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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/06/2011 07:58 PM

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Senator Latvala moved the following:

**Senate Amendment (with title amendment)**

Between lines 1246 and 1247

insert:

Section 35. Section 493.6120, Florida Statutes, is amended to read:

493.6120 Violations; penalty.—

(1) (a) Except as provided in paragraph (c), a person who engages in any activity for which this chapter requires a license and who does not hold the required license commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of paragraph (a) is a



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14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084, and the department may seek  
16 the imposition of a civil penalty not to exceed \$10,000.

17 (c) Paragraph (a) does not apply if the person engages in  
18 unlicensed activity within 90 days after the date of the  
19 expiration of his or her license.

20 (2) (a) A person who, while impersonating a security  
21 officer, private investigator, recovery agent, or other person  
22 required to have a license under this chapter, knowingly and  
23 intentionally forces another person to assist the impersonator  
24 in an activity within the scope of duty of a professional  
25 licensed under this chapter commits a felony of the third  
26 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
27 775.084.

28 (b) A person who violates paragraph (a) during the course  
29 of committing a felony commits a felony of the second degree,  
30 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

31 (c) A person who violates paragraph (a) during the course  
32 of committing a felony that results in death or serious bodily  
33 injury to another human being commits a felony of the first  
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
35 775.084.

36 (3) ~~(1)~~ Any person who violates any provision of this  
37 chapter except s. 493.6405, subsection (1), or subsection (2)  
38 commits a misdemeanor of the first degree, punishable as  
39 provided in s. 775.082 or s. 775.083.

40 (4) ~~(2)~~ Any person who is convicted of any violation of this  
41 chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period of 5  
42 years.



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43            (5)~~(3)~~ Any person who violates or disregards any cease and  
44 desist order issued by the department commits a misdemeanor of  
45 the first degree, punishable as provided in s. 775.082 or s.  
46 775.083. In addition, the department may seek the imposition of  
47 a civil penalty not to exceed \$5,000.

48            (6)~~(4)~~ Any person who was an owner, officer, partner, or  
49 manager of a licensed agency at the time of any activity that is  
50 the basis for revocation of the agency or branch office license  
51 and who knew or should have known of the activity, shall have  
52 his or her personal licenses or approval suspended for 3 years  
53 and may not have any financial interest in or be employed in any  
54 capacity by a licensed agency during the period of suspension.

55            Section 36. Protecting critical infrastructure facilities.—

56            (1) A licensed security officer who possesses a valid Class  
57 "G" license, or a licensed security agency manager who possesses  
58 a valid Class "G" license, who is on duty, in uniform, providing  
59 security services on the premises of a critical infrastructure  
60 facility, and has probable cause to believe that a person has  
61 committed or is committing a crime against the licensed security  
62 officer's client or patrons thereof, may temporarily detain the  
63 person for the purpose of ascertaining his or her identity and  
64 the circumstances of the activity that is the basis for the  
65 temporary detention. The security officer may detain the person  
66 in a reasonable manner until the responding law enforcement  
67 officer arrives at the premises of the client and is in the  
68 presence of the detainee.

69            (2) When temporarily detaining a person, the licensed  
70 security officer or security agency manager shall notify the  
71 appropriate law enforcement agency as soon as reasonably



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72 possible. Temporary detention of a person by a licensed security  
73 officer or security agency manager must be done solely for the  
74 purpose of detaining the person before the arrival of a law  
75 enforcement officer. Custody of any person being temporarily  
76 detained shall be immediately transferred to the responding law  
77 enforcement officer.

78 (3) A licensed security officer or security agency manager  
79 may not detain a person under this section after the arrival of  
80 a law enforcement officer unless the law enforcement officer  
81 requests the security officer to continue detaining the person.  
82 The responsibilities of the licensed security officer or  
83 security agency manager do not extend beyond the place where the  
84 person was first detained or in the immediate vicinity.

85 (4) A person may not be temporarily detained under this  
86 section longer than is reasonably necessary to effect the  
87 purposes of this section.

88 (5) If a licensed security officer or security agency  
89 manager while detaining a person pursuant to this section  
90 observes that the person temporarily detained is armed with a  
91 firearm, concealed weapon, or any destructive device that poses  
92 a threat to the safety of the security officer or any person for  
93 whom the security officer is responsible for providing  
94 protection, or the detainee admits to having a weapon in his or  
95 her possession, the security officer or security agency manager  
96 may conduct a search of the person and his or her belongings  
97 only to the extent necessary for the purpose of disclosing the  
98 presence of a weapon. If the search reveals such a weapon, the  
99 weapon shall be seized and transferred to the responding law  
100 enforcement officer.



