

HB 1333

2011

1 A bill to be entitled

2 An act relating to licensed security officers; amending s.
3 493.6120, F.S.; providing that a person who engages in any
4 activity for which ch. 493, F.S., requires a license, but
5 acts without having a license, commits a misdemeanor of
6 the first degree; providing that a person commits a felony
7 of the third degree for a second or subsequent offense of
8 engaging in activities without a license; authorizing the
9 Department of Agriculture and Consumer Services to impose
10 a civil penalty not to exceed a specified amount;
11 providing that penalties do not apply if the person
12 engaged in unlicensed activity within 90 days after the
13 expiration date of the person's license; providing that a
14 person who, while impersonating a security officer,
15 private investigator, recovery agent, or other person
16 required to have a license under ch. 493, F.S., knowingly
17 and intentionally forces another person to assist the
18 impersonator in an activity within the scope of duty of a
19 professional licensed under ch. 493, F.S., commits a
20 felony of the third degree; providing that a person who
21 impersonates a security officer or other designated
22 officer during the commission of a felony commits a felony
23 of the second degree; providing that a person who
24 impersonates a security officer or other designated
25 officer during the commission a felony that results in
26 death or serious bodily injury to another human being
27 commits a felony of the first degree; authorizing a
28 licensed security officer or a licensed security agency

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

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29 | manager to detain a person on the premises of a critical
30 | infrastructure facility if the security officer has
31 | probable cause to believe that the person has committed or
32 | is committing a crime and for the purpose of ascertaining
33 | the person's identity and the circumstances of the
34 | activity that is the basis for the temporary detention;
35 | providing that the person may be detained until a
36 | responding law enforcement officer arrives at the critical
37 | infrastructure facility; requiring the security officer to
38 | notify the law enforcement agency as soon as possible;
39 | requiring that custody of any person temporarily detained
40 | be immediately transferred to the responding law
41 | enforcement officer; prohibiting a licensed security
42 | officer or security agency manager from detaining a person
43 | after the arrival of a law enforcement officer unless the
44 | law enforcement officer requests the security officer to
45 | assist in detaining the person; authorizing the security
46 | officer to search the person detained if the security
47 | officer observes that the person temporarily detained is
48 | armed with a firearm, concealed weapon, or any destructive
49 | device that poses a threat to the safety of the security
50 | officer, or the detainee admits to the security officer
51 | that he or she is armed with a weapon; requiring the
52 | security officer to seize any weapon discovered and
53 | transfer the weapon to the responding law enforcement
54 | officer; defining the term "critical infrastructure
55 | facility"; providing identification requirements for
56 | licensed security officers; providing an effective date.

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

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

493.6120 Violations; penalty.—

(1) (a) Except as provided in paragraph (c), a person who engages in any activity for which this chapter requires a license and who does not hold the required license commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of paragraph (a) is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and the department may seek the imposition of a civil penalty not to exceed \$10,000.

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

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

(b) A person who violates paragraph (a) during the course of committing a felony commits a felony of the second degree,

85 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

86 (c) A person who violates paragraph (a) during the course
 87 of committing a felony that results in death or serious bodily
 88 injury to another human being commits a felony of the first
 89 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 90 775.084.

91 (3)~~(1)~~ Any person who violates any provision of this
 92 chapter except s. 493.6405, subsection (1), or subsection (2)
 93 commits a misdemeanor of the first degree, punishable as
 94 provided in s. 775.082 or s. 775.083.

95 (4)~~(2)~~ Any person who is convicted of any violation of
 96 this chapter is ~~shall~~ not ~~be~~ eligible for licensure for a period
 97 of 5 years.

98 (5)~~(3)~~ Any person who violates or disregards any cease and
 99 desist order issued by the department commits a misdemeanor of
 100 the first degree, punishable as provided in s. 775.082 or s.
 101 775.083. In addition, the department may seek the imposition of
 102 a civil penalty not to exceed \$5,000.

