

HB 513

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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 who acts without having a
6 license, commits a misdemeanor of the first degree;
7 providing that such person commits a felony of the
8 third degree for a second or subsequent offense of
9 engaging in activities without a license; authorizing
10 the 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

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29 | commits a felony of the first degree; authorizing a
30 | licensed security officer or a licensed security
31 | agency manager to detain a person on the premises of a
32 | critical infrastructure facility in certain
33 | circumstances; requiring the security officer to
34 | notify the law enforcement agency as soon as possible;
35 | requiring that custody of any person temporarily
36 | detained be immediately transferred to the responding
37 | law enforcement officer; providing for an exception to
38 | the immediate transfer; providing that the
39 | responsibilities of the security officer are limited
40 | to specified locations; prohibiting a security officer
41 | from detaining a person longer than is reasonably
42 | necessary; authorizing the security officer to search
43 | the person detained under certain circumstances;
44 | defining the term "critical infrastructure facility";
45 | providing identification requirements for certain
46 | licensed security officers; providing an effective
47 | date.

48 |
49 | Be It Enacted by the Legislature of the State of Florida:

50 |
51 | Section 1. Section 493.6120, Florida Statutes, is amended
52 | to read:

53 | 493.6120 Violations; penalty.—

54 | (1) (a) Except as provided in paragraph (c), a person who
55 | engages in any activity for which this chapter requires a
56 | license and who does not hold the required license commits a

57 misdemeanor of the first degree, punishable as provided in s.
 58 775.082 or s. 775.083.

59 (b) A second or subsequent violation of paragraph (a) is a
 60 felony of the third degree, punishable as provided in s.
 61 775.082, s. 775.083, or s. 775.084, and the department may seek
 62 the imposition of a civil penalty not to exceed \$10,000.

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

66 (2) (a) A person who, while impersonating a security
 67 officer, private investigator, recovery agent, or other person
 68 required to have a license under this chapter, knowingly and
 69 intentionally forces another person to assist the impersonator
 70 in an activity within the scope of duty of a professional
 71 licensed under this chapter commits a felony of the third
 72 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 73 775.084.

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

77 (c) A person who violates paragraph (a) during the course
 78 of committing a felony that results in death or serious bodily
 79 injury to another human being commits a felony of the first
 80 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 81 775.084.

82 (3) ~~(1)~~ A ~~Any~~ person who violates any provision of this
 83 chapter, except s. 493.6405, subsection (1), or subsection (2),
 84 commits a misdemeanor of the first degree, punishable as

85 provided in s. 775.082 or s. 775.083.

86 ~~(4)(2)~~ A ~~Any~~ person who is convicted of any violation of
 87 this chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period
 88 of 5 years.

89 ~~(5)(3)~~ A ~~Any~~ person who violates or disregards any cease
 90 and desist order issued by the department commits a misdemeanor
 91 of the first degree, punishable as provided in s. 775.082 or s.
 92 775.083. In addition, the department may seek the imposition of
 93 a civil penalty not to exceed \$5,000.

94 ~~(6)(4)~~ A ~~Any~~ person who was an owner, officer, partner, or
 95 manager of a licensed agency at the time of any activity that is
 96 the basis for revocation of the agency or branch office license
 97 and who knew or should have known of the activity, shall have
 98 his or her personal licenses or approval suspended for 3 years
 99 and may not have any financial interest in or be employed in any
 100 capacity by a licensed agency during the period of suspension.

101 Section 2. Protecting critical infrastructure facilities.-

102 (1) A licensed security officer who possesses a valid
 103 Class "G" license, or a licensed security agency manager who
 104 possesses a valid Class "G" license, who is on duty, in uniform,
 105 providing security services on the premises of a critical
 106 infrastructure facility, and who has probable cause to believe
 107 that a person has committed or is committing a crime against the
 108 client, or the client's patron, of the licensed security officer
 109 or the licensed security agency manager, may temporarily detain
 110 the person for the purpose of ascertaining his or her identity
 111 and the circumstances of the activity that is the basis for the
 112 temporary detention. The security officer or security agency

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113 manager may detain the person in a reasonable manner until the
114 responding law enforcement officer arrives at the premises of
115 the client and is in the presence of the detainee.

116 (2) When temporarily detaining a person, the licensed
117 security officer or security agency manager shall notify the
118 appropriate law enforcement agency as soon as reasonably
119 possible. Temporary detention of a person by a licensed security
120 officer or security agency manager must be done solely for the
121 purpose of detaining the person before the arrival of a law
122 enforcement officer. Custody of any person being temporarily
123 detained shall be immediately transferred to the responding law
124 enforcement officer.

125 (3) A licensed security officer or security agency manager
126 may not detain a person under this section after the arrival of
127 a law enforcement officer unless the law enforcement officer
128 requests the security officer to continue detaining the person.
129 The responsibilities of the licensed security officer or
130 security agency manager do not extend beyond the place where the
131 person was first detained or in the immediate vicinity.

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

135 (5) If a licensed security officer or security agency
136 manager, while detaining a person under this section, observes
137 that the person temporarily detained is armed with a firearm, a
138 concealed weapon, or a destructive device that poses a threat to
139 the safety of the security officer or security agency manager,
140 or any person for whom the security officer or security agency

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141 manager is responsible for providing protection, or if the
142 detainee admits to having a weapon in his or her possession, the
143 security officer or security agency manager may conduct a search
144 of the person and his or her belongings only to the extent
145 necessary for the purpose of disclosing the presence of a
146 weapon. If the search reveals such a weapon, the weapon shall be
147 seized and transferred to the responding law enforcement
148 officer.

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

157 (a) A chemical manufacturing facility;

158 (b) A refinery;

159 (c) An electrical power plant as defined in s. 403.031,
160 Florida Statutes, including a substation, switching station,
161 electrical control center, or electric transmission or
162 distribution facility;

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

165 (e) A natural gas transmission compressor station;

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

167 (g) A telecommunications central switching office;

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

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

171 (j) A public transportation facility as defined in s.
172 343.62, Florida Statutes.

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

177 Section 3. This act shall take effect July 1, 2012.