

1986

## Session Law 86-193

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1986	Session Law No. 86-193	LOF Cite	#pp
Prime Bill# SB 1149	Sponsor	Comp./Sim. Bills HD. 591	
JLMC Hist. Leq. Cites	Senate pp.#s 176	House pp.#s	#pp
Committee of Ref.	Senate Gov Ops F&T House Reg Ref (Sub Bill Rec)	Previous versions?	

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	Reg Ref	1986	Bill files - 11	17/1541	
S	Gov Ops	1986	Bill files: SB 1149	18/1550	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp
ST. 872		June 6, 1986					

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

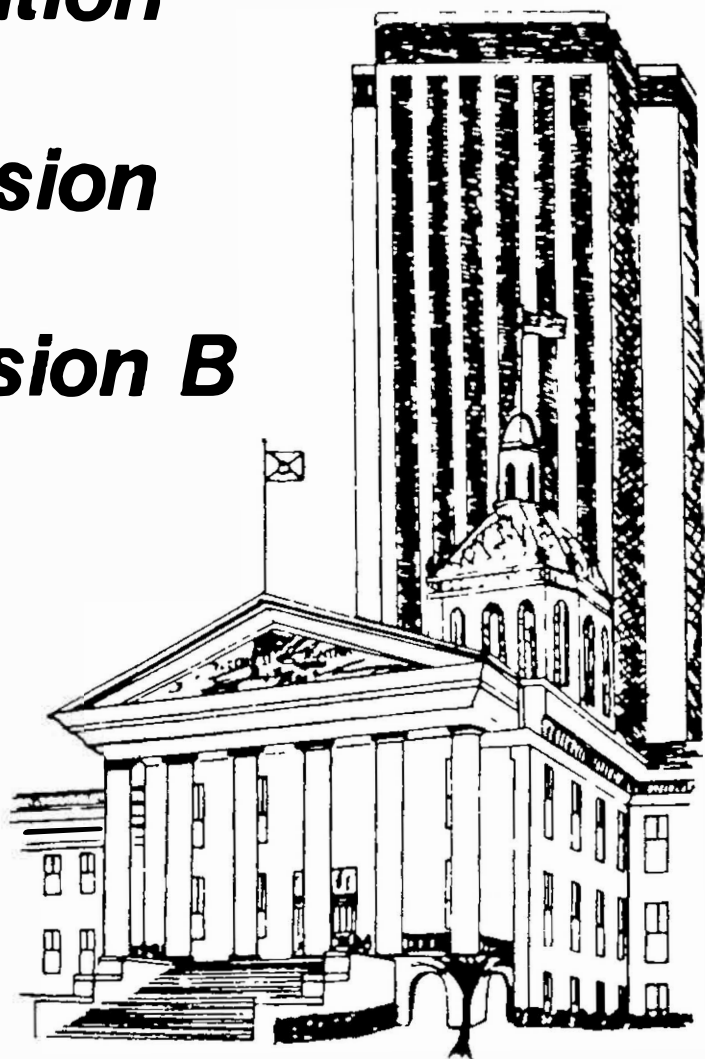
Record series title, folder title, etc.	Location Cite	#pp

# **FLORIDA LEGISLATURE**

## ***History of Legislation***

### ***1986 Regular Session***

### ***1986 Special Session B***



**prepared by:**

***Joint Legislative Management Committee***

**Legislative Information Division**

**Capitol Building, Room 826 – 488-4371**

## HISTORY OF SENATE BILLS

**S 1147 GENERAL BILL/CS by Governmental Operations; Peterson and others (Compare ENG/H 1198)**

Phosphate Research Institute Rules, authorizes institute to adopt rules Amends 378 101 Effective Date 10/01/86  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Governmental Operations -SJ 159  
 05/02/86 SENATE On Committee agenda—Governmental Operations, 05/06/86, 2 00 pm, Room-H  
 05/06/86 SENATE Comm Report CS by Governmental Operations, placed on Calendar -SJ 217  
 05/08/86 SENATE CS read first time -SJ 219, Placed on Consent Calendar -SJ 223, CS passed YEAS 38 NAYS 0 -SJ 233, Immediately certified -SJ 233  
 05/08/86 HOUSE In Messages  
 05/09/86 HOUSE Received, referred to Natural Resources -HJ 303  
 06/07/86 HOUSE Died in Committee on Natural Resources, Iden /Sim / Compare bill passed, refer to HB 1198 (Ch 86-294)

**S 1148 GENERAL BILL by Grant (Similar H 1059, S 950, Compare CS/S 829, CS/CS/S 1090)**

Board of Regents/Health Care, provides for extension of employment of health care professionals who are OPS employees, authorizes Bd of Regents to insure or self-insure H Lee Moffit Cancer Center & Research Institute, provides immunity from suit & prohibits suit by self-insurance programs established by board, protects claims files of such programs from discovery in civil actions or examination under public records law, etc Amends 110 131, 240 213, 768 28 Effective Date 10/01/86  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Education, Governmental Operations, Finance, Taxation and Claims, Appropriations -SJ 159, On Committee agenda—Education, 05/01/86, 1 00 pm, Room-A—Temporarily postponed  
 05/14/86 SENATE Extension of time granted Committee Education  
 05/26/86 SENATE Extension of time granted Committee Education  
 06/07/86 SENATE Died in Committee on Education

**S 1149 GENERAL BILL/CS/ENG by Governmental Operations; Langley (Similar CS/H 591)**

Security & Deception Detection, revises exceptions to private investigative & patrol services & detection of deception, clarifies classes of licenses, clarifies medical certification for Class "G" Statewide Gun Permit applicant, provides for tolling of time when fingerprint cards are being processed through FDLE or FBI, establishes investigator client privilege, provides for review & repeal, etc Amends Ch 493 Effective Date 10/01/86  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Governmental Operations, Finance, Taxation and Claims, Appropriations -SJ 159  
 05/14/86 SENATE Extension of time granted Committee Governmental Operations  
 05/16/86 SENATE On Committee agenda—Governmental Operations, 05/20/86, 2 00 pm, Room-H  
 05/20/86 SENATE Comm Report CS by Governmental Operations -SJ 376  
 05/22/86 SENATE CS read first time -SJ 407, Now in Finance, Taxation and Claims -SJ 376  
 06/02/86 SENATE Withdrawn from Finance, Taxation and Claims -SJ 534, Now in Appropriations, On Committee agenda—Appropriations, Upon adjournment, 06/02/86, Room-A -SJ 560, Comm Report Favorable by Appropriations, placed on Calendar -SJ 564  
 06/06/86 SENATE Placed on Special Order Calendar -SJ 818, CS passed as amended, YEAS 34 NAYS 0 -SJ 872  
 06/06/86 HOUSE In Messages  
 06/07/86 HOUSE Received, placed on Calendar, Read second time, Read third time, CS passed, YEAS 111 NAYS 0 -HJ 1401  
 06/09/86 Ordered enrolled -SJ 1249  
 06/18/86 Signed by Officers and presented to Governor  
 07/01/86 Approved by Governor, Chapter No 86-193

**S 1150 GENERAL BILL by Thomas (Compare H 680, S 525)**

Sparklers/Regulations, requires testing & approval of sparklers; provides for registration of sparkler manufacturers, distributors, & wholesalers, provides for fees, requires that sparklers for sale to public be obtained only from registered manufacturers, distributors, & wholesalers, requires certain evidence of such purchases, provides for exhibition of certain registration certificates, etc Amends 791 01, 02, 04, creates 791 013, 015 Appropriation \$82,160 Effective Date 07/15/86, except as otherwise provided  
 04/18/86 SENATE Filed  
 04 29/86 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims, Appropriations -SJ 160  
 05/13/86 SENATE Extension of time granted Committee Commerce  
 06/07/86 SENATE Died in Committee on Commerce

**S 1151 GENERAL BILL by Fox (Similar CS/H 699)**

Baker Act/Discharge Criteria, provides criteria for discharge from involuntary placement under Baker Act, amends power to discharge Amends 394 469 Effective Date 10/01/86  
 04/18/86 SENATE Filed

**S 1151 (CONTINUED)**

04/29/86 SENATE Introduced, referred to Health and Rehabilitative Services, Judiciary Civil -SJ 160  
 05 12/86 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/27/86 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/28/86 SENATE Also referred to Appropriations -SJ 468  
 06/07/86 SENATE Died in Committee on Health and Rehabilitative Services

**S 1152 LOCAL BILL/ENG by Myers (Similar H 1089)**

St Lucie Co/Water & Sewer, creates St Lucie Co Water & Sewer Utilities Regulatory Act, provides for St Lucie Co Water & Sewer Authority, provides rates for new classes of service, provides for service availability charges & service by utilities within certain time periods, provides for examination & testing of meters, etc. Effective Date Contingent except s 25 takes effect 07/11/86  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Rules and Calendar -SJ 160  
 05/08/86 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/08/86, 1 00 pm, Room-H -SJ 240, Comm Report Favorable by Economic, Community and Consumer Affairs -SJ 242  
 05/09/86 SENATE Now in Rules and Calendar -SJ 242  
 05/20/86 SENATE Considered by Rules and Calendar, placed on Local Calendar -SJ 324, Passed as amended, YEAS 38 NAYS 0 -SJ 327, Immediately certified -SJ 327  
 05/20/86 HOUSE In Messages  
 05/29/86 HOUSE Received, placed on Calendar -HJ 574  
 05/30/86 HOUSE Placed on Local Calendar, Substituted for HB 1089 -HJ 621, Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 116 NAYS 0 -HJ 627  
 05/30/86 SENATE In Messages  
 06/02/86 SENATE Concurred, Passed as amended, YEAS 35 NAYS 0 -SJ 551  
 06/02/86 Ordered engrossed, then enrolled -SJ 551  
 06/25/86 Signed by Officers and presented to Governor  
 07/11/86 Became Law without Governor's Signature, Chapter No 86-347

**S 1153 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Frank (Similar H 1283)**

Thermal Efficiency Standards, redefines energy performance index, eliminates performance level variations, provides for amended compliance certification forms, provides for display of energy performance levels for residential buildings Amends 553 902, 903, 907, 9085 Effective Date 07/01/86  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 160  
 05/06/86 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/08/86, 1 00 pm, Room-H  
 05/08/86 SENATE Comm Report CS by Economic, Community and Consumer Affairs, placed on Calendar -SJ 243  
 05/13/86 SENATE CS read first time -SJ 249  
 05/20/86 SENATE Placed on Special Order Calendar -SJ 324, CS passed, YEAS 38 NAYS 0 -SJ 335  
 05/21/86 HOUSE In Messages  
 05/27/86 HOUSE Received, referred to Natural Resources, Appropriations -HJ 528  
 05/30/86 HOUSE Withdrawn from Natural Resources -HJ 652, Now in Appropriations  
 06/05/86 HOUSE Withdrawn from Appropriations -HJ 943, Placed on Calendar  
 06/07/86 HOUSE Died on Calendar

**S 1154 GENERAL BILL by Thurman (Similar H 751, Compare CS/ENG/H 83, S 7-B)**

Wildlife/License Fee Increase, increases fee charged by tax collector for cost of issuing license or stamp tax to take wild animal or freshwater aquatic life, repeals provisions re deduction of administration costs for issuing waterfowl stamps, fee charged for permits to use G&FWFC lands, fee for issuance of duplicate licenses, & deduction of administrative costs by county tax collectors for issuance of freshwater fish, frog dealers licenses, etc Amends 372 561 Effective Date upon becoming law, except as otherwise provided  
 04/18/86 SENATE Filed  
 04/29/86 SENATE Introduced, referred to Natural Resources and Conservation, Finance, Taxation and Claims, Appropriations -SJ 160  
 05/05/86 SENATE On Committee agenda—Natural Resources and Conservation, 05/07/86, 9 00 am, Room-H  
 05/07/86 SENATE Comm Report Favorable by Natural Resources and Conservation -SJ 241  
 05/08/86 SENATE Now in Finance, Taxation and Claims -SJ 242  
 05/22/86 SENATE Extension of time granted Committee Finance, Taxation and Claims  
 05/28/86 SENATE Withdrawn from Finance, Taxation and Claims -SJ 468, Now in Appropriations

HISTORY OF HOUSE BILLS

**H 585 GENERAL BILL** by Rochlin (Identical S 1222)  
School Based Health Clinic Program, directs DOE to establish pilot program to provide a school-based health clinic program in selected school district, provides goals & requirements, provides for staffing, requires report to Legislature  
 Effective Date Upon becoming law  
 03/04/86 HOUSE Prefiled  
 03/07/86 HOUSE Referred to Education, K - 12, Appropriations  
 03/25/86 HOUSE Withdrawn from Education, K - 12, Appropriations; Referred to Health & Rehabilitative Services, Appropriations  
 04/08/86 HOUSE Introduced, referred to Health & Rehabilitative Services, Appropriations HJ 60  
 06/07/86 HOUSE Died in Committee on Health & Rehabilitative Services

**H 586 GENERAL BILL** by Bankhead; Crady; Lewis; Hazouri; C. Brown; Langton; Ogdon (Similar ENG/S 283)  
Joseph A. Carlucci Crime Laboratory, names Regional Crime Laboratory located in Jacksonville as Joseph A. Carlucci Crime Laboratory. Effective Date: Upon becoming law  
 03/04/86 HOUSE Prefiled  
 03/07/86 HOUSE Referred to Criminal Justice  
 04/08/86 HOUSE Introduced, referred to Criminal Justice -HJ 60, On Committee agenda—Criminal Justice, 04/08/86, 1.15 pm, 314 HOB, Preliminary Committee Action by Criminal Justice Favorable, with 1 amendment, to Calendar  
 04/10/86 HOUSE Comm Report. Favorable with 1 amendment(s) by Criminal Justice, placed on Calendar -HJ 114  
 05/14/86 HOUSE Placed on Special Order Calendar, Iden /Sim Senate Bill substituted, Laid on table under Rule, Iden./Sim / Compare Bill passed, refer to SB 283 (Ch 86-318) -HJ 384

**H 587 GENERAL BILL/CS** by Health & Rehabilitative Services; Bankhead (Compare CS/CS/ENG/H 782, CS/CS/ENG/H 870, CS/S 1034)  
Fire Safety/Child Care Facilities, provides that State Fire Marshal shall establish uniform fire safety standards for child care facilities, requires child care facilities to be in compliance with such standards, authorizes liability insurance coverage for certain child care facilities, secular nonpublic schools, & day camps based upon licensed capacity or number of children cared for or served Amends 402 305, 3197, 633.05 Effective Date. 10/01/86.  
 03/04/86 HOUSE Prefiled  
 03/24/86 HOUSE Referred to Health & Rehabilitative Services, Appropriations  
 04/08/86 HOUSE Introduced, referred to Health & Rehabilitative Services, Appropriations -HJ 60  
 04/10/86 HOUSE Subreferred to Subcommittee on Rehabilitative and Social Services, On subcommittee agenda—Health & Rehabilitative Services, 04/14/86, 1 15 pm, 317C  
 04/14/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 3 amendments, On Committee agenda, pending subcommittee action—Health & Rehabilitative Services, 04/16/86, 8 00 am, 317C  
 04/16/86 HOUSE Preliminary Committee Action by Health & Rehabilitative Services Favorable, as a Committee Substitute  
 04/23/86 HOUSE Comm Report. CS by Health & Rehabilitative Services -HJ 187, Now in Appropriations  
 05/23/86 HOUSE Withdrawn from Appropriations -HJ 513, Placed on Calendar  
 06/03/86 HOUSE Placed on Special Order Calendar  
 06/06/86 HOUSE Retained on Regular Calendar  
 06/07/86 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to CS/CS/HB 782 (Ch 86-57)

**H 588 GENERAL BILL** by Selph (Identical S 629, Compare CS/H 584, ENG/S 83, CS/S 620)  
Retail & Farm Theft, provides definitions; revises language re retail & farm theft Amends 812 015 Effective Date 07/01/86  
 03/04/86 HOUSE Prefiled  
 03/07/86 HOUSE Referred to Criminal Justice  
 04/08/86 HOUSE Introduced, referred to Criminal Justice -HJ 61  
 04/21/86 HOUSE On subcommittee agenda—Criminal Justice, 04/23/86, 8 00 am, 314 HOB  
 04/24/86 HOUSE On Committee agenda—Criminal Justice, 04/28/86, 1 15 pm, 314 HOB—Temporarily passed  
 06/07/86 HOUSE Died in Committee on Criminal Justice, Iden /Sim / Compare bill passed, refer to SB 83 (Ch 86-161)

**H 589 GENERAL BILL** by Lombard; D.L. Thomas (Compare CS/S 709)  
Coastal Construction/Natural Inlets, directs DNR to establish coastal construction control lines on county basis on certain natural inlets, defines term "natural inlet" Amends 181 053 Effective Date 10/01/86  
 03/04/86 HOUSE Prefiled  
 03/07/86 HOUSE Referred to Natural Resources  
 03/10/86 HOUSE Subreferred to Subcommittee on Environmental Quality  
 04/07/86 HOUSE Also referred to Appropriations  
 04/08/86 HOUSE Introduced, referred to Natural Resources, Appropriations -HJ 61, Subreferred to Subcommittee on Environmental Quality

**H 589 (CONTINUED)**  
 04/18/86 HOUSE On subcommittee agenda—Natural Resources, 04/23/86, 10 30 am, 24 HOB  
 04/23/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with amendments, On Committee agenda, pending subcommittee action—Natural Resources, 04/24/86, 3 30 pm, Morris Hall—No action  
 06/07/86 HOUSE Died in Committee on Natural Resources

**H 590 GENERAL BILL/CS** by Regulated Industries & Licensing; Selph (Compare CS/CS/ENG/H 870)  
Horse Racing Stables/Fire Standards, directs Pari-Mutuel Wagering Div to make described rules re firesafety standards concerning horseracing stables, redefines term "capital improvements", provides for expenditures of funds for certain capital improvements Amends 550 16, creates 550 155 Effective Date 10/01/86.  
 03/04/86 HOUSE Prefiled  
 03/07/86 HOUSE Referred to Regulated Industries & Licensing, Appropriations  
 03/19/86 HOUSE Subreferred to Subcommittee on Pari-mutuels  
 04/08/86 HOUSE Proposed, referred to Regulated Industries & Licensing, Appropriations -HJ 61, Subreferred to Subcommittee on Pari-mutuels  
 04/25/86 HOUSE On subcommittee agenda—Regulated Industries & Licensing, 04/29/86, 2 00 pm, 413C  
 04/29/86 HOUSE Subcommittee Recommendation pending ratification by full Committee: Favorable, with amendments, On Committee agenda, pending subcommittee action—Regulated Industries & Licensing, 04/30/86, 3 30 pm, 413C  
 04/30/86 HOUSE Preliminary Committee Action by Regulated Industries & Licensing Favorable, as a Committee Substitute  
 05/07/86 HOUSE Comm Report CS by Regulated Industries & Licensing -HJ 285; Now in Appropriations  
 05/23/86 HOUSE On Committee agenda—Appropriations, 05/27/86, 8 00 am, Morris Hall—No action taken  
 05/30/86 HOUSE On Committee agenda—Appropriations, 06/02/86, 8 00 am, Morris Hall—For subreferral, Subreferred to Subcommittee on General Government  
 06/07/86 HOUSE Died in Committee on Appropriations

**H 591 GENERAL BILL/CS** by Regulatory Reform, Crotty; Gutman (Similar CS/ENG/S 1149)  
Security & Deception Detection, revises exceptions to Investigative & Patrol Services & Deception Detection Act, clarifies classes of licenses, clarifies medical certification for Class "G" Statewide Gun Permit applicant, provides for tolling of time when fingerprint cards are being processed through FDLE or FBI, provides for investigator-client privilege, provides for review & repeal, etc Amends Ch 493 Effective Date 10/01/86  
 03/04/86 HOUSE Prefiled  
 03/24/86 HOUSE Referred to Regulatory Reform, Appropriations  
 04/07/86 HOUSE Subreferred to Subcommittee on Business Regulation  
 04/08/86 HOUSE Introduced, referred to Regulatory Reform, Appropriations -HJ 61, Subreferred to Subcommittee on Business Regulation  
 04/11/86 HOUSE Withdrawn from Subcommittee on Business Regulation, Subreferred to Subcommittee on Human Resources, On subcommittee agenda—Regulatory Reform, 04/15/86, 1 15 pm, 317 HOB  
 04/15/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 25 amendments, On Committee agenda, pending subcommittee action—Regulatory Reform, 04/16/86, 3:30 pm, Morris Hall  
 04/18/86 HOUSE On Committee agenda—Regulatory Reform, 04/22/86, 5 30 pm, Morris Hall  
 04/22/86 HOUSE Preliminary Committee Action by Regulatory Reform Favorable, as a Committee Substitute  
 04/25/86 HOUSE Comm. Report. CS by Regulatory Reform -HJ 188, Now in Appropriations  
 05/20/86 HOUSE Subreferred to Subcommittee on General Government  
 05/30/86 HOUSE On Committee agenda—Appropriations, 06/02/86, 8 00 am, Morris Hall—For ratification of subreferral  
 06/03/86 HOUSE Withdrawn from Appropriations -HJ 788, Placed on Calendar  
 06/07/86 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to CS/SB 1149 (Ch 86-193)

**H 592 GENERAL BILL/CS** by Community Affairs, Clements (Similar S 856)  
Amusement Games & Vending Machines, authorizes certain operators of such games or machines to obtain master license from Revenue Dept in lieu of paying local occupational license taxes, provides for application deadline, provides for licenses to be issued annually, provides penalty for fraudulent application, provides license fee, creates trust fund & provides for deposit of fees therein, provides for proceeds to be apportioned to counties & municipalities, etc Effective Date 10/01/86  
 03/04/86 HOUSE Prefiled

493.30 Definitions, part I. — As used in the act:

(1) "Private investigative agency" means and includes any person, firm, company, partnership, or corporation which, for consideration, advertises as providing or is engaged in the

The Private Security Advisory Council recommends that a significant amount of unlicensed activity could be eliminated if it were illegal to advertise services prior to the organization or person being licensed.

business of furnishing ~~for hire~~ private investigations.

"For consideration", in the previous paragraph, was substituted for "for hire".

(2) "Watchman," "guard," or "patrol agency" means and includes any person, firm, company, partnership, or corporation which, for consideration, advertises as providing or is engaged in the

The Private Security Advisory Council recommends that a significant amount of unlicensed activity could be eliminated if it were illegal to advertise services prior to the organization or person being licensed.

business of furnishing ~~for hire~~ watchman, guard, patrolman, or

"For consideration", in the previous paragraph, was substituted for "for hire".

armored car services or transports prisoners. This includes any person, firm, company, partnership or corporation which utilizes dogs to perform security services unless otherwise excluded.

This is a technical change to make clear the definition of watchman, guard, or patrol agency. The department currently includes these types of organizations in the definition but there has been some controversy regarding whether or not there is statutory authority.

(3) "Private investigator" means and includes any one who, for consideration, advertises as providing or performs the services

The Private Security Advisory Council recommends that a significant amount of unlicensed activity could be eliminated if it were illegal to advertise services prior to the organization or person being licensed.

~~of private investigation, or who directly supervises others in the performance of such services.~~

The proposed law provides for a licensed manager to direct the activities of the private investigators working for the agency. This removes the requirement for those managers to also have a

private investigators license when they are not personally performing investigations.

This does not include an informant who, on a one-time or limited basis, as a result of a unique area of expertise, abilities, or vocation and under the direction and control of a Class "C" licensee or a Class "MA" licensee, provides information or services that would otherwise be included in the definition of private investigation.

The Security Industry, police and judicial authorities have advised the department that an informant should not and is not legally considered to be the same as an investigator. An informant is one who relays to someone else, such as a police officer or a private investigator, information that may come to his ears. This person is not required to justify or corroborate the information and is used only to gather information or leads which are then verified by the police or private investigator. Since this has been a controversial issue, it would be appropriate to make it clear that informants are not required to be licensed.

(4) "Private investigation" means and includes investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(d) The whereabouts of missing persons including heirs to estates, abandoned property or escheated property.



There is some controversy regarding whether or not individuals performing investigations to locate heirs to estates are required to be licensed as private investigators. The Department and the Private Security Advisory Council are of the opinion that persons or companies involved in the location of heirs to estates perform the same type of investigations as licensed Class "C" private investigators and should therefore be so licensed. This amended language would make this clear.

~~(n) The conducting of studies or surveys to determine methods and means of providing security for the person requesting the studies or surveys.~~

The department does not consider the conducting of studies or surveys to appropriately be a definition of private investigation.

~~(i) Service of court process for consideration by persons other than employees of federal, state, county, or municipal police agencies.~~

After consultation with legal counsel and members of the judiciary, the Department has concluded that restrictions placed on whom may serve process conflicts with the Court's constitutional right to establish through "rules of procedure" the procedure for appointment of process servers. Additionally,

there exists a statute that addresses the right for sheriffs to appoint individuals to serve process.

(5) "Watchman," "guard," or "patrolman" means and includes persons who, for consideration, directly supervise others who, or who themselves, separately or collectively, advertise as providing or performs the services of guarding persons or

"For consideration" is added so that individuals who are guarding or protecting their own property or neighborhood crime watch groups which are watching each others property may do so without the need for licensure.

The proposed law provides for a licensed manager to direct the activities of the watchman, guard or patrolmen working for the agency. This removes the requirement for those managers to also have a guard license when they are not performing guard services. The Private Security Advisory Council recommends that a significant amount of unlicensed activity could be eliminated if it were illegal to advertise services prior to the organization or person being licensed.

property or attempting to prevent theft or unlawful taking of goods, wares, and merchandise or attempting to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or ~~to~~ procurement of the return thereof or who perform the services of such watchman,

guard, or patrolman or other person for any of these purposes. The term "guard" shall include ~~armored car personnel and those personnel engaged in the transportation of prisoners.~~

**Technical.** This change is to make clear the definition of watchman, guard, or patrolman. The department currently includes these types of activities in the definition but there has been some controversy regarding whether or not there is statutory authority.

(7) "Investigative or Repossessor Intern" means one who studies investigative or repossession work ~~on~~ as a trainee or apprentice status. ~~under the personal supervision and control of a Class "C" or "E" licensee.~~ A Class "CC" licensee shall serve an internship under the direction and control of a designated sponsor who is a Class "C" or a Class "MA" licensee. A Class "EE" licensee shall serve an internship under the direction and control of a designated sponsor who is a Class "E" licensee.

**Technical.** This is to make clear which class of license an intern may work under. It also allows an intern to work under a licensed manager.

(12) "Manager" means and includes any agency or branch manager ~~actively~~ directing the activities of Class "C" and/or Class "D" employees. The manager shall be assigned to and shall be primarily operating from the agency or branch office location for which he has been designated as manager.

Technical. This language is necessary to make clear that the manager is to be primarily operating from one office and cannot manage two offices located across town or in different cities.

(13) "Advertising" means and includes to make known by any public notice, directly or indirectly, that a particular service or services is available for consideration.

Definition of advertising added since it is included in other definitions and statute text.

(14) "Branch office" means and includes each additional location of a Class "A" and/or Class "B" agency which advertises as performing or is engaged in the business authorized by the Class "A" or Class "B" license.

Definition of branch office added since it is used in statute text.

493.301 Inapplicability of part 1 of this chapter.

(1) This part shall not apply to:

(c) Any insurance investigator or adjuster licensed by a state or federal licensing authority when such person is providing services or expert advice within the scope of his license.

Technical. For clarification purposes only.

(d) Any person solely, exclusively and regularly employed as an

**This would restrict inapplicability to those persons solely and regularly employed by one employer.**

unarmed special agent, ~~detective, reposessor,~~ or private investigator exclusively in connection with the business of his employer.

The department frequently receives complaints regarding reposseors. Invariably, the reposessor advises the department that they only work for one car dealer or one bank. However, upon investigation it is determined that they are working for more than one company. There are a significant number of problems in regulating this industry and it is the consensus of the Advisory Council and the department that it would be much easier if all reposseors were required to be licensed. Also there is no apparent reason to regulate only certain reposseors. All reposseors should be required to meet the experience and insurance requirements.

(g) Any attorney or counselor at law in the regular practice of his profession, but this exemption shall not serve to exempt from the requirements of licensure any employee or representative of an attorney, ~~or~~ counselor at law, or law firm who is not employed

solely, exclusively, and regularly by such attorney or counselor at law.

**Technical. For clarification purposes only.**

493.303 Advisory council.

The department shall designate an advisory council to be composed of nine members. The advisory council shall, insofar as possible, be geographically distributed and representative of the various segments of the profession. The council shall organize, elect a chairman, and thereafter meet upon the call of the chairman through the department. The council shall counsel and advise with the department and make recommendations relative to the operation and regulation of the industry. The chairman of the advisory council or his designee shall serve as an ex-officio member of the advisory council established in Part II of this chapter. Such advisory council members as are appointed by the department shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings of the council as provided by s. 112.061.

**This provides that the chairman of this council will act as an ex-officio member of the new council formed in Part II.**

493.304 Classes of licenses.

(4) Any person who ~~studies or~~ performs private investigative work as an intern under the ~~supervision~~ direction and control of a designated, sponsoring Class "C" licensee or a designated, sponsoring Class "MA" licensee ~~must~~ shall have a Class "CC" license.

**Technical. For clarification purposes only.**

(7) Any person who ~~studies or~~ performs repossession as an intern under the ~~supervision~~ direction and control of a designated, sponsoring Class "E" licensee ~~must~~ shall have a Class "EE" license.

**Technical. For clarification purposes only.**

(8) Only Class "C", "CC", "M", "MA", "MB" and "D" licensees are permitted to ~~carry or use~~ bear a firearm, and any such licensee who ~~carries or uses~~ bears a firearm must also have a Class "G" license.

**Allows private investigator interns and agency managers to bear a firearm.**

(9) A Class "A" or Class "B" license is valid for only one location. Each additional or branch office of a Class "A" ~~or a Class "B"~~ licensee shall have a Class "~~CB~~" "AA" license. Each additional or branch office of a Class "B" licensee shall have a

Class "BB" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.

**Technical. For clarification purposes only.**

(10) Any person who performs the services of a manager for a:

1. Class "A" private investigative agency or Class "AA" additional or branch office must have a class "MA" license.
2. Class "B" watchman, guard, or patrol agency, or Class "GBB" additional or branch office must have a class "MB" license.
3. Class "A" and "B" agency and/or a Class "AB" agency must have a Class "M" license.

(12) Class "C" licensees must own or work for a Class "A" private investigative agency or a Class "AA" or "AB" additional or branch office. Class "D" licensees must own or work for a Class "B" watchman, guard or patrol agency or a Class "BB" or "AB" additional or branch office. This does not include those persons who are exempt under s. 493.301 but who possess a Class "D" or Class "C" license solely for the purpose of holding a Class "G" license.

**Technical. For clarification purposes only.**

493.305 Application for license.



(1) Each person, partner, or, in the case of a corporation, corporate officer must qualify separately for a license under this part and shall file with the department a written application accompanied by an application fee to defray the costs in an amount to be determined by rule of ~~25~~, except that an applicant for a Class "C" or Class "D" license shall not be required to pay the application fee. The fee shall not be rebatable. Persons who invest in the ownership of a Class "A" or Class "B" agency but do not participate in, direct or control the operations of the agency shall not be required to file an application. The written application shall be in accordance with the following provisions:

(a) If the applicant is an individual, the application shall be signed ~~and verified~~ by the individual under oath and shall be notarized.

(b) If the applicant is a firm or partnership, a separate application shall be signed under oath ~~and verified~~ by each individual composing or intending to compose, in the immediate future, such firm or partnership and shall be notarized.

(c) If the applicant is a corporation, a separate application shall be signed under oath ~~and verified~~ by each officer, not including assistant secretaries or assistant treasurers, thereof and shall be notarized.

(d) The application shall contain the following information concerning the individual signing the same:

2. His age, ~~and~~ date and place of birth, and his social security number or alien registration number (whichever is applicable);

8. The name(s) under which the ~~business is to be conducted~~;  
person, firm, company, partnership, or corporation intends to  
conduct business;

13. A personal inquiry waiver which allows the department to  
conduct such investigations to satisfy the requirements of this  
part;

14. ~~13.~~ Such further facts as may be required by the department  
to show that the person signing the application is of good moral  
character and qualified by experience and training to satisfy the  
requirements of this part.

**The department desires to have the same authority to set the  
application fee, by rule, that it now has in part II of this  
Chapter.**

**The department currently requires all of the above, however, when  
attempting to promulgate rules, the department has been advised  
that it does not have the statutory authority to require these.**

(2) Upon submission of a complete application, an applicant for  
a Class "D" license may be employed by an agency as an unarmed  
watchman, unarmed guard, or unarmed patrolman before such  
application is approved. "Unarmed" means that no firearm shall  
be carried or used during official duty, regardless of whether  
the applicant has any other authority to carry a firearm. If the  
department denies a Class "D" license, the employment of such  
person shall be terminated immediately.

Each person, firm, company, partnership, or corporation shall,

upon the employment or termination of employment of a watchman, guard or patrolman, report such employment or termination immediately to the department and, in the case of termination, the reason(s) therefore.

**Technical. For clarification purposes only.**

(3) An applicant or licensee ~~is~~ shall be ineligible to reapply for the same class of license for a period of 1 year following final agency action ~~with respect to~~ on the denial or revocation of a license applied for or issued under this part. This time restriction shall not apply to administrative denials wherein the basis for denial was:

- (a) An inadvertent error or omission on the application;
- (b) The experience documented by the department was insufficient at the time of application;
- (c) The department was unable to complete the criminal background investigation due to insufficient information from the Florida Department of Law Enforcement or the Federal Bureau of Investigation or any other applicable law enforcement agency; or
- (d) Failure to submit required fees.

**This language addresses circumstances for which the department feels that it is appropriate to allow an individual to re-apply for licensure within a one year period after final agency action.**

(5) Any letter of approval or license for a firearms instructor issued by the department ~~which was valid~~ will expire on March 1, 1984~~7~~, ~~will remain valid until the letter of approval would be required to be renewed.~~ At that time, the firearms instructor ~~may~~ will be required to comply with the requirements ~~complete an application for a license~~ licensure established by this act; and ~~he will be issued a license, except that no fee for such license may be assessed.~~

**Requires firearms instructors to renew their license and meet certain qualifications provided in this act.**

(6) Upon submission of a complete application, an applicant for a Class "C," Class "CC", Class "E" or Class "EE" license may be employed as an intern before such application is approved. If the department denies a Class "C," Class "CC", Class "E" or Class "EE" license, the employment of such person shall be terminated immediately.

**This allows an applicant to work prior to the licensing process being completed. Since there are no experience requirements to work as an intern, the department and the Advisory Council feel that this is an appropriate and needed change. This is currently being done with guard applicants.**

493.306 License requirements.

(1) Each individual licensed by the department must:

(c) Have a physical address in this state.

**Requires licensees to have a physical address in this state.**

(2) (a) As used in this chapter, "good moral character" means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

(b) The department may ~~refuse to license an applicant for~~ deny an application for licensure citing lack of good moral character only if~~÷~~ the finding by the department of lack of good moral character is supported by clear and convincing evidence.

**Technical.**

~~1. There is a substantial connection between the lack of good moral character of the applicant and the business for which the license is sought.~~

The department and the Advisory Council feel that the lack of good moral character does not necessarily have to be connected to the business for which the license is sought in order to use it as a ground for denial or revocation.

~~2. The finding by the department of lack of good moral character is supported by clear and convincing evidence.~~

**Technical.**

(3) Each agency must have a minimum of one physical location within this state from which the normal business of the agency is conducted and this location will be considered the primary office for said agency in this state. Agencies that hold valid licenses on October 1, 1986 and do not have a physical location within this state will not be required to fulfill this requirement until October 1, 1987. Each agency or branch office must designate a minimum of one person to act as manager, ~~actively~~ directing the activities of the Class "C", and/or Class "D", and Class "E" employees. In addition to the ~~foregoing~~ above requirements, an applicant for a Class "M", "MA" or "MB" license ~~must~~ shall have at least 2 years' experience, or equivalent training, performing the type of service permitted under the agency license applied for.

**Technical.**

A Class "C" licensee may be designated as the manager, in which case the Class "MA" license is not required.

**Removes the requirement for a Class "M" or "MA" license if the designated manager holds a Class "C".**

(6) In addition to any other requirements, an applicant for a Class "G" license must:

(a) Satisfy minimum criteria for firearms established by rule of the department, which training criteria may include but are not limited to, & 16 hours of range and classroom training taught and administered by a firearms instructor who has been licensed by the department. If the applicant can show proof of current firearms proficiency under the Criminal Justice Standards and Training Commission, the department may waive the firearms training requirement referenced above; and

**Increases minimum firearms training for Class "G" applicants from 8 to 16 hours. Provides for a waiver of the firearms training requirement if the applicant can show proof of proficiency under Criminal Justice Standards and Training Commission.**

(7) A firearms instructor shall be issued a license upon meeting the following qualifications:

(c) ~~Possessing a current instructor's certificate from~~ one of the following:

1. The Criminal Justice Standards and Training Commission Firearms Instructor's Certificate.

2. The National Rifle Association Police Firearms Instructor's Certificate.

~~3. A branch of the military service of the United States.~~

4. A Firearms Instructor's Certificate from a federal, state, county or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.

**Removes a branch of the military service as a source of qualification.**

(d) Completed a training session on firearms instruction and paid the fee for and successfully passed an examination, both of which will be administered by the department.

**Requires instructors to attend a training session and pass an examination administered by the department to qualify for licensure.**

493.308 Fees.

(1) The department, by rule, shall establish biennial fees, which shall not exceed the following:

(c) Class "C" license-private investigator: \$50. ~~A natural person who has a Class "A" license does not have to pay the Class "C" license fee.~~

(d) Class "D" license-watchman, guard, or patrolman: \$30. ~~A natural person who has a Class "B" license does not have to pay the Class "D" license fee.~~

**Requires a natural person to pay the Class "C" or Class "D" license fees just as other Class "A" or "B" licensees are required to do.**



(f) Class "AA," "GBB," or "AB" license-branch office: \$75.

**Technical. This is not an increase in fees.**

(h) Class "CC" license-private investigator intern: \$40.

(i) Class "EE" license-repossessor intern: \$40.

(j) Class "K" license-firearms instructor: \$75.

(k) Examination for Firearms Instructor: \$50.

Currently there are no license fees for a private investigator intern, repossessor intern and firearms instructors or for an examination. However, the department is required to investigate complaints and provide the same services to and for these licensees that it does for other licensees that are required to pay fees ranging from \$30 to \$300. The department feels that this is an appropriate fee cap for these types of licenses. The fee for the examination is required to off-set the cost of test administration.

(2) The department, by rule, may establish a fee for the replacement of a ~~Class "D" or Class "G" laminated card~~ license which fee shall not exceed \$15.

This allows the department to recover the costs for replacement of licenses for all license types, not just "D" and "G".

(3) The fees set forth in this section shall be paid by certified check or money order or, at the discretion of the department, by company check at the time the license is issued, except that the applicant for a Class "D", ~~or Class "G",~~ Class "C", Class "CC", Class "E" or Class "EE" license shall pay the license fee at the time the application is made.

**Requires that an applicant for a Class "C", "CC", "E", and "EE" license pay the license fee at the time of application since they may now be employed upon making application.**

If a license is revoked or denied, the license fee shall not be returned to the licensee.

