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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 147 and 148
insert:

Section 4. 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.



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13 (b) A second or subsequent violation of paragraph (a) is a
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)~~ A ~~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)~~ A ~~Any~~ person who is convicted of any violation of
41 this chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period



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42 of 5 years.

43 ~~(5)-(3)~~ A Any person who violates or disregards any cease
44 and desist order issued by the department commits a misdemeanor
45 of 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)~~ A 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 5. 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 who has probable cause to believe that a person
61 has committed or is committing a crime against the client, or
62 the client's patron, of the licensed security officer or the
63 licensed security agency manager, may temporarily detain the
64 person for the purpose of ascertaining his or her identity and
65 the circumstances of the activity that is the basis for the
66 temporary detention. The security officer or security agency
67 manager may detain the person in a reasonable manner until the
68 responding law enforcement officer arrives at the premises of
69 the client and is in the presence of the detainee.

70 (2) When temporarily detaining a person, the licensed



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

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

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

90 (5) If a licensed security officer or security agency
91 manager, while detaining a person under this section, observes
92 that the person temporarily detained is armed with a firearm, a
93 concealed weapon, or a destructive device that poses a threat to
94 the safety of the security officer or security agency manager,
95 or any person for whom the security officer or security agency
96 manager is responsible for providing protection, or if the
97 detainee admits to having a weapon in his or her possession, the
98 security officer or security agency manager may conduct a search
99 of the person and his or her belongings only to the extent



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100 necessary for the purpose of disclosing the presence of a
101 weapon. If the search reveals such a weapon, the weapon shall be
102 seized and transferred to the responding law enforcement
103 officer.

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

112 (a) A chemical manufacturing facility;

113 (b) A refinery;

114 (c) An electrical power plant as defined in s. 403.031,
115 Florida Statutes, including a substation, switching station,
116 electrical control center, or electric transmission or
117 distribution facility;

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

120 (e) A natural gas transmission compressor station;

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

122 (g) A telecommunications central switching office;

123 (h) A deepwater port or railroad switching yard;

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

126 (j) A public transportation facility as defined in s.
127 343.62, Florida Statutes.

128 (7) A Class "D" or Class "MB" licensee shall perform duties



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129 regulated under this section in a uniform that bears at least
130 one patch or emblem visible at all times clearly identifying the
131 employing agency.

132
133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete line 16

136 and insert:

137 certain motor vehicles to transport citrus; amending
138 s. 493.6120, F.S.; providing that a person who engages
139 in any activity for which ch. 493, F.S., requires a
140 license, but who acts without having a license,
141 commits a misdemeanor of the first degree; providing
142 that such person commits a felony of the third degree
143 for a second or subsequent offense of engaging in
144 activities without a license; authorizing the
145 Department of Agriculture and Consumer Services to
146 impose a civil penalty not to exceed a specified
147 amount; providing that penalties do not apply if the
148 person engaged in unlicensed activity within 90 days
149 after the expiration date of the person's license;
150 providing that a person who, while impersonating a
151 security officer, private investigator, recovery
152 agent, or other person required to have a license
153 under ch. 493, F.S., knowingly and intentionally
154 forces another person to assist the impersonator in an
155 activity within the scope of duty of a professional
156 licensed under ch. 493, F.S., commits a felony of the
157 third degree; providing that a person who impersonates



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158 a security officer or other designated officer during
159 the commission of a felony commits a felony of the
160 second degree; providing that a person who
161 impersonates a security officer or other designated
162 officer during the commission of a felony that results
163 in death or serious bodily injury to another human
164 being commits a felony of the first degree;
165 authorizing a licensed security officer or a licensed
166 security agency manager to detain a person on the
167 premises of a critical infrastructure facility in
168 certain circumstances; requiring the security officer
169 to notify the law enforcement agency as soon as
170 possible; requiring that custody of any person
171 temporarily detained be immediately transferred to the
172 responding law enforcement officer; providing for an
173 exception to the immediate transfer; providing that
174 the responsibilities of the security officer are
175 limited to specified locations; prohibiting a security
176 officer from detaining a person longer than is
177 reasonably necessary; authorizing the security officer
178 to search the person detained under certain
179 circumstances; defining the term "critical
180 infrastructure facility"; providing identification
181 requirements for certain licensed security officers;
182 amending