

By the Committee on Criminal Justice and Senator Bronson

307-1781-01

1 A bill to be entitled
2 An act relating to the Criminal Justice
3 Standards and Training Commission; amending s.
4 943.12, F.S.; revising the powers and duties of
5 the commission relating to certification of
6 training schools and instructors; amending s.
7 943.13, F.S.; allowing employee physicals to be
8 performed by physician assistants; amending s.
9 943.131, F.S.; providing alternative
10 requirements for certain applicants who seek
11 exemptions from the basic-recruit training
12 program; amending s. 943.135, F.S.; eliminating
13 a requirement that the department provide
14 remediation programs for officers who cannot
15 comply with continuing education requirements
16 because of learning disabilities; amending s.
17 943.1395, F.S.; limiting the circumstances
18 under which officers may be registered and hold
19 concurrent certification; amending s. 943.14,
20 F.S.; deleting a requirement for commission
21 approval of certain courses; providing for
22 staff to approve certain diplomas or
23 certificates; eliminating an exemption from
24 section requirements for certain training
25 schools and programs; amending s. 943.17, F.S.;
26 requiring the commission to establish a
27 specialized training program; amending s.
28 943.173, F.S.; conforming provisions amending
29 s. 943.175, F.S.; eliminating provisions
30 governing specialized training programs;
31 amending s. 943.22, F.S.; redefining the term

1 "accredited college"; amending s. 943.25, F.S.;
2 prohibiting the assessment of certain costs
3 against officers or agencies for courses
4 offered by criminal justice training schools;
5 amending s. 316.640, F.S.; specifying the
6 training requirement for certain persons
7 employed as traffic accident or crash
8 investigation officers or traffic infraction
9 enforcement officers; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 943.12, Florida Statutes, is
15 amended to read:

16 943.12 Powers, duties, and functions of the
17 commission.--The commission shall:

18 (1) Adopt ~~Promulgate~~ rules for the administration of
19 ss. 943.085-943.255 pursuant to chapter 120.

20 (2) Be responsible for the execution, administration,
21 implementation, and evaluation of its powers, duties, and
22 functions under ss. 943.085-943.255, including any rules
23 promulgated or policies established hereunder.

24 (3) Certify, and revoke the certification of,
25 officers, instructors, and criminal justice training schools.

26 (4) Establish uniform minimum employment standards for
27 the various criminal justice disciplines.

28 (5) Establish uniform minimum training standards for
29 the training of officers in the various criminal justice
30 disciplines.

31

1 (6) Consult and cooperate with municipalities or the
2 state or any political subdivision of the state and with
3 universities, colleges, community colleges, and other
4 educational institutions concerning the development of
5 criminal justice training schools and programs or courses of
6 instruction, including, but not necessarily limited to,
7 education and training in the areas of criminal justice
8 administration and all allied and supporting disciplines.

9 (7) Conduct official inquiries or require criminal
10 justice training schools to conduct official inquiries of
11 ~~Authorize the issuance of certificates for~~ criminal justice
12 training instructors who are certified by the commission
13 ~~schools.~~

14 (8) Establish minimum curricular requirements for
15 criminal justice training schools.

16 (9) ~~Authorize the issuance of certificates for~~
17 ~~instructors.~~

18 (9)~~(10)~~ Make, publish, or encourage studies on any
19 aspect of criminal justice education and training or
20 recruitment, including the development of defensible and
21 job-related psychological, selection, and performance
22 evaluation tests.

23 (10)~~(11)~~ With the approval of the head of the
24 department, make and enter into such contracts and agreements
25 with other agencies, organizations, associations,
26 corporations, individuals, or federal agencies as the
27 commission determines are necessary, expedient, or incidental
28 to the performance of its duties or the execution of its
29 powers.

30 (11)~~(12)~~ Provide to each commission member and, upon
31 request, to any sheriff, chief of police, state law

1 enforcement or correctional agency chief administrator, or
2 training center director or to any other concerned citizen
3 minutes of commission meetings and notices and agendas of
4 commission meetings.

5 (12)~~(13)~~ Establish a central repository of records for
6 the proper administration of its duties, powers, and
7 functions.

8 (13)~~(14)~~ Issue final orders which include findings of
9 fact and conclusions of law and which constitute final agency
10 action for the purpose of chapter 120.

11 (14)~~(15)~~ Enforce compliance with provisions of this
12 chapter through injunctive relief and civil fines.

13 (15)~~(16)~~ Make recommendations concerning any matter
14 within the purview of this chapter.