**Technical. Clarifies that the fee is not rebatable when the license has been denied.**

493.309 Investigation of applicants by Department of State.

(1) Except as otherwise provided ~~in subsection (3)~~, prior to the issuance of a license under this part, the department shall make an individual investigation of the applicant for a license. The investigation shall include:

**Technical. This makes clear that the department may allow other licensees to become employed after submitting a complete application but prior to being issued a permanent license.**

(2) In the case of a Class "G" license applicant, the department shall make an investigation of the general mental and physical fitness of the applicant to ~~carry~~ bear a weapon or a firearm in addition to the investigation required by subsection (1).

Determination of physical fitness shall be certified by a medical doctor currently licensed in this state or authorized to act as a medical doctor by a federal agency or department. Such certification shall be submitted on a form provided by the department.

**Clarifies what type of doctor can attest to the physical fitness of an applicant and how such certification shall be submitted to the department.**

(4) When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(2) shall be tolled during the time the applicant's fingerprint card is under review by the Florida Department of Law Enforcement and the United States Department of Justice, Federal Bureau of Investigation.

**Allows for the timeframes addressed in Chapter 120, F.S. to be tolled while the fingerprint card is being processed by the Florida Department of Law Enforcement or the Federal Bureau of Investigation.**

493.31 Licensee's insurance. — No ~~agency~~ Class "A", Class "B", or Class "E" license shall be issued unless the applicant first files with the department a certificate of insurance evidencing coverage as delineated below ~~comprehensive general liability coverage for death, bodily injury, and personal injury~~. The certificate shall provide the ~~state~~ department as an additional insured for purposes of all notices of modification or cancellation of such insurance including cancellation of the policy by the insured. The insurance company shall notify the department of all claims or losses paid by the insurance company. Coverage shall ~~also~~ provide for a combined single limit policy in the amount of \$500,000 which policy shall cover include comprehensive general liability coverage for death, bodily injury, property damage, personal injury, false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character, and violation of the right of privacy in the amount of \$100,000 per person and \$500,000 per occurrence. The ~~agency~~ license shall be automatically suspended upon the date of cancellation unless evidence of insurance is provided prior to the effective date of cancellation. Coverage shall insure for the liability of all ~~agency~~ employees licensed by the department. The agency licensee shall notify the department of any claim against such insurance arising from any claim of false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character, or violation of the right of privacy. The licensee shall notify the department immediately upon cancellation of the insurance policy, whether such cancellation was initiated by the insurance company or the insured.

Requires that a reposessor acquire and maintain the same level of insurance as is currently required by the private investigative and watchman, guard or patrol agency. Requires the insurance company to notify the department if a licensee cancels his insurance or if there are any claims against a licensees insurance. Updates the insurance requirement to provide for a combined single limit policy. Requires the licensee to notify the department upon cancellation, whether cancellation was initiated by himself or the insurance company, of the insurance policy.

493.311 License; contents; posting; identification card.

(1) All licenses issued pursuant to this part shall be in a form prescribed by the department. The license shall specify the name under which the applicant is to operate, the address of the principal place of business, the expiration date, the full names and titles of the persons who submitted application forms, the number of the license, and any other information the department deems necessary. All licenses, ~~except Class "CC" and Class "EE" licenses, issued by the department~~ shall be renewed biennially.

The department shall determine by rule the expiration date of each class of license. The department may prorate license fees.

(2) The ~~agency~~ Class "A", Class "B", and Class "E" license shall at all times be posted in a conspicuous place ~~in at the principal place of licensed physical location in this state where the business of the licensee is conducted in this state.~~ Each agency

licensee shall display, in a place that is in clear and unobstructed public view, a notice stating that the business operated at this location is licensed and regulated by the Department of State and that any questions or complaints should be directed to the department. The notice shall be in a form specified by the department, and the department shall adopt rules to ensure that the notice is displayed in a place where a client of the agency would be most likely to see it.

(4) It shall be the duty of every ~~agency~~ Class "A", Class "B", and Class "E" licensee to furnish all of its people, partners, corporate officers, and managers, as the case may be, and all licensed employees, an identification card. ~~The card shall be in a form and design as may be approved by the Department of State,~~ ~~but~~ It shall specify at least the name of the holder of the card and the name and number of the licensee and shall be signed by a representative of the licensee and by the holder of the card. The card shall be in the possession of each person, partner, corporate officer, manager, or licensed employee while on duty. Upon suspension or revocation of a license or upon termination of a business association with the licensee, it shall be the duty of each person, partner, corporate officer, manager, or licensed employee to return the card to the Class "A", Class "B" or Class "E" ~~agency~~ licensee.

(6) Each person, firm, company, partnership, or corporation shall, upon the employment or termination of employment of a licensed employee, report such employment or termination immediately to the department and, in the case of termination, the reason(s) therefore.

Removes the requirement that the department approve the identification card. It has been determined that it is unnecessary for the department to be involved in this approval process. Provides for notification to the department of the employment or termination of licensed employees so that the department can be cognizant of their location for the purpose of investigating complaints.

493.312 Change of location of licensee. — In the event the licensee desires to change the location of any place of business indicated in his application on file with the department, he shall notify the department within 10 days of the change. ~~The department shall send to him suitable forms designed by the department, the purpose of which shall be to record in the office of the department the fact that there has been a change, by way of substitution, of the licensee's place or places of business. Upon completion of the form, the licensee shall return it to the department, together with a fee~~ and submit a fee of \$10 for each changed location. The department shall thereupon send to the licensee a certificate of registration of each changed location. The certificate shall be in a form designed by the department, but it shall at least specify the name under which the licensee operates, its license number, and the address of the location to which the certificate of registration applies. The holder of a Class "D" or Class "G" license shall not be required to pay the \$10 fee for each change of location.

Provides a time frame in which the department must be advised of address changes and removes the requirement that the department provide forms for this purpose. The licensee may simply write a letter to the department without the necessity of filling out a specific form.

493.313 Renewal of license.

(3) A licensee shall renew his license ~~prior~~ on or before ~~to~~ its expiration by filing with the department, ~~at least 45 days prior to the expiration,~~ the renewal form accompanied by:

(a) Payment of the fee prescribed in s. 493.308.

(b) Proof of the comprehensive general liability insurance coverage required in s. 493.31, when applicable.

(4) A licensee who fails to file a renewal application ~~at least 45 days prior~~ on or before ~~to~~ its expiration ~~may~~ must renew his license by fulfilling the requirements of paragraphs (3)(a) and (b) and paying a late fee equal to the amount of the license fee.

**Removes the requirement that a licensee renew his license 45 days prior to expiration or pay a late fee equal to the license fee.**

**Amended language would not require a late fee unless the licensee failed to renew his license until after it had expired.**

(7) Before a Class "G" license is renewed the licensee shall be required to complete ~~not less than 8 hours of range~~ re-training, re-certification and fulfill such other health and training



requirements which the department shall adopt by rule. Such training shall include a minimum of 4 hours of annual range re-certification and shall be taught and administered by a firearms instructor licensed by the department and to fulfill such other health and training requirements which the department shall adopt by rule. Proof of annual range re-qualification must be submitted prior to renewal of the license. If such proof cannot be provided, the applicant for renewal must complete the 16 hours of range and classroom training required at the time of initial licensure.

**Provides for annual re-qualification for Class "G" licensees.**

(8) The department may establish rules to require periodic classroom training for firearms instructors to provide updated information relative to curriculum or other training requirements provided by statute or rule.

**Provides for periodic training for firearms instructors as required.**

493.314 Cancellation or inactivation of license.

(1) In the event the licensee desires to cancel the license, he shall notify the department, and the department shall supply him with proper forms as designed by the department to effectuate the cancellation of the license. Upon cancellation of the license, the licensee shall, and return his license to the department

within 10 days, return the license so canceled to the department, of the date of cancellation.

**Removes the requirement for the department to provide a special form for cancellation of license. The licensee may simply request by letter that his license be cancelled.**

(2) The department, at the request of the licensee, may place a license in an inactive status. A license may remain inactive for a period of three years, at the end of which time, if the license has not been renewed, it must be cancelled. If the license expires during the inactive period, the licensee will be required to pay license fees and show proof of insurance, if applicable, before the license can be made active. No late fees will apply when a license is in an inactive status.

**Allows the department to classify a license as inactive so that the applicant can maintain his license for a period of time without paying fees or having to maintain insurance.**

493.315 Weapons and firearms; training requirements; permit.

(3) Nothing in this act shall abrogate the provisions of s. 790.25(3)(n). The statewide permit shall remain in effect only during the period the applicant is employed as a guard Class "C", Class "CC", or Class "D" licensee. It shall be the responsibility of the employer immediately to notify the department of the employee's termination of employment and the

reason(s) therefore, at which time the department shall revoke the permit.

Technical. Also removes the requirement that the department revoke the "G" license when an employee is terminated.

Individual guards move from one company to the next so frequently that it is impossible and unnecessary to attempt to revoke and re-issue these permits.

(4) The department may issue a temporary ~~45-day~~ Class "G" license, which may be renewed once. If the department denies an application for a Class "G" license, the employment of such person, as an armed guard shall be terminated immediately.

Removes the restriction that a temporary gun permit may only be renewed once. It sometimes takes longer than 90 days to process a fingerprint card through the Florida Department of Law Enforcement and the Federal Bureau of Investigation, particularly if the print is illegible.

(8) Whenever a Class "G" licensee discharges his firearm in the course of his duties, he and the Class "B" agency for which he is employed, shall submit to the department an explanation describing the nature of the incident, the necessity for using the firearm and with which law enforcement jurisdiction the report of the incident was filed.

**Requires that all incidents involving discharge of a firearm in the course of duty be reported to the department.**

493.317 Prohibited acts by Class "E" and Class "EE" licensees.

(6) FAILING TO NOTIFY POLICE OR SHERIFF'S DEPARTMENT.--Failing to notify the police or sheriff's department of the jurisdiction in which the ~~personal~~ repossessed property is recovered within ~~24~~ 6 hours.

**Changes the time frame in which a reposessor must notify the police department of a recovery from 24 hours to 6 hours. It was the recommendation of the Advisory Council that 24 hours is too long a time frame and caused police and sheriff's offices unnecessary work in determining if a vehicle has been stolen or recovered.**

493.318 Reposessor required to prepare and maintain inventory. If personal effects or other property not covered by a security agreement are contained in or on personal property at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or other personal property. The date and time the inventory is made shall be indicated, and it shall be signed by the person or persons who recovered the personal property on behalf of the secured party. The inventory of the personal property shall be filed and maintained for a period of 4 years in the permanent records of the licensee and shall be made available, upon demand, to representatives of the department

during normal business hours. Falsification or alteration of an inventory or failure to maintain an inventory for the required period shall be grounds for suspension or revocation of a license. Upon written notification to the person who controlled the property prior to repossession, the personal property contained within the repossessed property may be disposed of 10 days after notification.

**Provides authority for the reposessor to dispose of personal property contained within the repossessed property 10 days after notification.**

493.319 Grounds for disciplinary action.

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken:

(c) ~~Having been found guilty of the commission~~ Conviction of a crime which directly relates to the business for which the license is held, or sought, regardless of whether adjudication was withheld or whether imposition of sentence was suspended;

**Technical. For clarification purposes only.**

(f) Proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of his business for which the licensee is held or sought;

**Technical. For clarification purposes only.**

(k) Knowingly violating, or advising, encouraging, or assisting the violation of, any court order, capias, warrant, or injunction in the course of business as a licensee; or that relates to the business for which licensure is sought;

**Expands parties affected by this disciplinary ground to include those that are seeking licensure.**

(p) The department shall deny an applicant or revoke a license when the person or licensee has been convicted of a felony, regardless of whether adjudication was withheld or whether imposition of sentence was suspended, unless and until civil rights have been restored and a period of 10 years has expired.

**Establishes mandatory disciplinary action for conviction of a felony unless civil rights have been restored and a period of 10 years have elapsed.**

~~(p)~~(q) Violating any provision of this chapter.

(2) When the department finds any violation of subsection (1), it may do one or more of the following:

(b) Revoke, ~~or~~ suspend, or refuse to renew a license.

**Adds to the disciplinary actions the right to refuse to renew a license. There are circumstances under which the department should not renew a license (insurance has expired) but currently lacks the authority to refuse to renew a license.**

(3) Upon revocation or suspension of a license, the licensee shall forthwith return the license which was suspended or revoked.

**Technical.**

493.32 Divulging information, false reports prohibited:  
penalty.-Except as otherwise provided by law, no licensee or any employee of a licensee falling within the purview of this chapter shall divulge or release to any person, other than to his principal or his employer, any information acquired as a result of any investigation, surveillance, or other act performed by the licensee or employee in the course of his employment. However, the provisions of this section shall not apply to an employer who is also the holder of a license issued pursuant to this part and who has the prior written consent of the client or principal to divulge or release any information falling within the terms of this section; ~~further, the provisions of this section will not apply to the taking of testimony or the receiving of evidence in any judicial proceeding.~~ Any person violating this section or any employee who shall willfully make a false report to his employer concerning his employment or work is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Allows an investigator to enjoy investigator/client privilege relative to the release of information. This is the same relationship currently protected by attorney/client privilege.

493.321 Violation, penalty.

Any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable as provided in s.775.082, s. 775.083, or s. 775.084, and any person who is convicted of any violation of this part shall not be eligible for licensure for a period of five years.

**Expands penalty for conviction of a violation of this part.**

493.322 Enforcement of part I; investigation.

(2) In any investigation undertaken by the department, each licensee or applicant or employee thereof shall, upon request of the department, submit information concerning his business practices or methods. The department may promulgate rules to provide that any licensee retain certain records in this state for a period of 2 years at a place of business for which the license is held or at any other location within the state for a licensee whose license has been terminated, cancelled or revoked. Upon request by the department, the records must be made available to the department within 24 hours of notice unless the department determines that an extension may be granted. In the exercise of its enforcement responsibility and in the conduct of any investigation relating to a suspected violation of this part,

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the department shall have the power to subpoena and bring before it any person in the state, require the production of any papers its deems necessary, administer oaths, and take depositions of any persons so subpoenaed. Failure or refusal of any person properly subpoenaed to be examined or to answer any questions about his qualifications or the business methods or business practices under investigation shall be grounds for suspension or revocation of his license, or for refusal to issue such license, as the case may be. The testimony of witnesses in any such proceeding shall be under oath before the department or its agents.

**Authorizes the department to promulgate rules to require pertinent records be retained for two years.**

(3) The department shall have the authority to enjoin any licensed or unlicensed person, firm, company, partnership, or corporation from operating when such person, firm, company, partnership, or corporation is advertising as providing or is engaged in performing services which require licensure under this part or when a licensee is engaged in activities which do not comply with or is prohibited by this part.

**Provides authority to the department to enjoin licensed or unlicensed persons from operating businesses which require licensure under this part.**

(4) This part shall not preclude advertising which, due to an annual deadline for submission, requires an applicant to contract for such advertising prior to issuance of the license. However in no case shall the applicant solicit business, contract, or in any way perform services which require licensure prior to the issuance of such license.

**Allows for contracting with the telephone company or others when there are annual publication deadlines for advertising before the license is approved.**

493.323 Access to criminal justice information.-In order to carry out the duties of the department prescribed in this chapter part, designated employees of the Division of Licensing of the Department of State may obtain access to the information in criminal justice information systems and to criminal justice information as defined in 943.045, on such terms and conditions as are reasonable calculated to provide necessary information and protect the confidentiality of the information.

**Technical. For clarification purposes only.**

~~493.326 Service of process. Any Class "C" licensee shall be deemed a special process server under the provisions of s. 48.021 in any individual proceeding when appointed by a circuit or county judge without the necessity of appointment by the sheriff.~~

After consultation with legal counsel and members of the judiciary, the Department has concluded that restrictions placed on whom may serve process conflicts with the Court's constitutional right to establish through "rules of procedure" the procedure for appointment of process servers. Additionally, there exists a statute that addresses the right for sheriffs to appoint individuals to serve process.

493.327 Information about licensees.

The department shall maintain the confidentiality of information relating to the residence telephone number and residence address of any licensee, licensed under this chapter, except, that the department may provide this information to local, state, or federal law enforcement agencies. When the residence telephone number and/or residence address of any licensee is the business telephone number and/or business address this information shall be public record.

Provides for the confidentiality of the residence address and telephone number. The department has received numerous complaints regarding this problem from licensees. They indicate that their families have been threatened and their homes vandalized and that their residence address and telephone number was obtained from the department's records. It is the opinion of the department with the concurrence of the Advisory Council that this information should be held in confidence unless their residence address or telephone number is also their business address or telephone number.

493.328 Publication to Industry. — The department shall have the authority to periodically advise its licensees of information that the department or the advisory council determine is of interest to the industry through the publication of a newsletter. Additionally, this newsletter shall contain the names of any person, firm, partnership, or corporation against which the department has filed a final order relative to an administrative complaint and the final disposition. This newsletter shall be published not less than two or more than four times annually.

**Provides for the publication of a newsletter which would include the names of persons and organizations against which the department has taken final agency disciplinary action. The industry has requested, for a number of years, that the department publish a newsletter for the purpose of keeping the industry informed of changes to the law, policies and procedures that affect them. This newsletter format would also provide the department with a vehicle for conducting surveys to determine the needs and concerns of the industry in its attempt to provide better and more expeditious service.**

493.561 Definitions, part II. — The following terms shall, unless the context otherwise indicates, have the following meanings:

(1) "Detection of deception examiner" means and includes any person who uses any device or instrument which records as minimum

standards, permanently and simultaneously, on continuously moving charts, at least three (3) physiological tracings: the examinee's cardiovascular (blood pressure and pulse) ~~and,~~ respiratory (breathing) patterns, and galvanic skin response (GSR), in order to examine individuals for the purpose of detecting truth or deception. Such an instrument may record additional physiological changes pertinent to the detection of truth or deception.

**Expands the description of the instrument used by the detection of deception examiner to include the galvanic skin response. The Advisory Council and the department feel that this more accurately reflects current detection of deception techniques.**

(2) "Intern" means the study of detection of deception and the administration of detection of deception examinations by a trainee under the ~~personal supervision~~ direction and control of an examiner.

**Technical. For clarification purposes only.**

~~(6) "Employee examiner" means a qualified detection of deception examiner employed wholly and exclusively by a single employer.~~ "Detection of deception instructor" means and includes those permanent instructors of detection of deception, but does not include guest or visiting instructors or lecturers.

Removes the definition of "employee examiner" which is not used in this part in the current or proposed law. Defines "detection of deception instructor".

(7) "Detection of Deception School" means and includes any private, public or federal educational or training institution; any course of study within any private, public or federal educational or training institution; or any person(s) which offers instruction in, or the teaching of, the theory and/or practice of detecting deception or verifying the truth of statements through the use of any detection of deception techniques or instrumentation. This includes teaching the act of operating any device or instrument which records as minimum standards, permanently and simultaneously on continuously moving charts, at least three (3) physiological tracings - (1) pneumographic, (2) cardiosphygmographic and (3) galvanic skin response (GSR).

**Defines "detection of deception school".**

493.562 Exclusion from applicability. — This part is not applicable to a detection of deception examiner employed by a municipal, county, state, or federal agency as long as his sole use of the instrument described in s. 493.561(1) is in the performance of his official duties. The department shall adopt rules and standards which rules and standards shall set forth the circumstances and conditions by which the department may issue a

special certificate to a detection of deception examiner employed exclusively by a municipal, county, state, or federal agency.

**Provides for the department to issue a special certificate to those individuals who meet criteria established by the department. The purpose of this is to provide law enforcement examiners with a certificate to be used when providing courtroom testimony.**

593.564 Advisory council.

~~The advisory council as set forth in s. 493.303 shall also be the advisory council for this part; however, an additional member shall be appointed to the council to represent detection of deception examiners.~~

The department shall designate an advisory council to be composed of five members. The advisory council shall, insofar as possible, be geographically distributed and representative of the various segments of the profession. The council shall organize, elect a chairman, and thereafter meet upon the call of the chairman through the department. The council shall counsel and advise with the department and make recommendations relative to the operation and regulation of the industry. The chairman of the Advisory Council or his designee shall serve as an ex officio member of the Advisory Council established in Part I of this Chapter. The council, at the request of the department, shall provide technical assistance for the purpose of reviewing and analyzing complaints involving the administration of detection of

deception examinations. The council members, when acting in the capacity of assisting the department shall be held harmless from prosecution arising from the rendering of their opinion as to the technical sufficiency of a detection of deception examination. Such advisory council members as are appointed by the department shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings of the council as provided by s. 112.061.

**Provides for the establishment of an advisory council for this part. This would allow more equal representation of both industries addressed in this Chapter and would provide the department with an advisory group which could advise the department as to the technical sufficiency of detection of deception examinations when necessary.**

493.565 Application for license.

(2) The written application shall be in accordance with the following provisions, and the application shall be signed ~~and verified~~ by the individual, shall be notarized, and shall contain the following information:

(b) Age, ~~and~~ date and place of birth, and social security number or alien registration number (whichever is applicable);

(m) A personal inquiry waiver which allows the department to conduct such investigations to satisfy the requirements of this part.



~~(m)~~(n) Such further facts as may be required by the department to show that the person signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this part.

**Technical.** The department currently requires all of the above, however, when attempting to promulgate rules, the department has been advised that it does not have the statutory authority to require these.

(o) The department may promulgate rules to establish minimum testing standards and material to be covered in a testing situation in order to allow the department to determine if the applicant is qualified to hold a license under this part.

**This allows the department to assure through the establishment of standards and review of testing material that applicants for licensure as detection of deception examiners or interns are properly trained in the basic fundamentals of detection of deception practices and methodology.**

493.566 License requirements. — An applicant is qualified to receive a license as a detection of deception examiner if he:

(1) Is at least ~~18~~ 21 years of age and is a United States citizen;

(3) Has successfully completed the equivalent of at least 2 years of attendance at a university, college, or junior college

recognized and approved by the department; however, this requirement may be waived for those persons who have a high school diploma and 2 years' experience as an investigator or detective;

**To conform to federal requirements, the age is changed to 21 and the requirement for U.S. citizenship is added.**

(5) Has completed a minimum of 1 year as a licensed intern examiner under the ~~supervision~~ direction and control of an licensed examiner licensed in by this state.

(6) Has a physical address in this state.

**Technical. For clarification purposes only.**

(7) Has successfully passed an examination administered by the department for the purposes of determining the qualifications and fitness of applicants for Class "P" licenses. It is the intent of the Legislature to allow the department, and the department shall promulgate rules, to establish any criteria and standards deemed appropriate to provide for the orderly accomplishment of this section. The rules shall include but not be limited to the establishment of criteria to provide for test content, conditions under which the test will be administered and integrity of the examination. Any person who holds a valid Class "P" license on October 1, 1985 shall not be required to satisfy the examination requirements. However, if subsequently, the

license expires, the applicant shall be required to successfully pass the examination before the license will be issued.

(8) Has paid the fees as provided in s. 493.57.

**Provides for a state administered examination for applicants for a Class "P" Detection of Deception Examiner's license.**

493.567 Reciprocity.-A person who is a detection of deception examiner licensed under the laws of another state or territory of the United States may be issued a license by the department, at its discretion, upon payment of the fee as provided under s. 493.57 and the production of satisfactory proof that:

(1) The applicant is at least ~~18~~ 21 years of age;

(3) The requirements for the licensing of examiners in the particular state or territory of the United States ~~were, at the date of licensing,~~ are substantially equivalent to the requirements ~~then~~ in force in this state. In the event that the other state or territory does not require an examination but is otherwise in substantial compliance, the department may administer the examination to the applicant for the purpose of allowing the applicant to complete the application requirements under reciprocity;

(4) The applicant had lawfully engaged in the administration of detection of deception examinations under the laws of such state or territory for at least ~~five~~ two years prior to his application for a license hereunder; and

Provides for reciprocal criteria that will allow the State to enter into agreements with other states without compromising the professionalism or integrity of the services provided in Florida.

493.568 Licensee's insurance. — No detection of deception examiner license or detection of deception intern license shall be issued unless the applicant first files with the department a certificate of insurance evidencing coverage as provided for in s. 493.31. ~~The insurance shall cover any intern supervised by the examiner.~~

**Allows the intern to acquire his own insurance policy.**

493.569 ~~Polygraph~~ Detection of deception intern license.  
An internship license shall be issued for a period of 4 2 years to an applicant who has met all the qualifications set forth in ss. 493.565, excluding ss.493.565(2)(k), and 493.566, excluding 493.566(5), and who has paid the license fee for the purpose of permitting the applicant to receive training as a detection of deception examiner under the ~~supervision~~ direction and control of a licensed examiner. The department may promulgate rules to establish criteria for an examiner to sponsor an intern.

**Provides authority to the department to establish criteria for an examiner to sponsor an intern.**

493.57 License Periods and Fees. — The department, by rule, shall establish biennial fees for the following licenses, which shall not exceed the following:

- (1) Detection of deception examiners: \$150.
- (2) Detection of deception intern: ~~\$30~~75.
- (3) Detection of deception school: \$300.
- (4) Examination for Detection of Deception Examiner: \$50.

Currently a detection of deception school does not have an associated license fee. This provides for the establishment of a fee for the school and raises the fee cap for an intern to \$75. It has been our experience that the intern license fee is not sufficient to cover the costs associated with the periodic investigations necessary during the internship period. Also provides the fee for the state administered examination for applicants for Detection of Deception Examiner.

493.571 ~~Approval of schools~~ Detection of deception school license.

(1) Each person, or partner, or corporate officer who ~~owns or~~ directs or controls the business of a ~~polygraph~~ detection of deception school and each detection of deception instructor in a detection of deception school shall qualify separately for the license. Before the department ~~approval of such~~ approves the issuance of a detection of deception school license each applicant shall file with the department a written application accompanied by an application fee except that an applicant for an

instructor of a detection of deception school shall not be required to pay the application fee. Persons who invest in the ownership of the school but do not participate in, direct or control the operations of the school shall not be required to file an application. ~~to cover costs~~ The application fee shall ~~in~~ an amount to be determined by rule. ~~The fee~~ and shall not be rebatable.

**Technical.** Also expands those who must qualify before a license is issued to a school to include the instructors.

The department may establish, by rule, standards for curriculum and facilities, and qualifications for instructors.

The Joint Administrative Procedures Committee has advised the department that statutory authority does not exist for promulgation of rules to establish qualifications for instructors. This amendment would assure the integrity of the curriculum by making clear the department's authority to address standards for curriculum, facilities and instructors through the rulemaking process.

(2) The written application shall be in accordance with the following provisions, and the application shall be signed ~~and~~ ~~verified~~ by the individual, shall be notarized, and shall contain the following information:

(a) Full name, social security number, or alien registration number and title of position;

(b) The address of the ~~principal~~-place(s) in which the business is to be conducted;

(c) The name(s) under which the business is to be conducted:

(g) A personal inquiry waiver which allows the department to conduct such investigations to satisfy the requirements of this part.

~~(g)~~(h)- Such further facts relating to the facilities, instructors and curriculum of the proposed school as the department may require; and

~~(h)~~(i)- Such further facts as may be required by the department to show that the person signing the application is of good moral character.

**Technical. The department currently requires all of the above, however, when attempting to promulgate rules, the department has been advised that it does not have the statutory authority to require these.**

(3) After filing the application, unless the department denies the application or revokes the license, a detection of deception school shall notify the department within 10 days of the withdrawal, removal, replacement or addition of any or all persons, partners, corporate officers, or detection of deception instructors of the detection of deception school and, upon receipt of application forms from the department, shall cause the

forms to be completed by the new person, partner, instructor, or officer. The forms shall be filed with the department and an application fee, established by rule, paid to the department. The detection of deception school's good standing under this part shall be contingent upon the department's approval of any new person, partner, corporate officer, or detection of deception instructor.

**Requires that the licensee advise the department within a time frame of any changes to owners, partners, officers, etc.**

493.573 License; contents, ~~and~~ posting; change of location and change of name; retention of records.

(1) The license issued pursuant to this part shall be in such form as may be determined by the Department of State, but shall at least specify the applicant's name, the type and number of the license, the address of the ~~principal~~ place of business, and the date on which the license will expire. The license shall be renewed ~~biennially~~ for the periods established in s. 493.57. The department may prorate license fees.

(2) The license shall at all times be posted in a conspicuous place in ~~the principal~~ each place of business in this state of the licensee ~~in this state~~. Each ~~agency~~ licensee shall display in a place that is in clear and unobstructed public view a notice stating that the business operated at this location is licensed and regulated by the Department of State and that any questions or complaints should be directed to the department; the



department shall adopt rules to ensure that the notice is displayed in a place where a client of the ~~agency~~ licensee would be most likely to see it.

**Technical. For clarification purposes only.**

(3) In the event the licensee desires to change the location of any place of business indicated in his application on file with the department, he shall notify the department within 10 days and submit a fee of \$10 for each changed location. The Department shall thereupon send to the licensee a certificate of registration of each changed location. The certificate shall be in a form designed by the department, but it shall at least specify the name under which the licensee operates, its license number, and the address of the location to which the certificate of registration applies.

**Requires that the licensee advise the department of any change of address. Provides for a fee to cover the administrative costs of issuing an amended license.**

(4) A license issued under this part shall not be assignable. A licensee desiring to change its licensed name at any time except upon renewal of the license shall notify the department and pay a fee not to exceed \$30 for each authorized change of name; upon returning the license to the department, the newly authorized name shall then be entered upon the license and the license shall be returned to the licensee.

Requires that the licensee advise the department of any change of name. Provides for a fee to cover the administrative costs of issuing an amended license.

(5) A detection of deception examiner shall maintain all opinions, reports, charts, question lists and all other records relating to detection of deception examinations for a minimum of 2 years subsequent to administering a detection of deception examination.

**Establishes a two year retention period for records of detection of deception examinations.**

(6) The department shall promulgate rules to establish standards for detection of deception examinations that are performed on the public or clients by the detection of deception examiner or detection of deception examiner intern. These rules shall provide for the assurance that generally accepted detection of deception standards and practices are used when performing these examinations.

**This allows the department to assure through the establishment of standards that proper and recognized testing procedures and techniques are being used when performing detection of deception examinations on the public.**

493.574 Renewal of licenses.-

(1) Licenses granted under this part may be renewed by the Department of State in the same manner and under the same provisions as provided in s. 493.313.

(2) The Detection of deception school shall submit, at the time of renewal, the current curriculum, examination and list of instructors.

**Establishes the requirement to submit certain information when renewing a detection of deception school license.**

493.576 Violation; penalty.

(1) Any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and any person who is convicted of any violation of this part shall not be eligible for licensure for a period of five years.

(2) The department shall have, for this part, the same enforcement authority as described in s. 493.322.

**Expands penalty for conviction of a violation of this part.**

493.578 Publication to Industry. — The department shall have the authority to periodically advise its licensees of information that the department and the advisory council determine is of interest to the industry through the publication of a newsletter. In addition this newsletter shall contain the names of any

person, firm, partnership, or corporation against which the department has filed a final order relative to an administrative complaint, the nature of the complaint and the final disposition. This newsletter shall be published not less than two or more than four times annually.

Provides for the publication of a newsletter which would include the names of persons and organizations against which the department has taken final agency disciplinary action. The industry has requested, for a number of years, that the department publish a newsletter for the purpose of keeping the industry informed of changes to the law, policies and procedures that affect them. This newsletter format would also provide the department with a vehicle for conducting surveys to determine the needs and concerns of the industry in its attempt to provide better and more expeditious service.

493.579 Cancellation or Inactivation of License Saving clauses.

~~(1) No judicial or administrative proceeding pending on July 1, 1980, shall be abated as a result of the repeal and reenactment of this chapter.~~

~~(2) All licenses valid on the effective date of chapter 80-268, Laws of Florida, shall remain in full force and effect. Henceforth, all licenses shall be applied for and renewed in accordance with this act.~~

Removes savings clauses no longer required.

The department shall have, for this part, the same authority as described in s. 493.314.

**Same as in Part I.**

**Journal**  
**of the**  
**S E N A T E**  
**State of Florida**

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**EIGHTEENTH REGULAR SESSION**  
**UNDER THE CONSTITUTION AS REVISED IN 1968**  
**APRIL 8 THROUGH JUNE 7, 1986**

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CS for SB 1149—A bill to be entitled An act relating to private investigative and patrol services and detection of deception, amending s 493 30, F.S., providing definitions, amending s 493 301, F.S., revising exceptions, amending s 493 303, F.S., providing for membership on the advisory council, amending s 493 304, F.S., clarifying classes of licenses, amending s 493 305, F.S., specifying additional application requirements and increasing eligibility to reapply for license as appropriate, amending s 493 306, F.S., clarifying and adding certain requirements of applicants for licensure, providing for license requirements and training criteria for unarmed private security guards, amending s 493.308, F.S., redefining the classes of branch office licenses and establishing license fees for private investigator interns, repossessor interns, firearms instructors and for examinations for firearms instructors, providing for payment of certain license fees within a specified period of time, amending s 493 309, F.S., clarifying medical certification for a Class "G" Statewide Gun Permit applicant, providing for the tolling of time when fingerprint cards are being processed through the Florida Department of Law Enforcement or the Federal Bureau of Investigation, amending s 493 31, F.S., including certain classes of licenses under insurance requirements; requiring notification to the Department of State upon cancellation of the policy, providing for a combined single limit insurance policy, amending s 493 311, F.S., requiring biennial renewal of specified licenses, requiring posting of certain notices, amending s. 493.312, F.S.; abbreviating the procedures for change of location notification; amending s 493 313, F.S., clarifying requirements for notification of renewal and adding certain requirements for renewal of certain licenses, amending s. 493.314, F.S., changing the procedures for cancellation of license and providing for an inactive license, amending s 493 315, F.S., clarifying eligibility for a statewide gun permit, amending s 493.317, F.S., changing the period of time within which a repossession must be reported, amending s 493 318, F.S., specifying property required to be maintained by the repossessor and providing for disposal of property under certain conditions, amending s 493 319, F.S., prescribing grounds for disciplinary action, amending s 493 32, F.S., clarifying that confidentiality of investigator-client communications does not affect any other privilege as deemed by law, amending s. 493 321, F.S., limiting eligibility to reapply for license for persons who violate provisions of part I of ch 493, F.S., amending s 493 322, F.S., requiring licensees to retain certain records, authorizing the Department of State to enjoin unlicensed persons from operating, providing a record retention period, amending s 493 323, F.S., providing for access to criminal justice information by the Division of Licensing of the Department of State, creating s 493 327, F.S., providing confidentiality of certain information relating to licensees, creating s 493 328, F.S., providing for a periodic newsletter to the private investigative and patrol services industry; amending s 493 561, F.S., providing definitions, amending s 493 562, F.S., providing departmental authority to issue a special certification to certain examiners excluded from license requirements, amending s 493 564, F.S., providing for an advisory council, amending s. 493 565, F.S., prescribing application requirements, amending s. 493 566, F.S., providing additional qualifications for licensure, amending s. 493.567, F.S., amending the requirements for reciprocity, amending s 493 568, F.S., clarifying requirements for detection examiner or detection of deception intern licensee's insurance, amending s 493 569, F.S., clarifying the requirements for a detection of deception intern license, providing authority to establish criteria for examiners to sponsor interns, amending s 493 57, F.S., establishing a fee for an examination, amending s 493 571, F.S.; providing requirements for licensure of detection of deception schools and notification of change of associated licensees to the school, amending s 493 573, F.S., providing additional requirements for posting of license, change of location of licensee, and retention of records, amending s 493 574, F.S., providing criteria for renewal of detection of deception school licenses, amending s 493 576, F.S., granting enforcement authority to the Department of State, limiting eligibility to reapply for persons who violate provisions of part I of ch 493, F.S., creating s 493 578, F.S., providing for a periodic newsletter to the detection of deception industry, amending s 493 579, F.S., removing prior saving clauses, providing for cancellation or inactivation of license, providing for certain licensees, providing for review and repeal, providing an effective date

—was read the second time by title

Senator W D Childers moved the following amendments which were adopted

**Amendment 1**—On page 7, line 27, strike "(e)"

**Amendment 2**—On page 8, strike all of lines 13-15 and insert

(d) Any person *solely, exclusively, and regularly* employed as an unarmed special agent, detective, repossessor, or private investigator exclusively in connection with the business of his employer.

**Amendment 3**—On page 8, strike all of lines 16-20

**Amendment 4**—On page 14, strike all of lines 15-18 and insert (2), and subsections (3), (6), and (7) of said section are amended to read

**Amendment 5**—On pages 15-17, beginning at line 17 on page 15 through line 6, on page 17, strike all of said lines and insert.

(6) In addition to any other requirements, an applicant for a Class "G" license must

(a) Satisfy minimum training criteria for firearms

**Amendment 6**—On page 17, line 15, strike "2 (b)" and insert (b)

**Amendment 7**—On page 17, strike all of lines 19-25 and insert

(7) A firearms instructor shall be issued a license

**Amendment 8**—On page 23, strike line 7 and insert the holder of the card The card

**Amendment 9**—On page 24, line 10, strike "(5),"

**Amendment 10**—On page 24, strike all of lines 28 and 29 and insert application and the respective fees

**Amendment 11**—On page 30, strike all of lines 20-24 and insert falling within the terms of this section; ~~further, the provisions of this section will not apply to the taking of testimony or the receiving of evidence in any judicial proceeding~~ Any person

**Amendment 12**—On page 31, line 19, after the period ( ) insert *Upon request by the department the records must be made available to the department within 24 hours of notice unless the department determines that an extension may be granted*

**Amendment 13**—In title, on page 1, strike all of lines 15 and 16

**Amendment 14**—In title, on page 2, strike all of lines 25-27 and insert establishing an investigator-client privilege;

**Amendment 15**—In title, on page 3, between lines 3 and 4, insert providing that certain records of licensees must be made available on 24 hours notice by the department,

On motion by Senator W D Childers, by two-thirds vote CS for SB 1149 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was

Yeas—34

Beard	Frank	Kirkpatrick	Peterson
Castor	Gersten	Kiser	Plummer
Childers, D	Girardeau	Langley	Stuart
Childers, W D	Gordon	Malchon	Thomas
Crawford	Grant	Mann	Thurman
Crenshaw	Grizzle	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	

Nays—None

Vote after roll call

Yea—Hair, Jenne

Yea to Nay—Gersten

On motions by Senator W D Childers, by two-thirds vote CS for HB 83 was withdrawn from the Committees on Natural Resources and Conservation, and Finance, Taxation and Claims

On motion by Senator W D Childers—

CS for HB 83—A bill to be entitled An act relating to fishing, amending s 372 57, F.S., providing for nonresident fishing licenses, providing for the periods of the licenses, providing fees, amending s 372 571, F.S., providing for an expiration date for such licenses, amending s 372 561 F.S., increasing the fee charged by the issuing tax collector for the cost of issuing a license or stamp tax to take wild animal life or freshwater

Date: April 14, 1986  
Revised: \_\_\_\_\_  
Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
STAFF ANALYSIS

19 1591

BILL #: HB 591  
RELATING TO: Investigative & Patrol Services & Detection Deception  
SPONSOR(S): Crotty and Gutman  
EFFECTIVE DATE: October 1, 1986  
COMPANION BILL(S): \_\_\_\_\_  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

Chapter 493, Florida Statutes, provides for the regulation of private investigative and patrol services (Part I) and the detection of deception (Part II). The regulation is administered by the Department of State.

HB 591 proposes a wide range of changes to Part I of the chapter. Major changes include:

- Addition of advertisement of services to licensure criteria.
- Expanding the definition of watchman, guard, or patrol agency to include transport of prisoners or use of dogs in security services.
- Allowing applicants for certain licenses to work as interns.
- Removing the exemption for certain repossessors.
- Requiring repossessors to meet the insurance requirements of other licensees.
- Allows the department to establish application fees by rule.
- Establishes fees for license types which did not previously exist.
- Requires natural persons to also pay licensure fees.
- Establishes additional licensure criteria for firearm instructors.
- Allows additional licensure classes to bear arms.