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101           (6) As used in this section, the term "critical  
102 infrastructure facility" means any one of the following, if it  
103 employs measures such as fences, barriers, or guard posts that  
104 are designed to exclude unauthorized personnel and is determined  
105 by a state or federal authority to be so vital to the state that  
106 the incapacity or destruction of the facility would have a  
107 debilitating impact on security, state economic stability, state  
108 public health or safety, or any combination of those matters:

109           (a) A chemical manufacturing facility;

110           (b) A refinery;

111           (c) An electrical power generating facility, substation,  
112 switching station, electrical control center, or electrical  
113 transmission or distribution facility;

114           (d) A water intake structure, water treatment facility,  
115 wastewater treatment plant, or pump station;

116           (e) A natural gas transmission compressor station;

117           (f) A liquid natural gas terminal or storage facility;

118           (g) A telecommunications central switching office;

119           (h) A deep water seaport or railroad switching yard;

120           (i) A gas processing plant, including a plant used in the  
121 processing, treatment, or fractionation of natural gas; or

122           (j) A public transportation facility as defined in s.  
123 343.62, Florida Statutes.

124           (7) Class "D" and Class "MB" licensees shall perform duties  
125 regulated under this section in a uniform that bears at least  
126 one patch or emblem visible at all times clearly identifying the  
127 employing agency.

128  
129 ===== T I T L E   A M E N D M E N T =====



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130 And the title is amended as follows:

131 Delete line 107

132 and insert:

133 Affairs to adopt rules; amending s. 493.6120, F.S.;

134 providing that a person who engages in any activity

135 for which ch. 493, F.S., requires a license, but acts

136 without having a license, commits a misdemeanor of the

137 first degree; providing that a person commits a felony

138 of the third degree for a second or subsequent offense

139 of engaging in activities without a license;

140 authorizing the Department of Agriculture and Consumer

141 Services to impose a civil penalty not to exceed a

142 specified amount; providing that penalties do not

143 apply if the person engaged in unlicensed activity

144 within 90 days after the expiration date of the

145 person's license; providing that a person who, while

146 impersonating a security officer, private

147 investigator, recovery agent, or other person required

148 to have a license under ch. 493, F.S., knowingly and

149 intentionally forces another person to assist the

150 impersonator in an activity within the scope of duty

151 of a professional licensed under ch. 493, F.S.,

152 commits a felony of the third degree; providing that a

153 person who impersonates a security officer or other

154 designated officer during the commission of a felony

155 commits a felony of the second degree; providing that

156 a person who impersonates a security officer or other

157 designated officer during the commission a felony that

158 results in death or serious bodily injury to another



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159 human being commits a felony of the first degree;  
160 authorizing a licensed security officer or a licensed  
161 security agency manager to detain a person on the  
162 premises of a critical infrastructure facility if the  
163 security officer has probable cause to believe that  
164 the person has committed or is committing a crime and  
165 for the purpose of ascertaining the person's identity  
166 and the circumstances of the activity that is the  
167 basis for the temporary detention; providing that the  
168 person may be detained until a responding law  
169 enforcement officer arrives at the critical  
170 infrastructure facility; requiring the security  
171 officer to notify the law enforcement agency as soon  
172 as possible; requiring that custody of any person  
173 temporarily detained be immediately transferred to the  
174 responding law enforcement officer; prohibiting a  
175 licensed security officer or security agency manager  
176 from detaining a person after the arrival of a law  
177 enforcement officer unless the law enforcement officer  
178 requests the security officer to assist in detaining  
179 the person; authorizing the security officer to search  
180 the person detained if the security officer observes  
181 that the person temporarily detained is armed with a  
182 firearm, concealed weapon, or any destructive device  
183 that poses a threat to the safety of the security  
184 officer, or the detainee admits to the security  
185 officer that he or she is armed with a weapon;  
186 requiring the security officer to seize any weapon  
187 discovered and transfer the weapon to the responding



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188 law enforcement officer; defining the term "critical  
189 infrastructure facility"; providing identification  
190 requirements for licensed security officers; providing  
191 an effective date.