

By Representative Kallinger

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

1 of licensure; amending ss. 493.6402 and
2 493.6404, F.S.; conforming terminology;
3 amending s. 493.6403, F.S.; revising training
4 requirements with respect to a specified class
5 of license; amending s. 493.6405, F.S.;
6 conforming terminology with respect to the sale
7 of, and transfer of proceeds from the sale of,
8 a recovered motor vehicle, mobile home, or
9 motorboat; providing a penalty; amending s.
10 493.6406, F.S.; conforming terminology;
11 revising provisions which require recovery
12 agent schools, training facilities, and
13 instructors to apply for departmental approval
14 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.
31

1 493.6108, F.S., in a reference thereto;
2 providing an effective date.

3

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

5

6 Section 1. Section 493.6105, Florida Statutes, is
7 amended to read:

8

CHAPTER 493

9

PRIVATE INVESTIGATIVE, PRIVATE SECURITY, AND RECOVERY

10

~~REPOSSESSION~~ SERVICES

11

493.6105 Initial application for license.--

12

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

18

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

22

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

26

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

28

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

30

(a) Name and any aliases.

31

(b) Age and date of birth.

- 1 (c) Place of birth.
- 2 (d) Social security number or alien registration
3 number, whichever is applicable.
- 4 (e) Present residence address and his or her residence
5 addresses within the 5 years immediately preceding the
6 submission of the application.
- 7 (f) Occupations held presently and within the 5 years
8 immediately preceding the submission of the application.
- 9 (g) A statement of all convictions, a list of any
10 arrests resulting in a conviction or for which adjudication
11 was withheld, and a certified copy of the final disposition of
12 any such arrest.
- 13 (h) A statement whether he or she has ever been
14 adjudicated incompetent under chapter 744.
- 15 (i) A statement whether he or she has ever been
16 committed to a mental institution under chapter 394.
- 17 (j) A full set of fingerprints on a card provided by
18 the department and a fingerprint fee to be established by rule
19 of the department based upon costs determined by state and
20 federal agency charges and department processing costs. An
21 applicant who has, within the immediately preceding 6 months,
22 submitted a fingerprint card and fee for licensing purposes
23 under this chapter shall not be required to submit another
24 fingerprint card or fee.
- 25 (k) A personal inquiry waiver which allows the
26 department to conduct necessary investigations to satisfy the
27 requirements of this chapter.
- 28 (l) One passport-type color photograph taken within
29 the 6 months immediately preceding the submission of the
30 application.
- 31

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

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

14 (4)~~(5)~~ In addition to the application requirements
15 outlined under subsection (3), the applicant for a Class "C,"
16 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
17 license shall include a statement on a form provided by the
18 department of the experience which he or she believes will
19 qualify him or her for such license.

20 (5)~~(6)~~ In addition to the requirements outlined in
21 subsection (3), an applicant for a Class "G" license shall
22 satisfy minimum training criteria for firearms established by
23 rule of the department, which training criteria shall include,
24 but is not limited to, 28 hours of range and classroom
25 training taught and administered by a Class "K" licensee;
26 however, no more than 8 hours of such training shall consist
27 of range training. If the applicant can show proof that he or
28 she is an active law enforcement officer currently certified
29 under the Criminal Justice Standards and Training Commission
30 or has completed the training required for that certification
31 within the last 12 months, or if the applicant submits one of

1 the certificates specified in paragraph (7)(a), the department
2 may waive the foregoing firearms training requirement. An
3 applicant for a Class "G" or a Class "K" license who is not a
4 citizen of the United States must submit documentation issued
5 by the United States Immigration and Naturalization Service
6 proving that he or she is a permanent legal resident alien who
7 has resided in the state for at least 90 consecutive days
8 prior to the date on which the application is submitted.

9 ~~(6)(7)~~ In addition to the requirements under
10 subsection (3), an applicant for a Class "K" license shall:

11 (a) Submit one of the following certificates:

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

16 2. The National Rifle Association Police Firearms
17 Instructor's Certificate.

18 3. The National Rifle Association Security Firearms
19 Instructor's Certificate.

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

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

30 ~~(7)(8)~~ In addition to the application requirements for
31 individuals, partners, or officers outlined under subsection

1 (3), the application for an agency license shall contain the
2 following information:

3 (a) The proposed name under which the agency intends
4 to operate.

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

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

10 (d) The names and titles of all partners or, in the
11 case of a corporation, the names and titles of its principal
12 officers.

13 ~~(8)(9)~~ Upon submission of a complete application, a
14 Class "CC," Class "C," Class "D," Class "EE," Class "E," Class
15 "M," Class "MA," Class "MB," or Class "MR" applicant may
16 commence employment or appropriate duties for a licensed
17 agency or branch office. However, the Class "C" or Class "E"
18 applicant must work under the direction and control of a
19 sponsoring licensee while his or her application is being
20 processed. If the department denies application for
21 licensure, the employment of the applicant must be terminated
22 immediately, unless he or she performs only unregulated
23 duties.

24 Section 2. Paragraph (f) of subsection (1) and
25 subsection (2) of section 493.6106, Florida Statutes, are
26 amended, and a new paragraph (g) is added to subsection (1) of
27 said section, to read:

28 493.6106 License requirements; posting.--

29 (1) Each individual licensed by the department must:

30 (f) Be a citizen or permanent legal resident alien of
31 the United States or, except for Class "G" and Class "K"

1 licensees, have proof of current employment ~~have been granted~~
2 authorization issued to seek employment in this country by the
3 United States Immigration and Naturalization Service.

4 (g) Not be prohibited from purchasing or possessing a
5 firearm by any other provision of Florida or federal law.

6 (2) Each agency shall have a minimum of one physical
7 location within this state from which the normal business of
8 the agency is conducted, and this location shall be considered
9 the primary office for that agency in this state.

10 (a) If an agency, school, correspondence school,
11 distance education program, or training facility desires to
12 change the physical location of the business, as it appears on
13 its ~~the agency~~ license, the department must be notified within
14 10 days of the change, and, except upon renewal, the fee
15 prescribed in s. 493.6107 must be submitted for each license
16 requiring revision. Each license requiring revision must be
17 returned with such notification.

18 (b) The Class "A," Class "B," or Class "R" license and
19 any branch office, or school, correspondence school, distance
20 education program, or training facility license shall at all
21 times be posted in a conspicuous place at the licensed
22 physical location in this state where the business is
23 conducted.

24 (c) Each Class "A," Class "B," Class "R," branch
25 office, ~~or~~ school, correspondence school, distance education
26 program, or training facility licensee shall display, in a
27 place that is in clear and unobstructed public view, a notice
28 on a form prescribed by the department stating that the
29 business operating at this location is licensed and regulated
30 by the Department of State and that any questions or
31 complaints should be directed to the department.

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

3 Section 3. Subsection (1) of section 493.6108, Florida
4 Statutes, is amended to read:

5 493.6108 Investigation of applicants by Department of
6 State.--

7 (1) Except as otherwise provided, prior to the
8 issuance of a license under this chapter, the department shall
9 make an investigation of the applicant for a license. The
10 investigation shall include:

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

19 2. If a legible set of fingerprints, as determined by
20 the Department of Law Enforcement or the Federal Bureau of
21 Investigation, cannot be obtained after two attempts, the
22 Department of State may determine the applicant's eligibility
23 based upon a criminal history record check under the
24 applicant's name conducted by the Department of Law
25 Enforcement if the ~~and the Federal Bureau of Investigation. A~~
26 ~~set of fingerprints were~~ were taken by a law enforcement agency and
27 the applicant submits a written statement signed by the
28 fingerprint technician or a licensed physician stating that
29 there is a physical condition that precludes obtaining a
30 legible set of fingerprints or that the fingerprints taken are
31

1 the best that can be obtained ~~is sufficient to meet this~~
2 ~~requirement.~~

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

6 (c) Such other investigation of the individual as the
7 department may deem necessary.

8 Section 4. Subsection (4) of section 493.6111, Florida
9 Statutes, is amended to read:

10 493.6111 License; contents; identification card.--

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

1 return of such licenses to the department, revised licenses
2 shall be provided.

3 Section 5. Subsection (2) of section 493.6113, Florida
4 Statutes, is amended to read:

5 493.6113 Renewal application for licensure.--

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

10 Section 6. Subsection (8) of section 493.6115, Florida
11 Statutes, is amended to read:

12 493.6115 Weapons and firearms.--

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

16 Section 7. Subsection (2) of section 493.6118, Florida
17 Statutes, is amended to read:

18 493.6118 Grounds for disciplinary action.--

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

24 (a) Fraud or willful misrepresentation in applying for
25 or obtaining a license.

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

29 (c) Being found guilty of or entering a plea of guilty
30 or nolo contendere to, regardless of adjudication, or being
31 convicted of a crime that directly relates to the business for

1 which the license is held or sought. A plea of nolo
2 contendere shall create a rebuttable presumption of guilt to
3 the underlying criminal charges, and the department shall
4 allow the individual being disciplined or denied an
5 application for a license to present any mitigating
6 circumstances surrounding his or her plea.

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

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

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

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

19 (h) Failure of the licensee to maintain in full force
20 and effect the general liability insurance coverage required
21 by s. 493.6110.

22 (i) Impersonating, or permitting or aiding and
23 abetting an employee to impersonate, a law enforcement officer
24 or an employee of the state, the United States, or any
25 political subdivision thereof by identifying himself or
26 herself as a federal, state, county, or municipal law
27 enforcement officer or official representative, by wearing a
28 uniform or presenting or displaying a badge or credentials
29 that would cause a reasonable person to believe that he or she
30 is a law enforcement officer or that he or she has official
31 authority, by displaying any flashing or warning vehicular

1 lights other than amber colored, or by committing any act that
2 is intended to falsely convey official status.

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

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

10 (l) Soliciting business for an attorney in return for
11 compensation.

12 (m) Transferring or attempting to transfer a license
13 issued pursuant to this chapter.

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

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

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

26 (q) Failure of any licensee to have his or her license
27 in his or her possession while on duty, as specified in s.
28 493.6111(1).

29 (r) Failure or refusal by a sponsor to certify a
30 biannual written report on an intern or to certify completion
31

1 or termination of an internship to the department within 15
2 working days.

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

6 (t) Violating any provision of this chapter.

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

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

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

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

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

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

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

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

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

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

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

20 11. Wearing, presenting, or displaying a badge in the
21 course of repossessing a motor vehicle, mobile home, or
22 motorboat.

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

25 (a) Deny an application for the issuance or renewal of
26 a license.

27 (b) Issue a reprimand.

28 (c) Impose an administrative fine not to exceed \$5,000
29 ~~\$1,000~~ for every count or separate offense.

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31

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

4 (e) Suspend or revoke a license.

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

7 493.6201 Classes of licenses.--

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

12 Section 9. Subsections (5), (7), and (8) of section
13 493.6401, Florida Statutes, are amended to read:

14 PART IV

15 RECOVERY REPOSSESSION SERVICES

16 493.6401 Classes of licenses.--

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

21 (7) Any person who operates a recovery reposessor
22 school or training facility that provides the training
23 required under s. 493.6403(2), whether by classroom
24 instruction, correspondence course, or distance education
25 program, shall have a Class "RS" license. Any person who
26 reapplies for a Class "E" or Class "EE" license after his or
27 her application was denied is not required to retake the
28 training required under s. 493.6403(2) if the previous
29 training was received on or after October 1, 1994, and the
30 reason for denial was not related to insufficient training.
31 Any person who reapplies for a Class "E" or Class "EE" license

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

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

11 Section 10. Paragraphs (f) and (g) of subsection (1)
12 of section 493.6402, Florida Statutes, are amended to read:

13 493.6402 Fees.--

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

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

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

20 Section 11. Paragraphs (b) and (c) of subsection (1)
21 and subsection (2) of section 493.6403, Florida Statutes, are
22 amended to read:

23 493.6403 License requirements.--

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

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

31

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

5 1. Recovery ~~Repossession~~ of motor vehicles as defined
6 in s. 320.01(1), mobile homes as defined in s. 320.01(2), or
7 motorboats as defined in s. 327.02.

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

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

16 Section 12. Subsections (2) and (3) of section
17 493.6404, Florida Statutes, are amended to read:

18 493.6404 Property inventory; vehicle license
19 identification numbers.--

20 (2) Within 5 working days after the date of a recovery
21 ~~repossession~~, the Class "E" or Class "EE" licensee shall give
22 written notification to the debtor of the whereabouts of
23 personal effects or other property inventoried pursuant to
24 this section. At least 45 days prior to disposing of such
25 personal effects or other property, the Class "E" or Class
26 "EE" licensee shall, by United States Postal Service proof of
27 mailing or certified mail, notify the debtor of the intent to
28 dispose of said property. Should the debtor, or her or his
29 lawful designee, appear to retrieve the personal property,
30 prior to the date on which the Class "E" or Class "EE"
31 licensee is allowed to dispose of the property, the licensee

1 shall surrender the personal property to that individual upon
2 payment of any reasonably incurred expenses for inventory and
3 storage. If personal property is not claimed within 45 days
4 of the notice of intent to dispose, the licensee may dispose
5 of the personal property at her or his discretion, except that
6 illegal items or contraband shall be surrendered to a law
7 enforcement agency, and the licensee shall retain a receipt or
8 other proof of surrender as part of the inventory and disposal
9 records she or he maintains.

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

19 Section 13. Section 493.6405, Florida Statutes, is
20 amended to read:

21 493.6405 Sale of motor vehicle, mobile home, or
22 motorboat by a licensee; penalty.--

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

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

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

6 Section 14. Subsections (1) and (3) of section
7 493.6406, Florida Statutes, are amended to read:

8 493.6406 Recovery agent ~~Repossession services~~ school
9 or training facility.--

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

17 (3) The department shall adopt rules establishing the
18 criteria for approval of schools, training facilities,
19 correspondence schools, distance education programs, and
20 instructors.

21 Section 15. For the purpose of incorporating the
22 amendment to section 493.6118, Florida Statutes, in references
23 thereto, the sections or subdivisions of Florida Statutes set
24 forth below are reenacted to read:

25 493.6121 Enforcement; investigation.--

26 (3) The department shall have the authority to
27 investigate any licensed or unlicensed person, firm, company,
28 partnership, or corporation when such person, firm, company,
29 partnership, or corporation is advertising as providing or is
30 engaged in performing services which require licensure under
31 this chapter or when a licensee is engaged in activities which

1 do not comply with or are prohibited by this chapter; and the
2 department shall have the authority to issue an order to cease
3 and desist the further conduct of such activities, or seek an
4 injunction, or take other appropriate action pursuant to s.
5 493.6118(2)(a) or (c).

6 Section 16. For the purpose of incorporating the
7 amendment to section 493.6108, Florida Statutes, in references
8 thereto, the sections or subdivisions of Florida Statutes set
9 forth below are reenacted to read:

10 790.25 Lawful ownership, possession, and use of
11 firearms and other weapons.--

12 (3) LAWFUL USES.--The provisions of ss. 790.053 and
13 790.06 do not apply in the following instances, and, despite
14 such sections, it is lawful for the following persons to own,
15 possess, and lawfully use firearms and other weapons,
16 ammunition, and supplies for lawful purposes:

17 (o) Investigators employed by the several public
18 defenders of the state, while actually carrying out official
19 duties, provided such investigators:

20 1. Are employed full time;
21 2. Meet the official training standards for firearms
22 established by the Criminal Justice Standards and Training
23 Commission as provided in s. 943.12(5) and the requirements of
24 ss. 493.6108(1)(a) and 943.13(1)-(4); and

25 3. Are individually designated by an affidavit of
26 consent signed by the employing public defender and filed with
27 the clerk of the circuit court in the county in which the
28 employing public defender resides.

29 (p) Investigators employed by the capital collateral
30 representative, while actually carrying out official duties,
31 provided such investigators:

- 1 1. Are employed full time;
- 2 2. Meet the official training standards for firearms
- 3 as established by the Criminal Justice Standards and Training
- 4 Commission as provided in s. 943.12(1) and the requirements of
- 5 ss. 493.6108(1)(a) and 943.13(1)-(4); and
- 6 3. Are individually designated by an affidavit of
- 7 consent signed by the capital collateral representative and
- 8 filed with the clerk of the circuit court in the county in
- 9 which the investigator is headquartered.

10 Section 17. This act shall take effect upon becoming a
11 law.

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HOUSE 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.