15 (16)~~(17)~~ Adopt ~~Promulgate~~ rules for the certification
16 and discipline of officers who engage in those specialized
17 areas found to present a high risk of harm to the officer or
18 the public at large and which would in turn increase the
19 potential liability of an employing agency.

20 (17)~~(18)~~ Implement, administer, maintain, and revise a
21 job-related officer certification examination for each
22 criminal justice discipline. The commission shall, by rule,
23 establish procedures for the administration of the officer
24 certification examinations. Further, the commission shall
25 establish standards for acceptable performance for each
26 officer certification examination.

27 Section 2. Subsection (6) of section 943.13, Florida
28 Statutes, is amended to read:

29 943.13 Officers' minimum qualifications for employment
30 or appointment.--On or after October 1, 1984, any person
31 employed or appointed as a full-time, part-time, or auxiliary

1 law enforcement officer or correctional officer; on or after
2 October 1, 1986, any person employed as a full-time,
3 part-time, or auxiliary correctional probation officer; and on
4 or after October 1, 1986, any person employed as a full-time,
5 part-time, or auxiliary correctional officer by a private
6 entity under contract to the Department of Corrections, to a
7 county commission, or to the Correctional Privatization
8 Commission shall:

9 (6) Have passed a physical examination by a licensed
10 physician or physician assistant, based on specifications
11 established by the commission.

12 Section 3. Section 943.131, Florida Statutes, is
13 amended to read:

14 943.131 Temporary employment or appointment; minimum
15 basic recruit training exemption.--

16 (1)(a) An employing agency may temporarily employ or
17 appoint a person who complies with the qualifications for
18 employment in s. 943.13(1)-(8), but has not fulfilled the
19 requirements of s. 943.13(9) and (10), if a critical need
20 exists to employ or appoint the person and such person is or
21 will be enrolled in the next approved basic recruit training
22 program available in the geographic area or that no assigned
23 state training program for state officers is available within
24 a reasonable time. The employing agency must maintain
25 documentation which demonstrates that a critical need exists
26 to employ a person pursuant to this section. Prior to the
27 employment or appointment of any person other than a
28 correctional probation officer under this subsection, the
29 person shall comply with the firearms provisions established
30 pursuant to s. 943.17(1)(a). Any person temporarily employed
31 or appointed as an officer under this subsection must attend

1 the first training program offered in the geographic area, or
2 the first assigned state training program for a state officer,
3 subsequent to his or her employment or appointment. Further,
4 upon successful completion of the basic recruit training
5 program, any person temporarily employed or appointed as an
6 officer must fulfill the requirements of s. 943.13(10) within
7 180 consecutive days.

8 (b) In no case may the person be temporarily employed
9 or appointed for more than 180 consecutive days, and such
10 temporary employment or appointment is not renewable by the
11 employing agency or transferable to another employing agency.
12 However, a person who is temporarily employed or appointed and
13 is attending the first training program offered in the
14 geographic area, or has been assigned to a state training
15 program, may continue to be temporarily employed or appointed
16 until the person:

17 1. Successfully completes the basic recruit training
18 program and achieves an acceptable score on the officer
19 certification examination;

20 2. Fails or withdraws from a ~~any course of the~~ basic
21 recruit training program;

22 3. Fails to achieve an acceptable score on the officer
23 certification examination within 180 consecutive days after
24 the successful completion of the basic recruit training
25 program; or

26 4. Is separated from employment or appointment by the
27 employing agency.

28 (c) No person temporarily employed or appointed under
29 the provisions of this subsection may perform the duties of an
30 officer unless he or she is adequately supervised by another
31 officer of the same discipline. The supervising officer must

1 be in full compliance with the provisions of s. 943.13 and
2 must be employed or appointed by the employing agency.
3 (2) If an applicant seeks an exemption from completing
4 a commission-approved basic recruit training program, the
5 employing agency must verify that the applicant has
6 successfully completed a comparable basic recruit training
7 program for the discipline in which the applicant is seeking
8 certification in another state or for the Federal Government.
9 Further, the employing agency must verify that the applicant
10 has served as a full-time sworn officer in another state or
11 for the Federal Government for at least one year. When the
12 employing agency obtains written documentation regarding the
13 applicant's criminal justice experience, the documentation
14 must be submitted to the commission. The commission shall
15 adopt rules that establish criteria and procedures to
16 determine if the applicant is exempt from completing the
17 commission-approved basic recruit training program and, upon
18 making a determination, shall notify the employing agency. An
19 ~~if the~~ applicant who is exempt from completing the
20 ~~commission-approved basic recruit training program, the~~
21 ~~applicant~~ must demonstrate proficiency in the high-liability
22 areas, as defined by commission rule, and must complete the
23 requirements of s. 943.13(10) within 180 days after receiving
24 an exemption. If the proficiencies and requirements of s.
25 943.13(10) are not met within the 180 days, the applicant must
26 complete a commission-approved basic recruit training program
27 ~~complete training, as required by the commission by rule, in~~
28 ~~areas which include, but are not limited to, defensive~~
29 ~~driving, defensive tactics, firearms training, and first~~
30 ~~responder training.~~ Except as provided in subsection (1),
31 before the employing agency may employ or appoint the

1 applicant as an officer, the applicant must meet the minimum
2 qualifications described in s. 943.13(1)-(8), and must fulfill
3 the requirements of s. 943.13(10).

