

PRIVATE INVESTIGATION, RECOVERY AND SECURITY ADVISORY COUNCIL

Minutes of the Council Meeting of June 9, 2011 Tampa, Florida

Council Members in Attendance

Tim O'Rourke, Chairman
Patricia Schmitt, Vice Chairman
William LaDrew
David Merrill
Leonard Miller
John Wurst

Council Members Absent

Kelli Moore

Division of Licensing Staff in Attendance

Grea Bevis
Ken Wilkinson
Art Varnadore
Dan Cabrera
Tom Mallon
Chuck Olson
Mike Smoak
Debbie Barber
Celine Melton

Guests

Jack Belich, J. Belich and Associates, A 2200242, St. Petersburg
David Lydon, D.P. Lydon and Associates, Tampa
Joe Taylor, Checkmate International, Inc., R 9000001, Ocala
Joe Parsons, Hillsborough Community College, Tampa
Make Cabrera, USA Crime Prevention Corporation, B 1000298, Plant City
Bill Davis, TECO Energy, C 1000563, Tampa
Eddy Esquivel, G4S Secure Solutions, Florida
James Frank Kicker, Kicker Security/KPI, Tarpon Springs
Katherine Kicker, Kicker Security, Tarpon Springs
Nicholas Props, Kicker Security/KPI, Tarpon Springs
Grady Snyder, Grady Snyder and Associates, Tampa
Steve Belaying, Case in Point Investigations, Tampa
Duane Williams, W&T Associates Investigations, Lithia
Dane Dodd, Contemporary Services Corporation, Jacksonville
Nick Plummer, Citazen, Tampa
Marion Watson, ISMG, Tampa
Bernadette Steele, Security Engineers, Tampa
David Lambert, A Services Group, Tampa

Mark Puetz, Critical Intervention Services, Largo
Michael Peters, Amerisafety, Tampa
Pam Osborne, AA Action Advocates, Brandon
Pat Allen, Cohen, Foster and Romine, Tampa
David Overstreet, Aaron Security and Protection, Tampa
Angela and David Chainer, CSAC, LLC, A 1000311, Palm Beach
Eric Hevel, Hevel Security & Investigations, Tampa
Tom Hevel, Hevel Security & Investigations, Tampa
Rocky Klein, Guardian Security Agency, Tampa
Rick Staly, American Eagle Sentry, B 2900010, Palm Coast
Anthony Mojica, B & P Auto Recovery, Orlando
Dan Meeks, AIOT, R 9000026, Tampa
Bill Redding, Vesta Property Services, MB 1000114, Sun City Center
Mike Dougherty, Aegis, Largo
Juan Martinez, Martinez and C, Tampa
Amy O'Rourke, S2 Institute, Largo
Rich Hunter, DSI Security, BB9800008, Tampa
Stamatis Ferarolis, Asset Investigations and Recovery, Tampa
Jack Smith, US Asset Recovery Group, Tampa
Jackey Newell, US Asset Recovery Group, Tampa

Opening Remarks by the Chairman and General Introductions

Chairman Tim O'Rourke called the meeting to order at 9:00 a.m. and welcomed everyone.

At Mr. O'Rourke's request, Mr. Ken Wilkinson introduced himself as the Division of Licensing (DOL) Assistant Director and then introduced the DOL staff members in attendance.

In his introductions, Mr. Wilkinson introduced Mr. Grea Bevis as the new Division of Licensing Director. Mr. Bevis was appointed to that position by Commissioner Adam Putnam on June 1, 2011, after Ms. Connie Crawford had stepped down as Director because of health concerns. Mr. Wilkinson elaborated on Mr. Bevis's extensive background, noting that he came to the Department of Agriculture and Consumer Services (DOACS) from the Department of Environmental Protection (DEP). Mr. Bevis had been at DEP since 1994, serving first as Lieutenant in the Inspector General's Office. He was named as Chief of DEP's Criminal Investigations Bureau in the Division of Law Enforcement in 2004, and he was serving in that position when he was appointed by Commissioner Putnam. Mr. Bevis is a graduate of the University of Florida, and has attended the FBI National Academy. Mr. Bevis has been in law enforcement his entire career. Mr. Bevis stated that he is looking forward to working with the Division's programs and the industry. He explained that he plans to do what he can to support the Division's staff, licensees and the industry.

Mr. O'Rourke called for a reading of the December 9, 2010 and March 17, 2011, meeting minutes.

MOTION by Ms. Patricia Schmitt: To waive the reading of the prior meeting minutes and approve as presented.

Second: Mr. David Merrill

Motion approved unanimously.

Mr. O'Rourke then asked Mr. Wilkinson to proceed with comments on behalf of the Division of Licensing.

