

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1233 Online Training for Private Security Officers

SPONSOR(S): Fine

TIED BILLS: IDEN./SIM. BILLS: SB 1474

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform Subcommittee		Thompson	Anstead
2) Agriculture & Natural Resources Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Services (DACS), Division of Licensing, is responsible for the licensure and regulation of private investigation, private security and recovery services, including Class “D” unarmed Security Officer and Class “G” Statewide Firearm license applicants.

An applicant for a Class “D” unarmed Security Officer license must submit proof of successful completion of a minimum of 40 hours of professional training at a Class “DS” Security Officer School or Training Facility licensed by DACS. A Class “D” Security Officer is not permitted to carry a firearm unless such licensee also obtains a Class “G” Statewide Firearm license.

An applicant for a Class “G” Statewide Firearm license must satisfy minimum training criteria for firearms established by DACS rule, including, but not limited to, **28 hours of range and classroom training** taught and administered by a Class “K” Firearms Instructor licensee; however, **no more than 8 hours of such training may consist of range training.**

The bill:

- Allows 21 of the 28 hour training requirement for a Class “G” Statewide Firearm license to be conducted in-person or online instead of in the classroom, and no more than 8 hours may consist of range training.
- Allows the 40 hour training requirement for Class “D” Security Officer licensure to be conducted in-person or online.
- Requires DACS to verify an applicant’s identity, attendance, and successful completion of the training.
- Provides that an online training course must:
  - Include security questions to ensure the applicant is using the computer or mobile device.
  - Set a minimum amount of time that each applicant must spend on each screen.
  - Include randomized test questions.

The bill also requires an online training course for a Class “D” or “G” license to be attached to and conducted by a licensed school or training facility with a physical location. A firearms instructor teaching an online training course must work for a licensed school or training facility that has a minimum \$1 million insurance policy and is registered, permitted, or licensed by the Department of Business and Professional Regulation (DBPR).

The bill does not appear to have a significant fiscal impact on state or local government.

The bill has an effective date of July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

The Department of Agriculture and Consumer Services (DACS) supports and promotes Florida agriculture, protects the environment, safeguards consumers, and ensures the safety and wholesomeness of food.<sup>1</sup> The Division of Licensing (Division) within DACS administers Florida's concealed weapon licensing program<sup>2</sup> and oversees Florida's private investigative, private security, and recovery services industries.<sup>3</sup> The Division's regulatory oversight of those services includes licensing, enforcing compliance standards, and ensuring public protection from unethical business practices and unlicensed activity.<sup>4</sup>

#### **Private Investigative and Security Services**

Currently, the Division offers 22 different types of private investigative, private security, and recovery services licenses and four different types of concealed weapon or firearm licenses. As of December 31, 2021, the Division had issued a total of 169,758 private investigative, private security, and recovery services licenses and 2,459,530 concealed weapon permits, to qualified applicants. The following chart provides a breakdown of the total number of each license type.<sup>5</sup>

License Type	License Title	Total
C	Private Investigators	6,992
CC	Private Investigator Interns	1,333
A	Private Investigative Agencies	2,627
AA	Private Investigative Agency Branch Offices	21
MA	Private Investigative Agency Managers	81
M	Private Investigative/Security Agency Managers	473
D	Security Officers	124,996
B	Security Agencies	1,836
BB	Security Agency Branch Offices	181
MB	Security Managers	1,395
AB	Security Agency/Private Investigative Agency Branch Offices	19
DS	Security Officer Schools	378
DI	Security Officer Instructors	1,705
G	Statewide Firearm Licenses	26,026
K	Firearms Instructors	617
E	Recovery Agents	743
EE	Recovery Agent Interns	282
R	Recovery Agencies	282
RR	Recovery Agency Branch Offices	38
MR	Recovery Agency Managers	1
RS	Recovery Agent Schools	6

<sup>1</sup> Department of Agriculture and Consumer Services, *About*, <http://www.freshfromflorida.com/About/> (last visited Mar. 7, 2019).

<sup>2</sup> S. 790.06, F.S.

<sup>3</sup> Ch. 493, F.S.

<sup>4</sup> Office of Program Policy Analysis and Government Accountability, *Government Program Summaries*, Department of Agriculture and Consumer Services Licensing, <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4101> (last visited Jan. 23, 2022).

<sup>5</sup> The Florida Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports*, <https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports> (last visited Jan. 23, 2022).

RI	Recovery Agent Instructors	9
<b>Subtotal of Private Investigative, Private Security, and Recovery Services Licenses</b>		<b>169,758</b>
W	Concealed Weapon or Firearm	2,445,471
WJ	Concealed Weapon or Firearm/Circuit and County Judges	809
WR	Concealed Weapon or Firearm/Retired Law Enforcement and Correctional Officers	13,244
WS	Concealed Weapon or Firearm/Consular Security Official	6
<b>Subtotal of Concealed Weapon Licenses</b>		<b>2,459,530</b>
<b>Total Number of Licenses</b>		<b>2,629,571</b>

### Class “D” Security Officers

Section 493.6101, F.S., defines the following:

- “Security officer” means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts 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 procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.<sup>6</sup>
- “Security agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners.