- Increases training requirements for individuals applying for or renewing a statewide gun permit.
- Deletes the requirements for renewal of license 45 days prior to expiration.
- Requires that any duty related discharge of a firearm be reported to the department.
- Provides for the denial or revocation of a license as a result of a violation of the chapter and provides a time period for ineligibility.
- Provides for the denial or revocation of a license as a result of a violation of the chapter and provides a time period for ineligibility.
- Authorizes the department to enjoin under certain circumstances.
- Provides for confidentiality of certain licensee information.
- Allows investigator/client privilege relative to information release.
- Removes all reference to service of process from the chapter.
- Authorizes publication of an industry newsletter.

Changes proposed under Part II include:

- Expands the definition of detection of deception device and provides definition of existing practices.
- Authorizes a special certificate for certain municipal, county, or local examiners.
- Creates a Detection of Deception Advisory Council.
- Conforms licensure requirements to Federal requirements of age and U.S. citizenship.
- Provides for a state administered licensure examination for examiners.
- Clarifies licensure and qualifications of interns.
- Creates a fee cap for licensure of detection of deception schools; increases certain license fee caps.
- Clarifies licensure criteria for detection of deception schools.

II. ECONOMIC IMPACT:

A. Public:

This regulation is supported solely through fees collected by the department from licensees. The bill proposes the creation of new licensure and examination fees for certain types of licensees; increases the licensure fee cap for certain interns; requires licensure fees of all natural persons regardless of possession of agency license; and provides for the assessment of replacement and reissuance fees. Presumably, costs incurred by licensees for fees will be passed on to the consumer.

B. Government:

The department estimates the following costs will be incurred as a result of passage of HB 591:

	ESTIMATED COSTS	ESTIMATED REVENUES
Amount/Year 1:	\$139,892	\$125,013
Amount/Year 2:	\$ 94,310	\$ 62,421
Amount/Year 3:	\$ 97,211	\$110,761

Costs in Years 1, 2, and 3 reflect capital outlay, salaries, expenses, and a six-percent surcharge transfer to General Revenue. The department expects a negative cash flow (emphasis added) during the first two years which would be absorbed by cash available from the Division of Licensing Trust Fund. The department has requested three additional positions to administer the provisions of the bill.

III. STATE COMPREHENSIVE PLAN IMPACT:

None.

IV. COMMENTS:

None.

Page 4  
Bill # HB 591  
Date: April 14, 1986

V. AMENDMENTS:

None.

VI. PREPARED BY: Sheila Hill *SH*

VII. STAFF DIRECTOR: Ken Sarvis *KS*

Date: April 21, 1986  
Revised: \_\_\_\_\_  
Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
STAFF ANALYSIS

19 1591

BILL #: CS/HB 591  
RELATING TO: Investigative & Patrol Services & Detection of Deception  
SPONSOR(S): Subcommittee on Human Resources, Crotty and Gutman  
EFFECTIVE DATE: October 1, 1986  
COMPANION BILL(S): \_\_\_\_\_  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

Chapter 493, Florida Statutes, provides for the regulation of private investigative and patrol services (Part I) and the detection of deception (Part II). The regulation is administered by the Department of State.

CS/HB 591 proposes a wide range of changes to Part I of the chapter. Major changes include:

- Addition of advertisement of services to licensure criteria.
- Expands the definition of watchman, guard, or patrol agency to include transport of prisoners or use of dogs in security services.
- Allows certain intern applicants to work prior to application approval and clarifies supervision of interns.
- Removes the exemption for certain repossessors.
- Requires repossessors to meet the insurance requirements of other licensees.
- Allows the department to establish application fees by rule.
- Establishes fees for license types which did not previously exist.
- Requires natural persons to also pay licensure fees.
- Establishes additional licensure criteria for firearm instructors.

- Allows additional licensure classes to bear arms.
- Increases training requirements for individuals applying for or renewing a statewide gun permit.
- Deletes the requirements for renewal of license 45 days prior to expiration.
- Requires that any duty related discharge of a firearm be reported to the department.
- Provides for the denial or revocation of a license as a result of a violation of the chapter and provides a time period for ineligibility.
- Authorizes the department to enjoin under certain circumstances.
- Provides for confidentiality of certain licensee information.
- Allows investigator/client privilege relative to information release.
- Removes all reference to service of process from the chapter.
- Authorizes publication of an industry newsletter.

Changes proposed under Part II include:

- Expands the definition of detection of deception device and provides definition of existing practices.
- Authorizes a special certificate for certain municipal, county, or local examiners.
- Creates a Detection of Deception Advisory Council.
- Conforms licensure requirements to Federal requirements of age and U.S. citizenship.
- Provides for a state administered licensure examination for examiners.
- Clarifies licensure and qualifications of interns.
- Creates a fee cap for licensure of detection of deception schools; increases certain license fee caps.
- Clarifies licensure criteria for detection of deception schools.

II. ECONOMIC IMPACT:

A. Public:

The bill proposes the creation of new licensure and examination fees for certain types of licensees; increases the licensure fee cap for certain interns; requires licensure fees of all natural persons regardless of possession of agency license; and provides for the assessment of replacement and reissuance fees. Presumably, costs incurred by licensees for fees will be passed on to the consumer.

B. Government:

The department has requested three additional positions to administer the provisions of this bill. Departmental cost estimates (reflecting operating capital outlay, salaries and expenses, EDP services, and a 6% surcharge transfer to General Revenue unallocated) and anticipated revenues are listed below:

	ESTIMATED COSTS	ESTIMATED REVENUES
Amount/Year 1:	\$139,892	\$125,013
Amount/Year 2:	\$ 95,150	\$ 97,209
Amount/Year 3:	\$ 98,051	\$145,549

The department anticipates a negative cash flow (emphasis added) during the first year which would be absorbed by funds available from the Division of Licensing Trust Fund.

Section 493.05, Florida Statutes, is amended by this bill to allow the department to collect application fees to defray costs. The department reports the current provision for a \$25 application fee does not cover costs. The department's estimated revenues in years 2 and 3 reflect a proposed increase in application fees to \$37. No fee cap is provided by the bill.

III. STATE COMPREHENSIVE PLAN IMPACT:

Increased competence in the delivery of private investigative, patrol, and detection of deception services could be expected to discourage criminal behavior, thereby protecting the public in accordance with goals of the State Comprehensive Plan.


IV. COMMENTS:

None.

Page 4.  
Bill # CS/HB 591  
Date: April 21, 1986

V. AMENDMENTS:

None.

VI. PREPARED BY: Sheila Hill 

VII. STAFF DIRECTOR: Ken Sarvis 

Date: April 23, 1986  
Revised: \_\_\_\_\_  
Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
STAFF ANALYSIS

19 1541

BILL #: CS/HB 591  
RELATING TO: Investigative & Patrol Services & Detection of Deception  
SPONSOR(S): Committee on Regulatory Reform and Reps. Crotty and Gutman  
EFFECTIVE DATE: October 1, 1986  
COMPANION BILL(S): SB 1149  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

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I. SUMMARY:

Chapter 493, Florida Statutes, provides for the regulation of private investigative and patrol services (Part I) and the detection of deception (Part II). The regulation is administered by the Department of State.

CS/HB 591 proposes a wide range of changes to both parts of the chapter. Major changes include:

Part I: Private Investigative and Patrol Services

- Extends licensure requirements to include those who advertise services.
- Expands the definition of watchman, guard, or patrol agency to include transport of prisoners or use of dogs in security services.
- Allows certain intern applicants to work prior to application approval and clarifies supervision of interns.
- Adds exemption for specific contractees at the Kennedy Space Center.
- Removes the exemption for certain repossessors.
- Requires repossessors to meet the insurance requirements of other licensees.
- Provides application fee caps and establishes fees for license types which did not previously exist.
- Requires natural persons to also pay licensure fees.



- Establishes additional licensure criteria for firearm instructors.
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- Requires that any duty related discharge of a firearm be reported to the department.
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- Provides for confidentiality of certain licensee information.
- Allows investigator/client privilege relative to information release.
- Removes all reference to service of process from the chapter.
- Authorizes publication of an industry newsletter.

#### Part II: Detection of Deception

- Expands the definition of detection of deception device and provides definition of existing practices.
- Authorizes a special certificate for certain municipal, county, or local examiners.
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A. Public:

The bill proposes additional licensure categories and fees and increases certain fee caps. The department reports that the current \$25 application fee does not cover costs, and projects an increase to \$37. Presumably, costs incurred by licensees for any increased or additional fees will be passed on to the consumer.

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The department has requested three additional positions to administer the provisions of this bill. Departmental cost estimates (reflecting operating capital outlay, salaries and expenses, EDP services, and a 6% surcharge transfer to General Revenue unallocated) and anticipated revenues are listed below:

	ESTIMATED COSTS	ESTIMATED REVENUES
Amount/Year 1:	\$139,892	\$161,385
Amount/Year 2:	\$ 95,150	\$ 97,209
Amount/Year 3:	\$ 98,051	\$145,549

III. STATE COMPREHENSIVE PLAN IMPACT:


Increased competence in the delivery of private investigative, patrol, and detection of deception services could be expected to discourage criminal behavior, thereby protecting the public in accordance with goals of the State Comprehensive Plan.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY: Sheila Hill 

VII. STAFF DIRECTOR: Ken Sarvis 

SUBCOMMITTEE REPORT/INFORMATION RECORD

House of Representatives

File with Parent Committee

To Chairman, Committee on REGULATORY REFORM

Subcommittee on HUMAN RESOURCES

Date of meeting 4-15-86

Time 1:15 P.M.

Place 317 HOB

Bill No. HB 591

FINAL ACTION: FAVORABLE
X FAVORABLE WITH 25 AMENDMENTS
FAVORABLE WITH SUBSTITUTE
UNFAVORABLE

VOTE:

19 1591

Table with 3 columns: YEA, MEMBER, NAY. Rows include GIBBONS, REAVES, REDDICK, EVANS-JONES, D.L. JONES, CHAIR.

Total Yeas 4

Total Nays 0

Signature of Dennis D. Jones, Subcommittee Chairman

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Table with 3 columns: Name, Representing, Address. Row 1: Shelley Bradshaw, Dept. of St. The Capitol, Tallahassee, Fl.

(If additional persons, enter on reverse side and check here)

NOTE: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.

Received by Parent Committee:

Date

Received by



Date: April 23, 1986  
Revised: July 14, 1986  
Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
STAFF ANALYSIS

19 1541

BILL #: CS/HB 591 (Passed as CS/Enq/SB 1149-Ch.86-193)  
RELATING TO: Investigative & Patrol Services & Detection of Deception  
SPONSOR(S): Committee on Regulatory Reform and Reps. Crotty and Gutman  
EFFECTIVE DATE: October 1, 1986  
COMPANION BILL(S): SB 1149  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

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- Allows investigator/client privilege relative to information release.
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IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY: Sheila Hill 

VII. STAFF DIRECTOR: Ken Sarvis 

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Smawley</u>	<u>Swindell</u>	1. <u>GO</u>	<u>FAV/CS</u>
2. _____	_____	2. <u>FTC</u>	<u>Withdrawn</u>
3. <u>Revell</u> <i>ER</i>	<u>Smith</u> <i>JAS</i>	3. <u>AP</u>	<u>FAV</u>

SUBJECT:

Investigative Services

BILL NO. AND SPONSOR:

CS/SB 1149 by  
Senator Langley

I. SUMMARY:

A. Present Situation:

Chapter 493, F.S., relating to investigative and patrol services and deception detection, administered by the Division of Licensing of the Department of State, is divided into two parts. Part I of ch. 493, F.S., provides for the regulation of investigative and patrol services and pt. II of that chapter provides for the regulation of persons performing detection of deception services.

Certain provisions of the chapter relate to both parts I and II.

- Agencies which are licensed by the department must provide a certificate of insurance which states they have \$100,000 per person, \$300,000 per occurrence, and \$100,000 property damage coverage for general liability, personal injury, false arrest, and defamation.
- Violation of any provision of parts I or II is a misdemeanor of the first degree.
- The department does not have authority to seek an injunction against unlicensed persons or entities whose activities violate either part.
- There are no provisions relating to inactive status for licenses.
- There are no provisions relating to confidentiality of information concerning licensees.

The department does not publish a newsletter.

Under the provisions of pt. I, ch. 493, F.S., persons or entities who engage in the business of a private investigative agency or watchman, guard, or patrol agency must obtain, respectively, a class "A" or "B" license from the department. Any person who performs the services of a private investigator must have a class "C" license. Any person who performs the services of a watchman, guard, or patrolman must have a class "D" license. Any person who performs the services of a reposessor must have a class "E" license. Interns who work under the supervision of a person holding a class "C" or "E" license are required to have a class "CC" or "EE" license. Branch offices of a class "A" or "B" license must have a "GBB" license. Branch managers of a class "A" or "B" office must have a class "M" license. Finally, the department issues a class "G" license which is a statewide gun permit, but this does not authorize the possession of a concealed weapon.

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Part I establishes certain definitions, as follows.

- "Private investigative agency" is any person or entity engaged in furnishing for hire private investigations.
- "Watchman, guard or patrol agency" is any person or entity engaged in furnishing for hire a watchman, guard, patrolman, or armored car services.
- "Private investigator" means anyone who performs the services of private investigation or who supervises others in the performance of such services.
- "Private investigation" means and includes investigation by a person for the purpose of obtaining information including, but not limited to: 1) crimes; 2) identity, habits, or conduct of persons and entities; 3) whereabouts of missing persons; 4) conducting studies for the provision of security; and 5) service of court process.
- "Watchman, guard, or patrolman" means any person or supervisor who guards persons or property, or who seeks to protect personal property from unlawful taking or destruction or seeks the return thereof. The term "guard" includes armored car personnel.
- "Intern" means one who studies, on the job, under personal supervision of a class "C" or "E" licensee, investigative or repossession work.
- "Manager" means an agency or branch manager who directs the activities of watchmen, patrolmen, guards, or investigators.

As a consequence, it is the provision of these services which triggers the requirement for licensure. On the other hand, this part contains 10 specific exemptions from the licensing requirements. For example; law enforcement officers, insurance investigators and adjusters who are otherwise licensed by the state, and attorneys in the practice of their profession. No exemption is given for one-time or limited work by a nonlicensed person who performs such service because of their particular area of expertise.

There is an advisory council, designated by the department, which consists of 9 members whose purpose is to advise the department on the operation and regulation of the industry. The members serve without pay, but are allowed per diem and travel, pursuant to s. 112.061, F.S.

Applicants for licensure must file a written application which must contain the applicant's name, and be signed and verified by the individual, or in the case of a partnership, by the partners, or by corporate officers in the case of a corporation. Any individual who signs the application must indicate his age and the date and place of birth. The name or names under which an entity intends to conduct business must be included if appropriate. Also, two sets of fingerprints must be submitted. Applicants for a statewide gun permit, class "G" license, are investigated with respect to their general mental and physical fitness.

An applicant for a license as an unarmed watchman, guard, or patrolman may be employed before his license is approved. If the department denies the license, the employment must be terminated immediately. An applicant or licensee who applies for a license which is denied is ineligible to reapply for the same class of license for 1 year following final agency action.

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denying or revoking the license. An applicant for a license as an intern may not begin work until licensed.

The department may deny an application for lack of good moral character if there is a substantial connection between the lack of such character and the business for which the license is sought.

Chapter 120, F.S., provides that an application for licensure must be granted or denied within 90 days of its receipt. The processing of fingerprints may take more than 90 days, according to the department.

All licenses, except those for interns, must be renewed biennially. Agency licenses must be posted in a conspicuous place at the principal place of business of the agency. Identification cards in a form approved by the department must be furnished to all employees of any agency. Upon termination, the card must be returned to the employing agency.

When a licensee changes his place of business, he must notify the department on a form approved by the department.

Licenses must be renewed 45 days prior to their expiration. Licensees renewing after this date must pay a late fee. If a licensee desires to cancel his license, he must notify the department, in which case the department sends him a form for this purpose.

The statewide gun permit, class "G" license, remains in effect only during the time the licensee is employed as a guard. When the employee terminates employment, the department must revoke the permit. The department is allowed to issue a 45-day temporary statewide gun permit.

A reposessor is subject to disciplinary action for the failure to notify the applicable local police or sheriff's department of the recovery of personal property within 24 hours of such recovery. A licensee is subject to departmental disciplinary actions of revocation or suspension if: 1) he is found guilty of the commission of a crime directly related to the business for which he holds a license or 2) knowingly participates in the violation of a court order. A reposessor is required to make an inventory of personal property recovered and maintain the inventory for 4 years.

A licensee and any employee of the licensee are prohibited from divulging any information with respect to the matter for which they have been retained without the prior written consent of the client. The "provisions of this section (do) not apply to the taking of testimony or the receiving of evidence in any judicial proceeding."

Licensees are required, upon request of the department pursuant to an investigation, to submit information with respect to their business practices and methods.

Part II of ch. 493, F.S., relates to the regulation of detection of deception examiners. These "examiners" are defined as a person who uses a device which records blood pressure and breathing patterns of individuals for the purpose of ascertaining the truth of their statements. An "intern" is a person who is studying this activity under the supervision of a licensed examiner. An "employee examiner" is a detection of deception examiner who works only for a single employer. Persons performing this service for a federal or state agency are exempt as long as their services are performed in the course of their official duties.

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The advisory council established by part I, ch. 493, F.S., also serves as the advisory council for this part, except an additional person is appointed to represent the licensees of part II.

Applicants for licensure are required to file a written application with the department containing substantially the same information which is required pursuant to part I. Applicants are required to have attended a college for 2 years or have a high school diploma and 2 years experience as an investigator detective. In addition, they must have been an intern examiner for at least 1 year under the supervision of a licensed Florida examiner. Reciprocity is allowed if the other state or territory grants reciprocity with Florida. The provisions with regard to liability insurance under part I apply to part II. An intern license is issued for 1 year. The biennial fee for a detection of deception intern cannot exceed \$30.

The department may approve a polygraph school provided an individual and all partners or corporate officers submit a written application which is subject to each persons' holding a valid license and the department's investigation. There are no specific requirements dealing with the change of location of these schools or qualifications of licensees.

Class "C" licensees are deemed special process servers when appointed by a circuit or county judge, without the necessity of appointment by a sheriff.

B. Effect of Proposed Changes:

The bill would extensively amend parts I and II of ch. 493, F.S. A section-by-section analysis follows:

Section 1. Would provide that anyone advertising as providing the services of a private investigative agency or watchman, guard or patrol agency, or private investigator must be licensed. The definition of a watchman, guard or patrolman, or agencies would be expanded to include the transportation of prisoners or the utilization of dogs or equipment to provide security services. "Private investigator" would include anyone who for consideration advertises or performs investigative services. The term would not include informants on a one-time or limited basis. "Private investigation" would exclude service of court process and conducting studies of security methods and the definition would be expanded to include the search for missing heirs. The bill would amend the definition of "intern" to make it clear that a class "CC" intern works under the supervision of a private investigator branch manager and that a class "EE" intern works under the supervisor of a licensed reposessor. The definition of "manager" would clarify that there could be only one location from which he could work. "Advertising" and "branch office" would be defined.

Section 2. Part I would not be applicable to an investigator, officer, watchman, guard, patrolman, or employing private agency which performed contractual services for the Kennedy Space Center. The bill would expand the exemption of investigators or adjusters to include those holding a federal license and grant an exemption for individuals who performed investigative service on a one-time or on a limited basis provided they did so under the supervision of a licensed private investigator agency. All repossessors would be required to be licensed even when they worked for a single employer. Private investigators who worked exclusively for one employer would be exempt. An unarmed retail security person,

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employed by a retailer, would be exempt. Watchmen, guards, or patrolmen, who were employees, would not be exempt

Section 3. The chairman or his designee of the part I council would be an ex officio member of the council created (s. 26 of the bill) under part II of ch. 493, F.S.

Section 4. Would revise the designations of classes of licenses. A private investigator intern and a branch manager of licensed offices who have a statewide gun permit could bear a firearm.

Section 5. Fees for applications for licenses could not exceed \$40. Mere investors in agencies would not be required to obtain a license. Applications for licensure would be signed under oath and notarized, information concerning individuals would include social security number or alien registration number, and applicants would sign a personal inquiry waiver to allow the department to conduct background investigations. The bill would allow an unarmed guard, watchman, or patrolman to begin work upon submission of his application. Applicants could reapply for a license within 1 year of denial when the denial resulted from an administrative error by the applicant or from certain inabilities of the department to complete the criminal background investigation. An intern or unarmed watchman could begin work upon submission of his application and before it's approval. The denial of the license would require immediate termination. The employer would report the reasons for the termination to the department.

Section 6. After October 1, 1987 unarmed guards would be required to have 8 hours of training within 30 days of making application for their license. Before October 1, 1987 the requirement is 4 hours. The training would include: criminal and civil legal aspects of guard work; professional conduct; report writing; emergency procedures; safety procedures; and fire prevention and control. Persons providing the training would be required to be approved by the department. The fee for the application would be set by rule. Persons presently licensed or who have a pending application to an unarmed guard license would have to fulfill the training requirement within 60 days from the time the act takes effect. Licensees would be required to have a physical address in this state. The department could deny a license based upon lack of good moral character whether or not it was related to the business for which the license was sought. Statewide gun permit holders would have to have a total of 16 hours of range and classroom training, except this could be waived if the applicant had training under the Criminal Justice Standards and Training Commission. Firearms instructors could be licensed if they had a Firearms Instructor's certificate from the commission or the National Rifle Association.

Section 7. The department could charge \$15 for replacement of any license. Private investigator intern license would be \$40, repossessor intern \$40, and the exam fee for firearms instructor \$50. Fees would not be returned when an application was denied.

Section 8. Determinations of physical fitness for a statewide gun permit would be made by a physician licensed under ch. 458 or 459, F.S. Would toll the 90-day period in ch. 120, F.S., for approval or denial of a license while fingerprint cards were being reviewed by the applicable law enforcement agency.

Section 9. A repossessor would purchase the same type and amount of liability insurance as is required for licensed

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agencies. The policy would be a single limit of \$300,000. The department would be notified of a cancellation.

Section 10. All licenses would be renewed biennially. The department would no longer approve identification cards issued by agency licensees however, every licensee would be required to carry the department issued license with him while he was on duty. Employers would notify the department upon the employment or termination of any licensed employee. The reasons for termination would be reported to the department.

Section 11. Notification of change of address would be within 10 days and requirement that it be made on forms supplied by the department would be deleted.

Section 12. Would eliminate the requirement that licenses be renewed 45 days prior to expiration and would allow renewal on or before the date of expiration. Before a statewide gun permit was renewed, 4 hours of annual range recertification would be required. The department could adopt rules with respect to retraining.

Section 13. Licensee could have his license placed on inactive status. No insurance would be required during this time, but would be required prior to activation.

Section 14. Statewide gun permits could remain in effect upon termination of employment as long as that person was subsequently employed as an investigator, intern, watchman, guard, or patrolman. Would allow the department to renew a temporary Class "G" license more than once and provide that employment would be terminated immediately if the application for license was denied. Reasons for termination would be reported to the department. Whenever a licensee discharged his firearm in the course of his duties a report would be made to the department.

Section 15. Would require repossessioners to notify applicable police or sheriff's department within 6 hours of the recovery of personal property.

Section 16. Would allow a repossessioner to dispose of items of personal property found within repossessed property after 10 days from the time the owner was notified.

Section 17. Technical changes and extension of the current disciplinary provisions to applicants. Would add as a disciplinary ground the conviction of any felony regardless of whether the sentence was suspended, unless civil rights have been restored for 10 years. Would allow the department to refuse to renew a license based upon disciplinary violation.

Section 18. Would provide that confidentiality provisions would not operate to limit any other evidentiary privilege as deemed by law, eg. attorney-client privilege.

Section 19. Would make ineligible for licensure any person convicted of violating the provisions of part I for 5 years.

Section 20. Would allow the department to adopt rules requiring a licensee to retain records for 2 years. The department could enjoin violations of part I by unlicensed persons. Would allow advertising, but not solicitation of business, prior to licensure in certain cases.

Section 21. Technical change.

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Section 22. Would provide for confidentiality of residence telephone number and address of a licensee, when it is not also his business address, except that this information can be provided to law enforcement agencies.

Section 23. The department could publish an information newsletter to advise the industry. The newsletter would also contain names and disposition of final orders relative to administrative complaints.

#### PART II

Section 24. Technical change expanding the definition of "employee examiner" which is not a term used in this chapter. "Detection of deception instructor" would be defined as "permanent instructors" of this subject. Defines "schools" which teach this subject whether such institutions are public or private. Would change the word "polygraph" to "detection of deception device or instrument" and provide that such instrument must record three of the physiological reactions to emotions.

Section 25. Would provide for the issuance of an exemption certificate for state or federal detector of deception examiner employees, as provided in rules adopted by the department.

Section 26. Would alter provisions relating to the advisory council to provide that the department would designate a 5-member council which would be geographically distributed and representative of the various segments of the industry.

Section 27. Application fees could not exceed \$40. Would require applicants for licensure to notarize their applications and include their social security or alien registration number, sign a personal inquiry waiver, and include a statement of qualifying experience. The department could adopt rules to establish minimum testing standards.

Section 28. Would clarify language relating to educational requirements for applicants. An applicant would be required to be 21 years of age, be a United States citizen, have "a physical address in this state," and pass an examination pursuant to rules adopted by the department. The examination requirement would not apply to those who held a license on October 1, 1986.

Section 29. Would amend provisions relating to reciprocity requiring out-of-state applicants to have met more stringent requirements than those contained in Florida law. Would provide that applicants seeking licensure under reciprocity would have to be 21 years of age and have 2 years experience. If the other state or territory does not require an examination which is substantially equivalent to Florida's, a Florida examination would be required.

Section 30. Would require the employer or intern to purchase liability insurance.

Section 31. Intern licenses would be issued for 2 years. The department could adopt rules establishing criteria for an examiner to sponsor an intern.

Section 32. Detection of deception intern biennial license fees would be \$75; a school \$300; and examination for detection of deception examiner \$50.

Section 33. The application fee could not exceed \$40. Would require detection of deception instructors to qualify prior to

the issuance of a polygraph school license. The department could adopt rules to establish standards for curriculum, facilities, and qualifications of instructors. Notarized applications accompanied by a personal inquiry waiver would be required. The school would, within 10 days, notify the department of a change of address or personnel. The application fee would be set by rule. The school's continued good standing would be contingent upon departmental approval of the personnel change.

Section 34. Would require a licensee to notify the department of a change in the location of his business within 10 days and submit a fee of \$10 for a certificate of registration for the new location. Licenses would not be assignable. A \$30 fee would be required for authorized changes of business name. Records of licensees would be maintained for 2 years and the department would adopt rules with respect to the standards used for detection of deception on members of the public.

Section 35. Detection of deception schools would submit their curriculum, examination, and list of instructors at the time their licenses were renewed.

Section 36. Convictions of violations of part II would prohibit licensure for 5 years. Would grant the department the sole enforcement authority under part II as they have under part I.

Section 37. Would authorize the department to publish a newsletter which would publicize the identity and provide information on disciplinary actions against licensees.

Section 38. Would allow a licensee to have his license placed on inactive status. Would delete obsolete language.

Section 39. Licenses issued under ch. 493, F.S., would be valid for 2 years.

Section 40. Provisions relating to process servers would be repealed.

Section 41. Would provide for repeal on October 1, 1990, pursuant to s. 11.61, F.S., the Regulatory Sunset Act.

Section 42. Effective date would be October 1, 1986.

## II. ECONOMIC IMPACT AND FISCAL NOTE:

### A. Public:

The bill would provide increased licensing fees and these costs would probably be passed on to the public, although the amount is not readily determinable. The requirement for training and the removal of the exemption for employee guards, except retail guards, would have a significant but undeterminable affect on those persons.

### B. Government:

With the exception of the removal of the exemption for employees performing the services of watchmen or guards, the Department of State advises that can be implemented and administered with three additional positions at an average annual cost over the next three years of approximately \$115,000 annually.

The Department advises that the implementation of the section which removes the exemption for employees performing the

services of watchmen or guards would have the following staffing impact: Thirty-five new positions would be required to administer the licensing and disciplinary function, including clerks, administrators, computer personnel, and investigations. The revenue and expense stream associated with these changes for the first 3 years is estimated by the department to be:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Revenues	\$1,393,014	\$1,700,664	\$1,867,614
Expenses	\$1,392,776	\$1,456,561	\$1,491,193
TOTAL	\$ 238	\$ 244,103	\$ 376,421

Thus the total surplus or deficit for all of the provisions of the bill would be:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
	\$(39,652)	\$267,118	\$403,524

III. COMMENTS:

According to the Department of State, there are approximately 90,000 licensees under ch. 493, F.S.

Courts have struck down citizenship and residency requirements in licensing statutes as being violative of equal protection and due process guarantees afforded by the United States and Florida Constitutions.

IV. AMENDMENTS:

None



By Senator Langley-

This publication was produced at a page cost of 1.5 cents per page for the information of members of the legislature and the public.

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A bill to be entitled  
An act relating to private investigative and patrol services and detection of deception; amending s. 493.30, F.S.; providing definitions; amending s. 493.301, F.S.; revising exceptions; amending s. 493.303, F.S.; providing for membership on the advisory council; amending s. 493.304, F.S.; clarifying classes of licenses; amending s. 493.305, F.S.; specifying additional application requirements and increasing eligibility to reapply for license as appropriate; amending s. 493.306, F.S.; clarifying and adding certain requirements of applicants for licensure; amending s. 493.308, F.S.; redefining the classes of branch office licenses and establishing license fees for private investigator interns, reposessor interns, firearms instructors and for examinations for firearms instructors; providing for payment of certain license fees within a specified period of time; amending s. 493.309, F.S.; clarifying medical certification for a Class "G" Statewide Gur Permit applicant; providing for the tolling of time when fingerprint cards are being processed through the Florida Department of Law Enforcement or the Federal Bureau of Investigation; amending s. 493.31, F.S.; including certain classes of licenses under insurance requirements; requiring notification to the Department of State upon cancellation of

1 the policy; providing for a combined single  
2 limit insurance policy; amending s. 493.311,  
3 F.S.; requiring biennial renewal of specified  
4 licenses; requiring posting of certain notices;  
5 amending s. 493.312, F.S.; abbreviating the  
6 procedures for change of location notification;  
7 amending s. 493.313, F.S.; clarifying  
8 requirements for notification of renewal and  
9 adding certain requirements for renewal of  
10 certain licenses; amending s. 493.314, F.S.;  
11 changing the procedures for cancellation of  
12 license and providing for an inactive license;  
13 amending s. 493.315, F.S.; clarifying  
14 eligibility for a statewide gun permit;  
15 amending s. 493.317, F.S.; changing the period  
16 of time within which a repossession must be  
17 reported; amending s. 493.318, F.S.; specifying  
18 property required to be maintained by the  
19 reposessor and providing for disposal of  
20 property under certain conditions; amending s.  
21 493.319, F.S.; prescribing grounds for  
22 disciplinary action; amending s. 493.32, F.S.;  
23 providing for an investigator client privilege;  
24 amending s. 493.321, F.S.; limiting eligibility  
25 to reapply for license for persons who violate  
26 provisions of part I of ch. 493, F.S.; amending  
27 s. 493.322, F.S.; requiring licensees to retain  
28 certain records; authorizing the Department of  
29 State to enjoin unlicensed persons from  
30 operating; providing a record retention period;  
31 amending s. 493.323, F.S.; providing for access

1 to criminal justice information by the Division  
2 of Licensing of the Department of State;  
3 creating s. 493.327, F.S.; providing  
4 confidentiality of certain information relating  
5 to licensees; creating s. 493.328, F.S.;  
6 providing for a periodic newsletter to the  
7 private investigative and patrol services  
8 industry; amending s. 493.561, F.S.; providing  
9 definitions; amending s. 493.562, F.S.;  
10 providing departmental authority to issue a  
11 special certification to certain examiners  
12 excluded from license requirements; amending s.  
13 493.564, F.S.; providing for an advisory  
14 council; amending s. 493.565, F.S.; prescribing  
15 application requirements; amending s. 493.566,  
16 F.S.; providing additional qualifications for  
17 licensure; amending s. 493.567, F.S.; amending  
18 the requirements for reciprocity; amending s.  
19 493.568, F.S.; clarifying requirements for  
20 detection examiner or detection of deception  
21 intern licensee's insurance; amending s.  
22 493.569, F.S.; clarifying the requirements for  
23 a detection of deception intern license;  
24 providing authority to establish criteria for  
25 examiners to sponsor interns; amending s.  
26 493.57, F.S.; establishing a fee for an  
27 examination; amending s. 493.571, F.S.;  
28 providing requirements for licensure of  
29 detection of deception schools and notification  
30 of change of associated licensees to the  
31 school, amending s. 493.573, F.S.; providing

1 additional requirements for posting of license,  
 2 change of location of licensee, and retention  
 3 of records; amending s. 493.574, F.S.;  
 4 providing criteria for renewal of detection of  
 5 deception school licenses; amending s. 493.576,  
 6 F.S.; granting enforcement authority to the  
 7 Department of State; limiting eligibility to  
 8 reapply for persons who violate provisions of  
 9 part I of ch. 493, F.S.; creating s. 493.578,  
 10 F.S.; providing for a periodic newsletter to  
 11 the detection of deception industry; amending  
 12 s. 493.579, F.S.; removing prior saving  
 13 clauses; providing for cancellation or  
 14 inactivation of license; providing for license  
 15 period repealing s. 493.326, F.S., relating to  
 16 service of process by certain licensees;  
 17 providing for review and repeal; providing an  
 18 effective date.

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

21  
 22 Section 1. Subsections (1), (2), (3), (4), (5), (7),  
 23 and (12) of section 493.30, Florida Statutes, are amended and  
 24 subsections (13) and (14) are added to said section to read:

25 493.30 Definitions, part I.--As used in this act:

26 (1) "Private investigative agency" means and includes  
 27 any person, firm, company, partnership, or corporation which,  
 28 for consideration, advertises as providing or is engaged in  
 29 the business of furnishing ~~for-hire~~ private investigations.

30 (2) "Watchman, guard, or patrol agency" means and  
 31 includes any person, firm, company, partnership, or

1 corporation which, for consideration, advertises as providing  
2 or is engaged in the business of furnishing ~~for-hire~~ watchman,  
3 guard, patrol ~~patreiman~~, or armored car services or transports  
4 prisoners. This includes any person, firm, company,  
5 partnership, or corporation which utilizes dogs to perform  
6 security services unless otherwise excluded.

7 (3) "Private investigator" means and includes anyone  
8 who, for consideration, advertises as providing or performs  
9 the services of private investigation. This does not include  
10 an informant who, on a one-time or limited basis, as a result  
11 of a unique area of expertise, abilities, or vocation and  
12 under the direction and control of a Class "C" licensee or a  
13 Class "MA" licensee, provides information or services that  
14 would otherwise be included in the definition of private  
15 investigation. ~~7-or-who-directly-supervises-others-in-the~~  
16 performance-of-such-services.

17 (4) "Private investigation" means and includes  
18 investigation by a person or persons for the purpose of  
19 obtaining information with reference to any of the following  
20 matters:

21 (a) Crime or wrongs done or threatened against the  
22 United States or any state or territory of the United States,  
23 when operating under express written authority of the  
24 governmental official responsible for authorizing such  
25 investigations.

26 (b) The identity, habits, conduct, movements,  
27 whereabouts, affiliations, associations, transactions,  
28 reputation, or character of any person, group of persons,  
29 association, organization, society, other group of persons or  
30 partnership, or corporation.

31 (c) The credibility of witnesses or other persons.

1 (d) The whereabouts of missing persons, including  
2 heirs to estates, abandoned property, or escheated property.

3 (e) The location or recovery of lost or stolen  
4 property.

5 (f) The causes and origin of, or responsibility for,  
6 fires, libels, slanders, losses, accidents, damage, or  
7 injuries to real or personal property.

8 (g) The business of securing evidence to be used  
9 before investigating committees or boards of award or  
10 arbitration or in the trial of civil or criminal cases and the  
11 preparation therefor.

12 ~~(h) --The conducting of studies or surveys to determine~~  
13 ~~methods and means of providing security for the person~~  
14 ~~requesting the studies or surveys:~~

15 ~~(i) --Service of court process for consideration by~~  
16 ~~persons other than employees of federal, state, county, or~~  
17 ~~municipal police agencies:~~

18 (5) "Watchman," "guard," or "patrolman" means and  
19 includes persons who, for consideration, directly supervise  
20 others who, or who themselves, separately or collectively,  
21 advertise as providing or perform the services of guarding  
22 guard persons or property or attempting attempt to prevent  
23 theft or unlawful taking of goods, wares, and merchandise or  
24 attempting attempt to prevent the misappropriation or  
25 concealment of goods, wares or merchandise, money, bonds,  
26 stocks, choses in action, notes, or other documents, papers,  
27 and articles of value or procurement of to procure the return  
28 thereof or who perform the services of such watchman, guard,  
29 or patrolman or other person for any of these purposes. The  
30 term "guard" shall include ~~includes~~ armored car personnel and  
31 those personnel engaged in the transportation of prisoners.

1           (7) "Investigative or reposessor intern" means one  
2 who studies investigative or reposession work as on a trainee  
3 or apprentice. A Class "CC" licensee shall serve an  
4 internship under the direction and control of a designated  
5 sponsor who is a Class "C" or a Class "MA" licensee. A Class  
6 "EE" licensee shall serve an internship under the direction  
7 and control of a designated sponsor who is a Class "E"  
8 licensee. ~~status-under-the-personal-supervision-and-control~~  
9 of-a-Class-"C"-or-"E"-licensee.

10           (12) "Manager" means and includes any agency or branch  
11 manager actively directing the activities of Class "C" and  
12 Class "D" employees The manager shall be assigned to and  
13 shall be primarily operating from the agency or branch office  
14 location for which he has been designated as manager.

15           (13) "Advertising" means and includes to make known by  
16 any public notice, directly or indirectly, that a particular  
17 service or services are available for consideration.

18           (14) "Branch office" means and includes each  
19 additional location of a Class "A" or Class "B" or Class "A"  
20 and B" agency where business is actively conducted which  
21 advertises as performing or is engaged in the business  
22 authorized by the Class "A" or Class "B" license.

23           Section 2. Paragraphs (c), (d), and (g) of subsection  
24 (1) of section 493.301, Florida Statutes, are amended to read:

25           493.301 Inapplicability of part I of this chapter.--

26           (1) This part shall not apply to:

27           (c) Any insurance investigator or adjuster licensed by  
28 a state or federal licensing authority when such person is  
29 providing services or expert advice within the scope of his  
30 license by-the-state.

1 (d) Any person solely, exclusively, and regularly  
2 employed as an unarmed special agent~~,-detective,-repossessor,~~  
3 or private investigator exclusively in connection with the  
4 business of his employer.

5 (g) Any attorney or counselor at law in the regular  
6 practice of his profession, but this exemption shall not serve  
7 to exempt from the requirements of licensure any employee or  
8 representative of an attorney, or counselor at law, or law  
9 firm who is not employed solely, exclusively, and regularly by  
10 such attorney or counselor at law.

11 Section 3. Section 493.303, Florida Statutes, is  
12 amended to read:

13 493.303 Advisory council.--The department shall  
14 designate an advisory council to be composed of nine members.  
15 The advisory council shall, insofar as possible, be  
16 geographically distributed and representative of the various  
17 segments of the profession. The council shall organize, elect  
18 a chairman, and thereafter meet upon the call of the chairman  
19 through the department. The council shall counsel and advise  
20 with the department and make recommendations relative to the  
21 operation and regulation of the industry. The chairman of the  
22 advisory council or his designee shall serve as an ex officio  
23 member of the advisory council established in part II of this  
24 chapter. Such advisory council members as are appointed by  
25 the department shall serve without pay; however, state per  
26 diem and travel allowances may be claimed for attendance at  
27 officially called meetings of the council as provided by s.  
28 112.061.

