

By the Committee on Commerce and Tourism; and Senator Burgess

577-02787-22

20221018c1

1 A bill to be entitled
2 An act relating to private investigative services;
3 amending s. 493.6105, F.S.; exempting Class "CG"
4 license applicants from an application fee; providing
5 application requirements for Class "CG" licenses;
6 amending s. 493.6106, F.S.; providing requirements for
7 Class "CG" licensees; amending s. 493.6111, F.S.;
8 exempting licensed agencies from certain fees relating
9 to license revisions; amending s. 493.6115, F.S.;
10 revising requirements relating to certain licensees
11 carrying firearms; specifying that Class "CG" licenses
12 remain in effect only while the applicant is employed
13 as a Class "C" or Class "CC" licensee; conforming
14 provisions to changes made by the act; amending s.
15 493.6118, F.S.; specifying when the Department of
16 Agriculture and Consumer Services may take
17 disciplinary action against Class "CG" licensees;
18 conforming a cross-reference; amending s. 493.6201,
19 F.S.; revising requirements relating to certain
20 licensees carrying firearms; amending s. 493.6113,
21 F.S.; conforming cross-references; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present subsections (5) through (8) of section
27 493.6105, Florida Statutes, are redesignated as subsections (6)
28 through (9), respectively, a new subsection (5) is added to that
29 section, and subsections (1) and (3) and paragraph (c) of

577-02787-22

20221018c1

30 present subsection (5) of that section are amended, to read:

31 493.6105 Initial application for license.—

32 (1) Each individual, partner, or principal officer in a
33 corporation, shall file with the department a complete
34 application accompanied by an application fee not to exceed \$60,
35 except that an applicant for a Class "CG," Class "D," or Class
36 "G" license is not required to submit an application fee. An
37 application fee is not required for an applicant who qualifies
38 for the fee waiver in s. 493.6107(6). The application fee is not
39 refundable.

40 (a) The application submitted by any individual, partner,
41 or corporate officer must be approved by the department before
42 the individual, partner, or corporate officer assumes his or her
43 duties.

44 (b) Individuals who invest in the ownership of a licensed
45 agency but do not participate in, direct, or control the
46 operations of the agency are not required to file an
47 application.

48 (3) The application must contain the following information
49 concerning the individual signing the application:

50 (a) Name and any aliases.

51 (b) Age and date of birth.

52 (c) Place of birth.

53 (d) Social security number or alien registration number,
54 whichever is applicable.

55 (e) Current residence address and mailing address.

56 (f) A statement of all criminal convictions, findings of
57 guilt, and pleas of guilty or nolo contendere, regardless of
58 adjudication of guilt. An applicant for a Class "CG," Class "G,"

577-02787-22

20221018c1

59 or Class "K" license who is younger than 24 years of age shall
60 also include a statement regarding any finding of having
61 committed a delinquent act in any state, territory, or country
62 which would be a felony if committed by an adult and which is
63 punishable by imprisonment for a term exceeding 1 year.

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

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

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

70 (j) A full set of fingerprints, a fingerprint processing
71 fee, and a fingerprint retention fee. The fingerprint processing
72 and retention fees shall be established by rule of the
73 department based upon costs determined by state and federal
74 agency charges and department processing costs, which must
75 include the cost of retaining the fingerprints in the statewide
76 automated biometric identification system established in s.
77 943.05(2)(b) and the cost of enrolling the fingerprints in the
78 national retained print arrest notification program as required
79 under s. 493.6108. An applicant who has, within the immediately
80 preceding 6 months, submitted such fingerprints and fees for
81 licensing purposes under this chapter and who still holds a
82 valid license is not required to submit another set of
83 fingerprints or another fingerprint processing fee. An applicant
84 who holds multiple licenses issued under this chapter is
85 required to pay only a single fingerprint retention fee.
86 Partners and corporate officers who do not possess licenses
87 subject to renewal under s. 493.6113 are exempt from the

577-02787-22

20221018c1

88 fingerprint retention requirements of this chapter.

89 (k) A personal inquiry waiver that allows the department to
90 conduct necessary investigations to satisfy the requirements of
91 this chapter.

92 (l) Such further facts as may be required by the department
93 to show that the individual signing the application is of good
94 moral character and qualified by experience and training to
95 satisfy the requirements of this chapter.

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

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

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

106 (c) Is an active law enforcement officer who maintains the
107 annual firearms proficiency qualification required by her or his
108 agency.

