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LEGISLATIVE ACTION

Senate

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House

The Committee on Commerce and Tourism (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (5) through (8) of section
493.6105, Florida Statutes, are redesignated as subsections (6)
through (9), respectively, a new subsection (5) is added to that
section, and subsections (1) and (3) and paragraph (c) of
present subsection (5) of that section are amended, to read:

493.6105 Initial application for license.—



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11 (1) Each individual, partner, or principal officer in a
12 corporation, shall file with the department a complete
13 application accompanied by an application fee not to exceed \$60,
14 except that an applicant for a Class "CG," Class "D," or Class
15 "G" license is not required to submit an application fee. An
16 application fee is not required for an applicant who qualifies
17 for the fee waiver in s. 493.6107(6). The application fee is not
18 refundable.

19 (a) The application submitted by any individual, partner,
20 or corporate officer must be approved by the department before
21 the individual, partner, or corporate officer assumes his or her
22 duties.

23 (b) Individuals who invest in the ownership of a licensed
24 agency but do not participate in, direct, or control the
25 operations of the agency are not required to file an
26 application.

27 (3) The application must contain the following information
28 concerning the individual signing the application:

29 (a) Name and any aliases.

30 (b) Age and date of birth.

31 (c) Place of birth.

32 (d) Social security number or alien registration number,
33 whichever is applicable.

34 (e) Current residence address and mailing address.

35 (f) A statement of all criminal convictions, findings of
36 guilt, and pleas of guilty or nolo contendere, regardless of
37 adjudication of guilt. An applicant for a Class "CG," Class "G,"
38 or Class "K" license who is younger than 24 years of age shall
39 also include a statement regarding any finding of having



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40 committed a delinquent act in any state, territory, or country
41 which would be a felony if committed by an adult and which is
42 punishable by imprisonment for a term exceeding 1 year.

43 (g) One passport-type color photograph taken within the 6
44 months immediately preceding submission of the application.

45 (h) A statement whether he or she has ever been adjudicated
46 incompetent under chapter 744.

47 (i) A statement whether he or she has ever been committed
48 to a mental institution under chapter 394.

49 (j) A full set of fingerprints, a fingerprint processing
50 fee, and a fingerprint retention fee. The fingerprint processing
51 and retention fees shall be established by rule of the
52 department based upon costs determined by state and federal
53 agency charges and department processing costs, which must
54 include the cost of retaining the fingerprints in the statewide
55 automated biometric identification system established in s.
56 943.05(2)(b) and the cost of enrolling the fingerprints in the
57 national retained print arrest notification program as required
58 under s. 493.6108. An applicant who has, within the immediately
59 preceding 6 months, submitted such fingerprints and fees for
60 licensing purposes under this chapter and who still holds a
61 valid license is not required to submit another set of
62 fingerprints or another fingerprint processing fee. An applicant
63 who holds multiple licenses issued under this chapter is
64 required to pay only a single fingerprint retention fee.
65 Partners and corporate officers who do not possess licenses
66 subject to renewal under s. 493.6113 are exempt from the
67 fingerprint retention requirements of this chapter.

68 (k) A personal inquiry waiver that allows the department to



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69 conduct necessary investigations to satisfy the requirements of
70 this chapter.

71 (1) Such further facts as may be required by the department
72 to show that the individual signing the application is of good
73 moral character and qualified by experience and training to
74 satisfy the requirements of this chapter.

75 (5) In addition to the requirements under subsection (3),
76 an applicant for a Class "CG" license must submit proof that she
77 or he:

78 (a) Has an active license to carry a concealed firearm
79 issued pursuant to s. 790.06;

80 (b) Is a retired law enforcement officer who separated from
81 service in good standing; who, before such separation, served as
82 a law enforcement officer for at least 10 years; and who
83 maintains her or his annual firearms proficiency qualification
84 pursuant to the federal Law Enforcement Officers Safety Act; or

85 (c) Is an active law enforcement officer who maintains the
86 annual firearms proficiency qualification required by her or his
87 agency.

88 (6)~~(5)~~ In addition to the requirements outlined in
89 subsection (3), an applicant for a Class "G" license must
90 satisfy minimum training criteria for firearms established by
91 rule of the department, which training criteria includes, but is
92 not limited to, 28 hours of range and classroom training taught
93 and administered by a Class "K" licensee; however, no more than
94 8 hours of such training shall consist of range training. The
95 department may waive the foregoing firearms training requirement
96 if:

97 (c) The applicant submits a valid firearm certificate among



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98 those specified in paragraph (7) (a) ~~(6) (a)~~.

