

By Senator Futch

18-1081-02

See HB 455

1 A bill to be entitled
2 An act relating to private investigative,
3 private security, and repossession services;
4 amending the title of ch. 493, F.S.; amending
5 s. 493.6105, F.S.; revising requirements for
6 initial application for licensure to perform
7 private investigative, private security, and
8 repossession services; amending s. 493.6106,
9 F.S.; revising license requirements with
10 respect to private investigative, private
11 security, and repossession services; amending
12 s. 493.6108, F.S.; revising provisions with
13 respect to investigation of applicants by the
14 Department of State; amending s. 493.6111,
15 F.S.; clarifying provisions relating to the
16 conduct of business by a licensee under more
17 than one name; amending s. 493.6113, F.S.;
18 revising notice requirements with respect to
19 license renewal; amending s. 493.6115, F.S.;
20 conforming a cross-reference; amending s.
21 493.6118, F.S.; increasing the administrative
22 fine which may be imposed for a violation of
23 ch. 493, F.S.; amending s. 493.6201, F.S.;
24 providing that the performance of certain
25 services is not creditable toward experience
26 requirements for specified classes of licensure
27 to perform private investigative services;
28 renaming pt. IV of ch. 493, F.S., entitled
29 "Repossession Services" as "Recovery Services";
30 amending s. 493.6401, F.S.; revising
31 provisions; revising requirements with respect

1 to specified classes of licensure; amending ss.
2 493.6402, 493.6404, F.S.; conforming
3 provisions; amending s. 493.6403, F.S.;
4 revising training requirements with respect to
5 a specified class of license; amending s.
6 493.6405, F.S.; conforming provisions with
7 respect to the sale of, and transfer of
8 proceeds from the sale of, a recovered motor
9 vehicle, mobile home, or motorboat; providing a
10 penalty; amending s. 493.6406, F.S.; conforming
11 provisions; revising provisions which require
12 recovery agent schools, training facilities,
13 and instructors to apply for departmental
14 approval and pay an application fee; including
15 correspondence schools and distance education
16 programs among entities which may be approved
17 by the department to provide recovery agent
18 instruction and training; reenacting s.
19 493.6121(3), F.S., relating to the authority of
20 the Department of State to investigate
21 noncompliance with ch. 493, F.S., and take
22 appropriate action, for the purpose of
23 incorporating the amendment to s. 493.6118,
24 F.S., in a reference thereto; reenacting s.
25 790.25(3)(o) and (p), F.S., relating to lawful
26 use, ownership, and possession of firearms,
27 other weapons, ammunition, and supplies by
28 investigators employed by public defenders or
29 the capital collateral representative, for the
30 purpose of incorporating the amendment to s.
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1 493.6108, F.S., in a reference thereto;
2 providing an effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. The title of chapter 493, Florida Statutes,
7 is amended to read:

8 CHAPTER 493

9 PRIVATE INVESTIGATIVE, PRIVATE SECURITY, AND RECOVERY

10 ~~REPOSSESSION~~ SERVICES

11 Section 2. Section 493.6105, Florida Statutes, is
12 amended to read:

13 493.6105 Initial application for license.--

14 (1) Each individual, partner, or principal officer in
15 a corporation, shall file with the department a complete
16 application accompanied by an application fee not to exceed
17 \$60, except that the applicant for a Class "D" or Class "G"
18 license shall not be required to submit an application fee.
19 The application fee shall not be refundable.

20 (a) The application submitted by any individual,
21 partner, or corporate officer shall be approved by the
22 department prior to that individual, partner, or corporate
23 officer assuming his or her duties.

24 (b) Individuals who invest in the ownership of a
25 licensed agency, but do not participate in, direct, or control
26 the operations of the agency shall not be required to file an
27 application.

28 (2) Each application shall be signed by the individual
29 under oath and shall be notarized.