109 (6)~~(5)~~ In addition to the requirements outlined in
110 subsection (3), an applicant for a Class "G" license must
111 satisfy minimum training criteria for firearms established by
112 rule of the department, which training criteria includes, but is
113 not limited to, 28 hours of range and classroom training taught
114 and administered by a Class "K" licensee; however, no more than
115 8 hours of such training shall consist of range training. The
116 department may waive the foregoing firearms training requirement

577-02787-22

20221018c1

117 if:

118 (c) The applicant submits a valid firearm certificate among
119 those specified in paragraph (7) (a) ~~(6) (a)~~.

120 Section 2. Paragraphs (f) and (g) of subsection (1) and
121 subsection (3) of section 493.6106, Florida Statutes, are
122 amended to read:

123 493.6106 License requirements; posting.—

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

125 (f) Be a citizen or permanent legal resident alien of the
126 United States or have appropriate authorization issued by the
127 United States Citizenship and Immigration Services of the United
128 States Department of Homeland Security.

129 1. An applicant for a Class "C," Class "CC," Class "D,"
130 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
131 "MB," Class "MR," or Class "RI" license who is not a United
132 States citizen must submit proof of current employment
133 authorization issued by the United States Citizenship and
134 Immigration Services or proof that she or he is deemed a
135 permanent legal resident alien by the United States Citizenship
136 and Immigration Services.

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

141 3. An applicant for an agency or school license who is not
142 a United States citizen or permanent legal resident alien must
143 submit documentation issued by the United States Citizenship and
144 Immigration Services stating that she or he is lawfully in the
145 United States and is authorized to own and operate the type of

577-02787-22

20221018c1

146 agency or school for which she or he is applying. An employment
147 authorization card issued by the United States Citizenship and
148 Immigration Services is not sufficient documentation.

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

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

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

159 493.6111 License; contents; identification card.-

160 (4) Notwithstanding the existence of a valid Florida
161 corporate registration, an agency or school licensee may not
162 conduct activities regulated under this chapter under any
163 fictitious name without prior written authorization from the
164 department to use that name in the conduct of activities
165 regulated under this chapter. The department may not authorize
166 the use of a name that is so similar to that of a public officer
167 or agency, or of that used by another licensee, that the public
168 may be confused or misled thereby. The authorization for the use
169 of a fictitious name must require, as a condition precedent to
170 the use of such name, the filing of a certificate of engaging in
171 business under a fictitious name under s. 865.09. A licensee may
172 not conduct business under more than one name except as
173 separately licensed nor shall the license be valid to protect
174 any licensee who is engaged in the business under any name other

577-02787-22

20221018c1

175 than that specified in the license. An agency desiring to change
176 its licensed name must notify the department and, except upon
177 renewal, pay a fee not to exceed \$30 for each license requiring
178 revision including those of all licensed employees except Class
179 "CG," Class "D," or Class "G" licensees. Upon the return of such
180 licenses to the department, revised licenses shall be provided.

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

183 493.6115 Weapons and firearms.—

184 (2) (a) ~~Only Class "C," Class "CC,"~~ Class "D," Class "M,"
185 Class "MA," or Class "MB" licensees are permitted to bear a
186 firearm in the performance of their duties only if ~~and any~~ such
187 licensee also has ~~who bears a firearm shall also have~~ a Class
188 "G" license.

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

192 (4) A Class "C" or Class "CC" licensee who is 21 years of
193 age or older and has also been issued a Class "CG" or Class "G"
194 license may carry, in the performance of her or his duties, a
195 concealed firearm. A Class "D" licensee who is 21 years of age
196 or older and has also been issued a Class "G" license may carry
197 a concealed firearm in the performance of her or his duties
198 under the conditions specified in s. 493.6305(3) and (4). The
199 Class "CG" or Class "G" license must clearly indicate such
200 authority. The authority of any such licensee to carry a
201 concealed firearm is valid in any location throughout the state
202 while performing services within the scope of the license.

203 (5) (a) The Class "G" license shall remain in effect only

577-02787-22

20221018c1

204 during the period the applicant is employed as a Class "C,"
205 Class "CC," Class "D," Class "MA," Class "MB," or Class "M"
206 licensee.

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

210 (6) In addition to any other firearm approved by the
211 department, a licensee who has been issued a Class "CG" or Class
212 "G" license may carry a .38 caliber revolver; or a .380 caliber
213 or 9 millimeter semiautomatic pistol; or a .357 caliber revolver
214 with .38 caliber ammunition only; or a .40 caliber handgun; or a
215 .45 ACP handgun while performing duties authorized under this
216 chapter. A licensee may not carry more than two firearms upon
217 her or his person when performing her or his duties. A licensee
218 may only carry a firearm of the specific type and caliber with
219 which she or he is qualified pursuant to the firearms training
220 referenced in subsection (8) or s. 493.6113(3) (b).

