

PRIVATE INVESTIGATOR HANDBOOK



**Florida Department of
Agriculture and Consumer Services**

Adam H. Putnam, Commissioner

IMPORTANT

This document, which is published in accordance with section 493.6123(2), Florida Statutes, details in plain language the legal authority, rights, and obligations of licensees. Citations to statute and to Florida Administrative Code are included in this document so that readers may consult these sources to review the precise language presented in law and rule.



Florida Department of Agriculture and Consumer Services

A message from the Commissioner:

To be licensed as a private investigator in the State of Florida is to assume an important public trust. The private investigator has a special obligation to maintain high ethical standards and to adhere strictly to the requirements of the law governing his or her professional practice. The Department of Agriculture and Consumer Services, Division of Licensing, is authorized under Chapter 493, Florida Statutes, to regulate the private investigative industry in an effort to ensure that regulated activities are performed in a manner that is consistent with the general welfare.

This handbook is intended to serve as a convenient reference guide to applicants and licensees on the requirements and the restrictions contained in the law. I hope it will be helpful to you.

Sincerely,

Adam H. Putnam
Commissioner

TABLE OF CONTENTS

PRIVATE INVESTIGATION GUIDELINES	
TITLE/SUBJECT	PAGE
I. Law	1
II. Regulated Activity	1
III. Types of Licenses	2
IV. In-House Investigators	4
V. Training and Test Requirements	4
VI. Firearms	6
VII. Firearms Training	7
VIII. Use of Force	9
IX. Sponsorship of Interns	10
X. Identification Cards	10
XI. Applying for a License	11
XII. Cancellation/Inactivation of License	13
XIII. Agency Advertisements Require License Number	13
XIV. Prohibited Acts	14
XV. Use of State Seal Prohibited	17
XVI. Badges	18
XVII. Unlawful Symbols of Authority	18
XVIII. Department of Agriculture and Consumer Services, Division of Licensing	19
XIX. Disciplinary Action/Penalties	20
XX. Confidentiality	22
XXI. Divulging Investigative Information	23
DIVISION OF LICENSING ADDRESSES AND TELEPHONE NUMBERS	25
REGIONAL OFFICE TERRITORIES	27

PRIVATE INVESTIGATION GUIDELINES

I. LAW – Chapter 493, Florida Statutes

The following explanations of the law are intended to assist applicants and licensees in understanding the basic requirements and restrictions of Chapter 493, Florida Statutes. Please note that this handbook does not constitute the entirety of the law. Individuals seeking a more comprehensive understanding of the law are directed to carefully read and study Chapter 493, Florida Statutes, as well as Chapter 5N-1, Florida Administrative Code.

II. REGULATED ACTIVITY – Private Investigation

Definition – the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

- a. 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.
- b. The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- c. The credibility of witnesses or other persons.
- d. The whereabouts of missing persons, owners of abandoned property or escheated property, or heirs to estates.
- e. The location or recovery of lost or stolen property.
- f. The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- g. 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 therefor.

Section 493.6101(17), F.S.

h. A Class “C” or Class “CC” licensee may perform bodyguard services without obtaining a Class “D” license.

Section 493.6201(8), F.S.

III. TYPES OF LICENSES

a. Private Investigator — Class “C” license — Any individual who performs investigative services, except an “in-house” investigator, must have a Class “C” Private Investigator license and must own or be employed by a licensed Class “A” Private Investigative Agency or Class “AA” or “AB” branch office. Class “C” licensees may not engage in investigative services except through a licensed agency. Class “C” licensees may not subcontract.

Sections 493.6201(4) and (5), F.S.

For “in-house investigators” see Section IV

b. Private Investigator Intern — Class “CC” license — Any individual who performs investigative services as an intern under the direction and control of a designated sponsoring Class “C” licensee or designated sponsoring Class “M” or “MA” Agency Manager licensee. Class “CC” licensees may not subcontract; they must work for a Class “A” agency or branch office.

