

RECOVERY AGENT HANDBOOK



Division of Licensing

**Florida Department of Agriculture and Consumer
Services**

**Adam H. Putnam
Commissioner**



Florida Department of Agriculture and Consumer Services

A message from the Commissioner:

In obtaining a Florida license as a recovery agent, you enter a profession that provides a valuable service to the financial community. The Department of Agriculture and Consumer Services, Division of Licensing, has the legal duty to regulate the recovery industry in this state. In carrying out that duty, the Division has authority to investigate any violation of Chapter 493, Florida Statutes, the law governing the repossession profession.

The courts have found that a professional license is a privilege, not a right. Violations may result in denial of an application, fines and the suspension or revocation of a license granting that privilege. Knowledge of the law reduces the probability of violating it. This handbook is provided to assist licensees and agencies in that knowledge. I hope it will be helpful to you.

If you have any questions, the Division of Licensing staff will be happy to assist you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan R. Peterson".

Commissioner

TABLE OF CONTENTS

RECOVERY GUIDELINES

TITLE/SUBJECT.....	PAGE
Law	1
Regulated Activity	1
Types of Licenses	2
Inapplicability of Chapter 493 F.S.....	5
Training Requirements.....	5
Sponsorship of Interns	6
Firearms	7
Use of Force.....	8
Identification Cards	9
Applying for a License.....	9
Confidentiality.....	11
Cancellation/Inactivation of License.....	11
Repossession Activities	12
Inventory of Personal Effects or Property	13
Sale of Motor Vehicle, Mobile Home, Motorboat, Aircraft, Personal Watercraft, All-Terrain Vehicles, Farm Equipment, or Industrial Equipment, Etc.....	16
Prohibited Acts.....	17
Recovery Vehicles	21
Badges	22
Agency Advertisements Require License Number	22
Use of State Seal Prohibited	22
Unlawful Symbols of Authority	23
The Department of ACS, Division of Licensing.....	23
Disciplinary Action/Penalties.....	25
DIVISION OF LICENSING ADDRESSES AND TELEPHONE NUMBERS.....	26
REGIONAL OFFICE TERRITORIES.....	28

RECOVERY GUIDELINES

I. LAW – Chapter 493, Florida Statutes

The following explanations of the law are presented to assist applicants and licensees in gaining an understanding of 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 comprehensive knowledge 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 - Repossession

Definition – The recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27(1), a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term “industrial equipment” includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term “industrial equipment” also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is

complete when a licensed recovery agent is in control, custody, and possession of such repossessed property.

Section 493.6101(22), F.S.

III. TYPES OF LICENSES

a. Recovery Agent – Class “E” license – Any individual who performs repossession services must have a Class “E” Recovery Agent license and must be employed by a licensed Class “R” Recovery Agency or Class “RR” Branch Office. Class “E” licensees may not engage in repossession services except through a licensed agency.

*Sections 493.6401(4) and (6), F.S.
“In-House” repossessors see Section IV.*

Example: A licensed Class “E” Recovery Agent or Class “EE” Recovery Agent Intern employed by a licensed recovery agency cannot solicit or accept fees for repossession of vehicles from a used car dealer or lienholder independent of his/her licensed agency.

b. Recovery Agent Intern – Class “EE” license – Any individual who performs repossession services as an intern under the direction and control of a designated sponsoring Class “E” licensee or designated sponsoring Class “MR” licensee. Class “EE” licensees may not engage in repossession activities except through a licensed agency.

Section 493.6401(5), F.S.

c. Recovery Agency – Class “R” license – Any person, firm, company, partnership or corporation which engages in business as a recovery agency must possess a Class “R” license. A Class “R” license is valid for only one location. A Class “R” Recovery Agency may enter into subcontractor agreements with other licensed recovery agencies. Agencies must notify the Division of any changes in officers, ownership or location. Agency licenses that reflect incorrect information due to such changes are in violation of Chapter 493, F.S.

Sections 493.6401(1) and 493.6112(1), F.S.

d. Branch Office – Class “RR” license – Each branch office of a Class “R” agency shall have a Class “RR” license.