99 Section 2. Paragraphs (f) and (g) of subsection (1) and
100 subsection (3) of section 493.6106, Florida Statutes, are
101 amended to read:

102 493.6106 License requirements; posting.—

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

104 (f) Be a citizen or permanent legal resident alien of the
105 United States or have appropriate authorization issued by the
106 United States Citizenship and Immigration Services of the United
107 States Department of Homeland Security.

108 1. An applicant for a Class "C," Class "CC," Class "D,"
109 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
110 "MB," Class "MR," or Class "RI" license who is not a United
111 States citizen must submit proof of current employment
112 authorization issued by the United States Citizenship and
113 Immigration Services or proof that she or he is deemed a
114 permanent legal resident alien by the United States Citizenship
115 and Immigration Services.

116 2. An applicant for a Class "CG," Class "G," or Class "K"
117 license who is not a United States citizen must submit proof
118 that she or he is deemed a permanent legal resident alien by the
119 United States Citizenship and Immigration Services.

120 3. An applicant for an agency or school license who is not
121 a United States citizen or permanent legal resident alien must
122 submit documentation issued by the United States Citizenship and
123 Immigration Services stating that she or he is lawfully in the
124 United States and is authorized to own and operate the type of
125 agency or school for which she or he is applying. An employment
126 authorization card issued by the United States Citizenship and



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127 Immigration Services is not sufficient documentation.

128 (g) Not be prohibited from purchasing or possessing a
129 firearm by state or federal law if the individual is applying
130 for a Class "CG," Class "G," ~~license~~ or a Class "K" license.

131 (3) Each Class "C," Class "CC," Class "CG," Class "D,"
132 Class "DI," Class "E," Class "EE," Class "G," Class "K," Class
133 "M," Class "MA," Class "MB," Class "MR," or Class "RI" licensee
134 shall notify the division in writing within 10 days of a change
135 in her or his residence or mailing address.

136 Section 3. Subsection (4) of section 493.6111, Florida
137 Statutes, is amended to read:

138 493.6111 License; contents; identification card.—

139 (4) Notwithstanding the existence of a valid Florida
140 corporate registration, an agency or school licensee may not
141 conduct activities regulated under this chapter under any
142 fictitious name without prior written authorization from the
143 department to use that name in the conduct of activities
144 regulated under this chapter. The department may not authorize
145 the use of a name that is so similar to that of a public officer
146 or agency, or of that used by another licensee, that the public
147 may be confused or misled thereby. The authorization for the use
148 of a fictitious name must require, as a condition precedent to
149 the use of such name, the filing of a certificate of engaging in
150 business under a fictitious name under s. 865.09. A licensee may
151 not conduct business under more than one name except as
152 separately licensed nor shall the license be valid to protect
153 any licensee who is engaged in the business under any name other
154 than that specified in the license. An agency desiring to change
155 its licensed name must notify the department and, except upon



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156 renewal, pay a fee not to exceed \$30 for each license requiring
157 revision including those of all licensed employees except Class
158 "CG," Class "D," or Class "G" licensees. Upon the return of such
159 licenses to the department, revised licenses shall be provided.

160 Section 4. Subsections (2), (4), (5), (6), (8), and (9) of
161 section 493.6115, Florida Statutes, are amended to read:

162 493.6115 Weapons and firearms.—

163 (2) (a) Only Class "C," Class "CC," Class "D," Class "M,"
164 Class "MA," or Class "MB" licensees are permitted to bear a
165 firearm in the performance of their duties only if and any such
166 licensee also has who bears a firearm shall also have a Class
167 "G" license.

168 (b) Class "C" and Class "CC" licensees are permitted to
169 bear a firearm in the performance of their duties only if such
170 licensee also has a "Class "CG" or Class "G" license.

171 (4) A Class "C" or Class "CC" licensee who is 21 years of
172 age or older and has also been issued a Class "CG" or Class "G"
173 license may carry, in the performance of her or his duties, a
174 concealed firearm. A Class "D" licensee who is 21 years of age
175 or older and has also been issued a Class "G" license may carry
176 a concealed firearm in the performance of her or his duties
177 under the conditions specified in s. 493.6305(3) and (4). The
178 Class "CG" or Class "G" license must clearly indicate such
179 authority. The authority of any such licensee to carry a
180 concealed firearm is valid in any location throughout the state
181 while performing services within the scope of the license.

