

5N-1.113 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

The Division sets forth below disciplinary guidelines from which penalties will be imposed upon any person or agency violating chapter 493, F.S. The purpose of the disciplinary guidelines is to provide notice of the range of penalties which may be imposed for specific violations. The language below is intended to summarize the statutory language and is not a complete statement of the violation.

(1) The disciplinary guidelines for violations committed by agencies are as follows:

VIOLATION	RANGE OF PENALTIES
(a) Failure to maintain a physical location in Florida. (Section 493.6106(2), F.S.)	(a) From an administrative fine of \$250-\$650 to suspension, revocation or denial of license.
(b) Failure to timely notify the Division of a change of address. (Section 493.6106(2)(a), F.S.)	(b) From an administrative fine of \$150-\$350 to probation or one month's suspension of license.
(c) Failure to post a license or disclosure notice. (Section 493.6106(2)(b), (c), F.S.)	(c) From a reprimand to an administrative fine of \$50-\$150.
(d) Failure to have a valid local occupational license. (Section 493.6107(5), F.S.)	(d) An administrative fine of \$50-\$150.
(e) Failure to notify the Division of cancellation of liability insurance. (Section 493.6110(2), F.S.)	(e) An administrative fine of \$150-\$350.
(f) Failure to issue identification cards to licensed employees. (Section 493.6111(5), F.S.)	(f) An administrative fine of \$50-\$150 per employee.
(g) Failure to notify the Division of changes in corporate officers. (Section 493.6112(1), F.S.)	(g) From an administrative fine of \$150-\$350 to one month's suspension of license.
(h) Failure to report the hiring or termination of a licensed employee. (Section 493.6112(2), F.S.)	(h) From an administrative fine of \$50-\$150 to probation.
(i) Allowing an employee to carry a weapon which is not required by the employee's duties. (Section 493.6118(1)(f), F.S.)	(i) From an administrative fine of \$300-\$700 to probation or one month's suspension of license.
(j) Allowing an employee to carry a firearm or ammunition not authorized by the Division. (Section 493.6118(1)(f), F.S.)	(j) From an administrative fine of \$300-\$700 to probation.
(k) Failure to timely notify the Division of the	(k) From an administrative fine of \$300-

discharge of a firearm. (Section 493.6115(9), F.S.)	\$700 to probation or one month's suspension of license.
(l) Conducting or advertising regulated Activities under an unauthorized Fictitious name. (Section 493.6118(1)(b), F.S.)	(l) From an administrative fine of \$200-\$400 to one month's suspension of license.
(m) Making a false statement regarding an individual's employment status. (Section 493.6118(1)(d), F.S.)	(m) From an administrative fine of \$250-\$750 to one month's suspension of license.
(n) Failure to direct or supervise an armed employee. (Section 493.6118(1)(f), F.S.)	(n) From an administrative fine of \$250-\$750 to probation or one month's suspension of license.
(o) Conducting or advertising the business of an agency without a valid license or with an inactive license. (Section 493.6118(1)(g), F.S.)	(o) From an administrative fine of \$250-\$750 to revocation or denial of license.
(p) Conducting or advertising the business of an agency after suspension or revocation of a license. (Section 493.6118(1)(g), F.S.)	(p) From an administrative fine of \$500-\$1,000 to revocation or denial of license.
(q) Conducting or advertising the business of a branch office without a valid license. (Section 493.6118(1)(g), F.S.)	(q) From an administrative fine of \$200-\$600 to probation.
(r) Advertising or conducting regulated activity without liability insurance. (Section 493.6118(1)(h), F.S.)	(r) From an administrative fine of \$200-\$700 to probation or denial of license (in addition to suspension during uninsured period).
(s) Permitting or aiding an employee to impersonate a law enforcement officer or government employee. (Section 493.6118(1)(i), F.S.)	(s) From an administrative fine of \$300-\$700 or probation to one month's suspension of license.
(t) Allowing a security officer employee to perform regulated activities without a proper uniform. (Sections 493.6118(1)(f), 493.6305(1), F.S.)	(t) From an administrative fine of \$250-\$500 to probation.
(u) Violation of a cease and desist order issued by the division. (Section 493.6118(1)(k), F.S.)	(u) From an administrative fine of \$500-\$1,000 to revocation or denial of license.
(v) Employing an unlicensed unarmed private investigator, security officer or recovery agent. (Section 493.6118(1)(n), F.S.)	(v) An administrative fine of \$250-\$500.

(w) Employing an unlicensed armed security officer or private investigator. (Section 493.6118(1)(n), F.S.)	(w) From an administrative fine of \$300-\$700 to probation or one month's suspension of license.
(x) Advertising or conducting regulated activity without a properly licensed manager. (Section 493.6118(1)(n), F.S.)	(x) From an administrative fine of \$200-\$400 to probation.
(y) Failure to maintain business records for two years. (Section 493.6121(2), F.S.)	(y) From an administrative fine of \$200-\$700 to one month's suspension of license.
(z) Unauthorized use of the Great Seal of the State of Florida. (Section 493.6124, F.S.)	(z) An administrative fine of \$150-\$350.