Section 493.6201(6) and 493.6116, F.S.

c. Private Investigative Agency — Class “A” license — Any company that engages in business as an investigative agency must possess a Class “A” license. A Class “A” license is valid for only one location. A Class “A” agency cannot subcontract with a Class “C” Private Investigator or Class “CC” Private Investigator Intern, but that agency may subcontract with another Class “A” agency. Agencies must notify the Division of any changes in officers, ownership or location. Agency licenses, which reflect incorrect information because such changes have not been

reported, are in violation of Chapter 493, F.S.

Sections 493.6201(1) and 493.6106(2), F.S.

d. Branch Office — Class “AA” license — Each branch office of a Class “A” agency shall have a Class “AA” license.

Section 493.6201(2), F.S.

e. Agency Managers — Class “M” or “MA” license — Any individual who performs the services of a manager for a Class “A” Investigative Agency or a Class “AA” Branch Office must have a Class “M” or “MA” Agency Manager license. A Class “C” licensee may be designated as a manager in lieu of the Class “M” or “MA” license. Class “M” or “MA” licensees cannot subcontract; they must work for a Class “A” Private Investigative Agency.

Example: The owner of a Class “A” Private Investigative Agency who is licensed as a Class “C” Private Investigator may designate himself or herself as the agency manager and is not required to possess a Class “MA” license.

Section 493.6201(3), F.S.

f. Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class “C” or Class “CC” employees.

Section 493.6106(2)(d), F.S.

g. Unless the license is suspended or revoked by the Division of Licensing, licenses are valid for 2 years, except for the Class “A” Private Investigative Agency license, the Class “AA” or “AB” agency branch license, and the Class “K” Firearms Instructor license, which are valid for a 3 years. The licensee is responsible for renewing his or her license on time. Although the Division sends the licensee a renewal notice approximately 120 days prior to the expiration date of the license, the licensee is ultimately responsible for renewing his or her license in a timely manner even if the renewal notice was not received.

Sections 493.6111(2) and 493.6113, F.S.

h. The Class “C” Private Investigator license or Class “CC” Private Investigator Intern license or Class “M” or “MA” Agency Manager license must be in the possession of the individual licensee while engaged in regulated activities.

Section 493.6111(1), F.S.

IV. IN-HOUSE INVESTIGATORS – No license required

Definition – An unarmed investigator who is solely, exclusively, and regularly employed as an investigator in connection with the business of his or her employer when such employer does not provide, or advertise as providing, investigative services for a fee. An unlicensed investigator may not provide investigative services to any person or business other than his or her employer.

Section 493.6102(3), F.S.

Example: An individual may be employed to investigate matters specifically related to his or her employer’s business such as employee theft, background checks on potential employees, etc.

Example: Investigators working in-house for a Class “A” Agency must have a Class “C” license and are not exempt under Section 493.6102(3), F.S.

V. TRAINING AND TEST REQUIREMENTS

a. An applicant for a Class “CC” Private Investigator Intern License is not expected to have investigative experience. Internship is intended to serve as a learning period during which the intern works under the direction and guidance of a trained and licensed investigator. However, there are training and examination requirements for Class “CC” applicants.

b. An applicant for a Class “CC” license must submit proof of having completed a minimum of 40 hours of professional training pertaining to general investigative techniques and

this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The training must be provided in two parts, one 24-hour course and one 16-hour course. The certificate evidencing satisfactory completion of the 40 hours of professional training must be submitted with the application for a Class “CC” license.

c. The training may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

d. If a Class “CC” license becomes invalid as a result of expiration or administrative action and remains invalid for more than one year, the person applying for re-licensure must retake both the training and the two examinations.

Section 493.6203(6)(a) and (b), F.S.

e. An applicant for a Class “C” license shall have two (2) years of lawfully gained, verifiable, full-time experience or training in one, or a combination of more than one, of the following:

1. Private investigative work or related fields of work that provided equivalent experience or training.
2. College course work related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than one (1) year may be used from this category.
3. Work as a Class “CC” licensed intern.

Example: An applicant for Class “C” licensure cannot claim

investigative experience obtained when the applicant or the employer/sponsor was not properly licensed because this would be unlawfully gained experience.