182 (5) (a) The Class "G" license shall remain in effect only
183 during the period the applicant is employed as a Class "C,"
184 Class "CC," Class "D," Class "MA," Class "MB," or Class "M"



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185 licensee.

186 (b) The Class "CG" license shall remain in effect only
187 during the period the applicant is employed as a Class "C" or
188 Class "CC" licensee.

189 (6) In addition to any other firearm approved by the
190 department, a licensee who has been issued a Class "CG" or Class
191 "G" license may carry a .38 caliber revolver; or a .380 caliber
192 or 9 millimeter semiautomatic pistol; or a .357 caliber revolver
193 with .38 caliber ammunition only; or a .40 caliber handgun; or a
194 .45 ACP handgun while performing duties authorized under this
195 chapter. A licensee may not carry more than two firearms upon
196 her or his person when performing her or his duties. A licensee
197 may only carry a firearm of the specific type and caliber with
198 which she or he is qualified pursuant to the firearms training
199 referenced in subsection (8) or s. 493.6113(3)(b).

200 (8) A Class "G" applicant must satisfy the minimum training
201 criteria as set forth in s. 493.6105(6) ~~s. 493.6105(5)~~ and as
202 established by rule of the department.

203 (9) Whenever a Class "CG" or Class "G" licensee discharges
204 her or his firearm in the course of her or his duties, the Class
205 "CG" or Class "G" licensee and the agency by which she or he is
206 employed shall, within 5 working days, submit to the department
207 an explanation describing the nature of the incident, the
208 necessity for using the firearm, and a copy of any report
209 prepared by a law enforcement agency. The department may revoke
210 or suspend the Class "CG" or Class "G" licensee's license and
211 the licensed agency's agency license if this requirement is not
212 met.

213 Section 5. Present paragraphs (x), (y), and (z) of



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214 subsection (1) of section 493.6118, Florida Statutes, are
215 redesignated as paragraphs (y), (z), and (aa), respectively, a
216 new paragraph (x) is added to that subsection, and paragraphs
217 (v) and (w) of that subsection and paragraph (a) of subsection
218 (8) of that section are amended, to read:

219 493.6118 Grounds for disciplinary action.—

220 (1) The following constitute grounds for which disciplinary
221 action specified in subsection (2) may be taken by the
222 department against any licensee, agency, or applicant regulated
223 by this chapter, or any unlicensed person engaged in activities
224 regulated under this chapter:

225 (v) For a Class "K" licensee, failing to maintain active
226 certification specified under s. 493.6105(7) ~~s. 493.6105(6)~~.

227 (w) For a Class "CG," Class "G," or ~~a~~ Class "K" applicant
228 or licensee, being prohibited from purchasing or possessing a
229 firearm by state or federal law.

230 (x) For a Class "CG" licensee, failing to maintain active
231 certification or licensure under s. 493.6105(5).

232 (8) (a) Upon notification by a law enforcement agency, a
233 court, or the Department of Law Enforcement and upon subsequent
234 written verification, the department shall temporarily suspend a
235 Class "CG," Class "G," or Class "K" license if the licensee is
236 arrested or charged with a firearms-related crime that would
237 disqualify such person from licensure under this chapter. The
238 department shall notify the licensee suspended under this
239 section of his or her right to a hearing pursuant to chapter
240 120. A hearing conducted regarding the temporary suspension must
241 be for the limited purpose of determining whether the licensee
242 has been arrested or charged with a disqualifying firearms-



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243 related crime.

244 Section 6. Subsection (7) of section 493.6201, Florida
245 Statutes, is amended to read:

246 493.6201 Classes of licenses.—

247 (7) (a) Only Class "M," or Class "MA," Class "C," or Class
248 "CC" licensees are permitted to bear a firearm during the
249 performance of their duties only if, and any such licensee also
250 has who bears a firearm shall also have a Class "G" license.

251 (b) Class "C" and Class "CC" licensees are permitted to
252 bear a firearm during the performance of their duties only if
253 such licensee also has a "Class "CG" or Class "G" license.

