

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

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BILL: PCS/CS/SB 1474 (422484)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government; Commerce and Tourism Committee; and Senator Bradley

SUBJECT: Online Training for Private Security Officers

DATE: February 24, 2022      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1474 will allow Class “D” unarmed Security Officers and Class “G” Statewide Firearm applicants to obtain the training required as a licensing qualification through either in-person or online instruction. The online instruction must be provided through the secure website of a licensed school or training facility, or a Class “K” licensee that has a physical location in Florida. Additionally, the online training course must:

- Include security questions to ensure that the applicant is actively using the computer and is following along with the online training;
- Establish a minimum amount of time that each applicant must spend on each screen;
- Include randomized test questions; and
- Maintain a digital attendance log and keep other required records.

The Department of Agriculture and Consumer Services (department) regulates private security officers and their related licenses. The bill requires the department to adopt rules, including those to establish the online courses’ content, web security protocols, and course completion reporting requirements.

The bill may have an insignificant negative fiscal impact on state expenditures that can be absorbed within existing resources.

The bill takes effect on July 1, 2022.

## II. Present Situation:

The Division of Licensing within the department is responsible for investigating and issuing licenses to conduct private security services and related licenses, including Class “D” unarmed Security Officer and Class “G” Statewide Firearm licensees.<sup>1</sup>

### Class “D” Security Officer Licensees

A Class “D” security officer is an individual who advertises for, or performs: bodyguard services, personal or property protection; theft and loss prevention; armored car staffing; or transportation of prisoners.<sup>2</sup> A Class “D” licensee is not permitted to carry a firearm during the course of his or her duties unless he or she also has a supplemental Class “G” license.<sup>3</sup>

Law enforcement officers engaged in their official duties or off-duty security activities that have been approved by appropriate superiors are not considered security officers.<sup>4</sup> Additionally, unarmed security officers who are employed by, and perform their work entirely on the premises of either their employer’s business, a church or denominational organization, or a church cemetery are not required to be licensed as a security officer under ch. 493, F.S.<sup>5</sup>

As of December 31, 2021, there are 124,996 active Class “D” security officer licensees.<sup>6</sup>

A Class “D” applicant for licensure must complete 40 hours of professional training at a Class “DS” Security Officer School or Training Facility licensed by the department.<sup>7</sup>

### Class “G” Statewide Firearm License

A Class “G” license is a supplemental license that permits specific licensees to carry a firearm during the course of their licensed, employment-related activity. A Class “G” license is available only to individuals who currently hold one of the following licenses:

- Private investigator (Class “C”);
- Private investigator intern (Class “CC”);
- Security officer (Class “D”);
- Private investigative or security agency manager (Class “M”);
- Private investigative agency manager (Class “MA”); or
- Security agency manager (Class “MB”).<sup>8</sup>

The “Class G” license must be renewed every two years.

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<sup>1</sup> Chapter 493, F.S.

<sup>2</sup> Section 493.6101(19), F.S.; *see also*, Florida Department of Agriculture and Consumer Services (DACCS), *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last visited Jan. 31, 2022).

<sup>3</sup> Section 493.6101(9), F.S.

<sup>4</sup> Section 493.6102(1), F.S.

<sup>5</sup> Section 493.6102(4), (13), F.S.

<sup>6</sup> DACCS, Division of Licensing, *Number of Licensees by Type* (Dec. 31, 2021), [https://www.fdacs.gov/content/download/82618/file/Number\\_of\\_Licensees\\_By\\_Type.pdf](https://www.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf) (last visited Jan. 31, 2022).

<sup>7</sup> Section 493.6303, F.S.

<sup>8</sup> Section 493.6115(2), F.S.

### ***Application and Training Requirements for Class “G” Licensees***

An initial applicant for a Class “G” license must complete firearm training, which must include at least 28 hours of range and classroom training (range training must be limited to no more than eight hours) that is administered by a Class “K” licensee.<sup>9</sup> An applicant who was discharged within the last 12 months from service as a military officer, and has completed specific military courses is deemed to have completed a substantially similar training, and is exempt from the 28 hours of range and classroom training required for a Class “G” initial license.

