

By Senator Crist

13-1166-02

1 A bill to be entitled
2 An act relating to the apprehension and
3 detention of suspected offenders; amending s.
4 901.151, F.S.; authorizing a law enforcement
5 officer to search a person who has been
6 detained upon reasonable suspicion that the
7 person is armed with a dangerous weapon rather
8 than upon probable cause to believe that the
9 person is armed with a dangerous weapon;
10 amending s. 901.25, F.S.; clarifying that the
11 term "fresh pursuit," for purposes of
12 authorizing a law enforcement officer to arrest
13 a person outside the officer's jurisdiction,
14 includes the pursuit of a person who has
15 committed a traffic infraction; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Section 901.151, Florida Statutes, is
21 amended to read:

22 901.151 Stop and Frisk Law.--

23 (1) This section may be known and cited as the
24 "Florida Stop and Frisk Law."

25 (2) Whenever any law enforcement officer of this state
26 encounters any person under circumstances which reasonably
27 indicate that such person has committed, is committing, or is
28 about to commit a violation of the criminal laws of this state
29 or the criminal ordinances of any municipality or county, the
30 officer may temporarily detain such person for the purpose of
31 ascertaining the identity of the person temporarily detained

1 and the circumstances surrounding the person's presence abroad
2 which led the officer to believe that the person had
3 committed, was committing, or was about to commit a criminal
4 offense.

5 (3) No person shall be temporarily detained under the
6 provisions of subsection (2) longer than is reasonably
7 necessary to effect the purposes of that subsection. Such
8 temporary detention shall not extend beyond the place where it
9 was first effected or the immediate vicinity thereof.

10 (4) If at any time after the onset of the temporary
11 detention authorized by subsection (2), probable cause for
12 arrest of person shall appear, the person shall be arrested.
13 If, after an inquiry into the circumstances which prompted the
14 temporary detention, no probable cause for the arrest of the
15 person shall appear, the person shall be released.

16 (5) Whenever any law enforcement officer authorized to
17 detain temporarily any person under the provisions of
18 subsection (2) has reasonable suspicion ~~probable cause to~~
19 ~~believe~~ that any person whom the officer has temporarily
20 detained, or is about to detain temporarily, is armed with a
21 dangerous weapon and therefore offers a threat to the safety
22 of the officer or any other person, the officer may search
23 such person so temporarily detained only to the extent
24 necessary to disclose, and for the purpose of disclosing, the
25 presence of such weapon. If such a search discloses such a
26 weapon or any evidence of a criminal offense it may be seized.

27 (6) No evidence seized by a law enforcement officer in
28 any search under this section shall be admissible against any
29 person in any court of this state or political subdivision
30 thereof unless the search which disclosed its existence was
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1 authorized by and conducted in compliance with the provisions
2 of subsections (2)-(5).

3 Section 2. Subsection (1) of section 901.25, Florida
4 Statutes, is amended to read:

5 901.25 Fresh pursuit; arrest outside jurisdiction.--

6 (1) The term "fresh pursuit" as used in this act shall
7 include fresh pursuit as defined by the common law and also
8 the pursuit of a person who has committed a felony, or who is
9 reasonably suspected of having committed a felony, or who has
10 committed a traffic infraction. It shall also include the
11 pursuit of a person suspected of having committed a supposed
12 felony, though no felony has actually been committed, if there
13 is reasonable ground for believing that a felony has been
14 committed. It shall also include the pursuit of a person who
15 has violated a county or municipal ordinance or chapter 316 or
16 has committed a misdemeanor.

17 Section 3. This act shall take effect July 1, 2002.

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20 SENATE SUMMARY

21 Provides that a law enforcement officer may search a
22 person who has been detained if the officer has a
23 reasonable suspicion that the person is armed with a
24 dangerous weapon rather than if the officer has probable
25 cause to believe that the person is armed with a
26 dangerous weapon. Specifies that the term "fresh pursuit"
27 includes the pursuit of a person outside the officer's
28 jurisdiction if the person has committed a traffic
29 infraction.

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