Sections 493.6203(4), F.S.

f. An applicant for the Class “MA”, Class “M”, or Class “C” license must pass an examination that covers the provisions of Chapter 493, F.S. This examination is administered by the Department or by a provider approved by the Department. The applicant must pass the examination prior to applying for licensure; proof of successful completion of the exam must be submitted with the application.

g. If a Class “MA”, Class “M”, or Class “C” license becomes invalid as a result of expiration or administrative action and remains invalid for more than one year, the person applying for re-licensure must take and pass the examination a second time.

Sections 493.6203(5)(a) and (b), F.S.

VI. FIREARMS

a. A Class “C” Private Investigator or Class “CC” Private Investigator Intern must obtain a Class “G” Statewide Firearm License in order to carry a firearm in the course of his or her duties. A Class “C” or Class “CC” licensee has authority to carry a .38 caliber revolver; or a .380 caliber or a 9-millimeter semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition only; or a .40 caliber handgun; or a .45 ACP handgun while performing duties authorized under Chapter 493, Florida Statutes. No licensee may carry more than two (2) firearms upon his or her person when performing his or her duties. A licensee may carry only a firearm of the specific type and caliber with which he or she is qualified in accordance with the firearms training requirements. Licensees may not carry a concealed firearm under the authority of a concealed weapon license obtained pursuant to Section 790.06, Florida Statutes.

while engaged in activities regulated by Chapter 493.

Sections 493.6115(2), (6), and (17), F.S.

b. A Class “C” Private Investigator, a Class “CC” Private Investigator Intern, a Class “M” or “MA” Manager who is twenty-one (21) years of age or older and who possesses a Class “G” Statewide Firearm License may carry a concealed firearm if required by his or her duties AND if the armed duty assignment is made and approved by his or her employer (the licensed agency). The Class “G” license is valid throughout the state. Open-carry of a firearm is not permitted at any time.

Section 493.6115(4), F.S.

c. Licensed agencies shall allow licensed employees to use only standard (factory) ammunition of a type and load which is appropriate for the location and duty requirements of armed employees, with the exception of the following types of prohibited ammunition:

1. Glaser-type or any other pre-fragmented-type bullets
2. Exploding bullets
3. Full-metal-jacket (fmj) / full-metal-case (fmc) bullets (except this type may be used in semiautomatic pistols only).
4. Teflon-coated (ktw-type) or any other type of armor-piercing bullets
5. Full wadcutter bullets (except on firing range)
6. Reloads (except on firing range)

Sections 493.6115(2), (5) and (6), F.S.

Rule 5N-1.129, Florida Administrative Code

VII. FIREARMS TRAINING

a. An applicant for a Class “G” Statewide Firearm license must have a minimum of twenty-eight (28) hours of range and

classroom training within the twelve (12) months preceding the date the application is submitted. This training must be taught and administered by a Class “K” Firearms Instructor.

Sections 493.6105(5), F.S.

b. Class “G” licensees must obtain four (4) hours of firearms range recertification training during each year of the 2-year licensure period (eight hours of total training required for recertification/renewal). Range recertification must be taught and administered by a Class “K” Firearms Instructor. Proof of completion of firearms recertification training shall be submitted to the department upon completion of the training. If documentation of completion of the required training is not submitted by the end of the first year of the 2-year term of the license, the individual’s license shall be automatically suspended until proof of the required training is submitted to the department. If documentation of completion of the required training is not submitted by the end of the second year of the 2-year term of the license, the license shall not be renewed unless the renewal applicant completes the minimum number of hours of range and classroom training required at the time of initial licensure.

Example: A licensee whose Class “G” license is issued on July 1, 2013, which expires June 30, 2015, must receive four (4) hours of firearms recertification training between July 1, 2013, and June 30, 2014, and four (4) hours between July 1, 2014, and June 30, 2015.

Section 493.6113(3)(b), F.S.

c. Investigative agencies are required to notify the Division of Licensing within five (5) working days of any discharge of a firearm by an employee other than on a range during range training. Reports are to be made on a form prescribed by the department. This form can be obtained from any division regional office.

