

SECURITY OFFICER HANDBOOK



**Florida Department of
Agriculture and Consumer Services**

Adam H. Putnam, Commissioner



Florida Department of Agriculture and Consumer Services

A message from the Commissioner:

The primary responsibility of a licensed security officer is to protect the property and personal safety of others. Because licensed security officers serve in positions of public trust, it is important that only qualified and properly trained individuals are licensed as security officers and that the business practices of the security industry as a whole are consistent with the public good.

The Florida Department of Agriculture and Consumer Services has the statutory responsibility under Chapter 493, Florida Statutes, of regulating the security industry. In carrying out this responsibility, the department's objective is to promote public safety by ensuring that individuals and agencies comply with the law.

Knowledge of the law is essential to compliance. Therefore, the department provides this handbook to assist those of you who work in the security industry in gaining a basic understanding of the fundamental requirements of Chapter 493. I hope this publication will prove to be a source of helpful guidance to you.

Sincerely,

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.

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SECURITY 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 Security

Definition – Providing, or advertising as providing, the service of guarding persons or property for compensation.

Sections 493.6101(18) and (19), F.S.

III. TYPES OF LICENSES

a. Security Officer – Class “D” license – Any individual who performs security services must have a Class “D” Security Officer License and must own or be employed by a licensed Class “B” Security Agency or branch office. Class “D” licensees may not enter into subcontractor agreements with any licensed agency or other business entity.

Sections 493.6301(4) and (5), F.S.

b. Statewide Firearm License – Class “G” license – Any individual who carries a firearm while on duty must have a Class “G” license in addition to his Class “D” or manager’s license.

See “Firearms,” Section V

c. Security Agency – Class “B” license – Any business which advertises as, or is engaged in, the business of furnishing security services, armored car services, or transporting prisoners for compensation is a security agency and must possess a Class “B” Security Agency License. Class “B” agencies may enter into

subcontractor agreements with other licensed agencies.

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.

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

Section 493.6301(1), F.S.

d. Branch Office — Class “BB” license — Each additional location of an agency where security business is actively conducted must obtain a Class “BB” Branch Office License.

Section 493.6301(2), F.S.

e. Agency Managers — Class “M” or “MB” license — Any person who directs the activities of licensed security officers at any agency or branch office must have a Class “M” or Class “MB” Manager License. A Class “D” licensee, who has been so licensed for a minimum of two (2) years, may be designated as the manager, in which case the Class “M” or “MB” license is not required. The manager assigned to an agency or branch office must operate primarily from the location for which he has been designated as manager. Each licensed location must have a designated, properly licensed manager and a licensed manager may only be designated as manager for one location.

Section 493.6301(3)(a), F.S.

f. Security Officer Instructor — Class “DI” license — Any individual who teaches or instructs at a Class “DS” Security Officer School or Training Facility shall have a Class “DI” license, except instructors who are full-time faculty members and who teach exclusively for public educational facilities are exempt.

Section 493.6301(8), F.S.

5N-1.134(3)(b), Florida Administrative Code

g. Security Officer School — Class “DS” license — Any school or training facility that teaches or instructs applicants for

Class “D” licensure must have a Class “DS” license except those schools that are exempt pursuant to 5N-1.134(3)(a), Florida Administrative Code.

Section 493.6301(7), F.S.

5N-1.134(3)(a), Florida Administrative Code

h. Firearms Instructor – Class “K” license – Any individual who provides classroom or range instruction to applicants for a Class “G” license must have a Class “K” license. Class “K” licensees must follow the standards and procedures in the Division of Licensing *Firearms Instructor’s Training Manual*.

Section 493.6115(7), F.S.

i. Unless the license is suspended or revoked by the Division of Licensing, licenses are valid for 2 years, except for the Class “B” Security Agency license, the Class “BB” 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 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 for renewing his or her license in a timely manner even if the renewal notice was not received. The Class “D” Security Officer License must be in the possession of the licensee while on duty. An armed security officer must also have the Class “G” Statewide Firearm License in his or her possession while on duty in an armed capacity.

Sections 493.6111(1) and (2)

Section 493.6113 F.S.