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

224 (9) Whenever a Class "CG" or Class "G" licensee discharges
225 her or his firearm in the course of her or his duties, the Class
226 "CG" or Class "G" licensee and the agency by which she or he is
227 employed shall, within 5 working days, submit to the department
228 an explanation describing the nature of the incident, the
229 necessity for using the firearm, and a copy of any report
230 prepared by a law enforcement agency. The department may revoke
231 or suspend the Class "CG" or Class "G" licensee's license and
232 the licensed agency's agency license if this requirement is not

577-02787-22

20221018c1

233 met.

234 Section 5. Present paragraphs (x), (y), and (z) of
235 subsection (1) of section 493.6118, Florida Statutes, are
236 redesignated as paragraphs (y), (z), and (aa), respectively, a
237 new paragraph (x) is added to that subsection, and paragraphs
238 (v) and (w) of that subsection and paragraph (a) of subsection
239 (8) of that section are amended, to read:

240 493.6118 Grounds for disciplinary action.—

241 (1) The following constitute grounds for which disciplinary
242 action specified in subsection (2) may be taken by the
243 department against any licensee, agency, or applicant regulated
244 by this chapter, or any unlicensed person engaged in activities
245 regulated under this chapter:

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

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

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

253 (8) (a) Upon notification by a law enforcement agency, a
254 court, or the Department of Law Enforcement and upon subsequent
255 written verification, the department shall temporarily suspend a
256 Class "CG," Class "G," or Class "K" license if the licensee is
257 arrested or charged with a firearms-related crime that would
258 disqualify such person from licensure under this chapter. The
259 department shall notify the licensee suspended under this
260 section of his or her right to a hearing pursuant to chapter
261 120. A hearing conducted regarding the temporary suspension must

577-02787-22

20221018c1

262 be for the limited purpose of determining whether the licensee
263 has been arrested or charged with a disqualifying firearms-
264 related crime.

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

267 493.6201 Classes of licenses.—

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

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

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

277 493.6113 Renewal application for licensure.—

278 (3) Each licensee is responsible for renewing his or her
279 license on or before its expiration by filing with the
280 department an application for renewal accompanied by payment of
281 the renewal fee and the fingerprint retention fee to cover the
282 cost of ongoing retention in the statewide automated biometric
283 identification system established in s. 943.05(2)(b). Upon the
284 first renewal of a license issued under this chapter before
285 January 1, 2017, the licensee shall submit a full set of
286 fingerprints and fingerprint processing fees to cover the cost
287 of entering the fingerprints into the statewide automated
288 biometric identification system pursuant to s. 493.6108(4)(a)
289 and the cost of enrollment in the Federal Bureau of
290 Investigation's national retained print arrest notification

577-02787-22

20221018c1

291 program. Subsequent renewals may be completed without submission
292 of a new set of fingerprints.

293 (b) Each Class "G" licensee shall additionally submit proof
294 that he or she has received during each year of the license
295 period a minimum of 4 hours of firearms requalification training
296 taught by a Class "K" licensee and has complied with such other
297 health and training requirements that the department shall adopt
298 by rule. Proof of completion of firearms requalification
299 training shall be submitted to the department upon completion of
300 the training. A Class "G" licensee must successfully complete
301 this requalification training for each type and caliber of
302 firearm carried in the course of performing his or her regulated
303 duties. If the licensee fails to complete the required 4 hours
304 of annual training during the first year of the 2-year term of
305 the license, the license shall be automatically suspended. The
306 licensee must complete the minimum number of hours of range and
307 classroom training required at the time of initial licensure and
308 submit proof of completion of such training to the department
309 before the license may be reinstated. If the licensee fails to
310 complete the required 4 hours of annual training during the
311 second year of the 2-year term of the license, the licensee must
312 complete the minimum number of hours of range and classroom
313 training required at the time of initial licensure and submit
314 proof of completion of such training to the department before
315 the license may be renewed. The department may waive the
316 firearms training requirement if:

317 1. The applicant provides proof that he or she is currently
318 certified as a law enforcement officer or correctional officer
319 under the Criminal Justice Standards and Training Commission and

577-02787-22

20221018c1

320 has completed law enforcement firearms requalification training
321 annually during the previous 2 years of the licensure period;

322 2. The applicant provides proof that he or she is currently
323 certified as a federal law enforcement officer and has received
324 law enforcement firearms training administered by a federal law
325 enforcement agency annually during the previous 2 years of the
326 licensure period; or

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

331 (d) Each Class "K" licensee shall additionally submit one
332 of the certificates specified under s. 493.6105(7) ~~s.~~
333 ~~493.6105(6)~~ as proof that he or she remains certified to provide
334 firearms instruction.

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