

By Senator Crist

12-01420-10

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

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

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

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

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

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

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

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

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59 temporary detention by a licensed security officer or security
60 agency manager may not extend beyond the place where it was
61 first effected or the immediate vicinity thereof.

62 (4) A person may not be temporarily detained under
63 subsection (2) longer than is reasonably necessary to effect the
64 purposes of this section.

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

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

83 (6) ~~(2)~~ Class "D" licensees may perform duties regulated
84 under this chapter in nonuniform status on a limited special
85 assignment basis, and only when duty circumstances or special
86 requirements of the client necessitate such dress.

87 (7) ~~(3)~~ Class "D" licensees who are also Class "G" licensees

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88 and who are performing limited, special assignment duties may
89 carry their authorized firearm concealed in the conduct of such
90 duties.

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

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

97 493.6118 Grounds for disciplinary action.—

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

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

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

110 493.6115 Weapons and firearms.—

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

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

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