



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Licensing

**RECOVERY AGENT AND RECOVERY AGENT INTERN
CURRICULUM GUIDE**

Chapter 493, Florida Statutes
Rule 5N-1.140, Florida Administrative Code
Post Office Box 5767 ♦ Tallahassee, FL 32314-5767 ♦ (850) 245-5691
Internet Address: <http://mylicensesite.com>

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 Code1 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.....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.
 - 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 Agreements2 hrs.

- 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.....1 hr.

- 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-Tracing4 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 Peace1 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 Property2 hrs.

- Proper Inventory and Notification, s. 493.6404
- Vehicle License Plates
- Safety in Inventorying 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 Property2 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 Crimes3 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 Recovery3 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 Conduct2 hrs.

- Review 15 U.S.C. §§ 1692-1692p (federal)
- Prohibitions Under The Fair Debt Collection Practices Act
- Communicating with Law Enforcement/Reporting Requirements
- Personal Appearance

Repossession Procedures — Voluntary/Involuntary4 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 Exercise4 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.

<u>SUBJECT</u>	<u>QUESTIONS</u>
Uniform Commercial Code, ss. 679.5011 through 679.5071, Florida Statutes.....	6
Chapter 493, Florida Statutes	20
Chapter 5N-1, Florida Administrative Code.....	4
Elements of Crimes Against Persons.....	8
Installment Loan Contracts and Security Agreements.....	5
Repossession Titles	3
Skip-Tracing	6
Breach of the Peace.....	3
Personal Property.....	3
Private Property	3
Elements of Property Crimes	8
Fair Debt Collection Practices Act.....	5
Specialty Recovery.....	5
Ethics and Professional Conduct	5
Repossession Procedures — Voluntary/Involuntary	10
Simulated Repossession — Field Exercise.....	6
TOTAL NUMBER OF QUESTIONS.....	100