To become an unarmed security officer in Florida, a Class “D” Private Security license is required.<sup>7</sup> “Unarmed” means that no firearm shall be carried while providing security officer services regulated by ch. 493, F.S.<sup>8</sup> In order to carry a firearm in the course of performing such duties, the licensee must also obtain a Class “G” Statewide Firearm license in addition to the Class “D” Private Security license.<sup>9</sup>

To qualify for a Class “D” Private Security license, an applicant must:

- Be at least 18 years old;
- Be one of the following:
  - A United States citizen,
  - A permanent legal resident, or
  - A holder of a work visa from the United States Citizenship and Immigration Service;
- Have no disqualifying criminal history;
- Be of good moral character;
- Have no history of:
  - Mental illness,
  - Alcohol abuse, or
  - Substance abuse;
- Submit an application with certain identifying information;<sup>10</sup> and
- Complete 40 hours of required training and submit proof thereof to DACS.<sup>11</sup>

Currently, the required training must take place in-person at a licensed school or training facility that has a physical location.<sup>12</sup> Many states, including California and Georgia, do not prohibit online training for unarmed security officers.<sup>13</sup>

<sup>6</sup> S. 493.6101(19), F.S.

<sup>7</sup> S. 493.6301(5), F.S. Exceptions to the licensure requirement are listed in s. 493.6102, F.S.

<sup>8</sup> S. 493.6101(9), F.S.

<sup>9</sup> S. 493.6115(2), F.S.

<sup>10</sup> S. 493.6105, F.S. and r. 5N-1.100(6), F.A.C.

<sup>11</sup> S. 493.6303(4)(a), F.S.

According to the National Conference of State Legislatures (NCSL),<sup>14</sup> eleven states do not require a license for unarmed security guards.<sup>15</sup> Of the states that do require a license, 13 do not have any training requirements in order to qualify for a license.<sup>16</sup> Of the states that do require licensure, only nine states explicitly require that training be provided in a classroom setting.<sup>17</sup>

### Class “G” Statewide Firearm License

In order to carry a firearm in the course of duty, the licensee must also obtain a Class “G” Statewide Firearm license.<sup>18</sup> Only Class “C” Private Investigator, Class “CC” Private Investigator Intern, Class “D” Security Officer, Class “M” Private Investigative/Security Agency Manager, Class “MA” Private Investigative Agency Manager, or Class “MB” Security Manager licensees are permitted to bear a firearm and any such licensee who bears a firearm must also have a Statewide Firearm license.<sup>19</sup>

An applicant for a Class “G” Statewide Firearm license must satisfy minimum training criteria for firearms established by DACS rule,<sup>20</sup> including, but not limited to, 28 hours of range and classroom training taught and administered by a Class “K” Firearms Instructor licensee; however, no more than 8 hours of such training may consist of range training.<sup>21</sup>

### Class “DS” Security Officer Schools and Training Facilities

Schools and training facilities that provide required training services for Class “D” Security Officer license applicants must submit an application for a Class “DS” Security Officer School license with the following information:

- The name and address of the school or training facility,
- The street address of the place where training will be conducted, and
- A copy of the curriculum and final exam to be administered,<sup>22</sup> in accordance with the requirements set forth by DACS.<sup>23</sup>

The general content and number of hours of each subject area to be taught in a school or training facility is established by DACS rule.<sup>24</sup> Firearms instructors may use audio/video material as an instructional aide when teaching the classroom portion of the firearms training course; however, in no case can an instructor rely solely on the use of audio/video material. Firearms instruction must be presented as live, in-person classes where the firearms instructor is present to allow for necessary student teacher interaction when teaching students to use firearms.<sup>25</sup>

## **Effect of the Bill**

### Class “G” Statewide Firearm Licenses

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<sup>12</sup> Ss. 493.6303(4)(a) and 493.6304, F.S.; and Department of Agriculture and Consumer Services, *Class “D” Security Officer License Requirements*, <https://www.freshfromflorida.com/Business-Services/Private-Security-Licenses/Class-D-Security-Officer-License-Requirements> (last visited Jan. 24, 2022).

<sup>13</sup> Cal. Bus. & Prof. § 7583.6 (2017); Ga. Comp. R. & Regs. r. 509-3-.02; and O.C.G.A. § 43-38-7.1(a).

<sup>14</sup> Email from Zach Hermann, MSW, Research Analyst II, Employment, Labor & Retirement Program, National Conference of State Legislatures, NCSL REPLY: classroom vs online education for unarmed security guard licensure, (Mar. 11, 2019).

