

A bill to be entitled

An act relating to detention by licensed security officers; amending s. 493.6305, F.S.; permitting certain licensed security officers to detain certain individuals until the arrival of law enforcement officers; providing limits on such detention; requiring the transfer of alleged offenders to officers' custody; authorizing limited searches of persons detained or about to be detained when the licensed security officer has probable cause to believe that a person is armed with a dangerous weapon; requiring that seized weapons and evidence be provided to a responding law enforcement officer; amending s. 493.6115, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 493.6305, Florida Statutes, is amended to read:

493.6305 Uniforms, required wear; exceptions; limited detention and search of suspects.--

(1) (a) Class "D" licensees shall perform duties regulated under this chapter in a uniform that ~~which~~ bears at least one patch or emblem visible at all times clearly identifying the employing agency. Upon resignation or termination of employment, a Class "D" licensee shall immediately return to the employer any uniform and any other equipment issued to her or him by the employer.

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29 ~~(b)(2)~~ Class "D" licensees may perform duties regulated
30 under this chapter in nonuniform status on a limited special
31 assignment basis, and only when duty circumstances or special
32 requirements of the client necessitate such dress.

33 ~~(c)(3)~~ Class "D" licensees who are also Class "G"
34 licensees and who are performing limited, special assignment
35 duties may carry their authorized firearm concealed in the
36 conduct of such duties.

37 (2)(a) A class "D" licensee who is on duty, in uniform,
38 and on the premises of the client and who encounters any person
39 under circumstances that reasonably indicate that such person
40 has committed, is committing, or is about to commit a violation
41 of the criminal laws of this state or the criminal ordinances of
42 any municipality or county may temporarily detain such person
43 for the purpose of ascertaining the identity of the person
44 temporarily detained and the circumstances surrounding the
45 person's activities that led the class "D" licensee to believe
46 that the person had committed, was committing, or was about to
47 commit a criminal offense. Upon temporarily detaining any
48 person, the class "D" licensee shall notify the appropriate law
49 enforcement agency as soon as reasonably possible.

50 (b) Temporary detention by a class "D" licensee shall be
51 solely for the purpose of holding for law enforcement, and any
52 person being temporarily detained shall be immediately given
53 over to a responding law enforcement officer for determination
54 of appropriate disposition.

55 (c) No person shall be temporarily detained under this
56 subsection after the arrival of a law enforcement officer except

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57 upon the authority of such law enforcement officer. Such
58 temporary detention by a class "D" licensee shall not extend
59 beyond the place where the detention was first affected or the
60 immediate vicinity thereof.

61 (d) No person shall be temporarily detained under
62 paragraph (b) longer than is reasonably necessary to effect the
63 purposes of that paragraph. Such temporary detention shall not
64 extend beyond the place where the detention was first affected
65 or the immediate vicinity thereof.

66 (e) When a class "D" licensee who is authorized to
67 temporarily detain any person under paragraph (a) has probable
68 cause to believe that a person whom the class "D" licensee has
69 temporarily detained, or is about to temporarily detain, is
70 armed with a dangerous weapon and therefore poses a threat to
71 the safety of the class "D" licensee or any other person, the
72 class "D" licensee may search such person. Such a search may
73 only be to the extent necessary to disclose, and for the purpose
74 of disclosing, the presence of such weapon. If such a search
75 discloses the presence of such a weapon or any evidence of a
76 criminal offense, the weapon or evidence may be seized and shall
77 be provided to a responding law enforcement officer.

78 Section 2. Subsection (4) of section 493.6115, Florida
79 Statutes, is amended to read:

80 493.6115 Weapons and firearms.--

81 (4) A Class "C" or Class "CC" licensee 21 years of age or
82 older who has also been issued a Class "G" license may carry, in
83 the performance of her or his duties, a concealed firearm. A
84 Class "D" licensee 21 years of age or older who has also been

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85 issued a Class "G" license may carry a concealed firearm in the
86 performance of her or his duties under the conditions specified
87 in s. 493.6305 (1) (b) ~~(2)~~. The Class "G" license shall clearly
88 indicate such authority. The authority of any such licensee to
89 carry a concealed firearm shall be valid throughout the state,
90 in any location, while performing services within the scope of
91 the license.

92 Section 3. This act shall take effect July 1, 2008.