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

6 943.135 Requirements for continued employment.--

7 (1) The commission shall, by rule, adopt a program
8 that requires all officers, as a condition of continued
9 employment or appointment as officers, to receive periodic
10 commission-approved continuing training or education. Such
11 continuing training or education shall be required at the rate
12 of 40 hours every 4 years. No officer shall be denied a
13 reasonable opportunity by the employing agency to comply with
14 this section. The employing agency must document that the
15 continuing training or education is job-related and consistent
16 with the needs of the employing agency. The employing agency
17 must maintain and submit, or electronically transmit, the
18 documentation to the commission, in a format approved by the
19 commission. The rule shall also provide:

20 (a) Assistance to an employing agency in identifying
21 each affected officer, the date of his or her employment or
22 appointment, and his or her most recent date for successful
23 completion of continuing training or education; and

24 (b) A procedure for reactivation of the certification
25 of an officer who is not in compliance with this section. ~~and~~

26 ~~(c) A remediation program supervised by the training~~
27 ~~center director within the geographic area for any officer who~~
28 ~~is attempting to comply with the provisions of this subsection~~
29 ~~and in whom learning disabilities are identified. The officer~~
30 ~~shall be assigned nonofficer duties, without loss of employee~~
31 ~~benefits, and the program shall not exceed 90 days.~~

1 Section 5. Subsection (2) of section 943.1395, Florida
2 Statutes, is amended to read:

3 943.1395 Certification for employment or appointment;
4 concurrent certification; reemployment or reappointment;
5 inactive status; revocation; suspension; investigation.--

6 (2) An officer who is certified in one discipline and
7 who complies with s. 943.13 in another discipline shall hold
8 concurrent certification and may be assigned in either
9 discipline within his or her employing agency. However, the
10 officer may be registered and hold concurrent certification
11 only if the employing agency has authority to employ multiple
12 disciplines.

13 Section 6. Section 943.14, Florida Statutes, is
14 amended to read:

15 943.14 Commission-certified criminal justice training
16 schools; certificates and diplomas; exemptions; injunctive
17 relief; fines.--

18 (1) Each criminal justice training school approved by
19 the commission shall obtain from the commission a certificate
20 of compliance, with rules of the commission, signed by the
21 chair of the commission. ~~Any training or educational courses~~
22 ~~which are taught in any criminal justice training school must~~
23 ~~first be approved in writing by the commission.~~

24 (2) Any certificate or diploma issued by any criminal
25 justice training school which relates to completion,
26 graduation, or attendance in criminal justice training or
27 educational subjects, or related matters, must be approved by
28 the commission staff in the department's Criminal Justice
29 Professionalism Program.

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1 (3) The commission shall establish, by rule,
2 procedures for the certification and discipline of all
3 instructors in any criminal justice training school.

4 (4) Prior to the issuance of a certificate of
5 compliance, or as a condition of continuing certification, all
6 records of any criminal justice training school that relate to
7 training and all financial and personnel records of the school
8 shall be made available to the commission upon request.

9 (5) No private criminal justice training school may
10 include within its name the word "commission," "bureau," or
11 "division" together with the word "Florida" or "state," the
12 name of any county or municipality, or any misleading
13 derivative thereof which might be construed to represent a
14 government agency or an entity authorized by a government
15 agency.

