Forty hours of training is required by Section 493.6403(2), Florida Statutes. Subjects to be taught and the corresponding number of hours are outlined below.

**Uniform Commercial Code, ss. 679.5011 through 679.5071, Florida Statutes** .......................................................... 2 hrs.

- Right to Repossess
- Secured Transactions
- Explain Contract Regarding the Personal Property in the Vehicle

**Chapter 493, Florida Statutes** .......................................................... 4 hrs.

- Classes of Licenses, ss. 493.6401 and 493.6402
- License Eligibility Requirements, s. 493.6403
- Interns/Sponsors, s. 493.6116
- Firearm Prohibitions, s. 493.6115(1)-(3)
- Property Inventory, s. 493.6404
- Insurance Requirements, s. 493.6110
- Vehicle Identification/License Number Required, s. 493.6404
- Grounds for Disciplinary Action, s. 493.6118
- Sale of Vehicles; Penalty, s. 493.6405
- Notifying Department of Agriculture and Consumer Services of Change of Employees and Agency License Address, s. 493.6106(3)
- Identification Cards, s. 493.6111
- Badges; Florida Seal, s. 493.6124
- Confidential Material; Home Address and Telephone Number, s. 493.6122

**Chapter 5N-1 Florida Administrative Code** .......................................................... 1 hr.

- Filing and Investigation of Complaints, 5N-1.100(4)
- Disciplinary Guidelines, 5N-1.113
- Licensee’s Insurance; Types of Coverage, 5N-1.116 (General and Legal Liability)
- License Application, Transferability, 5N-1.120
- Operation of Licenses, 5N-1.124
- Fees, 5N-1.116
- School Curriculum; Examinations, 5N-1.140(2)
Elements of Crimes Against Persons

- Provide examples and definitions of crimes and criminal punishment for each and examples of situations that could apply to a recovery agent. Sections of the Florida Statutes are referenced below.
  - Simple Battery, s. 784.03
  - Aggravated Battery, s. 784.045
  - Assault, s. 784.011
  - Aggravated Assault, s. 784.021
  - Culpable Negligence, s. 784.05
  - Kidnapping, s. 787.01
  - Carrying Concealed Firearm, s. 790.01
  - Manslaughter, s. 782.07
  - Vehicular Homicide, s. 782.071
  - Robbery, s. 812.13
  - Resisting Arrest (with or without violence) ss. 843.01 and 843.02
  - Assault on Law Enforcement Officer, s. 784.07
  - Use of Force, ss. 776.012 and 776.031
  - Stalking, Definition; Penalties, s. 784.048

Installment Loan Contracts and Security Agreements

- Chapter 679, Florida Statutes (Uniform Commercial Code)
- Acceleration Rights
- Properly Recorded Liens
- Lien Holders Right To Repossess, s. 679.609
- Substitution of Collateral; Straw Purchase Fraud
- Sale of Recovered Property
- Cross Collateral
- Define Standard Hold Harmless Agreement
- Explain Straw Purchase and Jeopardy Clause

Repossession Titles

- Chapter 319 (Title Certificates), Chapter 320 (Motor Vehicle Licenses), and Chapter 328 (Vessels: Title Certificates; Liens), Florida Statutes
- Department of Highway Safety and Motor Vehicles' Title Procedures
- Certificate of Title Not Recognized as Proof of Final Ownership
- Definition of Motor Vehicles, Mobile Homes and Boats (s. 320.01 and s. 327.02(20))
Skip-Tracing ...........................................................................................................................................4 hrs.

- Familiarize with s. 679.5031, F.S.
- Fair Debt Collection Practices Act (federal)
- Necessity of Good Communication Skills
- Use of Investigative Skills (protect private sources)
- Professional Conduct (never mislead, give false statements or use coercion to obtain information; do not discuss account or give information to anyone other than the skip; do not make promises unless approved by the client.)

Types of Skips
- Information Required For Skip-Tracing
- Sources of Information
- Telephone Skip-Tracing

Breach of the Peace ....................................................................................................................................1 hr.

