



163638

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2011	.	
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The Committee on Budget Subcommittee on General Government Appropriations (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 604 and 605  
insert:

Section 15. 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.



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13 775.082 or s. 775.083.

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

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

21 (2)(a) A person who, while impersonating a security  
22 officer, private investigator, recovery agent, or other person  
23 required to have a license under this chapter, knowingly and  
24 intentionally forces another person to assist the impersonator  
25 in an activity within the scope of duty of a professional  
26 licensed under this chapter commits a felony of the third  
27 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
28 775.084.

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

32 (c) A person who violates paragraph (a) during the course  
33 of committing a felony that results in death or serious bodily  
34 injury to another human being commits a felony of the first  
35 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
36 775.084.

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

41 (4)~~(2)~~ Any person who is convicted of any violation of this



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42 chapter is ~~shall~~ not be eligible for licensure for a period of 5  
43 years.

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

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

56 Section 16. Protecting critical infrastructure facilities.—

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

70 (2) When temporarily detaining a person, the licensed



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

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

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

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



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100 weapon shall be seized and transferred to the responding law  
101 enforcement officer.

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

110 (a) A chemical manufacturing facility;

111 (b) A refinery;

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

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

117 (e) A natural gas transmission compressor station;

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

119 (g) A telecommunications central switching office;

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

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

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

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



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129 And the title is amended as follows:

130       Between lines 50 and 51

131 insert:

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