

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; defining the term "probable cause" for the
 15 purpose of temporarily detaining a person suspected of
 16 having committed a crime; amending s. 493.6118, F.S.;
 17 conforming provisions to changes made by the act; amending
 18 s. 493.6115, F.S.; conforming a cross-reference; providing
 19 an effective date.

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

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

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

27 (1) Class "D" and Class "MB" licensees shall perform
 28 duties regulated under this chapter in a uniform that ~~which~~

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29 bears at least one patch or emblem visible at all times clearly
30 identifying the employing agency. A licensed security officer
31 who also possesses a valid Class "G" license, or a licensed
32 security agency manager who also possesses a valid Class "G"
33 license, who is on duty, in uniform, and on the premises of a
34 client, and who has probable cause to believe that a person has
35 committed or is committing a crime against the client or patrons
36 thereof, may temporarily detain the person for the purpose of
37 ascertaining his or her identity and the circumstances of the
38 activity that is the basis for the temporary detention. The
39 detaining officer may detain the person in a reasonable manner
40 until the responding law enforcement officer arrives at the
41 premises of the client and is in the presence of the detainee.
42 ~~Upon resignation or termination of employment, a Class "D"~~
43 ~~licensee shall immediately return to the employer any uniform~~
44 ~~and any other equipment issued to her 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 before 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
56 section upon the arrival of a law enforcement officer except

57 under the authority of the responding law enforcement officer.
 58 The temporary detention by a licensed security officer or
 59 security agency manager may not extend beyond the place where it
 60 was 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.

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

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

82 (6)-(2) Class "D" licensees may perform duties regulated
 83 under this chapter in nonuniform status on a limited special
 84 assignment basis, and only when duty circumstances or special

85 requirements of the client necessitate such dress.

86 ~~(7)(3)~~ Class "D" licensees who are also Class "G"
 87 licensees and who are performing limited, special assignment
 88 duties may carry their authorized firearm concealed in the
 89 conduct of such duties.

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

94 Section 2. Paragraph (j) of subsection (1) of section
 95 493.6118, Florida Statutes, is amended to read:

96 493.6118 Grounds for disciplinary action.—

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

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

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

109 493.6115 Weapons and firearms.—

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

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113 Class "D" licensee 21 years of age or older who has also been
114 issued a Class "G" license may carry a concealed firearm in the
115 performance of her or his duties under the conditions specified
116 in s. 493.6305(6) ~~s. 493.6305(2)~~. The Class "G" license shall
117 clearly indicate such authority. The authority of any such
118 licensee to carry a concealed firearm shall be valid throughout
119 the state, in any location, while performing services within the
120 scope of the license.

121 Section 4. This act shall take effect July 1, 2010.