Class “G” licensees must annually complete four hours of firearms requalification training for each caliber of firearm that he or she carries in the course of his or her duties.<sup>10</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 licensure, which includes:<sup>11</sup>

- 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, in accordance with the requirements set forth by the department.<sup>12</sup>

The department establishes the general content and number of hours of each subject area to be taught by the licensed schools and training facilities.<sup>13</sup> Currently, administrative rule states that students shall “remain under the supervision of a licensed instructor during all classes and under constant supervision during examination.”<sup>14</sup>

A Class “DS” Security Officer School or training facility must maintain the following records for at least two years:<sup>15</sup>

- A schedule of the date, time, location, and instructor of each class session;
- A separate file for each course which establishes that the minimum course standards were met, the course materials used, and an original of each final exam;
- An attendance log for each class session;
- A copy of any certificate, diploma, or other record given to each student; and
- A separate file on each approved instructor, which includes his or her qualifications.

An individual who teaches or instructs at a class “DS” security officer school or training facility must have a Class “DI,” Security Officer School or Training Facility Instructor license.<sup>16</sup>

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<sup>9</sup> Section 493.6105(5), F.S. *See also* Fla. Admin. Code R. 5N-1.132(1)(a).

<sup>10</sup> Section 493.6113(3)(b), F.S.

<sup>11</sup> Section 493.6304, F.S. and Fla. Admin. Code R. 5N-1.134.

<sup>12</sup> Fla. Admin. Code R. 5N-1.132(4)(c).

<sup>13</sup> Section 493.6303(4)(a), F.S.

<sup>14</sup> Fla. Admin. Code R. 5N-1.138(4).

<sup>15</sup> Fla. Admin. Code R. 5N-1.140(5).

<sup>16</sup> *See* Fla. Admin. Code R. 5N-1.138(1), for qualifications for Class “DI” license.

### **Class “K” Firearm Instructor Licensees**

Class “K” Firearm Instructor Licensees provide classroom or range instruction to applicants for a Class “G” license.<sup>17</sup> Class “K” instructors are not currently required to be affiliated with a school or training facility. Administrative rules currently state that firearms instructors may not rely solely on the use of audio/video material in his or her course, but may use such material as an instructional aide when teaching the classroom portion of the course.<sup>18</sup>

Class “K” Firearm Instructors must provide a standardized Certificate of Firearms Proficiency for Statewide Firearm License to each student who successfully completes the 28-hour firearms proficiency course.<sup>19</sup> The Class “K” licensee must retain a copy of each certificate he or she provides, and is subject to penalty for the falsification of any such certificate.<sup>20</sup>

### **COVID-19 Emergency Orders**

The Commissioner of Agriculture and Consumer Services issued Emergency Order 2020-004 to “provide flexibility for workers” during the COVID-19 pandemic<sup>21</sup> by allowing Class “D” security guards to complete their initial 40 hours of training via live video conference.<sup>22</sup>

Emergency Order 2020-10, issued on April 24, 2020, suspends the provisions of s. 493.6105(5), F.S., and its related rules to allow Class “G” license applicants to conduct their class room training by live video conference.<sup>23</sup>

These emergency orders expired on June 26, 2021.<sup>24</sup>

### **III. Effect of Proposed Changes:**

The bill allows Class “G” statewide firearm licensees and Class “D” security officer licensees to obtain required training via online or in-person instruction.

#### **Class “G” Statewide Firearm Licenses**

**Section 1** amends s. 493.6105, F.S., to allow a Class “G” applicant to complete the 20-hour classroom training portion of the required firearm training either by in-person instruction, or via live instruction through a secure website, with no more than eight hours consisting of in-person range training which must include safe handling and storage of firearms. The training must be

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<sup>17</sup> Sections 493.6101(14) and 493.6115(7), F.S.

<sup>18</sup> Fla. Admin. Code R. 5N-1.132(4)(c).

<sup>19</sup> Fla. Admin. Code R. 5N-1.132(4)(d).

<sup>20</sup> Fla. Admin. Code R. 5N-1.132(4)(d)-(e).

<sup>21</sup> Press Release, DACS, *Commissioner Nikki Fried Issues Emergency Orders & Rules During COVID-19* (Mar. 31, 2020), <https://www.fdacs.gov/News-Events/Press-Releases/2020-Press-Releases/Commissioner-Nikki-Fried-Issues-Emergency-Orders-Rules-During-COVID-19> (last visited Jan. 31, 2022).

<sup>22</sup> DACS, *Emergency Order 2020-004* (Mar. 20, 2020), <https://www.fdacs.gov/content/download/91595/file/2020-03-20-EmergencyOrder2020-004%28DOLCOVID-19%29.pdf> (last visited Jan. 31, 2022).

