

By Senator Latvala

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1                                   A bill to be entitled  
2           An act relating to licensed security officers;  
3           amending s. 493.6120, F.S.; providing that a person  
4           who engages in any activity for which ch. 493, F.S.,  
5           requires a license, but who acts without having a  
6           license, commits a misdemeanor of the first degree;  
7           providing that such person commits a felony of the  
8           third degree for a second or subsequent offense of  
9           engaging in activities without a license; authorizing  
10          the Department of Agriculture and Consumer Services to  
11          impose a civil penalty not to exceed a specified  
12          amount; providing that penalties do not apply if the  
13          person engaged in unlicensed activity within 90 days  
14          after the expiration date of the person's license;  
15          providing that a person who, while impersonating a  
16          security officer, private investigator, recovery  
17          agent, or other person required to have a license  
18          under ch. 493, F.S., knowingly and intentionally  
19          forces another person to assist the impersonator in an  
20          activity within the scope of duty of a professional  
21          licensed under ch. 493, F.S., commits a felony of the  
22          third degree; providing that a person who impersonates  
23          a security officer or other designated officer during  
24          the commission of a felony commits a felony of the  
25          second degree; providing that a person who  
26          impersonates a security officer or other designated  
27          officer during the commission a felony that results in  
28          death or serious bodily injury to another human being  
29          commits a felony of the first degree; authorizing a

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30 licensed security officer or a licensed security  
31 agency manager to detain a person on the premises of a  
32 critical infrastructure facility in certain  
33 circumstances; requiring the security officer to  
34 notify the law enforcement agency as soon as possible;  
35 requiring that custody of any person temporarily  
36 detained be immediately transferred to the responding  
37 law enforcement officer; providing for an exception to  
38 the immediate transfer; providing that the  
39 responsibilities of the security officer are limited  
40 to specified locations; prohibiting a security officer  
41 from detaining a person longer than is reasonably  
42 necessary; authorizing the security officer to search  
43 the person detained under certain circumstances;  
44 defining the term "critical infrastructure facility";  
45 providing identification requirements for certain  
46 licensed security officers; providing an effective  
47 date.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Section 493.6120, Florida Statutes, is amended  
52 to read:

53 493.6120 Violations; penalty.—

54 (1) (a) Except as provided in paragraph (c), a person who  
55 engages in any activity for which this chapter requires a  
56 license and who does not hold the required license commits a  
57 misdemeanor of the first degree, punishable as provided in s.  
58 775.082 or s. 775.083.

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59 (b) A second or subsequent violation of paragraph (a) is a  
60 felony of the third degree, punishable as provided in s.  
61 775.082, s. 775.083, or s. 775.084, and the department may seek  
62 the imposition of a civil penalty not to exceed \$10,000.

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

66 (2) (a) A person who, while impersonating a security  
67 officer, private investigator, recovery agent, or other person  
68 required to have a license under this chapter, knowingly and  
69 intentionally forces another person to assist the impersonator  
70 in an activity within the scope of duty of a professional  
71 licensed under this chapter commits a felony of the third  
72 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
73 775.084.

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

77 (c) A person who violates paragraph (a) during the course  
78 of committing a felony that results in death or serious bodily  
79 injury to another human being commits a felony of the first  
80 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
81 775.084.

82 (3) ~~(1)~~ A ~~Any~~ person who violates any provision of this  
83 chapter, except s. 493.6405, subsection (1), or subsection (2),  
84 commits a misdemeanor of the first degree, punishable as  
85 provided in s. 775.082 or s. 775.083.

86 (4) ~~(2)~~ A ~~Any~~ person who is convicted of any violation of  
87 this chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period

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88 of 5 years.

89 ~~(5)(3)~~ A Any person who violates or disregards any cease  
90 and desist order issued by the department commits a misdemeanor  
91 of the first degree, punishable as provided in s. 775.082 or s.  
92 775.083. In addition, the department may seek the imposition of  
93 a civil penalty not to exceed \$5,000.

94 ~~(6)(4)~~ A Any person who was an owner, officer, partner, or  
95 manager of a licensed agency at the time of any activity that is  
96 the basis for revocation of the agency or branch office license  
97 and who knew or should have known of the activity, shall have  
98 his or her personal licenses or approval suspended for 3 years  
99 and may not have any financial interest in or be employed in any  
100 capacity by a licensed agency during the period of suspension.

101 Section 2. Protecting critical infrastructure facilities.-

102 (1) A licensed security officer who possesses a valid Class  
103 "G" license, or a licensed security agency manager who possesses  
104 a valid Class "G" license, who is on duty, in uniform, providing  
105 security services on the premises of a critical infrastructure  
106 facility, and who has probable cause to believe that a person  
107 has committed or is committing a crime against the client, or  
108 the client's patron, of the licensed security officer or the  
109 licensed security agency manager, may temporarily detain the  
110 person for the purpose of ascertaining his or her identity and  
111 the circumstances of the activity that is the basis for the  
112 temporary detention. The security officer or security agency  
113 manager may detain the person in a reasonable manner until the  
114 responding law enforcement officer arrives at the premises of  
115 the client and is in the presence of the detainee.

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

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117 security officer or security agency manager shall notify the  
118 appropriate law enforcement agency as soon as reasonably  
119 possible. Temporary detention of a person by a licensed security  
120 officer or security agency manager must be done solely for the  
121 purpose of detaining the person before the arrival of a law  
122 enforcement officer. Custody of any person being temporarily  
123 detained shall be immediately transferred to the responding law  
124 enforcement officer.

125 (3) A licensed security officer or security agency manager  
126 may not detain a person under this section after the arrival of  
127 a law enforcement officer unless the law enforcement officer  
128 requests the security officer to continue detaining the person.  
129 The responsibilities of the licensed security officer or  
130 security agency manager do not extend beyond the place where the  
131 person was first detained or in the immediate vicinity.

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

135 (5) If a licensed security officer or security agency  
136 manager, while detaining a person under this section, observes  
137 that the person temporarily detained is armed with a firearm, a  
138 concealed weapon, or a destructive device that poses a threat to  
139 the safety of the security officer or security agency manager,  
140 or any person for whom the security officer or security agency  
141 manager is responsible for providing protection, or if the  
142 detainee admits to having a weapon in his or her possession, the  
143 security officer or security agency manager may conduct a search  
144 of the person and his or her belongings only to the extent  
145 necessary for the purpose of disclosing the presence of a

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146 weapon. If the search reveals such a weapon, the weapon shall be  
147 seized and transferred to the responding law enforcement  
148 officer.

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

157 (a) A chemical manufacturing facility;

158 (b) A refinery;

159 (c) An electrical power plant as defined in s. 403.031,  
160 Florida Statutes, including a substation, switching station,  
161 electrical control center, or electric transmission or  
162 distribution facility;

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

165 (e) A natural gas transmission compressor station;

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

167 (g) A telecommunications central switching office;

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

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

171 (j) A public transportation facility as defined in s.  
172 343.62, Florida Statutes.

173 (7) A Class "D" or Class "MB" licensee shall perform duties  
174 regulated under this section in a uniform that bears at least

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175 one patch or emblem visible at all times clearly identifying the  
176 employing agency.

177 Section 3. This act shall take effect July 1, 2012.