

Bill No. CS for SB 1260

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Brown-Waite moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsection (4) of section 943.13, Florida		
18	Statutes, is amended to read:		
19	943.13 Officers' minimum qualifications for employment		
20	or appointment.--On or after October 1, 1984, any person		
21	employed or appointed as a full-time, part-time, or auxiliary		
22	law enforcement officer or correctional officer; on or after		
23	October 1, 1986, any person employed as a full-time,		
24	part-time, or auxiliary correctional probation officer; and on		
25	or after October 1, 1986, any person employed as a full-time,		
26	part-time, or auxiliary correctional officer by a private		
27	entity under contract to the Department of Corrections, to a		
28	county commission, or to the Correctional Privatization		
29	Commission shall:		
30	(4) Not have been convicted of any felony or of a		
31	<u>violation of ss. 817.49, 837.012, 837.05, 837.06, or 944.35(4)</u>		

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1 ~~(b) misdemeanor involving perjury or a false statement, or~~
2 have received a dishonorable discharge from any of the Armed
3 Forces of the United States. Any person who, after July 1,
4 1981, pleads guilty or nolo contendere to or is found guilty
5 of any felony or of a misdemeanor involving perjury or a false
6 statement is not eligible for employment or appointment as an
7 officer, notwithstanding suspension of sentence or withholding
8 of adjudication. Notwithstanding this subsection, any person
9 who has pled nolo contendere to a misdemeanor involving a
10 false statement, prior to December 1, 1985, and has had such
11 record sealed or expunged shall not be deemed ineligible for
12 employment or appointment as an officer.

13 Section 2. Section 943.1395, Florida Statutes, is
14 amended to read:

15 943.1395 Certification for employment or appointment;
16 concurrent certification; reemployment or reappointment;
17 inactive status; revocation; suspension; investigation.--

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

21 (a) The person complies with s. 943.13(1)-(10); and

22 (b) The employing agency complies with s. 943.133(2)
23 and (3).

24 (2) An officer who is certified in one discipline and
25 who complies with s. 943.13 in another discipline shall hold
26 concurrent certification and may be assigned in either
27 discipline within his or her employing agency.

28 (3) Any certified officer who has separated from
29 employment or appointment and who is not reemployed or
30 reappointed by an employing agency within 4 years after the
31 date of separation must meet the minimum qualifications

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1 described in s. 943.13, except for the requirement found in s.
2 943.13(9). Further, such officer must complete any training
3 required by the commission by rule.

4 (4) The certification of an officer who fails to
5 comply with s. 943.135(1) shall be inactive, and the officer
6 may not be employed or appointed as an officer until he or she
7 complies with the provisions of s. 943.135(1).

8 (5) The employing agency must conduct an internal
9 investigation if it has cause to suspect that an officer is
10 not in compliance with, or has failed to maintain compliance
11 with, s. 943.13(4) or (7). If an officer is not in compliance
12 with, or has failed to maintain compliance with, s. 943.13(4)
13 or (7), the employing agency must submit the investigative
14 findings and supporting information and documentation to the
15 commission in accordance with rules adopted by the commission.

16 ~~(6) The commission shall revoke the certification of~~
17 ~~any officer who is not in compliance with the provisions of s.~~
18 ~~943.13(4) or who intentionally executes a false affidavit~~
19 ~~established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).~~

20 (a) The commission shall cause to be investigated any
21 ground for revocation from the employing agency pursuant to s.
22 943.139 or from the Governor, and the commission may
23 investigate verifiable complaints. Any investigation initiated
24 by the commission pursuant to this section must be completed
25 within 6 months after receipt of the completed report of the
26 disciplinary or internal affairs investigation from the
27 employing agency or Governor's office. A verifiable complaint
28 shall be completed within 1 year after receipt of the
29 complaint. An investigation shall be considered completed
30 upon a finding by a probable cause panel of the commission.
31 These time periods shall be tolled during the period of any

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1 criminal prosecution of the officer.

2 (b) The report of misconduct and all records or
3 information provided to or developed by the commission during
4 the course of an investigation conducted by the commission are
5 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
6 I of the State Constitution and, except as otherwise provided
7 by law, such information shall be subject to public disclosure
8 only after a determination as to probable cause has been made
9 or until the investigation becomes inactive.

10 (c) When an officer's certification is revoked in any
11 discipline, his or her certification in any other discipline
12 shall simultaneously be revoked.

