

ENROLLED  
 HB 1271, Engrossed 1

2006 Legislature

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

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Paragraph (b) of subsection (9) of section  
 17           20.165, Florida Statutes, is amended to read:

18           20.165 Department of Business and Professional  
 19           Regulation.--There is created a Department of Business and  
 20           Professional Regulation.

21           (9)

22           (b) Each employee serving as a law enforcement officer for  
 23           the division must meet the qualifications for employment or  
 24           appointment as a law enforcement officer set forth under s.  
 25           943.13 and must be certified as a law enforcement officer by the  
 26           Department of Law Enforcement under chapter 943. Upon  
 27           certification, each law enforcement officer is subject to and

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28 has the same authority as provided for law enforcement officers  
 29 generally in chapter 901 and has statewide jurisdiction. Each  
 30 officer also has arrest authority as provided for state law  
 31 enforcement officers in s. 901.15. Each officer possesses the  
 32 full law enforcement powers granted to other peace officers of  
 33 this state, including the authority to make arrests, carry  
 34 firearms, serve court process, and seize contraband and the  
 35 proceeds of illegal activities.

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

41 ~~1. investigate, enforce, and prosecute, throughout the~~  
 42 ~~state, violations and violators of:~~

43 ~~a. parts I and II of chapter 210,~~ part VII of chapter  
 44 559, ~~and chapters 561-569,~~ and the rules adopted promulgated  
 45 thereunder, as well as other state laws that which the division,  
 46 all state law enforcement officers, or beverage enforcement  
 47 agents are specifically authorized to enforce.

48 ~~2.b.~~ The secondary responsibility of each officer  
 49 appointed under this section is to enforce all other state laws,  
 50 provided that the enforcement is incidental to exercising the  
 51 officer's primary responsibility as provided in subparagraph 1.,  
 52 and the officer ~~employee~~ exercises the powers of a deputy  
 53 sheriff, only after consultation or ~~and in~~ coordination with the  
 54 appropriate local sheriff's office, ~~and only if the violation~~

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55 ~~could result in an administrative proceeding against a license~~  
56 ~~or permit issued by the division.~~

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

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