29 Section 4. Subsections (4), (7), (8), (9), and (10) of  
30 section 493.304, Florida Statutes, are amended and subsection  
31 (12) is added to said section, to read:



## 1 493.304 Classes of licenses.--

2 (4) Any person who ~~studies or~~ performs private  
3 investigative work as an intern under the direction and  
4 control supervision of a designated sponsoring Class "C"  
5 licensee or a designated, sponsoring Class "MA" licensee shall  
6 must have a Class "CC" license.

7 (7) Any person who ~~studies or~~ performs repossession as  
8 an intern under the direction and control supervision of a  
9 designated, sponsoring Class "E" licensee shall must have a  
10 Class "EE" license.

11 (8) Only Class "C", "CC", "M", "MA", "MB", and "D"  
12 licensees are permitted to bear ~~carry or~~ use a firearm, and  
13 any such licensee who bears ~~carries or~~ uses a firearm must  
14 also have a Class "G" license.

15 (9) A Class "A" or Class "B" license is valid for only  
16 one location. Each additional or branch office of a Class "A"  
17 ~~or Class "B"~~ licensee must have a Class "AA" "GBB" license.  
18 Each additional or branch office of a Class "B" licensee shall  
19 have a Class "BB" license. Where a person, firm, company,  
20 partnership, or corporation holds both a Class "A" and Class  
21 "B" license, each additional or branch office shall have a  
22 Class "AB" license.

23 (10) Any person who performs the services of a manager  
24 for a:

25 1. Class "A" private investigative agency, or Class  
26 "AA" additional or branch office must have a Class "MA"  
27 license.

28 2. Class "B" watchman, guard, or patrol agency, or  
29 Class "BB" "GBB" additional or branch office must have a Class  
30 "MB" "M" license.

1           3. Class "A" and "B" agency or a Class "AB" agency  
2 must have a Class "M" license.

3           (12) Class "C" licensees must own or work for a Class  
4 "A" private investigative agency or a Class "AA" or "AB"  
5 additional or branch office. Class "D" licensees must own or  
6 work for a Class "B" watchman, guard, or patrol agency or a  
7 Class "BB" or "AB" additional or branch office. This does not  
8 include those persons who are exempt under s. 493.301, but who  
9 possess a Class "D" or Class "C" license solely for the  
10 purpose of holding a Class "G" license.

11           Section 5. Subsections (1), (2), (3), and (5) of  
12 section 493.305, Florida Statutes, are amended and subsection  
13 (6) is added to said section to read:

14           493.305 Application for license.--

15           (1) Each person, partner, or, in the case of a  
16 corporation, corporate officer must qualify separately for a  
17 license under this part and shall file with the department a  
18 written application accompanied by an application fee to  
19 defray the costs in an amount to be determined by rule of \$25,  
20 except that an applicant for a Class "G" or Class "D" license  
21 shall not be required to pay the application fee. The fee  
22 shall not be rebatable. Persons who invest in the ownership  
23 of a Class "A" or Class "B" agency but do not participate in,  
24 direct, or control the operations of the agency shall not be  
25 required to file an application. The written application  
26 shall be in accordance with the following provisions:

27           (a) If the applicant is an individual, the application  
28 shall be signed ~~and verified~~ by the individual under oath and  
29 shall be notarized.

30           (b) If the applicant is a firm or partnership, a  
31 separate application shall be signed under oath and verified

1 by each individual composing or intending to compose, in the  
2 immediate future, such firm or partnership and shall be  
3 notarized.

4 (c) If the applicant is a corporation, a separate  
5 application shall be signed under oath and verified by each  
6 officer, not including assistant secretaries or assistant  
7 treasurers, thereof and shall be notarized.

8 (d) The application shall contain the following  
9 information concerning the individual signing the same:

10 1. His full name and the title of the position held  
11 with the applicant;

12 2. His age, and date and place of birth, and his  
13 social security number or alien registration number, whichever  
14 is applicable;

15 3. His present residence address and his residence  
16 addresses within the 5 years immediately preceding the  
17 submission of the application;

18 4. His occupations held presently and within the 5  
19 years immediately preceding the submission of the application;

20 5. A statement that he is 18 years of age or older;

21 6. The address of the principal place in which the  
22 business is to be conducted,

23 7. The address of all branch offices within the state;

24 8. The names name under which the person, firm,  
25 company, partnership, or corporation intends to conduct  
26 business business-is-to-be-conducted;

27 9. The names and addresses of all partners or officers  
28 and directors, as the case may be;

29 10. A full set of fingerprints and a photograph of the  
30 signatory taken within the 2 years immediately preceding the  
31 submission of the application;

1 11. A statement of the experience of the signatory  
2 which he believes would qualify him, his firm, or his  
3 corporation for a license under this chapter;

4 12. A statement of any or all convictions, which  
5 should include any withholding of adjudication of guilt, of  
6 the signatory; and

7 13. A personal inquiry waiver which allows the  
8 department to conduct such investigations to satisfy the  
9 requirements of this part; and

10 14.13. Such further facts as may be required by the  
11 department to show that the person signing the application is  
12 of good moral character and qualified by experience and  
13 training to satisfy the requirements of this part.

14 (2) Upon submission of a complete application, an  
15 applicant for a Class "D" license may be employed by an agency  
16 as an unarmed watchman, unarmed guard, or unarmed patrolman  
17 before such application is approved. "Unarmed" means that no  
18 firearm shall be carried or used during official duty,  
19 regardless of whether the applicant has any other authority to  
20 carry a firearm. If the department denies a Class "D"  
21 license, the employment of such person shall be terminated  
22 immediately. Each person, firm, company, partnership, or  
23 corporation shall, upon the employment or termination of  
24 employment of a watchman, guard, or patrolman, report such  
25 employment or termination immediately to the department and,  
26 in case of termination, the reason or reasons therefor,

27 (3) An applicant or licensee shall be ~~is~~ ineligible to  
28 reapply for the same class of license for a period of 1 year  
29 following final agency action on ~~with respect to~~ the denial or  
30 revocation of a license applied for or issued under this part.

1 This time restriction shall not apply to administrative  
2 denials wherein the basis for denial was:

3 (a) An inadvertent error or omission on the  
4 application,

5 (b) The experience documented by the department was  
6 insufficient at the time of application;

7 (c) The department was unable to complete the criminal  
8 background investigation due to insufficient information from  
9 the Florida Department of Law Enforcement or the Federal  
10 Bureau of Investigation or any other applicable law  
11 enforcement agency; or

12 (d) Failure to submit required fees.

13 (5) Any letter of approval or license for a firearms  
14 instructor issued by the department will expire which was  
15 valid on October 1, 1987 1984, will remain valid until the  
16 letter-of-approval-would-be-required-to-be-renewed. At that  
17 time, the firearms instructor shall may be required to comply  
18 with the requirements complete an application for licensure  
19 established by this act a license, and he will be issued a  
20 license, except that no fee for such license may be assessed.

21 (6) Upon submission of a complete application, an  
22 applicant for a Class "C," Class "CC," Class "E," or Class  
23 "EE" license may be employed as an intern before such  
24 application is approved. If the department denies a Class  
25 "C," Class "CC," Class "E," or Class "EE" license, the  
26 employment of such person shall be terminated immediately.

27 Section 6. Paragraph (c) is added to subsection (1) of  
28 section 493.306, Florida Statutes, paragraph (b) of subsection  
29 (2), subsection (3), paragraph (a) of subsection (6), and  
30 paragraph (c) of subsection (7) of said section are amended  
31

1 and paragraph (d) is added to subsection (7) of said section  
2 to read:

3 493.306 License requirements.--

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

5 (c) Have a physical address in this state.

6 (2)

7 (b) The department may deny an application for

8 licensure citing ~~refuse to license an applicant for~~ lack of  
9 good moral character only if:

10 ~~1. There is a substantial connection between the lack~~  
11 ~~of good moral character of the applicant and the business for~~  
12 ~~which the license is sought;~~

13 2. the finding by the department of lack of good moral  
14 character is supported by clear and convincing evidence.

15 (3) Each agency must have a minimum of one physical  
16 location within this state from which the normal business of  
17 the agency is conducted and this location will be considered  
18 the primary office for said agency in this state. Agencies  
19 that hold valid licenses on October 1, 1986, and do not have a  
20 physical location within this state shall not be required to  
21 fulfill this requirement until October 1, 1987. Each agency  
22 or branch office must designate a minimum of one person to act  
23 as manager, ~~actively~~ directing the activities of the Class  
24 "C," or Class "D," ~~and Class "B"~~ employees. In addition to  
25 the above foregoing requirements, an applicant for a Class  
26 "M," "MA," or "MB" license shall ~~must~~ have at least 2 years'  
27 experience, or equivalent training, performing the type of  
28 service permitted under the agency license applied for. A  
29 Class "C" licensee may be designated as the manager, in which  
30 case the Class "MA" license is not required.

1 (6) In addition to any other requirements, an  
2 applicant for a Class "G" license must:

3 (a) Satisfy minimum training criteria for firearms  
4 established by rule of the department, which training criteria  
5 may include, but are not limited to, 16 8 hours of range and  
6 classroom training taught and administered by a firearms  
7 instructor who has been licensed by the department. If the  
8 applicant can show proof of current firearms proficiency under  
9 the Criminal Justice Standards and Training Commission, the  
10 department may waive the firearms training requirement  
11 referenced above; and

12 (7) A firearms instructor shall be issued a license  
13 upon meeting the following qualifications:

14 (c) Possessing ~~a current instructor's certificate from~~  
15 one of the following:

- 16 1. The Criminal Justice Standards and Training  
17 Commission Firearms Instructor's Certificate.
- 18 2. The National Rifle Association Police Firearms  
19 Instructor's Certificate.

20 ~~3. A branch of the military service of the United~~  
21 ~~States:~~

22 3.4. A Firearms Instructor's Certificate from a  
23 federal, state, county, or municipal police academy in this  
24 state recognized as such by the Criminal Justice Standards and  
25 Training Commission or by the Department of Education.

26 (d) Completing a training session on firearms  
27 instruction and paying the fee for and successfully passing an  
28 examination, both of which will be administered by the  
29 department.

30 Section 7. Section 493.308, Florida Statutes, is  
31 amended to read:

1 493.308 Fees.--

2 (1) The department, by rule, shall establish  
3 examination and biennial fees, which shall not exceed the  
4 following:

5 (a) Class "A" license--private investigative agency:  
6 \$300.

7 (b) Class "B" license--watchman, guard, or patrolman  
8 agency: \$300.

9 (c) Class "C" license--private investigator: \$50. A  
10 ~~natural-person-who-has-a-Class-"A"-license-does-not-have-to~~  
11 ~~pay-the-Class-"C"-license-fee;~~

12 (d) Class "D" license--watchman, guard, or patrolman:  
13 \$30. A ~~natural-person-who-has-a-Class-"B"-license-does-not~~  
14 ~~have-to-pay-the-Class-"D"-license-fee;~~

15 (e) Class "E" license--repossessor: \$50.

16 (f) Class "AA," "BB," "BBB" or "AB" license--branch  
17 office: \$75.

18 (g) Class "G" license--statewide gun permit: \$75.  
19 Issuance of this permit shall not authorize the possession of  
20 a concealed weapon.

21 (h) Class "CC" license--private investigator intern:  
22 \$40.

23 (i) Class "EE" license--repossessor intern: \$40.

24 (j) Class "K" license--firearms instructor: \$75.

25 (k) Fee for the Examination for Firearms Instructor:  
26 \$50.

27 (2) The department, by rule, may establish a fee for  
28 the replacement of a license Class-"B"-or-Class-"G"-laminated  
29 card, which fee shall not exceed \$15.

30 (3) The fees set forth in this section shall be paid  
31 by certified check or money order or, at the discretion of the



1 department, by company check at the time the license is  
2 issued, except that the applicant for a Class "D<sub>1</sub>" or Class  
3 "G," Class "C," Class "CC," Class "E," or Class "EE" license  
4 shall pay the license fee at the time the application is made.  
5 If a license is revoked or denied, the license fee shall not  
6 be returned to the licensee.

7 Section 8. Section 493.309, Florida Statutes, is  
8 amended to read:

9 493.309 Investigation of applicants by Department of  
10 State.--

11 (1) Except as otherwise provided ~~in-subsection-(3),~~  
12 prior to the issuance of a license under this part, the  
13 department shall make an individual investigation of the  
14 applicant for a license. The investigation shall include:

15 (a) A thorough background investigation of the  
16 individual's good moral character.

17 (b) An examination of fingerprint records and police  
18 records.

19 (c) Such other investigation of the individual as the  
20 department may deem necessary.

21 (2) In the case of a Class "G" license applicant, the  
22 department shall make an investigation of the general mental  
23 and physical fitness of the applicant to bear carry a weapon  
24 or firearm in addition to the investigation required by  
25 subsection (1). Determination of physical fitness shall be  
26 certified by a medical doctor currently licensed in this state  
27 or authorized to act as a medical doctor by a federal agency  
28 or department. Such certification shall be submitted on a  
29 form provided by the department.

30 (3) In the case of a Class "D" license applicant, the  
31 department shall make an examination of fingerprint records

1 and police records and such additional investigation as it  
2 shall deem necessary.

3 (4) When a criminal history analysis of any applicant  
4 under this chapter is performed by means of fingerprint card  
5 identification, the time limitations prescribed by s.  
6 120.60(2) shall be tolled during the time the applicant's  
7 fingerprint card is under review by the Florida Department of  
8 Law Enforcement and the United States Department of Justice,  
9 Federal Bureau of Investigation.

10 Section 9. Section 493.31, Florida Statutes, is  
11 amended to read:

12 493.31 Licensee's insurance.--No Class "A," Class "B,"  
13 or Class "E" agency license shall be issued unless the  
14 applicant first files with the department a certificate of  
15 insurance evidencing coverage as delineated below  
16 ~~comprehensive-general-liability-coverage-for-death,-bodily~~  
17 ~~injury,-and-personal-injury.~~ The certificate shall provide  
18 the department state as an additional insured for purposes of  
19 all notices of modification or cancellation of such insurance,  
20 including cancellation of the policy by the insured. The  
21 insurance company shall notify the department of all claims or  
22 losses paid by the insurance company. Coverage shall provide  
23 for a combined single limit policy in the amount of \$300,000  
24 which policy shall cover comprehensive general liability  
25 coverage for death, bodily injury, property damage, personal  
26 injury, also include false arrest, detention or imprisonment,  
27 malicious prosecution, libel, slander, defamation of  
28 character, and violation of the right of privacy in-the-amount  
29 of-\$100,000-per-person-and-\$300,000-per-occurrence-and  
30 property-damage-in-the-amount-of-\$100,000-per-occurrence. The  
31 agency license shall be automatically suspended upon the date

1 of cancellation unless evidence of insurance is provided prior  
 2 to the effective date of cancellation. Coverage shall insure  
 3 for the liability of all agency employees licensed by the  
 4 department. The licensee agency shall notify the department  
 5 of any claim against such insurance arising from any claim of  
 6 false arrest, detention or imprisonment, malicious  
 7 prosecution, libel, slander, defamation of character, or  
 8 violation of the right of privacy. The licensee shall notify  
 9 the department immediately upon cancellation of the insurance  
 10 policy, whether such cancellation was initiated by the  
 11 insurance company or the insured.

12 Section 10. Subsections (1), (2), and (4) of section  
 13 493.311, Florida Statutes, are amended and subsection (6) is  
 14 added to said section to read:

15 493.311 License; contents; posting; identification  
 16 card.--

17 (1) All licenses issued pursuant to this part shall be  
 18 in a form prescribed by the department. The license shall  
 19 specify the name under which the applicant is to operate, the  
 20 address of the principal place of business, the expiration  
 21 date, the full names and titles of the persons who submitted  
 22 application forms, the number of the license, and any other  
 23 information the department deems necessary. All licenses,  
 24 ~~except Class "EE" and Class "BB" licenses, issued by the~~  
 25 ~~department~~ shall be renewed biennially. The department shall  
 26 determine by rule the expiration date of each class of  
 27 license. The department may prorate license fees.

28 (2) The Class "A," Class "B," and Class "E" agency  
 29 license shall at all times be posted in a conspicuous place at  
 30 in the licensed physical location in this state where the  
 31 principal place of business is conducted of the licensee in

1 ~~this~~-state. Each licensee agency shall display, in a place  
 2 that is in clear and unobstructed public view, a notice  
 3 stating that the business operated at this location is  
 4 licensed and regulated by the Department of State and that any  
 5 questions or complaints should be directed to the department.  
 6 The notice shall be in a form specified by the department, and  
 7 the department shall adopt rules to ensure that the notice is  
 8 displayed in a place where a client of the agency would be  
 9 most likely to see it.

10 (4) It shall be the duty of every Class A," Class "B,"  
 11 and Class "E" agency licensee to furnish all of its people,  
 12 partners, corporate officers, and managers, as the case may  
 13 be, and all licensed employees, an identification card. The  
 14 ~~card shall be in a form and design as may be approved by the~~  
 15 ~~Department of State, but it~~ shall specify at least the name of  
 16 the holder of the card and the name and number of the licensee  
 17 and shall be signed by a representative of the licensee and by  
 18 the holder of the card. The card shall be in the possession  
 19 of each person, partner, corporate officer, manager, or  
 20 licensed employee while on duty. Upon suspension or  
 21 revocation of a license or upon termination of a business  
 22 association with the licensee, it shall be the duty of each  
 23 person, partner, corporate officer, manager, or licensed  
 24 employee to return the card to the Class "A," Class "B," and  
 25 Class "E" agency licensee.

26 (6) Each person, firm, company, partnership, or  
 27 corporation shall, upon the employment or termination of  
 28 employment of a licensed employee, report such employment or  
 29 termination immediately to the department and, in the case of  
 30 termination, the reasons therefor.  
 31

1 Section 11. Section 493.312, Florida Statutes, is  
2 amended to read:

3 493.312 Change of location of licensee.--In the event  
4 the licensee desires to change the location of any place of  
5 business indicated in his application on file with the  
6 department, he shall notify the department within 10 days of  
7 the change and submit--~~The department shall send to him~~  
8 ~~suitable forms designed by the department, the purpose of~~  
9 ~~which shall be to record in the office of the department the~~  
10 ~~fact that there has been a change, by way of substitution, of~~  
11 ~~the licensee's place or places of business.--Upon completion~~  
12 ~~of the form, the licensee shall return it to the department,~~  
13 ~~together with~~ a fee of \$10 for each changed location. The  
14 department shall thereupon send to the licensee a certificate  
15 of registration of each changed location. The certificate  
16 shall be in a form designed by the department, but it shall at  
17 least specify the name under which the licensee operates, its  
18 license number, and the address of the location to which the  
19 certificate of registration applies. The holder of a Class  
20 "D" or Class "G" license shall not be required to pay the \$10  
21 fee for each change of location.

22 Section 12. Subsections (3), (4), and (7) of section  
23 493.313, Florida Statutes, are amended and subsection (8) is  
24 added to said section to read:

25 493.313 Renewal of license.--

26 (3) A licensee shall renew his license on or before  
27 ~~prior to~~ its expiration by filing with the department, ~~at~~  
28 ~~least 45 days prior to the expiration,~~ the renewal form  
29 accompanied by:

- 30 (a) Payment of the fee prescribed in s. 493.308.  
31

1 (b) Proof of the comprehensive general liability  
2 insurance coverage required in s. 493.31, when applicable.

3 (4) A licensee who fails to file a renewal application  
4 ~~on or before at-least-45-days-prior-to~~ its expiration must may  
5 renew his license by fulfilling the requirements of paragraphs  
6 (3)(a) and (b) and paying a late fee equal to the amount of  
7 the license fee.

8 (7) Before a Class "G" license is renewed, the  
9 licensee shall be required to complete retraining,  
10 recertification, and fulfill such other health and training  
11 requirements which the department shall adopt by rule. Such  
12 training shall include a minimum of 4 hours of annual range  
13 recertification and shall be not-less-than-8-hours-of-range  
14 ~~training~~ taught and administered by a firearms instructor  
15 licensed by the department ~~and-to-fulfill-such-other-health~~  
16 ~~and-training-requirements-which-the-department-shall-adopt-by~~  
17 rule. Proof of annual range requalification must be submitted  
18 prior to renewal of the license. If such proof cannot be  
19 provided, the applicant for renewal must complete the 16 hours  
20 of range and classroom training required at the time of  
21 initial licensure.

22 (8) The department may establish rules to require  
23 periodic classroom training for firearms instructors to  
24 provide updated information relative to curriculum or other  
25 training requirements provided by statute or rule.

26 Section 13. Section 493.314, Florida Statutes, is  
27 amended to read:

28 493.314 Cancellation or inactivation of license.--

29 (1) In the event the licensee desires to cancel the  
30 license, he shall notify the department and return his license  
31 to the department, and the department shall supply him with

1 ~~proper forms as designed by the department to effectuate the~~  
 2 ~~cancellation of the license.~~ Upon cancellation of the  
 3 ~~license, the licensee shall,~~ within 10 days of the date of  
 4 cancellation, return the license so canceled to the  
 5 department.

6 (2) The department, at the request of the licensee,  
 7 may place a license in an inactive status. A license may  
 8 remain inactive for a period of 3 years, at the end of which  
 9 time, if the license has not been renewed, it must be  
 10 canceled. If the license expires during the inactive period,  
 11 the licensee shall be required to pay license fees and show  
 12 proof of insurance, if applicable, before the license can be  
 13 made active. No late fees shall apply when a license is in an  
 14 inactive status.

15 Section 14. Subsections (3) and (4) of section  
 16 493.315, Florida Statutes, are amended and subsection (8) is  
 17 added to said section to read:

18 493.315 Weapons and firearms; training requirements;  
 19 permit.--

20 (3) Nothing in this act shall abrogate the provisions  
 21 of s. 790.25(3)(n). The statewide permit shall remain in  
 22 effect only during the period the applicant is employed as a  
 23 Class "C," Class "CC," or Class "D" licensee guard. It shall  
 24 be the responsibility of the employer immediately to notify  
 25 the department of the employee's termination of employment and  
 26 the reasons therefor, at which time the department shall  
 27 ~~revoke the permit.~~

28 (4) The department may issue a temporary 45-day Class  
 29 "G" license, which may be renewed once. If the department  
 30 denies an application for a Class "G" license, the employment  
 31

1 of such person, as an armed guard shall be terminated  
2 immediately.

3 (8) Whenever a Class "G" licensee discharges his  
4 firearm in the course of his duties, he and the agency for  
5 which he is employed, shall submit to the department an  
6 explanation describing the nature of the incident, the  
7 necessity for using the firearm and with which law enforcement  
8 jurisdiction the report of the incident was filed.

9 Section 15. Subsection (6) of section 493.317, Florida  
10 Statutes, is amended to read:

11 493.317 Prohibited acts by Class "E" and Class "EE"  
12 licensees.--In addition to other requirements imposed by this  
13 part or by rule of the department, repossessor licensees and  
14 repossessor interns are prohibited from:

15 (6) FAILING TO NOTIFY POLICE OR SHERIFF'S  
16 DEPARTMENT.--Failing to notify the police or sheriff's  
17 department of the jurisdiction in which the repossessed  
18 personal property is recovered within 6 24 hours.

19 Section 16. Section 493.318, Florida Statutes, is  
20 amended to read:

21 493.318 Repossessor required to prepare and maintain  
22 inventory.--If personal effects or other property not covered  
23 by a security agreement are contained in or on personal  
24 property at the time it is recovered, a complete and accurate  
25 inventory shall be made of such personal effects or other  
26 personal property. The date and time the inventory is made  
27 shall be indicated, and it shall be signed by the person or  
28 persons who recovered the personal property on behalf of the  
29 secured party. The inventory of the personal property shall  
30 be filed and maintained for a period of 4 years in the  
31 permanent records of the licensee and shall be made available,



1 upon demand, to representatives of the department during  
2 normal business hours. Falsification or alteration of an  
3 inventory or failure to maintain an inventory for the required  
4 period shall be grounds for suspension or revocation of a  
5 license. Upon written notification to the person who  
6 controlled the property prior to repossession, the personal  
7 property contained within the repossessed property may be  
8 disposed of 10 days after notification.

9 Section 17. Section 493.319, Florida Statutes, is  
10 amended to read:

11 493.319 Grounds for disciplinary action.--

12 (1) The following constitute grounds for which  
13 disciplinary action specified in subsection (2) may be taken:

14 (a) Fraud or willful misrepresentation in applying for  
15 or obtaining a license;

16 (b) Use of any fictitious or assumed name by a  
17 licensee unless he has department approval and qualifies under  
18 s. 865.09;

19 (c) Conviction Having-been-found-guilty-of-the  
20 commission of a crime which directly relates to the business  
21 for which the license is held, or sought, regardless of  
22 whether adjudication was withheld or whether imposition of  
23 sentence was suspended;

24 (d) A false statement by the licensee that any person  
25 is or has been in his employ;

26 (e) A finding that the licensee or any of his or its  
27 employees is guilty of willful betrayal of a professional  
28 secret;

29 (f) Proof that the licensee is guilty of fraud or  
30 deceit, or of negligence, incompetency, or misconduct, in the  
31

1 practice of his business for which the license is held or  
2 sought;

3 (g) Conducting business without a license or with a  
4 revoked or suspended license;

5 (h) Failure of the licensee to maintain in full force  
6 and effect the general liability insurance coverage, if  
7 required, referred to in s. 493.31;

8 (i) Impersonating, or permitting or aiding and  
9 abetting an employee to impersonate, a law enforcement officer  
10 or an employee of this state, the United States, or any  
11 political subdivision thereof;

12 (j) Commission of assault, battery, or kidnapping or  
13 use of force or violence on any person except in self-defense  
14 or in the defense of a client;

15 (k) Knowingly violating, or advising, encouraging, or  
16 assisting the violation of, any court order, capias, warrant,  
17 or injunction in the course of business as a licensee or that  
18 relates to the business for which licensure is sought;

19 (l) Acting as a runner or a capper for any attorney;

20 (m) Falsification or alteration of an inventory of  
21 recovered personal property required by s. 493.318;

22 (n) Transferring or attempting to transfer a license  
23 issued pursuant to this chapter;

24 (o) Failure or refusal to cooperate with the  
25 department's investigation of any suspected violation of this  
26 part;

27 (p) The department shall deny an applicant or revoke a  
28 license when the person or licensee has been convicted of a  
29 felony, regardless of whether adjudication was withheld or  
30 whether imposition of sentence was suspended, unless and until  
31

1 civil rights have been restored and a period of 10 years has  
2 expired;

3 ~~(q)(p)~~ Violating any provision of this chapter.

4 (2) When the department finds any violation of  
5 subsection (1), it may do one or more of the following:

6 (a) Deny an application for licensure.

7 (b) Revoke, or suspend, or refuse to renew a license.

8 (c) Impose an administrative fine not to exceed \$1,000  
9 for every count or separate offense.

10 (d) Issue a reprimand.

11 (e) Place the licensee on probation for a period of  
12 time and subject to such conditions as the department may  
13 specify.

14 (3) Upon revocation or suspension of a license, the  
15 licensee shall forthwith return the license which was  
16 suspended or revoked.

17 Section 18. Section 493.32, Florida Statutes, is  
18 amended to read:

19 493.32 Divulging information, false reports  
20 prohibited; penalty.--Except as otherwise provided by law, no  
21 licensee or any employee of a licensee shall divulge or  
22 release to any person, other than to his principal or his  
23 employer, any information acquired as a result of any  
24 investigation, surveillance, or other act performed by the  
25 licensee or employee in the course of his employment.

26 However, the provisions of this section shall not apply to an  
27 employer who is also the holder of a license issued pursuant  
28 to this chapter part and who has the prior written consent of  
29 the client or principal to divulge or release any information  
30 falling within the terms of this section; ~~further; the~~  
31 ~~provisions of this section will not apply to the taking of~~

1 ~~testimony or the receiving of evidence in any judicial~~  
2 proceeding. Any person violating this section or any employee  
3 who shall willfully make a false report to his employer  
4 concerning his employment or work is guilty of a misdemeanor  
5 of the second degree, punishable as provided in s. 775.082, s.  
6 775.083, or s. 775.084.

7 Section 19. Section 493.321, Florida Statutes, is  
8 amended to read:

9 493.321 Violation; penalty.--Any person who violates  
10 any provision of this part is guilty of a misdemeanor of the  
11 first degree, punishable as provided in s. 775.082, s.  
12 775.083, or s. 775.084, and any person who is convicted of any  
13 violation of this part shall not be eligible for licensure for  
14 a period of 5 years.

15 Section 20. Subsection (2) of section 493.322, Florida  
16 Statutes, is amended and subsections (3) and (4) are added to  
17 said section to read:

18 493.322 Enforcement of part I; investigation.--

19 (2) In any investigation undertaken by the department,  
20 each licensee or applicant or employee thereof shall, upon  
21 request of the department, submit information concerning his  
22 business practices or methods. The department may promulgate  
23 rules to provide that any licensee retain certain records in  
24 this state for a period of 2 years at a place of business for  
25 which the license is held or at any other location within the  
26 state for a licensee whose license has been terminated,  
27 canceled, or revoked. Upon request by the department, the  
28 records must be made available to the department within 24  
29 hours of notice unless the department determines that an  
30 extension may be granted. In the exercise of its enforcement  
31 responsibility and in the conduct of any investigation

1 relating to a suspected violation of this part, the department  
2 shall have the power to subpoena and bring before it any  
3 person in the state, require the production of any papers it  
4 deems necessary, administer oaths, and take depositions of any  
5 persons so subpoenaed. Failure or refusal of any person  
6 properly subpoenaed to be examined or to answer any question  
7 about his qualifications or the business methods or business  
8 practices under investigation shall be grounds for suspension  
9 or revocation of his license, or for refusal to issue such  
10 license, as the case may be. The testimony of witnesses in  
11 any such proceeding shall be under oath before the department  
12 or its agents.

13 (3) The department shall have the authority to enjoin  
14 any licensed or unlicensed person, firm, company, partnership,  
15 or corporation from operating when such person, firm, company,  
16 partnership, or corporation is advertising as providing or is  
17 engaged in performing services which require licensure under  
18 this part or when a licensee is engaged in activities which do  
19 not comply with or are prohibited by this part.

20 (4) This part shall not preclude advertising which,  
21 due to an annual deadline for submission, requires an  
22 applicant to contract for such advertising prior to issuance  
23 of the license. However, in no case shall the applicant  
24 solicit business, contract, or in any way perform services  
25 which require licensure prior to the issuance of such license.

26 Section 21. Section 493.323, Florida Statutes, is  
27 amended to read:

28 493.323 Access to criminal justice information.--In  
29 order to carry out the duties of the department prescribed in  
30 this Chapter part, designated employees of the Division of  
31 Licensing of the Department of State may obtain access to the

1 information in criminal justice information systems and to  
2 criminal justice information as defined in s. 943.045, on such  
3 terms and conditions as are reasonably calculated to provide  
4 necessary information and protect the confidentiality of the  
5 information.

6 Section 22. Section 493.327, Florida Statutes, is  
7 created to read:

8 493.327 Information about licensees;  
9 confidentiality.--The department shall maintain the  
10 confidentiality of information relating to the residence  
11 telephone number and residence address of any licensee except,  
12 that the department may provide this information to local,  
13 state, or federal law enforcement agencies. When the  
14 residence telephone number or residence address of any  
15 licensee is the business telephone number or business address  
16 this information shall be public record.

17 Section 23. Section 493.328, Florida Statutes, is  
18 created to read:

19 493.328 Publication to industry.--The department shall  
20 have the authority to periodically advise its licensees of  
21 information that the department or the advisory council  
22 determines is of interest to the industry through the  
23 publication of a newsletter. Additionally, this newsletter  
24 shall contain the names of any person, firm, partnership, or  
25 corporation against which the department has filed a final  
26 order relative to an administrative complaint and the final  
27 disposition. This newsletter shall be published not less than  
28 two or more than four times annually.

29 Section 24. Subsections (1), (2), and (6) of section  
30 493.561, Florida Statutes, are amended and subsection (7) is  
31 added to said section to read:

1 493.561 Definitions, part II.--The following terms  
2 shall, unless the context otherwise indicates, have the  
3 following meanings:

4 (1) "Detection of deception examiner" means and  
5 includes any person who uses any device or instrument which  
6 records as minimum standards, permanently and simultaneously,  
7 on continuously moving charts, at least three physiological  
8 tracings: the examinee's cardiovascular (blood pressure and  
9 pulse), and respiratory (breathing) patterns, and galvanic  
10 skin response (GSR) in order to examine individuals for the  
11 purpose of detecting truth or deception. Such an instrument  
12 may record additional physiological changes pertinent to the  
13 detection of truth or deception.

14 (2) "Intern" means the study of detection of deception  
15 and the administration of detection of deception examinations  
16 by a trainee under the direction personal-supervision and  
17 control of an examiner.

18 (5) "Detection of deception device or instrument"  
19 "Poligraph" means an instrument which combines a continuous  
20 permanent recording and a means of measuring and recording at  
21 least two of the physiological reactions to emotions.

22 (6) "Detection of deception instructor" means and  
23 includes those permanent instructors of detection of  
24 deception, but does not include guest or visiting instructors  
25 or lecturers. ~~"Employee-examiner"-means-a-qualified-detection~~  
26 ~~of-deception-examiner-employed-wholly-and-exclusively-by-a~~  
27 ~~single-employer.~~

28 (7) "Detection of Deception School" means and includes  
29 any private, public, or federal educational or training  
30 institution; any course of study within any private, public,  
31 or federal educational or training institution; or any person

1 which offers instruction in, or the teaching of, the theory or  
2 practice of detecting deception or verifying the truth of  
3 statements through the use of any detection of deception  
4 techniques or instrumentation. This includes teaching the act  
5 of operating any device or instrument which records as minimum  
6 standards, permanently and simultaneously on continuously  
7 moving charts, at least three physiological tracings --  
8 pneumographic, cardiophysgmographic and galvanic skin response  
9 (GSR).

10 Section 25. Section 493.562, Florida Statutes, is  
11 amended to read:

12 493.562 Exclusion from applicability.--This part is  
13 not applicable to a detection of deception examiner employed  
14 by a municipal, county, state, or federal agency as long as  
15 his sole use of the instrument described in s. 493.561(1) is  
16 in the performance of his official duties. The department  
17 shall adopt rules and standards which rules and standards  
18 shall set forth the circumstances and conditions by which the  
19 department may issue a special certificate to a detection of  
20 deception examiner employed exclusively by a municipal,  
21 county, state, or federal agency.

22 Section 26. Section 493.564, Florida Statutes, is  
23 amended to read:

24 493.564 Advisory council.--The department shall  
25 designate an advisory council to be composed of five members.  
26 The advisory council shall, insofar as possible, be  
27 geographically distributed and representative of the various  
28 segments of the profession. The council shall organize, elect  
29 a chairman, and thereafter meet upon the call of the chairman  
30 through the department. The council shall counsel and advise  
31 the department and make recommendations relative to the



1 operation and regulation of the industry. The chairman of the  
 2 advisory council or his designee shall serve as an ex officio  
 3 member of the advisory council established in part I of this  
 4 chapter. The council, at the request of the department, shall  
 5 provide technical assistance for the purpose of reviewing and  
 6 analyzing complaints involving the administration of detection  
 7 of deception examinations. The council members, when acting  
 8 in the capacity of assisting the department shall be held  
 9 harmless from prosecution arising from the rendering of their  
 10 opinion as to the technical sufficiency of a detection of  
 11 deception examination. Such advisory council members as are  
 12 appointed by the department shall serve without pay; however,  
 13 state per diem and travel allowances as provided by s. 112.061  
 14 may be claimed for attendance at officially called meetings of  
 15 the council. ~~The advisory council as set forth in s. 493.383~~  
 16 ~~shall also be the advisory council for this part; however, an~~  
 17 ~~additional member shall be appointed to the council to~~  
 18 ~~represent detection of deception examiners.~~

19 Section 27. Subsection (2) of section 493.565, Florida  
 20 Statutes, is amended to read:

21 493.565 Application for license.--

22 (2) The written application shall be in accordance  
 23 with the following provisions, and the application shall be  
 24 signed ~~and verified~~ by the individual, shall be notarized, and  
 25 shall contain the following information:

26 (a) Full name and title of position;

27 (b) Age, and date and place of birth, and social  
 28 security number or alien registration number, whichever is  
 29 applicable;

1 (c) The present residence address and the residence  
2 addresses within the 5 years immediately preceding the  
3 submission of the application;

4 (d) The occupations held presently and within the 5  
5 years immediately preceding the submission of the application;

6 (e) A statement that he is 18 years of age or older;

7 (f) The address of the principal place in which the  
8 business is to be conducted;

9 (g) A statement of educational qualifications as  
10 provided in s. 493.566;

11 (h) The name under which the business is to be  
12 conducted;

13 (i) A statement of formal detection of deception  
14 polygraph training as provided in s. 493.566;

15 (j) A full set of fingerprints and a photograph of the  
16 signatory taken within the 2 years immediately preceding the  
17 submission of the application;

18 (k) A statement of the internship experience of the  
19 signatory as required by s. 493.566(5), signed by the licensed  
20 supervising examiner;

21 (l) A statement of any or all arrests of the  
22 signatory; and

23 (m) A personal inquiry waiver which allows the  
24 department to conduct such investigations to satisfy the  
25 requirements of this part; and

26 (n)†m† Such further facts as may be required by the  
27 department to show that the person signing the application is  
28 of good moral character and qualified by experience and  
29 training to satisfy the requirements of this part.

1 The department may promulgate rules to establish minimum  
2 testing standards and material to be covered in a testing  
3 situation in order to allow the department to determine if the  
4 applicant is qualified to hold a license under this part.

5 Section 28. Subsections (1), (3), and (5) of section  
6 493.566, Florida Statutes, are amended and subsections (6),  
7 (7), and (8) are added to said section to read:

8 493.566 License requirements.--An applicant is  
9 qualified to receive a license as a detection of deception  
10 examiner if he:

11 (1) Is at least 21 18 years of age and is a United  
12 States citizen;

13 (3) Has successfully completed the equivalent of at  
14 least 2 years of-attendance at a university, college, or  
15 junior college recognized and approved by the department;  
16 however, this requirement may be waived for those persons who  
17 have a high school diploma and 2 years' experience as an  
18 investigator or detective;

19 (5) Has completed a minimum of 1 year as a licensed  
20 intern examiner under the direction and control supervision of  
21 an a-icensed examiner licensed by in this state;:

22 (6) Has a physical address in this state;

23 (7) Has successfully passed an examination  
24 administered by the department for the purposes of determining  
25 the qualifications and fitness of applicants for Class "P"  
26 licenses It is the intent of the Legislature to allow the  
27 department, and the department shall promulgate rules, to  
28 establish any criteria and standards deemed appropriate to  
29 provide for the orderly accomplishment of this section The  
30 rules shall include, but not be limited to, the establishment  
31 of criteria to provide for test content, conditions under

1 which the test will be administered and integrity of the  
 2 examination. Any person who holds a valid Class "P" license  
 3 on October 1, 1986, shall not be required to satisfy the  
 4 examination requirements. However, if subsequently, the  
 5 license expires, the applicant shall be required to  
 6 successfully pass the examination before the license will be  
 7 issued; and

8 (8) Has paid the fees as provided in s. 493.57.