Section 493.6115(9), F.S.

Example: An accidental discharge by an employee must be reported.

d. Deadly force may be used only in the defense of one's self or another from imminent serious bodily harm. The discharge of a firearm under any other circumstances, such as firing a warning shot, is grounds for disciplinary action, including revocation of the Class "G" license.

Section 493.6118(1)(j), F.S.

VIII. USE OF FORCE

a. Private investigators are not law enforcement officers and are not granted any police powers regarding arrest or use of force.

Section 493.6118(1)(i), F.S.

b. Deadly force may never be used by a private investigator except in self-defense or defense of another from imminent death or great bodily harm. The use of deadly force to protect property or to prevent property loss is prohibited by law.

Section 776.012, F.S.

c. Non-deadly force may be used by private investigators to the extent necessary for self-defense or defense of another against the use of unlawful force or to prevent or terminate trespass or "interference" with persons he or she has a legal duty to protect.

Section 776.031, F.S.

d. Firing a warning shot for any reason, including an attempt to stop a person suspected of the commission of a crime, is prohibited.

Section 493.6118(1)(f) and (j), F.S.

IX. SPONSORSHIP OF INTERNS

- a. Only a Class “C”, Class “MA”, or Class “M” licensee may sponsor a Class “CC” Private Investigator Intern.
- b. An internship may not commence until the intern is licensed, or has submitted a completed application, and the sponsor has submitted the notice of intent to sponsor to the department. Such notice shall be on a form provided by the department.
- c. Internship is intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of interns. Sponsors shall not allow interns to operate independently of such direction and control, or require interns to perform activities that do not enhance the intern’s qualification for licensure. Interns must perform regulated duties within the boundaries of this state during the period of internship.
- d. A Class “C”, “M”, or “MA” licensee may not sponsor more than six (6) interns at the same time.
- e. A sponsor shall certify completion or termination of an internship to the department within fifteen (15) days of such occurrence. The certification shall be on a form provided by the department.
- f. A sponsor shall certify a biannual progress report on each intern. The report shall be made on a form provided by the department.

Sections 493.6116(1) - (5), F.S.

X. IDENTIFICATION CARDS

- a. Every licensed investigative agency must furnish to its partners, principal corporate officers, and all licensed employees an identification card with the name and license number of the holder of the card and name and license number of the agency.

The identification card must be signed by the individual licensee and a representative of the agency. The identification card must be in the possession of the licensee at all times while engaged in regulated activity.

Section 493.6111(5)(b), F.S.

b. Agency identification cards are issued solely for the purpose of identifying the licensee and his or her employer. The use of the state seal or the terms “State of Florida”, “Department of Agriculture and Consumer Services”, or “Division of Licensing” are forbidden. Such terms are often misinterpreted as implying the bearer has some official status.

Section 493.6118(1)(i), F.S.

XI. APPLYING FOR A LICENSE

a. Any person applying for a license must be at least eighteen (18) years of age; be a citizen of the United States or a legal resident of the United States or have been granted authority to work by the U.S. Citizenship and Immigration Services (USCIS); have no disqualifying criminal history; be of good moral character; have no history of mental illness or history of use of illegal drugs or alcoholism, unless evidence is presented showing successful completion of a rehabilitation program, or current mental competency, as appropriate.

Section 493.6106, F.S.

The applicant must provide the following: name, date of birth, Social Security number*, place of birth, a statement of all criminal convictions (including dispositions of adjudication withheld), a statement whether he or she has been adjudicated incapacitated or committed to a mental institution, a statement regarding any history of illegal drug use or alcohol abuse, one (1) full-face color photograph, a full set of prints on the division’s fingerprint card or submitted electronically via LiveScan, a

personal inquiry waiver and the appropriate fees.

