

1                   A bill to be entitled  
2           An act relating to law enforcement certification;  
3           amending s. 943.13, F.S.; requiring law enforcement,  
4           correctional, and correctional probation officers to  
5           pass a job-related psychological evaluation performed  
6           by a mental health professional before initial  
7           employment or appointment; conforming a cross-  
8           reference; amending s. 943.135, F.S.; requiring all  
9           officers to pass such psychological evaluation every 4  
10          years as a condition of continued employment or  
11          appointment; amending s. 943.14, F.S.; requiring all  
12          criminal justice training schools to receive a  
13          specified national accreditation by a certain date;  
14          amending ss. 409.1757, 943.131, 943.1395, 943.1397,  
15          943.17296, 943.173, 943.19, and 943.253, F.S.;  
16          conforming cross-references; providing an effective  
17          date.

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

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21           Section 1. Subsections (7) through (11) of section 943.13,  
22   Florida Statutes, are renumbered as subsections (8) through  
23   (12), respectively, a new subsection (7) is added to that  
24   section, and present subsection (8) is amended, to read:

25           943.13 Officers' minimum qualifications for employment or

26 | appointment.—On or after October 1, 1984, any person employed or  
 27 | appointed as a full-time, part-time, or auxiliary law  
 28 | enforcement officer or correctional officer; on or after October  
 29 | 1, 1986, any person employed as a full-time, part-time, or  
 30 | auxiliary correctional probation officer; and on or after  
 31 | October 1, 1986, any person employed as a full-time, part-time,  
 32 | or auxiliary correctional officer by a private entity under  
 33 | contract to the Department of Corrections, to a county  
 34 | commission, or to the Department of Management Services shall:

35 |       (7) Have passed a job-related psychological evaluation  
 36 | performed by a mental health professional licensed under chapter  
 37 | 490 or chapter 491.

38 |       (9)~~(8)~~ Execute and submit to the employing agency or, if a  
 39 | private correctional officer, submit to the appropriate  
 40 | governmental entity an affidavit-of-applicant form, adopted by  
 41 | the commission, attesting to his or her compliance with  
 42 | subsections (1)-(8) ~~(1)-(7)~~. The affidavit shall be executed  
 43 | under oath and constitutes an official statement within the  
 44 | purview of s. 837.06. The affidavit shall include conspicuous  
 45 | language that the intentional false execution of the affidavit  
 46 | constitutes a misdemeanor of the second degree. The affidavit  
 47 | shall be retained by the employing agency.

48 |       Section 2. Subsection (1) of section 943.135, Florida  
 49 | Statutes, is amended to read:

50 |       943.135 Requirements for continued employment.—

51 (1) The commission shall, by rule, adopt a program that  
52 requires all officers, as a condition of continued employment or  
53 appointment as officers, to receive periodic commission-approved  
54 continuing training or education. Such continuing training or  
55 education shall be required at the rate of 40 hours every 4  
56 years and an officer must pass a job-related psychological  
57 evaluation performed by a mental health professional licensed  
58 under chapter 490 or chapter 491 every 4 years. ~~An~~ ~~no~~ officer  
59 shall not be denied a reasonable opportunity by the employing  
60 agency to comply with this section. The employing agency must  
61 document that the continuing training or education and the  
62 psychological evaluation are ~~is~~ job-related and consistent with  
63 the needs of the employing agency. The employing agency must  
64 maintain and submit, or electronically transmit, the  
65 documentation to the commission, in a format approved by the  
66 commission. The rule shall also provide:

67 (a) Assistance to an employing agency in identifying each  
68 affected officer, the date of his or her employment or  
69 appointment, and the his or her most recent dates of his or her  
70 ~~date for~~ successful completion of continuing training or  
71 education and passage of the psychological evaluation; and

72 (b) A procedure for reactivation of the certification of  
73 an officer who is not in compliance with this section.

74 Section 3. Subsection (9) is added to section 943.14,  
75 Florida Statutes, to read:

76           943.14 Commission-certified criminal justice training  
 77 schools; certificates and diplomas; exemptions; injunctive  
 78 relief; fines.—

79           (9) On or before January 1, 2019, each criminal justice  
 80 training school must receive the Public Safety Training Academy  
 81 Accreditation by the Commission on Accreditation for Law  
 82 Enforcement Agencies, Inc. Each criminal justice training school  
 83 must maintain its accreditation with the Commission on  
 84 Accreditation for Law Enforcement Agencies, Inc., or the  
 85 commission shall revoke the criminal justice training school's  
 86 certificate of compliance.

