "K" firearms instructors to provide

34-01565B-20

20201834__

30 certain information to the department; requiring the
31 department to adopt rules to establish late fees
32 relating to licensure renewals; amending s. 493.6115,
33 F.S.; providing an additional circumstance under which
34 the department is authorized to issue a temporary
35 Class "G" license; amending s. 493.6123, F.S.;

36 authorizing the department to publish certain
37 information electronically; amending s. 493.6203,
38 F.S.; revising requirements relating to training for
39 Class "CC" licenses; amending s. 493.6303, F.S.;

40 revising requirements relating to training for Class
41 "D" licenses; requiring schools and training
42 facilities to submit training results directly to the
43 department and provide a copy of the results to the
44 applicant who completed the training; requiring the
45 department to adopt rules relating to in-person and
46 online training; amending s. 493.6304, F.S.; requiring
47 that applications to offer certain training for Class
48 "D" applicants include certain website addresses if
49 applicable; amending s. 493.6403, F.S.; revising
50 requirements relating to training for Class "E" and
51 Class "EE" licenses; requiring schools and training
52 facilities to submit training results directly to the
53 department and provide a copy of the results to the
54 applicant who completed the training; amending s.
55 493.6406, F.S.; making a technical change; reenacting
56 s. 493.6118(1)(q), F.S., relating to grounds for
57 disciplinary action, to incorporate the amendment made
58 to s. 493.6111, F.S., in a reference thereto;

34-01565B-20

20201834__

59 providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Subsections (2) and (5) and paragraph (a) of
64 subsection (6) of section 493.6105, Florida Statutes, are
65 amended to read:

66 493.6105 Initial application for license.—

67 (2) Each application must be signed and verified by the
68 applicant ~~individual under oath~~ as provided in s. 92.525.

69 (5) In addition to the requirements outlined in subsection
70 (3), an applicant for a Class "G" license must satisfy minimum
71 training criteria for firearms established by rule of the
72 department, which training criteria includes, but is not limited
73 to, 28 hours of range and classroom training taught and
74 administered by a licensed Class "K" firearms instructor
75 ~~licensee~~; however, no more than 8 hours of such training shall
76 consist of range training. Upon completion of the training, the
77 licensed Class "K" firearms instructor must submit proof of
78 completion of the training for each student to the department
79 electronically in a manner prescribed by the department. The
80 instructor must also provide a copy of the training results to
81 the student who completed the training. The department may waive
82 the foregoing firearms training requirement if:

83 (a) The applicant provides proof that he or she is
84 currently certified as a law enforcement officer or correctional
85 officer pursuant to the requirements of the Criminal Justice
86 Standards and Training Commission or has successfully completed
87 the training required for certification within the last 12

34-01565B-20

20201834__

88 months.

89 (b) The applicant provides proof that he or she is
90 currently certified as a federal law enforcement officer and has
91 received law enforcement firearms training administered by a
92 federal law enforcement agency.

93 (c) The applicant submits a valid firearm certificate among
94 those specified in paragraph (6) (a).

95 (6) In addition to the requirements under subsection (3),
96 an applicant for a Class "K" license must:

97 (a) Submit one of the following:

98 1. The Florida Criminal Justice Standards and Training
99 Commission Instructor Certificate and written confirmation by
100 the commission that the applicant possesses an active firearms
101 certification.

102 2. A valid National Rifle Association Private Security
103 Firearm Instructor Certificate issued not more than 3 years
104 before the submission of the applicant's Class "K" application.

105 3. A valid firearms instructor certificate issued by a
106 federal law enforcement agency issued not more than 3 years
107 before the submission of the applicant's Class "K" application.

108 4. A valid DD Form 214 issued by the United States
109 Department of Defense no more than 3 years before the submission
110 of the applicant's Class "K" application which indicates that
111 the applicant has been honorably discharged and served for at
112 least 3 years in the military as a firearms instructor.

113 Section 2. Paragraph (g) of subsection (1) of section
114 493.6106, Florida Statutes, is amended to read:

115 493.6106 License requirements; posting.—

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

34-01565B-20

20201834__

117 (g) Not be prohibited from purchasing or possessing a
118 firearm by state or federal law if the individual is applying
119 for a Class "G" license or a Class "K" license. To the extent
120 allowed under federal law, the Department of Law Enforcement may
121 provide National Instant Criminal Background Check System (NICS)
122 results, including the NICS Index, to the department to
123 determine eligibility.