*Sections 493.6105, 493.6304, and 493.6406, Florida Statutes (F. S.), in conjunction with section 119.071(5) (a) 2, F. S., mandates that the Department of Agriculture and Consumer Services, Division of Licensing, obtain social security numbers from applicants. Applicant social security numbers are maintained and used by the Division of Licensing for identification purposes, to prevent misidentification, and to facilitate the approval process by the Division. The Department of Agriculture and Consumer Services, Division of Licensing, will not disclose an applicant's social security number without consent of the applicant to anyone outside of the Department of Agriculture and Consumer Services, Division of Licensing, or as required by law. [See Chapter 119, F. S., 15 U.S.C. ss. 1681 et seq., 15 U.S.C. ss. 6801 et seq., 18 U.S.C. ss. 2721 et seq., Pub. L. No. 107-56 (USA Patriot Act of 2001), and Presidential Executive Order 13224.]

Section 493.6105(3), and (4), F.S.

Any non-U.S. citizen who applies for a license under Chapter 493 must submit proof of current employment authorization issued by the U. S. Citizenship and Immigration Services (USCIS).

Section 493.6106(1)(f), F.S.

b. An applicant for a Class "CC" Private Investigator Intern license must be sponsored by a Class "C", "M", or "MA" licensee. The sponsor must submit a notice of intent to sponsor for each Class "CC" licensee under his direction or control.

Sections 493.6116(1) and (2), F.S.

Also see Section IX in this Handbook.

c. The initial application fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license within 24 months after being discharged from a branch of the United States

Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 493.6106(1)(f), F.S.

d. A criminal history record check is performed by the Florida Department of Law Enforcement and Federal Bureau of Investigation via examination of the applicant's fingerprints. The results of the record check are provided to the Division of Licensing to determine if the applicant has disqualifying criminal history.

Section 493.6108(1), F.S.

e. The licensee is required to notify the Division of Licensing within 10 days of a change to his or her residence and/or mailing address.

Sections 493.6106(3), F.S.

XII. CANCELLATION/INACTIVATION OF LICENSE

a. In the event the licensee desires to cancel his or her license, he or she shall notify the department in writing and return the license to the department within ten (10) days of the date of cancellation.

b. The department, at the written request of the licensee, may place his or her license in inactive status. A license may remain inactive for a period of three (3) years, at the end of which time it shall automatically be cancelled if the license has not been renewed. If the license expires during the inactive period, the licensee shall be required to pay license fees before the license can be made inactive. No late fees shall apply when a license is in inactive status.

Section 493.6114, F.S.

XIII. AGENCY ADVERTISEMENTS REQUIRE LICENSE NUMBER

A licensed agency must include its agency license number in any advertisement in any print medium or directory, and must include its agency license number in any written bid or offer to provide services.

Example: An agency's license number must be included in bids, Yellow Page listings, trade journals, etc. Employment advertising does not require the agency license number.

Section 493.6111(6), F.S.

XIV. PROHIBITED ACTS INCLUDE, BUT ARE NOT LIMITED TO:

a. Fraud or willful misrepresentation in applying for or obtaining a license.

Section 493.6118(1)(a), F.S.

b. Use of any fictitious or assumed name by an agency unless the agency has Division of Licensing approval and has registered that name with Department of State, Division of Corporations pursuant to Section 865.09, F.S.

Section 493.6118(1)(b), F.S.

c. Being found guilty of or entering a plea of guilty or *nolo contendere* to, regardless of adjudication, or being convicted of a crime which directly relates to the business for which the license is held or sought. A plea of *nolo contendere* shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the individual being disciplined or denied an application for a license to present any mitigating evidence relevant to the reason for, and the circumstances surrounding, his or her plea.

Section 493.6118(1)(c), F.S.

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

Section 493.6118(1)(d), F.S.

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

Section 493.6118(1)(e), F.S.

f. Proof that the applicant or licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of the activities regulated under Chapter 493.

Section 493.6118(1)(f), F.S.

Example: It is misconduct to refuse to provide a copy of an investigative report to a client upon demand when such report resulted from investigative activity paid for by the client.

Example: It is deceit in the practice of regulated activities to refuse to provide a client a bill itemizing all charges upon demand by the client.

g. Conducting activities regulated under Chapter 493 without a license or with a revoked or suspended license.