IV. TRAINING REQUIREMENTS

a. An applicant for a Class “D” license must submit proof of successful completion of a minimum of 40 hours of professional training at a school or training facility licensed by the department.

b. An applicant for a Class “DI” Security Officer Instructor License shall have the following qualifications:

- Be at least eighteen (18) years old;

AND

- Can evidence a high school diploma or a GED certificate;

AND

- Is licensed as a Class “D” security officer and has been so licensed not less than 3 years within the 5-year period immediately preceding application;

OR

- Can evidence an associate degree from a junior college or community college with a major course of study in criminology, criminal justice, police science, or other course of study related to law enforcement or security and is currently licensed as a security officer and has been so licensed for not less than 1 year;

OR

- Can evidence a bachelor’s, master’s, or doctorate degree from a college or university with a major course of study in education, criminology, criminal justice, police science, law or other course of study related to law enforcement or security.

OR

- Can evidence a certificate of completion from a federal, state, county or municipal law enforcement academy or training facility which is comparable in hours and curriculum to the training established by the Florida Criminal Justice Standards and Training Commission or the Department of Education as acceptable to meet law enforcement officer, correctional officer or correctional probation officer minimum standards;

OR

- Can evidence having served not less than 1 year on

active duty as a military policeman, security police officer, or in other military law enforcement duty;

OR

➤ Is currently licensed as a Class “M” office manager or a Class “MB” security office manager and is serving or has served in a licensed management position.

c. An applicant for a Class “DI” Security Officer Instructor may qualify for licensure to teach only in specific subject areas relating to his or her professional training and experience who:

➤ Is licensed as a nurse, emergency medical technician or paramedic, or is otherwise professionally trained and certified in emergency medical procedures;

OR

➤ Has been certified as an instructor by the American Red Cross, American Heart Association or other similar nationally recognized health and human care organization;

OR

➤ Is a certified firefighter.

5N-1.138, Florida Administrative Code

d. An applicant for a Class “K” Firearms Instructor License must have one of the following certificates:

➤ The Florida Criminal Justice Standards and Training Commission Instructor Certificate and written confirmation by the commission that the applicant possesses an active firearms certification;

OR

➤ The National Rifle Association Private Security Firearm Instructor Certificate.

OR

➤ A firearms instructor certificate issued by a federal law enforcement agency.

Section 493.6105(6), F.S.

e. An applicant for the Class “M” 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.

If a Class “M” 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.

V. FIREARMS

a. Class “G” Statewide Firearm License — A Class “D” Security Officer or Class “M” or “MB” Security Agency Manager who also possesses a Class “G” Statewide Firearm License may be armed with a firearm in the course of his or her duties. While performing duties authorized under this chapter, the only firearms that may be carried are a .38 caliber revolver; or a .380 caliber or 9-millimeter semiautomatic pistol; or a .357 caliber revolver with .38-caliber ammunition only; or a .40 caliber handgun; or a .45 163 ACP handgun. If an armed security officer’s duties require a firearm such as a shotgun, etc., a written waiver must be obtained from the Division *before* the security officer is assigned such a weapon. Waivers must be requested by the licensed agency and will be granted only upon a showing of sufficient need. Such waivers are valid only for the specific duty, post or activity, on or for which the request is based.

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

b. An armed security officer or licensed manager who has been granted a firearms waiver must carry the waiver at all times while on duty and armed with the firearm for which the

waiver was granted.

Section 493.6115(6), F.S.

c. Upon termination of employment all waivers must be returned to the employing agency. Agencies are then responsible for returning waivers to the Division of Licensing.

d. Firearms and Ammunition – 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; however, use of the following type ammunition is prohibited:

1. Glaser-type or any other pre-fragmented-type bullets
2. Exploding bullets
3. Full metal jacket (fmj)/full metal case (fmc) bullets except in semiautomatic firearms
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)

Rule 5N-1.129, Florida Administrative Code

e. A Class “D” Security Officer licensee who also holds a valid Class “G” Statewide Firearm license shall not carry a firearm while on duty unless doing so is authorized by her or his employer as being required by and in connection with those duties. No licensee shall be furnished a weapon or firearm by his or her employee unless the carrying a weapon or firearm is specifically required by her or his duties, nor shall an employee carry a weapon or firearm except in connection with those duties.

Section 493.6115(3), F.S.

Rule 5N-1.130, Florida Administrative Code

Example: A Class “D” Security Officer who also has a Class “G” license and is normally assigned to an armed post is assigned,

temporarily, to an unarmed post. He may not carry his firearm on the temporary assignment.

f. Operational circumstances which allow security officers who do not have the Class “G” Statewide Firearm License to have access to firearms are prohibited.

Example: A Security Officer without a Class “G” license may not be assigned a vehicle that contains a shotgun.

