

By the Committee on Criminal Justice; and Senator Crist

591-06413A-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.; authorizing certain
4 licensed security officers to detain certain individuals
5 until the arrival of a law enforcement officer; providing
6 limits on such detention; requiring that such security
7 officers notify the appropriate law enforcement agency as
8 quickly as possible; requiring the transfer of an alleged
9 offender to the custody of the officer; authorizing
10 limited searches of certain persons when a licensed
11 security officer has probable cause to believe that the
12 person is armed with a dangerous weapon; requiring that
13 seized weapons be provided to a responding law enforcement
14 officer; amending s. 493.6118, F.S.; conforming provisions
15 to changes made by the act; providing an effective date.

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

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

21 493.6305 Uniforms, required wear; authority; limitations
22 ~~exceptions.~~--

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

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30 person under circumstances that reasonably indicate that the
31 person has committed, is committing, or is about to commit a
32 crime of which the client or patrons thereof would be victims,
33 may temporarily detain the person for the purpose of ascertaining
34 his or her identity. ~~Upon resignation or termination of~~
35 employment, a Class "D" licensee shall immediately return to the
36 employer any uniform and any other equipment issued to her or him
37 by the employer.

38 (2) When temporarily detaining any person, the licensed
39 security officer or security agency manager shall notify the
40 appropriate law enforcement agency as soon as reasonably
41 possible. Temporary detention of a person by a licensed security
42 officer or security agency manager must be done solely for the
43 purpose of detaining the person prior to the arrival of a law
44 enforcement officer and custody of any person being temporarily
45 detained shall be immediately transferred to the responding law
46 enforcement officer for determination of appropriate disposition.

47 (3) A person may not be further detained under this section
48 upon the arrival of a law enforcement officer without the
49 authority of the responding law enforcement officer. The
50 temporary detention by a licensed security officer or security
51 agency manager may not extend beyond the place where it was first
52 affected or the immediate vicinity thereof.

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

58 (5) If a licensed security officer or security agency

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59 manager who is authorized to temporarily detain any person under
60 subsection (1) has probable cause to believe that any person whom
61 the security officer has temporarily detained, or is about to
62 temporarily detain, is armed with a firearm, concealed weapon, or
63 any destructive device that poses a threat to the safety of the
64 security officer or any person for whom the security officer is
65 responsible for providing protection, the security officer or
66 security agency manager may conduct a search of the person and
67 his or her belongings only to the extent necessary to disclose,
68 and for the purpose of disclosing, the presence of a weapon. If
69 the search reveals such a weapon, the weapon may be seized and
70 shall be provided to the responding law enforcement officer.

71 (6) ~~(2)~~ Class "D" licensees may perform duties regulated
72 under this chapter in nonuniform status on a limited special
73 assignment basis, and only when duty circumstances or special
74 requirements of the client necessitate such dress.

75 (7) ~~(3)~~ Class "D" licensees who are also Class "G" licensees
76 and who are performing limited, special assignment duties may
77 carry their authorized firearm concealed in the conduct of such
78 duties.

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

82 Section 2. Paragraph (j) of subsection (1) of section
83 493.6118, Florida Statutes, is amended to read:

84 493.6118 Grounds for disciplinary action.--

85 (1) The following constitute grounds for which disciplinary
86 action specified in subsection (2) may be taken by the department
87 against any licensee, agency, or applicant regulated by this

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88 chapter, or any unlicensed person engaged in activities regulated
89 under this chapter.

90 (j) Commission of an act of violence or the use of force on
91 any person except in the lawful protection of one's self or
92 another from physical harm or in the process of a lawful
93 detention of a suspect while awaiting the arrival of a law
94 enforcement officer.

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