Section 493.6401(2), F.S.

e. Agency Managers – Class “MR” license – Any individual who performs the services of a manager for a Class “R” Recovery Agency or a Class “RR” Branch Office must have a Class “MR” Recovery Agency Manager license. A Class “E” licensee may be designated as a manager in lieu of the Class “MR” licensee.

Section 493.6401(3), F.S.

Example: The owner of a Class “R” Recovery Agency who is licensed as a Class “E” Recovery Agent can designate himself as the agency manager and is not required to possess a Class “MR” license.

Example: An owner of a Class “R” Recovery Agency may designate a Class “E” licensee as manager of the Class “R” agency or a Class “RR” branch office.

f. Recovery Agent School Instructor – Class “RI” license – A person who teaches or instructs at a Class “RS” Recovery Agent School or Training Facility must have a Class “RI” license. Instructors who are full-time faculty members and who teach exclusively for public educational facilities are exempt from this requirement.

Section 493.6401(8), F.S.

g. Recovery Agent School – Class “RS” license – Any school or training facility which teaches or instructs applicants for Class “E” or “EE” licensure shall have a Class “RS” license. Class “RS” facilities can offer qualifying training to students in a number of ways: in a traditional classroom setting, through an online course made available via the Internet, or through a home study-correspondence training course.

Section 493.6401(7), F.S.

Licenses are valid for a term of two (2) years. The licensee is responsible for renewing his/her license on time and should apply for renewal 60-90 days prior to expiration. 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 to renew his/her license in a timely manner even if the renewal notice was not received.

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

The Class “E” Recovery Agent licensee, Class “EE” Recovery Agent Intern licensee, or Class “MR” Recovery Agent Manager licensee must be in possession of his/her license while engaged in regulated activities.

Section 493.6111(1), F.S.

IV. INAPPLICABILITY OF CHAPTER 493 F.S.

a. Any bank or bank holding company, credit union, or small loan company operating pursuant to chapters 516 and 520; any consumer credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.; or any collection agency not engaged in repossessions or to any permanent employee thereof.

Section 493.6102(7), F.S.

Example: An individual who has an employer-employee relationship with a credit union or small loan company operating pursuant to chapters 516 and 520 must be licensed to repossess for anyone other than his/her employer.

V. TRAINING REQUIREMENTS

a. An applicant for a Class “E” Recovery Agent license must have at least one (1) year of lawfully gained, verifiable full-time experience in repossession activity or as a Class “EE” Recovery Agent Intern or a total of one (1) year in a combination of both. Lawful in-house experience, even though unlicensed, is creditable.

Example: An applicant for Class “E” licensure cannot use experience as an unlicensed independent contractor because it would not have been lawfully gained and would have been in violation of Chapter 493.

b. An applicant for a Class “E” or “EE” license must have a minimum of forty (40) hours of professional training at a school or training facility licensed by the department. Licensed training

facilities must teach, at a minimum, the curriculum prescribed by the Division of Licensing.

Section 493.6403(1)(c), F.S.

c. An applicant for a Class “RI” Recovery School Instructor license shall have the following qualifications:

— Eighteen (18) years old;

AND

— High school graduate or a GED recipient;

AND

— Licensed as a Class “E” Recovery Agent for at least three (3) years within the 5-year period immediately preceding application;

OR

— A bachelor’s, master’s, or doctorate degree from a college or university with a major course of study in education, finance, criminology, criminal justice, police science, law or other course of study related to law enforcement or financial management;

OR

— Current licensure as a Class “MR” Recovery Agency Manager and have been so licensed for not less than one (1) year.

Rule 5N-1.138, F.A.C.

VI. SPONSORSHIP OF INTERNS

a. Only licensees may sponsor interns. A Class “E” or Class “MR” licensee may sponsor a Class “EE” Recovery Agent Intern.

b. An internship may not commence until the sponsor has submitted to the department the notice of intent to sponsor. Such notice shall be on a form provided by the department.

c. Internships are intended to serve as a learning process. Sponsors shall assume a training role by providing direction and control of interns. Sponsors shall sponsor only those interns whose place of business is within a 50-mile distance of the sponsor's place of business and 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.

d. No licensee may sponsor more than six 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 report shall be made 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.