254 Section 7. Paragraphs (b) and (d) of subsection (3) of
255 section 493.6113, Florida Statutes, is amended to read:

256 493.6113 Renewal application for licensure.—

257 (3) Each licensee is responsible for renewing his or her
258 license on or before its expiration by filing with the
259 department an application for renewal accompanied by payment of
260 the renewal fee and the fingerprint retention fee to cover the
261 cost of ongoing retention in the statewide automated biometric
262 identification system established in s. 943.05(2) (b). Upon the
263 first renewal of a license issued under this chapter before
264 January 1, 2017, the licensee shall submit a full set of
265 fingerprints and fingerprint processing fees to cover the cost
266 of entering the fingerprints into the statewide automated
267 biometric identification system pursuant to s. 493.6108(4) (a)
268 and the cost of enrollment in the Federal Bureau of
269 Investigation's national retained print arrest notification
270 program. Subsequent renewals may be completed without submission
271 of a new set of fingerprints.



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272 (b) Each Class "G" licensee shall additionally submit proof
273 that he or she has received during each year of the license
274 period a minimum of 4 hours of firearms requalification training
275 taught by a Class "K" licensee and has complied with such other
276 health and training requirements that the department shall adopt
277 by rule. Proof of completion of firearms requalification
278 training shall be submitted to the department upon completion of
279 the training. A Class "G" licensee must successfully complete
280 this requalification training for each type and caliber of
281 firearm carried in the course of performing his or her regulated
282 duties. If the licensee fails to complete the required 4 hours
283 of annual training during the first year of the 2-year term of
284 the license, the license shall be automatically suspended. The
285 licensee must complete the minimum number of hours of range and
286 classroom training required at the time of initial licensure and
287 submit proof of completion of such training to the department
288 before the license may be reinstated. If the licensee fails to
289 complete the required 4 hours of annual training during the
290 second year of the 2-year term of the license, the licensee must
291 complete the minimum number of hours of range and classroom
292 training required at the time of initial licensure and submit
293 proof of completion of such training to the department before
294 the license may be renewed. The department may waive the
295 firearms training requirement if:

296 1. The applicant provides proof that he or she is currently
297 certified as a law enforcement officer or correctional officer
298 under the Criminal Justice Standards and Training Commission and
299 has completed law enforcement firearms requalification training
300 annually during the previous 2 years of the licensure period;



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301 2. The applicant provides proof that he or she is currently
302 certified as a federal law enforcement officer and has received
303 law enforcement firearms training administered by a federal law
304 enforcement agency annually during the previous 2 years of the
305 licensure period; or

306 3. The applicant submits a valid firearm certificate among
307 those specified in s. 493.6105(7) (a) ~~s. 493.6105(6) (a)~~ and
308 provides proof of having completed requalification training
309 during the previous 2 years of the licensure period.

310 (d) Each Class "K" licensee shall additionally submit one
311 of the certificates specified under s. 493.6105(7) ~~s.~~
312 ~~493.6105(6)~~ as proof that he or she remains certified to provide
313 firearms instruction.

314 Section 8. This act shall take effect July 1, 2022.

315
316 ===== T I T L E A M E N D M E N T =====

317 And the title is amended as follows:

318 Delete everything before the enacting clause
319 and insert:

320 A bill to be entitled
321 An act relating to private investigative services;
322 amending s. 493.6105, F.S.; exempting Class "CG"
323 license applicants from an application fee; providing
324 application requirements for Class "CG" licenses;
325 amending s. 493.6106, F.S.; providing requirements for
326 Class "CG" licensees; amending s. 493.6111, F.S.;
327 exempting licensed agencies from certain fees relating
328 to license revisions; amending s. 493.6115, F.S.;
329 revising requirements relating to certain licensees



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330 carrying firearms; specifying that Class "CG" licenses
331 remain in effect only while the applicant is employed
332 as a Class "C" or Class "CC" licensee; conforming
333 provisions to changes made by the act; amending s.
334 493.6118, F.S.; specifying when the Department of
335 Agriculture and Consumer Services may take
336 disciplinary action against Class "CG" licensees;
337 conforming a cross-reference; amending s. 493.6201,
338 F.S.; revising requirements relating to certain
339 licensees carrying firearms; amending s. 493.6113,
340 F.S.; conforming cross-references; providing an
341 effective date.