87           Section 4. Section 409.1757, Florida Statutes, is amended  
 88 to read:

89           409.1757 Persons not required to be refingerprinted or  
 90 rescreened.—Any law to the contrary notwithstanding, human  
 91 resource personnel who have been fingerprinted or screened  
 92 pursuant to chapters 393, 394, 397, 402, and this chapter,  
 93 teachers who have been fingerprinted pursuant to chapter 1012,  
 94 and law enforcement officers who meet the requirements of s.  
 95 943.13, who have not been unemployed for more than 90 days  
 96 thereafter, and who under the penalty of perjury attest to the  
 97 completion of such fingerprinting or screening and to compliance  
 98 with this section and the standards for good moral character as  
 99 contained in such provisions as ss. 110.1127(2)(c), 393.0655(1),  
 100 394.457(6), 397.451, 402.305(2), 409.175(6), and 943.13(8)

101 ~~943.13(7)~~, are not required to be refingerprinted or rescreened  
102 in order to comply with any caretaker screening or  
103 fingerprinting requirements.

104 Section 5. Paragraph (a) of subsection (1) and subsection  
105 (2) of section 943.131, Florida Statutes, are amended to read:

106 943.131 Temporary employment or appointment; minimum basic  
107 recruit training exemption.—

108 (1) (a) An employing agency may temporarily employ or  
109 appoint a person who complies with the qualifications for  
110 employment in s. 943.13(1)-(9) ~~943.13(1)-(8)~~, but has not  
111 fulfilled the requirements of s. 943.13(10) ~~943.13(9)~~ and (11)  
112 ~~(10)~~, if a critical need exists to employ or appoint the person  
113 and such person is or will be enrolled in the next approved  
114 basic recruit training program available in the geographic area  
115 or that no assigned state training program for state officers is  
116 available within a reasonable time. The employing agency must  
117 maintain documentation which demonstrates that a critical need  
118 exists to employ a person pursuant to this section. Prior to the  
119 employment or appointment of any person other than a  
120 correctional probation officer under this subsection, the person  
121 shall comply with the firearms provisions established pursuant  
122 to s. 943.17(1) (a). Any person temporarily employed or appointed  
123 as an officer under this subsection must attend the first  
124 training program offered in the geographic area, or the first  
125 assigned state training program for a state officer, subsequent

126 to his or her employment or appointment. A person temporarily  
127 employed or appointed as an officer under this subsection must  
128 begin basic recruit training within 180 consecutive days after  
129 employment. Such person must fulfill the requirements of s.  
130 943.13(10) ~~943.13(9)~~ within 18 months after beginning basic  
131 recruit training and must fulfill the certification examination  
132 requirements of s. 943.13(11) ~~943.13(10)~~ within 180 consecutive  
133 days after completing basic recruit training. A person hired  
134 after he or she has commenced basic recruit training or after  
135 completion of basic recruit training must fulfill the  
136 certification examination requirements of s. 943.13(11)  
137 ~~943.13(10)~~ within 180 consecutive days after completion of basic  
138 recruit training or the commencement of employment, whichever  
139 occurs later.

140 (2) If an applicant seeks an exemption from completing a  
141 commission-approved basic recruit training program, the  
142 employing agency or criminal justice selection center must  
143 verify that the applicant has successfully completed a  
144 comparable basic recruit training program for the discipline in  
145 which the applicant is seeking certification in another state or  
146 for the Federal Government or a previous Florida basic recruit  
147 training program. Further, the employing agency or criminal  
148 justice selection center must verify that the applicant has  
149 served as a full-time sworn officer in another state or for the  
150 Federal Government for at least 1 year provided there is no more

151 than an 8-year break in employment or was a previously certified  
152 Florida officer provided there is no more than an 8-year break  
153 in employment, as measured from the separation date of the most  
154 recent qualifying employment to the time a complete application  
155 is submitted for an exemption under this section. When the  
156 employing agency or criminal justice selection center obtains  
157 written documentation regarding the applicant's criminal justice  
158 experience, the documentation must be submitted to the  
159 commission. The commission shall adopt rules that establish  
160 criteria and procedures to determine if the applicant is exempt  
161 from completing the commission-approved basic recruit training  
162 program and, upon making a determination, shall notify the  
163 employing agency or criminal justice selection center. An  
164 applicant who is exempt from completing the commission-approved  
165 basic recruit training program must demonstrate proficiency in  
166 the high-liability areas, as defined by commission rule, and  
167 must complete the requirements of s. 943.13(11) ~~943.13(10)~~  
168 within 1 year after receiving an exemption. If the proficiencies  
169 and requirements of s. 943.13(11) ~~943.13(10)~~ are not met within  
170 the 1 year, the applicant must seek an additional exemption  
171 pursuant to the requirements of this subsection. Except as  
172 provided in subsection (1), before the employing agency may  
173 employ or appoint the applicant as an officer, the applicant  
174 must meet the minimum qualifications described in s. 943.13(1)-  
175 (9) ~~943.13(1)-(8)~~, and must fulfill the requirements of s.