16 ~~(6) Criminal justice training schools and courses~~
17 ~~which are licensed and operated in accordance with the rules~~
18 ~~of the State Board of Education and the rules of the~~
19 ~~commission are exempt from the requirements of subsections~~
20 ~~(1)-(5). However, any school which instructs approved~~
21 ~~commission courses must meet the requirements of subsections~~
22 ~~(1)-(5).~~

23 (6)(7)(a) Commission-approved correctional probation
24 courses and subjects which are taught by Florida 4-year
25 accredited colleges and universities are exempt from
26 subsections (1)-(6)(1)-(5) except for such documentation
27 which may be required by the commission. The commission
28 retains control over the content of courses and subjects
29 covered by this subsection as specified in s. 943.17(1)(a).
30 Florida 4-year accredited colleges and universities must
31 obtain approval from the commission prior to offering

1 correctional probation courses. Florida 4-year accredited
2 colleges and universities offering the Correctional Probation
3 Training Program shall teach the learning objectives specified
4 by the commission. The administration of the commission's
5 Correctional Probation Training Program within a Florida
6 4-year accredited college or university shall fall within the
7 institution's established guidelines for course delivery and
8 student attendance. The Florida 4-year accredited college or
9 university shall provide to the commission and to the student
10 proof of successful completion of all the approved objectives
11 required by the commission for the academic courses approved
12 for the Correctional Probation Training Program. The
13 commission-certified training school administering the
14 commission-required correctional probation high-liability
15 training shall provide to the commission and to the student
16 proof of successful completion of all approved objectives.

17 (b) All other criminal justice sciences or
18 administration courses or subjects which are a part of the
19 curriculum of any accredited college, university, community
20 college, or vocational-technical center of this state, and all
21 full-time instructors of such institutions, are exempt from
22 the provisions of subsections (1)-(5).

23 (7)~~(8)~~ Each criminal justice training school that
24 offers law enforcement, correctional, or correctional
25 probation officer basic recruit training, or selection center
26 that provides applicant screening for criminal justice
27 training schools, shall conduct a criminal history background
28 check of an applicant prior to entrance into the basic recruit
29 class. A complete set of fingerprints must be taken by an
30 authorized criminal justice agency or by an employee of the
31 criminal justice training school or selection center who is

1 trained to take fingerprints. The criminal justice training
2 school or selection center shall submit the fingerprints to
3 the Florida Department of Law Enforcement for a statewide
4 criminal history check, and forward the fingerprints to the
5 Federal Bureau of Investigation for a national criminal
6 history check. Applicants found through fingerprint processing
7 to have pled guilty to or been convicted of a crime which
8 would render the applicant unable to meet the minimum
9 qualifications for employment as an officer as specified in s.
10 943.13(4) shall be removed from the pool of qualified
11 candidates by the criminal justice training school or
12 selection center.

13 (8)~~(9)~~(a) If a criminal justice training school or
14 person violates this section, or any rule adopted pursuant
15 hereto, the Department of Legal Affairs, at the request of the
16 chair of the commission, shall apply to the circuit court in
17 the county in which the violation or violations occurred for
18 injunctive relief prohibiting the criminal justice training
19 school or person from operating contrary to this section.

20 (b)1. In addition to any injunctive relief available
21 under paragraph (a), the commission may impose a civil fine
22 upon any criminal justice training school or person who
23 violates subsection (1) or subsection (5), or any rule adopted
24 pursuant thereto, of up to \$10,000 for each violation, which
25 fine shall be paid into the Criminal Justice Standards and
26 Training Trust Fund. The commission may impose a civil fine
27 upon any criminal justice training school or person who
28 violates subsection (2), subsection (3), or subsection (4), or
29 any rule adopted pursuant thereto, of up to \$1,000 for each
30 violation, which fine shall be paid into the Criminal Justice
31 Standards and Training Trust Fund.

1 2. A proceeding under this paragraph shall comply with
2 the provisions of chapter 120, and the final order of the
3 commission constitutes final agency action for the purposes of
4 chapter 120. When the commission imposes a civil fine and the
5 fine is not paid within a reasonable time, the Department of
6 Legal Affairs, at the request of the chair of the commission,
7 shall bring a civil action under the provisions of s. 120.69
8 to recover the fine. The commission and the Department of
9 Legal Affairs are not required to post any bond in any
10 proceeding herein.

11 Section 7. Subsection (1) of section 943.17, Florida
12 Statutes, is amended to read:

13 943.17 Basic recruit, advanced, and career development
14 training programs; participation; cost; evaluation.--The
15 commission shall, by rule, design, implement, maintain,
16 evaluate, and revise entry requirements, job-related
17 curricula, and performance standards for basic recruit,
18 advanced, and career development training programs and
19 courses. The rules shall include, but are not limited to, a
20 methodology to assess relevance of the subject matter to the
21 job, student performance, and instructor competency.

22 (1) The commission shall:

23 (a) Design, implement, maintain, evaluate, ~~and~~ revise
24 or adopt a basic recruit training program for the purpose of
25 providing minimum employment training qualifications for all
26 officers to be employed or appointed in each discipline.

27 (b) Design, implement, maintain, evaluate, ~~and~~ revise
28 or adopt an advanced training program which is limited to
29 those courses enhancing an officer's knowledge, skills, and
30 abilities for the job he or she performs.