124 Section 3. Subsection (5) of section 493.6108, Florida
125 Statutes, is amended to read:

126 493.6108 Investigation of applicants by Department of
127 Agriculture and Consumer Services.—

128 (5) A person licensed under this chapter must notify his or
129 her employer within 3 calendar days if he or she is arrested for
130 any offense. ~~If the department receives information about an~~
131 ~~arrest within the state of a person who holds a valid license~~
132 ~~issued under this chapter for a crime that could potentially~~
133 ~~disqualify the person from holding such a license, the~~
134 ~~department must provide the arrest information to the agency~~
135 ~~that employs the licensee.~~

136 Section 4. Paragraph (b) of subsection (2) of section
137 493.6109, Florida Statutes, is amended, and subsection (1) of
138 that section is republished, to read:

139 493.6109 Reciprocity.—

140 (1) The department may adopt rules for:

141 (a) Entering into reciprocal agreements with other states
142 or territories of the United States for the purpose of licensing
143 persons to perform activities regulated under this chapter who
144 are currently licensed to perform similar services in the other
145 states or territories; or

34-01565B-20

20201834__

146 (b) Allowing a person who is licensed in another state or
147 territory to perform similar services in this state, on a
148 temporary and limited basis, without the need for licensure in
149 state.

150 (2) The rules authorized in subsection (1) may be
151 promulgated only if:

152 (b) The applicant has engaged in licensed activities for at
153 least 1 year in the other state or territory with no
154 disciplinary action against him or her. This requirement may be
155 waived during a state of emergency declared under chapter 252.

156 Section 5. Subsection (1) of section 493.6111, Florida
157 Statutes, is amended to read:

158 493.6111 License; contents; identification card.—

159 (1) All licenses issued pursuant to this chapter shall be
160 on a form prescribed by the department and shall include the
161 licensee's name, license number, expiration date of the license,
162 and any other information the department deems necessary. The
163 department may issue a single license card for multiple classes
164 of licensure and may issue such license cards or an electronic
165 license in a digital format containing a quick response barcode
166 identifying individual licensure classes. A licensee may carry
167 an electronic image of his or her license card in lieu of
168 carrying a physical card. Class "C," Class "CC," Class "D,"
169 Class "E," Class "EE," Class "M," Class "MA," Class "MB," Class
170 "MR," and Class "G" licenses shall be in the possession of
171 individual licensees while on duty.

172 Section 6. Subsection (2) of section 493.6112, Florida
173 Statutes, is amended to read:

174 493.6112 Notification to Department of Agriculture and

34-01565B-20

20201834__

175 Consumer Services of changes of partner or officer or
176 employees.—

177 (2) Each agency shall, upon the ~~employment or~~ termination
178 of employment of a licensee for a violation of this chapter,
179 report such ~~employment or~~ termination within 15 calendar days to
180 the department and, ~~in the case of a termination~~, report the
181 reason or reasons therefor. The report shall be submitted
182 electronically in a manner prescribed by the department.

183 Section 7. Paragraphs (b) and (d) of subsection (3) and
184 subsection (4) of section 493.6113, Florida Statutes, are
185 amended to read:

186 493.6113 Renewal application for licensure.—

187 (3) Each licensee is responsible for renewing his or her
188 license on or before its expiration by filing with the
189 department an application for renewal accompanied by payment of
190 the renewal fee and the fingerprint retention fee to cover the
191 cost of ongoing retention in the statewide automated biometric
192 identification system established in s. 943.05(2)(b). Upon the
193 first renewal of a license issued under this chapter before
194 January 1, 2017, the licensee shall submit a full set of
195 fingerprints and fingerprint processing fees to cover the cost
196 of entering the fingerprints into the statewide automated
197 biometric identification system pursuant to s. 493.6108(4)(a)
198 and the cost of enrollment in the Federal Bureau of
199 Investigation's national retained print arrest notification
200 program. Subsequent renewals may be completed without submission
201 of a new set of fingerprints.

202 (b) Each Class "G" licensee shall additionally complete
203 ~~submit proof that he or she has received~~ during each year of the

34-01565B-20

20201834__

204 license period a minimum of 4 hours of firearms requalification
205 training taught by a licensed Class "K" firearms instructor
206 ~~licensee~~ and submit proof that he or she has complied with such
207 other health and training requirements that the department shall
208 adopt by rule. Upon completion of each training, the Class "K"
209 firearms instructor must submit proof of completion of firearms
210 requalification training for each student ~~shall be submitted~~ to
211 the department in a manner prescribed by the department ~~upon~~
212 ~~completion of the training~~. A Class "G" licensee must
213 successfully complete this requalification training for each
214 type and caliber of firearm carried in the course of performing
215 his or her regulated duties. If the licensee fails to complete
216 the required 4 hours of annual training during the first year of
217 the 2-year term of the license, the license shall be
218 automatically suspended. The licensee must complete the minimum
219 number of hours of range and classroom training required at the
220 time of initial licensure and submit proof of completion of such
221 training to the department before the license may be reinstated.
222 If the licensee fails to complete the required 4 hours of annual
223 training during the second year of the 2-year term of the
224 license, the licensee must complete the minimum number of hours
225 of range and classroom training required at the time of initial
226 licensure and submit proof of completion of such training to the
227 department before the license may be renewed. The department may
228 waive the firearms training requirement if:

229 1. The applicant provides proof that he or she is currently
230 certified as a law enforcement officer or correctional officer
231 under the Criminal Justice Standards and Training Commission and
232 has completed law enforcement firearms requalification training

34-01565B-20

20201834__

233 annually during the previous 2 years of the licensure period;

234 2. The applicant provides proof that he or she is currently
235 certified as a federal law enforcement officer and has received
236 law enforcement firearms training administered by a federal law
237 enforcement agency annually during the previous 2 years of the
238 licensure period; or

239 3. The applicant holds a valid Class "K" license and
240 submits a valid firearm certificate among those specified in s.
241 493.6105(6) (a) and provides proof of having completed
242 requalification training during the previous 2 years of the
243 licensure period.

244 4. The applicant provides proof that he or she has
245 completed annual firearms training in accordance with the
246 requirements of the Law Enforcement Officers Safety Act, 18
247 U.S.C. 926B and 926C.

248 (d) Each Class "K" licensee shall additionally submit:

249 1. One of the certificates specified under s. 493.6105(6)
250 as proof that he or she remains certified to provide firearms
251 instruction; or

252 2. Proof of having taught at least six 28-hour firearms
253 instruction courses to Class "G" applicants during the previous
254 3-year license period.

255 (4) A licensee who fails to file a renewal application on
256 or before its expiration must renew his or her license by
257 fulfilling the applicable requirements of subsection (3) and may
258 be required to pay a late fee, which may not exceed ~~by paying a~~
259 ~~late fee equal to~~ the amount of the license fee. The division
260 shall establish the late fee by rule.

261 Section 8. Paragraph (f) is added to subsection (12) of

34-01565B-20

20201834__

262 section 493.6115, Florida Statutes, to read:

263 493.6115 Weapons and firearms.—

264 (12) The department may issue a temporary Class "G"
265 license, on a case-by-case basis, if:

266 (f) The applicant has been issued and currently holds a
267 valid Class "C," Class "CC," Class "D," Class "M," Class "MA,"
268 or Class "MB" license.

269 Section 9. Subsection (3) is added to section 493.6123,
270 Florida Statutes, to read:

271 493.6123 Publication to industry.—

272 (3) The department may publish any information required to
273 be published by this section in an electronic format rather than
274 on paper.

275 Section 10. Paragraphs (b) and (c) of subsection (6) of
276 section 493.6203, Florida Statutes, are amended to read:

277 493.6203 License requirements.—In addition to the license
278 requirements set forth elsewhere in this chapter, each
279 individual or agency shall comply with the following additional
280 requirements:

281 (6)

282 (b) Before submission of an application to the department,
283 the applicant for a Class "CC" license must have completed a
284 minimum of 40 hours of professional training pertaining to
285 general investigative techniques and this chapter, which course
286 is offered by a state university or by a school, community
287 college, college, or university under the purview of the
288 Department of Education, and the applicant must pass an
289 examination. The applicant must have completed the training
290 within 3 years before the date of receipt of the application.

34-01565B-20

20201834__

291 The certificate evidencing satisfactory completion of the 40
292 hours of professional training must be submitted to the
293 department by the state university, school, community college,
294 college, or university ~~with the application for a Class "CC"~~
295 ~~license~~. The training specified in this paragraph may be
296 provided by face-to-face presentation, online technology, or a
297 home study course in accordance with rules and procedures of the
298 Department of Education. The administrator of the examination
299 must verify the identity of each applicant taking the
300 examination.

301 1. Upon an applicant's successful completion of each part
302 of the approved training and passage of any required
303 examination, the school, community college, college, or
304 university shall issue a certificate of completion to the
305 applicant. The certificates must be on a form established by
306 rule of the department.

307 2. The department shall establish by rule the general
308 content of the professional training and the examination
309 criteria.