Comments by Division of Licensing – Ken Wilkinson, Assistant Director

Mr. Wilkinson stated this is the second consecutive Council meeting at which he has had to take note of the tragic death of a licensee. Mr. Matthew Little, a security officer employed by Critical Intervention Services, was shot and killed while on duty at an apartment complex in St. Petersburg in May. Mr. Wilfred Rivera, a recovery agent, was shot and killed while performing a recovery in the Jacksonville regional area just before the March PIRSAC meeting. Mr. Little was an employee of Critical Intervention Services (CIS), and Mr. Wilkinson extended his condolences to CIS President Mr. K. C. Poulin on behalf of the Commissioner and staff of the Division of Licensing.

Mr. Wilkinson reported that former Director Connie Crawford is doing very well and sends her regards and best wishes to everyone and that she is still working within the Division in the IT section with the Bureau of Support Services.

GENERAL OVERVIEW OF THE LEGISLATIVE SESSION

Mr. Wilkinson stated the Legislature opened its session on March 8 with the state facing a revenue deficit of almost \$4 billion. The session ended in the early morning hours of Saturday, May 7, running just a little past its 60-day deadline. The state budget of almost \$70 billion that was passed was a result of a reduction in spending of almost \$4 billion and the elimination of 4,500 state positions. Mr. Wilkinson was very pleased to report that the Division did not suffer any budget cuts or losses of personnel during the session.

He noted that there was particular emphasis on deregulation during this session. One bill, HB 5005, would have deregulated over 30 professions, ranging from auto repair shops to interior designers. This bill, which would have affected programs in both the Division of Consumer Services and the Department of Business and Professional Regulation, faced a great deal of opposition from both consumer advocates and from the regulated professions themselves. The bill died on the final day of session. Mr. Wilkinson said that according to news reports, deregulation would be revived during the next legislative session.

Mr. Wilkinson announced that HB 7209, which is the Department's General Ag Bill, was passed by the legislature on the last day of session. He explained that most of the bill is housekeeping in nature, intended to clean up outdated language in Chapter 493 and revise the statute so that it would be in compliance with federal law and consistent with the Division's current practices. Mr. Wilkinson pointed out this bill had not yet been presented to Governor Scott, and he then summarized the key provisions that would affect certain licensees if the bill were to pass.

Effective January 1, 2012, a person applying for a Class "D" Security Officer License or a Class "CC" Private Investigator Intern License would no longer be able to defer the 16 hours of training within the 180 days specified in statute. Rather, applicants would have to include proof of having completed all 40 hours of training with their initial application.

In addition, the section of Chapter 493 that lists those training certificates that a person applying for a Class "K" Firearms Instructor license can submit to qualify for the license would be updated.

He noted that the National Rifle Association (NRA) no longer issues two of the licenses currently specified in the law and that the NRA had informed the Division that it would begin issuing a Private Security Firearms Instructor License. Mr. Wilkinson said that the proposed bill would amend the statute to include a reference to this new certificate. The proposed changes would increase the valid term of the Class "K" license from 2 to 3 years. Also, a Class "K" licensee will have to submit proof of maintaining the certification they used to initially qualify for the license when they renew. These changes involving the firearm instructor license would become effective July 1, 2011.

Mr. Wilkinson then discussed SB 1558 and its House companion HB 1333, two bills sponsored by the industries rather than by the Department and which failed to pass. These bills included provisions that would have amended Chapter 493 in such a way as to criminalize unlicensed activity to include felony offenses; moreover, these bills would have allowed for the detention of suspicious persons by armed security officers at critical infrastructure facilities.

Mr. Wilkinson then proceeded to discuss pending legislation concerning Chapter 790.

He first discussed SB 234, commonly referred to as the "open carry" bill. This bill had been presented to the Governor on June 8 for his signature. The bill stipulates that it is not a violation of the law if a person with a concealed weapon license briefly and openly displays his or her concealed firearm to the ordinary sight of another person.

HB 7161 had been presented and approved by the Governor. Mr. Wilkinson explained that this legislation made the personal identifying information of concealed weapon licensees and applicants permanently exempt from the disclosure provisions of Florida's public records law.

DIVISION OF LICENSING UPDATE

Mr. Wilkinson reported that the hiring freeze for the Division had been lifted and the hiring process has begun on the various vacant positions.

Mr. Wilkinson said he had discussed at the March PIRSAC meeting the Division's surge in the demand for concealed weapon licenses during the first three months of 2011. The volume of incoming mail had increased sharply after the first of the year, and the number of applicants submitting applications at the Division's Regional Offices had also jumped. As of this date, the volume of applications that were backlogged has leveled off. Mr. Wilkinson said we are on pace for this fiscal year to process the second highest new concealed weapon license applications ever. He stated the Division has seen record numbers of new applications in both Chapter 493 and 790 programs.