30 (3) The application shall contain the following
31 information concerning the individual signing same:

- 1 (a) Name and any aliases.
2 (b) Age and date of birth.
3 (c) Place of birth.
4 (d) Social security number or alien registration
5 number, whichever is applicable.
6 (e) Present residence address and his or her residence
7 addresses within the 5 years immediately preceding the
8 submission of the application.
9 (f) Occupations held presently and within the 5 years
10 immediately preceding the submission of the application.
11 (g) A statement of all convictions, a list of any
12 arrests resulting in a conviction or for which adjudication
13 was withheld, and a certified copy of the final disposition of
14 any such arrest.
15 (h) A statement whether he or she has ever been
16 adjudicated incompetent under chapter 744.
17 (i) A statement whether he or she has ever been
18 committed to a mental institution under chapter 394.
19 (j) A full set of fingerprints on a card provided by
20 the department and a fingerprint fee to be established by rule
21 of the department based upon costs determined by state and
22 federal agency charges and department processing costs. An
23 applicant who has, within the immediately preceding 6 months,
24 submitted a fingerprint card and fee for licensing purposes
25 under this chapter shall not be required to submit another
26 fingerprint card or fee.
27 (k) A personal inquiry waiver which allows the
28 department to conduct necessary investigations to satisfy the
29 requirements of this chapter.
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1 (1) One passport-type color photograph taken within
2 the 6 months immediately preceding the submission of the
3 application.

4 (m)~~(1)~~ Such further facts as may be required by the
5 department to show that the individual signing the application
6 is of good moral character and qualified by experience and
7 training to satisfy the requirements of this chapter.

8 ~~(4) In addition to the application requirements~~
9 ~~outlined in subsection (3), the applicant for a Class "C,"~~
10 ~~Class "CC," Class "E," Class "EE," or Class "G" license shall~~
11 ~~submit two color photographs taken within the 6 months~~
12 ~~immediately preceding the submission of the application, which~~
13 ~~meet specifications prescribed by rule of the department. All~~
14 ~~other applicants shall submit one photograph taken within the~~
15 ~~6 months immediately preceding the submission of the~~
16 ~~application.~~

17 (4)~~(5)~~ In addition to the application requirements
18 outlined under subsection (3), the applicant for a Class "C,"
19 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
20 license shall include a statement on a form provided by the
21 department of the experience which he or she believes will
22 qualify him or her for such license.

23 (5)~~(6)~~ In addition to the requirements outlined in
24 subsection (3), an applicant for a Class "G" license shall
25 satisfy minimum training criteria for firearms established by
26 rule of the department, which training criteria shall include,
27 but is not limited to, 28 hours of range and classroom
28 training taught and administered by a Class "K" licensee;
29 however, no more than 8 hours of such training shall consist
30 of range training. If the applicant can show proof that he or
31 she is an active law enforcement officer currently certified

1 under the Criminal Justice Standards and Training Commission
2 or has completed the training required for that certification
3 within the last 12 months, or if the applicant submits one of
4 the certificates specified in paragraph (7)(a), the department
5 may waive the foregoing firearms training requirement. An
6 applicant for a Class "G" or a Class "K" license who is not a
7 citizen of the United States must submit documentation issued
8 by the United States Immigration and Naturalization Service
9 proving that he or she is a permanent legal resident alien who
10 has resided in the state for at least 90 consecutive days
11 prior to the date on which the application is submitted.

12 ~~(6)(7)~~ In addition to the requirements under
13 subsection (3), an applicant for a Class "K" license shall:

14 (a) Submit one of the following certificates:

15 1. The Florida Criminal Justice Standards and Training
16 Commission ~~Firearms~~ Instructor's Certificate and confirmation
17 by the commission that the applicant is authorized to provide
18 firearms instruction.

19 2. The National Rifle Association Police Firearms
20 Instructor's Certificate.

21 3. The National Rifle Association Security Firearms
22 Instructor's Certificate.

23 4. A Firearms Instructor's Certificate from a federal
24 law enforcement agency or any branch of the Armed Forces of
25 the United States, state, county, or municipal police academy
26 in this state recognized as such by the Criminal Justice
27 Standards and Training Commission or by the Department of
28 Education.