9 Section 29. Subsections (1), (3), and (4) of section  
 10 493.567, Florida Statutes, are amended to read:

11 493.567 Reciprocity.--A person who is a detection of  
 12 deception examiner licensed under the laws of another state or  
 13 territory of the United States may be issued a license by the  
 14 department, at its discretion, upon payment of the fee as  
 15 provided under s. 493.57 and the production of satisfactory  
 16 proof that:

17 (1) The applicant is at least 21 ~~18~~ years of age;

18 (3) The requirements for the licensing of examiners in  
 19 the particular state or territory of the United States are  
 20 ~~were; at the date of licensing;~~ substantially equivalent to  
 21 the requirements then in force in this state. In the event  
 22 that the other state or territory does not require an  
 23 examination but is otherwise in substantial compliance, the  
 24 department may administer the examination to the applicant for  
 25 the purpose of allowing the applicant to complete the  
 26 application requirements under reciprocity;

27 (4) The applicant had lawfully engaged in the  
 28 administration of detection of deception examinations under  
 29 the laws of such state or territory for at least 2 ~~5~~ years  
 30 prior to his application for a license hereunder; and  
 31

1 Section 30. Section 493.568, Florida Statutes, is  
2 amended to read:

3 493.568 Licensee's insurance.--No detection of  
4 deception examiner license or detection of deception intern  
5 license shall be issued unless the applicant first files with  
6 the department a certificate of insurance evidencing coverage  
7 as provided for in s. 493.31. ~~The insurance shall cover any~~  
8 ~~intern supervised by the examiner.~~

9 Section 31. Section 493.569, Florida Statutes, is  
10 amended to read:

11 493.569 Detection of deception Polygraph intern  
12 license.--An internship license shall be issued for a period  
13 of 2 years ~~1-year~~ to an applicant who has met all the  
14 qualifications set forth in s. ss. 493.565 excluding (2)(b)  
15 and in s. 493.566 excluding (5) and who has paid the license  
16 fee for the purpose of permitting the applicant to receive  
17 training as a detection of deception examiner under the  
18 direction and control supervision of a licensed examiner. The  
19 department may promulgate rules to establish criteria for an  
20 examiner to sponsor an intern.

21 Section 32. Section 493.57, Florida Statutes, is  
22 amended to read:

23 493.57 Fees.--The department, by rule, shall establish  
24 examination fees and biennial fees for licenses, which shall  
25 not exceed the following:

- 26 (1) Detection of deception examiners: \$150.  
27 (2) Detection of deception intern: \$75 ~~\$30~~.  
28 (3) Detection of deception school: \$300.  
29 (4) Examination for detection of deception examiner:

30 \$50.  
31

1 Section 33. Section 493.571, Florida Statutes, is  
2 amended to read:

3 493.571 Detection of deception school license Approval  
4 of schools.--

5 (1) Each person or, partner, or corporate officer who  
6 owns or directs or controls the business of a detection of  
7 deception polygraph school and each detection of deception  
8 instructor in a detection of deception school shall qualify  
9 separately for the license. Before the department approves  
10 the issuance of a detection of deception departmental approval  
11 of such school license, each applicant shall, file with the  
12 department a written application accompanied by an application  
13 fee except that an applicant for an instructor of a detection  
14 of deception school shall not be required to pay the  
15 application fee. Persons who invest in the ownership of the  
16 school but do not participate in direct or control the  
17 operations of the school shall not be required to file an  
18 application. The application fee shall to cover costs in an  
19 amount to be determined by rule and,--The fee shall not be  
20 rebatable. The department may establish, by rule, standards  
21 for curriculum and facilities, and qualifications for  
22 instructors.

23 (2) The written application shall be in accordance  
24 with the following provisions, and the application shall be  
25 signed and verified by the individual, shall be notarized and  
26 shall contain the following information:

27 (a) Full name, social security number, or alien  
28 registration number and title of position;

29 (b) The address of the place or places ~~principal place~~  
30 in which the business is to be conducted;

1 (c) The name or names name under which the business is  
2 to be conducted;

3 (d) A full set of fingerprints and a photograph of the  
4 signatory taken within the 2 years immediately preceding the  
5 submission of the application;

6 (e) A statement of any or all arrests of the  
7 signatory;

8 (f) Proof that the person holds a valid detection of  
9 deception examiner's license;

10 (g) A personal inquiry waiver which allows the  
11 department to conduct such investigations to satisfy the  
12 requirements of this part;

13 (h){g} Such further facts relating to the facilities,  
14 instructors, and curriculum of the proposed school as the  
15 department may require; and

16 (i){h} Such further facts as may be required by the  
17 department to show that the person signing the application is  
18 of good moral character.

19 (3) After filing the application, unless the  
20 department denies the application or revokes the license, a  
21 detection of deception school shall notify the department  
22 within 10 days of the withdrawal, removal, replacement, or  
23 addition of any or all persons, partners, corporate officers,  
24 or detection of deception instructors of the detection of  
25 detection school and, upon receipt of application forms from  
26 the department, shall cause the forms to be completed by the  
27 new person, partner, instructor, or officer. The forms shall  
28 be filed with the department and an application fee,  
29 established by rule, paid to the department. The detection of  
30 detection school's good standing under this part shall be  
31 contingent upon the department's approval of any new person,

1 partner, corporate officer, or detection of deception  
2 instructor.

3 Section 34. Section 493.573, Florida Statutes, is  
4 amended to read:

5 493.573 License; contents; and posting; change of  
6 location and change of name; retention of records.--

7 (1) The license issued pursuant to this part shall be  
8 in such form as may be determined by the Department of State,  
9 but shall at least specify the applicant's name, the type and  
10 number of the license, the address of the principal place of  
11 business, and the date on which the license will expire. The  
12 license shall be renewed for the periods established in s.  
13 493.57 biennially. The department may prorate license fees.

14 (2) The license shall at all times be posted in a  
15 conspicuous place in each the-principal place of business in  
16 this state of the licensee ~~in this state~~. Each licensee  
17 agency shall display in a place that is in clear and  
18 unobstructed public view a notice stating that the business  
19 operated at this location is licensed and regulated by the  
20 Department of State and that any questions or complaints  
21 should be directed to the department; the department shall  
22 adopt rules to ensure that the notice is displayed in a place  
23 where a client of the licensee agency would be most likely to  
24 see it.

25 (3) In the event the licensee desires to change the  
26 location of any place of business indicated in his application  
27 on file with the department, he shall notify the department  
28 within 10 days and submit a fee of \$10 for each changed  
29 location. The department shall thereupon send to the licensee  
30 a certificate of registration of each changed location. The  
31 certificate shall be in a form designed by the department, but



1 it shall at least specify the name under which the licensee  
2 operates, its license number, and the address of the location  
3 to which the certificate of registration applies.

4 (4) A license issued under this part shall not be  
5 assignable. A licensee desiring to change its licensed name  
6 at any time except upon renewal of the license shall notify  
7 the department and pay a fee not to exceed \$30 for each  
8 authorized change of name; upon returning the license to the  
9 department, the newly authorized name shall then be entered  
10 upon the license and the license shall be returned to the  
11 licensee.

12 (5) A detection of deception examiner shall maintain  
13 all opinions, reports, charts, question lists, and all other  
14 records relating to detection of deception examinations for a  
15 minimum of 2 years subsequent to administering a detection of  
16 deception examination.

17 (6) The department shall promulgate rules to establish  
18 standards for detection of deception examinations that are  
19 performed on the public or clients by the detection of  
20 deception examiner or detection of deception examiner intern.  
21 These rules shall provide for the assurance that generally  
22 accepted detection of deception standards and practices are  
23 used when performing these examinations.

24 Section 35. Section 493.574, Florida Statutes, is  
25 amended to read:

26 493.574 Renewal of licenses.--

27 (1) Licenses granted under this part may be renewed by  
28 the department of State in the same manner and under the same  
29 provisions as provided in s. 493.313.  
30  
31

1           (2) The detection of deception school shall submit, at  
2 the time of renewal, the current curriculum, examination, and  
3 list of instructors.

4           Section 36. Section 493.576, Florida Statutes, is  
5 amended to read:

6           493.576 Violation; penalty.--

7           (1) Any person who violates any provisions of this  
8 part is guilty of a misdemeanor of the first degree,  
9 punishable as provided in s. 775.082, s. 775.083, or s.  
10 775.084, and any person who is convicted of any violation of  
11 this part shall not be eligible for licensure for a period of  
12 5 years.

13           (2) The department shall have, for this part, the same  
14 enforcement authority as described in s. 493.322.

15           Section 37. Section 493.578, Florida Statutes, is  
16 created to read:

17           493.578 Publication to industry.--The department shall  
18 have the authority to periodically advise its licensees of  
19 information that the department and the advisory council  
20 determine is of interest to the industry through the  
21 publication of a newsletter. In addition this newsletter  
22 shall contain the names of any person, firm, partnership, or  
23 corporation against which the department has filed a final  
24 order relative to an administrative complaint, the nature of  
25 the complaint, and the final disposition. This newsletter  
26 shall be published not less than two or more than four times  
27 annually.

28           Section 38. Section 493.579, Florida Statutes, is  
29 amended to read:

30           493.579 Cancellation or inactivation of license.--The  
31 department shall have, for this part, the same authority with



By Committee on Regulatory Reform and Representatives Crotty and Gutman

1 A bill to be entitled  
 2 An act relating to private investigative and  
 3 patrol services and detection of deception;  
 4 amending s. 493.30, F.S., providing  
 5 definitions; amending s. 493.301, F.S.,  
 6 revising exceptions to the act; amending s.  
 7 493.303, F.S., relating to an advisory council;  
 8 amending s. 493.304, F.S., clarifying classes  
 9 of licenses; amending s. 493.305, F.S.,  
 10 specifying additional application requirements  
 11 and increasing eligibility to reapply for  
 12 license as appropriate; amending s. 493.306,  
 13 F.S., clarifying and adding certain  
 14 requirements of applicants for licensure;  
 15 amending s. 493.308, F.S., redefining the  
 16 classes of branch office licenses and  
 17 establishing license fees for private  
 18 investigator interns, reposessor interns,  
 19 firearms instructors and examinations for  
 20 firearms instructors; providing for payment of  
 21 certain license fees within a specified time  
 22 frame; amending s. 493.309, F.S., to clarify  
 23 medical certification for a Class "G" Statewide  
 24 Gun Permit applicant and to provide for the  
 25 tolling of time when fingerprint cards are  
 26 being processed through the Florida Department  
 27 of Law Enforcement or the FBI; amending s.  
 28 493.31, F.S., including certain classes of  
 29 licenses under insurance requirements;  
 30 specifying notification to the department upon  
 31 cancellation; providing for a combined single

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1	limit policy; amending s. 493.311, F.S.,	
2	changing specified licenses to biennial	1.20
3	renewal, specifying posting of license and	
4	notification of termination and employment;	1.21
5	amending s. 493.312, F.S., abbreviating the	
6	procedures for change of location notification;	1.22
7	amending s. 493.313, F.S., clarifying	
8	requirements for notification of renewal and	1.23
9	adding certain requirements for renewal of	
10	certain licenses; amending s. 493.314, F.S.,	
11	abbreviating the procedures for cancellation of	1.24
12	license and providing for an inactive license;	
13	amending s. 493.315, F.S., clarifying	1.25
14	eligibility for a statewide gun permit;	
15	amending s. 493.317, F.S., changing the time	1.26
16	frame within which a repossession must be	
17	reported; amending s. 493.318, F.S., clarifying	1.27
18	property to be maintained and providing for	
19	disposal under certain conditions; amending s.	1.28
20	493.319, F.S., clarifying grounds for	
21	disciplinary action; amending s. 493.32, F.S.,	
22	providing for an investigator/client privilege;	1.29
23	amending s. 493.321, F.S., limiting eligibility	
24	to reapply for license for persons who violate	1.30
25	provisions of this part; amending s. 493.322,	
26	F.S., providing for records; providing	1.31
27	authority for the department to enjoin	
28	unlicensed persons from operating as	1.32
29	appropriate under this part and providing for a	
30	record retention period; amending s. 493.323,	1.33
31	F.S., relating to access to criminal justice	

1	information; creating s. 493.327, F.S.,	1.34
2	providing confidentiality of information	
3	relating to residence address and telephone	1.35
4	number of licensee with certain limitations;	
5	creating s. 493.328, F.S., authorizing a	
6	periodic newsletter to the industry; amending	1.36
7	s. 493.561, F.S., providing definitions;	1.37
8	amending s. 493.562, F.S., providing	
9	departmental authority to issue a special	
10	certification to certain examiners excluded	1.38
11	from license requirements; amending s. 493.564,	
12	F.S., providing an advisory council; amending	1.39
13	s. 493.565, F.S., specifying certain	
14	application requirements; amending s. 493.566,	1.40
15	F.S., providing additional qualifications for	
16	license requirements; amending s. 493.567,	1.41
17	F.S., amending the requirements for	
18	reciprocity; amending s. 493.568, F.S.,	1.42
19	clarifying requirements for licensee's	
20	insurance; amending s. 493.569, F.S.,	
21	clarifying the requirements for a polygraph	1.43
22	intern license and providing authority to	
23	establish criteria for examiners to sponsor	1.44
24	interns; amending s. 493.57, F.S., providing	
25	clarification of license periods and	1.45
26	establishing a fee for an examination; amending	
27	s. 493.571, F.S., providing requirements for	1.46
28	licensure of schools and notification of change	
29	of licensees associated to the school; amending	1.47
30	s. 493.573, F.S., providing additional	
31	requirements for posting of license, change of	1.48

1	location of licensee and retention of records;	
2	amending s. 493.574, F.S., providing criteria	
3	for renewal of detection of deception school	1.49
4	licenses; amending s. 493.576, F.S., providing	
5	enforcement authority to the department and	1.50
6	limiting eligibility to reapply for persons who	
7	violate provisions of this part; creating s.	1.51
8	493.578, F.S., authorizing a periodic	
9	newsletter to the industry; amending s.	1.52
10	493.579, F.S., removing prior saving clauses	
11	and providing for cancellation or inactivation	1.53
12	of license; creating s. 493.58, F.S., providing	
13	for license periods; repealing s. 493.326,	1.54
14	F.S., relating to service of process; providing	1.55
15	for review and repeal; providing an effective	1.56
16	date.	
17		
18	Be It Enacted by the Legislature of the State of Florida:	1:enc
19		
20	Section 1. Subsections (1), (2), (3), (4), (5), (7)	1.57
21	and (12) of section 493.30, Florida Statutes, are amended and	
22	subsections (13) and (14) are added to said section to read:	1.58
23	493.30 Definitions, part I.--As used in this act:	1.59
24	(1) "Private investigative agency" means and includes	1.60
25	any person, firm, company, partnership, or corporation <u>which,</u>	1.61
26	<u>for consideration, advertises as providing or is</u> engaged in	1.62
27	the business of furnishing <del>for-hire</del> private investigations.	1.64
28	(2) "Watchman, guard, or patrol agency" means and	1.64
29	includes any person, firm, company, partnership, or	1.66
30	corporation <u>which, for consideration, advertises as providing</u>	
31	<u>or is</u> engaged in the business of furnishing <del>for-hire</del> watchman,	1.68

1	guard, <u>patrol</u> <u>patrolman</u> , or armored car services or transports	1.70
2	<u>prisoners. This includes any person, firm, company,</u>	1:1us
3	<u>partnership, or corporation which utilizes dogs to perform</u>	1.72
4	<u>security services unless otherwise excluded.</u>	
5	(3) "Private investigator" means and includes anyone	1.73
6	<u>who, for consideration, advertises as providing or performs</u>	1.74
7	<u>the services of private investigation. This does not include</u>	1.76
8	<u>an informant who, on a one-time or limited basis, as a result</u>	
9	<u>of a unique area of expertise, abilities, or vocation and</u>	1.77
10	<u>under the direction and control of a Class "C" licensee or a</u>	1:qq
11	<u>Class "MA" licensee, provides information or services that</u>	
12	<u>would otherwise be included in the definition of private</u>	1.79
13	<u>investigation, <del>or who directly supervises others in the</del></u>	1.81
14	<u>performance of such services:</u>	
15	(4) "Private investigation" means and includes	1.82
16	investigation by a person or persons for the purpose of	1.83
17	obtaining information with reference to any of the following	1.84
18	matters:	
19	(a) Crime or wrongs done or threatened against the	2.1
20	United States or any state or territory of the United States,	
21	when operating under express written authority of the	2.4
22	governmental official responsible for authorizing such	2.5
23	investigations.	
24	(b) The identity, habits, conduct, movements,	2.6
25	whereabouts, affiliations, associations, transactions,	2.7
26	reputation, or character of any person, group of persons,	2.8
27	association, organization, society, other group of persons or	
28	partnership, or corporation.	2.9
29	(c) The credibility of witnesses or other persons.	2.11
30	(d) The whereabouts of <u>missing persons, including</u>	2.12
31	<u>heirs to estates, abandoned property or escheated property.</u>	2.13



1	(e) The location or recovery of lost or stolen	2.15
2	property.	
3	(f) The causes and origin of, or responsibility for,	2.16
4	fires, libels, slanders, losses, accidents, damage, or	2.17
5	injuries to real or personal property.	2.18
6	(g) The business of securing evidence to be used	2.18
7	before investigating committees or boards of award or	2.19
8	arbitration or in the trial of civil or criminal cases and the	2.20
9	preparation therefor.	
10	<del>(h)--The conducting of studies or surveys to determine</del>	2.22
11	<del>methods and means of providing security for the person</del>	2.23
12	<del>requesting the studies or surveys.</del>	
13	<del>(i)--Service of court process for consideration by</del>	2.25
14	<del>persons other than employees of federal, state, county, or</del>	2.26
15	<del>municipal police agencies.</del>	
16	(5) "Watchman," "guard," or "patrolman" means and	1:qq
17	includes persons <u>who, for consideration, directly supervise</u>	2.30
18	<u>others who, or who themselves,</u> separately or collectively,	2.32
19	<u>advertise as providing or perform the services of guarding</u>	2.33
20	guard persons or property or <u>attempting</u> attempt to prevent	1:lus
21	theft or unlawful taking of goods, wares, and merchandise or	2.35
22	<u>attempting</u> attempt to prevent the misappropriation or	1:lus
23	concealment of goods, wares or merchandise, money, bonds,	2.38
24	stocks, choses in action, notes, or other documents, papers,	2.39
25	and articles of value or <u>procurement of</u> to procure the return	2.40
26	thereof or who perform the services of such watchman, guard,	2.41
27	or patrolman or other person for any of these purposes. The	2.43
28	term "guard" <u>shall include</u> <del>includes</del> armored car personnel <u>and</u>	1:lus
29	<u>those personnel engaged in the transportation of prisoners.</u>	
30	(7) " <u>Investigative or repossession</u> intern" means one	2.44
31	who studies investigative or repossession work <u>as</u> on a trainee	1:lus

1	<u>or apprentice. A Class "CC" licensee shall serve an</u>	2.48
2	<u>internship under the direction and control of a designated</u>	2.49
3	<u>sponsor who is a Class "C" or a Class "MA" licensee. A Class</u>	2.50
4	<u>"PE" licensee shall serve an internship under the direction</u>	
5	<u>and control of a designated sponsor who is a Class "E"</u>	2.51
6	<u>licensee, status-under-the-personal-supervision-and-control</u>	2.53
7	<u>of-a-Class-"C"-or-"B"-licensee</u>	1:qq
8	(12) "Manager" means and includes any agency or branch	2.55
9	manager actively directing the activities of Class "C" and	2.58
10	Class "D" employees. <u>The manager shall be assigned to and</u>	1:lus
11	<u>shall be primarily operating from the agency or branch office</u>	2.60
12	<u>location for which he has been designated as manager.</u>	
13	(13) "Advertising" means and includes to make known by	1:lus
14	<u>any public notice, directly or indirectly, that a particular</u>	2.62
15	<u>service or services are available for consideration.</u>	2.63
16	(14) "Branch office" means and includes each	1:lus
17	<u>additional location of a Class "A" or Class "B" or Class "A"</u>	1:qq
18	<u>and Class "B" agency where business is actively conducted</u>	2.66
19	<u>which advertises as performing or is engaged in the business</u>	2.67
20	<u>authorized by the Class "A" or Class "B" license.</u>	2.68
21	Section 2. Paragraphs (a), (c), (d), and (g) of	2.69
22	subsection (1) of section 493.301, Florida Statutes, are	2.71
23	amended to read:	
24	493.301 Inapplicability of part I of this chapter.--	2.72
25	(1) This part shall not apply to:	2.74
26	(a) <u>Any investigator, officer, watchman, guard, or</u>	2.74
27	<u>patrolman and any investigative, watchman, guard, or patrol</u>	2.76
28	<u>agency performing contractual services solely and exclusively</u>	
29	<u>for the Kennedy Space Center, or any detective or officer</u>	2.77
30	employed by an agency of the United States or this state, or a	2.78
31	county or municipality of this state, while such officer is	

1	engaged in the performance of his official duties or	2.79
2	performing activities approved by his superiors.	2.80
3	(c) Any insurance investigator or adjuster licensed by	2.81
4	<u>a state or federal licensing authority when such person is</u>	2.82
5	<u>providing services or expert advice within the scope of his</u>	
6	<u>license</u> by-the-state.	2.83
7	(d) Any person <u>solely, exclusively, and regularly</u>	2.84
8	employed as an unarmed special agent;--detective;--repossessor;	3.2
9	or private investigator exclusively in connection with the	3.3
10	business of his employer.	
11	(g) Any attorney or counselor at law in the regular	3.4
12	practice of his profession, but this exemption shall not serve	3.5
13	to exempt from the requirements of licensure any employee or	3.7
14	representative of an attorney, or counselor at <u>law, or law</u>	
15	<u>firm</u> who is not employed solely, exclusively, and regularly by	3.9
16	such attorney or counselor at law.	
17	Section 3. Section 493.303, Florida Statutes, is	3.10
18	amended to read:	
19	493.303 Advisory council.--The department shall	3.11
20	designate an advisory council to be composed of nine members.	3.12
21	The advisory council shall, insofar as possible, be	3.13
22	geographically distributed and representative of the various	3.14
23	segments of the profession. The council shall organize, elect	3.15
24	a chairman, and thereafter meet upon the call of the chairman	
25	through the department. The council shall counsel and advise	3.17
26	with the department and make recommendations relative to the	
27	operation and regulation of the industry. <u>The chairman of the</u>	1:1us
28	<u>advisory council or his designee shall serve as an ex-officio</u>	
29	<u>member of the advisory council established in part II of this</u>	3.20
30	<u>chapter.</u> Such advisory council members as are appointed by	3.21
31	the department shall serve without pay; however, state per	3.22

1	diem and travel allowances may be claimed for attendance at	
2	officially called meetings of the council as provided by s.	3.23
3	112.061.	
4	Section 4. Subsections (4), (7), (8), (9), and (10) of	3.24
5	section 493.304, Florida Statutes, are amended and subsection	3.25
6	(12) is added to said section, to read:	
7	493.304 Classes of licenses.--	3.27
8	(4) Any person who studies-or performs private	3.27
9	investigative work as an intern under the <u>direction and</u>	3.29
10	<u>control</u> supervision of a <u>designated sponsoring</u> Class "C"	1:1us
11	<u>licensee or a designated, sponsoring Class "MA" licensee shall</u>	3.31
12	<u>must have a Class "CC" license.</u>	3.32
13	(7) Any person who studies-or performs repossession as	3.33
14	an intern under the <u>direction and control</u> supervision of a	
15	<u>designated, sponsoring</u> Class "E" licensee <u>shall</u> must have a	1:1os
16	Class "EE" license.	3.36
17	(8) Only Class " <u>C", "CC", "M", "MA", "MB", and "D"</u>	1:1qq
18	licensees are permitted to <u>bear</u> carry-or-use a firearm, and	3.39
19	any such licensee who <u>bears</u> carries-or-uses a firearm must	
20	<u>also</u> have a Class "G" license.	3.41
21	(9) A Class "A" or Class "B" license is valid for only	3.42
22	one location. Each additional or branch office of a Class "A"	3.43
23	<u>or-Class-"B" licensee must have a Class "AA" "GBB" license.</u>	1:1us
24	<u>Each additional or branch office of a Class "B" licensee shall</u>	1:1us
25	<u>have a Class "BB" license. Where a person, firm, company,</u>	3.48
26	<u>partnership, or corporation holds both a Class "A" and Class</u>	
27	<u>"B" license, each additional or branch office shall have a</u>	1:1qq
28	<u>Class "AB" license.</u>	3.50
29	(10) Any person who performs the services of a manager	3.51
30	for a:	3.52
31		

1	1. Class "A" private investigative agency; <u>or Class</u>	3.53
2	<u>"AA" additional or branch office must have a Class "MA"</u>	3.55
3	<u>license.</u>	
4	2. Class "B" watchman, guard, or patrol agency, or	3.58
5	Class <del>"BB"</del> <u>"BBB"</u> additional or branch office must have a Class	3.60
6	<u>"MB" "M" license.</u>	1:lus
7	3. <u>Class "A" and "B" agency or a Class "AB" agency</u>	1:lus
8	<u>must have a Class "M" license.</u>	1:qq
9	<u>(12) Class "C" licensees must own or work for a Class</u>	1:lus
10	<u>"A" private investigative agency or a Class "AA" or "AB"</u>	3.66
11	<u>additional or branch office. Class "D" licensees must own or</u>	3.67
12	<u>work for a Class "B" watchman, guard or patrol agency or a</u>	3.68
13	<u>Class "BB" or "AB" additional or branch office. This does not</u>	3.69
14	<u>include those persons who are exempt under s. 493.301, but who</u>	
15	<u>possess a Class "D" or Class "C" license solely for the</u>	1:qq
16	<u>purpose of holding a Class "G" license.</u>	3.71
17	Section 5. Subsections (1), (2), (3), and (5) of	3.72
18	section 493.305, Florida Statutes, are amended and subsection	3.73
19	(6) is added to said section to read:	
20	493.305 Application for license.--	3.74
21	(1) Each person, partner, or, in the case of a	3.75
22	corporation, corporate officer must qualify separately for a	3.76
23	license under this part and shall file with the department a	3.77
24	written application accompanied by an application fee <u>to</u>	
25	<u>defray the costs in an amount not to exceed \$40 of--\$25, except</u>	3.78
26	that an applicant for a Class "G" or Class "D" license shall	3.80
27	not be required to pay the application fee. The fee shall not	3.81
28	be rebatable. <u>Persons who invest in the ownership of a Class</u>	1:lus
29	<u>"A" or Class "B" agency but do not participate in, direct, or</u>	3.83
30	<u>control the operations of the agency shall not be required to</u>	
31		

1	<u>file an application.</u> The written application shall be in	4.1
2	accordance with the following provisions:	4.2
3	(a) If the applicant is an individual, the application	4.3
4	shall be signed <del>and-verified</del> by the individual <u>under oath and</u>	4.4
5	<u>shall be notarized.</u>	
6	(b) If the applicant is a firm or partnership, a	4.6
7	separate application shall be signed <u>under oath and-verified</u>	4.7
8	by each individual composing or intending to compose, in the	4.8
9	immediate future, such firm or partnership <u>and shall be</u>	4.9
10	<u>notarized.</u>	
11	(c) If the applicant is a corporation, a separate	4.10
12	application shall be signed <u>under oath and-verified</u> by each	4.11
13	officer, not including assistant secretaries or assistant	4.13
14	treasurers, thereof <u>and shall be notarized.</u>	
15	(d) The application shall contain the following	4.14
16	information concerning the individual signing the same:	4.15
17	1. His full name and the title of the position held	4.15
18	with the applicant;	4.16
19	2. His age, <del>and date and place of birth</del> <u>and his social</u>	1:1us
20	<u>security number or alien registration number, whichever is</u>	
21	<u>applicable;</u>	4.18
22	3. His present residence address and his residence	4.19
23	addresses within the 5 years immediately preceding the	4.21
24	submission of the application;	
25	4. His occupations held presently and within the 5	4.22
26	years immediately preceding the submission of the application;	4.24
27	5. A statement that he is 18 years of age or older;	4.26
28	6. The address of the principal place in which the	4.27
29	business is to be conducted;	4.28
30	7. The address of all branch offices within the state;	4.30
31		

1	8. The <u>names</u> name under which the <u>person, firm,</u>	4.31
2	<u>company, partnership, or corporation intends to conduct</u>	4.32
3	<u>business</u> business-is-to-be-conducted;	4.33
4	9. The names and addresses of all partners or officers	4.33
5	and directors, as the case may be;	4.34
6	10. A full set of fingerprints and a photograph of the	4.35
7	signatory taken within the 2 years immediately preceding the	
8	submission of the application;	4.36
9	11. A statement of the experience of the signatory	4.37
10	which he believes would qualify him, his firm, or his	
11	corporation for a license under this chapter;	4.38
12	12. A statement of any or all convictions, which	4.38
13	should include any withholding of adjudication of guilt, of	4.39
14	the signatory; and	
15	<u>13. A personal inquiry waiver which allows the</u>	1:1us
16	<u>department to conduct such investigations to satisfy the</u>	4.41
17	<u>requirements of this part; and</u>	
18	<u>14.13:</u> Such further facts as may be required by the	4.44
19	department to show that the person signing the application is	4.46
20	of good moral character and qualified by experience and	
21	training to satisfy the requirements of this part.	4.47
22	(2) <u>Upon submission of a complete application,</u> an	4.48
23	applicant for a Class "D" license may be employed by an agency	4.50
24	as an unarmed watchman, unarmed guard, or unarmed patrolman	
25	before such application is approved. "Unarmed" means that no	1:1qq
26	firearm shall be carried or used during official duty,	
27	regardless of whether the applicant has any other authority to	4.53
28	carry a firearm. If the department denies a Class "D"	4.54
29	license, the employment of such person shall be terminated	4.55
30	immediately. Each person, firm, company, partnership, or	4.57
31	corporation shall, upon the employment or termination of	4.58

1	employment of a watchman, guard, or patrolman, report such	
2	employment or termination immediately to the department <u>and,</u>	4.59
3	<u>in case of termination, the reason or reasons therefor.</u>	
4	(3) An applicant or licensee <u>shall be</u> <del>is</del> ineligible to	4.60
5	reapply for the same class of license for a period of 1 year	4.62
6	following final agency action <u>on</u> <del>with-respect-to</del> the denial or	4.63
7	revocation of a license applied for or issued under this part.	4.65
8	<u>This time restriction shall not apply to administrative</u>	1:lus
9	<u>denials wherein the basis for denial was:</u>	4.67
10	(a) <u>An inadvertent error or omission on the</u>	1:lus
11	<u>application;</u>	
12	(b) <u>The experience documented by the department was</u>	1:lus
13	<u>insufficient at the time of application;</u>	4.70
14	(c) <u>The department was unable to complete the criminal</u>	1:lus
15	<u>background investigation due to insufficient information from</u>	4.72
16	<u>the Florida Department of Law Enforcement or the Federal</u>	
17	<u>Bureau of Investigation or any other applicable law</u>	4.73
18	<u>enforcement agency; or</u>	
19	(d) <u>Failure to submit required fees.</u>	1:lus
20	(5) Any letter of approval <u>or license</u> for a firearms	4.76
21	instructor issued by the department <u>will expire</u> which-was	
22	valid on October 1, <del>1987</del> 1984; <del>will remain valid until the</del>	4.78
23	<del>letter-of-approval-would-be-required-to-be-renewed.</del> At that	4.79
24	time, the firearms instructor <u>shall</u> may be required to <u>comply</u>	1:lus
25	<u>with the requirements</u> complete-an-application for <u>licensure</u>	1:lus
26	<u>established by this act a license; and he will be issued a</u>	4.83
27	<del>license, except that no fee for such license may be assessed.</del>	
28	(6) <u>Upon submission of a complete application, an</u>	1:lus
29	<u>applicant for a Class "C," Class "CC," Class "E" or Class "EE"</u>	1:qq
30	<u>license may be employed as an intern before such application</u>	5.2
31	<u>is approved. If the department denies a Class "C," Class</u>	5.3



1 "CC," Class "E," or Class "EE" license, the employment of such | 1:qq  
 2 person shall be terminated immediately.

3 Section 6. Paragraph (c) is added to subsection (1) of | 5.5  
 4 section 493.306, Florida Statutes, paragraph (b) of subsection | 5.6  
 5 (2), subsection (3), paragraph (a) of subsection (6), and  
 6 paragraph (c) of subsection (7) of said section are amended | 5.7  
 7 and paragraph (d) is added to subsection (7) of said section | 5.8  
 8 to read:

9 493.306 License requirements.-- | 5.9

10 (1) Each individual licensed by the department must: | 5.11  
 11 (c) Have a physical address in this state. | 1:lus  
 12 (2) | 5.12  
 13 (b) The department may deny an application for | 5.12  
 14 licensure citing refuse-to-license-an-applicant-for lack of | 5.13  
 15 good moral character only if: | 5.14  
 16 ~~1--There-is-a-substantial-connection-between-the-lack~~ | 1:los  
 17 ~~of-good-moral-character-of-the-applicant-and-the-business-for~~ | 5.16  
 18 ~~which-the-license-is-sought:~~

19 2- the finding by the department of lack of good moral | 5.18  
 20 character is supported by clear and convincing evidence. | 5.19

21 (3) Each agency must have a minimum of one physical | 5.19  
 22 location within this state from which the normal business of | 5.20  
 23 the agency is conducted and this location will be considered | 5.21  
 24 the primary office for said agency in this state. Agencies | 5.22  
 25 that hold valid licenses on October 1, 1986, and do not have a  
 26 physical location within this state shall not be required to | 5.23  
 27 fulfill this requirement until October 1, 1987. Each agency | 5.24  
 28 or branch office must designate a minimum of one person to act | 5.25  
 29 as manager, actively directing the activities of the Class | 5.27  
 30 "C7" or Class "D7" and ~~Class "E"~~ employees. In addition to | 5.29  
 31 the above foregoing requirements, an applicant for a Class | 5.30

1	"M", "MA" or "MB" license <u>shall</u> must have at least 2 years'	5.32
2	experience, or equivalent training, performing the type of	5.35
3	service permitted under the agency license applied for. <u>A</u>	1:lus
4	<u>Class "C" licensee may be designated as the manager, in which</u>	
5	<u>case the Class "MA" license is not required.</u>	1:qq
6	(6) In addition to any other requirements, an	5.38
7	applicant for a Class "G" license must:	5.39
8	(a) Satisfy minimum training criteria for firearms	5.41
9	established by rule of the department, which training criteria	
10	may include, but are not limited to, <u>16</u> 8 hours of range and	5.44
11	classroom training taught and administered by a firearms	
12	instructor who has been licensed by the department, <u>if the</u>	5.46
13	<u>applicant can show proof of current firearms proficiency under</u>	
14	<u>the Criminal Justice Standards and Training Commission, the</u>	5.47
15	<u>department may waive the firearms training requirement</u>	
16	<u>referenced above;</u> and	5.48
17	(7) A firearms instructor shall be issued a license	5.49
18	upon meeting the following qualifications:	5.50
19	(c) Possessing <del>a-current-instructor's-certificate-from</del>	5.51
20	one of the following:	5.52
21	1. The Criminal Justice Standards and Training	5.52
22	Commission <u>Firearms Instructor's Certificate.</u>	5.53
23	2. The National Rifle Association <u>Police Firearms</u>	5.55
24	<u>Instructor's Certificate.</u>	
25	<del>3.--A-branch-of-the-military-service-of-the-United</del>	1:los
26	<del>States.</del>	5.57
27	<u>3.4. A Firearms Instructor's Certificate from a</u>	5.59
28	federal, state, county, or municipal police academy <u>in this</u>	1:lus
29	<u>state</u> recognized as such by the Criminal Justice Standards and	
30	Training Commission or by the Department of Education.	5.62
31		

1	<u>(d) Completing a training session on firearms</u>	1:1us
2	<u>instruction and paying the fee for and successfully passing an</u>	5.64
3	<u>examination, both of which will be administered by the</u>	
4	<u>department.</u>	5.65
5	Section 7. Section 493.308, Florida Statutes, is	5.66
6	amended to read:	
7	493.308 Fees.--	5.67
8	(1) The department, by rule, shall establish	5.67
9	<u>examination and</u> biennial fees, which shall not exceed the	5.69
10	following:	
11	(a) Class "A" license--private investigative agency:	5.71
12	\$300.	
13	(b) Class "B" license--watchman, guard, or patrolman	5.72
14	agency: \$300.	5.73
15	(c) Class "C" license--private investigator: \$50. A	1:1os
16	<del>natural-person-who-has-a-Class-"A"-license-does-not-have-to</del>	
17	<del>pay-the-Class-"A"-license-fee</del>	5.78
18	(d) Class "D" license--watchman, guard, or patrolman:	5.79
19	\$30. A <del>natural-person-who-has-a-Class-"B"-license-does-not</del>	1:1os
20	<del>have-to-pay-the-Class-"D"-license-fee</del>	5.82
21	(e) Class "E" license--repossessor: \$50.	1:qq
22	(f) Class <u>"AA," "BB," "GG" or "AB"</u> license--branch	1:qq
23	office: \$75.	6.2
24	(g) Class "G" license--statewide gun permit: \$75.	6.6
25	Issuance of this permit shall not authorize the possession of	6.14
26	a concealed weapon.	6.16
27	<u>(h) Class "CC" license--private investigator intern:</u>	1:1us
28	<u>\$40.</u>	
29	<u>(i) Class "EE" license--repossessor intern: \$40.</u>	1:1us
30	<u>(j) Class "K" license--firearms instructor: \$75.</u>	1:1us
31	<u>(k) Examination for firearms instructor: \$50.</u>	1:1us

1	(2) The department, by rule, may establish a fee for	6.26
2	the replacement of a <del>license Class "D" or Class "G" laminated</del>	6.32
3	card, which fee shall not exceed \$15.	6.33
4	(3) The fees set forth in this section shall be paid	6.34
5	by certified check or money order or, at the discretion of the	6.37
6	department, by company check at the time the license is	
7	issued, except that the applicant for a Class "D," or Class	6.40
8	<del>"G," Class "C," Class "CC," Class "E," or Class "EE" license</del>	1:9q
9	shall pay the license fee at the time the application is made.	6.44
10	If a license is revoked <u>or denied</u> , the license fee shall not	6.45
11	be returned to the licensee.	6.46
12	Section 8. Section 493.309, Florida Statutes, is	6.47
13	amended to read:	
14	493.309 Investigation of applicants by Department of	6.48
15	State.--	
16	(1) Except as <u>otherwise</u> provided <del>in subsection (3)</del> ,	6.49
17	prior to the issuance of a license under this part, the	6.50
18	department shall make an individual investigation of the	6.51
19	applicant for a license. The investigation shall include:	6.52
20	(a) A thorough background investigation of the	6.53
21	individual's good moral character.	
22	(b) An examination of fingerprint records and police	6.55
23	records.	
24	(c) Such other investigation of the individual as the	6.56
25	department may deem necessary.	
26	(2) In the case of a Class "G" license applicant, the	6.57
27	department shall make an investigation of the general mental	6.58
28	and physical fitness of the applicant to <u>bear</u> carry a weapon	1:1us
29	or firearm in addition to the investigation required by	6.60
30	subsection (1). <u>Determination of physical fitness shall be</u>	1:1us
31	<u>certified by a physician currently licensed pursuant to</u>	6.62

1 chapter 458 or chapter 459 or authorized to act as a licensed 6.62  
 2 physician by a federal agency or department. Such 6.64  
 3 certification shall be submitted on a form provided by the  
 4 department.