Mr. Wilkinson stated that Administrative Rule 5N-1.130 went into effect on June 16, 2011. This rule establishes guidance to the security industry with respect to the proper protocol for Class "D" and "G" licensees in carrying their firearms. Mr. O'Rourke asked if the link to this rule has been added to the Divisions website. Mr. Wilkinson stated the rule change information would be added to the Division's website next week. The Division's website is www.mylicensesite.com.

This concluded Mr. Wilkinson's comments.

Old Business

Mr. Leonard Miller thanked Mr. Wilkinson for the presentation and asked everyone in attendance to stand for a moment of silence for Mr. Rivera and Mr. Little.

Mr. William LaDrew then commented on the negative effects that deregulation would have on all of the regulated industries. He said that the recovery industry specifically needs the Division of Licensing to maintain high standards in that industry. Mr. K. C. Poulin stated his support for Mr. LaDrew's position, emphasizing how important regulation is for all the Chapter 493 industries.

Chairman O'Rourke stressed the importance of controlling unlicensed activity, and said that he was going to work very hard to have the failed legislation criminalizing unlicensed activity re-introduced in the next session. He explained the first offense would be a misdemeanor; the second offense would demonstrate deliberate indifference and would be a third-degree felony punishable by a \$10,000.00 fine.

Chairman O'Rourke asked Mr. Wilkinson about the legislative changes to the Class "K" Instructor. He asked if the state would continue to honor law enforcement firearms instructor certification. Mr. Wilkinson said as long as the certification is active upon renewal, and he noted that the increase in the valid term of the license from two years to three years would not result in any fee increase.

Chairman O'Rourke then requested an update concerning the vacancies on the Council. Mr. Wilkinson explained that the Department's Director of External Affairs was in the process of developing a standard questionnaire to be used for all vacancies in the various councils within the Department. The questionnaire will ensure that all individuals interested in serving on a council within the Department provide standard and uniform information. Mr. Wilkinson said that once the questionnaire has been completed, it would be distributed to everyone who has already applied for membership on the Advisory Council.

Mr. Bevis stated that it is his goal to have new appointments made prior to the Council meeting in September. Mr. LaDrew emphasized the importance of filling the law enforcement vacancy on the Council, and Ms. Schmitt noted that the county sheriffs previously appointed to the Council had often been unable to attend the PIRSAC meetings because of their busy schedules. Mr. Bevis stated he believed it would benefit the Council if the law enforcement vacancy were to be filled by someone who had statewide jurisdiction. Mr. David Merrill suggested that the PIRSAC Chair take it upon himself to invite local law enforcement to attend as guests at future meetings.

Mr. LaDrew noted that at the March PIRSAC meeting Mr. Jamie Blackburn, President of Florida Alliance of Certified Asset Recovery Specialists (FLACARS), had raised the issue of precisely when a repossession is legally complete. (Mr. Blackburn was not in attendance at the June meeting.) Mr. LaDrew noted that this information appears in the Recovery Agent Handbook as well as in the Florida Law Enforcement Officer Handbook. Essentially, a repossession is complete when a licensed recovery agent is in control, custody, and possession of repossessed property. He distributed copies of the relevant documents to Council members. Mr. LaDrew gave an example of the reason deregulation is not the way to go in the Recovery industry stating that laws need to be tougher.

In response to a question from Ms. Schmitt concerning the Class "M" and "MB" manager licenses, Mr. Varnadore replied that a Class "D" licensee can be designated as an agency manager if the licensee has been a Class "D" license holder for a minimum of two years. In this case, the Class "MB" license is not required. Mr. Wilkinson noted that this provision is clearly set forth in statute.

Mr. Poulin inquired about the status of the online verification system to aid Chapter 493 agencies in the hiring process. Such a system would allow the prospective employer to determine if the Division had taken any administrative action against a particular licensee. Mr. Wilkinson explained that Ms. Crawford briefed him and Mr. Bevis on this subject and that the Division's IT staff were still dealing with technical issues in connection with this system.

Mr. Dane Dodd of Contemporary Services Corporation then gave a shorter version of the same presentation he had provided at the Council meeting in March. His discussion focused on the American National Standards Institute (ANSI) Accreditation program for crowd managers, a five-hour, web-based training program. Mr. Dodd emphasized the positive benefits of this program. For one thing, it is standardized and uniform. In addition, insofar as it is web-based, it can be easily updated and is therefore always current. Moreover, it can be delivered quickly and efficiently so that all certified crowd managers can be properly trained on the latest techniques and methods in the field. Mr. Dodd also noted that there is a continuing education requirement in connection with this program.

Mr. Dodd's central point of his presentation is that this is the kind of training program should be considered as a model by the Division of Licensing for security training in the future. He believes that such a program would vastly enhance the Division's capabilities to promote public safety.