29 (b) Pay the fee for and pass an examination
30 administered by the department which shall be based upon, but
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1 is not necessarily limited to, a firearms instruction manual
2 provided by the department.

3 (7)~~(8)~~ In addition to the application requirements for
4 individuals, partners, or officers outlined under subsection
5 (3), the application for an agency license shall contain the
6 following information:

7 (a) The proposed name under which the agency intends
8 to operate.

9 (b) The street address, mailing address, and telephone
10 numbers of the principal location at which business is to be
11 conducted in this state.

12 (c) The street address, mailing address, and telephone
13 numbers of all branch offices within this state.

14 (d) The names and titles of all partners or, in the
15 case of a corporation, the names and titles of its principal
16 officers.

17 (8)~~(9)~~ Upon submission of a complete application, a
18 Class "CC," Class "C," Class "D," Class "EE," Class "E," Class
19 "M," Class "MA," Class "MB," or Class "MR" applicant may
20 commence employment or appropriate duties for a licensed
21 agency or branch office. However, the Class "C" or Class "E"
22 applicant must work under the direction and control of a
23 sponsoring licensee while his or her application is being
24 processed. If the department denies application for
25 licensure, the employment of the applicant must be terminated
26 immediately, unless he or she performs only unregulated
27 duties.

28 Section 3. Paragraph (f) of subsection (1) and
29 subsection (2) of section 493.6106, Florida Statutes, are
30 amended, and a new paragraph (g) is added to subsection (1) of
31 that section, to read:

1 493.6106 License requirements; posting.--
2 (1) Each individual licensed by the department must:
3 (f) Be a citizen or permanent legal resident alien of
4 the United States or, except for Class "G" and Class "K"
5 licensees, have proof of current employment ~~have been granted~~
6 authorization issued ~~to seek employment in this country~~ by the
7 United States Immigration and Naturalization Service.
8 (g) Not be prohibited from purchasing or possessing a
9 firearm by any other provision of Florida or federal law.
10 (2) Each agency shall have a minimum of one physical
11 location within this state from which the normal business of
12 the agency is conducted, and this location shall be considered
13 the primary office for that agency in this state.
14 (a) If an agency, school, correspondence school,
15 distance education program, or training facility desires to
16 change the physical location of the business, as it appears on
17 its ~~the~~ agency license, the department must be notified within
18 10 days of the change, and, except upon renewal, the fee
19 prescribed in s. 493.6107 must be submitted for each license
20 requiring revision. Each license requiring revision must be
21 returned with such notification.
22 (b) The Class "A," Class "B," or Class "R" license and
23 any branch office, ~~or~~ school, correspondence school, distance
24 education program, or training facility license shall at all
25 times be posted in a conspicuous place at the licensed
26 physical location in this state where the business is
27 conducted.
28 (c) Each Class "A," Class "B," Class "R," branch
29 office, ~~or~~ school, correspondence school, distance education
30 program, or training facility licensee shall display, in a
31 place that is in clear and unobstructed public view, a notice

1 on a form prescribed by the department stating that the
2 business operating at this location is licensed and regulated
3 by the Department of State and that any questions or
4 complaints should be directed to the department.

5 (d) A minimum of one properly licensed manager shall
6 be designated for each agency and branch office location.

7 Section 4. Subsection (1) of section 493.6108, Florida
8 Statutes, is amended to read:

9 493.6108 Investigation of applicants by Department of
10 State.--

11 (1) Except as otherwise provided, prior to the
12 issuance of a license under this chapter, the department shall
13 make an investigation of the applicant for a license. The
14 investigation shall include:

15 (a)1. An examination of fingerprint records and police
16 records. When a criminal history analysis of any applicant
17 under this chapter is performed by means of fingerprint card
18 identification, the time limitations prescribed by s.
19 120.60(1) shall be tolled during the time the applicant's
20 fingerprint card is under review by the Department of Law
21 Enforcement or the United States Department of Justice,
22 Federal Bureau of Investigation.