5 (3) In the case of a Class "D" license applicant, the 6.66  
 6 department shall make an examination of fingerprint records 6.67  
 7 and police records and such additional investigation as it  
 8 shall deem necessary. 6.68

9 (4) When a criminal history analysis of any applicant 1:lus  
 10 under this chapter is performed by means of fingerprint card 6.70  
 11 identification, the time limitations prescribed by s. 6.71  
 12 120.60(2) shall be tolled during the time the applicant's  
 13 fingerprint card is under review by the Florida Department of 6.72  
 14 Law Enforcement and the United States Department of Justice,  
 15 Federal Bureau of Investigation. 6.73

16 Section 9. Section 493.31, Florida Statutes, is 6.74  
 17 amended to read:

18 493.31 Licensee's insurance.--No Class "A," Class "B," 1:qq  
 19 or Class "E" agency license shall be issued unless the  
 20 applicant first files with the department a certificate of 6.78  
 21 insurance evidencing coverage as delineated below 6.79  
 22 ~~comprehensive-general-liability-coverage-for-death;-bodily~~ 6.81  
 23 ~~injury;-and-personal-injury.~~ The certificate shall provide 6.82  
 24 the department state as an additional insured for purposes of 6.83  
 25 all notices of modification or cancellation of such insurance, 6.84  
 26 including cancellation of the policy by the insured. The 1:lus  
 27 insurance company shall notify the department of all claims or  
 28 losses paid by the insurance company. Coverage shall provide 7.4  
 29 for a combined single limit policy in the amount of \$300,000  
 30 which policy shall cover comprehensive general liability 7.5  
 31 coverage for death, bodily injury, property damage, personal 7.6

1 ~~injury, also include~~ false arrest, detention or imprisonment, 7.7  
 2 malicious prosecution, libel, slander, defamation of 7.8  
 3 character, and violation of the right of privacy ~~in the amount~~  
 4 ~~of \$100,000 per person and \$300,000 per occurrence and~~ 7.11  
 5 ~~property damage in the amount of \$100,000 per occurrence.~~ 7.13  
 6 The agency license shall be automatically suspended upon the date  
 7 of cancellation unless evidence of insurance is provided prior 7.15  
 8 to the effective date of cancellation. Coverage shall insure 7.16  
 9 for the liability of all agency employees licensed by the  
 10 department. The licensee agency shall notify the department 7.18  
 11 of any claim against such insurance arising from any claim of 7.20  
 12 false arrest, detention or imprisonment, malicious  
 13 prosecution, libel, slander, defamation of character, or 7.21  
 14 violation of the right of privacy. The licensee shall notify  
 15 the department immediately upon cancellation of the insurance  
 16 policy, whether such cancellation was initiated by the 7.23  
 17 insurance company or the insured. 7.24  
 18 Section 10. Subsections (1), (2), and (4) of section 7.25  
 19 493.311, Florida Statutes, are amended and subsection (6) is 7.26  
 20 added to said section to read:  
 21 493.311 License; contents; posting; identification 7.28  
 22 card.-- 7.29  
 23 (1) All licenses issued pursuant to this part shall be 7.30  
 24 in a form prescribed by the department. The license shall 7.33  
 25 specify the name under which the applicant is to operate, the 7.34  
 26 address of the principal place of business, the expiration 7.35  
 27 date, the full names and titles of the persons who submitted 7.36  
 28 application forms, the number of the license, and any other  
 29 information the department deems necessary. All licenses 7.38  
 30 ~~except Class "CC" and Class "BB" licenses issued by the~~ 1:qq  
 31 department shall be renewed biennially. The department shall 7.40

1	determine by rule the expiration date of each class of	
2	license. The department may prorate license fees.	7.41
3	(2) The <u>Class "A," Class "B," and Class "E" agency</u>	1:qq
4	license shall at all times be posted in a conspicuous place <u>at</u>	7.43
5	in the <u>licensed physical location in this state where the</u>	1:lus
6	<del>principal-place-of business is conducted of-the-licensee-in</del>	7.45
7	<del>this-state.</del> Each <u>licensee</u> agency shall display, in a place	7.47
8	that is in clear and unobstructed public view, a notice	7.48
9	stating that the business operated at this location is	7.49
10	licensed and regulated by the Department of State and that any	7.50
11	questions or complaints should be directed to the department.	
12	The notice shall be in a form specified by the department, and	7.51
13	the department shall adopt rules to ensure that the notice is	7.52
14	displayed in a place where a client of the agency would be	
15	most likely to see it.	7.53
16	(4) It shall be the duty of every <u>Class "A," Class</u>	7.55
17	<u>"B," and Class "E" agency licensee</u> to furnish all of its	7.57
18	people, partners, corporate officers, and managers, as the	7.58
19	case may be, and all licensed employees, an identification	7.59
20	card. <del>The card shall be in a form and design as may be</del>	7.61
21	<del>approved by the Department of State, but it</del> shall specify at	7.62
22	least the name of the holder of the card and the name and	7.63
23	number of the licensee and shall be signed by a representative	
24	of the licensee and by the holder of the card. The card shall	7.66
25	be in the possession of each person, partner, corporate	7.67
26	officer, manager, or licensed employee while on duty. Upon	7.68
27	suspension or revocation of a license or upon termination of a	
28	business association with the licensee, it shall be the duty	7.71
29	of each person, partner, corporate officer, manager, or	7.72
30	licensed employee to return the card to the <u>Class "A," Class</u>	1:qq
31	<u>"B," and Class "E" agency licensee.</u>	7.75

1	<u>(6) Each person, firm, company, partnership, or</u>	1:1us
2	<u>corporation shall, upon the employment or termination of</u>	7.77
3	<u>employment of a licensed employee, report such employment or</u>	
4	<u>termination immediately to the department and, in the case of</u>	7.78
5	<u>termination, the reasons therefor.</u>	7.79
6	Section 11. Section 493.312, Florida Statutes, is	7.80
7	amended to read:	
8	493.312 Change of location of licensee.--In the event	7.81
9	the licensee desires to change the location of any place of	7.83
10	business indicated in his application on file with the	7.84
11	department, he shall notify the department <u>within 10 days of</u>	8.1
12	<u>the change and submit</u> -- <del>The department shall send to him</del>	8.2
13	<del>suitable forms designed by the department, the purpose of</del>	8.3
14	<del>which shall be to record in the office of the department the</del>	8.4
15	<del>fact that there has been a change, by way of substitution, of</del>	8.5
16	<del>the licensee's place or places of business.--Upon completion</del>	8.7
17	<del>of the form, the licensee shall return it to the department,</del>	
18	together with a fee of \$10 for each changed location. The	8.10
19	department shall thereupon send to the licensee a certificate	8.11
20	of registration of each changed location. The certificate	8.12
21	shall be in a form designed by the department, but it shall at	8.13
22	least specify the name under which the licensee operates, its	8.14
23	license number, and the address of the location to which the	8.15
24	certificate of registration applies. The holder of a Class	8.17
25	"D" or Class "G" license shall not be required to pay the \$10	
26	fee for each change of location.	8.18
27	Section 12. Subsections (3), (4), and (7) of section	8.19
28	493.313, Florida Statutes, are amended and subsection (8) is	8.20
29	added to said section to read:	
30	493.313 Renewal of license.--	8.22
31		



1	(3) A licensee shall renew his license <u>on or before</u>	8.23
2	<del>prior to its expiration by filing with the department;</del>	8.24
3	<del>at least 45 days prior to the expiration,</del> the renewal form	8.26
4	accompanied by:	8.27
5	(a) Payment of the fee prescribed in s. 493.308.	8.28
6	(b) Proof of the comprehensive general liability	8.28
7	insurance coverage required in s. 493.31, when applicable.	8.29
8	(4) A licensee who fails to file a renewal application	8.30
9	<u>on or before at least 45 days prior to its expiration</u> <del>must</del> may	1:1us
10	renew his license by fulfilling the requirements of paragraphs	8.32
11	(3)(a) and (b) and paying a late fee equal to the amount of	8.33
12	the license fee.	
13	(7) Before a Class "G" license is renewed, the	8.34
14	licensee shall be required to complete <u>retraining,</u>	
15	<u>recertification, and fulfill such other health and training</u>	8.35
16	<u>requirements which the department shall adopt by rule. Such</u>	8.36
17	<u>training shall include a minimum of 4 hours of annual range</u>	
18	<u>recertification and shall be not less than 8 hours of range</u>	8.39
19	training taught and administered by a firearms instructor	8.40
20	licensed by the department <del>and to fulfill such other health</del>	8.43
21	<del>and training requirements which the department shall adopt by</del>	8.45
22	<del>rule. Proof of annual range requalification must be submitted</del>	1:1us
23	<u>prior to renewal of the license. If such proof cannot be</u>	8.47
24	<u>provided, the applicant for renewal must complete the 16 hours</u>	
25	<u>of range and classroom training required at the time of</u>	8.48
26	<u>initial licensure.</u>	
27	<u>(8) The department may establish rules to require</u>	8.49
28	<u>periodic classroom training for firearms instructors to</u>	
29	<u>provide updated information relative to curriculum or other</u>	8.50
30	<u>training requirements provided by statute or rule.</u>	8.51
31		

1 Section 13. Section 493.314, Florida Statutes, is 8.52  
 2 amended to read:

3 493.314 Cancellation or inactivation of license.-- 8.54  
 4 (1) In the event the licensee desires to cancel the 8.56  
 5 license, he shall notify the department and return his license 8.57  
 6 to the department;~~and the department shall supply him with~~ 8.58  
 7 ~~proper forms as designed by the department to effectuate the~~ 8.59  
 8 ~~cancellation of the license.~~~~Upon cancellation of the~~ 8.60  
 9 ~~license, the licensee shall, within 10 days of the date of~~ 8.62  
 10 ~~cancellation, return the license so canceled to the~~  
 11 ~~department.~~

12 (2) The department, at the request of the licensee, 1:lus  
 13 may place a license in an inactive status. A license may 8.65  
 14 remain inactive for a period of 3 years, at the end of which  
 15 time, if the license has not been renewed, it must be 8.66  
 16  canceled. If the license expires during the inactive period, 8.67  
 17 the licensee shall be required to pay license fees and show 8.68  
 18 proof of insurance, if applicable, before the license can be  
 19 made active. No late fees shall apply when a license is in an 8.69  
 20 inactive status.

21 Section 14. Subsections (3) and (4) of section 8.70  
 22 493.315, Florida Statutes, are amended and subsection (6) is 8.71  
 23 added to said section to read:

24 493.315 Weapons and firearms; training requirements; 8.72  
 25 permit.--

26 (3) Nothing in this act shall abrogate the provisions 8.73  
 27 of s. 790.25(3)(n). The statewide permit shall remain in 8.74  
 28 effect only during the period the applicant is employed as a  
 29 Class "C," Class "CC," or Class "D" licensee guard. It shall 8.77  
 30 be the responsibility of the employer immediately to notify  
 31 the department of the employee's termination of employment and 8.78

1	<u>the reasons therefor</u> , at which time the department shall	8.79
2	revoke the permit.	
3	(4) The department may issue a temporary 45-day Class	8.80
4	"G" license which may be renewed once. <u>If the department</u>	1:lus
5	<u>denies an application for a Class "G" license, the employment</u>	
6	<u>of such person, as an armed guard shall be terminated</u>	8.84
7	<u>immediately.</u>	
8	<u>(8) Whenever a Class "G" licensee discharges his</u>	9.1
9	<u>firearm in the course of his duties, he and the agency for</u>	
10	<u>which he is employed shall submit to the department an</u>	9.2
11	<u>explanation describing the nature of the incident, the</u>	9.3
12	<u>necessity for using the firearm and with which law enforcement</u>	
13	<u>jurisdiction the report of the incident was filed.</u>	9.4
14	Section 15. Subsection (6) of section 493.317, Florida	9.5
15	Statutes, is amended to read:	
16	493.317 Prohibited acts by Class "E" and Class "EE"	9.6
17	licensees.--In addition to other requirements imposed by this	9.7
18	part or by rule of the department, repossessor licensees and	9.8
19	repossessor interns are prohibited from:	
20	(6) FAILING TO NOTIFY POLICE OR SHERIFF'S	9.9
21	DEPARTMENT.--Failing to notify the police or sheriff's	9.10
22	department of the jurisdiction in which the <u>repossessed</u>	9.11
23	<u>personal property is recovered within 6 24 hours.</u>	1:lus
24	Section 16. Section 493.318, Florida Statutes, is	9.13
25	amended to read:	
26	493.318 Repossessor required to prepare and maintain	9.14
27	inventory.--If personal effects or other property not covered	9.17
28	by a security agreement are contained in or on personal	
29	property at the time it is recovered, a complete and accurate	9.18
30	inventory shall be made of such personal effects or other	
31	personal property. The date and time the inventory is made	9.20

1	shall be indicated, and it shall be signed by the person or	
2	persons who recovered the personal property on behalf of the	9.21
3	secured party. The inventory <u>of the personal property</u> shall	9.22
4	be filed and maintained for a period of 4 years in the	9.23
5	permanent records of the licensee and shall be made available,	9.24
6	upon demand, to representatives of the department during	
7	normal business hours. Falsification or alteration of an	9.27
8	inventory or failure to maintain an inventory for the required	
9	period shall be grounds for suspension or revocation of a	9.25
10	license. <u>Upon written notification to the person who</u>	1:lus
11	<u>controlled the property prior to repossession, the personal</u>	9.30
12	<u>property contained within the repossessed property may be</u>	
13	<u>disposed of 10 days after notification.</u>	9.31
14	Section 17. Section 493.319, Florida Statutes, is	9.32
15	amended to read:	
16	493.319 Grounds for disciplinary action.--	9.33
17	(1) The following constitute grounds for which	9.35
18	disciplinary action specified in subsection (2) may be taken:	
19	(a) Fraud or willful misrepresentation in applying for	9.36
20	or obtaining a license;	9.37
21	(b) Use of any fictitious or assumed name by a	9.37
22	licensee unless he has department approval and qualifies under	9.38
23	s. 865.09;	
24	(c) <u>Conviction</u> Having-been-found-guilty-of-the	9.39
25	commission of a crime which directly relates to the business	9.41
26	for which the license is held, <u>or sought</u> , regardless of	9.42
27	<u>whether</u> adjudication <u>was withheld or whether imposition of</u>	1:lus
28	<u>sentence was suspended;</u>	9.44
29	(d) A false statement by the licensee that any person	9.46
30	is or has been in his employ;	9.47
31		

1	(e) A finding that the licensee or any of his or its	9.47
2	employees is guilty of willful betrayal of a professional	9.48
3	secret;	
4	(f) Proof that the licensee is guilty of fraud or	9.49
5	deceit, or of negligence, incompetency, or misconduct, in the	9.50
6	practice of his business for which the license is held <u>or</u>	
7	<u>sought</u> ;	9.51
8	(g) Conducting business without a license or with a	9.52
9	revoked or suspended license;	
10	(h) Failure of the licensee to maintain in full force	9.53
11	and effect the general liability insurance coverage, if	
12	required, referred to in s. 493.31;	9.54
13	(i) Impersonating, or permitting or aiding and	9.54
14	abetting an employee to impersonate, a law enforcement officer	9.56
15	or an employee of this state, the United States, or any	9.57
16	political subdivision thereof;	
17	(j) Commission of assault, battery, or kidnapping or	9.58
18	use of force or violence on any person except in self-defense	9.59
19	or in the defense of a client;	
20	(k) Knowingly violating, or advising, encouraging, or	9.61
21	assisting the violation of, any court order, <u>caucas warrant,</u>	9.62
22	or injunction in the course of business as a licensee <u>or that</u>	9.63
23	<u>relates to the business for which licensure is sought</u> ;	9.64
24	(l) Acting as a runner or a capper for any attorney;	9.65
25	(m) Falsification or alteration of an inventory of	9.66
26	recovered personal property required by s. 493.318;	
27	(n) Transferring or attempting to transfer a license	9.67
28	issued pursuant to this chapter;	
29	(o) Failure or refusal to cooperate with the	9.69
30	department's investigation of any suspected violation of this	
31	part;	9.70

1	<u>(p) The department shall deny an applicant or revoke a</u>	1:115
2	<u>license when the person or licensee has been convicted of a</u>	9.71
3	<u>felony, regardless of whether adjudication was withheld or</u>	9.72
4	<u>whether imposition of sentence was suspended, unless and until</u>	
5	<u>civil rights have been restored and a period of 10 years has</u>	9.73
6	<u>expired;</u>	
7	<u>(q)</u> <del>(p)</del> Violating any provision of this chapter.	9.74
8	(2) When the department finds any violation of	9.76
9	subsection (1), it may do one or more of the following:	
10	(a) Deny an application for licensure.	9.77
11	(b) Revoke, <u>or suspend, or refuse to renew</u> a license.	9.79
12	(c) Impose an administrative fine not to exceed \$1,000	9.79
13	for every count or separate offense.	9.80
14	(d) Issue a reprimand.	9.80
15	(e) Place the licensee on probation for a period of	9.81
16	time and subject to such conditions as the department may	
17	specify.	
18	(3) Upon revocation or suspension of a license, the	9.82
19	licensee shall forthwith return the license which was	9.83
20	suspended <u>or revoked.</u>	
21	Section 18. Section 493.32, Florida Statutes, is	9.84
22	amended to read:	
23	493.32 Divulging information, false reports	10.1
24	prohibited; penalty.--Except as otherwise provided by law, no	10.3
25	licensee or any employee of a licensee shall divulge or	10.5
26	release to any person, other than to his principal or his	10.6
27	employer, any information acquired as a result of any	
28	investigation, surveillance, or other act performed by the	10.7
29	licensee or employee in the course of his employment.	
30	However, the provisions of this section shall not apply to an	10.8
31	employer who is also the holder of a license issued pursuant	10.9

1	to this <del>chapter</del> part and who has the prior written consent of	10.10
2	the client or principal to divulge or release any information	
3	falling within the terms of this section; <del>further; the</del>	10.11
4	<del>provisions of this section will not apply to the taking of</del>	10.12
5	<del>testimony or the receiving of evidence in any judicial</del>	10.13
6	proceeding. Any person violating this section or any employee	10.15
7	who shall willfully make a false report to his employer	
8	concerning his employment or work is guilty of a misdemeanor	10.16
9	of the second degree, punishable as provided in s. 775.082, s.	10.18
10	775.083, or s. 775.084.	
11	Section 19. Section 493.321, Florida Statutes, is	10.19
12	amended to read:	
13	493.321 Violation; penalty.--Any person who violates	10.20
14	any provision of this part is guilty of a misdemeanor of the	10.23
15	first degree, punishable as provided in s. 775.082, s.	10.24
16	775.083, or s. 775.084, <u>and any person who is convicted of any</u>	
17	<u>violation of this part shall not be eligible for licensure for</u>	10.25
18	<u>a period of 5 years.</u>	
19	Section 20. Subsection (2) of section 493.322, Florida	10.26
20	Statutes, is amended and subsections (3) and (4) are added to	10.27
21	said section to read:	
22	493.322 Enforcement of part I; investigation.--	10.28
23	(2) In any investigation undertaken by the department,	10.29
24	each licensee or applicant or employee thereof shall, upon	
25	request of the department, submit information concerning his	10.30
26	business practices or methods. <u>The department may promulgate</u>	10.31
27	<u>rules to provide that any licensee retain certain records in</u>	
28	<u>this state for a period of 2 years at a place of business for</u>	10.32
29	<u>which the license is held or at any other location within the</u>	10.33
30	<u>state for a licensee whose license has been terminated.</u>	
31	<u>canceled or revoked. Upon request by the department, the</u>	10.35

1	<u>records must be made available to the department within 24</u>	
2	<u>hours of notice unless the department determines that an</u>	10.36
3	<u>extension may be granted.</u> In the exercise of its enforcement	10.38
4	responsibility and in the conduct of any investigation	
5	relating to a suspected violation of this part, the department	10.39
6	shall have the power to subpoena and bring before it any	10.40
7	person in the state, require the production of any papers it	10.41
8	deems necessary, administer oaths, and take depositions of any	10.42
9	persons so subpoenaed. Failure or refusal of any person	10.43
10	properly subpoenaed to be examined or to answer any question	10.44
11	about his qualifications or the business methods or business	10.45
12	practices under investigation shall be grounds for suspension	10.46
13	or revocation of his license, or for refusal to issue such	10.47
14	license, as the case may be. The testimony of witnesses in	10.49
15	any such proceeding shall be under oath before the department	10.50
16	or its agents.	
17	<u>(3) The department shall have the authority to enjoin</u>	11:15
18	<u>any licensed or unlicensed person, firm, company, partnership,</u>	10.52
19	<u>or corporation from operating when such person, firm, company,</u>	
20	<u>partnership, or corporation is advertising as providing or is</u>	10.53
21	<u>engaged in performing services which require licensure under</u>	10.54
22	<u>this part or when a licensee is engaged in activities which do</u>	
23	<u>not comply with or are prohibited by this part.</u>	10.55
24	<u>(4) This part shall not preclude advertising which,</u>	10.56
25	<u>due to an annual deadline for submission, requires an</u>	
26	<u>applicant to contract for such advertising prior to issuance</u>	10.57
27	<u>of the license. However, in no case shall the applicant</u>	10.58
28	<u>solicit business, contract, or in any way perform services</u>	
29	<u>which require licensure prior to the issuance of such license.</u>	10.59
30	Section 21. Section 493.323, Florida Statutes, is	10.60
31	amended to read:	



1	493.323 Access to criminal justice information.--In	10.61
2	order to carry out the duties of the department prescribed in	10.63
3	this <u>chapter</u> part, designated employees of the Division of	10.64
4	Licensing of the Department of State may obtain access to the	10.65
5	information in criminal justice information systems and to	10.66
6	criminal justice information as defined in s. 943.045, on such	
7	terms and conditions as are reasonably calculated to provide	10.67
8	necessary information and protect the confidentiality of the	10.68
9	information.	
10	Section 22. Section 493.327, Florida Statutes, is	10.69
11	created to read:	10.70
12	<u>493.327 Information about licensees:</u>	1:1us
13	<u>confidentiality.--The department shall maintain the</u>	10.71
14	<u>confidentiality of information relating to the residence</u>	
15	<u>telephone number and residence address of any licensee except,</u>	10.72
16	<u>that the department may provide this information to local,</u>	10.73
17	<u>state, or federal law enforcement agencies. When the</u>	10.74
18	<u>residence telephone number or residence address of any</u>	
19	<u>licensee is the business telephone number or business address</u>	10.75
20	<u>this information shall be public record.</u>	
21	Section 23. Section 493.328, Florida Statutes, is	10.76
22	created to read:	
23	<u>493.328 Publication to industry.--The department shall</u>	10.78
24	<u>have the authority to periodically advise its licensees of</u>	
25	<u>information that the department or the advisory council</u>	10.79
26	<u>determines is of interest to the industry through the</u>	10.80
27	<u>publication of a newsletter. Additionally, this newsletter</u>	10.81
28	<u>shall contain the names of any person, firm, partnership, or</u>	
29	<u>corporation against which the department has filed a final</u>	10.82
30	<u>order relative to an administrative complaint and the final</u>	10.83
31		

1	<u>disposition. This newsletter shall be published not less than</u>	10.84
2	<u>2 or more than 4 times annually.</u>	
3	Section 24. Subsections (1), (2), (5), and (6) of	11.1
4	section 493.561, Florida Statutes, are amended and subsection	11.3
5	(7) is added to said section to read:	11.4
6	493.561 Definitions, part II.--The following terms	11.5
7	shall, unless the context otherwise indicates, have the	11.8
8	following meanings:	
9	(1) "Detection of deception examiner" means and	11.10
10	includes any person who uses any device or instrument which	11.11
11	records as minimum standards, permanently and simultaneously,	11.12
12	<u>on continuously moving charts, at least three physiological</u>	
13	<u>tracings; the examinee's cardiovascular (blood pressure and</u>	11.14
14	<u>pulse), and respiratory (breathing) patterns, and galvanic</u>	
15	<u>skin response (GSR) in order to examine individuals for the</u>	11.16
16	purpose of detecting truth or deception. Such an instrument	11.17
17	may record additional physiological changes pertinent to the	11.18
18	detection of truth or deception.	11.19
19	(2) "Intern" means the study of detection of deception	11.20
20	and the administration of detection of deception examinations	
21	by a trainee under the <u>direction personal-supervision</u> and	11.21
22	control of an examiner.	11.22
23	(5) " <u>Detection of deception device or instrument</u>	11.22
24	<u>Polygraph</u> " means an instrument which combines a continuous	11.24
25	permanent recording and a means of measuring and recording at	11.25
26	least <u>three</u> <del>two</del> of the physiological reactions to emotions.	11.27
27	(6) " <u>Detection of deception instructor</u> " means and	11.28
28	<u>includes those permanent instructors of detection of</u>	11.29
29	<u>deception, but does not include quest or visiting instructors</u>	
30	<u>or lecturers. "Employee-examiner"-means-a-qualified-detection</u>	11.32
31		

1	<del>of-deception-examiner-employed-wholly-and-exclusively-by-a</del>	11.33
2	<del>single-employer.</del>	11.34
3	<u>(7) "Detection of Deception School" means and includes</u>	11.35
4	<u>any private, public or federal educational or training</u>	11.36
5	<u>institution; any course of study within any private, public or</u>	
6	<u>federal educational or training institution; or any person</u>	11.37
7	<u>which offers instruction in, or the teaching of, the theory or</u>	11.38
8	<u>practice of detecting deception or verifying the truth of</u>	
9	<u>statements through the use of any detection of deception</u>	11.39
10	<u>techniques or instrumentation. This includes teaching the act</u>	11.40
11	<u>of operating any device or instrument which records as minimum</u>	
12	<u>standards, permanently and simultaneously on continuously</u>	11.41
13	<u>moving charts, at least three physiological tracings -</u>	11.42
14	<u>pneumographic, cardiopneumographic and galvanic skin response</u>	
15	<u>(GSR).</u>	
16	Section 25. Section 493.562, Florida Statutes, is	11.43
17	amended to read:	
18	493.562 Exclusion from applicability.--This part is	11.44
19	not applicable to a detection of deception examiner employed	11.45
20	by a municipal, county, state, or federal agency as long as	11.46
21	his sole use of the instrument described in s. 493.561(1) is	
22	in the performance of his official duties. <u>The department</u>	11.47
23	<u>shall adopt rules and standards which rules and standards</u>	
24	<u>shall set forth the circumstances and conditions by which the</u>	11.49
25	<u>department may issue a special certificate to a detection of</u>	11.50
26	<u>deception examiner employed exclusively by a municipal,</u>	
27	<u>county, state, or federal agency.</u>	11.51
28	Section 26. Section 493.564, Florida Statutes, is	11.51
29	amended to read:	
30	493.564 Advisory council.-- <u>The department shall</u>	11.52
31	<u>designate an advisory council to be composed of five members.</u>	11.53

1 The advisory council shall, insofar as possible, be 11.54  
 2 geographically distributed and representative of the various 11.55  
 3 segments of the profession. The council shall organize, elect 11.56  
 4 a chairman, and thereafter meet upon the call of the chairman  
 5 through the department. The council shall counsel and advise 11.58  
 6 the department and make recommendations relative to the  
 7 operation and regulation of the industry. The chairman of the 11.60  
 8 advisory council or his designee shall serve as an ex officio  
 9 member of the advisory council established in part I of this 11.61  
 10 chapter. The council, at the request of the department, shall 11.62  
 11 provide technical assistance for the purpose of reviewing and 11.63  
 12 analyzing complaints involving the administration of detection  
 13 of deception examinations. The council members, when acting 11.65  
 14 in the capacity of assisting the department shall be held  
 15 harmless from prosecution arising from the rendering of their 11.66  
 16 opinion as to the technical sufficiency of a detection of 11.67  
 17 deception examination. Such advisory council members as are 11.68  
 18 appointed by the department shall serve without pay; however,  
 19 state per diem and travel allowances as provided by s. 112.061 11.69  
 20 may be claimed for attendance at officially called meetings of 11.70  
 21 the council. The advisory council as set forth in s. 493.393 11.70  
 22 ~~shall also be the advisory council for this part; however, an~~ 11.72  
 23 ~~additional member shall be appointed to the council to~~ 11.73  
 24 ~~represent detection of deception examiners;~~ 11.74  
 25 Section 27. Section 493.565, Florida Statutes, is 11.74  
 26 amended to read: 11.75  
 27 493.565 Application for license.-- 11.76  
 28 (1) Every person administering detection of deception 11.77  
 29 examinations must qualify individually for a license under 11.78  
 30 this part and shall file with the department a written 11.79  
 31 application accompanied by a fee to cover costs which fee 11.80

1	<u>shall not exceed \$40 in an amount to be determined by rule.</u>	11.81
2	The fee shall not be rebatable.	11.82
3	(2) The written application shall be in accordance	11.84
4	with the following provisions, and the application shall be	12.1
5	signed and <del>verified</del> by the <u>individual, shall be notarized</u> and	12.3
6	shall contain the following information:	
7	(a) Full name and title of position;	12.3
8	(b) Age, and date and place of birth <u>and social</u>	1:10s
9	<u>security number or alien registration number, whichever is</u>	12.5
10	<u>applicable;</u>	
11	(c) The present residence address and the residence	12.5
12	addresses within the 5 years immediately preceding the	12.6
13	submission of the application;	
14	(d) The occupations held presently and within the 5	12.7
15	years immediately preceding the submission of the application;	12.8
16	(e) A statement that he is 18 years of age or older;	12.9
17	(f) The address of the principal place in which the	12.9
18	business is to be conducted;	12.10
19	(g) A statement of educational qualifications as	12.10
20	provided in s. 493.566;	12.11
21	(h) The name under which the business is to be	12.11
22	conducted;	12.12
23	(i) A statement of formal <u>detection of deception</u>	12.12
24	<u>polygraph</u> training as provided in s. 493.566;	1:10s
25	(j) A full set of fingerprints and a photograph of the	12.14
26	signatory taken within the 2 years immediately preceding the	12.15
27	submission of the application;	12.16
28	(k) A statement of the internship experience of the	12.16
29	signatory as required by s. 493.566(5), signed by the licensed	12.17
30	supervising examiner;	
31		

1	(1) A statement of any or all arrests of the	12.18
2	signatory; and	
3	<u>(m) A personal inquiry waiver which allows the</u>	12.19
4	<u>department to conduct such investigations to satisfy the</u>	
5	<u>requirements of this part; and</u>	12.20
6	<del>(n)(m)</del> Such further facts as may be required by the	12.21
7	department to show that the person signing the application is	12.22
8	of good moral character <u>and qualified by experience and</u>	12.23
9	<u>training to satisfy the requirements of this part.</u>	12.24
10		
11	<u>The department may promulgate rules to establish minimum</u>	1:lus
12	<u>testing standards and material to be covered in a testing</u>	12.25
13	<u>situation in order to allow the department to determine if the</u>	12.26
14	<u>applicant is qualified to hold a license under this part.</u>	
15	Section 28. Subsections (1), (3), and (5) of section	12.27
16	493.566, Florida Statutes, are amended and subsections (6),	12.28
17	(7), and (8) are added to said section to read:	
18	493.566 License requirements.--An applicant is	12.29
19	qualified to receive a license as a detection of deception	12.32
20	examiner if he:	
21	(1) Is at least <u>21</u> <del>18</del> years of age <u>and is a United</u>	1:lus
22	<u>States Citizen;</u>	
23	(3) Has <u>successfully completed the equivalent of at</u>	12.34
24	least 2 years of <del>attendance</del> at a university, college, or	12.36
25	junior college recognized and approved by the department;	12.37
26	however, this requirement may be waived for those persons who	12.38
27	have a high school diploma and 2 years' experience as an	12.39
28	investigator or detective;	
29	(5) Has completed a minimum of 1 year as a licensed	12.40
30	intern examiner under the <u>direction and control</u> supervision of	12.42
31	<u>an a-icensed examiner licensed by</u> in this state.	1:los

1	<u>(6) Has a physical address in this state.</u>	1:1us
2	<u>(7) Has successfully passed an examination</u>	12.45
3	<u>administered by the department for the purposes of determining</u>	
4	<u>the qualifications and fitness of applicants for Class "P"</u>	12.46
5	<u>licenses. It is the intent of the Legislature to allow the</u>	12.47
6	<u>department, and the department shall promulgate rules, to</u>	12.48
7	<u>establish any criteria and standards deemed appropriate to</u>	
8	<u>provide for the orderly accomplishment of this section. The</u>	12.50
9	<u>rules shall include, but not be limited to, the establishment</u>	
10	<u>of criteria to provide for test content, conditions under</u>	12.51
11	<u>which the test will be administered and integrity of the</u>	
12	<u>examination. Any person who holds a valid Class "P" license</u>	12.52
13	<u>on October 1, 1986, shall not be required to satisfy the</u>	12.53
14	<u>examination requirements. However, if subsequently, the</u>	12.54
15	<u>license expires, the applicant shall be required to</u>	
16	<u>successfully pass the examination before the license will be</u>	12.55
17	<u>issued.</u>	
18	<u>(8) Has paid the fees as provided in s. 493.57.</u>	12.56
19	Section 29. Subsections (1), (3), and (4) of section	12.56
20	493.567, Florida Statutes, are amended to read:	12.57
21	493.567 Reciprocity.--A person who is a detection of	12.58
22	deception examiner licensed under the laws of another state or	12.60
23	territory of the United States may be issued a license by the	
24	department, at its discretion, upon payment of the fee as	12.61
25	provided under s. 493.57 and the production of satisfactory	12.62
26	proof that:	
27	(1) The applicant is at least <u>21</u> <del>18</del> years of age;	1:1os
28	(3) The requirements for the licensing of examiners in	12.66
29	the particular state or territory of the United States <u>are</u>	
30	<del>were, at the date of licensing,</del> substantially equivalent to	12.68
31	the requirements then in force in this <u>state. In the event</u>	12.70

1	<u>that the other state or territory does not require an</u>	
2	<u>examination but is otherwise in substantial compliance, the</u>	12.72
3	<u>department may administer the examination to the applicant for</u>	12.73
4	<u>the purpose of allowing the applicant to complete the</u>	
5	<u>application requirements under reciprocity:</u>	12.74
6	(4) The applicant had lawfully engaged in the	12.76
7	administration of detection of deception examinations under	
8	the laws of such state or territory for at least 2 5 years	12.77
9	prior to his application for a license hereunder; and	12.78
10	Section 30. Section 493.568, Florida Statutes, is	12.79
11	amended to read:	
12	493.568 Licensee's insurance.--No detection of	12.80
13	deception examiner license <u>or detection of deception intern</u>	1:1us
14	<u>license</u> shall be issued unless the applicant first files with	12.82
15	the department a certificate of insurance <u>evidencing coverage</u>	
16	as provided for in s. 493.31. <del>The insurance shall cover any</del>	1:1os
17	<del>intern supervised by the examiner.</del>	13.1
18	Section 31. Section 493.569, Florida Statutes, is	13.1
19	amended to read:	
20	493.569 <u>Detection of deception Polygraph</u> intern	13.2
21	license.--An internship license shall be issued for a period	13.3
22	of <u>2 years</u> <del>1-year</del> to an applicant who has met all the	13.6
23	qualifications set forth in ss. 493.565 <u>excluding (2)(b) and</u>	
24	<u>493.566 excluding (5)</u> and who has paid the license fee for the	13.8
25	purpose of permitting the applicant to receive training as a	
26	detection of deception examiner under the <u>direction and</u>	13.10
27	<u>control</u> supervision of a licensed examiner. <u>The department</u>	1:1us
28	<u>may promulgate rules to establish criteria for an examiner to</u>	
29	<u>sponsor an intern.</u>	13.12
30	Section 32. Section 493.57, Florida Statutes, is	13.12
31	amended to read:	



1	493.57 Fees.--The department, by rule, shall establish	13.14
2	<u>examination fees and biennial fees for licenses, which shall</u>	13.17
3	not exceed the following:	
4	(1) Detection of deception examiners: \$150.	13.18
5	(2) Detection of deception intern: <u>\$75</u> \$30.	1:1us
6	<u>(3) Detection of deception school: \$300.</u>	1:1us
7	<u>(4) Examination for detection of deception examiner:</u>	13.22
8	<u>\$50.</u>	
9	Section 33. Section 493.571, Florida Statutes, is	13.23
10	amended to read:	
11	493.571 <u>Detection of deception school license Approval</u>	13.24
12	<del>of-schools.--</del>	13.25
13	(1) Each person <u>or</u> ; partner; or corporate officer who	13.28
14	<del>owns or directs</del> <u>or controls</u> the business of a <u>detection of</u>	1:1us
15	<u>deception polygraph school and each detection of deception</u>	13.30
16	<u>instructor in a detection of deception school shall qualify</u>	
17	<u>separately for the license.</u> Before <del>the department approves</del>	1:1us
18	<u>the issuance of a detection of deception departmental approval</u>	13.33
19	<u>of such school license, each applicant shall</u> ; file with the	13.34
20	department a written application accompanied by an application	13.35
21	fee <u>except that an applicant for an instructor of a detection</u>	
22	<u>of deception school shall not be required to pay the</u>	13.36
23	<u>application fee. Persons who invest in the ownership of the</u>	13.37
24	<u>school but do not participate in, direct or control the</u>	
25	<u>operations of the school shall not be required to file an</u>	13.38
26	<u>application. The application fee shall not exceed \$40 and to</u>	13.39
27	<del>cover costs in an amount to be determined by rule.--The fee</del>	13.42
28	shall not be rebatable. <u>The department may establish, by</u>	1:1us
29	<u>rule, standards for curriculum and facilities, and</u>	
30	<u>qualifications for instructors.</u>	13.44
31		

1	(2) The written application shall be in accordance	13.45
2	with the following provisions, and the application shall be	13.46
3	signed <del>and-verified</del> by the <u>individual, shall be notarized</u> and	13.47
4	shall contain the following information:	13.48
5	(a) Full <u>name, social security number, or alien</u>	13.49
6	<u>registration number</u> and title of position;	13.50
7	(b) The address of the <u>place or places</u> <del>principal</del> -place	13.51
8	in which the business is to be conducted;	13.52
9	(c) The <u>name or names</u> name under which the business is	13.53
10	to be conducted;	
11	(d) A full set of fingerprints and a photograph of the	13.54
12	signatory taken within the 2 years immediately preceding the	13.56
13	submission of the application;	
14	(e) A statement of any or all arrests of the	13.56
15	signatory;	13.57
16	(f) Proof that the person holds a valid detection of	13.57
17	deception examiner's license;	13.58
18	(g) <u>A personal inquiry waiver which allows the</u>	1:ius
19	<u>department to conduct such investigations to satisfy the</u>	13.59
20	<u>requirements of this part;</u>	
21	(h) <del>g</del> Such further facts relating to the facilities,	13.61
22	<u>instructors</u> and curriculum of the proposed school as the	13.62
23	department may require; and	
24	(i) <del>h</del> Such further facts as may be required by the	13.63
25	department to show that the person signing the application is	13.64
26	of good moral character.	
27	(3) <u>After filing the application, unless the</u>	1:ius
28	<u>department denies the application or revokes the license, a</u>	13.66
29	<u>detection of deception school shall notify the department</u>	
30	<u>within 10 days of the withdrawal, removal, replacement or</u>	13.67
31	<u>addition of any or all persons, partners, corporate officers,</u>	13.68

