

STORAGE NAME: h1779a.sec.doc
DATE: February 24, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
SELECT COMMITTEE ON SECURITY
ANALYSIS**

BILL #: HB 1779
RELATING TO: Private Security Officers
SPONSOR(S): Representative Ball
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) SELECT COMMITTEE ON SECURITY YEAS 9 NAYS 0
 - (2) BUSINESS REGULATION
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill establishes a committee within the Department of State to make recommendations for:

- The establishment of a classification of private security officer specializing in the prevention of terrorism;
- Certification requirements of private security officers specializing in the prevention of terrorism;
- The types of facilities requiring private security officers specializing in the prevention of terrorism;
- The appropriate type of private security officer to protect each type of facility from terrorism;
- The necessary length of time to implement a certification program for private security officers specializing in the prevention of terrorism; and
- Penalties for failure to comply with the certification program contemplated within this act.

This bill takes effect on becoming a law.

An amendment was adopted on February 21, 2002, at the meeting of the Select Committee on Security. Please refer to Amendments or Committee Substitute Changes.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: This bill does not support the principal of less government because it creates a 15-member committee within the Department of State to make recommendations relating to the regulation of private security officers.

B. PRESENT SITUATION:

Presently, the Department of State regulates the certification of private security officers. The requirements for licensure as private security officers are prescribed in s. 493.6106, F.S., and s. 493.6303, F.S., and include that each individual:

- Must be at least 18 years of age;
- Must be of good moral character (the individual has a personal history of honesty, fairness, and respect for the rights and property of others and for the laws of the state and the nation);
- Has not been adjudicated incapacitated, unless his or her capacity has been judicially restored;
- Has not been involuntarily placed in a treatment facility for the mentally ill, unless his or her competency has been judicially restored;
- Has not been diagnosed as having an incapacitating mental illness, unless a psychologist or psychiatrist licensed in this state certifies he or she no longer suffers from a mental illness;
- Is not a chronic and habitual user of alcoholic beverages to the extent that his or her normal faculties are impaired;
- Has not been committed for substance abuse, unless the individual establishes he or she is not currently impaired and has successfully completed a rehabilitation course;
- Is a legal citizen or resident of the United States or has been granted authorization to seek employment in this country by the United States Immigration and Naturalization Service; and
- Has completed a minimum of 40 hours of professional training at a school or training facility licensed by the Department of State.

Private security officers may apply for special licensure authorizing the officer to carry a firearm under s. 493.6107, F.S.

C. EFFECT OF PROPOSED CHANGES:

This bill creates a committee of 15 members, administered by the Secretary of State, for the purpose of establishing minimum qualification and training standards for a new class of private security officer specializing in terrorism prevention.

The Governor shall appoint seven members to the committee as follows:

- One representative from FDLE;
- One representative from the Department of Community Affairs, Division of Emergency Management Services;
- One representative from the Florida National Guard;
- One representative from the University of South Florida, Center for Biological Defense;
- One representative from the Florida Sheriffs Association; and
- Two representatives from companies that currently provide contra-terrorism training and services.

The President of the Senate shall appoint three members to the committee as follows:

- One representative from the Association of Private Sector Security;
- One representative from the Florida Fire Chiefs Association; and
- One representative from a company that currently provides contra-terrorism training and services.

The Speaker of the House of Representatives shall appoint three members to the committee as follows:

- One representative from the Florida Association of Firefighters;
- One representative from Florida Police Chiefs Association; and
- One representative from a company that currently provides contra-terrorism training and services.

In addition to the appointed members, the Chief Health Officer of the state shall serve as a member of the committee, and the Secretary of State (or his or her designee) shall serve as chairperson of the committee. Any vacancy on the committee is to be filled in the same manner in which committee members were originally appointed.

The purpose of the committee is to provide recommendations to:

- Establish different types of private security officers who specialize in the prevention of terrorism;
- Establish certification requirements for each type of private security officer who specializes in the prevention of terrorism;
- Identify those facilities that will benefit from the protection of private security officers who specialize in the prevention of terrorism;
- Determine the appropriate type of private security officer to protect each type of facility from terrorism;
- Determine the necessary length of time to implement a certification program for private security officers who specialize in the prevention of terrorism; and
- Establish penalties for failure to comply with the certification program contemplated by this act.

The committee may provide any other recommendations it considers appropriate and may seek the advice of federal agencies. The committee appointments must be made by July 1, 2002, and the committee will hold its first meeting by August 1, 2002. Each member of the committee is entitled to one vote, and a majority vote of the entire membership of the committee is required for committee action to be binding.

The committee is directed to provide a written report to the Governor, Speaker of the House of Representatives, and President of the Senate containing its specific recommendations, including its legislative recommendations, by December 1, 2002.

This bill provides that members of the committee shall receive no compensation for their services. Members other than public officers and employees shall be entitled to reimbursement from the Department of State for per diem and travel expenses as provided by chapter 112, F.S.

This bill directs all agencies under the control of the Governor and requests all other agencies to render assistance and cooperation to the committee.

The committee created by this bill shall continue its existence until its objectives are achieved, but shall not exist past December 31, 2002.

This bill provides an appropriation of \$36,000 from General Revenue to the Department of State for the purpose of administering this act.

This bill takes effect on becoming a law.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to the Effect of Proposed Changes for a description of the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

This bill provides a one-time, \$36,000 appropriation to the Department of State for the administration of the committee established in this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend funds or to take actions requiring expenditure.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 21, 2002, the Select Committee on Security adopted an amendment to remove the word "Services" from the Division of Emergency Management Services. The correct name of the agency is the Division of Emergency Management.

VI. SIGNATURES:

COMMITTEE ON SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Andrew Stearns/Randy L. Havlicak

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