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

VII. FIREARMS

The law prohibits a licensed recovery agent or a licensed recovery agent intern from carrying a firearm on his/her person while on private property and in the course of repossession activities. This restriction applies even if the licensee possesses

a Class “G” Statewide Firearm license by virtue of other licensure under Chapter 493, Florida Statutes, or a Concealed Weapon or Firearm License issued pursuant to Section 790.06, Florida Statutes.

Section 493.6118(1)(u)9., F.S.

Example: A licensed recovery agent carrying out a repossession in a debtor’s driveway carries a firearm for protection from potential assault. His/her license is revoked for misconduct.

Example: A licensed recovery agent in the course of repossessing a vehicle in the parking lot of an insurance agency fires a warning shot to deter physical assault by the debtor. His/her license is revoked for misconduct.

VIII. USE OF FORCE

a. Licensed recovery agents or recovery agent interns are lawfully authorized to repossess property only so long as there is no breach of the peace. A breach of the peace may occur when someone verbally or physically objects to a recovery in progress.

Section 679.609, F.S.

b. To avoid a breach of the peace, a recovery agent should retreat from a recovery when there is a confrontation.

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

Example: The debtor’s neighbor confronts the recovery agent in the debtor’s driveway while the car is being hooked to the agent’s tow truck. While the agent calmly informs the neighbor of his/her legal rights to repossess the vehicle, the neighbor becomes irrational and begins yelling at the agent. The agent should retreat from the repossession and try another time.

c. A licensee who is unable to retreat may use only the force necessary to lawfully protect himself/herself or another from physical harm.

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

Example: A licensed recovery agent who is suddenly and unexpectedly attacked by family members of the debtor and is unable to retreat, reasonably defends himself. No action is taken by the department.

IX. IDENTIFICATION CARDS

Every licensed recovery 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 the 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 when conducting repossession activities.

Section 493.6111(5), F.S.

X. APPLYING FOR A LICENSE

a. Any person applying for a license must be at least eighteen (18) years of age, be of good moral character, not have a disqualifying criminal history or a disqualifying history of mental illness, drug or alcohol abuse, and must be authorized to work in this country.

Section 493.6106(1), F.S.

b. The applicant must provide the following: Name, date of birth, Social Security number, place of birth, addresses for the past five (5) years, occupations for the past five (5) years, a passport-type color photograph, information regarding arrests resulting in a finding of guilt, a conviction, or a withhold of adjudication, disclosure of history of mental illness, illegal drug use or alcoholism, a statement of qualifying experience, a personal inquiry waiver, a full set of prints on the Department's fingerprint card and the appropriate fees. The submission of the Social Security number is mandatory and is requested pursuant to sections 119.071(5)(a)2, 493.6105, 493.6304, and 493.6406, Florida Statutes, for identification purposes, to prevent misidentification, and to facilitate the approval process. Applications are available from the Department of Agriculture and Consumer Services, Division of Licensing, or any regional office. Applications can also be requested on-line at <http://www.mylicensesite.com>.

Sections 493.6105(3), (4), and (5), F.S.

c. 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).

d. A fingerprint-based criminal history record check performed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation will be conducted on each applicant to determine if he/she has disqualifying criminal history.

Sections 493.6108(1)(a), F.S.

e. A licensee may conduct lawful repossessions anywhere in the state without obtaining any other license, permit, registration, or identification card that may be required by local ordinance or resolution. However, agencies may be required to obtain city or county occupational licenses.

Section 493.6107(5), F.S.

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

Section 493.6106(3), F.S.

XI. CONFIDENTIALITY

The residence telephone number and residence address of any Class “E” or Class “EE” licensee maintained by the department is confidential and exempt from the provisions of Section 119.071(4) (d), 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.

XII. CANCELLATION/INACTIVATION OF LICENSE

a. In the event the licensee desires to cancel his/her license, he/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 may place a licensee's license in an inactive status at the written request of the licensee. A license may remain inactive for a period of three (3) years, at the end of which time, if the license has not been renewed, it will be automatically canceled. If the license expires during the inactive period, the licensee must pay any license fees incurred during the inactive period before the license can be made active. Late fees are not incurred while a license is in an inactive status.

Section 493.6114, F.S.