1	<u>or detection of deception instructors of the detection of</u>	
2	<u>deception school and, upon receipt of application forms from</u>	13.69
3	<u>the department, shall cause the forms to be completed by the</u>	
4	<u>new person, partner, instructor, or officer. The forms shall</u>	13.71
5	<u>be filed with the department and an application fee,</u>	
6	<u>established by rule, paid to the department. The detection of</u>	13.73
7	<u>deception school's good standing under this part shall be</u>	
8	<u>contingent upon the department's approval of any new person,</u>	13.74
9	<u>partner, corporate officer, or detection of deception</u>	
10	<u>instructor.</u>	13.75
11	Section 34. Section 493.573, Florida Statutes, is	13.76
12	amended to read:	
13	493.573 License; contents; and <u>posting; change of</u>	13.78
14	<u>location and change of name; retention of records.--</u>	13.79
15	(1) The license issued pursuant to this part shall be	13.79
16	in such form as may be determined by the Department of State,	13.80
17	but shall at least specify the applicant's name, the type and	13.81
18	number of the license, the address of the principal place of	
19	business, and the date on which the license will expire. The	13.83
20	license shall be renewed <u>for the periods established in s.</u>	
21	<u>493.57</u> biennially. The department may prorate license fees.	14.1
22	(2) The license shall at all times be posted in a	14.2
23	conspicuous place in <u>each</u> the-principal place of business in	14.5
24	<u>this state</u> of the licensee in-this-state. Each <u>licensee</u>	14.6
25	agency shall display in a place that is in clear and	
26	unobstructed public view a notice stating that the business	14.8
27	operated at this location is licensed and regulated by the	
28	Department of State and that any questions or complaints	14.9
29	should be directed to the department; the department shall	14.10
30	adopt rules to ensure that the notice is displayed in a place	
31		

1	where a client of the <u>licensee</u> agency would be most likely to	14.12
2	see it.	
3	<u>(3) In the event the licensee desires to change the</u>	1:1us
4	<u>location of any place of business indicated in his application</u>	14.14
5	<u>on file with the department, he shall notify the department</u>	
6	<u>within 10 days and submit a fee of \$10 for each changed</u>	14.15
7	<u>location. The department shall thereupon send to the licensee</u>	14.16
8	<u>a certificate of registration of each changed location. The</u>	14.18
9	<u>certificate shall be in a form designed by the department, but</u>	
10	<u>it shall at least specify the name under which the licensee</u>	14.19
11	<u>operates, its license number, and the address of the location</u>	
12	<u>to which the certificate of registration applies.</u>	14.20
13	<u>(4) A license issued under this part shall not be</u>	1:1us
14	<u>assignable. A licensee desiring to change its licensed name</u>	14.22
15	<u>at any time except upon renewal of the license shall notify</u>	14.23
16	<u>the department and pay a fee not to exceed \$30 for each</u>	
17	<u>authorized change of name: upon returning the license to the</u>	14.25
18	<u>department, the newly authorized name shall then be entered</u>	
19	<u>upon the license and the license shall be returned to the</u>	14.26
20	<u>licensee.</u>	
21	<u>(5) A detection of deception examiner shall maintain</u>	1:1us
22	<u>all opinions, reports, charts, question lists and all other</u>	14.28
23	<u>records relating to detection of deception examinations for a</u>	
24	<u>minimum of 2 years subsequent to administering a detection of</u>	14.29
25	<u>deception examination.</u>	
26	<u>(6) The department shall promulgate rules to establish</u>	1:1us
27	<u>standards for detection of deception examinations that are</u>	14.31
28	<u>performed on the public or clients by the detection of</u>	14.32
29	<u>deception examiner or detection of deception examiner intern.</u>	
30	<u>These rules shall provide for the assurance that generally</u>	14.33
31		

1	<u>accepted detection of deception standards and practices are</u>	14.34
2	<u>used when performing these examinations.</u>	
3	Section 35. Section 493.574, Florida Statutes, is	14.35
4	amended to read:	
5	493.574 Renewal of licenses.--	14.36
6	(1) Licenses granted under this part may be renewed by	14.38
7	the department of State in the same manner and under the same	
8	provisions as provided in s. 493.313.	14.41
9	(2) <u>The detection of deception school shall submit, at</u>	1:lus
10	<u>the time of renewal, the current curriculum, examination and</u>	14.43
11	<u>list of instructors.</u>	
12	Section 36. Section 493.576, Florida Statutes, is	14.44
13	amended to read:	
14	493.576 Violation; penalty.--Any person who violates	14.45
15	any provisions of this part is guilty of a misdemeanor of the	14.46
16	first degree, punishable as provided in s. 775.082, s.	14.47
17	775.083, or s. 775.084, and any person who is convicted of any	
18	<u>violation of this part shall not be eligible for licensure for</u>	14.48
19	<u>a period of 5 years.</u>	
20	(2) <u>The department shall have, for this part, the same</u>	1:lus
21	<u>enforcement authority as described in s. 493.322.</u>	14.50
22	Section 37. Section 493.578, Florida Statutes, is	14.51
23	created to read:	14.52
24	493.578 Publication to industry.--The department shall	1:lus
25	<u>have the authority to periodically advise its licensees of</u>	14.53
26	<u>information that the department and the advisory council</u>	
27	<u>determine is of interest to the industry through the</u>	14.54
28	<u>publication of a newsletter. In addition this newsletter</u>	14.55
29	<u>shall contain the names of any person, firm, partnership, or</u>	
30	<u>corporation against which the department has filed a final</u>	14.56
31	<u>order relative to an administrative complaint, the nature of</u>	14.57

1	<u>the complaint and the final disposition. This newsletter</u>	14.58
2	<u>shall be published not less than 2 or more than 4 times</u>	14.59
3	<u>annually.</u>	14.60
4	Section 38. Section 493.579, Florida Statutes, is	14.61
5	amended to read:	
6	493.579 <u>Cancellation or inactivation of license.--The</u>	14.62
7	<u>department shall have, for this part, the same authority with</u>	14.63
8	<u>respect to cancellation or inactivation of a license under</u>	14.64
9	<u>this part as described in s. 493.314. Saving-clauses.--</u>	1:10s
10	<del>(1)--No-judicial-or-administrative-proceeding-pending</del>	14.67
11	<del>on-July-1, 1980, shall be abated as a result of the repeat and</del>	
12	<del>reenactment of this chapter.</del>	14.68
13	<del>(2)--All-licenses valid on the effective date of</del>	1:10s
14	<del>chapter 89-268, Laws of Florida, shall remain in full force</del>	14.71
15	<del>and effect.--Henceforth, all licenses shall be applied for and</del>	14.72
16	<del>renewed in accordance with this act.</del>	14.73
17	Section 39. Section 493.58, Florida Statutes, is	14.74
18	created to read:	
19	<u>493.58 License periods.--Licenses issued under this</u>	1:10s
20	<u>chapter shall be valid for a period of 2 years.</u>	14.76
21	Section 40. <u>Section 493.326, Florida Statutes, is</u>	14.77
22	<u>hereby repealed.</u>	14.78
23	Section 41. <u>Each section which is added to or amended</u>	14.79
24	<u>in chapter 493, Florida Statutes, by this act is repealed on</u>	14.80
25	<u>October 1, 1990, and shall be reviewed by the Legislature</u>	
26	<u>pursuant to s. 11.61, Florida Statutes.</u>	14.81
27	Section 42. <u>The advisory council created by s.</u>	14.82
28	<u>493.564, Florida Statutes, as amended by this act, is repealed</u>	14.83
29	<u>on October 1, 1990, and shall be reviewed by the Legislature</u>	
30	<u>pursuant to s. 11.611, Florida Statutes.</u>	14.84
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Section 43. This act shall take effect October 1,  
1986.

15.1

By Representative Crotty and Gutman

A bill to be entitled

An act relating to private investigative and patrol services and detection of deception; amending s. 493.30, F.S., providing definitions; amending s. 493.301, F.S., revising exceptions to the act, amending s. 493.303, F.S., relating to an advisory council; amending s. 493.304, F.S., clarifying classes of licenses; amending s. 493.305, F.S., specifying additional application requirements and increasing eligibility to reapply for license as appropriate; amending s. 493.306, F.S., clarifying and adding certain requirements of applicants for licensure, amending s. 493.308, F.S., redefining the classes of branch office licenses and establishing license fees for private investigator interns, reposessor interns, firearms instructors and examinations for firearms instructors; providing for payment of certain license fees within a specified time frame; amending s. 493.309, F.S., to clarify medical certification for a Class "G" Statewide Gun Permit applicant and to provide for the tolling of time when fingerprint cards are being processed through the Florida Department of Law Enforcement or the FBI; amending s. 493.31, F.S., including certain classes of licenses under insurance requirements, specifying notification to the department upon cancellation; providing for a combined single

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1	limit policy; amending s. 493.311, F.S.,	
2	changing specified licenses to biennial	1.20
3	renewal, specifying posting of license and	
4	notification of termination and employment;	1.21
5	amending s. 493.312, F.S., abbreviating the	
6	procedures for change of location notification,	1.22
7	amending s. 493.313, F.S., clarifying	
8	requirements for notification of renewal and	1.23
9	adding certain requirements for renewal of	
10	certain licenses; amending s. 493.314, F.S.,	
11	abbreviating the procedures for cancellation of	1.24
12	license and providing for an inactive license,	
13	amending s. 493.315, F.S., clarifying	1.25
14	eligibility for a statewide gun permit,	
15	amending s. 493.317, F.S., changing the time	1.26
16	frame within which a repossession must be	
17	reported, amending s. 493.318, F.S., clarifying	1.27
18	property to be maintained and providing for	
19	disposal under certain conditions; amending s.	1.28
20	493.319, F.S., clarifying grounds for	
21	disciplinary action; amending s. 493.32, F.S.,	
22	providing for an investigator/client privilege;	1.29
23	amending s. 493.321, F.S., limiting eligibility	
24	to reapply for license for persons who violate	1.30
25	provisions of this part, amending s. 493.322,	
26	F.S., providing for records, providing	1.31
27	authority for the department to enjoin	
28	unlicensed persons from operating as	1.32
29	appropriate under this part and providing for a	
30	record retention period, creating s. 493.327,	1.33
31	F.S., providing confidentiality of information	

1	relating to residence address and telephone	1 34
2	number of licensee with certain limitations;	
3	creating s. 493.328, F.S., authorizing a	
4	periodic newsletter to the industry, amending	1 35
5	s. 493.561, F.S., providing definitions;	1 36
6	amending s. 493.562, F.S., providing	
7	departmental authority to issue a special	
8	certification to certain examiners excluded	1 37
9	from license requirements, amending s. 493.564,	
10	F.S., providing an advisory council, amending	1 38
11	s. 493.565, F.S., specifying certain	
12	application requirements; amending s. 493.566,	1.39
13	F.S., providing additional qualifications for	
14	license requirements, amending s. 493.567,	1 40
15	F.S., amending the requirements for	
16	reciprocity; amending s. 493.568, F.S.,	1 41
17	clarifying requirements for licensee's	
18	insurance; amending s. 493.569, F.S.,	
19	clarifying the requirements for a polygraph	1 42
20	intern license and providing authority to	
21	establish criteria for examiners to sponsor	1.43
22	interns; amending s. 493.57, F.S., providing	
23	clarification of license periods and	1 44
24	establishing a fee for an examination; amending	
25	s. 493.571, F.S., providing requirements for	1.45
26	licensure of schools and notification of change	
27	of licensees associated to the school; amending	1.46
28	s. 493.573, F.S., providing additional	
29	requirements for posting of license, change of	1 47
30	location of licensee and retention of records;	
31	amending s. 493.574, F.S., providing criteria	

1	for renewal of detection of deception school	1.48
2	licenses; amending s. 493.576, F.S., providing	
3	enforcement authority to the department and	1.49
4	limiting eligibility to reapply for persons who	
5	violate provisions of this part; creating s.	1.50
6	493 578, F S , authorizing a periodic	
7	newsletter to the industry; amending s	1.51
8	493 579, F S , removing prior saving clauses	
9	and providing for cancellation or inactivation	1 52
10	of license; repealing s. 493.26, F.S. relating	
11	to service or process, providing for revie. and	1.53
12	repeal; providing an effective date	
13		
14	Be It Enacted by the Legislature of the State of Florida:	1:enc
15		
16	Section 1 Subsections (1), (2), (3), (4), (5), (7)	1 54
17	and (12) of section 493 30, Florida Statutes, are amended and	
18	subsections (13) and (14) are added to said section to read:	1.55
19	493.30 Definitions, part 1.--As used in this act.	1.56
20	(1) "Private investigative agency" means and includes	1.57
21	any person, firm, company, partnership, or corporation <u>which</u>	1.58
22	<u>for consideration, advertises as providing or is</u> engaged in	1.59
23	the business of furnishing <del>for-hire</del> private investigations.	1 61
24	(2) "Watchman, guard, or patrol agency" means and	1 62
25	includes any person, firm, company, partnership, or	1 63
26	corporation <u>which, for consideration, advertises as providing</u>	
27	<u>or is</u> engaged in the business of furnishing <del>for-hire</del> watchman,	1.65
28	guard, <del>patrol</del> <u>patrolmen, or armored car services or transports</u>	1.67
29	<u>prisoners. This includes any person, firm, company,</u>	1:1us
30	<u>partnership, or corporation which utilizes dogs to perform</u>	1.69
31	<u>security services unless otherwise excluded.</u>	

1 (3) "Private investigator" means and includes anyone 1.70  
 2 who, for consideration, advertises as providing or performs 1.71  
 3 the services of private investigation. This does not include 1.73  
 4 an informant who, on a one-time or limited basis, as a result  
 5 of a unique area of expertise, abilities, or vocation and 1.74  
 6 under the direction and control of a Class "C" licensee or a 1:qq  
 7 Class "MA" licensee, provides information or services that  
 8 would otherwise be included in the definition of private 1.76  
 9 investigation, ~~or who directly supervises others in the~~ 1.78  
 10 performance of such services.

11 (4) "Private investigation" means and includes 1.79  
 12 investigation by a person or persons for the purpose of 1.80  
 13 obtaining information with reference to any of the following 1.81  
 14 matters:

15 (a) Crime or wrongs done or threatened against the 1.82  
 16 United States or any state or territory of the United States,  
 17 when operating under express written authority of the 2.1  
 18 governmental official responsible for authorizing such 2.2  
 19 investigations.

20 (b) The identity, habits, conduct, movements 2.3  
 21 whereabouts, affiliations, associations, transactions, 2.4  
 22 reputation, or character of any person, group of persons 2.5  
 23 association, organization, society, other group of persons or  
 24 partnership, or corporation. 2.6

25 (c) The credibility of witnesses or other persons 2.8

26 (d) The whereabouts of missing persons, including 2.9  
 27 heirs to estates, abandoned property or escheated property, 2.10

28 (e) The location or recovery of lost or stolen 2.12  
 29 property

1	(f) The causes and origin of, or responsibility for,	2.13
2	fires, libels, slanders, losses, accidents, damage, or	2.14
3	injuries to real or personal property.	2.15
4	(g) The business of securing evidence to be used	2.15
5	before investigating committees or boards of award or	2.16
6	arbitration or in the trial of civil or criminal cases and the	2.17
7	preparation therefor.	
8	<del>(h) --The conducting of studies or surveys to determine</del>	2.19
9	<del>methods and means of providing security for the person</del>	2.20
10	<del>requesting the studies or surveys-</del>	
11	<del>(i) --Service of court process for consideration by</del>	2.22
12	<del>persons other than employees of federal, state, county, or</del>	2.23
13	<del>municipal police agencies-</del>	
14	(5) "Watchman," "guard," or "patrolman" means and	1:22
15	includes persons who <u>for consideration, directly supervise</u>	2.27
16	<u>others who, or who themselves,</u> separately or collectively,	2.29
17	<u>advertise as providing or perform the services of guarding</u>	2.30
18	<u>guard</u> persons or property or <u>attempting</u> attempt to prevent	1:15
19	theft or unlawful taking of goods, wares, and merchandise or	2.32
20	<u>attempting</u> attempt to prevent the misappropriation or	1:15
21	concealment of goods, wares or merchandise, money, bonds,	2.35
22	stocks, choses in action, notes, or other documents, papers,	2.36
23	and articles of value or <u>procurement of</u> to procure the return	2.37
24	thereof or who perform the services of such watchman, guard,	2.38
25	or patrolman or other person for any of these purposes. The	2.40
26	term "guard" <u>shall include</u> <del>includes</del> armored car personnel and	1:15
27	<u>those personnel engaged in the transportation of prisoners.</u>	
28	(7) " <u>Investigative or repossession</u> intern" means one	2.41
29	who studies investigative or repossession work <u>as</u> on a trainee	1:15
30	<u>or apprentice.</u> A Class "CC" licensee shall serve an	2.45
31	<u>internship under the direction and control of a designated</u>	2.46

1	<u>sponsor who is a Class "C" or a Class "MA" licensee</u>	2.47
2	<u>"EE" licensee shall serve an internship under the direction</u>	
3	<u>and control of a designated sponsor who is a Class "E"</u>	2.48
4	<u>licensee</u>	2.50
5	<del>status-under-the-personal-supervisor-and-control</del>	1:00
6	<del>of-a-Class-"E"-or-"EE"-licensee-</del>	
6	(12) "Manager" means and includes any agency or branch	2.52
7	manager <u>actively</u> directing the activities of Class "C" and	2.55
8	Class "D" employees. <u>The manager shall be assigned to and</u>	1.15
9	<u>shall be primarily operating from the agency or branch office</u>	2.57
10	<u>location for which he has been designated as manager.</u>	
11	(13) "Advertising" means and includes to make known by	1:15
12	<u>any public notice, directly or indirectly, that a particular</u>	2.59
13	<u>service or services are available for consideration.</u>	2.60
14	(14) "Branch office" means and includes each	1.15
15	<u>additional location of a Class "A" and or Class "B" agency</u>	1.00
16	<u>where business is actively conducted which advertises as</u>	
17	<u>performing or is engaged in the business authorized by the</u>	2.63
18	<u>Class "A" or Class "B" license.</u>	2.64
19	Section 2 Paragraphs (b), (c), and (g) of subsection	2.65
20	(1) of section 493 301, Florida Statutes are amended to read	2.66
21	493 301 Inapplicability of Part I of this chapter --	2.67
22	(1) This part shall not apply to.	2.68
23	(c) Any insurance investigator or adjuster licensed by	2.68
24	<u>a state or federal licensing authority when such person is</u>	2.69
25	<u>providing services or expert advice within the state of this</u>	
26	<u>license by-the-state</u>	2.70
27	(d) Any person <u>solely, exclusively, and regularly</u>	2.71
28	<u>employed as an unarmed special agent, detective, reposessor,</u>	2.73
29	<u>or private investigator exclusively in connection with the</u>	2.74
30	<u>business of his employer</u>	
31		

1 (g) Any attorney or counselor at law in the regular 2 75  
 2 practice of his profession, but this exemption shall not serve 2.76  
 3 to exempt from the requirements of licensure any employee or 2 78  
 4 representative of an attorney, or counselor at law, or law  
 5 firm who is not employed solely, exclusively, and regularly by 2 80  
 6 such attorney or counselor at law

7 Section 3. Section 493 303, Florida Statutes, is 2 81  
 8 amended to read:

9 493.303 Advisory council.--The department shall 2 82  
 10 designate an advisory council to be composed of nine members. 2 83  
 11 The advisory council shall, insofar as possible, be 2.84  
 12 geographically distributed and representative of the various 3.1  
 13 segments of the profession. The council shall organize, elect 3 2  
 14 a chairman, and thereafter meet upon the call of the chairman  
 15 through the department. The council shall counsel and advise 3 4  
 16 with the department and make recommendations relative to the  
 17 operation and regulation of the industry The chairman of the 1.1 us  
 18 advisory council or his designee shall serve as an ex-officio  
 19 member of the advisory council established in part II of this 3 7  
 20 chapter Such advisory council members as are appointed by 3 8  
 21 the department shall serve without pay; however, state per 3 9  
 22 diem and travel allowances may be claimed for attendance at  
 23 officially called meetings of the council as provided by s. 3.10  
 24 112.061.

25 Section 4. Subsections (4), (7), (8), (9), and (10) of 3 11  
 26 section 493 304, Florida Statutes, are amended and subsection 3.12  
 27 (12) is added to said section, to read

28 493 304 Classes of licenses -- 3.14  
 29 (4) Any person who ~~studies or~~ performs private 3 14  
 30 investigative work as an intern under the direction and 3.16  
 31 contro. supervision of a designated sponsoring Class "C" 1 1 us

1	licensee <u>or a designated, sponsoring Class "MA" licensee shall</u>	3 18
2	<u>must have a Class "CC" license.</u>	3 19
3	(7) Any person who <del>studies or</del> performs repossession as	3 20
4	an intern under the <u>direction and control supervision</u> of a	
5	<u>designated, sponsoring Class "E" licensee shall must have a</u>	1. 10s
6	Class "EE" license	3 23
7	(8) Only Class "C", " <u>CC</u> ", " <u>M</u> ", " <u>MA</u> ", " <u>MB</u> ", and "D"	1 qq
8	licensees are permitted to <u>bear carry-or-use</u> a firearm, and	3 26
9	any such licensee who <u>bears carries-or-uses</u> a firearm must	
10	<u>also have a Class "G" license</u>	3.28
11	(9) A Class "A" or Class "B" license is valid for only	3 29
12	one location. Each additional or branch office of a Class "A"	3 30
13	<del>or-Class-"B"</del> licensee must have a Class " <u>1A</u> " " <u>6BB</u> " license.	1 lus
14	<u>Each additional or branch office of a Class "B" licensee shall</u>	1 lus
15	<u>have a Class "BB" license. Where a person, firm, company,</u>	3.35
16	<u>partnership, or corporation holds both a Class "A" and Class</u>	
17	<u>"B" license, each additional or branch office shall have a</u>	1 qq
18	<u>Class "AB" license.</u>	3 37
19	(10) Any person who performs the services of a manager	3 38
20	for a:	3 39
21	<u>1. Class "A" private investigative agency, or Class</u>	3 40
22	<u>"AA" additional or branch office must have a Class "MA"</u>	3.42
23	<u>license.</u>	
24	<u>2. Class "B" watchman, guard, or patrol agency, or</u>	3.45
25	Class " <u>9B</u> " " <u>6BB</u> " additional or branch office must have a Class	3 47
26	"M" license.	1:qq
27	<u>3. Class "A" and "B" agency or a Class "AB" agency</u>	1 lus
28	<u>must have a Class "M" license.</u>	1:qq
29	(12) <u>Class "C" licensees must own or work for a Class</u>	1 lus
30	<u>"A" private investigative agency or a Class "AA" or "AB"</u>	3 53
31	<u>additional or branch office. Class "D" licensees must own or</u>	3.54



1 work for a Class "B" watchman, guard or patrol agency or a 2 55  
 2 Class "BB" or "AB" additional or branch office. This does not 3 56  
 3 include those persons who are exempt under s 493.301, but who  
 4 possess a Class "D" or Class "C" license solely for the 1 99  
 5 purpose of holding a Class "G" license. 3 58

6 Section 5. Subsections (1), (2), (3), and (5) of 3 59  
 7 section 493.305, Florida Statutes, are amended and subsection 3 60  
 8 (6) is added to said section to read:

9 493.305 Application for license.-- 3 61

10 (1) Each person, partner, or, in the case of a 3 62  
 11 corporation, corporate officer must qualify separately for a 3 63  
 12 license under this part and shall file with the department a 3 64  
 13 written application accompanied by an application fee to  
 14 defray the costs in an amount to be determined by rule of-625, 3 65  
 15 except that an applicant for a Class "G" or Class "D" license 3 67  
 16 shall not be required to pay the application fee. The fee 3 68  
 17 shall not be rebatable. Persons who invest in the ownership 1:1us  
 18 of a Class "A" or Class "B" agency but do not participate in, 3 70  
 19 direct, or control the operations of the agency shall not be  
 20 required to file an application. The written application 3 72  
 21 shall be in accordance with the following provisions: 3 73

22 (a) If the applicant is an individual, the application 3 74  
 23 shall be signed ~~and-verified~~ by the individual under oath and 3 75  
 24 shall be notarized.

25 (b) If the applicant is a firm or partnership, a 3 77  
 26 separate application shall be signed under oath and-verified 3 78  
 27 by each individual composing or intending to compose, in the 3 79  
 28 immediate future, such firm or partnership and shall be 3 80  
 29 notarized.

30 (c) If the applicant is a corporation, a separate 3 81  
 31 application shall be signed under oath and-verified by each 3 82

1	officer, not including assistant secretaries or assistant	3.84
2	treasurers, thereof <u>and shall be notarized.</u>	
3	(d) The application shall contain the following	4.1
4	information concerning the individual signing the same.	4.2
5	1. His full name and the title of the position held	4.2
6	with the applicant.	4.3
7	2. His age, and date and place of birth <u>and his social</u>	4.4
8	<u>security number or alien registration number, whichever is</u>	
9	<u>applicable,</u>	4.5
10	3. His present residence address and his residence	4.6
11	addresses within the 5 years immediately preceding the	4.8
12	submission of the application;	
13	4. His occupations held presently and within the 5	4.9
14	years immediately preceding the submission of the application;	4.11
15	5. A statement that he is 18 years of age or older,	4.13
16	6. The address of the principal place in which the	4.14
17	business is to be conducted,	4.15
18	7. The address of all branch offices within the state;	4.17
19	8. The <u>names name</u> under which the <u>person, firm,</u>	4.18
20	<u>company, partnership, or corporation intends to conduct</u>	4.19
21	<u>business business-is-to-be-conducted;</u>	4.20
22	9. The names and addresses of all partners or officers	4.20
23	and directors, as the case may be,	4.21
24	10. A full set of fingerprints and a photograph of the	4.22
25	signatory taken within the 2 years immediately preceding the	
26	submission of the application;	4.23
27	11. A statement of the experience of the signatory	4.24
28	which he believes would qualify him, his firm, or his	
29	corporation for a license under this chapter,	4.25
30		
31		

1	12 A statement of any or all convictions, which	4.25
2	should include any withholding of adjudication of guilt, of	4.26
3	the signatory, and	
4	<u>13 A personal inquiry waiver which allows the</u>	1.1us
5	<u>department to conduct such investigations to satisfy the</u>	4.28
6	<u>requirements of this part; and</u>	
7	<u>14 13-</u> Such further facts as may be required by the	4.31
8	department to show that the person signing the application is	4.33
9	of good moral character and qualified by experience and	
10	training to satisfy the requirements of this part.	4.34
11	(2) <u>Upon submission of a complete application,</u> an	4.35
12	applicant for a Class "D" license may be employed by an agency	4.37
13	as an unarmed watchman, unarmed guard, or unarmed patrolman	
14	before such application is approved. "Unarmed" means that no	1.9q
15	firearm shall be carried or used during official duty,	
16	regardless of whether the applicant has any other authority to	4.40
17	carry a firearm. If the department denies a Class "D"	4.41
18	license, the employment of such person shall be terminated	4.42
19	immediately. Each person, firm, company, partnership, or	4.44
20	corporation shall, upon the employment or termination of	4.45
21	employment of a watchman, guard, or patrolman, report such	
22	employment or termination immediately to the department <u>and,</u>	4.46
23	<u>in case of termination, the reason or reasons therefor,</u>	
24	(3) An applicant or licensee <u>shall be</u> is ineligible to	4.47
25	reapply for the same class of license for a period of 1 year	4.49
26	following final agency action <u>on with-respect-to</u> the denial or	4.50
27	revocation of a license applied for or issued under this part.	4.52
28	<u>This time restriction shall not apply to administrative</u>	1.1us
29	<u>denials wherein the basis for denial was;</u>	4.54
30	<u>(a) An inadvertent error or omission on the</u>	1.1u
31	<u>application;</u>	

1 (b) The experience documented by the department was 1 lus  
 2 insufficient at the time of application. 4 57

3 (c) The department was unable to complete the criminal 1 lus  
 4 background investigation due to insufficient information from 4 59  
 5 the Florida Department of Law Enforcement or the Federal  
 6 Bureau of Investigation or any other applicable law 4 60  
 7 enforcement agency; or

8 (d) Failure to submit required fees 1 lus

9 (5) Any letter of approval or license for a firearms 4 63  
 10 instructor issued by the department will expire ~~which was~~  
 11 ~~valid on October 1, 1987~~ ~~1987~~ ~~and will remain valid until the~~ 4 65  
 12 ~~letter of approval would be required to be renewed~~ At that 4 66  
 13 time, the firearms instructor shall ~~may~~ be required to comply  
 14 with the requirements ~~complete an application for licensure~~  
 15 established by this act ~~a license and he will be issued a~~ 4 70  
 16 ~~license, except that no fee for such license may be assessed.~~

17 (6) Upon submission of a complete application, an 1 lus  
 18 applicant for a Class "C," Class "CC," Class "E" or Class "EE" 1 qq  
 19 license may be employed as an intern before such application 4 73  
 20 is approved. If the department denies a Class "C," Class 4 74  
 21 "CC," Class "E," or Class "EE" license, the employment of such 1 qq  
 22 person shall be terminated immediately.

23 Section 6. Paragraph (c) is added to subsection (1) of 4 76  
 24 section 493.306, Florida Statutes, paragraph (b) of subsection 4 77  
 25 (2), subsection (3), paragraph (a) of subsection (5), and  
 26 paragraph (c) of subsection (7) of said section 4 78  
 27 and paragraph (d) is added to subsection (7) of said section 4 79  
 28 to read:

29 493.306 License requirements -- 4 80

30 (1) Each individual licensed by the department must 4 82

31 (c) have a physical address in this state. 1 lus

1 (2) 4.83

2 (b) The department may deny an application for 4 83

3 licensure citing refuse-to-license-an-applicant-for lack of 4.84

4 good moral character only if: 5.1

5 ~~1. There is a substantial connection between the lack~~ 1:105

6 ~~of good moral character of the applicant and the business for~~ 5 3

7 ~~which the license is sought.~~

8 2. the finding by the department of lack of good mora. 5 5

9 character is supported by clear and convincing evidence 5 6

10 (3) Each agency must have a minimum of one physical 5.6

11 location within this state from which the normal business of 5 7

12 the agency is conducted and this location will be considered 5 8

13 the primary office for said agency in this state. Agencies 5 9

14 that hold valid licenses on October 1, 1986, and do not have a

15 physical location within this state shall not be required to 5 10

16 fulfill this requirement until October 1, 1987. Each agency 5 11

17 or branch office must designate a minimum of one person to act 5 12

18 as manager, actively directing the activities of the Class 5 14

19 "C," and/or Class "D," and Class "E" employees. In addition 5 16

20 to the above foregoing requirements, an applicant for a Class 5.17

21 "M," "MA" or "MB" license shall ~~must~~ have at least 2 years' 5 19

22 experience, or equivalent training, performing the type of 5 22

23 service permitted under the agency license applied for. A 1 115

24 Class "C" licensee may be designated as the manager, in which

25 case the Class "M" or "MA" license is not required. 1 99

26 (6) In addition to any other requirements, an 5.25

27 applicant for a Class "G" license must: 5.26

28 (a) Satisfy minimum training criteria for firearms 5 28

29 established by rule of the department, which training criteria

30 may include, but are not limited to, 16 8 hours of range and 5.31

31 classroom training taught and administered by a firearms

1	instructor who has been licensed by the department <u>if the</u>	5 33
2	<u>applicant can show proof of current firearms proficiency under</u>	
3	<u>the Criminal Justice Standards and Training Commission, the</u>	5 34
4	<u>department may waive the firearms training requirement</u>	
5	<u>referenced above, and</u>	5 35
6	(7) A firearms instructor shall be issued a license	5 36
7	upon meeting the following qualifications:	5.37
8	(c) Possessing <del>a current instructor's certificate from</del>	5 38
9	one of the following:	5 39
10	1 The Criminal Justice Standards and Training	5 39
11	Commission <u>Firearms Instructor's Certificate</u>	5.40
12	2. The National Rifle Association <u>Police Firearms</u>	5 42
13	<u>Instructor's Certificate.</u>	
14	<del>3.--A branch of the military service of the United</del>	1 43
15	<del>States--</del>	5 44
16	<u>3.4. A Firearms Instructor's Certificate from a</u>	5 46
17	federal, state, county, or municipal police academy <u>in this</u>	1 45
18	<u>state</u> recognized as such by the Criminal Justice Standards and	
19	Training Commission or by the Department of Education	5 49
20	<u>(d) Completing a training session on firearms</u>	1:145
21	<u>instruction and paying the fee for and successfully passing an</u>	5.51
22	<u>examination, both of which will be administered by the</u>	
23	<u>department.</u>	5 50
24	Section 7, Section 493.008, Florida Statutes, is	5 53
25	amended to read	
26	493.008 Fees.--	5 54
27	(1) The department, by rule, shall establish biennial	5 55
28	fees, which shall not exceed the following.	5 56
29	(a) Class "A" license--private investigative agency	5 58
30	\$300	
31		

1	(b) Class "B" license--watchman, guard, or patrolman	5.99
2	agency: \$300.	5 60
3	(c) Class "C" license--private investigator \$50. A	1:10s
4	<del>natural-person-who-has-a-Class-"A"-license-does-not-have-to</del>	
5	<del>pay-the-Class-"C"-license-fee.</del>	5.65
6	(d) Class "D" license--watchman, guard, or patrolman.	5.66
7	\$30. A-natural-person-who-has-a-Class-"B"-license-does-not	1 los
8	<del>have-to-pay-the-Class-"D"-license-fee.</del>	5.69
9	(e) Class "E" license--repossessor: \$50	1:qq
10	(f) Class " <u>AA</u> ," " <u>BB</u> ," " <u>6BB</u> " or " <u>AB</u> " license--branch	1.qq
11	office: \$75.	5.73
12	(g) Class "G" license--statewide gun permit \$75.	5 77
13	Issuance of this permit shall not authorize the possession of	6.1
14	a concealed weapon.	6 3
15	<u>(h) Class "CC" license--private investigator intern</u>	1:1us
16	<u>\$40.</u>	
17	<u>Class "EE" license--repossessor intern \$4</u>	1.1us
18	<u>Class "K" license--firearms instructor: \$75</u>	1:1us
19		
20	<u>The fee for the Examination for Firearms Instructor shall be</u>	1:1us
21	<u>\$50.</u>	
22	(2) The department, by rule, may establish a fee for	6.13
23	the replacement of a <u>license Class-"D"-or-Class-"G"-laminated</u>	6.19
24	<u>card</u> , which fee shall not exceed \$15	6.20
25	(3) The fees set forth in this section shall be paid	6 21
26	by certified check or money order or, at the discretion of the	6.22
27	department, by company check at the time the license is	
28	issued, except that the applicant for a Class "D <sub>1</sub> " or Class	6.27
29	<u>"G<sub>1</sub>," Class "C," Class "CC," Class "E," or Class "EE" license</u>	1:qq
30	shall pay the license fee at the time the application is made.	6.31
31		

1	If a license is revoked <u>or denied</u> , the license fee shall not	6 32
2	be returned to the licensee.	6.33
3	Section 8. Section 493.309, Florida Statutes, is	6 34
4	amended to read:	
5	493.309 Investigation of applicants by Department of	6.35
6	State.--	
7	(1) Except as <u>otherwise</u> provided <del>in subsection (3)</del> ,	6.36
8	prior to the issuance of a license under this part, the	6.37
9	department shall make an individual investigation of the	6 38
10	applicant for a license. The investigation shall include	6 39
11	(a) A thorough background investigation of the	6 40
12	individual's good moral character.	
13	(b) An examination of fingerprint records and police	6.42
14	records.	
15	(c) Such other investigation of the individual as the	6 43
16	department may deem necessary.	
17	(2) In the case of a Class "G" license applicant, the	6 44
18	department shall make an investigation of the general mental	6.45
19	and physical fitness of the applicant to <u>bear</u> carry a weapon	6.46
20	or firearm in addition to the investigation required by	6 47
21	subsection (1). <u>Determination of physical fitness shall be</u>	6.48
22	<u>certified by a medical doctor currently licensed in this state</u>	6.49
23	<u>or authorized to act as a medical doctor by a federal agency,</u>	
24	<u>or department. Such certification shall be submitted on a</u>	6.50
25	<u>form provided by the department.</u>	
26	(3) In the case of a Class "D" license applicant, the	6 52
27	department shall make an examination of fingerprint records	6.53
28	and police records and such additional investigation as it	
29	shall deem necessary.	6.54
30	<u>(4) When a criminal history analysis of any applicant</u>	6.55
31	<u>under this chapter is performed by means of fingerprint card</u>	6.56



1 identification, the time limitations prescribed by s. 6.57  
2 120.60(2) shall be tolled during the time the applicant's  
3 fingerprint card is under review by the Florida Department of 6.58  
4 Law Enforcement and the United States Department of Justice,  
5 Federal Bureau of Investigation 6.59  
6 Section 9 Section 493.31, Florida Statutes, is 6.60  
7 amended to read.  
8 493.31 Licensee's insurance.--No Class "A," Class "B," 1.00  
9 or Class "E" agency license shall be issued unless the  
10 applicant first files with the department a certificate of 6.64  
11 insurance evidencing coverage as delineated below 6.65  
12 ~~comprehensive-general-liability-coverage-for-death,-bodily~~ 6.67  
13 ~~injury,-and-personal-injury.~~ The certificate shall provide 6.68  
14 the department state as an additional insured for purposes of 6.69  
15 all notices of modification or cancellation of such insurance, 6.70  
16 including cancellation of the policy by the insured. The 6.71  
17 insurance company shall notify the department of all claims or  
18 losses paid by the insurance company. Coverage shall provide 6.74  
19 for a combined single limit policy in the amount of \$300,000  
20 which policy shall cover comprehensive general liability 6.75  
21 coverage for death, bodily injury, property damage, personal 6.76  
22 injury, also include false arrest, detention or imprisonment, 6.77  
23 malicious prosecution, libel, slander, defamation of 6.78  
24 character, and violation of the right of privacy in the amount  
25 of \$100,000 per person and \$300,000 per occurrence and 6.81  
26 property damage in the amount of \$100,000 per occurrence The 6.83  
27 agency license shall be automatically suspended upon the date  
28 of cancellation unless evidence of insurance is provided prior 7.1  
29 to the effective date of cancellation. Coverage shall insure 7.2  
30 for the liability of all agency employees licensed by the  
31 department. The licensee agency shall notify the department 7.4

1 of any claim against such insurance arising from any claim of 7 6  
2 false arrest, detention or imprisonment, malicious 7 7  
3 prosecution, libel, slander, defamation of character, or 7.7  
4 violation of the right of privacy The licensee shall notify 1.1.us  
5 the department immediately upon cancellation of the insurance  
6 policy, whether such cancellation was initiated by the 7 9  
7 insurance company or the insured. 7.10  
8 Section 10 Subsections (1), (2), and (4) of section 7.11  
9 493.311, Florida Statutes, are amended and subsection (6) is 7.12  
10 added to said section to read  
11 493.311 License; contents; posting; identification 7 14  
12 card.-- 7 15  
13 (1) All licenses issued pursuant to this part shall be 7.16  
14 in a form prescribed by the department. The license shall 7 19  
15 specify the name under which the applicant is to operate, the 7.20  
16 address of the principal place of business, the expiration 7 21  
17 date, the full names and titles of the persons who submitted 7.22  
18 application forms, the number of the license, and any other  
19 information the department deems necessary. All licenses, 7.24  
20 ~~except class "EE" and class "BE" licenses, issued by the~~ 1.0qq  
21 ~~department~~ shall be renewed biennially. The department shall 7.26  
22 determine by rule the expiration date of each class of  
23 license. The department may prorate license fees 7 27  
24 (2) The Class "A," Class "B," and Class "C" agency 1.0qq  
25 license shall at all times be posted in a conspicuous place at 7.29  
26 in the licensed physical location in this state where the 1.1.us  
27 principal place of business is conducted of the licensee in 7.31  
28 this state. Each licensee agency shall display, in a place 7 33  
29 that is in clear and unobstructed public view, a notice 7.34  
30 stating that the business operated at this location is 7 35  
31 licensed and regulated by the Department of State and that any 7.36

1 questions or complaints should be directed to the department  
2 The notice shall be in a form specified by the department, and 7 37  
3 the department shall adopt rules to ensure that the notice is 7 38  
4 displayed in a place where a client of the agency would be  
5 most likely to see it. 7 39

6 (4) It shall be the duty of every Class A," Class "B," 7.41  
7 and Class "EE" agency licensee to furnish all of its people, 7 43  
8 partners, corporate officers, and managers, as the case may 7.44  
9 be, and all licensed employees, an identification card. The 11.105  
10 ~~card shall be in a form and design as may be approved by the~~  
11 ~~Department of State, but~~ It shall specify at least the name of 7.48  
12 the holder of the card and the name and number of the licensee 7 49  
13 and shall be signed by a representative of the licensee and by 7.51  
14 the holder of the card. The card shall be in the possession 7.52  
15 of each person, partner, corporate officer, manager, or 7 53  
16 licensed employee while on duty. Upon suspension or 7.54  
17 revocation of a license or upon termination of a business  
18 association with the licensee, it shall be the duty of each 7.57  
19 person, partner, corporate officer, manager, or licensee 7 58  
20 employee to return the card to the Class "A," Class "B," and 1 59  
21 Class "EE" agency licensee 7.61

22 (6) Each person, firm, company, partnership, or 11.105  
23 corporation shall, upon the employment or termination of 7 63  
24 employment of a licensed employee, report such employment or  
25 termination immediately to the department and, in the case of 7 64  
26 termination, the reasons therefor. 7.65

27 Section 11 Section 493.312, Florida Statutes, is 7 66  
28 amended to read:  
29 493.312 Change of location of licensee.--In the event 7 67  
30 the licensee desires to change the location of any place of 7 69  
31 business indicated in his application on file with the 7.70

1 department, he shall notify the department within 10 days of 7 71  
2 the change and submit ~~---The department shall send to him~~ 7 72  
3 suitable forms designed by the department, ~~the purpose of~~ 7.73  
4 which shall be to record in the office of the department the 7 74  
5 fact that there has been a change, by way of substitution, of 7 75  
6 the licensee's place or places of business; ~~---Upon completion~~ 7.77  
7 of the form, the licensee shall return it to the department, 7  
8 together with a fee of \$10 for each changed location. The 7.80  
9 department shall thereupon send to the licensee a certificate 7 81  
10 of registration of each changed location. The certificate 7 82  
11 shall be in a form designed by the department, but it shall at 7 83  
12 least specify the name under which the licensee operates, its 7 84  
13 license number, and the address of the location to which the 8 1  
14 certificate of registration applies. The holder of a Class 8 1  
15 "D" or Class "G" license shall not be required to pay the \$10 8 1  
16 fee for each change of location. 8 4  
17 Section 12. Subsections (3), (4), and (7) of section 8.5  
18 493.313, Florida Statutes, are amended and subsection (8) is 8 6  
19 added to said section to read.  
20 493.313 Renewal of license.-- 5 5  
21 (3) A licensee shall renew his license on or before 8.7  
22 prior to its expiration by filing with the department, ~~at~~ 8 10  
23 least 45 days prior to the expiration, the renewal form 8 12  
24 accompanied by: 8 13  
25 (a) Payment of the fee prescribed in s 493.308 8.14  
26 (b) Proof of the comprehensive general liability 8 14  
27 insurance coverage required in s 493.31, when applicable 9.15  
28 (4) A licensee who fails to file a renewal application 8 16  
29 on or before at least 45 days prior to its expiration must may 1 15  
30 renew his license by fulfilling the requirements of paragraphs 8 18  
31

1 (3)(a) and (b) and paying a late fee equal to the amount of 8 .9  
 2 the license fee.