23 2. If a legible set of fingerprints, as determined by
24 the Department of Law Enforcement or the Federal Bureau of
25 Investigation, cannot be obtained after two attempts, the
26 Department of State may determine the applicant's eligibility
27 based upon a criminal history record check under the
28 applicant's name conducted by the Department of Law
29 Enforcement if the ~~and the Federal Bureau of Investigation. A~~
30 ~~set of fingerprints were~~ taken by a law enforcement agency and
31 the applicant submits a written statement signed by the

1 fingerprint technician or a licensed physician stating that
2 there is a physical condition that precludes obtaining a
3 legible set of fingerprints or that the fingerprints taken are
4 the best that can be obtained ~~is sufficient to meet this~~
5 ~~requirement.~~

6 (b) An inquiry to determine if the applicant has been
7 adjudicated incompetent under chapter 744 or has been
8 committed to a mental institution under chapter 394.

9 (c) Such other investigation of the individual as the
10 department may deem necessary.

11 Section 5. Subsection (4) of section 493.6111, Florida
12 Statutes, is amended to read:

13 493.6111 License; contents; identification card.--

14 (4) Notwithstanding the existence of a valid Florida
15 corporate registration, no agency licensee may conduct
16 activities regulated under this chapter under any fictitious
17 name without prior written authorization from the department
18 to use that name in the conduct of activities regulated under
19 this chapter. The department may not authorize the use of a
20 name which is so similar to that of a public officer or
21 agency, or of that used by another licensee, that the public
22 may be confused or misled thereby. The authorization for the
23 use of a fictitious name shall require, as a condition
24 precedent to the use of such name, the filing of a certificate
25 of engaging in business under a fictitious name under s.
26 865.09. No licensee shall be permitted to conduct business
27 under more than one fictitious name except as separately
28 licensed nor shall the license be valid to protect any
29 licensee who is engaged in the business under any name other
30 than that specified in the license. An agency desiring to
31 change its licensed name shall notify the department and,

1 except upon renewal, pay a fee not to exceed \$30 for each
2 license requiring revision including those of all licensed
3 employees except Class "D" or Class "G" licensees. Upon the
4 return of such licenses to the department, revised licenses
5 shall be provided.

6 Section 6. Subsection (2) of section 493.6113, Florida
7 Statutes, is amended to read:

8 493.6113 Renewal application for licensure.--

9 (2) No less than 90 days prior to the expiration date
10 of the license, the department shall mail a written notice to
11 the last known mailing ~~residence~~ address for individual
12 licensees and to the last known agency address for agencies.

13 Section 7. Subsection (8) of section 493.6115, Florida
14 Statutes, is amended to read:

15 493.6115 Weapons and firearms.--

16 (8) A Class "G" applicant must satisfy the minimum
17 training criteria as set forth in s. 493.6105(5)~~(6)~~ and as
18 established by rule of the department.

19 Section 8. Subsection (2) of section 493.6118, Florida
20 Statutes, is amended to read:

21 493.6118 Grounds for disciplinary action.--

22 (1) The following constitute grounds for which
23 disciplinary action specified in subsection (2) may be taken
24 by the department against any licensee, agency, or applicant
25 regulated by this chapter, or any unlicensed person engaged in
26 activities regulated under this chapter.

27 (a) Fraud or willful misrepresentation in applying for
28 or obtaining a license.

29 (b) Use of any fictitious or assumed name by an agency
30 unless the agency has department approval and qualifies under
31 s. 865.09.

1 (c) Being found guilty of or entering a plea of guilty
2 or nolo contendere to, regardless of adjudication, or being
3 convicted of a crime that directly relates to the business for
4 which the license is held or sought. A plea of nolo
5 contendere shall create a rebuttable presumption of guilt to
6 the underlying criminal charges, and the department shall
7 allow the individual being disciplined or denied an
8 application for a license to present any mitigating
9 circumstances surrounding his or her plea.

10 (d) A false statement by the licensee that any
11 individual is or has been in his or her employ.

12 (e) A finding that the licensee or any employee is
13 guilty of willful betrayal of a professional secret or any
14 unauthorized release of information acquired as a result of
15 activities regulated under this chapter.