176 943.13(11) ~~943.13(10)~~.

177 Section 6. Subsections (1), (3), (5), (6), and (7) and  
178 paragraph (e) of subsection (8) of section 943.1395, Florida  
179 Statutes, are amended to read:

180 943.1395 Certification for employment or appointment;  
181 concurrent certification; reemployment or reappointment;  
182 inactive status; revocation; suspension; investigation.—

183 (1) The commission shall certify, under procedures  
184 established by rule, any person for employment or appointment as  
185 an officer if:

186 (a) The person complies with s. 943.13(1)-(11) ~~943.13(1)-~~  
187 ~~(10)~~; and

188 (b) The employing agency complies with s. 943.133(2) and  
189 (3).

190 (3) Any certified officer who has separated from  
191 employment or appointment and who is not reemployed or  
192 reappointed by an employing agency within 4 years after the date  
193 of separation must meet the minimum qualifications described in  
194 s. 943.13, except for the requirement found in s. 943.13(10)  
195 ~~943.13(9)~~. Further, such officer must complete any training  
196 required by the commission by rule in compliance with s.  
197 943.131(2). Any such officer who fails to comply with the  
198 requirements provided in s. 943.131(2) must meet the minimum  
199 qualifications described in s. 943.13, to include the  
200 requirement of s. 943.13(10) ~~943.13(9)~~.



201           (5) The employing agency must conduct an internal  
202 investigation if it has cause to suspect that an officer is not  
203 in compliance with, or has failed to maintain compliance with,  
204 s. 943.13(4) or (8) ~~(7)~~. If an officer is not in compliance  
205 with, or has failed to maintain compliance with, s. 943.13(4) or  
206 (8) ~~(7)~~, the employing agency must submit the investigative  
207 findings and supporting information and documentation to the  
208 commission in accordance with rules adopted by the commission.  
209 The commission may inspect and copy an employing agency's  
210 records to ensure compliance with this subsection.

211           (6) The commission shall revoke the certification of any  
212 officer who is not in compliance with the provisions of s.  
213 943.13(4) or who intentionally executes a false affidavit  
214 established in s. 943.13(9) ~~943.13(8)~~, s. 943.133(2), or s.  
215 943.139(2).

216           (a) The commission shall cause to be investigated any  
217 ground for revocation from the employing agency pursuant to s.  
218 943.139 or from the Governor, and the commission may cause  
219 verifiable complaints to be investigated. Any investigation  
220 initiated by the commission pursuant to this section must be  
221 completed within 6 months after receipt of the completed report  
222 of the disciplinary or internal affairs investigation from the  
223 employing agency or Governor's office. A verifiable complaint  
224 shall be completed within 1 year after receipt of the complaint.  
225 An investigation shall be considered completed upon a finding by

226 a probable cause panel of the commission. These time periods  
227 shall be tolled during the appeal of a termination or other  
228 disciplinary action through the administrative or judicial  
229 process or during the period of any criminal prosecution of the  
230 officer.

231 (b)1. The report of misconduct and all records or  
232 information provided to or developed by the commission during  
233 the course of an investigation conducted by the commission are  
234 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
235 of the State Constitution and, except as otherwise provided by  
236 law, such information shall be subject to public disclosure only  
237 after a determination as to probable cause has been made or  
238 until the investigation becomes inactive.

239 2. However, not more than 30 days before the results of an  
240 investigation are to be presented to a probable cause panel, an  
241 officer who is being investigated, or the officer's attorney,  
242 may review any documents or other information regarding the  
243 investigation which was developed by or provided to the  
244 commission.

245 (c) When an officer's certification is revoked in any  
246 discipline, his or her certification in any other discipline  
247 shall simultaneously be revoked.

248 (7) Upon a finding by the commission that a certified  
249 officer has not maintained good moral character, the definition  
250 of which has been adopted by rule and is established as a

251 statewide standard, as required by s. 943.13(8) ~~943.13(7)~~, the  
 252 commission may enter an order imposing one or more of the  
 253 following penalties:

254 (a) Revocation of certification.

255 (b) Suspension of certification for a period not to exceed  
 256 2 years.

