

By the Committees on Criminal Justice; Regulated Industries;
and Senators Haridopolos and Crist

591-2182-06

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

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraph (b) of subsection (9) of section
23 20.165, Florida Statutes, is amended to read:

24 20.165 Department of Business and Professional
25 Regulation.--There is created a Department of Business and
26 Professional Regulation.

27 (9)

28 (b) Each employee serving as a law enforcement officer
29 for the division must meet the qualifications for employment
30 or appointment as a law enforcement officer set forth under s.
31 943.13 and must be certified as a law enforcement officer by

1 the Department of Law Enforcement under chapter 943. Upon
2 certification, each law enforcement officer is subject to and
3 has the same authority as provided for law enforcement
4 officers generally in chapter 901 and has statewide
5 jurisdiction. Each officer also has arrest authority as
6 provided for state law enforcement officers in s. 901.15. Each
7 officer possesses the full law enforcement powers granted to
8 other peace officers of this state, including the authority to
9 make arrests, carry firearms, serve court process, and seize
10 contraband and the proceeds of illegal activities.

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

16 ~~1-~~ investigate, enforce, and prosecute, throughout the
17 state, violations and violators of+

18 ~~a-~~ parts I and II of chapter 210, ~~+~~ part VII of chapter
19 559, ~~+~~ and chapters 561-569, ~~+~~ and the rules adopted ~~promulgated~~
20 thereunder, as well as other state laws that ~~which~~ the
21 division, all state law enforcement officers, or beverage
22 enforcement agents are specifically authorized to enforce.

23 ~~2.b-~~ The secondary responsibility of each officer
24 appointed under this section is to enforce all other state
25 laws, provided that the enforcement is incidental to
26 exercising the officer's primary responsibility as provided in
27 subparagraph 1. and the officer ~~employee~~ exercises the powers
28 of a deputy sheriff, ~~7~~ only after consultation or ~~and in~~
29 coordination with the appropriate local sheriff's office, ~~and~~
30 ~~only if the violation could result in an administrative~~
31 ~~proceeding against a license or permit issued by the division.~~

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

7 Section 2. Section 561.422, Florida Statutes, is
8 amended to read:

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 2412

Provides that the secondary responsibility of each ABT officer is to enforce "all other state laws," provided that the enforcement is "incidental" to exercising the officer's primary responsibility to investigate, enforce, and prosecute violations and violators of state laws relating to alcoholic beverage and tobacco (and rules adopted pursuant to those laws) and the officer exercises the powers of a deputy sheriff only after consultation or coordination with the appropriate local sheriff's office or municipal police department or when the Division of Alcoholic Beverage and Tobacco participates in the Florida Mutual Aid Plan during a declared state emergency.