16 (f) Proof that the applicant or licensee is guilty of
17 fraud or deceit, or of negligence, incompetency, or
18 misconduct, in the practice of the activities regulated under
19 this chapter.

20 (g) Conducting activities regulated under this chapter
21 without a license or with a revoked or suspended license.

22 (h) Failure of the licensee to maintain in full force
23 and effect the general liability insurance coverage required
24 by s. 493.6110.

25 (i) Impersonating, or permitting or aiding and
26 abetting an employee to impersonate, a law enforcement officer
27 or an employee of the state, the United States, or any
28 political subdivision thereof by identifying himself or
29 herself as a federal, state, county, or municipal law
30 enforcement officer or official representative, by wearing a
31 uniform or presenting or displaying a badge or credentials

1 that would cause a reasonable person to believe that he or she
2 is a law enforcement officer or that he or she has official
3 authority, by displaying any flashing or warning vehicular
4 lights other than amber colored, or by committing any act that
5 is intended to falsely convey official status.

6 (j) Commission of an act of violence or the use of
7 force on any person except in the lawful protection of one's
8 self or another from physical harm.

9 (k) Knowingly violating, advising, encouraging, or
10 assisting the violation of any statute, court order, *capias*,
11 warrant, injunction, or cease and desist order, in the course
12 of business regulated under this chapter.

13 (l) Soliciting business for an attorney in return for
14 compensation.

15 (m) Transferring or attempting to transfer a license
16 issued pursuant to this chapter.

17 (n) Employing or contracting with any unlicensed or
18 improperly licensed person or agency to conduct activities
19 regulated under this chapter, or performing any act that
20 assists, aids, or abets a person or business entity in
21 engaging in unlicensed activity, when the licensure status was
22 known or could have been ascertained by reasonable inquiry.

23 (o) Failure or refusal to cooperate with or refusal of
24 access to an authorized representative of the department
25 engaged in an official investigation pursuant to this chapter.

26 (p) Failure of any partner, principal corporate
27 officer, or licensee to have his or her identification card in
28 his or her possession while on duty.

29 (q) Failure of any licensee to have his or her license
30 in his or her possession while on duty, as specified in s.
31 493.6111(1).

1 (r) Failure or refusal by a sponsor to certify a
2 biannual written report on an intern or to certify completion
3 or termination of an internship to the department within 15
4 working days.

5 (s) Failure to report to the department any person
6 whom the licensee knows to be in violation of this chapter or
7 the rules of the department.

8 (t) Violating any provision of this chapter.

9 (u) In addition to the grounds for disciplinary action
10 prescribed in paragraphs (a)-(t), Class "R" recovery agencies,
11 Class "E" recovery agents, and Class "EE" recovery agent
12 interns are prohibited from committing the following acts:

13 1. Recovering a motor vehicle, mobile home, or
14 motorboat that has been sold under a conditional sales
15 agreement or under the terms of a chattel mortgage before
16 authorization has been received from the legal owner or
17 mortgagee.

18 2. Charging for expenses not actually incurred in
19 connection with the recovery, transportation, storage, or
20 disposal of a motor vehicle, mobile home, motorboat, or
21 personal property.

22 3. Using any motor vehicle, mobile home, or motorboat
23 that has been repossessed, or using personal property obtained
24 in a repossession, for the personal benefit of a licensee or
25 an officer, director, partner, manager, or employee of a
26 licensee.

27 4. Selling a motor vehicle, mobile home, or motorboat
28 recovered under the provisions of this chapter, except with
29 written authorization from the legal owner or the mortgagee
30 thereof.

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1 5. Failing to notify the police or sheriff's
2 department of the jurisdiction in which the repossessed
3 property is recovered within 2 hours after recovery.

4 6. Failing to remit moneys, collected in lieu of
5 recovery of a motor vehicle, mobile home, or motorboat, to the
6 client within 10 working days.

7 7. Failing to deliver to the client a negotiable
8 instrument that is payable to the client, within 10 working
9 days after receipt of such instrument.