103 (6)~~(4)~~ Any person who was an owner, officer, partner, or
 104 manager of a licensed agency at the time of any activity that is
 105 the basis for revocation of the agency or branch office license
 106 and who knew or should have known of the activity, shall have
 107 his or her personal licenses or approval suspended for 3 years
 108 and may not have any financial interest in or be employed in any
 109 capacity by a licensed agency during the period of suspension.

110 Section 2. Protecting critical infrastructure facilities.-

111 (1) A licensed security officer who possesses a valid
 112 Class "G" license, or a licensed security agency manager who

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113 possesses a valid Class "G" license, who is on duty, in uniform,
114 providing security services on the premises of a critical
115 infrastructure facility, and has probable cause to believe that
116 a person has committed or is committing a crime against the
117 licensed security officer's client or patrons thereof, may
118 temporarily detain the person for the purpose of ascertaining
119 his or her identity and the circumstances of the activity that
120 is the basis for the temporary detention. The security officer
121 may detain the person in a reasonable manner until the
122 responding law enforcement officer arrives at the premises of
123 the client and is in the presence of the detainee.

124 (2) When temporarily detaining a person, the licensed
125 security officer or security agency manager shall notify the
126 appropriate law enforcement agency as soon as reasonably
127 possible. Temporary detention of a person by a licensed security
128 officer or security agency manager must be done solely for the
129 purpose of detaining the person before the arrival of a law
130 enforcement officer. Custody of any person being temporarily
131 detained shall be immediately transferred to the responding law
132 enforcement officer.

133 (3) A licensed security officer or security agency manager
134 may not detain a person under this section after the arrival of
135 a law enforcement officer unless the law enforcement officer
136 requests the security officer to continue detaining the person.
137 The responsibilities of the licensed security officer or
138 security agency manager do not extend beyond the place where the
139 person was first detained or in the immediate vicinity.

140 (4) A person may not be temporarily detained under this

141 section longer than is reasonably necessary to effect the
 142 purposes of this section.

143 (5) If a licensed security officer or security agency
 144 manager while detaining a person pursuant to this section
 145 observes that the person temporarily detained is armed with a
 146 firearm, concealed weapon, or any destructive device that poses
 147 a threat to the safety of the security officer or any person for
 148 whom the security officer is responsible for providing
 149 protection, or the detainee admits to having a weapon in his or
 150 her possession, the security officer or security agency manager
 151 may conduct a search of the person and his or her belongings
 152 only to the extent necessary for the purpose of disclosing the
 153 presence of a weapon. If the search reveals such a weapon, the
 154 weapon shall be seized and transferred to the responding law
 155 enforcement officer.

156 (6) As used in this section, the term "critical
 157 infrastructure facility" means any one of the following, if it
 158 employs measures such as fences, barriers, or guard posts that
 159 are designed to exclude unauthorized personnel and is determined
 160 by a state or federal authority to be so vital to the state that
 161 the incapacity or destruction of the facility would have a
 162 debilitating impact on security, state economic stability, state
 163 public health or safety, or any combination of those matters:

- 164 (a) A chemical manufacturing facility;
- 165 (b) A refinery;
- 166 (c) An electrical power generating facility, substation,
 167 switching station, electrical control center, or electrical
 168 transmission or distribution facility;

- 169 (d) A water intake structure, water treatment facility,
- 170 wastewater treatment plant, or pump station;
- 171 (e) A natural gas transmission compressor station;
- 172 (f) A liquid natural gas terminal or storage facility;
- 173 (g) A telecommunications central switching office;
- 174 (h) A deep water seaport or railroad switching yard; or
- 175 (i) A gas processing plant, including a plant used in the
- 176 processing, treatment, or fractionation of natural gas.
- 177 (7) Class "D" and Class "MB" licensees shall perform
- 178 duties regulated under this chapter in a uniform that bears at
- 179 least one patch or emblem visible at all times clearly
- 180 identifying the employing agency.

181 Section 3. This act shall take effect July 1, 2011.