

ORDINANCE NO. 131

AN ORDINANCE LICENSING AND REGULATING THE BUSINESS OF PRIVATE DETECTIVE; PROVIDING FOR INVESTIGATION AND SUPERVISION BY THE CHIEF OF POLICE; REQUIRING FILING OF A BOND IN PROTECTION OF THE PUBLIC; PRESCRIBING DUTIES OF PERMITTEES; RECITING THE EFFECTIVE DATE AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA:

Section 1. Definitions. For the purposes of this Ordinance the following terms, phrases, words, and the derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "City" is the City of Springfield, Florida.
- (b) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) "Private Detective" is any person who accepts employment for hire, fee, or reward to furnish or supply information as to the personal character or actions or identity of any person or as to the character or kind of business or occupation of any person, including any person or persons performing services as a public night watchman. The term shall not include within its meaning a private investigator employed exclusively for one employer in connection with a business of a collection agency. Nor shall it include a detective or officer belonging to the law enforcement agencies of the United States or of any state, county, or city. Nor shall it include insurance adjusters or investigators, or credit investigators.

Section 2. Permit Required. No person shall operate as a private detective in the City without first obtaining a Permit as hereinafter provided from the Chief of Police. The obtaining of a Permit as herein prescribed shall be a necessary

prerequisite to obtaining an occupational license for engaging in the business of private detective.

Section 3. Application for Permit. Applications for Permits issued hereunder shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

A. The full name, age, date of birth, residence, present and previous occupations of the applicant;

B. Whether the person signing the application is a citizen of the United States;

C. A specific description of the location of the principal place of business of the applicant;

D. The number of years experience the applicant has had as a private detective or in the related fields, and a resume of his employment for the past five years;

E. The length of time applicant has been a bona fide resident of the State of Florida immediately preceding the filing of the application;

F. Such other information as the Chief of Police shall find reasonably necessary to effectuate the general purpose of this Ordinance and to make a fair determination of whether the terms of this Ordinance have been complied with.

(a) Fingerprints and Photograph. Applicant shall submit to being fingerprinted and photographed by the Police Department.

(b) Application Fee. The application required shall be accompanied by an application fee of \$15.00.

Section 4. Investigation by Chief of Police. Within ten (10) days after receipt of an application as provided for herein the Chief of Police shall cause an investigation to be made of the applicant and his proposed operation.

Section 5. Standards for Issuance of Permit. The

Chief of Police shall issue a Permit hereunder when he finds:

- (a) That the applicant is of good moral character;
- (b) That the applicant has never been convicted of any felony or any offense against the decency and morals of the community;
- (c) That the applicant is a natural born or a fully naturalized citizen of the United States;
- (d) That the applicant does not believe in or advocate the overthrow of the Government of the United States, or of the State of Florida, by force or violence and that the applicant is not a member of any organization or party which believes in or teaches directly or indirectly the overthrow of the government of the United States, or of the State of Florida, by force or violence.

Section 6. Standards Applicable to Employees. All employees of any person having or applying for a Permit hereunder shall meet the standard set forth above and shall be subject to all regulations of this Ordinance.

Section 7. Notice of Rejection. The Chief of Police shall act upon the application for a private detective's Permit within ten (10) days after the filing thereof. If the Chief of Police disapproves the application, he shall mail to the applicant within fifteen (15) days after the date upon which the application was filed, a notice of his action stating the reasons for his denial of the Permit.

Section 8. Appeal Procedure. Any person aggrieved shall have the right to appeal the denial of a private detective's Permit to the City Commission. The appeal shall be taken within five (5) days after notice. The City Commission shall act upon

the appeal at its next regularly scheduled meeting.

Section 9. Fee. A Permit shall be issued to a successful applicant for a Permit, upon payment of a fee in the sum of \$15.00.

Section 10. Conditions of Licensing.

(a) Transferability. Permits issued hereunder shall not be transferable.

(b) Revocation and Suspension. Permits issued hereunder shall be subject to revocation or suspension by the Chief of Police for violation of any of the provisions of this Ordinance or misconduct by the Permittee or his employees, after reasonable notice and an opportunity to be heard has been given the Permittee. The Chief of Police shall immediately notify any Permittee, by personal service, of such suspension or revocation.

(c) Renewal. The Chief of Police shall issue renewal Permits to all Permittees whose Permits have not been suspended at the time said Permits have expired, upon payment of the Permit fee.