10 8. Falsifying, altering, or failing to maintain any
11 required inventory or records regarding disposal of personal
12 property contained in or on a recovered motor vehicle, mobile
13 home, or motorboat pursuant to s. 493.6404(1).

14 9. Carrying any weapon or firearm when he or she is on
15 private property and performing duties under his or her
16 license whether or not he or she is licensed pursuant to s.
17 790.06.

18 10. Soliciting from the legal owner the recovery of
19 property subject to repossession after such property has been
20 seen or located on public or private property if the amount
21 charged or requested for such recovery is more than the amount
22 normally charged for such a recovery.

23 11. Wearing, presenting, or displaying a badge in the
24 course of repossessing a motor vehicle, mobile home, or
25 motorboat.

26 (2) When the department finds any violation of
27 subsection (1), it may do one or more of the following:

28 (a) Deny an application for the issuance or renewal of
29 a license.

30 (b) Issue a reprimand.

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1 (c) Impose an administrative fine not to exceed \$5,000
2 ~~\$1,000~~ for every count or separate offense.

3 (d) Place the licensee on probation for a period of
4 time and subject to such conditions as the department may
5 specify.

6 (e) Suspend or revoke a license.

7 Section 9. Subsection (8) of section 493.6201, Florida
8 Statutes, is amended to read:

9 493.6201 Classes of licenses.--

10 (8) A Class "C" or Class "CC" licensee may perform
11 bodyguard services without obtaining a Class "D" license;
12 however, such activity is not creditable toward the 2-year
13 experience requirement under s. 493.6203(2) or (4).

14 Section 10. The title of part IV of chapter 493,
15 Florida Statutes, is amended to read:

16 PART IV

17 RECOVERY REPOSSESSION SERVICES

18 Section 11. Subsections (5), (7), and (8) of section
19 493.6401, Florida Statutes, are amended to read:

20 493.6401 Classes of licenses.--

21 (5) Any individual who performs recovery repossession
22 as an intern under the direction and control of a designated,
23 sponsoring Class "E" licensee or a designated, sponsoring
24 Class "MR" licensee shall have a Class "EE" license.

25 (7) Any person who operates a recovery repossession
26 school or training facility that provides the training
27 required under s. 493.6403(2), whether by classroom
28 instruction, correspondence course, or distance education
29 program, shall have a Class "RS" license. Any person who
30 reapplies for a Class "E" or Class "EE" license after his or
31 her application was denied is not required to retake the

1 training required under s. 493.6403(2) if the previous
2 training was received on or after October 1, 1994, and the
3 reason for denial was not related to insufficient training.
4 Any person who reapplies for a Class "E" or Class "EE" license
5 after his or her license has been expired for more than 90
6 days is not required to retake the training required under s.
7 493.6403(2) if the previous training was received on or after
8 October 1, 1994. Any person whose Class "E" or Class "EE"
9 license has been revoked must retake the training required
10 under s. 493.6403(2).

11 (8) Any individual who teaches or instructs at a Class
12 "RS" recovery agent ~~repossessor~~ school, correspondence school,
13 distance education program, or training facility shall have a
14 Class "RI" license.

15 Section 12. Paragraphs (f) and (g) of subsection (1)
16 of section 493.6402, Florida Statutes, are amended to read:

17 493.6402 Fees.--

18 (1) The department shall establish by rule biennial
19 license fees which shall not exceed the following:

20 (f) Class "RS" license--recovery agent ~~repossessor~~
21 school or training facility: \$60.

22 (g) Class "RI" license--recovery agent ~~repossessor~~
23 school or training facility instructor: \$60.

24 Section 13. Paragraphs (b) and (c) of subsection (1)
25 and subsection (2) of section 493.6403, Florida Statutes, are
26 amended to read:

27 493.6403 License requirements.--

28 (1) In addition to the license requirements set forth
29 in this chapter, each individual or agency shall comply with
30 the following additional requirements:

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1 (b) An applicant for Class "MR" license shall have at
2 least 1 year of lawfully gained, verifiable, full-time
3 experience as a Class "E" licensee performing recoveries
4 ~~repossessions~~ of motor vehicles, mobile homes, or motorboats.