XIII. REPOSSESSION ACTIVITIES

a. Class "E" Recovery Agents and Class "EE" Recovery Agent Interns are required to be physically present on the scene of a repossession. It is a violation of the law to allow, encourage or direct any unlicensed person to carry out a repossession for a recovery agency, recovery agent or intern. The licensed recovery agent or intern is required to be present to assure a repossession is carried out in a lawful manner and to respond to law enforcement inquiries or other situations that may arise.

Example: A Class "EE" Recovery Agent Intern arranges for a mobile home transport company to remove a mobile home from its lot. The transport company removes the mobile home and notifies the intern of its location. The intern is disciplined by the department for failure to be physically present at the scene and in charge of the repossession.

b. Repossessions, whether voluntary or involuntary, require the services of a licensed recovery agent or intern.

Chapter 493 does not recognize any difference between voluntary or involuntary repossessions.

c. Recovery agents and recovery agent interns may use the services of a towing service provided the licensee is physically present at the time of the repossession. The licensee must remain with the repossessed property until it is under his/her complete control, custody, and possession.

Section 493.6101(21) and (22), F.S.

Example: A licensed recovery agent has an unlicensed helper drive a repossessed vehicle from the point of repossession to his/her storage lot. The recovery agent fails to maintain contact with the repossessed vehicle to the storage lot, and as a result, the unlicensed helper is stopped by law enforcement and arrested on suspicion of auto theft. The charges against the helper are dropped by law enforcement. The licensed recovery agent was disciplined by the department for misconduct for failure to maintain contact with the repossessed vehicle until such time as full control, custody, and possession was assured by placement in a storage area.

XIV. INVENTORY OF PERSONAL EFFECTS OR PROPERTY

a. Licensees are personally responsible for the complete and accurate inventory and storage of all personal effects and property found in any repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm

equipment or industrial equipment, etc. That duty cannot lawfully be subcontracted regardless of the requirements of the client. Contractual arrangements with clients must assure compliance with the law.

Section 493.6404(1), F.S.

Example: A licensed recovery agent contracts with a nationwide lending institution, the terms of which require the recovery agent to transport repossessed vehicles, with all personal property, to the lending institution's storage area. The lending institution has an established procedure for the return of personal property. The licensed recovery agent and the recovery agency are in violation of the law when they contractually agree to allow an unlicensed entity to inventory, store, and return personal property to debtors.

b. The inventory listing shall be signed by the licensed recovery agent or recovery agent intern who obtained the personal property. The date and time of the inventory must be indicated.

c. The inventory of the personal property and the records regarding any disposal of personal property shall be maintained for a period of two (2) years in the permanent records of the licensed recovery agency and shall be made available, upon demand, to any representative of the department engaged in an official investigation.

d. Within five (5) working days after a repossession, the Class "E" or "EE" licensee must give written notice to the debtor of the location of personal items and the procedure for reclaiming them.

Section 493.6404(2), F.S.

e. At least forty-five (45) days prior to disposing of such personal effects or other property, the recovery agent or recovery agent intern shall notify the debtor of his/her intent to dispose of such property by United States Postal Service proof of mailing or certified mail.

Section 493.6404(2), F.S.

f. If a debtor or his/her lawful designee appears to claim personal property prior to its disposal, such property must be returned upon the payment of any reasonably incurred expenses for inventory and storage.

Section 493.6404(2), F.S.

g. If personal property is not claimed within forty-five (45) days of the notice of intent to dispose, the licensee may dispose of the personal property at his/her discretion, except illegal items or contraband shall be surrendered to a law enforcement agency, and the licensee shall retain a receipt or other proof of surrender as part of the inventory and disposal records. When items are donated to charitable or private organizations, receipts verifying such donations shall be maintained in the file.

Section 493.6404(2), F.S.

h. Motor vehicle license tags issued to the debtor are the personal property of the debtor and must be inventoried, stored, and returned like other personal property.

Section 493.6404(2), F.S.

i. The terms “personal effects” and “personal property” in the context of a repossession means personal items found in or on a repossessed vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment or industrial equipment, etc., which were not a part of the repossessed unit at the time of purchase or lease and which have not been installed in, or attached to, the repossessed unit.