(2) The disciplinary guidelines for violations committed by individuals are as follows:

VIOLATION	RANGE OF PENALTIES
(a) Failure to notify the division of a change of address. (Section 493.6106(3), F.S.)	(a) An administrative fine of \$50-\$250.
(b) Failure to return agency identification card or equipment to employer upon termination. (Sections 493.6111(5)(c), 493.6118(1)(f), F.S.)	(b) From an administrative fine of \$100-\$500 to suspension or denial of license.
(c) Carrying a weapon which is not required by the licensee's duties. (Section 493.6115(3), F.S.)	(c) From an administrative fine of \$250-\$450 or probation to suspension or denial of license.
(d) Carrying a firearm or ammunition not authorized by the Division. (Section 493.6115(6), F.S.)	(d) From an administrative fine of \$150-\$350 or probation to suspension or denial of the Class "G" Statewide Firearm License.
(e) Failure to timely notify the Division of the discharge of a firearm. (Section 493.6115(9), F.S.)	(e) From an administrative fine of \$250-\$650 or probation to one month's suspension or denial of license.
(f) Conviction of or adjudication of guilt withheld on a crime directly related to the business for which the license is held. (Section 493.6118(1)(c), F.S.)	(f) Revocation or denial of license.
(g) Unauthorized release of confidential information or of a professional secret. (Section 493.6118(1)(e), F.S.)	(g) From an administrative fine of \$250-\$750 to one month's suspension of license.
(h) The improper exhibition of a firearm, as defined in section 790.10	(h) From an administrative fine of \$250-\$500 or probation to one month's

(Section 493.6118(1)(f), F.S.)	suspension or denial of license.
(i) Careless or improper handling of a firearm resulting in a discharge. (Section 493.6118(1)(f), F.S.)	(i) From an administrative fine of \$300-\$700 or probation to three month's suspension or denial of license.
(j) Firing a warning shot while on duty. (Section 493.6118(1)(f), F.S.)	(j) From an administrative fine of \$350-\$750 or probation to three month's suspension or denial of license.
(k) Performing regulated activities without a valid license or with an Inactive license. (Section 493.6118(1)(g), F.S.)	(k) From an administrative fine of \$100-\$300 to denial of license.
(l) Performing regulated activities after suspension or revocation of a license. (Section 493.6118(1)(g), F.S.)	(l) From an administrative fine of \$200-\$600 to revocation or denial of license.
(m) Impersonating a law enforcement officer or government employee. (Section 493.6118(1)(i), F.S.)	(m) From an administrative fine of \$500-\$1,000 to suspension, revocation or denial of license.
(n) Commission of an act of violence not in the lawful protection of one's self or another. (Section 493.6118(1)(j), F.S.)	(n) From probation to suspension, revocation or denial of license.
(o) Violation of a cease and desist order issued by the division. (Sections 493.6118(1)(k), 493.6120(3), F.S.)	(o) From an administrative fine of \$500 to \$1,000 to revocation or denial of license.
(p) Soliciting business for an attorney for compensation. (Section 493.6118(1)(l), F.S.)	(p) From an administrative fine of \$150-\$350 or probation to one month's suspension of license.
(q) Failure or refusal to cooperate with a division investigator. (Section 493.6118(1)(o), F.S.)	(q) From an administrative fine of \$300-\$700 to three month's suspension or denial of license.
(r) Failure to carry an agency identification card while on duty. (Section 493.6118(1)(p), F.S.)	(r) An administrative fine of \$50-\$150.
(s) Failure to carry a license while on duty. (Section 493.6118(1)(q), F.S.)	(s) From an administrative fine of \$50-\$250 to probation.
(t) Failure of a sponsor to timely certify the progress, completion or termination of an internship. (Section 493.6118(1)(r), F.S.)	(t) From an administrative fine of \$150-\$350 to probation.
(u) Unauthorized use of the Great Seal of the State of Florida.	(u) An administrative fine of \$100-\$200.

(Section 493.6124, F.S.)	
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(5) The division shall be entitled to deviate from the above-mentioned guidelines and impose any penalty authorized under section 493.6118(2), F.S., upon a showing of one or more of the following aggravating or mitigating circumstances presented to the finder of fact:

- (a) The violation was committed maliciously.
 - (b) The danger to public safety or welfare.
 - (c) The number of previous violations for the same type of offense, whether or not disciplinary action was taken.
 - (d) The length of time the violator engaged in the prohibited activity.
 - (e) The length of time since the violation occurred.
 - (f) Previous disciplinary action against the violator in this or any other jurisdiction.
 - (g) The amount of damage to persons or property caused by the violation.
 - (h) The deterrent effect of the penalty imposed.
 - (i) Any efforts by the violator at rehabilitation.
 - (j) Attempts by the violator to correct violations or the failure to correct violations.
 - (k) The violator's prior knowledge of chapter 493, F.S.
 - (l) Whether the violation resulted from negligence or an intentional act.
 - (m) Financial hardship.
 - (n) The cost of disciplinary proceedings.
 - (o) The number of other violations proven in the same proceeding.
 - (p) The violation occurred while on probation.
- (6) The provisions of this rule are not intended and shall not be construed to limit the ability of the division to informally dispose of disciplinary actions by stipulation, settlement or consent order pursuant to section 120.57(3), F.S.
- (7) The provisions of this rule are not intended and shall not be construed to limit the ability of the Division to pursue or recommend collateral civil or criminal action when appropriate.

Rulemaking Authority 493.6103, 493.6304(3), 493.6406(3) FS. Law Implemented 493.6107(5), 493.6110(2), 493.6111(5), 493.6112(1), (2), 493.6115, 493.6118, 493.6120(3), 493.6121, 493.6124, 493.6301(8), 493.6304(3), 493.6404 FS. History—New 5-7-91, Amended 5-15-95, Formerly 1C-3.113, Amended 5-23-19.