Section 493.6118(1)(g), F.S.

h. Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or an employee of the state, the United States, or any political subdivision thereof by identifying himself or herself as a federal, state, county, or municipal law enforcement officer or official representative, by wearing a uniform or presenting or displaying a badge or credentials that would cause a reasonable person to believe that he or she is a law enforcement officer or that he or she has official authority, by displaying any flashing or warning vehicular lights other than amber-colored lights, or

by committing any act that is intended to falsely convey official status.

Section 493.6118(1)(i), F.S.

Also see Sections XV - XVII in this handbook.

i. Commission of an act of violence or the use of force on any person except in the lawful protection of one's self or another from physical harm.

Section 493.6118(1)(j), F.S.

j. Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under Chapter 493, F.S.

Section 493.6118(1)(k), F.S.

k. Soliciting business for an attorney in return for compensation.

Section 493.6118(1)(l), F.S.

l. Transferring or attempting to transfer a license issued pursuant to Chapter 493.

Section 493.6118(1)(m), F.S.

m. Employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter when such licensure status was known or could have been ascertained by reasonable inquiry.

Section 493.6118(1)(n), F.S.

n. Failure or refusal to cooperate with or refusal of access to an authorized representative of the department engaged in an official investigation pursuant to Chapter 493.

Section 493.6118(1)(o), F.S.

Also see Section XVIII in this Handbook.

o. Failure of any partner, principal corporate officer, or

licensee to have his or her agency identification card in his or her possession while on duty.

Section 493.6118(1)(p), F.S.

p. Failure of any licensee to have his or her license in his or her possession while on duty, as specified in Section 493.6111(1), F.S.

Section 493.6118(1)(q), F.S.

q. Failure or refusal by a sponsor to certify completion or termination of an internship to the department within 15 working days.

Section 493.6118(1)(r), F.S.

r. Failure to report to the department any person whom the licensee knows to be in violation of this chapter or the rules of the department.

Section 493.6118(1)(s), F.S.

s. Violating any provision of Chapter 493.

Section 493.6118(1)(t), F.S.

t. Felony convictions unless ten (10) years have expired since final release from supervision and civil rights have been restored by the state or jurisdiction of conviction.

Section 493.6118(4)(a), F.S.

u. Being found guilty of, entering a plea of guilty to, or entering a plea of *nolo contendere* to a felony and adjudication of guilt is withheld until a period of three (3) years has expired since final release from supervision.

Section 493.6118(4)(c), F.S.

XV. USE OF STATE SEAL PROHIBITED

No agency or licensee may use the Great Seal of the State of Florida on any badge, patch, credential, identification card,

correspondence, advertisement, business card, or any other means of identification used in connection with investigative services.

Section 493.6124, F.S.

XVI. BADGES

a. Florida law establishes that five-pointed star badges are reserved for wear by sheriffs and deputy sheriffs in this state. Any badge or insignia of such similarity to the official sheriff's badge which is indistinguishable at a distance of twenty (20) feet is prohibited for use by individuals licensed under Chapter 493, F.S.

b. Licensed private investigators and private investigator interns should be especially aware that the use of any badge in the course of investigative activity creates a very strong suggestion of impersonation of a law enforcement officer, an act that would constitute misconduct in the course of regulated activities. ONLY the agency identification card and the Class "C" or "CC" license are needed for identification purposes while on the job.

Sections 30.46, 493.6118(1)(i), and 843.085, F.S.

XVII. UNLAWFUL SYMBOLS OF AUTHORITY

The unauthorized exhibition, wear or display of any indicia of authority including any badge, insignia, emblem, identification card, uniform or any colorable imitation thereof which could deceive a reasonable person into believing that such item is authorized by a law enforcement agency or the bearer is a law enforcement officer is prohibited. All non-official persons and agencies are prohibited from the use of the words "police", "patrolman", "agent", "sheriff", "deputy", "trooper", "highway patrol", "Wildlife Officer", "Marine Patrol Officer", "state attorney", "public defender", "marshal", "constable", or "bailiff"

when the use of such words or combinations thereof could deceive a reasonable person into believing that such person or agency is a law enforcement officer or agency.