Section 493.6404(1), F.S.

XV. SALE OF MOTOR VEHICLE, MOBILE HOME, MOTORBOAT, AIRCRAFT, PERSONAL WATERCRAFT, ALL-TERRAIN VEHICLES, FARM EQUIPMENT, OR INDUSTRIAL EQUIPMENT, ETC., BY LICENSEE

a. A Class “E” or Class “EE” licensee shall obtain, prior to sale, written authorization and a negotiable title from the owner or the lienholder to sell any repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment or industrial equipment, etc.

Sections 493.6405(1) and 493.6301(22), F.S.

b. A Class “E” or Class “EE” licensee shall send the net proceeds from the sale of such repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment or industrial equipment, etc., to the owner or lienholder within twenty (20) working days after the licensee executes the documents that permit the transfer of legal ownership to the purchaser.

Section 493.6405(2), F.S.

c. A person who violates a provision of Section 493.6405, F.S. commits a felony of the third degree.

Section 493.6405(3), F.S.

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

a. The impersonation of a law enforcement officer or government employee in the course of repossession activities is grounds for denial, suspension or revocation of licensure, imposition of a fine and criminal charges.

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

b. Certified law enforcement officers who engage in repossession services off-duty are not exempt from the licensure requirements and must possess a Class “E” or Class “EE” license and be employed by a Class “R” agency.

Section 493.6102(1), F.S.

c. Commission of an act of violence or the use of force on any person except in the lawful protection of oneself or another from physical harm.

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

d. Use of any fictitious or assumed name by an agency unless the agency has department approval and qualifies under s. 865.09, F.S.

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

e. Conviction of a crime that directly relates to repossession services.

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

f. 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.

g. Commission of fraud, deceit, negligence, incompetency or misconduct in the practice of activities regulated under Chapter 493, F.S.

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

h. 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.

i. Failure or refusal to cooperate with or refusal of access to an investigator of the department engaged in an official investigation.

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

j. Employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter or performing any act that assists, aids, or abets

a person or business entity in engaging in unlicensed activity when the licensure status was known or could have been ascertained by reasonable inquiry.

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

k. Failure of any licensee to have his/her license in his/her possession while conducting repossession activities.

Sections 493.6111(1) and 493.6118(1)(q), F.S.

l. Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within fifteen (15) working days.

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

m. In addition to the other guidance provided by Chapter 493, Section 493.6118(1)(u), F.S., specifically prohibits recovery agents and recovery agent interns from:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee;

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession;

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of the licensee or officer, director, partner, manager, or employee of a licensee;

Example: The owner of a licensed recovery agency uses a repossessed semi-truck and trailer to transport repossessed vehicles to a sale for his/her clients without the lienholder's approval. Licensee is disciplined for misconduct.

4. Selling property recovered under the provisions of Chapter 493 except with written authorization from the legal owner or the mortgagee thereof;

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

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within ten (10) working days;

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

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1);

9. Carrying a weapon or firearm while on private property and performing repossession activities;

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

Example: A licensed recovery agent becomes aware of the location of a multi-million dollar yacht being sought by a Texas lender. Recovery agent contacts lender and offers to recover the yacht for a \$100,000 fee when his/her fee would normally be substantially less. Recovery agent is disciplined by having his/her license revoked and is charged criminally with extortion.

11. Wearing, presenting, or displaying a badge during the course of a repossession.

XVII. RECOVERY VEHICLES

a. Vehicles used by recovery agencies while conducting repossessions must display ONLY amber lights. The use of any other colors, such as blue, red, or green, is prohibited.

Section 316.2397, F.S.

b. Recovery vehicles must be identified by display of the Class “R” Recovery Agency license number only. The agency license number must appear on both sides of the vehicle in lettering that is not less than four (4) inches tall and in a color that contrasts with the vehicle color.

Section 493.6404(3), F.S.

c. Information other than the license number which identifies a recovery vehicle as such is prohibited. Local ordinances

which require further identifying information on a recovery vehicle engaged in repossession are preempted by state statute.

Section 493.6404(3), F.S.