Example: A Security Officer without a Class “G” license may not be assigned to a perimeter gate guard shack where firearms are kept in a locked gun rack if the officer is issued keys to the gun rack.

g. While the licensee is on duty his firearm must be carried in a holster and in plain view. It may be carried concealed only under the conditions addressed in VIII.c. and VIII.d.

Section 493.6115(3), F.S.

h. A Class “D” Security Officer licensee performing armed duties authorized by her or his employer is not required to disarm:

1. When carrying a firearm outside the client’s property line provided that the carrying of the firearm is in connection with the security duties performed for the client and is within a half-mile radius of the client’s property; or
2. When traveling from one armed site to another armed site, provided the site-to-site transfer is directed by her or his employing agency and the employing agency does not require the licensee to disarm; or
3. When traveling directly to and from home to reach and leave a client’s site at which armed security services have been requested by the client, provided that the licensee is in uniform, notwithstanding Section 493.6115(4), Florida Statutes, and has written direction or approval from her or his employing agency, or

4. While performing tasks during duty hours such as refueling an agency-owned vehicle, purchasing carryout food or beverage, or taking a restroom break, provided such activities are carried out within a two-mile radius of the licensee's assigned duty post or the licensee is traveling armed as stated in subsection (3); or

5. While rendering emergency humanitarian assistance or providing assistance to a law enforcement officer when requested by that law enforcement officer;

6. Unless expressly required to do so by law or her or his employer. In such circumstances, unless the firearm is being transferred to another security officer, which shall require a clearing barrel to facilitate transfer, the firearm shall be securely encased in a glove compartment, gun case, or closed box or container that requires a lid to be opened for access.

i. A Class "D" Security Officer performing armed duties authorized by her or his employer shall not leave a firearm unsecured while performing armed security duties, including those outlined in paragraphs 1-6 above.

Rule 5N-1.130, Florida Administrative Code

j. Security officers and agencies are required to notify the Division of Licensing within five (5) working days of any discharge of a firearm in the course of the security officer's duties. The incident report should contain an explanation describing the nature of the incident, the necessity for using the firearm and a copy of any report prepared by a law enforcement agency.

Section 493.6115(9), F.S.

VI. FIREARMS TRAINING

a. WHEN YOU FIRST APPLY FOR A CLASS "G" LICENSE:

In order to qualify for the Class "G" license, you must successfully complete **28 hours of range and classroom**

training pertaining to the use of firearms in connection with duties regulated under Chapter 493, Florida Statutes. The training must be obtained from a licensed Class “K” Firearms Instructor within the preceding 12 months. The 28 hour-course curriculum and the time that should be devoted to each of the subject areas included in the curriculum are indicated on the below. Note that the law stipulates that no more than eight hours of the training shall consist of range training.

LEGAL ASPECTS OF USE OF FIREARMS **12 HOURS**

This section of the course covers applicable portions of Chapters 493, 775, 776, and 790, Florida Statutes, as well as civil and criminal liability issues in connection with the use of firearms.

**OPERATIONAL FIREARMS SAFETY AND
FIREARMS MECHANICAL TRAINING** **8 HOURS**

This portion of the curriculum is intended to provide students with a comprehensive understanding of the mechanical operations of a firearm and how to handle firearms safely. A written examination of 100 questions will be administered covering the portions of the curriculum dealing with legal use and operational/mechanical training.

FIREARMS QUALIFICATION **8 HOURS***

This segment of the training course includes practical exercises in the handling of firearms – stance, grip, sighting, etc. – as well as topics pertaining to range safety and range commands. The instructor will require students to fire 144 rounds as part of the firearms qualification for initial licensure (48 rounds of practice fire +2 cycles of 48 rounds for initial qualification). No more than eight hours of the 28 hours of training shall consist of range training.

*A Class “K” instructor can at his or her discretion administer as few as 5 hours of range qualification training if the

student(s) demonstrates sufficient mastery of the core principles of safe firearms handling (to include shooting a qualifying score) without the full eight hours of range training. However, reducing the number of hours of range training will require teaching additional hours elsewhere in the curriculum so that the cumulative total of firearms training amounts to 28 hours as required by s. 493.6105(5), F.S.

