

By Senator Crist

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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  
4           certain licensed security officers to detain certain  
5           individuals until the arrival of a law enforcement  
6           officer; providing limits on such detention; requiring  
7           that such security officers notify the appropriate law  
8           enforcement agency as quickly as possible; requiring  
9           the transfer of an alleged offender to the custody of  
10          the officer; authorizing limited searches of certain  
11          persons when a licensed security officer has probable  
12          cause to believe that the person is armed with a  
13          dangerous weapon; requiring that seized weapons be  
14          provided to a responding law enforcement officer;  
15          amending s. 493.6118, F.S.; conforming provisions to  
16          changes made by the act; amending s. 493.6115, F.S.;  
17          conforming a cross-reference; providing an effective  
18          date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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

24           493.6305 Uniforms, required wear; authority; limitations  
25           ~~exceptions.~~-

26           (1) Class "D" and Class "MB" licensees shall perform duties  
27           regulated under this chapter in a uniform that ~~which~~ bears at  
28           least one patch or emblem visible at all times clearly  
29           identifying the employing agency. A licensed security officer

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30 who also possesses a valid Class "G" license, or a licensed  
31 security agency manager who also possesses a valid Class "G"  
32 license, who is on duty, in uniform, and on the premises of the  
33 client, who has probable cause to believe that a person has  
34 committed or is committing a crime of which the client or  
35 patrons thereof are or would be victims, may temporarily detain  
36 the person for the purpose of ascertaining his or her identity  
37 and the circumstances of the activity that is the basis for the  
38 temporary detention. The detaining officer may detain the person  
39 in a reasonable manner only and only until the responding law  
40 enforcement officer arrives at the premises of the client and is  
41 in the presence of the detainee. ~~Upon resignation or termination~~  
42 ~~of employment, a Class "D" licensee shall immediately return to~~  
43 ~~the employer any uniform and any other equipment issued to her~~  
44 ~~or him by the employer.~~

45 (2) When temporarily detaining any person, the licensed  
46 security officer or security agency manager shall notify the  
47 appropriate law enforcement agency as soon as reasonably  
48 possible. Temporary detention of a person by a licensed security  
49 officer or security agency manager must be done solely for the  
50 purpose of detaining the person prior to the arrival of a law  
51 enforcement officer, and custody of any person being temporarily  
52 detained shall be immediately transferred to the responding law  
53 enforcement officer for determination of appropriate  
54 disposition.

55 (3) A person may not be further detained under this section  
56 upon the arrival of a law enforcement officer except under the  
57 authority of the responding law enforcement officer. The  
58 temporary detention by a licensed security officer or security

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59 agency manager may not extend beyond the place where it was  
60 first affected or the immediate vicinity thereof.

61 (4) A person may not be temporarily detained under  
62 subsection (2) longer than is reasonably necessary to effect the  
63 purposes of this section. The temporary detention may not extend  
64 beyond the place where it was first affected or the immediate  
65 vicinity thereof.

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

80 (b) For the purpose of this subsection, the term "probable  
81 cause" is limited to the observation of the security officer or  
82 security agency manager or the admission of the detainee that  
83 the detainee has a weapon in his or her possession.

84 (6) ~~(2)~~ Class "D" licensees may perform duties regulated  
85 under this chapter in nonuniform status on a limited special  
86 assignment basis, and only when duty circumstances or special  
87 requirements of the client necessitate such dress.

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88        (7)~~(3)~~ Class "D" licensees who are also Class "G" licensees  
89 and who are performing limited, special assignment duties may  
90 carry their authorized firearm concealed in the conduct of such  
91 duties.

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

96        Section 2. Paragraph (j) of subsection (1) of section  
97 493.6118, Florida Statutes, is amended to read:

98        493.6118 Grounds for disciplinary action.—

99        (1) The following constitute grounds for which disciplinary  
100 action specified in subsection (2) may be taken by the  
101 department against any licensee, agency, or applicant regulated  
102 by this chapter, or any unlicensed person engaged in activities  
103 regulated under this chapter.

104        (j) Commission of an act of violence or the use of force on  
105 any person except in the lawful protection of one's self or  
106 another from physical harm or in the process of a lawful  
107 detention of a suspect while awaiting the arrival of a law  
108 enforcement officer.

109        Section 3. Subsection (4) of section 493.6115, Florida  
110 Statutes, is amended to read:

111        493.6115 Weapons and firearms.—

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

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117 performance of her or his duties under the conditions specified  
118 in s. 493.6305(6) ~~s. 493.6305(2)~~. The Class "G" license shall  
119 clearly indicate such authority. The authority of any such  
120 licensee to carry a concealed firearm shall be valid throughout  
121 the state, in any location, while performing services within the  
122 scope of the license.

123 Section 4. This act shall take effect July 1, 2009.