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HB 875

2013 Legislature

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2 An act relating to licensed security officers;
3 amending s. 493.6120, F.S.; providing penalties for an
4 unlicensed person who engages in an activity for which
5 ch. 493, F.S., requires a license; providing an
6 exception; providing penalties if a person commits a
7 felony while impersonating a security officer, private
8 investigator, recovery agent, or other person required
9 to have a license under ch. 493, F.S.; creating s.
10 493.631, F.S.; defining terms; authorizing a licensed
11 security officer or licensed security agency manager
12 to detain a person on the premises of a critical
13 infrastructure facility in certain circumstances;
14 providing procedures and requirements with respect
15 thereto; authorizing the security officer or security
16 agency manager to search the person detained under
17 certain circumstances; providing identification
18 requirements for certain licensed security officers
19 and security agency managers; providing immunity to
20 law enforcement officers, licensed security officers,
21 and licensed security agency managers under certain
22 circumstances; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 493.6120, Florida Statutes, is amended
27 to read:

28 493.6120 Violations; penalty.—

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29 (1) (a) Except as provided in paragraph (b), a person who
30 engages in any activity for which this chapter requires a
31 license and who does not hold the required license commits:

32 1. For a first violation, a misdemeanor of the first
33 degree, punishable as provided in s. 775.082 or s. 775.083.

34 2. For a second or subsequent violation, a felony of the
35 third degree, punishable as provided in s. 775.082, s. 775.083,
36 or s. 775.084, and the department may seek the imposition of a
37 civil penalty not to exceed \$10,000.

38 (b) Paragraph (a) does not apply if the person engages in
39 unlicensed activity within 90 days after the date of the
40 expiration of his or her license.

41 (2) (a) A person who, while impersonating a security
42 officer, private investigator, recovery agent, or other person
43 required to have a license under this chapter, knowingly and
44 intentionally forces another person to assist the impersonator
45 in an activity within the scope of duty of a professional
46 licensed under this chapter commits a felony of the third
47 degree, punishable as provided in s. 775.082, s. 775.083, or s.
48 775.084.

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

52 (c) A person who violates paragraph (a) during the course
53 of committing a felony resulting in death or serious bodily
54 injury to another human being commits a felony of the first
55 degree, punishable as provided in s. 775.082, s. 775.083, or s.
56 775.084.

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57 ~~(3)-(1)~~ Except as otherwise provided in this chapter, a ~~Any~~
58 person who violates any provision of this chapter ~~except s.~~
59 ~~493.6405~~ commits a misdemeanor of the first degree, punishable
60 as provided in s. 775.082 or s. 775.083.

61 ~~(4)-(2)~~ A ~~Any~~ person who is convicted of any violation of
62 this chapter is ~~shall~~ not ~~be~~ eligible for licensure for a period
63 of 5 years.

64 ~~(5)-(3)~~ A ~~Any~~ person who violates or disregards a ~~any~~ cease
65 and desist order issued by the department commits a misdemeanor
66 of the first degree, punishable as provided in s. 775.082 or s.
67 775.083. In addition, the department may seek the imposition of
68 a civil penalty not to exceed \$5,000.

69 ~~(6)-(4)~~ A person who was an owner, officer, partner, or
70 manager of a licensed agency or a Class "DS" or "RS" school or
71 training facility at the time of any activity that is the basis
72 for revocation of the agency or branch office license or the
73 school or training facility license and who knew or should have
74 known of the activity, shall have his or her personal licenses
75 or approval suspended for 3 years and may not have any financial
76 interest in or be employed in any capacity by a licensed agency
77 or a school or training facility during the period of
78 suspension.

79 Section 2. Section 493.631, Florida Statutes, is created
80 to read:

81 493.631 Temporary detention by a licensed security officer
82 or licensed security agency manager at critical infrastructure
83 facilities.-

84 (1) As used in this section, the term "critical

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85 infrastructure facility" means any of the following, if it
86 employs measures such as fences, barriers, or guard posts that
87 are designed to exclude unauthorized persons:

88 (a) A chemical manufacturing facility.

89 (b) A refinery.

90 (c) An electrical power plant as defined in s. 403.031,
91 including a substation, switching station, electrical control
92 center, or electric transmission or distribution facility.

93 (d) A water intake structure, water treatment facility,
94 wastewater treatment plant, or pump station.

95 (e) A natural gas transmission compressor station.

96 (f) A liquid natural gas terminal or storage facility.

97 (g) A telecommunications central switching office.

98 (h) A deepwater port or railroad switching yard.

99 (i) A gas processing plant, including a plant used in the
100 processing, treatment, or fractionation of natural gas.

101 (2) As used in this section, the terms "security officer"
102 and "security agency manager" mean a security officer or
103 security agency manager who possess a valid Class "D" or Class
104 "MB" license pursuant to s. 493.6301 and a valid Class "G"
105 license pursuant to s. 493.6115.

106 (3) A security officer or security agency manager who is
107 on duty, in uniform, and on the premises of a critical
108 infrastructure facility, and who has probable cause to believe
109 that a person has committed or is committing a crime against the
110 client operating the premises or the client's patron may
111 temporarily detain the person to ascertain his or her identity
112 and the circumstances of the person's activity.

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113 (4) When temporarily detaining a person, the security
114 officer or security agency manager shall notify the appropriate
115 law enforcement agency of the detention as soon as reasonably
116 possible. A security officer or security agency manager may
117 temporarily detain a person only until a law enforcement officer
118 arrives at the premises of the client and is in the presence of
119 the detainee. Upon arrival of the law enforcement officer, the
120 security officer or security agency manager shall immediately
121 transfer custody of a person being temporarily detained to the
122 responding law enforcement officer.

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

132 (6) A security officer or security agency manager may not
133 temporarily detain a person under this section longer than is
134 reasonably necessary to affect the purposes of this section.

135 (7) While detaining a person under this section, if a
136 security officer or security agency manager observes that the
137 person temporarily detained is armed with a firearm, concealed
138 weapon, or destructive device that poses a threat to the safety
139 of the security officer, the security agency manager, or any
140 person for whom the security officer or security agency manager

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141 is responsible for providing protection, or if the detainee
142 admits to having a weapon in his or her possession, the security
143 officer or security agency manager may conduct a search of the
144 person and his or her belongings only to the extent necessary to
145 disclose the presence of a weapon. If the security officer or
146 security agency manager finds a weapon during the search, he or
147 she shall seize and transfer the weapon to the responding law
148 enforcement officer.

149 (8) A security officer or security agency manager who
150 possesses a valid Class "G" license shall perform duties
151 regulated under this section in a uniform with at least one
152 patch or emblem visible at all times clearly identifying the
153 agency employing the security officer or security agency
154 manager.

155 (9) A law enforcement officer, security officer, or
156 security agency manager is not criminally or civilly liable for
157 false arrest, false imprisonment, or unlawful detention due to
158 his or her custody and detention of a person if done in
159 compliance with this section.

160 Section 3. This act shall take effect July 1, 2013.