

By Representative Flanagan

1 A bill to be entitled
2 An act relating to law enforcement officers;
3 amending s. 943.135, F.S.; allowing law
4 enforcement officers who are also elected or
5 appointed public officials to maintain
6 certification in a special status while holding
7 office; providing an effective date.

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

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11 Section 1. Subsection (4) of section 943.135, Florida
12 Statutes, is amended to read:

13 943.135 Requirements for continued employment.--

14 (4)(a) Notwithstanding any other provision of law, any
15 person holding active certification from the Criminal Justice
16 Standards and Training Commission as a law enforcement
17 officer, correctional officer, or correctional probation
18 officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8),
19 or (9), who resigns his or her position as law enforcement
20 officer, correctional officer, or correctional probation
21 officer for the sole purpose of serving in an office to which
22 the person has been elected or appointed and to thereby avoid
23 the prohibition against dual officeholding established in s.
24 5(a) of Art. II of the State Constitution may be allowed to
25 retain active certification in a special status during the
26 tenure of the elected or appointed office if at the time of
27 resignation, the person:

28 1. Was employed by or associated with an employing
29 agency in a manner authorized by chapter 943;
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1 2. Was not subject to an internal investigation or
2 employment action to discipline or dismiss by the employing
3 agency;

4 3. Was not subject to criminal investigation or
5 prosecution by any state or federal authority; and

6 4. Was not subject to an investigation or action
7 against his or her certification by the Criminal Justice
8 Standards and Training Commission,

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10 and that subsequent to the resignation the person otherwise
11 complies with this subsection.

12 (b) Any person who qualifies under paragraph (a) may,
13 for purposes of meeting the minimum mandatory continuing
14 training or education requirements of this section, at the
15 option of an employing agency, associate with that agency for
16 the sole purpose of securing continuing training or education
17 as required by this section and for allowing the agency to
18 report completion of the education or training to the Criminal
19 Justice Standards and Training Commission. The employing
20 agency with which the person has associated shall submit proof
21 of completion of any education or training so obtained for
22 purposes of demonstrating compliance with this section and
23 shall indicate that the person for whom the credits are
24 reported has secured the training under the special status
25 authorized by this section. An employing agency may require
26 any person so associated to attend continuing training or
27 education at the person's own expense and may determine the
28 courses or training that a person is to attend while
29 associated with the agency. Any person who is permitted to
30 associate with an employing agency for purposes of obtaining
31 and reporting education or continuing training credits while

1 serving in an elected or appointed public office shall not be
2 considered to be employed by the employing agency or
3 considered by the association with the employing agency to
4 maintain an office under s. 4(d) of Art. II of the State
5 Constitution.

6 (c) The period of time a person serves in an elected
7 or appointed office and thereby maintains the special
8 certification status authorized by this section may not be
9 considered in calculating whether the person is considered to
10 have incurred a break in service for purposes of maintaining
11 active certification by the Criminal Justice Standards and
12 Training Commission.

13 (d) An employing agency that receives a resignation
14 from a person for the purpose of avoiding the dual office
15 holding prohibition as discussed in this subsection shall
16 verify that the person who has resigned is in fact serving in
17 an elected or public office and report the verification
18 including an indication of the office in which the person is
19 serving to the Criminal Justice Standards and Training
20 Commission via the affidavit of separation of employment used
21 by the commission.

22 (e) Any person seeking the benefit of this subsection
23 shall, upon request, provide to the Criminal Justice Standards
24 and Training Commission any documentation or proof required by
25 the commission to evaluate the person's eligibility under this
26 subsection, to evaluate a submission of continuing training or
27 education credits as authorized by this subsection, or to
28 determine the duration of any tenure in an elected or
29 appointed public office, including any extension of the status
30 by reason of re-election or re-appointment or by election or
31 appointment to a different office.~~The commission is~~

1 ~~authorized to develop this program for implementation on July~~
2 ~~1, 1985, for full-time, part-time, or auxiliary law~~
3 ~~enforcement officers and correctional officers and a program~~
4 ~~for correctional probation officers for implementation on July~~
5 ~~1, 1987.~~

6 Section 2. This act shall take effect upon becoming a
7 law.

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10 LEGISLATIVE SUMMARY
11 Permits elected officers who resign from a law enforcement
12 office because of the dual office holding prohibition of the
13 state constitution to maintain certification as a law
14 enforcement officer. See bill for details.

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