

By the Committees on Budget Subcommittee on General Government Appropriations; and Criminal Justice; and Senator Latvala

601-04493-11

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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

601-04493-11

20111588c2

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

601-04493-11

20111588c2

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

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

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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

601-04493-11

20111588c2

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

601-04493-11

20111588c2

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

601-04493-11

20111588c2

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;

601-04493-11

20111588c2

- 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;
179 (i) A gas processing plant, including a plant used in the
180 processing, treatment, or fractionation of natural gas; or
181 (j) A public transportation facility as defined in s.
182 343.62, Florida Statutes.

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

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