ACCEPTABLE ALTERNATIVES FOR THE 28 HOURS OF RANGE AND CLASSROOM TRAINING

1. Proof that you are currently certified as a law enforcement officer or correctional officer pursuant to the requirements of the Criminal Justice Standards and Training Commission or have successfully completed the training required for certification within the last 12 months.
2. Proof that you are currently certified as a federal law enforcement officer and have received law enforcement firearms training administered by a federal law enforcement agency.
3. Proof that you qualify for a Class “K” Firearms Instructor License in accordance with the requirements set forth in Section 493.6105(6)(a), F.S.

Section 493.6105(5), F.S.

Section 493.6115(7), F.S.

b. WHEN YOU RENEW A CLASS “G” LICENSE:

1. Each Class “G” licensee must submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms recertification training taught by a Class “K” licensee.
2. License holders will be required to achieve a passing score on a cycle of fire consisting of 48 rounds. If the license holder fails to achieve a passing score after three attempts, he or she will be instructed to seek additional remedial training and schedule another requalification attempt at a later date.

3. Proof of completion of firearms recertification training must be submitted to the department upon completion of the training. If the licensee fails to complete the required 4 hours of annual training during the first year of the 2-year term of the license, the license is automatically suspended. The licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be reinstated. If the licensee fails to complete the required 4 hours of annual training during the second year of the 2-year term of the license, the licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be renewed. The department may waive the firearms training requirement if:

- The applicant provides proof that he or she is currently certified as a law enforcement officer or correctional officer under the Criminal Justice Standards and Training Commission and has completed law enforcement firearms requalification training annually during the previous 2 years of the licensure period;
- The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency annually during the previous 2 years of the licensure period; or
- The applicant submits a valid firearm certificate among those specified in s. 493.6105(6)(a) and provides proof of having completed requalification training during the previous 2 years of the licensure period.

a. Example: A licensee who is issued his Class “G” license 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. Proof of completion of firearms recertification training must be submitted to the department upon completion of the training.

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

VII. USE OF FORCE

a. Licensed security officers 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 security officer 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 a security officer 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 property the security officer has a legal duty to protect.

Section 776.031, F.S.

d. Security officers in the employ of, or contracted with, retail establishments, who have probable cause to believe that retail theft has occurred, have specific statutory authority to detain shoplifting suspects until law enforcement can respond to make an arrest. Law enforcement must be called to the scene immediately.

Section 812.015(3)(a), F.S.

e. A security officer or security agency manager who is on

duty, in uniform, and on the premises of a critical infrastructure facility, and who has probable cause to believe that a person has committed or is committing a crime against the client operating the premises or the client's patron may temporarily detain the person to ascertain his or her identity and the circumstances of the person's activity.

The security officer or security agency manager must notify the appropriate law enforcement agency of the detention as soon as reasonably possible.

A security officer or security agency manager may temporarily detain a person only until a law enforcement officer arrives at the premises of the client and is in the presence of the detainee.

For complete information regarding this topic, see s. 493.631, Florida Statutes.

Sections 493.631, F.S.

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

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

VIII. UNIFORMS AND IDENTIFICATION CARDS

a. A "uniform" is any distinctive clothing intended to identify the individual wearing it as a member of a specific group or an employee of a specific company or agency.

Example: Security officers at a resort are in "uniform" when they wear yellow knit shirts and white shorts during the day and navy blazers with grey slacks after dark.

b. The Class "D" Security Officer must perform his or her duties in a uniform that has at least one patch or emblem visible at all times clearly identifying the employing agency.

Example: Security officers in standard uniforms must display a patch or nametag, which contains the agency name in an easily

readable form. Displaying only a badge containing the agency name is not sufficient.

Example: The agency employing the security officers working at the resort displayed the agency name on both “uniforms” described above by printing the agency name on the knit shirts and by affixing the agency patch to the blazer breast pockets.

Section 493.6305(1), F.S.

c. Class “D” Security Officers may perform their duties in plain-clothes status on a limited special assignment basis, and only when duty circumstances or special requirements of the client necessitate such dress. A Class “D” Security Officer who also possesses a Class “G” Statewide Firearm License and who is temporarily performing duties in plain-clothes may carry his or her firearm concealed. Limited special assignments are determined by the licensed agency management within the guidelines provided herein.

“Limited special assignment basis” is defined as non-routine, temporary duty limited to a few days in duration.

Example: A licensed security agency providing uniformed security personnel to an industrial plant temporarily assigns plain-clothes security personnel for a 3-day period to perform personal security functions for the plant manager after the manager receives a threat.