5 (c) An applicant for a Class "E" license shall have at
6 least 1 year of lawfully gained, verifiable, full-time
7 experience in one, or a combination of more than one, of the
8 following:

9 1. Recovery ~~Repossession~~ of motor vehicles as defined
10 in s. 320.01(1), mobile homes as defined in s. 320.01(2), or
11 motorboats as defined in s. 327.02.

12 2. Work as a Class "EE" licensed intern.

13 (2) ~~Beginning October 1, 1994,~~An applicant for a
14 Class "E" or a Class "EE" license must have completed a
15 minimum of 40 hours of professional training from ~~at~~ a school
16 or training facility licensed by the department. Such training
17 may be conducted by classroom instruction, correspondence
18 course, or distance learning program.The department shall by
19 rule establish the general content for the training.

20 Section 14. Subsections (2) and (3) of section
21 493.6404, Florida Statutes, are amended to read:

22 493.6404 Property inventory; vehicle license
23 identification numbers.--

24 (2) Within 5 working days after the date of a recovery
25 ~~repossession~~, the Class "E" or Class "EE" licensee shall give
26 written notification to the debtor of the whereabouts of
27 personal effects or other property inventoried pursuant to
28 this section. At least 45 days prior to disposing of such
29 personal effects or other property, the Class "E" or Class
30 "EE" licensee shall, by United States Postal Service proof of
31 mailing or certified mail, notify the debtor of the intent to

1 dispose of said property. Should the debtor, or her or his
2 lawful designee, appear to retrieve the personal property,
3 prior to the date on which the Class "E" or Class "EE"
4 licensee is allowed to dispose of the property, the licensee
5 shall surrender the personal property to that individual upon
6 payment of any reasonably incurred expenses for inventory and
7 storage. If personal property is not claimed within 45 days
8 of the notice of intent to dispose, the licensee may dispose
9 of the personal property at her or his discretion, except that
10 illegal items or contraband shall be surrendered to a law
11 enforcement agency, and the licensee shall retain a receipt or
12 other proof of surrender as part of the inventory and disposal
13 records she or he maintains.

14 (3) Vehicles used for the purpose of recovery
15 ~~repossession~~ by a Class "E" or Class "EE" licensee must be
16 identified during repossession by the license number of the
17 Class "R" agency only, local ordinances to the contrary
18 notwithstanding. These vehicles are not "wreckers" as defined
19 in s. 713.78. The license number must be displayed on both
20 sides of the vehicle and must appear in lettering no less than
21 4 inches tall and in a color contrasting from that of the
22 background.

23 Section 15. Section 493.6405, Florida Statutes, is
24 amended to read:

25 493.6405 Sale of motor vehicle, mobile home, or
26 motorboat by a licensee; penalty.--

27 (1) A Class "E" or Class "EE" licensee shall obtain,
28 prior to sale, written authorization and a negotiable title
29 from the owner or lienholder to sell any recovered ~~repossessed~~
30 motor vehicle, mobile home, or motorboat.

31

1 (2) A Class "E" or Class "EE" licensee shall send the
2 net proceeds from the sale of such recovered ~~repossessed~~ motor
3 vehicle, mobile home, or motorboat to the owner or lienholder,
4 within 20 working days after the licensee executes the
5 documents which permit the transfer of legal ownership to the
6 purchaser.

7 (3) A person who violates a provision of this section
8 commits a felony of the third degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 Section 16. Section 493.6406, Florida Statutes, is
11 amended to read:

12 493.6406 Recovery agent ~~Repossession services~~ school
13 or training facility.--

14 (1) Any school, training facility, or instructor who
15 offers the training outlined in s. 493.6403(2) for Class "E"
16 or Class "EE" applicants shall, before licensure of such
17 school, training facility, or instructor, file with the
18 department an application accompanied by an application fee in
19 an amount to be determined by rule, not to exceed \$60. The
20 fee shall not be refundable.

21 (2) The application shall be signed and notarized and
22 shall contain, at a minimum, the following information:

23 (a) The name and address of the school or training
24 facility and, if the applicant is an individual, his or her
25 name, address, and social security or alien registration
26 number.

