

HB 1271

2006
CS

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (9) of section 20.165, Florida
21 Statutes, is amended to read:

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22 20.165 Department of Business and Professional
23 Regulation.--There is created a Department of Business and
24 Professional Regulation.

25 (9) (a) All employees authorized by the Division of
26 Alcoholic Beverages and Tobacco shall have access to, and shall
27 have the right to inspect, premises licensed by the division, to
28 collect taxes and remit them to the officers entitled to them,
29 and to examine the books and records of all licensees. The
30 authorized employees shall require of each licensee strict
31 compliance with the laws of this state relating to the
32 transaction of such business.

33 (b) Each employee serving as a law enforcement officer for
34 the division must meet the qualifications for employment or
35 appointment as a law enforcement officer set forth under s.
36 943.13 and must be certified as a law enforcement officer by the
37 Department of Law Enforcement under chapter 943. Upon
38 certification, each law enforcement officer is subject to and
39 has the same authority as provided for law enforcement officers
40 generally in chapter 901 and has statewide jurisdiction. Each
41 officer also has arrest authority as provided for state law
42 enforcement officers in s. 901.15. Each officer possesses the
43 full law enforcement powers granted to other peace officers of
44 this state, including the authority to make arrests, carry
45 firearms, serve court process, and seize contraband and the
46 proceeds of illegal activities. All employees certified under
47 chapter 943 as law enforcement officers shall have the primary
48 responsibility ~~felony arrest powers under s. 901.15(10) and~~
49 ~~shall have all the powers of deputy sheriffs to+~~

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50 ~~1.~~ investigate, enforce, and prosecute, throughout the
51 state, violations and violators of:

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

57 ~~2.b.~~ All other state laws, provided that the employee
58 exercises the powers of a deputy sheriff, only after
59 consultation or ~~and in~~ coordination with the appropriate local
60 sheriff's office, ~~and only if the violation could result in an~~
61 ~~administrative proceeding against a license or permit issued by~~
62 ~~the division.~~

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

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