XVIII. BADGES

Recovery agents and recovery agent interns are prohibited from wearing, presenting or displaying a badge in the course of repossessing a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment or industrial equipment, etc.

Section 493.6118(1)(u)11, F.S.

XIX. 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 on bids, Yellow Page listings, trade journals, etc.; however, employment advertising does not require the agency license number.

Section 493.6111(6), F.S.

XX. USE OF STATE SEAL PROHIBITED

No agency or licensee may use any portion of the Great Seal of the State of Florida on any badge, patch, credentials,

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

Section 493.6124, F.S.

XXI. UNLAWFUL SYMBOLS OF AUTHORITY

The wearing or displaying of any badge, insignia, emblem, identification card or uniform 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. 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 is a law enforcement officer.

Recovery agencies should also be made aware that vehicles marked in such a color or manner to resemble local law enforcement agencies may result in a possible violation for misconduct.

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

XXII. THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF LICENSING

a. The Department of Agriculture and Consumer Services, Division of Licensing is responsible for regulating the repossession industry and has authority over licensed and unlicensed persons and businesses engaged in the field of

repossession activity. Such activities are regulated under the authority of Chapter 493, Florida Statutes.

Sections 493.6100 and 493.6118, F.S.

b. The division is required by law to investigate complaints, or upon its own initiative, possible violations of Chapter 493 performed by licensed or unlicensed persons or agencies engaged in activities regulated under Chapter 493, Florida Statutes.

Section 493.6121(1), F.S.

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

Section 493.6121(2), F.S.

d. In the conduct of its enforcement responsibility the division is granted the authority to subpoena any person or records, to take depositions, to issue an order to cease and desist, and to seek injunctions.

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

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

Section 493.6118(1)(0), F.S.

XXIII. DISCIPLINARY ACTION/PENALTIES

a. When the department 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; or
- Place a licensee on probation or suspend or revoke a license.

Section 493.6118(2), F.S.

b. Any person who violates any section of Chapter 493, F.S., commits a misdemeanor of the first degree, except where a felony penalty is specified.

Section 493.6120(1), F.S.

c. Any person who is convicted of a violation of the chapter is not eligible for licensure for five (5) years.

Section 493.6120(2), F.S.

d. Any person who violates a cease and desist order of the department commits a misdemeanor of the first degree and is subject to a civil penalty up to \$5,000.

Section 493.6120(3), F.S.

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

Director
Division of Licensing
Post Office Box 9100
Tallahassee, Florida 32315-9100
Internet Address: <http://www.mylicensite.com>

For questions or inquiries 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 9100
Tallahassee, Florida 32315-9100
(850) 245-5691 – Fax (850) 245-5655

You may also contact the regional office in your area:

Fort Walton Regional Office
212 Eglin Parkway S.E., Suite A
Fort Walton Beach, Florida 32548
(850) 833-9146 – Fax (850) 833-9149

Jacksonville Regional Office
7825 Baymeadows Way
Center Building, Suite 106A
Jacksonville, Florida 32256
(904) 448-2660 – Fax (904) 448-2659

Miami Regional Office
401 N.W. Second Avenue, Suite 720-N
Miami, Florida 33128
(305) 377-5950 – Fax (305) 377-5129

Orlando Regional Office
400 West Robinson Street, Room 110
Orlando, Florida 32801
(407) 245-0883 – Fax (407) 317-7324

Punta Gorda Regional Office
230 Bal Harbor Boulevard, Suite 111
Punta Gorda, Florida 33950
(941) 575-5770 – Fax (941) 575-5775

Tampa Regional Office
1313 Tampa Street, Suite 712
Tampa, Florida 33602
(813) 272-2552 – Fax (813) 272-2252

West Palm Beach Regional Office
The Forum, Tower A, Suite 100
1675 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33401
(561) 640-6144 – Fax (561) 640-6149

For Walk-In Service Only

Tallahassee Regional Office
1851 N Martin Luther King Jr Boulevard
Tallahassee, Florida 32303
(850) 245-5498 – Fax (850) 414-6159

DIVISION OF LICENSING REGIONAL OFFICE TERRITORIES



**Division of Licensing
November 2009**



**Florida Department of Agriculture and Consumer
Services**

**Adam H. Putnam
Commissioner**