<sup>15</sup> Colorado, Idaho, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Nebraska, Rhode Island, South Dakota, and Wyoming.

<sup>16</sup> Indiana, Iowa, Maine, Maryland, Michigan, Montana, Nevada, New Hampshire, Ohio, Pennsylvania, Texas, West Virginia, and Wisconsin.

<sup>17</sup> Alabama, Georgia, Illinois, North Carolina, North Dakota, Oregon, Utah, Vermont, and Virginia.

<sup>18</sup> S. 493.6115(2), F.S.

<sup>19</sup> S. 493.6115(2), F.S.

<sup>20</sup> R. 1.132, F.A.C.

<sup>21</sup> S. 493.6105(5), F.S.

<sup>22</sup> S. 493.6304, F.S.

<sup>23</sup> R. 5N-1.134, F.A.C.

<sup>24</sup> S. 493.6303(4)(a), F.S.

<sup>25</sup> R. 5N-1.132(4)(c), F.A.C.

The bill revises the minimum firearms training criteria for Class “G” Statewide Firearm license applicants to require the 28 hours of range and classroom training be conducted by in-person instruction or online through a secure website of the licensed school or training facility if the applicant's identity, attendance, and successful completion of training are verified. The applicant must report the verification to DACS upon completion of the training.

The bill specifies that no more than 21 hours of such training may be conducted in an online classroom, and no more than eight hours of such training shall consist of range training.

The bill requires DACS to by rule and in accordance with s. 493.6115, F.S., establish the general content, the number of hours of each subject area to be taught, the method of delivery and the security protocols for online training and testing, the reporting requirements for verification of successful completion of training, and any other rules necessary for the regulation of schools or training facilities providing in-person or online training.

#### Class “DS” Security Officer Schools and Training Facilities

The bill requires an online training course for Class "D" Security Officer license or Class "G" Statewide Firearm license to be attached to and conducted by a licensed school or training facility that maintains a physical location.

The bill requires firearms instructors conducting an online training course to work under a licensed school or training facility or be employed under a business establishment registered, permitted, or licensed by DBPR with an insurance policy in the minimum amount of \$1,000,000.

The bill specifies that an applicant may only be logged into the online training course from one device at a time.

The bill requires such online training courses to:

- Include security questions to ensure that the applicant is actively using the computer or mobile device and is following along with the online training;
- Set a minimum amount of time that each applicant must spend on each screen before moving on to the next screen; and
- Include randomized test questions.

The bill requires online training course certificates to be sequentially numbered for tracking purposes.

#### Class “D” Security Officer Licenses

The bill revises the 40 hour training requirement for applicants for a Class “D” Security Officer license to allow the required training to be conducted in-person or online through a secure website of the licensed school or training facility if the applicant's identity, attendance, and successful completion of training are verified.

The bill requires applicants to report the verification to DACS upon completion of the training.

Such training is valid only if DACS receives verification of the applicant’s identity, attendance, and successful completion. DACS is required to establish by rule, and in accordance with s. 493.6103, F.S., the following:

- General content;
- Number of hours of each subject area;
- Method of delivery;
- Security protocols;
- Reporting requirements for verification of successful completion; and
- Any other rules necessary for the regulation of schools or training facilities providing in-person or online training.

The bill provides that upon completion of such training, the training facility or the instructor must:

- Submit proof of completion of training for each applicant to DACS electronically in a manner prescribed by DACS; and
- Provide a copy of the training results to the applicant who completed the training.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 493.6105, F.S., relating to initial application for license.

**Section 2:** Creates s. 493.6132, F.S., relating to online training courses.

**Section 3:** Amends s. 493.6303, F.S., relating to license requirements.

**Section 4:** Provides an effective date of July 1, 2022.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

There may be a cost to DACS related to implementing the bill. The department has not submitted an agency analysis for the bill. However, in 2019, the department conducted an agency analysis for a similar bill, which determined:

- Development of administrative rules would be needed to implement an online training regulatory component and estimates one (1) forensic investigator position will be needed to administer the provisions of the bill as currently written given that there are 413 security officer schools licensed as of January 31, 2019, that could opt to offer online coursework.<sup>26</sup>
- The estimated fiscal impact would be \$63,688 in year one and \$59,933 annually, thereafter, attributable to the cost of the (1) Investigation Specialist I. These costs would be incurred in the Division of Licensing Trust Fund.<sup>27</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Online training may make the profession more accessible based on increased ease in obtaining the required training. Schools and training facilities may also offer training at a lower cost due to reduced costs from running physical facilities.

**D. FISCAL COMMENTS:**

None.

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<sup>26</sup> Department of Agriculture and Consumer Services, Agency Analysis of 2019 HB 515, p. 1 (Mar. 7, 2019).

<sup>27</sup> *Id.*

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill requires DACS to develop rules in accordance with ss. 493.6115, and 493.6103, F.S., to implement the bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**