

By Senator Crist

12-03670-08

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1 A bill to be entitled

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

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 493.6305, Florida Statutes, is amended  
19 to read:

20 493.6305 Uniforms, required wear; exceptions; limited  
21 detention and search of suspects.--

22 (1) (a) Class "D" licensees shall perform duties regulated  
23 under this chapter in a uniform that ~~which~~ bears at least one  
24 patch or emblem visible at all times clearly identifying the  
25 employing agency. Upon resignation or termination of employment,  
26 a Class "D" licensee shall immediately return to the employer any  
27 uniform and any other equipment issued to her or him by the  
28 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" licensees  
34 and who are performing limited, special assignment duties may  
35 carry their authorized firearm concealed in the conduct of such  
36 duties.

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

55        (c) No person shall be temporarily detained under this  
56 subsection after the arrival of a law enforcement officer except  
57 upon the authority of such law enforcement officer. Such

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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 paragraph  
62 (b) longer than is reasonably necessary to effect the purposes of  
63 that paragraph. Such temporary detention shall not extend beyond  
64 the place where the detention was first affected or the immediate  
65 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 armed  
70 with a dangerous weapon and therefore poses a threat to the  
71 safety of the class "D" licensee or any other person, the class  
72 "D" licensee may search such person. Such a search may only be to  
73 the extent necessary to disclose, and for the purpose of  
74 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  
85 issued a Class "G" license may carry a concealed firearm in the  
86 performance of her or his duties under the conditions specified

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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, in  
90 | any location, while performing services within the scope of the  
91 | license.

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