

By the Committee on Criminal Justice; and Senator Latvala

591-03839-11

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

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

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59 identification requirements for licensed security  
60 officers; providing an effective date.

61  
62 Be It Enacted by the Legislature of the State of Florida:

63  
64 Section 1. Section 493.6120, Florida Statutes, is amended  
65 to read:

66 493.6120 Violations; penalty.—

67 (1) (a) Except as provided in paragraph (c), a person who  
68 engages in any activity for which this chapter requires a  
69 license and who does not hold the required license commits a  
70 misdemeanor of the first degree, punishable as provided in s.  
71 775.082 or s. 775.083.

72 (b) A second or subsequent violation of paragraph (a) is a  
73 felony of the third degree, punishable as provided in s.  
74 775.082, s. 775.083, or s. 775.084, and the department may seek  
75 the imposition of a civil penalty not to exceed \$10,000.

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

79 (2) (a) A person who, while impersonating a security  
80 officer, private investigator, recovery agent, or other person  
81 required to have a license under this chapter, knowingly and  
82 intentionally forces another person to assist the impersonator  
83 in an activity within the scope of duty of a professional  
84 licensed under this chapter commits a felony of the third  
85 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
86 775.084.

87 (b) A person who violates paragraph (a) during the course

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88 of committing a felony commits a felony of the second degree,  
89 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

90 (c) A person who violates paragraph (a) during the course  
91 of committing a felony that results in death or serious bodily  
92 injury to another human being commits a felony of the first  
93 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
94 775.084.

95 (3)~~(1)~~ Any person who violates any provision of this  
96 chapter except s. 493.6405, subsection (1), or subsection (2)  
97 commits a misdemeanor of the first degree, punishable as  
98 provided in s. 775.082 or s. 775.083.

99 (4)~~(2)~~ Any person who is convicted of any violation of this  
100 chapter is shall not be eligible for licensure for a period of 5  
101 years.

102 (5)~~(3)~~ Any person who violates or disregards any cease and  
103 desist order issued by the department commits a misdemeanor of  
104 the first degree, punishable as provided in s. 775.082 or s.  
105 775.083. In addition, the department may seek the imposition of  
106 a civil penalty not to exceed \$5,000.

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

114 Section 2. Protecting critical infrastructure facilities.-

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

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

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

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

144 (4) A person may not be temporarily detained under this  
145 section longer than is reasonably necessary to effect the

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146 purposes of this section.

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

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

168 (a) A chemical manufacturing facility;

169 (b) A refinery;

170 (c) An electrical power generating facility, substation,  
171 switching station, electrical control center, or electrical  
172 transmission or distribution facility;

173 (d) A water intake structure, water treatment facility,  
174 wastewater treatment plant, or pump station;

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175       (e) A natural gas transmission compressor station;  
176       (f) A liquid natural gas terminal or storage facility;  
177       (g) A telecommunications central switching office;  
178       (h) A deep water seaport or railroad switching yard; or  
179       (i) A gas processing plant, including a plant used in the  
180 processing, treatment, or fractionation of natural gas.

181       (7) Class "D" and Class "MB" licensees shall perform duties  
182 regulated under this section in a uniform that bears at least  
183 one patch or emblem visible at all times clearly identifying the  
184 employing agency.

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