27 (b) The street address of the place at which the
28 training is to be conducted.

29 (c) A copy of the training curriculum and final
30 examination to be administered.

31

1 (3) The department shall adopt rules establishing the
2 criteria for approval of schools, training facilities,
3 correspondence schools, distance education programs,and
4 instructors.

5 Section 17. For the purpose of incorporating the
6 amendment to section 493.6118, Florida Statutes, in references
7 thereto, subsection (3) of section 493.6121, Florida Statutes,
8 is reenacted to read:

9 493.6121 Enforcement; investigation.--

10 (3) The department shall have the authority to
11 investigate any licensed or unlicensed person, firm, company,
12 partnership, or corporation when such person, firm, company,
13 partnership, or corporation is advertising as providing or is
14 engaged in performing services which require licensure under
15 this chapter or when a licensee is engaged in activities which
16 do not comply with or are prohibited by this chapter; and the
17 department shall have the authority to issue an order to cease
18 and desist the further conduct of such activities, or seek an
19 injunction, or take other appropriate action pursuant to s.
20 493.6118(2)(a) or (c).

21 Section 18. For the purpose of incorporating the
22 amendment to section 493.6108, Florida Statutes, in references
23 thereto, paragraphs (o) and (p) of subsection (3) of section
24 790.25, Florida Statutes, are reenacted to read:

25 790.25 Lawful ownership, possession, and use of
26 firearms and other weapons.--

27 (3) LAWFUL USES.--The provisions of ss. 790.053 and
28 790.06 do not apply in the following instances, and, despite
29 such sections, it is lawful for the following persons to own,
30 possess, and lawfully use firearms and other weapons,
31 ammunition, and supplies for lawful purposes:

1 (o) Investigators employed by the several public
2 defenders of the state, while actually carrying out official
3 duties, provided such investigators:

4 1. Are employed full time;

5 2. Meet the official training standards for firearms
6 established by the Criminal Justice Standards and Training
7 Commission as provided in s. 943.12(5) and the requirements of
8 ss. 493.6108(1)(a) and 943.13(1)-(4); and

9 3. Are individually designated by an affidavit of
10 consent signed by the employing public defender and filed with
11 the clerk of the circuit court in the county in which the
12 employing public defender resides.

13 (p) Investigators employed by the capital collateral
14 representative, while actually carrying out official duties,
15 provided such investigators:

16 1. Are employed full time;

17 2. Meet the official training standards for firearms
18 as established by the Criminal Justice Standards and Training
19 Commission as provided in s. 943.12(1) and the requirements of
20 ss. 493.6108(1)(a) and 943.13(1)-(4); and

21 3. Are individually designated by an affidavit of
22 consent signed by the capital collateral representative and
23 filed with the clerk of the circuit court in the county in
24 which the investigator is headquartered.

25 Section 19. This act shall take effect upon becoming a
26 law.

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LEGISLATIVE SUMMARY

Revises general provisions relating to private investigative, private security, and repossession services. Revises requirements for initial application for licensure to perform such services, license requirements, and provisions with respect to investigation of applicants by the Department of State. Clarifies provisions relating to the conduct of business by a licensee under more than one name. Revises notice requirements with respect to license renewal. Increases the administrative fine which may be imposed for a violation of ch. 493, F.S.

With respect to private investigative services, provides that the performance of certain services is not creditable toward experience requirements for specified classes of licensure to perform private investigative services.

Renames pt. IV of ch. 493, F.S., entitled "Repossession Services" as "Recovery Services." Revises terminology. Revises requirements with respect to specified classes of licensure. Revises training requirements with respect to a specified class of license. Conforms terminology with respect to the sale of, and transfer of proceeds from the sale of, a recovered motor vehicle, mobile home, or motorboat. Provides a penalty. Revises provisions which require recovery agent schools, training facilities, and instructors to apply for departmental approval and pay an application fee. Includes correspondence schools and distance education programs among entities which may be approved by the department to provide recovery agent instruction and training.