Sections 843.085 and 493.6118(1)(i), F.S.

XVIII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF LICENSING

a. The Department of Agriculture and Consumer Services, Division of Licensing is charged with the duty of regulating the private investigative industry and has authority over both licensed and unlicensed persons and businesses engaged in the field of investigative activity. Such activities are regulated by Chapter 493, Florida Statutes.

Sections 493.6100 and 493.6118, F.S.

b. The department shall have the power to enforce provisions of this chapter, irrespective of the place or location in which the violation occurred, and, upon the complaint of any person or on its own initiative, to cause to be investigated any suspected violation thereof or to cause to be investigated the business and business methods of any licensed or unlicensed person, agency or employee thereof, or applicant for licensure under Chapter 493, F.S.

Section 493.6121(1), F.S.

c. During an investigation by the division, each licensed or unlicensed person, applicant or agency is required by law to provide records and truthfully respond to questions.

d. In any investigation undertaken by the department, each licensed or unlicensed person, applicant, agency, or employee must immediately provide records to the department upon request and truthfully respond to questions concerning activities regulated under Chapter 493. Records must be maintained in

Florida for a period of 2 years at the principal place of business of the licensee, or at any other location within the state for a person whose license has been terminated, canceled, or revoked.

Section 493.6121(2), F.S.

e. In the conduct of its enforcement responsibility the division is granted the authority to subpoena any person or records, to take sworn depositions, to issue an order to cease and desist, and to seek injunctive relief from the Circuit Court to assure compliance with the law.

Sections 493.6121(3) and (4), F.S.

f. Failure or refusal to cooperate with or provide access to an investigator of the division is prohibited by law.

Section 493.6118(1)(o), F.S.

XIX. DISCIPLINARY ACTION/PENALTIES

a. When the division finds any violations of Chapter 493, it may do one or more of the following:

- Deny an initial or renewal application for license;
- Issue a reprimand;
- Impose an administrative fine up to \$1,000 per count or separate offense;
- Place a licensee on probation or suspend or revoke a license.

Section 493.6118(2), F.S.

b. A person who engages in any activity for which Chapter 493 requires a license and does not hold the required license commits:

1. For a first violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 493.6120(1)(a)1., F.S.

2. For a second or subsequent violation, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and the department may seek the imposition of a civil penalty not to exceed \$10,000.

Section 493.6120(1)(a)2., F.S.

Paragraph b. does not apply if the person engages in unlicensed activity within 90 days after the date of the expiration of his or her license.

Section 493.6120(1)(b), F.S.

c. A person who, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under this chapter, knowingly and intentionally forces another person to assist the impersonator in an activity within the scope of duty of a professional licensed under this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 493.6120(2)(a), F.S.

If such activity is perpetrated during the course of committing a felony, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 493.6120(2)(b), F.S.

If such activity is perpetrated during the course of committing a felony resulting in death or serious bodily injury to another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 493.6120(2)(c), F.S.

d. Except as otherwise provided in this chapter, a person who violates any provision of this chapter, except the activity described in h. below, commits a misdemeanor of the first

degree, punishable as provided in s. 775.082 or s. 775.083.

Section 493.6120(3), F.S.

e. A person who is convicted of any violation of this chapter is not eligible for licensure for a period of 5 years.

Section 493.6120(4), F.S.

f. A person who violates or disregards a cease and desist order issued by the department commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the department may seek the imposition of a civil penalty not to exceed \$5,000.

Section 493.6120(5), F.S.

g. A person who was an owner, officer, partner, or manager of a licensed agency or a Class “DS” or “RS” school or training facility at the time of any activity that is the basis for revocation of the agency or branch office license or the school or training facility license and who knew or should have known of the activity shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency or a school or training facility during the period of suspension.

Section 493.6120(6), F.S.

h. A person may not knowingly possess, issue, cause to be issued, sell, submit, or offer a fraudulent training certificate, proficiency form, or other official document that declares an applicant to have successfully completed any course of training required for licensure under this chapter when that person either knew or reasonably should have known that the certificate, form, or document was fraudulent. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 493.6120(7), F.S.

