



775480

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/12/2011	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

Senate Amendment (with title amendment)

Before line 10
insert:

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.



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13 (b) A second or subsequent violation of paragraph (a) is a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084, and the department may seek
16 the imposition of a civil penalty not to exceed \$10,000.

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

20 (2) (a) A person who, while impersonating a security
21 officer, private investigator, recovery agent, or other person
22 required to have a license under this chapter, knowingly and
23 intentionally forces another person to assist the impersonator
24 in an activity within the scope of duty of a professional
25 licensed under this chapter commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (b) A person who violates paragraph (a) during the course
29 of committing a felony commits a felony of the second degree,
30 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

31 (c) A person who violates paragraph (a) during the course
32 of committing a felony that results in death or serious bodily
33 injury to another human being commits a felony of the first
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.
35 775.084.

36 (3) ~~(1)~~ Any person who violates any provision of this
37 chapter except s. 493.6405, subsection (1), or subsection (2)
38 commits a misdemeanor of the first degree, punishable as
39 provided in s. 775.082 or s. 775.083.

40 (4) ~~(2)~~ Any person who is convicted of any violation of this
41 chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period of 5



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42 years.

43 ~~(5)-(3)~~ Any person who violates or disregards any cease and
44 desist order issued by the department commits a misdemeanor of
45 the first degree, punishable as provided in s. 775.082 or s.
46 775.083. In addition, the department may seek the imposition of
47 a civil penalty not to exceed \$5,000.

48 ~~(6)-(4)~~ Any person who was an owner, officer, partner, or
49 manager of a licensed agency at the time of any activity that is
50 the basis for revocation of the agency or branch office license
51 and who knew or should have known of the activity, shall have
52 his or her personal licenses or approval suspended for 3 years
53 and may not have any financial interest in or be employed in any
54 capacity by a licensed agency during the period of suspension.

55 Section 2. Protecting critical infrastructure facilities.-

56 (1) A licensed security officer who possesses a valid Class
57 "G" license, or a licensed security agency manager who possesses
58 a valid Class "G" license, who is on duty, in uniform, providing
59 security services on the premises of a critical infrastructure
60 facility, and has probable cause to believe that a person has
61 committed or is committing a crime against the licensed security
62 officer's client or patrons thereof, may temporarily detain the
63 person for the purpose of ascertaining his or her identity and
64 the circumstances of the activity that is the basis for the
65 temporary detention. The security officer may detain the person
66 in a reasonable manner until the responding law enforcement
67 officer arrives at the premises of the client and is in the
68 presence of the detainee.

69 (2) When temporarily detaining a person, the licensed
70 security officer or security agency manager shall notify the



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71 appropriate law enforcement agency as soon as reasonably
72 possible. Temporary detention of a person by a licensed security
73 officer or security agency manager must be done solely for the
74 purpose of detaining the person before the arrival of a law
75 enforcement officer. Custody of any person being temporarily
76 detained shall be immediately transferred to the responding law
77 enforcement officer.

78 (3) A licensed security officer or security agency manager
79 may not detain a person under this section after the arrival of
80 a law enforcement officer unless the law enforcement officer
81 requests the security officer to continue detaining the person.
82 The responsibilities of the licensed security officer or
83 security agency manager do not extend beyond the place where the
84 person was first detained or in the immediate vicinity.

85 (4) A person may not be temporarily detained under this
86 section longer than is reasonably necessary to effect the
87 purposes of this section.

88 (5) If a licensed security officer or security agency
89 manager while detaining a person pursuant to this section
90 observes that the person temporarily detained is armed with a
91 firearm, concealed weapon, or any destructive device that poses
92 a threat to the safety of the security officer or any person for
93 whom the security officer is responsible for providing
94 protection, or the detainee admits to having a weapon in his or
95 her possession, the security officer or security agency manager
96 may conduct a search of the person and his or her belongings
97 only to the extent necessary for the purpose of disclosing the
98 presence of a weapon. If the search reveals such a weapon, the
99 weapon shall be seized and transferred to the responding law



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100 enforcement officer.

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

109 (a) A chemical manufacturing facility;

110 (b) A refinery;

111 (c) An electrical power generating facility, substation,
112 switching station, electrical control center, or electrical
113 transmission or distribution facility;

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

116 (e) A natural gas transmission compressor station;

117 (f) A liquid natural gas terminal or storage facility;

118 (g) A telecommunications central switching office;

119 (h) A deep water seaport or railroad switching yard; or

120 (i) A gas processing plant, including a plant used in the
121 processing, treatment, or fractionation of natural gas.

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

126

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

128 And the title is amended as follows:



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129 Delete lines 2 - 3

130 and insert:

131 An act relating to security; amending s. 493.6120,
132 F.S.; providing that a person who engages in any
133 activity for which ch. 493, F.S., requires a license,
134 but acts without having a license, commits a
135 misdemeanor of the first degree; providing that a
136 person commits a felony of the third degree for a
137 second or subsequent offense of engaging in activities
138 without a license; authorizing the Department of
139 Agriculture and Consumer Services to impose a civil
140 penalty not to exceed a specified amount; providing
141 that penalties do not apply if the person engaged in
142 unlicensed activity within 90 days after the
143 expiration date of the person's license; providing
144 that a person who, while impersonating a security
145 officer, private investigator, recovery agent, or
146 other person required to have a license under ch. 493,
147 F.S., knowingly and intentionally forces another
148 person to assist the impersonator in an activity
149 within the scope of duty of a professional licensed
150 under ch. 493, F.S., commits a felony of the third
151 degree; providing that a person who impersonates a
152 security officer or other designated officer during
153 the commission of a felony commits a felony of the
154 second degree; providing that a person who
155 impersonates a security officer or other designated
156 officer during the commission a felony that results in
157 death or serious bodily injury to another human being



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158 commits a felony of the first degree; authorizing a
159 licensed security officer or a licensed security
160 agency manager to detain a person on the premises of a
161 critical infrastructure facility if the security
162 officer has probable cause to believe that the person
163 has committed or is committing a crime and for the
164 purpose of ascertaining the person's identity and the
165 circumstances of the activity that is the basis for
166 the temporary detention; providing that the person may
167 be detained until a responding law enforcement officer
168 arrives at the critical infrastructure facility;
169 requiring the security officer to notify the law
170 enforcement agency as soon as possible; requiring that
171 custody of any person temporarily detained be
172 immediately transferred to the responding law
173 enforcement officer; prohibiting a licensed security
174 officer or security agency manager from detaining a
175 person after the arrival of a law enforcement officer
176 unless the law enforcement officer requests the
177 security officer to assist in detaining the person;
178 authorizing the security officer to search the person
179 detained if the security officer observes that the
180 person temporarily detained is armed with a firearm,
181 concealed weapon, or any destructive device that poses
182 a threat to the safety of the security officer, or the
183 detainee admits to the security officer that he or she
184 is armed with a weapon; requiring the security officer
185 to seize any weapon discovered and transfer the weapon
186 to the responding law enforcement officer; defining



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187 the term "critical infrastructure facility"; providing
188 identification requirements for licensed security
189 officers; amending s. 790.06, F.S.; providing an