



124882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

1           **Senate Substitute for Amendment (377880) (with title**  
2 **amendment)**

3  
4           Between lines 147 and 148  
5 insert:

6           Section 4. Section 493.6120, Florida Statutes, is amended  
7 to read:

8           493.6120 Violations; penalty.—

9           (1) (a) Except as provided in paragraph (c), a person who  
10 engages in any activity for which this chapter requires a  
11 license and who does not hold the required license commits a  
12 misdemeanor of the first degree, punishable as provided in s.



124882

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)~~ A ~~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)~~ A ~~Any~~ person who is convicted of any violation of



124882

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

44 (5)~~(3)~~ A ~~Any~~ person who violates or disregards any cease  
45 and desist order issued by the department commits a misdemeanor  
46 of 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)~~ A ~~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 5. 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 who has probable cause to believe that a person  
62 has committed or is committing a crime against the client, or  
63 the client's patron, of the licensed security officer or the  
64 licensed security agency manager, may temporarily detain the  
65 person for the purpose of ascertaining his or her identity and  
66 the circumstances of the activity that is the basis for the  
67 temporary detention. The security officer or security agency  
68 manager may detain the person in a reasonable manner until the  
69 responding law enforcement officer arrives at the premises of  
70 the client and is in the presence of the detainee.



124882

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

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

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

91           (5) If a licensed security officer or security agency  
92 manager, while detaining a person under this section, observes  
93 that the person temporarily detained is armed with a firearm, a  
94 concealed weapon, or a destructive device that poses a threat to  
95 the safety of the security officer or security agency manager,  
96 or any person for whom the security officer or security agency  
97 manager is responsible for providing protection, or if the  
98 detainee admits to having a weapon in his or her possession, the  
99 security officer or security agency manager may conduct a search



124882

100 of the person and his or her belongings only to the extent  
101 necessary for the purpose of disclosing the presence of a  
102 weapon. If the search reveals such a weapon, the weapon shall be  
103 seized and transferred to the responding law enforcement  
104 officer.

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

113 (a) A chemical manufacturing facility;

114 (b) A refinery;

115 (c) An electrical power plant as defined in s. 403.031,  
116 Florida Statutes, including a substation, switching station,  
117 electrical control center, or electric transmission or  
118 distribution facility;

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

121 (e) A natural gas transmission compressor station;

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

123 (g) A telecommunications central switching office;

124 (h) A deepwater port or railroad switching yard;

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

127 (j) A public transportation facility as defined in s.  
128 343.62, Florida Statutes.



124882

129       (7) A Class "D" or Class "MB" licensee shall perform duties  
130 regulated under this section in a uniform that bears at least  
131 one patch or emblem visible at all times clearly identifying the  
132 employing agency.

133  
134 ===== T I T L E   A M E N D M E N T =====

135 And the title is amended as follows:

136       Delete lines 2 - 16

137 and insert:

138       An act relating to the Department of Agriculture and  
139       Consumer Services; amending s. 163.3162, F.S.;

140       defining the term "governmental entity"; prohibiting  
141       certain governmental entities from charging stormwater  
142       management assessments or fees on certain bona fide  
143       farm operations except under certain circumstances;

144       providing for applicability; amending s. 206.41, F.S.;

145       revising the definition of the term "agricultural and  
146       aquacultural purposes" for purposes of the required  
147       refund of state taxes imposed on motor fuel used for  
148       such purposes; amending s. 316.515, F.S.; revising the  
149       Florida Uniform Traffic Control Law to authorize the  
150       use of citrus harvesting equipment and citrus fruit  
151       loaders to transport certain agricultural products and  
152       to authorize the use of certain motor vehicles to  
153       transport citrus; amending s. 493.6120, F.S.;

154       providing that a person who engages in any activity  
155       for which ch. 493, F.S., requires a license, but who  
156       acts without having a license, commits a misdemeanor  
157       of the first degree; providing that such person



124882

158 commits a felony of the third degree for a second or  
159 subsequent offense of engaging in activities without a  
160 license; authorizing the Department of Agriculture and  
161 Consumer Services to impose a civil penalty not to  
162 exceed a specified amount; providing that penalties do  
163 not apply if the person engaged in unlicensed activity  
164 within 90 days after the expiration date of the  
165 person's license; providing that a person who, while  
166 impersonating a security officer, private  
167 investigator, recovery agent, or other person required  
168 to have a license under ch. 493, F.S., knowingly and  
169 intentionally forces another person to assist the  
170 impersonator in an activity within the scope of duty  
171 of a professional licensed under ch. 493, F.S.,  
172 commits a felony of the third degree; providing that a  
173 person who impersonates a security officer or other  
174 designated officer during the commission of a felony  
175 commits a felony of the second degree; providing that  
176 a person who impersonates a security officer or other  
177 designated officer during the commission of a felony  
178 that results in death or serious bodily injury to  
179 another human being commits a felony of the first  
180 degree; authorizing a licensed security officer or a  
181 licensed security agency manager to detain a person on  
182 the premises of a critical infrastructure facility in  
183 certain circumstances; requiring the security officer  
184 to notify the law enforcement agency as soon as  
185 possible; requiring that custody of any person  
186 temporarily detained be immediately transferred to the



124882

187        responding law enforcement officer; providing for an  
188        exception to the immediate transfer; providing that  
189        the responsibilities of the security officer are  
190        limited to specified locations; prohibiting a security  
191        officer from detaining a person longer than is  
192        reasonably necessary; authorizing the security officer  
193        to search the person detained under certain  
194        circumstances; defining the term "critical  
195        infrastructure facility"; providing identification  
196        requirements for certain licensed security officers;  
197        amending