(d) Term of Permit. All Permits issued hereunder shall be for a term of one (1) year.

Section 11. Bond Required. No Permit shall be issued hereunder unless the applicant files with the City a surety bond executed by such applicant with two (2) or more sureties, or by a surety company authorized to do business in the State of Florida, in the sum of \$5,000.00, or such other financial security as may be approved by the City Attorney of the City, conditioned upon the careful, faithful and honest conduct of the services to be performed by the applicant, or his or its employees. Such bond shall be approved by the City Commission of the City of Springfield, Florida, as to form, execution and sufficiency of sureties.

(a) Protection to Public. The bond or approved security required herein shall run in the name of the people of the State of Florida, and every person injured or damaged by the breach of the conditions of the bond by the principal, his agent, servant, or employee, in the conduct of business of private detective, may bring an action on the bond in his own name to recover damages such injured person has suffered as a result of such breach.

(b) Suspension of Permit on Failure of Security.
The Chief of Police shall suspend any Permit when the bond or other approved financial security required herein shall have lapsed or is reduced by reason of a judgment thereon, or for any other reason is no longer in full force and effect.

Section 12. Promulgation of Regulations by Chief of Police. The Chief of Police shall have the authority to enact and enforce reasonable rules and regulations for the operation of private detectives in the interest of public safety, morals and welfare and to effectuate the general purpose of this Ordinance.

Section 13. Duties of Permittee.

(a) Carry and Post Permit Certificates. The Permittee hereunder shall cause a certificate of such Permit to be displayed at all times in a conspicuous place in or on his place of business described in such permit. The Permittee shall carry on his person at all times when performing services as a private detective a certificate of the Permit issued hereunder.

(b) Impersonation of State Police Officers. No private detective licensed hereunder shall impersonate or hold himself out as a peace officer of this State; nor shall a private detective operate or permit to be operated a motor vehicle with a siren, blinker light, or with any insignia thereon bearing likeness to the insignia used by peace officers of this State; nor shall any

private detective licensed hereunder wear any uniform or insignia bearing likeness to the uniform or insignia used by Peace Officers of the State of Florida or the City of Springfield, Florida.

Section 14. The following rules and regulations shall be applicable to and shall be complied with by all public night watchmen:

(a) Each and every night watchman covered by this Ordinance shall promptly notify the Police Department of the City of Springfield, Florida, of the discontinuance of service to any place of business receiving night watchman services.

(b) Each and every night watchman shall furnish the Police Department of the City of Springfield, Florida, a list of all places of business within said City receiving night watchman services by the watchman furnishing such list.

(c) Each and every night watchman shall furnish said Police Department with a complete description of all automobiles used or to be used in connection with such night watchman services. If any such night watchman shall use any automobile in connection with any night watchman services as referred to herein, without first having given a complete description thereof to said Police Department, as herein required, such shall constitute grounds for revocation of the Permit of any such night watchman.

(d) Each and every night watchman shall immediately notify the Police Department of said City of any place of business he finds open or burglarized.

Section 15. In addition to the Permits herein required, private detectives shall be required to pay the customary occupational license taxes prescribed by the Ordinances of the City of Springfield, Florida.

Section 16. Any person violating any of the provisions of this Ordinance shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00), or imprisonment in the municipal jail for not to exceed sixty (60) days, or by both such fine and imprisonment in the discretion of the Municipal Judge. Each and every day any violation continues shall constitute a separate and distinct offense.

Section 17. In addition to any other penalty or penalties herein prescribed, the violation of any of the provisions of this Ordinance shall subject the violator to having his Permit revoked, in the discretion of the Chief of Police of the City of Springfield, Florida. Whenever any such Permit is revoked by the Chief of Police, the Permittee may appeal to the City Commission in accordance with the provisions set forth in Section 8 hereof, and the action of the City Commission shall be final and conclusive.

Section 18. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 19. This Ordinance shall take effect upon its passage and publication as required by law.

PASSED in recessed-regular session this 10 day of June, 1963.

R. T. Barton (Seal)
Mayor

ATTEST:

W. S. ...
City Clerk

EXAMINED AND APPROVED by me this 10 day of June, 1963.

R. T. Barton (Seal)
Mayor

POSTED AT:

DATE:

Rowell's Shell Station

July 2, 1963

Rebel Oil Station

July 2, 1963

City Hall

July 2, 1963