Sections 493.6305(2), and (3), F.S.

d. Class “D” licensees who are also Class “G” licensees and who are performing bodyguard or executive protection services may carry their authorized firearm concealed while in nonuniform as needed in the conduct of such services.

e. Identification Card

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

the card and the 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 while on duty.

Section 493.6111(5), F.S.

Failure to return company-owned equipment (uniforms, firearms, agency identification card, etc.) to the employer upon termination of employment is considered misconduct.

Section 493.6305(1), F.S.

IX. INSURANCE REQUIREMENTS

a. A Class “B” Security Agency must have not less than \$300,000 commercial general liability coverage for death, bodily injury, property damage and personal injury. Insurance must include coverage for the activities of all licensed persons under the operational guidance and direction of the licensed agency.

Section 493.6110, F.S.

b. The security agency must notify the Division of any and all claims filed against the insurance.

Section 493.6110(1), F.S.

c. The agency must notify the Division of cancellation of coverage. Automatic suspension of the agency license occurs upon the date of expiration or cancellation unless evidence of continued insurance is provided.

Sections 493.6110(2) and (3), F.S.

X. APPLYING FOR A LICENSE

a. Any person applying for a license must be at least eighteen (18) years of age; 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(1), 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.

b. 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).

Title 18, U.S. Code, Section 922, imposes greater standards

for non-U.S. citizens to carry firearms. To assure compliance with this section, any non-U.S. citizen who applies for a Class “G” Statewide Firearm License or a Class “K” Firearms Instructor License must submit a legible copy of the front and back of his or her valid permanent resident alien card issued by the USCIS (USCIS form I-551).

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

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 493.6105(1)(c), 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.

Section 493.6106(3), F.S.

XI. 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 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 and, if applicable, show proof of insurance or proof of firearms training before the license can be made active. Late fees are not incurred while a license is in an inactive status. Insurance does not have to be in force while the license is in an inactive status.

Section 493.6114, F.S.

XII. 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.

XIII. USE OF STATE SEAL PROHIBITED

Licensees may not use the Great Seal of the State of Florida or any part thereof on any badge, patch, credentials, identification cards, correspondence, advertisements, business cards, or any other means of identification used in connection with private security services.

Section 493.6124, F.S.

XIV. OTHER PROHIBITED ACTS

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

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

b. No agency licensee may conduct activities regulated under this chapter under any fictitious name without prior written authorization from the Division of Licensing to use that name in the conduct of activities regulated under this chapter. The Division may not authorize the use of a name so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby.

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

493.6118(1)(i), 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 for a security officer to abandon his post for any period of time without relief or authorization, to sleep on duty, or to be under the influence of drugs or alcohol while on duty.

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. Failure of the licensee to maintain in full force and effect the general liability insurance coverage required by Section 493.6110, F.S.

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

i. 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/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, or by committing any act that is intended to falsely convey official status.

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

See also Sections XV-XVII of this Handbook.

Particularly, see Section XVI concerning vehicle lights.

j. 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.

k. 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.

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.

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 their possession while on duty, as specified in Section 493.6111(1), F.S.

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

q. 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.

r. Violating any provision of Chapter 493.

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

s. For a Class “G” licensee, failing to timely complete

recertification training as required in s. 493.6113(3)(b).

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

t. For a Class “K” licensee, failing to maintain active certification specified under s. 493.6105(6).

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

u. For a Class “G” or a Class “K” applicant or licensee, being prohibited from purchasing or possessing a firearm by state or federal law.

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

v. Being convicted of a felony unless ten (10) years have expired since final release from supervision and civil rights have been restored by Florida or a state acceptable to Florida.

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

w. Being found guilty of a felony or entering a plea of guilty or *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. BADGES

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.

Section 30.46, F.S.

XVI. VEHICLE LIGHTS

Vehicles used by security agencies may display amber lights while patrolling condominiums, cooperative and private residential and business communities by which employed and

which traverse public streets or highways.

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

XVII. UNLAWFUL SYMBOLS OF AUTHORITY

The wearing or display 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.

Section 843.085

XVIII. 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 security profession and has authority over licensed and unlicensed persons and businesses engaged in the field of private security 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. 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 shall 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. Upon request by the department the records must be made available immediately to the department unless the department determines that an extension may be granted.

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; or
- 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.

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

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 Blvd., Suite 100
Tampa, FL 33610
(813) 337-5377 – Fax (813) 337-5378

West Palm Beach Regional Office
400 N. Congress Avenue, Suite 140
West Palm Beach, Florida 33401
(561) 681-2530 – Fax (561) 681-2599

