

HB 1271

2006

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
11 responsibility for law enforcement officers of the
12 division; providing an effective date.

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

15
16 Section 1. Subsection (9) of section 20.165, Florida
17 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) (a) All employees authorized by the Division of
22 Alcoholic Beverages and Tobacco shall have access to, and may
23 ~~shall have the right to~~ inspect, premises licensed by the
24 division, to collect taxes and remit them to the officers
25 entitled to them, and to examine the books and records of all
26 licensees. The authorized employees shall require of each
27 licensee strict compliance with the laws of this state relating
28 to the transaction of such business.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

43 (c) The primary responsibility of each officer appointed
 44 under this section includes enforcing the laws relating to
 45 ~~All employees certified under chapter 943 as law enforcement~~
 46 ~~officers shall have felony arrest powers under s. 901.15(10) and~~
 47 ~~shall have all the powers of deputy sheriffs to:~~

48 1. ~~Investigate, enforce, and prosecute, throughout the~~
 49 ~~state, violations and violators of:~~

50 a. ~~parts I and II of chapter 210; part VII of chapter 559;~~
 51 ~~and chapters 561-569; and the rules adopted promulgated~~
 52 ~~thereunder, as well as other state laws that which the division,~~
 53 ~~all state law enforcement officers, or beverage enforcement~~
 54 ~~agents are specifically authorized to enforce.~~

55 b. ~~All other state laws, provided that the employee~~
 56 ~~exercises the powers of a deputy sheriff, only after~~

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57 ~~consultation and in coordination with the appropriate local~~
58 ~~sheriff's office, and only if the violation could result in an~~
59 ~~administrative proceeding against a license or permit issued by~~
60 ~~the division.~~

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

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