3 (7) Before a Class "G" license is renewed, the 8.20  
 4 licensee shall be required to complete retraining,  
 5 recertification, and fulfill such other health and training 8 21  
 6 requirements which the department shall adopt by rule. Such 8 22  
 7 training shall include a minimum of 4 hours of annual range  
 8 recertification and shall be not-less-than-2-hours-of-range 8 25  
 9 training taught and administered by a firearms instructor 8 26  
 10 licensed by the department and-to-fulfill-such-other-health 8 29  
 11 and-training-requirements-which-the-department-shall-adopt-by 8 31  
 12 rule Proof of annual range requalification must be submitted 8 11.5  
 13 prior to renewal of the license. If such proof cannot be 8 33  
 14 provided, the applicant for renewal must complete the 16 hours  
 15 of range and classroom training required at the time of 8 34  
 16 initial licensure.

17 (8) The department may establish rules to require 8 35  
 18 periodic classroom training for firearms instructors to  
 19 provide updated information relative to curriculum or other 8.36  
 20 training requirements provided by statute or rule. 8.37

21 Section 13 Section 493.314, Florida Statutes, is 8 38  
 22 amended to read

23 493.314 Cancellation or inactivation of license -- 8 40  
 24 (1) In the event the licensee desires to cancel the 8 42  
 25 license, he shall notify the department and return his license 8 43  
 26 to the department,--and-the-department-shall-supply-him-with 8 44  
 27 proper-forms-as-designed-by-the-department-to-effectuate-the 8 45  
 28 cancellation-of-the-license;--upon-cancellation-of-the 8 46  
 29 license,--the-licensee-shall, within 10 days of the date of  
 30 cancellation,--return-the-license-so-cancelled-to-the 8.48  
 31 department

1	<u>(2) The department, at the request of the licensee,</u>	1:1us
2	<u>may place a license in an inactive status. A license may</u>	8 51
3	<u>remain inactive for a period of 3 years, at the end of which</u>	
4	<u>time, if the license has not been renewed, it must be</u>	8 52
5	<u>cancelled. If the license expires during the inactive period,</u>	8 53
6	<u>the licensee shall be required to pay license fees and show</u>	8 54
7	<u>proof of insurance, if applicable, before the license can be</u>	
8	<u>made active. No late fees shall apply when a license is in an</u>	8 55
9	<u>inactive status.</u>	
10	Section 4. Subsections (3) and (4) of section	8.56
11	493.315, Florida Statutes, are amended and subsection (8) is	8 57
12	added to said section to read:	
13	493.315 Weapons and firearms; training requirements,	8.58
14	permit --	
15	(3) Nothing in this act shall abrogate the provisions	8.59
16	of s. 290.25(3)(n). The statewide permit shall remain in	8 60
17	effect only during the period the applicant is employed as a	
18	<u>Class "C," Class "CC," or Class "D" licensee guard. It shall</u>	8 63
19	<u>be the responsibility of the employer immediately to notify</u>	
20	<u>the department of the employee's termination of employment and</u>	8.64
21	<u>the reasons therefor; at which time the department shall</u>	8.65
22	<u>revoke the permit.</u>	
23	(4) The department may issue a temporary 45-day Class	8 66
24	<u>"G" license, which may be renewed once. If the department</u>	1 us
25	<u>denies an application for a Class "G" license, the employment</u>	
26	<u>of such person, as an armed guard shall be terminated</u>	8.70
27	<u>immediately.</u>	
28	(5) <u>Wherever a Class "G" licensee discharges his</u>	8.71
29	<u>firearm in the course of his duties, he and the Class "B"</u>	1 74
30	<u>agency for which he is employed, shall submit to the</u>	
31	<u>department an explanation describing the nature of the</u>	8.73

1	<u>incident, the necessity for using the firearm and with which</u>	
2	<u>law enforcement jurisdiction the report of the incident was</u>	8.74
3	<u>filed</u>	
4	Section 15 Subsection (6) of section 493.317, Florida	8.75
5	Statutes, is amended to read:	
6	493.317 Prohibited acts by Class "E" and Class "EE"	8.76
7	licensees.--In addition to other requirements imposed by this	8.77
8	part or by rule of the department, reposessor licensees and	8.78
9	reposessor interns are prohibited from:	
10	(6) <u>FAILING TO NOTIFY POLICE OR SHERIFF'S</u>	8.79
11	<u>DEPARTMENT</u> --Failing to notify the police or sheriff's	8.80
12	department of the jurisdiction in which the <u>repossessed</u>	8.81
13	<u>personal</u> property is recovered within <u>6</u> 24 hours.	11.15
14	Section 16 Section 493.318, Florida Statutes, is	8.83
15	amended to read:	
16	493.318 Reposessor required to prepare and maintain	8.84
17	inventory --If personal effects or other property not covered	9.3
18	by a security agreement are contained in or on personal	
19	property at the time it is recovered, a complete and accurate	9.4
20	inventory shall be made of such personal effects or other	
21	personal property. The date and time the inventory is made	9.6
22	shall be indicated, and it shall be signed by the person or	
23	persons who recovered the personal property on behalf of the	9.7
24	secured party The inventory <u>or the personal property</u> shall	9.8
25	be filed and maintained for a period of 4 years in the	9.9
26	permanent records of the licensee and shall be made available,	9.10
27	upon demand, to representatives of the department during	
28	normal business hours Falsification or alteration of an	9.13
29	inventory or failure to maintain an inventory for the required	
30	period shall be grounds for suspension or revocation of a	9.14
31	license. <u>Upon written notification to the person who</u>	11.15

1	<u>controlled the property prior to repossession, the personal</u>	9.16
2	<u>property contained within the repossessed property may be</u>	
3	<u>disposed of 10 days after notification.</u>	9.17
4	Section 17 Section 493.319, Florida Statutes, is	9.18
5	amended to read:	
6	493.319 Grounds for disciplinary action.--	9.19
7	(1) The following constitute grounds for which	9.21
8	disciplinary action specified in subsection (2) may be taken	
9	(a) Fraud or willful misrepresentation in applying for	9.22
10	or obtaining a license;	9.23
11	(b) Use of any fictitious or assumed name by a	9.23
12	licensee unless he has department approval and qualifies under	9.24
13	s. 865.09;	
14	(c) <u>Conviction Having-been-found-guilty-of-the</u>	9.25
15	<u>commission</u> of a crime which directly relates to the business	9.27
16	for which the license is held, <u>or sought</u> , regardless of	9.28
17	<u>whether</u> adjudication <u>was withheld or whether imposition of</u>	1:145
18	<u>sentence was suspended.</u>	9.30
19	(d) A false statement by the licensee that any person	9.32
20	is or has been in his employ;	9.33
21	(e) A finding that the licensee or any of his or its	9.33
22	employees is guilty of willful betrayal of a professional	9.34
23	secret,	
24	(f) Proof that the licensee is guilty of fraud or	9.35
25	deceit, or of negligence, incompetency, or misconduct, in the	9.36
26	practice of his business for which the license is held,	
27	(g) Conducting business without a license or with a	9.37
28	revoked or suspended license;	
29	(h) Failure of the licensee to maintain in full force	9.38
30	and effect the general liability insurance coverage, if	
31	required, referred to in s. 493.31;	9.39



1	(i) Impersonating, or permitting or aiding and	9.39
2	abetting an employee to impersonate, a law enforcement officer	9.41
3	or an employee of this state, the United States, or any	9.42
4	political subdivision thereof;	
5	(j) Commission of assault, battery, or kidnapping or	9.43
6	use of force or violence on any person except in self-defense	9.44
7	or in the defense of a client.	
8	(k) Knowingly violating, or advising, encouraging, or	9.46
9	assisting the violation of, any court order <u>, capias, warrant,</u>	9.47
10	or injunction in the course of business as a licensee <u>or that</u>	9.48
11	<u>relates to the business for which licensure is sought;</u>	9.49
12	(l) Acting as a runner or a capper for any attorney;	9.50
13	(m) Falsification or alteration of an inventory of	9.51
14	recovered personal property required by s. 493.318;	
15	(n) Transferring or attempting to transfer a license	9.52
16	issued pursuant to this chapter;	
17	(o) Failure or refusal to cooperate with the	9.54
18	department's investigation of any suspected violation of this	
19	part.	9.55
20	<u>(p) The department shall deny an applicant or revoke a</u>	1:105
21	<u>license when the person or licensee has been convicted of a</u>	9.56
22	<u>felony, regardless of whether adjudication was withheld or</u>	9.57
23	<u>whether imposition of sentence was suspended, unless and until</u>	
24	<u>civil rights have been restored and a period of .0 years has</u>	9.58
25	<u>expired.</u>	
26	<u>(q)†</u> Violating any provision of this chapter.	9.59
27	(2) When the department finds any violation of	9.61
28	subsection (1), it may do one or more of the following:	
29	(a) Deny an application for licensure.	9.62
30	(b) Revoke, <u>or suspend, or refuse to renew</u> a license.	9.64
31		

1	(c) Impose an administrative fine not to exceed \$1,000	9.64
2	for every count or separate offense.	9.65
3	(d) Issue a reprimand.	9.65
4	(e) Place the licensee on probation for a period of	9.66
5	time and subject to such conditions as the department may	
6	specify	
7	(5) Upon revocation or suspension of a license, the	9.67
8	licensee shall forthwith return the license which was	9.68
9	suspended <u>or revoked</u>	
10	Section 18 Section 493.32, Florida Statutes, is	9.69
11	amended to read:	
12	493.32 Divulging information, false reports	9.70
13	prohibited; penalty --Except as otherwise provided by law, no	9.72
14	licensee or any employee of a licensee shall divulge or	9.74
15	release to any person, other than to his principal or his	9.75
16	employer, any information acquired as a result of any	
17	investigation, surveillance, or other act performed by the	9.76
18	licensee or employee in the course of his employment.	
19	However, the provisions of this section shall not apply to an	9.77
20	employer who is also the holder of a license issued pursuant	9.78
21	to this part and who has the prior written consent of the	9.79
22	client or principal to divulge or release any information	
23	falling within the terms of this section; <del>further, the</del>	9.80
24	<del>provisions of this section will not apply to the taking of</del>	9.81
25	<del>testimony or the receiving of evidence in any judicial</del>	9.82
26	<del>proceeding</del> Any person violating this section or any employee	9.84
27	who shall willfully make a false report to his employer	
28	concerning his employment or work is guilty of a misdemeanor	10.1
29	of the second degree, punishable as provided in s. 775.082, s.	10.3
30	775.083, or s. 775.084	
31		

1 Section 19 Section 493.321, Florida Statutes, is 10 4  
 2 amended to read  
 3 493.321 Violation; penalty.--Any person who violates 10 5  
 4 any provision of this part is guilty of a misdemeanor of the 10 8  
 5 first degree, punishable as provided in s. 775.082 s. 10 9  
 6 775.083, or s. 775.084, and any person who is convicted of any  
 7 violation of this part shall not be eligible for licensure for 10 11  
 8 a period of 5 years.  
 9 Section 20. Subsection (2) of section 493.322, Florida 10 11  
 10 Statutes, is amended and subsections (3) and (4) are added to 10 12  
 11 said section to read:  
 12 493.322 Enforcement of part I; investigation.-- 10 13  
 13 (2) In any investigation undertaken by the department, 10 14  
 14 each licensee or applicant or employee thereof shall, upon  
 15 request of the department, submit information concerning his 10 15  
 16 business practices or methods. The department may promulgate 11 16  
 17 rules to provide that any licensee retain certain records in  
 18 this state for a period of 2 years at a place of business for 10 17  
 19 which the license is held or at any other location within the 10 18  
 20 state for a licensee whose license has been terminated,  
 21  canceled or revoked. Upon request by the department, the 10 20  
 22 records must be made available to the department within 24  
 23 hours of notice unless the department determines that an 10 21  
 24 extension may be granted. In the exercise of its enforcement 10 23  
 25 responsibility and in the conduct of any investigation  
 26 relating to a suspected violation of this part, the department 10 24  
 27 shall have the power to subpoena and bring before it any 10 25  
 28 person in the state, require the production of any papers it 10 26  
 29 deems necessary, administer oaths, and take depositions of any 10 27  
 30 persons so subpoenaed. Failure or refusal of any person 10 28  
 31 properly subpoenaed to be examined or to answer any question 10 29

1	about his qualifications or the business methods or business	10.30
2	practices under investigation shall be grounds for suspension	10.31
3	or revocation of his license, or for refusal to issue such	10.32
4	license, as the case may be. The testimony of witnesses in	10.34
5	any such proceeding shall be under oath before the Department	10.35
6	or its agents.	
7	<u>(3) The department shall have the authority to enjoin</u>	11:15
8	<u>any licensed or unlicensed person, firm, company, partnership,</u>	10.37
9	<u>or corporation from operating when such person, firm, company,</u>	
10	<u>partnership, or corporation is advertising as providing or is</u>	10.38
11	<u>engaged in performing services which require licensure under</u>	10.39
12	<u>this part or when a licensee is engaged in activities which do</u>	
13	<u>not comply with or is prohibited by this part.</u>	10.40
14	<u>(4) This part shall not preclude advertising which,</u>	10.41
15	<u>due to an annual deadline for submission, requires an</u>	
16	<u>applicant to contract for such advertising prior to issuance</u>	10.42
17	<u>of the license. However, in no case shall the applicant</u>	10.43
18	<u>solicit business, contract, or in any way perform services</u>	
19	<u>which require licensure prior to the issuance of such license.</u>	10.44
20	Section 21. Section 493 327, Florida Statutes, is	10.45
21	created to read:	10.46
22	<u>493 327 Information about licensees,</u>	11:15
23	<u>confidentiality.--The department shall maintain the</u>	10.47
24	<u>confidentiality of information relating to the residence</u>	
25	<u>telephone number and residence address of any licensee except,</u>	10.48
26	<u>that the department may provide this information to local,</u>	10.49
27	<u>state, or federal law enforcement agencies when the</u>	10.50
28	<u>residence telephone number or residence address of any</u>	
29	<u>licensee is the business telephone number or business address</u>	10.51
30	<u>this information shall be public record.</u>	
31		

1	Section 22	Section 493.328, Florida Statutes, is	10.52
2		created to read:	
3		<u>493.328 Publication to industry.--The department shall</u>	10.54
4		<u>have the authority to periodically advise its licensees of</u>	
5		<u>information that the department or the advisory council</u>	10.55
6		<u>determines is of interest to the industry through the</u>	10.56
7		<u>publication of a newsletter. Additionally, this newsletter</u>	10.57
8		<u>shall contain the names of any person, firm, partnership, or</u>	
9		<u>corporation against which the department has filed a final</u>	10.58
10		<u>order relative to an administrative complaint and the final</u>	10.59
11		<u>disposition. This newsletter shall be published not less than</u>	10.60
12		<u>2 or more than 4 times annually.</u>	
13	Section 23	Subsections (1), (2), and (6) of section	10.61
14		493.561, Florida Statutes, are amended and subsection (7) is	10.63
15		added to said section to read:	
16		<u>493.561 Definitions, part 11 --The following terms</u>	10.64
17		shall, unless the context otherwise indicates, have the	10.67
18		following meanings:	
19		(1) "Detection of deception examiner" means and	10.69
20		includes any person who uses any device or instrument which	10.70
21		records as minimum standards, permanently and simultaneously,	10.71
22		<u>on continuously moving charts, at least three physiological</u>	
23		<u>tracings: the examinee's cardiovascular (blood pressure and</u>	10.73
24		<u>pulse), and respiratory (breathing) patterns, and galvanic</u>	
25		<u>skin response (GSR) in order to examine individuals for the</u>	10.75
26		purpose of detecting truth or deception. Such an instrument	10.76
27		may record additional physiological changes pertinent to the	10.77
28		detection of truth or deception.	10.78
29		(2) "Intern" means the study of detection of deception	10.79
30		and the administration of detection of deception examinations	
31			

1 by a trainee under the direction ~~personal-supervisor~~ and 10 80  
 2 control of an examiner 10.8.1

3 (6) "Detection of deception instructor" means and 10.8.1  
 4 includes those permanent instructors of detection of 10 82  
 5 deception, but does not include guest or visiting instructors  
 6 or lecturers. ~~"Employee-examiner" means a qualified detection~~ 11 1  
 7 ~~of-deception-examiner-employed-wholly-and-exclusively-by-a~~ 11 2  
 8 ~~single-employer-~~ 11 3

9 (7) "Detection of Deception School" means and includes 1 1us  
 10 any private, public or federal educational or training 11.5  
 11 institution, any course of study within any private, public or  
 12 federal educational or training institution, or any person 11 6  
 13 which offers instruction in, or the teaching of, the theory or 11 7  
 14 practice of detecting deception or verifying the truth of  
 15 statements through the use of any detection of deception 11 8  
 16 techniques or instrumentation. This includes teaching the act 11 9  
 17 of operating any device or instrument which records as minimum  
 18 standards, permanently and simultaneously, or continuously 11 10  
 19 moving charts, at least three physiological readings - 11 11  
 20 pneumographic, cardiophysiological and galvanic skin  
 21 response (GSR).

22 Section 24. Section 493 562, Florida Statutes, is 11 12  
 23 amended to read

24 493.562 Exclusion from applicability -- This part is 11 13  
 25 not applicable to a detection of deception examiner employed 11.14  
 26 by a municipal, county, state, or federal agency as long as 11 15  
 27 his sole use of the instrument described in s. 493 561(1) is  
 28 in the performance of his official duties. The department 1 1us  
 29 shall adopt rules and standards which rules and standards  
 30 shall set forth the circumstances and conditions by which the 11 18  
 31 department may issue a special certificate to a detection of 11 19

1 deception examiner employed exclusively by a municipal,  
 2 county, state, or federal agency.

11.20

3 Section 25. Section 493.564, Florida Statutes, is  
 4 amended to read:

11.20

5 493.564 Advisory council.--The department shall  
 6 designate an advisory council to be composed of five members.  
 7 The advisory council shall, insofar as possible, be  
 8 geographically distributed and representative of the various  
 9 segments of the profession. The council shall organize, elect  
 10 a chairman, and thereafter meet upon the call of the chairman  
 11 through the department. The council shall counsel and advise  
 12 the department and make recommendations relative to the  
 13 operation and regulation of the industry. The chairman of the  
 14 advisory council or his designee shall serve as an ex officio  
 15 member of the advisory council established in part 1 of this  
 16 chapter. The council, at the request of the department, shall  
 17 provide technical assistance for the purpose of reviewing and  
 18 analyzing complaints involving the administration of deception  
 19 of deception examinations. The council members, when acting  
 20 in the capacity of assisting the department shall be held  
 21 harmless from prosecution arising from the rendering of their  
 22 opinion as to the technical sufficiency of a detection of  
 23 deception examination. Such advisory council members as are  
 24 appointed by the department shall serve without pay, however,  
 25 state per diem and travel allowances as provided by s 112.06,  
 26 may be claimed for attendance at officially called meetings of  
 27 the council. ~~The advisory council as set forth in s 493.393~~  
 28 shall also be the advisory council for this part; however, an  
 29 additional member shall be appointed to the council to  
 30 represent detection of deception examiners;

11.21

11.22

11.23

11.24

11.25

11.27

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1	Section 26 Subsection (2) of section 493.565, Florida	11.43
2	Statutes, is amended to read	11.44
3	493.565 Application for license.--	11.45
4	(2) The written application shall be in accordance	11.46
5	with the following provisions, and the application shall be	11.47
6	signed <del>and verified</del> by the <u>individual</u> , shall be <u>notarized</u> and	11.49
-	shall contain the following information.	
8	(a) Full name and title of position,	11.49
9	(b) Age, and date and place of birth <u>and social</u>	11.50
10	<u>security number or alien registration number, whichever is</u>	11.51
11	<u>applicable;</u>	
12	(c) The present residence address and the residence	11.51
13	addresses within the 5 years immediately preceding the	11.52
14	submission of the application,	
15	(d) The occupations held presently and within the 5	11.53
16	years immediately preceding the submission of the application;	11.54
17	(e) A statement that he is 18 years of age or older;	11.55
18	(f) The address of the principal place in which the	11.55
19	business is to be conducted,	11.56
20	(g) A statement of educational qualifications as	11.56
21	provided in s. 493.566,	11.57
22	(h) The name under which the business is to be	11.57
23	conducted,	11.58
24	(i) A statement of formal polygraph training as	11.58
25	provided in s. 493.566,	
26	(j) A full set of fingerprints and a photograph of the	11.59
27	signatory taken within the 2 years immediately preceding the	11.60
28	submission of the application,	11.61
29	(k) A statement of the internship experience of the	11.61
30	signatory as required by s. 493.566(5), signed by the licensed	11.62
31	supervising examiner;	



1 (1) A statement of any or all arrests of the 11 63  
 2 signatory; and

3 (m) A personal inquiry waiver which allows the 11 64  
 4 department to conduct such investigations to satisfy the  
 5 requirements of this part, and 11 65

6 ~~(n)(m)~~ Such further facts as may be required by the 11 66  
 7 department to show that the person signing the application is 11 67  
 8 of good moral character and qualified by experience and 11 68  
 9 training to satisfy the requirements of this part. 11 69

10

11 The department may promulgate rules to establish minimum 11 70  
 12 testing standards and materia. to be covered in a testing 11 71  
 13 situation in order to allow the department to determine if the 11 71  
 14 applicant is qualified to hold a license under this part.

15 Section 27 Subsections (1), (3), and (5) of section 11 72  
 16 493.566, Florida Statutes, are amended and subsections (6), 11 73  
 17 (7), and (8) are added to said section to read:

18 493.566 License requirements --An applicant is 11 74  
 19 qualified to receive a license as a detection of deception 11 75  
 20 examiner if he

21 (1) Is at least 21 18 years of age and is a United 11 76  
 22 States Citizen:

23 (3) Has successfully completed the equivalent of at 11 79  
 24 least 2 years of attendance at a university, college, or 11 81  
 25 junior college recognized and approved by the department; 11 82  
 26 however, this requirement may be waived for those persons who 11 83  
 27 have a high school diploma and 2 years' experience as an 11 84  
 28 investigator or detective;

29 (5) Has completed a minimum of 1 year as a licensed 12 1  
 30 intern examiner under the direction and control supervision of 12 3  
 31 an a-licensed examiner licensed by in this state. 1:105

1           (6) Has a physical address in this state. 1 1.5

2           (7) Has successfully passed an examination 12 6

3 administered by the department for the purposes of determining

4 the qualifications and fitness of applicants for Class "P" 12 7

5 licenses. It is the intent of the Legislature to allow the 12.8

6 department, and the department shall promulgate rules, to 12 9

7 establish any criteria and standards deemed appropriate to

8 provide for the orderly accomplishment of this section. The 12 11

9 rules shall include, but not be limited to, the establishment

10 of criteria to provide for test content, conditions under 12 12

11 which the test will be administered and integrity of the

12 examination. Any person who holds a valid Class "P" license 12.13

13 on October 1, 1986, shall not be required to satisfy the 12 14

14 examination requirements. However, if subsequently, the 12 15

15 license expires, the applicant shall be required to

16 successfully pass the examination before the license will be 12.16

17 issued.

18           (8) Has paid the fees as provided in s. 493.57. 12.17

19           Section 28 Subsections (1), (3), and (4) of section 12 17

20 493.567, Florida Statutes, are amended to read: 12 18

21           493.567 Reciprocity.--A person who is a detection of 12 19

22 deception examiner licensed under the laws of another state or 12 21

23 territory of the United States may be issued a license by the

24 department, at its discretion, upon payment of the fee as 12 22

25 provided under s. 493.57 and the production of satisfactory 12.23

26 proof that:

27           (1) The applicant is at least 21 ~~18~~ years of age; 11.105

28           (3) The requirements for the licensing of examiners in 12.27

29 the particular state or territory of the United States are

30 ~~were; at the date of licensing;~~ substantially equivalent to 12 29

31 the requirements then in force in this state in the event 12.31

1 ~~that the other state or territory does not require an~~ 12.33  
2 ~~examination but is otherwise in substantial compliance, the~~  
3 ~~department may administer the examination to the applicant for~~ 12.34  
4 ~~the purpose of allowing the applicant to complete the~~  
5 ~~application requirements under reciprocity;~~ 12.35  
6 (4) The applicant had lawfully engaged in the 12.37  
7 administration of detection of deception examinations under  
8 the laws of such state or territory for at least 2 5 years 12.38  
9 prior to his application for a license hereunder; and 12.39  
10 Section 29. Section 493.568, Florida Statutes, is 12.40  
11 amended to read:  
12 493.568 Licensee's insurance.--No detection of 12.41  
13 ~~deception examiner license~~ or detection of deception intern  
14 license shall be issued unless the applicant first files with 12.43  
15 the department a certificate of insurance evidencing coverage  
16 as provided for in s. 493.31. ~~The insurance shall cover any~~ 12.45  
17 ~~intern supervised by the examiner.~~ 12.46  
18 Section 30. Section 493.569, Florida Statutes, is 12.46  
19 amended to read:  
20 493.569 Detection of deception Polygraph intern 12.47  
21 license.--An internship license shall be issued for a period 12.48  
22 of 2 years ~~1-year~~ to an applicant who has met all the 12.51  
23 qualifications set forth in ss. 493.565 excluding (2)(b) and  
24 493.566 excluding (5) and who has paid the license fee for the 12.53  
25 purpose of permitting the applicant to receive training as a  
26 detection of deception examiner under the direction and 12.55  
27 control ~~supervision~~ of a licensed examiner. The department  
28 may promulgate rules to establish criteria for an examiner to  
29 sponsor an intern 12.57  
30 Section 31. Section 493.57, Florida Statutes, is 12.57  
31 amended to read:

1	493.57 <u>License periods and fees.</u> --The department, by	12 58
2	rule, shall establish biennial fees for <u>the following</u>	12 59
3	licenses, which shall not exceed the following:	12 62
4	(1) Detection of deception examiners: \$150	12 63
5	(2) Detection of deception intern: <u>\$75 \$90.</u>	12 64
6	<u>(3) Detection of deception school: \$300.</u>	12 65
7	<u>(4) Examination for detection of deception examiner:</u>	12 67
8	<u>\$50</u>	
9	Section 32 Section 493.572, Florida Statutes, is	12 68
10	amended to read.	
11	493.571 <u>Detection of deception school license approval</u>	12 69
12	<u>of-schools.</u> --	12 70
13	(1) Each person <u>or</u> partner; or corporate officer who	12 73
14	<u>owns or directs or controls</u> the business of a <u>detection of</u>	12 74
15	<u>deception polygraph school and each detection of deception</u>	12 75
16	<u>instructor in a detection of deception school shall qualify</u>	
17	<u>separately for the license . Before the department approves</u>	12 76
18	<u>the issuance of a detection of deception departmental approval</u>	12 78
19	<u>of such school license, each applicant shall file with the</u>	12 79
20	department a written application accompanied by an application	12 80
21	fee <u>except that an applicant for an instructor of a detection</u>	
22	<u>of deception school shall not be required to pay the</u>	12 81
23	<u>application fee. Persons who invest in the ownership of the</u>	12 82
24	<u>school but do not participate in, direct or control the</u>	
25	<u>operations of the school shall not be required to file an</u>	12 83
26	<u>application. The application fee shall to cover costs in an</u>	12 84
27	<u>amount to be determined by rule and---The fee shall not be</u>	12 85
28	rebateable <u>The department may establish, by rule, standards</u>	12 86
29	<u>for curriculum and facilities and qualifications for</u>	12 87
30	<u>instructors.</u>	12 88
31		

- 1           (2) The written application shall be in accordance 13 5  
 2 with the following provisions, and the application shall be 13 6  
 3 signed ~~and-verified~~ by the individual, shall be notarized and 13.7  
 4 shall contain the following information: 13 8
- 5           (a) Full name, social security number, or alien 13 9  
 6 registration number and title of position; 13.10  
 7           (b) The address of the place or places principal place 13 11  
 8 in which the business is to be conducted; 13 12  
 9           (c) The name or names name under which the business is 13 13  
 10 to be conducted;  
 11           (d) A full set of fingerprints and a photograph of the 13.14  
 12 signatory taken within the 2 years immediately preceding the 13 16  
 13 submission of the application;  
 14           (e) A statement of any or all arrests of the 13 16  
 15 signatory, 13 17  
 16           (f) Proof that the person holds a valid detection of 13.17  
 17 deception examiner's license, 13 18  
 18           (g) A personal inquiry waiver which allows the 1 1us  
 19 department to conduct such investigations to satisfy the 13 19  
 20 requirements of this part,  
 21           (h) ~~h)~~ Such further facts relating to the facilities, 13.21  
 22 instructors and curriculum of the proposed school as the 13 22  
 23 department may require; and  
 24           (i) ~~h)~~ Such further facts as may be required by the 13.23  
 25 department to show that the person signing the application is 13 24  
 26 of good moral character.  
 27           (j) After filing the application, unless the 1 1us  
 28 department denies the application or revokes the license, a 13 26  
 29 detection of deception school, shall notify the department  
 30 within 10 days of the withdrawal, removal, replacement or 13 27  
 31 addition of any or all persons, partners, corporate officers, 13.28

1 or detection of deception instructors of the detection of  
 2 deception school and, upon receipt of application forms from 13 29  
 3 the department, shall cause the forms to be completed by the  
 4 new person, partner, instructor, or officer. The forms shall 13 31  
 5 be filed with the department and an application fee,  
 6 established by rule, paid to the department. The detection of 13 33  
 7 deception school's good standing under this part shall be  
 8 contingent upon the department's approval of any new person, 13 34  
 9 partner, corporate officer, or detection of deception  
 10 instructor. 13 35

11 Section 33 Section 493 573, Florida Statutes, is 13.36  
 12 amended to read:

13 493 573 License; contents, ~~and posting, change of~~ 13 38  
 14 location and change of name, retention of records -- 13 39

15 (1) The license issued pursuant to this part shall be 13 39  
 16 in such form as may be determined by the Department of State, 13.40  
 17 but shall at least specify the applicant's name, the type and 13 41  
 18 number of the license, the address of the principal place of 13.43  
 19 business, and the date on which the license will expire. The 13.43  
 20 license shall be renewed for the periods established in s.  
 21 493.57 biennially. The department may prorate license fees. 13 45

22 (2) The license shall at all times be posted in a 13.46  
 23 conspicuous place in ~~each the principal place of business in~~ 13 47  
 24 this state of the licensee in this state. Each licensee 13 50  
 25 agency shall display in a place that is in clear and  
 26 unobstructed public view a notice stating that the business 13 52  
 27 operated at this location is licensed and regulated by the  
 28 Department of State and that any questions or complaints 13 53  
 29 should be directed to the department; the department shall 13 54  
 30 adopt rules to ensure that the notice is displayed in a place  
 31

1 where a client of the licensee agency would be most likely to 13.56  
 2 see it.

3 (3) In the event the licensee desires to change the 13.155  
 4 location of any place of business indicated in his application 13.58  
 5 on file with the department, he shall notify the department  
 6 within 10 days and submit a fee of \$10 for each changed 13.59  
 7 location. The department shall thereupon send to the licensee 13.60  
 8 a certificate of registration of each changed location. The 13.62  
 9 certificate shall be in a form designed by the department, but  
 10 it shall at least specify the name under which the licensee 13.63  
 11 operates, its license number, and the address of the location  
 12 to which the certificate of registration applies. 13.64

13 (4) A license issued under this part shall not be 13.156  
 14 assignable. A licensee desiring to change its licensed name 13.66  
 15 at any time except upon renewal of the license shall notify 13.67  
 16 the department and pay a fee not to exceed \$30 for each  
 17 authorized change of name, upon returning the license to the 13.69  
 18 department, the newly authorized name shall then be entered  
 19 upon the license and the license shall be returned to the 13.70  
 20 licensee.

21 (5) A detection of deception examiner shall maintain 13.157  
 22 all opinions, reports, charts, question lists and all other 13.72  
 23 records relating to detection of deception examinations for a  
 24 minimum of 2 years subsequent to administering a detection of 13.73  
 25 deception examination.

26 (6) The department shall promulgate rules to establish 13.158  
 27 standards for detection of deception examinations that are 13.75  
 28 performed on the public or clients by the detection of 13.76  
 29 deception examiner or detection of deception examiner intern.  
 30 These rules shall provide for the assurance that generally 13.77  
 31

1	<u>accepted detection of deception standards and practices are</u>	13.78
2	<u>used when performing these exam.nations.</u>	
3	Section 34 Section 493 574, Florida Statutes, is	13 79
4	amended to read.	
5	493.574 Renewal of licenses --	13.80
6	<u>(1) Licenses granted under this part may be renewed by</u>	13.82
7	<u>the department of-State in the same manner and under the same</u>	
8	<u>provisions as provided in s. 493.313.</u>	14.-
9	<u>(2) The detection of deception school shall submit, at</u>	14.1us
10	<u>the time of renewal, the current curriculum, examination and</u>	14.3
11	<u>list of instructors.</u>	
12	Section 35. Section 493 576, Florida Statutes, is	14.4
13	amended to read:	
14	493.576 Violation; penalty.--Any person who violates	14 5
15	any provisions of this part is guilty of a misdemeanor of the	14 6
16	first degree, punishable as provided in s. 775 082, s.	14 7
17	775 083, or s 775 084, <u>and any person who is convicted of any</u>	
18	<u>violation of this part shall not be eligible for licensure for</u>	14 8
19	<u>a period of 5 years.</u>	
20	<u>(2) The department shall have, for this part, the same</u>	14.1us
21	<u>enforcement authority as described in s 493 322</u>	14.10
22	Section 36. Section 493.578, Florida Statutes, is	14 11
23	created to read:	14 12
24	493.578 Publication to industry --The department shall	14.1us
25	<u>have the authority to periodically advise its licensees of</u>	14.13
26	<u>information that the department and the advisory council</u>	
27	<u>determine is of interest to the industry through the</u>	14.14
28	<u>publication of a newsletter. In addition this newsletter</u>	14 15
29	<u>shall contain the names of any person, firm, partnership, or</u>	
30	<u>corporation against which the department has filed a final</u>	14.16
31	<u>order relative to an administrative complaint, the nature of</u>	14.17



1	<u>the complaint and the final disposition</u> This newsletter	14.18
2	<u>shall be published not less than 2 or more than 4 times</u>	14.19
3	<u>annually.</u>	14.20
4	Section 37. <u>Section 493 579, Florida Statutes, is</u>	14.21
5	amended to read.	
6	493 579 <u>Cancellation or inactivation of license.--The</u>	14.22
7	<u>department shall have, for this part, the same authority with</u>	14.23
8	<u>respect to cancellation or inactivation of a license under</u>	14.24
9	<u>this part as described in s. 493.314</u> <u>Saving clauses.--</u>	14.25
10	<del>(1)--No judicial or administrative proceeding pending</del>	14.27
11	<del>on July 1, 1980, shall be abated as a result of the repeal and</del>	
12	<del>reenactment of this chapter.</del>	14.28
13	<del>(2)--All licenses void on the effective date of</del>	14.29
14	<del>chapter 80-268, Laws of Florida, shall remain in full force</del>	14.31
15	<del>and effect.--Henceforth, all licenses shall be applied for and</del>	14.32
16	<del>renewed in accordance with this act.</del>	14.33
17	Section 38. <u>Section 493 326, Florida Statutes, is</u>	14.34
18	<u>hereby repealed.</u>	14.35
19	Section 39. <u>Each section which is added to or amended</u>	14.36
20	<u>in chapter 493, Florida Statutes, by this act is repealed on</u>	14.37
21	<u>October 1, 1990, and shall be renewed by the Legislature</u>	
22	<u>pursuant to s. 11.61, Florida Statutes.</u>	14.38
23	Section 40. This act shall take effect October 1,	14.39
24	1986.	
25		
26	*****	
27	HOUSE SUMMARY	
28	Revises state law governing investigative and patro-	
29	services and state law governing detection of deception	
30	to make such law uniform. Revises terminology and	
31	license fees and standards See bill for details	