

1 A bill to be entitled
 2 An act relating to detention by security personnel;
 3 amending s. 493.6305, F.S.; providing for temporary
 4 detention of persons by specified licensed security
 5 officers or managers under circumstances which reasonably
 6 indicate that such persons have committed, are committing,
 7 or are about to commit criminal violations; requiring
 8 prompt notification of law enforcement agencies; providing
 9 limits on the duration and location of such detention;
 10 permitting limited searches of persons temporarily
 11 detained; amending s. 493.6118, F.S.; revising
 12 disciplinary grounds for licensed security personnel to
 13 authorize the use of force or violence in the process of a
 14 lawful detention and holding of a suspect for law
 15 enforcement; amending s. 493.6115, F.S.; correcting a
 16 cross-reference; providing an effective date.

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

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

22 493.6305 Uniforms, required wear; exceptions; temporary
 23 detention of persons.--

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

29 security agency manager who also possess a valid Class "G"
30 license, who is on duty, in uniform, and on the premises of the
31 client, who encounters any person under circumstances which
32 reasonably indicate that such person has committed, is
33 committing, or is about to commit a violation of the criminal
34 laws of this state or the criminal ordinances of any
35 municipality or county, may temporarily detain such person for
36 the purpose of ascertaining the identity of the person
37 temporarily detained and the circumstances surrounding the
38 person's activities that led the security officer to believe
39 that the person had committed, was committing, or was about to
40 commit a criminal offense. Upon resignation or termination of
41 employment, a Class "D" licensee shall immediately return to the
42 employer any uniform and any other equipment issued to her or
43 him by the employer.

44 (2) Temporary detention by a licensed security officer or
45 security agency manager shall be solely for the purpose of
46 holding a person for law enforcement and any person being
47 temporarily detained shall be immediately given over to the
48 responding law enforcement officer for determination of
49 appropriate disposition. Upon temporarily detaining any person,
50 the licensed security officer or security agency manager shall
51 notify the appropriate law enforcement agency as soon as
52 reasonably possible.

53 (3) No person shall be temporarily detained under this
54 section after the arrival of a law enforcement officer except
55 upon the authority of such law enforcement officer. Such
56 temporary detention by a licensed security officer or security

57 agency manager shall not extend beyond the place where it was
 58 first effected or the immediate vicinity thereof.

59 (4) No person shall be temporarily detained under the
 60 provisions of subsection (2) longer than is reasonably necessary
 61 to effect the purposes of that subsection. Such temporary
 62 detention shall not extend beyond the place where it was first
 63 effected or the immediate vicinity thereof.

64 (5) When a licensed security officer or security agency
 65 manager who is authorized to temporarily detain a person under
 66 subsection (1) has probable cause to believe that any person
 67 whom the security officer has temporarily detained, or is about
 68 to temporarily detain, is armed with a dangerous weapon and
 69 therefore offers a threat to the safety of the security officer
 70 or security agency manager or any other person, the security
 71 officer or security agency manager may search such person so
 72 temporarily detained, but only to the extent necessary to
 73 disclose, and for the purpose of disclosing, the presence of a
 74 weapon. If such a search discloses such a weapon or any evidence
 75 of a criminal offense, the weapon or evidence may be seized and
 76 shall be provided to the responding law enforcement officer.

77 (6)~~(2)~~ Class "D" licensees may perform duties regulated
 78 under this chapter in nonuniform status on a limited special
 79 assignment basis, and only when duty circumstances or special
 80 requirements of the client necessitate such dress.

81 (7)~~(3)~~ Class "D" licensees who are also Class "G"
 82 licensees and who are performing limited, special assignment
 83 duties may carry their authorized firearm concealed in the
 84 conduct of such duties.

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

89 Section 2. Paragraph (j) of subsection (1) of section
 90 493.6118, Florida Statutes, is amended to read:

91 493.6118 Grounds for disciplinary action.--

92 (1) The following constitute grounds for which
 93 disciplinary action specified in subsection (2) may be taken by
 94 the department against any licensee, agency, or applicant
 95 regulated by this chapter, or any unlicensed person engaged in
 96 activities regulated under this chapter.

97 (j) Commission of an act of violence or the use of force
 98 on any person except in the lawful protection of one's self or
 99 another from physical harm or in the process of a lawful
 100 detention and holding of a suspect for law enforcement.

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

103 493.6115 Weapons and firearms.--

104 (4) A Class "C" or Class "CC" licensee 21 years of age or
 105 older who has also been issued a Class "G" license may carry, in
 106 the performance of her or his duties, a concealed firearm. A
 107 Class "D" licensee 21 years of age or older who has also been
 108 issued a Class "G" license may carry a concealed firearm in the
 109 performance of her or his duties under the conditions specified
 110 in s. 493.6305 ~~(7)(2)~~. The Class "G" license shall clearly
 111 indicate such authority. The authority of any such licensee to
 112 carry a concealed firearm shall be valid throughout the state,

HB 309

2009

113 | in any location, while performing services within the scope of
114 | the license.

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