

Bill No. CS for SB 2412

Barcode 061818

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Haridopolos) recommended  
the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

(9)

(b) Each employee serving as a law enforcement officer  
for the division must meet the qualifications for employment  
or appointment as a law enforcement officer set forth under s.  
943.13 and must be certified as a law enforcement officer by  
the Department of Law Enforcement under of chapter 943. Upon  
certification, each law enforcement officer is subject to and  
has the same authority as provided for law enforcement  
officers generally in chapter 901 and has statewide

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1 jurisdiction. Each officer also has arrest authority as  
 2 provided for state law enforcement officers in s. 901.15. Each  
 3 officer possesses the full law enforcement powers granted to  
 4 other peace officers of this state, including the authority to  
 5 make arrests, carry firearms, serve court process, and seize  
 6 contraband and the proceeds of illegal activities.

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

12 ~~1. investigate, enforce, and prosecute, throughout the~~  
 13 ~~state, violations and violators of:~~

14 ~~a. parts I and II of chapter 210, part VII of chapter~~  
 15 ~~559, and chapters 561-569, and the rules adopted promulgated~~  
 16 ~~thereunder, as well as other state laws that which the~~  
 17 ~~division, all state law enforcement officers, or beverage~~  
 18 ~~enforcement agents are specifically authorized to enforce.~~

19 2.b. The secondary responsibility of each officer  
 20 appointed under this section is to enforce all other state  
 21 laws, provided that the enforcement is incidental to  
 22 exercising the officer's primary responsibility as provided in  
 23 subparagraph 1. and the officer ~~employee~~ exercises the powers  
 24 of a deputy sheriff, only after consultation or ~~and in~~  
 25 ~~coordination with the appropriate local sheriff's office, and~~  
 26 ~~only if the violation could result in an administrative~~  
 27 ~~proceeding against a license or permit issued by the division.~~

28 ~~2. Enforce all criminal laws of the state within~~  
 29 ~~specified jurisdictions when the division is a party to a~~  
 30 ~~written mutual aid agreement with a state agency, sheriff, or~~  
 31 ~~municipal police department, or when the division participates~~

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1 in the Florida Mutual Aid Plan during a declared state  
2 emergency.

3 Section 2. Section 561.422, Florida Statutes, is  
4 amended to read:

5 561.422 Nonprofit civic organizations; temporary  
6 permits.--Upon the filing of an application, presentation of a  
7 local building and zoning permit, and payment of a fee of \$25  
8 per permit, the director of the division may issue a permit  
9 authorizing a bona fide nonprofit civic organization to sell  
10 alcoholic beverages for consumption on the premises only, for  
11 a period not to exceed 3 days, subject to any state law or  
12 municipal or county ordinance regulating the time for selling  
13 such beverages. All net profits from sales of alcoholic  
14 beverages collected during the permit period must be retained  
15 by the nonprofit civic organization. Any such civic  
16 organization may be issued only three such permits per  
17 calendar year. The director of the division may issue a permit  
18 to such civic organization more than three times per calendar  
19 year, but not more than 15 times per calendar year, upon the  
20 approval of the incorporated city, town, or board of county  
21 commissioners that has jurisdiction over the location of the  
22 premises. Notwithstanding other provisions of the Beverage  
23 Law, any civic organization licensed under this section may  
24 purchase alcoholic beverages from a distributor or vendor  
25 licensed under the Beverage Law.

26 Section 3. This act shall take effect July 1, 2006.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2                                   A bill to be entitled  
3           An act relating to the Division of Alcoholic  
4           Beverages and Tobacco; amending s. 20.165,  
5           F.S.; requiring each employee serving as a law  
6           enforcement officer for the division to meet  
7           the qualifications of a law enforcement officer  
8           set forth in ch. 943, F.S., for employment or  
9           appointment; requiring each such employee to be  
10          certified as a law enforcement officer by the  
11          Department of Law Enforcement; providing the  
12          law enforcement officer with certain powers,  
13          authority, and jurisdiction; specifying the  
14          primary and secondary responsibilities of law  
15          enforcement officers of the division; amending  
16          s. 561.422, F.S.; providing for issuance of  
17          temporary permits upon approval of local  
18          government; providing an effective date.

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