XX. CONFIDENTIALITY

The residence telephone number and residence address of any Class “C”, Class “CC”, Class “E”, or Class “EE” licensee maintained by the department is confidential and exempt from the provisions of Section 119.071(1), F.S., except that the department may provide this information to local, state, or federal law enforcement agencies. When the residence telephone number or residence address of such licensee is, or appears to be, the business telephone number or business address, this information shall be public record.

Section 493.6122, F.S.

XXI. DIVULGING INVESTIGATIVE INFORMATION

a. Except as otherwise provided by this chapter or other law, no licensee or any employee of a licensee or licensed agency shall divulge or release to anyone other than his or her client or employer the contents of an investigative file acquired in the course of licensed investigative activity. However, the prohibition of this section shall not apply when the client for whom the information was acquired, or his or her lawful representative, has alleged a violation of this chapter by the licensee, licensed agency, or any employee, or when the prior written consent of the client to divulge or release such information has been obtained.

b. Nothing in this section shall be construed to deny access to any business or operational records, except as specified above, by an authorized representative of the department engaged in an official investigation, inspection, or inquiry pursuant to the regulatory duty and investigative authority of this chapter.

c. Any licensee or employee of a licensee or licensed agency who, in reliance on section (a) above, denies access to an investigative file to an authorized representative of the department shall state such denial in writing within two (2)

working days of the request for access. Such statement of denial shall include the following:

1. That the information requested was obtained by a licensed private investigator on behalf of a client; and
 2. That the client has been advised of the request and has denied permission to grant access; or
 3. That the present whereabouts of the client is unknown or attempts to contact the client have been unsuccessful but, in the opinion of the person denying access, review of the investigative file under conditions specified by the department would be contrary to the interests of the client; or
 4. That the requested investigative file will be provided pursuant to a subpoena issued by the department.
- d. No licensee or any employer or employee of a licensee or licensed agency shall willfully make a false statement or report to his or her client or employer or to an authorized representative of the department concerning information acquired in the course of activities regulated by this chapter.

Section 493.6119, F.S.

Any comments or suggestions regarding this handbook may be submitted to:

Director
Division of Licensing
Post Office Box 5767
Tallahassee, Florida 32314- 5767
www.mylicensesite.com

For questions or inquires regarding applications, the application process, or the status of an application or license, please contact:

Division of Licensing
Bureau of License Issuance
Post Office Box 5767
Tallahassee, Florida 32314- 5767
(850) 245-5691 – Fax (850) 245-5655

You may also contact the regional office in your area:

Fort Walton Regional Office
111 Racetrack Road
Unit 111-C, Choctaw Plaza
Fort Walton Beach, Florida 32547
(850) 344-0300 – Fax (850) 344-0301

Jacksonville Regional Office
7825 Baymeadows Way
Suite 106A, Center Building
Jacksonville, Florida 32256
(904) 828-3100 – Fax (904) 828-3122

Miami-Dade Regional Office
7739 N.W. 48th Street, Suite 140
Doral, Florida 33166
(305) 639-3500 – Fax (305) 639-3503

North Port Regional Office
4451 Aidan Lane, Suite 102
North Port, Florida 34287
(941) 240-3160 – Fax (941) 240-3162

Orlando Regional Office
1707 Orlando Central Parkway, Suite 150
Orlando, Florida 32809
(407) 888-8700 – Fax (407) 888-8704

Plantation Regional Office
Executive Court at Jacaranda
7800 Peters Road, Suite C100
Plantation, Florida 33324
(954) 308-4040 – Fax (954) 308-4037

Tallahassee Regional Office
1925 Capital Circle, N.E.
Tallahassee, Florida 32308
(850) 412-2022 – Fax (850) 412-2021

Tampa Regional Office
Interstate Business Park
4510 Oak Fair Boulevard, Suite 100
Tampa, Florida 33610
(813) 337-5377 – Fax (813) 337-5378

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400 N. Congress Ave., Suite 140
West Palm Beach, Florida 33401
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