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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/06/2011 07:56 PM

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Senator Latvala moved the following:

**Senate Amendment (with title amendment)**

Between lines 612 and 613

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. 775.082 or s. 775.083.

(b) A second or subsequent violation of paragraph (a) is a



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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  
42 years.



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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 16. 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  
71 appropriate law enforcement agency as soon as reasonably



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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  
100 enforcement officer.



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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;

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

122       (j) A public transportation facility as defined in s.  
123 343.62, Florida Statutes.

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

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



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130 And the title is amended as follows:

131 Between lines 50 and 51

132 insert:

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



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



188       the term "critical infrastructure facility"; providing  
189       identification requirements for licensed security  
190       officers;