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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Crist) recommended the
 2 following **amendment**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

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

9 493.6305 Uniforms, required wear; authority; limitations
10 ~~exceptions~~.--

11 (1) Class "D" and Class "MB" licensees shall perform duties
 12 regulated under this chapter in a uniform which bears at least
 13 one patch or emblem visible at all times clearly identifying the
 14 employing agency. A licensed security officer who also possesses
 15 a valid Class "G" license, or a licensed security agency manager
 16 who also possess a valid Class "G" license, who is on duty, in
 17 uniform, and on the premises of the client, who encounters any

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18 person under circumstances that reasonably indicate that the
19 person has committed, is committing, or is about to commit a
20 crime of which the client or patrons thereof would be victims,
21 may temporarily detain the person for the purpose of ascertaining
22 his or her identity. Upon resignation or termination of
23 employment, a Class "D" licensee shall immediately return to the
24 employer any uniform and any other equipment issued to her or him
25 by the employer.

26 (2) When temporarily detaining any person, the licensed
27 security officer or security agency manager shall notify the
28 appropriate law enforcement agency as soon as reasonably
29 possible. Temporary detention of a person by a licensed security
30 officer or security agency manager must be done solely for the
31 purpose of detaining the person prior to the arrival of a law
32 enforcement officer and custody of any person being temporarily
33 detained shall be immediately transferred to the responding law
34 enforcement officer for determination of appropriate disposition.

35 (3) A person may not be further detained under this section
36 upon the arrival of a law enforcement officer without the
37 authority of the responding law enforcement officer. The
38 temporary detention by a licensed security officer or security
39 agency manager may not extend beyond the place where it was first
40 affected or the immediate vicinity thereof.

41 (4) A person may not be temporarily detained under
42 subsection (2) longer than is reasonably necessary to effect the
43 purposes of that section. The temporary detention may not extend
44 beyond the place where it was first affected or the immediate
45 vicinity thereof.

46 (5) If a licensed security officer or security agency
47 manager who is authorized to temporarily detain any person under



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48 subsection (1) has probable cause to believe that any person whom
49 the security officer has temporarily detained, or is about to
50 temporarily detain, is armed with a firearm, concealed weapon, or
51 any destructive device that poses a threat to the safety of the
52 security officer or any person for whom the security officer is
53 responsible for providing protection, the security officer or
54 security agency manager may conduct a search of the person and
55 his or her belongings only to the extent necessary to disclose,
56 and for the purpose of disclosing, the presence of a weapon. If
57 the search reveals such a weapon, the weapon may be seized and
58 shall be provided to the responding law enforcement officer.

59 (6) ~~(2)~~ Class "D" licensees may perform duties regulated
60 under this chapter in nonuniform status on a limited special
61 assignment basis, and only when duty circumstances or special
62 requirements of the client necessitate such dress.

63 (7) ~~(3)~~ Class "D" licensees who are also Class "G" licensees
64 and who are performing limited, special assignment duties may
65 carry their authorized firearm concealed in the conduct of such
66 duties.

67 (8) Upon resignation or termination of employment, a Class
68 "D" licensee shall immediately return to the employer any uniform
69 and any other equipment issued to her or him by the employer.

70 Section 2. Paragraph (j) of subsection (1) of section
71 493.6118, Florida Statutes, is amended to read:

72 493.6118 Grounds for disciplinary action.--

73 (1) The following constitute grounds for which disciplinary
74 action specified in subsection (2) may be taken by the department
75 against any licensee, agency, or applicant regulated by this
76 chapter, or any unlicensed person engaged in activities regulated
77 under this chapter.



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78 (j) Commission of an act of violence or the use of force on
 79 any person except in the lawful protection of one's self or
 80 another from physical harm or in the process of a lawful
 81 detention of a suspect while awaiting the arrival of a law
 82 enforcement officer.

83 Section 3. This act shall take effect July 1, 2008.
 84

85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:
 87

88 Delete everything before the enacting clause
 89 and insert:

90 A bill to be entitled
 91 An act relating to detention by licensed security
 92 officers; amending s. 493.6305, F.S.; authorizing certain
 93 licensed security officers to detain certain individuals
 94 until the arrival of a law enforcement officer; providing
 95 limits on such detention; requiring that such security
 96 officers notify the appropriate law enforcement agency as
 97 quickly as possible; requiring the transfer of an alleged
 98 offender to the custody of the officer; authorizing
 99 limited searches of certain persons when a licensed
 100 security officer has probable cause to believe that the
 101 person is armed with a dangerous weapon; requiring that
 102 seized weapons and evidence be provided to a responding
 103 law enforcement officer; amending s. 493.6118, F.S.;
 104 conforming provisions to changes made by the act;
 105 providing an effective date.