310 ~~3. If the license of an applicant for relicensure is~~
311 ~~invalid for more than 1 year, the applicant must complete the~~
312 ~~required training and pass any required examination.~~

313 ~~(c) An individual licensed on or before August 31, 2008, is~~
314 ~~not required to complete additional training hours in order to~~
315 ~~renew an active license beyond the total required hours, and the~~
316 ~~timeframe for completion in effect at the time he or she was~~
317 ~~licensed applies.~~

318 Section 11. Subsection (4) of section 493.6303, Florida
319 Statutes, is amended to read:

34-01565B-20

20201834__

320 493.6303 License requirements.—In addition to the license
321 requirements set forth elsewhere in this chapter, each
322 individual or agency must comply with the following additional
323 requirements:

324 (4) (a) An applicant for an initial ~~a~~ Class "D" license must
325 successfully complete, within 3 years before the date of the
326 application, submit proof of successful completion of a minimum
327 of 40 hours of professional training at a school or training
328 facility licensed by the department. The department shall by
329 rule establish the general content and number of hours of each
330 subject area to be taught. Upon completion of the training, the
331 school or training facility must submit the results directly to
332 the department electronically in a manner prescribed by the
333 department. The school or training facility must also provide a
334 copy of the training results to the person who completed the
335 training.

336 (b) The training required in paragraph (a) may be conducted
337 by in-person or online instruction, or a combination thereof as
338 provided by the department in rule. All approved online training
339 must be conducted through a secure website of the school or
340 training facility, provided that the applicant's identity,
341 attendance, and successful completion of training are verified.
342 The department shall adopt rules specifying what portion of the
343 training may be conducted online, the methods of delivery and
344 security protocols for online training, and adopt any other
345 rules necessary for the regulation of schools and training
346 facilities providing in-person or online training ~~Upon~~
347 ~~reapplication for a license, an individual whose license has~~
348 ~~been expired for 1 year or more is considered an initial~~

34-01565B-20

20201834__

349 ~~applicant and must submit proof of successful completion of 40~~
350 ~~hours of professional training at a school or training facility~~
351 ~~licensed by the department as provided in paragraph (a) before a~~
352 ~~license is issued.~~

353 Section 12. Subsection (2) of section 493.6304, Florida
354 Statutes, is amended to read:

355 493.6304 Security officer school or training facility.—

356 (2) The application must ~~shall~~ be signed and verified by
357 the applicant ~~under oath~~ as provided in s. 92.525 and must
358 contain, at a minimum, the following information:

359 (a) The name and address of the school or training facility
360 and, if the applicant is an individual, her or his name,
361 address, and social security or alien registration number.

362 (b) The street address and, if applicable, the website
363 address of the place at which the training is to be conducted.

364 (c) A copy of the training curriculum and final examination
365 to be administered.

366 Section 13. Subsection (2) of section 493.6403, Florida
367 Statutes, is amended to read:

368 493.6403 License requirements.—

369 (2) An applicant for an initial ~~a~~ Class "E" or a Class "EE"
370 license must successfully complete, within 3 years before the
371 date of the application, ~~submit proof of successful completion~~
372 ~~of~~ 40 hours of professional training at a school or training
373 facility licensed by the department. The department shall by
374 rule establish the general content for the training. Upon
375 completion of the training, the school or training facility
376 shall submit the results directly to the department
377 electronically in a manner prescribed by the department. The

34-01565B-20

20201834__

378 school or training facility shall also provide a copy of the
379 training results to the person who completed the training.

380 Section 14. Subsection (2) of section 493.6406, Florida
381 Statutes, is amended to read:

382 493.6406 Recovery agent school or training facility.—

383 (2) The application must be signed and verified by the
384 applicant ~~under oath~~ as provided in s. 92.525 and must ~~shall~~
385 contain, at a minimum, the following information:

386 (a) The name and address of the school or training facility
387 and, if the applicant is an individual, his or her name,
388 address, and social security or alien registration number.

389 (b) The street address of the place at which the training
390 is to be conducted or the street address of the Class "RS"
391 school offering Internet-based or correspondence training.

392 (c) A copy of the training curriculum and final examination
393 to be administered.

394 Section 15. For the purpose of incorporating the amendment
395 made by this act to section 493.6111, Florida Statutes, in a
396 reference thereto, paragraph (q) of subsection (1) of section
397 493.6118, Florida Statutes, is reenacted to read:

398 493.6118 Grounds for disciplinary action.—

399 (1) The following constitute grounds for which disciplinary
400 action specified in subsection (2) may be taken by the
401 department against any licensee, agency, or applicant regulated
402 by this chapter, or any unlicensed person engaged in activities
403 regulated under this chapter:

404 (q) Failure of any licensee to have his or her license in
405 his or her possession while on duty, as specified in s.
406 493.6111(1).

34-01565B-20

20201834__

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Section 16. This act shall take effect July 1, 2020.