13 (7) The commission shall revoke the certification of
14 any officer who is not in compliance with the provisions of s.
15 943.13(4) or who intentionally executes a false affidavit
16 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).
17 Upon receipt of documentation that a certified officer is not
18 in compliance with s. 943.13(4), the commission shall, after
19 notice and the opportunity for a hearing pursuant to s.
20 120.57(2), issue an order revoking the officer's
21 certification. Upon a finding that the judgment has been
22 vacated, or the officer has been granted a full or conditional
23 pardon pursuant to s. 940.01, the commission shall rescind its
24 final order revoking the officer's certification.

25 (8)(7) Upon a finding by the commission that a
26 certified officer has not maintained good moral character, the
27 definition of which has been adopted by rule and is
28 established as a statewide standard, as required by s.
29 943.13(7), the commission may enter an order imposing one or
30 more of the following penalties:

31 (a) Revocation of certification.

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

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

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

11 (e) Issuance of a reprimand.

12 (9)~~(8)~~(a) The commission shall, by rule, adopt
13 disciplinary guidelines and procedures to administer the
14 penalties provided in subsections(7) and ~~(8)(6) and (7)~~. The
15 commission may, by rule, prescribe penalties for certain
16 offenses. The commission shall, by rule, set forth aggravating
17 and mitigating circumstances to be considered when imposing
18 the penalties provided in subsection(8)~~(7)~~.

19 (b) The disciplinary guidelines and prescribed
20 penalties must be based upon the severity of specific
21 offenses. The guidelines must provide reasonable and
22 meaningful notice to officers and to the public of penalties
23 that may be imposed for prohibited conduct. The penalties
24 must be consistently applied by the commission.

25 (c) For the purpose of implementing the penalties
26 provided in subsections(7) and ~~(8)(6) and (7)~~, the chair of
27 the commission may appoint one or more panels of three
28 commissioners each to determine probable cause. In lieu of a
29 finding of probable cause, the probable cause panel may issue
30 a letter of guidance to the officer. However, when an
31 employing agency disciplines an officer and the officer's

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1 employment is continued or reinstated by the agency, a
2 probable cause panel may review the sustained disciplinary
3 charges and disciplinary penalty, determine whether or not the
4 penalty conforms to the disciplinary penalties prescribed by
5 rule, and, in writing and on behalf of the commission, notify
6 the employing agency and officer of the results of the review.
7 If the penalty conforms to the disciplinary penalty provided
8 by rule, the officer and employing agency shall be notified,
9 in writing, that no further action shall be taken. If the
10 penalty does not conform to such disciplinary penalty
11 prescribed by rule, the officer and employer shall be
12 notified, in writing, of further action to be taken.

13 (d) An administrative law judge assigned to conduct a
14 hearing under ss. 120.569 and 120.57(1) regarding allegations
15 that an officer is not in compliance with, or has failed to
16 maintain compliance with, s. 943.13(4) or (7) must, in his or
17 her recommended order:

18 1. Adhere to the disciplinary guidelines and penalties
19 set forth in subsections (7) and (8)~~(6) and (7)~~ and the rules
20 adopted by the commission for the type of offense committed.

21 2. Specify, in writing, any aggravating or mitigating
22 circumstance that he or she considered in determining the
23 recommended penalty.

24
25 Any deviation from the disciplinary guidelines or prescribed
26 penalty must be based upon circumstances or factors that
27 reasonably justify the aggravation or mitigation of the
28 penalty. Any deviation from the disciplinary guidelines or
29 prescribed penalty must be explained, in writing, by the
30 administrative law judge.

31 Section 3. Subsection (5) of section 943.22, Florida

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1 Statutes, is amended to read:

2 943.22 Salary incentive program for full-time
3 officers.--

4 (5) An officer is not entitled to full or proportional
5 salary incentive payments for training completed pursuant to
6 s. 943.1395(8)(7).

7 Section 4. This act shall take effect October 1, 1999.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13
14

and insert:

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A bill to be entitled

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An act relating to certification and employment
of law enforcement officers; amending s.

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943.13, F.S.; specifying misdemeanor violations
which affect eligibility for employment or

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appointment as an officer; amending s.

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943.1395, F.S.; requiring the Criminal Justice
Standards and Training Commission, after notice

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and hearing, to issue an order revoking

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certification upon conviction for a felony or

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specified misdemeanor; providing for rescission

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of the order under certain circumstances;

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amending s. 943.22, F.S.; conforming a cross

28

reference; providing an effective date.

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