

HB 1271 CS

2006
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CHAMBER ACTION

1 The State Administration Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Division of Alcoholic Beverages and
8 Tobacco; amending s. 20.165, F.S.; requiring each employee
9 serving as a law enforcement officer for the division to
10 meet the qualifications of a law enforcement officer set
11 forth in ch. 943, F.S., for employment or appointment;
12 requiring each such employee to be certified as a law
13 enforcement officer by the Department of Law Enforcement;
14 providing the law enforcement officer with certain powers,
15 authority, and jurisdiction; specifying the primary and
16 secondary responsibilities for law enforcement officers of
17 the division; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (b) of subsection (9) of section
22 20.165, Florida Statutes, is amended to read:

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23 20.165 Department of Business and Professional
24 Regulation.--There is created a Department of Business and
25 Professional Regulation.

26 (9)

27 (b) Each employee serving as a law enforcement officer for
28 the division must meet the qualifications for employment or
29 appointment as a law enforcement officer set forth under s.
30 943.13 and must be certified as a law enforcement officer by the
31 Department of Law Enforcement under chapter 943. Upon
32 certification, each law enforcement officer is subject to and
33 has the same authority as provided for law enforcement officers
34 generally in chapter 901 and has statewide jurisdiction. Each
35 officer also has arrest authority as provided for state law
36 enforcement officers in s. 901.15. Each officer possesses the
37 full law enforcement powers granted to other peace officers of
38 this state, including the authority to make arrests, carry
39 firearms, serve court process, and seize contraband and the
40 proceeds of illegal activities.

41 1. The primary responsibility of each officer appointed
42 under this section is ~~All employees certified under chapter 943~~
43 ~~as law enforcement officers shall have felony arrest powers~~
44 ~~under s. 901.15(10) and shall have all the powers of deputy~~
45 ~~sheriffs to:~~

46 ~~±~~ investigate, enforce, and prosecute, throughout the
47 state, violations and violators of+

48 ~~a-~~ parts I and II of chapter 210, ~~±~~ part VII of chapter
49 559, ~~±~~ and chapters 561-569, ~~±~~ and the rules adopted ~~promulgated~~
50 thereunder, as well as other state laws that ~~which~~ the division,

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51 all state law enforcement officers, or beverage enforcement
52 agents are specifically authorized to enforce.

53 2.b. The secondary responsibility of each officer
54 appointed under this section is to enforce all other state laws,
55 provided that the enforcement is incidental to exercising the
56 officer's primary responsibility as provided in subparagraph 1.,
57 and the officer ~~employee~~ exercises the powers of a deputy
58 sheriff, only after consultation or ~~and in~~ coordination with the
59 appropriate local sheriff's office, ~~and only if the violation~~
60 ~~could result in an administrative proceeding against a license~~
61 ~~or permit issued by the division.~~

62 ~~2. Enforce all criminal laws of the state within specified~~
63 ~~jurisdictions when the division is a party to a written mutual~~
64 ~~aid agreement with a state agency, sheriff, or municipal police~~
65 ~~department, or when the division participates in the Florida~~
66 ~~Mutual Aid Plan during a declared state emergency.~~

67 Section 2. This act shall take effect July 1, 2006.