- Define/Discuss (Chapter 493 and s. 679.609, F.S.)
- Provide examples of situations that could escalate into a confrontation, i.e., breach of the peace.

Personal Property .........................................................................................................................................2 hrs.

- Proper Inventory and Notification, s. 493.6404
- Vehicle License Plates
- Safety in Inventoring and Handling of Personal Property
- Release of Personal Property
- Partial Release of Personal Property
- Right to Charge for Inventory and Storage of Personal Property, s.493.6404(2)
- Proper Care of Property and Safekeeping
- Time Limits/Notification to Dispose of Property, Chapter 493
- Disposing of Contraband, Guns, Drugs, Etc., Chapter 493

Private Property ..........................................................................................................................................2 hrs.

- Provide Definition of Private Property
- Locks, Fences and Garages (open and closed)
- Removal of Intentional Barriers
- Provide Examples of Situations Where Vehicle May Not Be Removed

Elements of Property Crimes ......................................................................................................................3 hrs.

- Provide examples and definitions of crimes and criminal punishment for each and examples of situations that could apply to a recovery agent. Sections of the Florida Statutes are referenced below.
- Trespass (structure or conveyance), s. 810.08
- Trespass (other than structure or conveyance), s. 810.09
- Burglary, ss. 810.011 and 810.02
- Theft (petty, grand and auto), s. 812.014
- Larceny, s. 812.061
- Possession of Altered Property, s. 812.016
- Offenses Involving Vehicle Identification Numbers, s. 319.33
- Criminal Mischief, s. 806.13
- Breaking or Injuring Fences, s. 810.115
- Unauthorized Entry On Land, s. 810.12,
- Possession of Burglary Tools, s. 810.06
- Dealing in Stolen Property, s. 812.019
- Failing To Return Repossessed Property or Money, Chapter 493

**Fair Debt Collection Practices Act** .................................................................2 hrs.

- Review 15 U.S.C. §§ 1692-1692p (federal) and explain how it applies to repossessions/recovery agents.

**Specialty Recovery** .........................................................................................3 hrs.

- Repossession on Federal Property/Military Bases
- Soldier’s and Sailor’s Civil Relief Act
- Repossessing on Indian Reservations
- Types of Bankruptcy (Chapters 7, 11 and 13, United States Code)
- Replevin, Chapter 78, Florida Statutes
- Federal and Local Seizures/Forfeitures
- Documented Vessels — Explain Recovery Methods
- Non-Titled Property — Explain

**Ethics and Professional Conduct** ....................................................................2 hrs.

- Prohibitions Under The Fair Debt Collection Practices Act
- Communicating with Law Enforcement/Reporting Requirements
- Personal Appearance

**Repossession Procedures — Voluntary/Involuntary** ......................................4 hrs.

- The student should learn the steps to repossess from the authorization to recover to the liquidation and/or transport of collateral to the lien holder.
  - Name and Location of Debtor; Collateral Description; and Lien Holder’s Name and Address
  - Written Authorization to Recover and Hold Harmless Clause From Client
- Verification of Information and Skip-Tracing
- Field Activity — Approach Debtor or Recover
- Immediate Notification to Local Law Enforcement
- Transport to Secured Storage Area
- Inventory of Vehicle/Personal Property; Storage; and Personal Property Letter Sent to Debtor
- Notify Client
- Release or Disposal of Personal Property
- Release of Vehicle After Receipt of Written Authorization
- Variable Ways to Dispose of Vehicle
- Sale of Vehicle Upon Written Authorization From Client
- Maintenance of Records on Repossession (two years)

**Simulated Repossession — Field Exercise** ..............................................................4 hrs.

- A combination of classroom discussion and field exercise with student participation.
- Receipt of Authorization to Recover
- Skip-Tracing (class discussion)
- Approach/Discussion with Debtor; Explain Different Types of Confrontation, Etc.
- Simulated Hookup
- Inventory

**Total**..............................................................................................................40 hrs.

**NOTE:** Additional subject material may be added, but core topics and subtopics must be stressed.
### Examination

Examination will consist of 100 questions as follows with a passing grade of 75 percent.

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**TOTAL NUMBER OF QUESTIONS**: 100