1989

Session Law 89-042

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation
https://ir.law.fsu.edu/staff-analysis/823

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
H 1409 GENERAL BILL/CS by Criminal Justice; Arnold and others
(Similar S 1006)
Insurance Investigators/Arms: authorizes investigators of Insurance Fraud Division to bear arms in performing their duties under specified conditions; provides noneligibility for special risk class retirement. Amends 826.989. Effective Date: 06/02/89.
03/24/89 HOUSE Prefiled
03/28/89 HOUSE Referred to Criminal Justice
04/04/89 HOUSE Introduced, referred to Criminal Justice -HJ 135
04/06/89 HOUSE Subreferred to Subcommittee on Standards and Training
04/11/89 HOUSE On Committee agenda—Criminal Justice, 04/13/89, 8:00 am, 21-HOB—For ratification of referral to subcommittee
04/13/89 HOUSE On subcommittee agenda—Criminal Justice, 04/17/89, 3:45 pm, 317-HOB
04/17/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Criminal Justice. 04/19/89, 8:30 am, 21-HOB
04/19/89 HOUSE Preliminary Committee Action by Criminal Justice: Favorable as a CS
04/24/89 HOUSE Comm. Report: CS by Criminal Justice; placed on Calendar -HJ 257; CS read first time -HJ 256
04/28/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 305
05/02/89 HOUSE Read third time; CS passed; YEAS 114 NAYS 0 -HJ 316; Immediately certified -HJ 316
05/02/89 SENATE In Messages
05/16/89 SENATE Received, referred to Insurance; Personnel, Retirement and Collective Bargaining; Judiciary—Criminal -SJ 363; Withdrawn from Insurance; Personnel, Retirement and Collective Bargaining; Judiciary—Criminal; Substituted for SB 1005; CS passed; YEAS 36 NAYS 0 -SJ 375
06/18/89 Ordered enrolled
05/25/89 Signed by Officers and presented to Governor -HJ 657
06/02/89 Became Law without Governor’s Signature; Chapter No. 89-42 -HJ 1123

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

A. Present Situation:

Section 626.989, F.S., prohibits investigators with the Division of Insurance Fraud from carrying firearms.

Insurance fraud investigators are empowered to make arrests and execute search warrants as a component of their legal authority to apprehend persons suspected of committing insurance fraud.

B. Effect of Proposed Changes:

SB 1005 provides authority for insurance fraud investigators to carry firearms. The bill requires certification by the Criminal Justice Standards Training Commission of insurance fraud investigators desiring to carry firearms. Firearm training is a component of certification. However, the bill provides that insurance fraud investigators without certification may be temporarily employed and carry a firearm if a critical need exists for temporary employment pursuant to s. 943.131, F.S.

The bill exempts insurance fraud investigators from receiving special risk retirement benefits.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The Criminal Justice Standards and Training Commission charges fees to the employing agency for certifying law enforcement officers. Therefore, the Department of Insurance will incur the cost of having insurance fraud investigators certified in order that they may carry firearms. In addition, once certified, continued course instruction for a fee is required to maintain certification.

The Criminal Justice Standards Training Commission is authorized pursuant to s. 943.131(2), F.S., to analyze an applicant's records to determine qualifications needed for certification. The commission is authorized to exempt qualified applicants from completing certification requirements if the applicant's criminal justice experience is equivalent to the requirements set by the commission. The commission is also authorized to require partial completion of the certification process for applicants with previous work and educational experience that are not completely equivalent to current standards.
According to an initial Criminal Justice and Standards Training Commission review, 5 insurance fraud investigators are currently certified, 11 have been previously certified but have been unemployed as a law enforcement officer for over 4 years and consequently must be recertified, and 12 investigators have not been certified. According to the Department of Insurance, only 1 of the 12 investigators that have previously not been certified would need to take the full training course, 520 hours, to obtain certification. The other 11 investigators have sufficient training and experience, such as having been previously employed with the Federal Bureau of Investigation, that a complete review of their record would indicate that they would be exempt from most of the training required for certification.

The Department of Insurance has submitted its fiscal analysis of SB 1005. According to the department, $35,000 will be required during each of the following years: 1989-90, 1990-91, and 1991-92. These figures represent the amounts necessary to provide qualified insurance fraud investigators with Criminal Justice Incentive Payments under s. 943.22, F.S. The investigators would be paid out of the Insurance Commissioner's Regulatory Trust Fund.

III. COMMENTS:

Information from the Department of Insurance indicates that insurance fraud investigators have arrested armed suspects.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. PRESENT SITUATION:

Section 626.989 currently prohibits investigators with the Division of Insurance Fraud from carrying firearms or other weapons in the performance of their duties.

B. EFFECT OF PROPOSED CHANGES:

This bill would change the current law to apply general laws as they pertain to law enforcement officers to insurance fraud investigators. It would allow insurance fraud investigators to carry firearms or other weapons in the performance of their duties. It specifies that they shall not be eligible for membership in the Special Risk Class of the Florida Retirement System. Finally, the bill requires that if the investigator does carry a weapon or firearm, he or she must be certified in compliance with the provisions of s.943.1395 (the minimum qualifications for law enforcement officers) or must meet the temporary employment or appointment exemption requirements of s. 943.131 as these also pertain to law enforcement officers.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 applies the general laws pertaining to law enforcement officers to investigators, allows investigators to carry weapons or firearms in performance of their duties, makes them ineligible for special risk classification and provides minimum training requirements.
Section 2 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   Indeterminate

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

4. Appropriations Consequences:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None

2. Recurring or Annualized Continuation Effects:
   None

3. Long Run Effects Other Than Normal Growth:
   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None

2. Direct Private Sector Benefits:
   None

3. Effects on Competition, Private Enterprise, and Employment Markets:
   None

D. FISCAL COMMENTS:

The Department of Insurance states that their investigators are often imperiled and that it is necessary to carry a weapon or firearm for self-protection and thus to enable them to better perform their duties.
III. LONG RANGE CONSEQUENCES:

This bill could be interpreted as being consistent with the State Comprehensive Plan's goals as articulated in s. 187.201(7)(b) regarding protection of individual property and reducing organized or economic crime.

IV. COMMENTS:

This bill is consistent with the committee's mission statement regarding the review of current laws dealing with the regulation of firearms.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Jeffrey R. Beckham
Staff Director: Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:
Prepared by:
Staff Director:

APPROPRIATIONS:
Prepared by:
Staff Director: