

- Any person or company retained by a food service establishment to independently evaluate the food service establishment including quality of food, service and facility. However, such persons are not exempt to the extent they investigate or are retained to investigate criminal or suspected criminal behavior on the part of the food service establishment employees.

Violations

PRIVATE INVESTIGATORS

The department has the power to enforce the provisions of Chapter 493, F. S. and initiate administrative action when violations occur. Private investigators, private investigator interns and private investigative agencies may be subject to disciplinary action for fraud or deceit, or of negligence, incompetency or misconduct, in the practice of the regulated activities. The following are examples of violations that may result in a reprimand, fine, probation, suspension or revocation of the license.

- Carrying a firearm without a Class "G" Statewide Firearm License.
- Willfully betraying a professional secret or releasing unauthorized investigative information.
- Impersonating or permitting an investigative employee to impersonate a law enforcement officer or employee of the state.
- Using force or acts of violence except in the lawful protection of the licensee or another from physical harm.
- The use of badges, credentials or identification cards which include any portion of the Great Seal of Florida or badges in the shape of a five-pointed star.
- Operating without a license.

RECOVERY AGENTS

If a licensed recovery agent violates the provisions of Chapter 493, F.S. the department has the power to initiate administrative action. The following are examples of violations that are prohibited by law and may result in administrative action such as a fine, probation, revocation or suspension of license.

- A recovery agent cannot commit a breach of the

peace by acting riotously, forcibly or unlawfully when conducting a repossession. Example: A debtor objects verbally or physically to a recovery in progress and the recovery agent does not retreat or cease recovery activities when the debtor refuses to surrender the vehicle.

- Failing to safeguard and inventory personal property. Failing to keep the inventory of personal property for two years.
- Charging the debtor an unreasonable amount for the recovery, transportation, inventory, storage and disposal of personal property.
- Failing to return all personal property once the debtor has paid the incurred expenses for inventory and storage.
- Failing to notify the debtor by certified mail or postal proof of mailing within 45 days prior to disposal of personal property.
- Disposing of personal property before the end of the 45-day period the debtor is given by law to retrieve personal property.
- Carrying any weapon or firearm on private property when performing repossessions.
- The recovery agency's "R" license number is required to be displayed on both sides of any vehicle used during repossession activities. The number must appear in lettering no less than 4 inches tall and in a color contrasting from that of the background.
- Failure to notify the police or sheriff in the jurisdiction of the repossession within two hours after recovery.

SECURITY OFFICERS AND AGENCIES

The department has the power to enforce the provisions of Chapter 493, F.S. and initiate administrative action when violations occur. The following are examples of violations that may result in a reprimand, fine, probation, or suspension or revocation of the license.

Security Officers:

- Impersonating a law enforcement officer or representative of the state.
- Using force or acts of violence except in the lawful

protection of the licensee or another from physical harm.

- Conducting security officer duties without a Class "D" Security Officer License.
- Carrying a firearm without a Class "G" Statewide Firearm License.
- Performing security duties in a uniform which does not have at least one clearly visible patch or emblem identifying the employing licensed security agency.
- Not possessing an identification card and license while on duty.
- Committing a crime directly related to the license held, such as theft.
- Leaving an assigned post or sleeping on duty.

Security Agencies:

- Using badges, credentials or identification cards that include any portion of the Great Seal of Florida or the words "State of Florida" or badges in the shape of a five-pointed star.
- Failure to maintain a \$300,000 commercial general liability insurance policy.
- Operating without a licensed manager.
- Not posting the security agency license disclosure notice to the public in a conspicuous place.

Who Should I Contact To File A Complaint Or Report Unlicensed Activity?

You can file a complaint or report unlicensed activity to the Division of Licensing's Bureau of Regulation and Enforcement (BRE). Contact either BRE Headquarters in Tallahassee or one of the division's eight regional offices located throughout the state.

BRE Headquarters Telephone
(850) 245-5499

Additional contact information available
at www.MyLicenseSite.com.

FOR MORE INFORMATION,
POINT YOUR QR READER TO



FDACS-P-02051 10/15

QUESTIONS AND ANSWERS

Chapter 493, F.S.



www.MyLicenseSite.com • (850) 245-5499

Florida Department of Agriculture and Consumer Services

Questions and Answers

Chapter 493, F.S.

The Department of Agriculture and Consumer Services, Division of Licensing, licenses and regulates the security industry, private investigative industry and recovery agency industry in accordance with Chapter 493, Florida Statutes (F.S.). Security officers, security agencies, private investigators, private investigative agencies, recovery agents and recovery agencies serve in positions of trust. Untrained and unlicensed persons or businesses, or persons not of good moral character, are a threat to the public's safety and welfare. The private security, private investigative and the recovery industries are regulated to ensure the interests of the public are adequately served and protected.

What Is A Private Investigator?

To perform private investigations, for consideration, in Florida, an individual must hold a Class "C" Private Investigator license or a Class "CC" Private Investigator Intern license. A Class "C" or "CC" licensee must own or work for a licensed Class "A" Private Investigative Agency. A Class "CC" licensee must work under the direction and control of a designated, sponsoring Class "C" licensee. "Private investigation" means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation or character of any society, person or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property, escheated property or heirs to estates.

- The location or recovery of lost or stolen property. The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefore.

What Is A Recovery Agent?

"Recovery agent" means any individual and recovery agency is an agency who, for consideration, advertises as providing or performs repossessions as described below. These individuals and agencies must be licensed. "Repossession" means the recovery of a motor vehicle as defined under s.320.01(1), F.S., mobile home as defined in s. 320.01(2), F.S., a motorboat as defined under s. 327.02, F.S., an aircraft as defined in s. 330.27 (1), F.S., a personal watercraft as defined in control, custody and possession of such repossessed property.

What Is A Security Officer/Agency?

A security agency is any business that, for consideration, advertises as providing or is engaged in the business of furnishing security services described below. In order to perform those services, a security officer must own or work for a licensed security agency.

- Acts as a bodyguard
- Guards property
- Transports prisoners
- Guards armored cars
- Attempts to prevent theft, misappropriation or concealment of property or other valuables

Types of Licenses

FOR INDIVIDUALS

"C"	Private Investigator
"CC"	Private Investigator Intern
"D"	Security Officer
"E"	Recovery Agent

"EE"	Recovery Agent Intern
"G"	Armed Security Officer
"K"	Firearms Instructor
"M" or "MA"	Private Investigative Agency Manager
"M" or "MB"	Security Agency Manager
"M" or "MR"	Recovery Agent Manager

FOR AGENCIES

"A"	Private Investigative Agency
"AA"	Private Investigative Agency Branch Office
"AB"	Combined Security and Private Investigative Agency Branch Office
"B"	Security Agency
"BB"	Security Agency Branch Office
"R"	Recovery Agent
"RR"	Recovery Agent Branch Office

FOR SCHOOLS

"DI"	Security Officer School / Training Facility Instructor
"DS"	Security Officer School or Training Facility
"RI"	Repossessor School Instructor
"RS"	Repossessor School

Firearms

A private investigator or private investigator intern, age 21 years or older, who possesses a Class "G" Statewide Firearm License, may carry a concealed firearm when it is required by his or her duties and approved by the licensed agency. Firearms are not permitted to be carried openly at any time.

Licensed recovery agents and recovery agent interns are prohibited from carrying firearms while on private property and in the course of repossession activities. This is prohibited even if the licensee possesses a Concealed Weapon or Firearm License or a Class "G" Statewide Firearm License by virtue of other licensure as a security officer or private investigator.

To carry a firearm in the performance of regulated security duties, security officers and agency managers must obtain a Class "G" Statewide Firearm License. No employee may carry or be furnished a firearm unless it is required by her or his duties and it is carried only in connection with those duties. The firearm must be encased in full view at all times unless otherwise provided by law.

Who is Exempt from Licensing

- "In-house" recovery agents, unarmed security officers and private investigators who are solely, exclusively, and regularly employed in connection with the business of the employer when an employer-employee relationship exists.
- Any Insurance investigator or adjuster licensed by a state or federal licensing authority when such a person is providing expert advice within the scope of her or his license.
- Any individual solely, exclusively and regularly employed as an unarmed investigator in connection with the business of her or his employer, when there exists an employer-employee relationship.
- Any attorney in the regular practice of her or his profession.
- Any person who holds a professional license under the laws of this state when such person is providing services or expert advice in the profession or occupation in which that person is so licensed.
- Any private investigative agency, and employees thereof, performing contractual investigative services solely and exclusively for any agency of the United States.
- Any person duly authorized by the laws of this state to operate a central burglar or fire alarm business. However, such persons are not exempt to the extent they perform services requiring licensure or registration under this chapter.