<sup>23</sup> DACS, *Emergency Order 2020-010* (Apr. 24, 2020), [https://www.fdacs.gov/content/download/94238/file/2020-04-24-DOL-Class-G-Emergency-Order\\_2020-010.pdf](https://www.fdacs.gov/content/download/94238/file/2020-04-24-DOL-Class-G-Emergency-Order_2020-010.pdf) (last visited Jan. 31, 2022).

<sup>24</sup> DACS, *Commissioner of Agriculture Emergency Orders Regarding COVID-19*, <https://www.fdacs.gov/Divisions-Offices/Licensing> (last visited Jan. 31, 2022).

taught and administered by a Class “K” firearms instructor who verifies the identity and attendance of the applicant.

The bill requires Class “G” applicants to submit a training certificate to the department upon completion of the training. Additionally, the Class “K” licensee who provided the training must submit results directly to the department’s Division of Licensing and provide a copy of the training results to the trainee.

The bill requires the department to engage in rulemaking to establish the general content, 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 regulation of Class “K” licensees in relation to their provision of in-person or online training.

### **Class “D” Security Officer Licenses**

**Section 3** amends s. 493.6303, F.S., to allow Class “D” applicants to complete their 40-hour training requirement either by in-person instruction, or through live, online instruction presented through a secure website of a licensed school or training facility.

The bill requires an applicant to submit his or her verification of successful completion of training to the department, and requires the training facility or instructor to submit proof of completion of training for the applicant to the department. Additionally, the training facility or instructor must provide an electronic copy of proof of training for each applicant to the department, and must also provide a copy of the training results to the applicant.

The bill requires the department to engage in rulemaking to establish the general content, 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 rule necessary to regulate schools or training facilities that provide in-person or online training. The bill further allows the department to adopt additional rules needed to regulate schools or training facilities that provide in-person or online training.

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

**Section 2** creates s. 493.6132, F.S., to specify requirements for schools or training facilities and Class “K” licensees that provide online training courses allowed under the bill. Specifically, a licensed school or training facility and Class “K” licensee must maintain a physical location in Florida. The Class “K” licensee must conduct his or her live online training in Florida, but a licensed school or training facility may conduct the live online classes from any location. The providers of live online training must also maintain, and make available to the department, records of:

- All training sessions;
- The name and license number of the instructor who is present online with the students while the students receive instruction; and
- Proof of compliance with all security protocols at the school, facility, or place of business.

The online training course must:

- Require its instructor to verify the applicant's identity, attendance, and successful completion of training;
- Include security questions to ensure that the applicant is actively using the computer or mobile device and is following along with the training;
- Establish a minimum amount of time that each applicant must spend on each screen before moving on to the next;
- Include randomized test questions;
- Include a digital record of the applicant's attendance log and any other components required by the department;
- Allow instructing via recording where an applicant is absent during a portion of the live online class, as limited by departmental rule; and
- Permit the department to access each online course for the purpose of auditing, monitoring, and inspection.

The applicant may not use more than one device at a time to log into the online training course.

The bill takes effect July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill will require the department to undergo rulemaking to revise Rule 5N-1.132 of the Florida Administrative Code and update related policies and procedures. The bill has an indeterminate, yet insignificant fiscal impact on the department's Division of Licensing Trust Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 493.6105 and 493.6303.

This bill creates section 493.6132 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 22, 2022:**

The committee substitute provides that the eight hour in-person range training requirement for a Class "G" license shall include instruction on the safe handling and storage of firearms.

**CS by Commerce and Tourism on January 31, 2022:**

The committee substitute:

- Allows Class "G" applicants to complete training through a secure website that is not affiliated with or operated by a licensed school or training facility (but is administered by a Class "K" licensee), and requires the department to adopt rules that regulate a Class "K" licensee's teaching of such an online course;
- Implements similar reporting requirements for Class "G" and Class "D" applicants who complete their training online, specifically requiring both the applicant and instructor to submit training results to the department, and requiring the instructor to provide a hard copy of the certificate to the applicant;

- Requires an online training course to keep a record of the (1) applicant's attendance log, (2) instructor who taught each session; (3) compliance with security protocols; and (4) any other required documentation established by departmental rule;
- Requires a person or entity that provides online training pursuant to the bill to provide live access to the department for auditing or inspection purposes; and
- Replaces a reference to the Department of Business and Professional Regulation with a reference to the Department of Agriculture and Consumer Services.

B. Amendments:

None.