Chairman O'Rourke, while acknowledging the benefit of enhanced training of the type discussed by Mr. Dodd in his presentation, noted that the Division now has almost 1 million valid license holders with a statewide staff of 170 full-time positions. In short, the Division is understaffed, and Chairman O'Rourke does not believe that burdening the Division further with the development of online training programs should be undertaken at this time. Rather, the Division should focus on enforcing the rules and regulations that are already in place.

Mr. Poulin then re-opened the discussion concerning patrol vehicles and lights. He emphasized its importance because of the possibility that private security vehicles could be mistaken for law enforcement vehicles. He asked about the possibility of the Division initiating the rule-making process to provide clarification on this matter. Mr. David Merrill noted that a motion had been made at the September 2010 PIRSAC meeting that any security vehicle using lights must be marked appropriately and that unmarked vehicles should be prohibited from using lights. Chairman O'Rourke asked the Division to see if this process had to be done legislatively or if a rule would be sufficient.

New Business

Chairman O'Rourke commented on an e-mail he had received recently concerning the personal identifying information of former law enforcement officers. Many licensed private investigators are former law enforcement officers working out of their homes. As such, their home addresses appear on the Division's website. Chairman O'Rourke asked if the Division could change this so that only the mailing address appeared on the website. Mr. Wilkinson said that this issue is currently under

review by the Division because there is a provision in Chapter 119 that already establishes certain protections for the personal identifying information of former law enforcement officers. He said that he would report on the Division's findings regarding this matter at the September meeting.

Mr. Poulin asked if the Division of Licensing plans to continue its membership and participate in the International Association of Security and Investigative Regulators (IASIR) Conference. Mr. Wilkinson confirmed that the Division does in fact plan to remain active in IASIR and as far as travel restrictions, Mr. Bevis will address conference attendance with our Deputy Commissioner.

Comments from the Public and the Industries

Mr. Joe Taylor encouraged everyone in the recovery industry to make contact with their local sheriff or the chief of police so that these law enforcement officials could be properly advised concerning issues related to the recovery industry. He suggested that Recovery Agent Handbooks be distributed to these officials.

Mr. Taylor also strongly emphasized the importance of proper regulation. Deregulation is not what the regulated industries need; rather, what is needed is minimal, sensible, effective regulation. There was discussion concerning changes to the insurance minimum and how the repossession industry has been impacted.

Ms. Patty Palmer addressed public safety stating she supports tiered licensing in regard to education and/or training. Ms. Palmer also asked about the possibility of a security officer oath. Chairman O'Rourke stated that individual agencies have the responsibility of monitoring their own business practices and the conduct of their employees. He said that the topic of tiered licensing could be added to the September agenda. Mr. LaDrew stated that tiered licensing is not specific to security; it has been discussed regarding recovery, investigations and throughout Chapter 493. Mr. LaDrew stated that Mr. Bevis could get great background information if he discusses the ideas of tiered licensing with Mr. Taylor and Mr. Varnadore.

Mr. Nick Palmer thanks and supports the efforts being made at the Council meeting. He wanted to reiterate the importance of public safety for the State of Florida.

Comments by Industry Associations

Private Investigation – Mr. O'Rourke announced the Florida Association of Licensed Investigators (FALI) would hold the 17th Annual Educational Conference, later in the evening, June 9-11, 2011, at the InterContinental Hotel.

Recovery – Jamie Blackburn, President, Florida Alliance of Certified Asset Recovery Specialists (FLACARS), is not in attendance. They are working on legislation for next year.

Security – Mr. Poulin, President, Florida Association of Security Companies (FASCO), encouraged everyone to look at the Training Track.

Mr. Poulin asked when the Security Officer Handbook would include the legislative changes regarding Class "G" licenses. Mr. Wilkinson explained that web content, applications, forms, pamphlets and handbooks will need to be revised. He couldn't confirm an exact date at this time.

Mr. Poulin announced there would be a meeting of the Council of Presidents from Florida Alliance of Certified Asset Recovery Specialists (FLACARS), Florida Association of Licensed Investigators (FALI), and Florida Association of Security Companies (FASCO) immediately after the Council meeting had concluded. He noted that the Council of Presidents work together regarding cross-referenced issues regarding Chapter 493, including the legislative package that will be submitted in January.

Mr. O'Rourke reminded everyone of the venue of the next Council meeting.

September 22, 2011
Embassy Suites Hotel – Fort Lauderdale
1100 SE 17th Street
Fort Lauderdale, Florida 33316
(954) 527-2700

MOTION by Mr. Leonard Miller: To adjourn the meeting.
Second: Ms. Patty Schmitt
Motion approved unanimously.