

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.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1474

INTRODUCER: Senator Bradley

SUBJECT: Online Training for Private Security Officers

DATE: January 28, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Pre-meeting
2.			AEG	
3.			AP	

I. Summary:

The Department of Agriculture and Consumer Services regulates private security officers and their related licenses. 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 that has a physical location. 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 question; and
- Provide sequentially numbered course certificates for tracking purposes.

The bill further requires firearms instructors who provide instruction through an online course to be employed by a licensed school or training facility or a business establishment that is registered, permitted, or licensed by the Department of Business and Professional Regulation that has at least a \$1 million insurance policy.

The bill requires the Department of Agriculture and Consumer Services to adopt rules, including those to establish the online courses’ content, web security protocols, and course completion reporting requirements.

The bill takes effect on July 1, 2022.

II. Present Situation:

The Division of Licensing within the Florida Department of Agriculture and Consumer Services (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 licensees¹.

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.² 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.³

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.⁴ 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.⁵

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

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.⁷

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”).⁸ The “Class G” license must be renewed every 2 years.

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 8 hours) that is administered by a Class “K” licensee.⁹ An applicant who was discharged within the last 12 months from service as a military officer, and has completed specific military courses

¹ Chapter 493, F.S.

² Section 493.6101(19), F.S.; *see also*, Florida Department of Agriculture and Consumer Services, *Private Security Licenses*, <https://www.fdacs.gov/Business-Services/Private-Security-Licenses> (last visited Jan. 28, 2022).

³ Section 493.6101(9), F.S.

⁴ Section 493.6102(1), F.S.

⁵ Section 493.6102(4), (13), F.S.

⁶ Florida Department of Agriculture and Consumer Services (FDACS), 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 (last visited Jan. 28, 2022).

⁷ Section 493.6303, F.S.

⁸ Section 493.6115(2), F.S.

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

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 4 hours of firearms requalification training for each caliber of firearm that he or she carries in the course of his or her duties.¹⁰

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:¹¹

- 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.¹²

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

A Class “DS” Security Officer School or training facility must maintain the following records for at least 2 years:¹⁵

- 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.¹⁶

Class “K” Firearm Instructor Licensees

Class “K” Firearm Instructor Licensees provide classroom or range instruction to applicants for a Class “G” license.¹⁷ 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

¹⁰ Section 493.6113(3)(b), F.S.

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

¹² Fla. Admin. Code R. 5N-1.132(4)(c).

¹³ Section 493.6303(4)(a), F.S.

¹⁴ Fla. Admin. Code 5N-1.138(4).

¹⁵ Fla. Admin. Code 5N-1.140(5).

¹⁶ See Fla. Admin. Code 5N-1.138(1), for qualifications for Class “DI” license.

¹⁷ Sections 493.6101(14) and 493.6115(7), F.S.

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.¹⁸

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.¹⁹ 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.²⁰

COVID-19 Emergency Orders

The Commissioner of Agriculture issued Emergency Order 2020-004 to “provide flexibility for workers” during the COVID-19 pandemic²¹ by allowing Class “D” security guards to complete their initial 40 hours of training via live video conference.²²

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.²³

These emergency orders expired on June 26, 2021.²⁴

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 21-hour classroom training portion of the required firearm training either by in-person instruction, or through a secure website of a licensed school or training facility. The training must be provided by a Class “K” firearms instructor, but the bill now requires such instructors to be employed by a licensed school or training facility, or be employed by a business establishment that is registered, permitted, or licensed by the Department of Business and Professional Regulation and which has an insurance policy of \$1 million or more.

¹⁸ Fla. Admin. Code R. 5N-1.132(4)(c).

¹⁹ Fla. Admin. Code R. 5N-1.132(4)(d).

²⁰ Fla. Admin. Code R. 5N-1.132(4)(d)-(e).

²¹ Press Release, FDACS, *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. 28, 2022).

²² Florida Commissioner of Agriculture, *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. 28, 2022).

²³ Florida Commissioner of Agriculture, *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 (last visited Jan. 28, 2022).

²⁴ FDACS, *Commissioner of Agriculture Emergency Orders Regarding COVID-19*, <https://www.fdacs.gov/Divisions-Offices/Licensing> (last visited Jan. 28, 2022).

The bill requires Class “G” applicants to submit verification of his or her successful completion of training to the Department.

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, and the reporting requirements for verification of successful completion of 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 “D” Security Officer Licenses

Section 2 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 a secure website of a licensed school or training facility.

The bill both 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. The bill further requires the training facility or instructor to provide a copy of the training results to any applicant who completes the training.

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, and the reporting requirements for verification of successful completion of 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 3 creates s. 493.6132, F.S., to specify requirements for schools or training facilities that provide online training courses allowed under the bill. Specifically, a licensed school or training facility must maintain a physical location to conduct online training courses for Class “D” or Class “G” licensees.

The bill requires firearms instructors who conduct online training to be employed by a licensed school or training facility, or be employed by a business establishment that is registered, permitted, or licensed by the Department of Business and Professional Regulation and which has an insurance policy in the minimum amount of \$1 million. It is unclear whether the reference to a “firearms instructor” here intends to refer to Class “K” Firearms Instructors licensed by the Department and approved to provide Class “G,” Statewide Firearm license training, or refer more generally to Class “DI” Security Officer School or Training Facility Instructors who are approved to provide security officer training. Currently, Class “K” licensees are not required to be affiliated with or employed by a licensed school or training facility.

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

The online training course must:

- 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 question.

Any training course certificates issued must be sequentially numbered for tracking purposes.

Effective Date

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 identified.

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. It is unknown whether this will require the expenditure of additional funds.

VI. Technical Deficiencies:

The bill does not define the term “affiliated,” but requires a course to be “affiliated with” a licensed school or training facility. This may result in confusion about what courses may be offered for licensing requirements pursuant to the law.

It is unclear what type of DBPR license the employing business establishment must hold to employ a Class “K” firearms instructor licensee.

It may be helpful to specify what type of insurance policy a business establishment that is registered, permitted, or licensed by the DBPR must carry.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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.)

None.

B. Amendments:

None.