257 (c) Placement on a probationary status for a period not to  
 258 exceed 2 years, subject to terms and conditions imposed by the  
 259 commission. Upon the violation of such terms and conditions, the  
 260 commission may revoke certification or impose additional  
 261 penalties as enumerated in this subsection.

262 (d) Successful completion by the officer of any basic  
 263 recruit, advanced, or career development training or such  
 264 retraining deemed appropriate by the commission.

265 (e) Issuance of a reprimand.

266 (8)

267 (e) An administrative law judge assigned to conduct a  
 268 hearing under ss. 120.569 and 120.57(1) regarding allegations  
 269 that an officer is not in compliance with, or has failed to  
 270 maintain compliance with, s. 943.13(4) or (8) ~~(7)~~ must, in his  
 271 or her recommended order:

272 1. Adhere to the disciplinary guidelines and penalties set  
 273 forth in subsections (6) and (7) and the rules adopted by the  
 274 commission for the type of offense committed.

275 2. Specify, in writing, any aggravating or mitigating

276 | circumstance that he or she considered in determining the  
 277 | recommended penalty.

278 |  
 279 | Any deviation from the disciplinary guidelines or prescribed  
 280 | penalty must be based upon circumstances or factors that  
 281 | reasonably justify the aggravation or mitigation of the penalty.  
 282 | Any deviation from the disciplinary guidelines or prescribed  
 283 | penalty must be explained, in writing, by the administrative law  
 284 | judge.

285 | Section 7. Subsection (4) of section 943.1397, Florida  
 286 | Statutes, is amended to read:

287 | 943.1397 Officer certification examinations; fee.—

288 | (4) The provisions of subsection (1) and s. 943.13(11)  
 289 | ~~943.13(10)~~ do not apply to an applicant who was enrolled in a  
 290 | commission-approved basic recruit training program prior to July  
 291 | 1, 1993.

292 | Section 8. Section 943.17296, Florida Statutes, is amended  
 293 | to read:

294 | 943.17296 Training in identifying and investigating elder  
 295 | abuse and neglect.—Each certified law enforcement officer must  
 296 | successfully complete training on identifying and investigating  
 297 | elder abuse and neglect as a part of the basic recruit training  
 298 | of the officer required in s. 943.13(10) ~~943.13(9)~~ or continuing  
 299 | education under s. 943.135(1) before June 30, 2011. The training  
 300 | shall be developed in consultation with the Department of

301 Elderly Affairs and the Department of Children and Families and  
302 must incorporate instruction on the identification of and  
303 appropriate responses for persons suffering from dementia and on  
304 identifying and investigating elder abuse and neglect. If an  
305 officer fails to complete the required training, his or her  
306 certification is inactive until the employing agency notifies  
307 the commission that the officer has completed the training.

308 Section 9. Subsection (3) of section 943.173, Florida  
309 Statutes, is amended to read:

310 943.173 Examinations; administration; materials not public  
311 records; disposal of materials.—

312 (3) All examinations, assessments, and instruments and the  
313 results of examinations, other than test scores on officer  
314 certification examinations, including developmental materials  
315 and workpapers directly related thereto, prepared, prescribed,  
316 or administered pursuant to ss. 943.13(10) ~~943.13(9)~~ or (11)  
317 ~~(10)~~ and 943.17 are exempt from the provisions of s. 119.07(1)  
318 and s. 24(a), Art. I of the State Constitution. Provisions  
319 governing access to, maintenance of, and destruction of relevant  
320 documents pursuant to this section shall be prescribed by rules  
321 adopted by the commission.

322 Section 10. Subsection (1) of section 943.19, Florida  
323 Statutes, is amended to read:

324 943.19 Saving clause.—

325 (1) Any full-time, part-time, or auxiliary law enforcement

326 or correctional officer duly certified by the commission and  
327 employed or appointed as of September 30, 1984, and any  
328 correctional probation officer employed or appointed as of  
329 September 30, 1986, and any correctional probation officer  
330 employed in an institution as of September 30, 1989, is not  
331 required to comply with s. 943.13(5) and (9) ~~(8)~~ as a condition  
332 of continued employment or appointment with his or her current  
333 employing agency.

334 Section 11. Section 943.253, Florida Statutes, is amended  
335 to read:

336 943.253 Exemption; elected officers.—Elected officers are  
337 exempt from the requirements of ss. 943.085-943.25. However, an  
338 elected officer may participate in the programs and benefits  
339 under ss. 943.085-943.25 if he or she complies with s.  
340 943.13(1)-(8) ~~943.13(1)-(7)~~.

341 Section 12. This act shall take effect July 1, 2017.