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1 (c) Design, implement, maintain, evaluate, ~~and~~ revise
2 or adopt a career development training program which is
3 limited to those courses related to promotion to a higher rank
4 or position. Career development courses will not be eligible
5 for funding as provided in s. 943.25(9).

6 (d) Design, implement, maintain, evaluate, or adopt a
7 specialized training program, consisting of identified goals
8 and objectives that enhance an officer's ability to perform
9 the duties of his or her job.~~For any existing or newly~~
10 ~~established course, adopt an examination and assessment~~
11 ~~instrument that is job-related and measures an officer's~~
12 ~~acquisition of knowledge, skills, and abilities. An~~
13 ~~acceptable level of measurable student performance shall also~~
14 ~~be developed for each course.~~

15 Section 8. Subsection (2) of section 943.173, Florida
16 Statutes, is amended to read:

17 943.173 Examinations; administration; materials not
18 public records; disposal of materials.--

19 (2) Each advanced and career development course
20 examination ~~adopted by the commission~~ shall be administered at
21 a certified criminal justice training school under the
22 supervision of the training center director.

23 Section 9. Section 943.175, Florida Statutes, is
24 amended to read:

25 943.175 Inservice ~~and specialized~~ training.--

26 (1) Inservice training programs, consisting of courses
27 established, implemented, and evaluated by an employing
28 agency, are the responsibility of the employing agency.
29 Inservice ~~Specialized~~ training programs, consisting of courses
30 established, implemented, and evaluated by a criminal justice
31 training school, are the responsibility of the criminal

1 justice training school. Inservice ~~and specialized~~ training
2 programs or courses need not be approved by the commission.

3 ~~(2) The commission shall, by rule, establish~~
4 ~~procedures and criteria whereby an employing agency or~~
5 ~~criminal justice training school seeking commission approval~~
6 ~~of a specialized training program or course must submit the~~
7 ~~program or course to the commission for evaluation. The~~
8 ~~procedures and criteria shall include, but are not limited to,~~
9 ~~a demonstration of job relevance and quality of instruction.~~

10 (2)~~(3)~~ Inservice ~~or specialized~~ training courses or
11 programs shall not be part of the programs or courses
12 established by the commission pursuant to s. 943.17, nor shall
13 they be used to qualify an officer for salary incentive
14 payment provided under s. 943.22.

15 Section 10. Paragraph (a) of subsection (1) of section
16 943.22, Florida Statutes, is amended to read:

17 943.22 Salary incentive program for full-time
18 officers.--

19 (1) For the purpose of this section, the term:

20 (a) "Accredited college, university, or community
21 college" means a college, university, or community college
22 which has been accredited by the Southern Association of
23 Colleges and Schools or~~another regional accrediting agency,~~
24 ~~or the American Association of Collegiate Registrars and~~
25 ~~Admissions Officers.~~

26 Section 11. Subsection (6) of section 943.25, Florida
27 Statutes, is amended to read:

28 943.25 Criminal justice trust funds; source of funds;
29 use of funds.--

30 (6) ~~No~~ Training, room, or board cost may not be
31 assessed against any officer or employing agency for any

1 advanced and specialized training course funded from the
2 Criminal Justice Standards and Training Trust Fund and offered
3 through a criminal justice training school certified by the
4 commission. Such expenses shall be paid from the trust fund
5 and are not reimbursable by the officer. Travel costs to and
6 from the training site are the responsibility of the trainee
7 or employing agency. Any compensation, including, but not
8 limited to, salaries and benefits, paid to any person during
9 the period of training shall be fixed and determined by the
10 employing agency; and such compensation shall be paid directly
11 to the person.

12 (a) The commission shall develop a policy of
13 reciprocal payment for training officers from regions other
14 than the region providing the training.

15 (b) An officer who is not employed or appointed by an
16 employing agency of this state may attend a course funded by
17 the trust fund, provided the officer is required to pay to the
18 criminal justice training school all training costs incurred
19 for her or his attendance.

20 Section 12. Section 316.640, Florida Statutes, is
21 amended to read:

22 316.640 Enforcement.--The enforcement of the traffic
23 laws of this state is vested as follows:

24 (1) STATE.--

25 (a)1.a. The Division of Florida Highway Patrol of the
26 Department of Highway Safety and Motor Vehicles, the Division
27 of Law Enforcement of the Fish and Wildlife Conservation
28 Commission, the Division of Law Enforcement of the Department
29 of Environmental Protection, and law enforcement officers of
30 the Department of Transportation each have authority to
31 enforce all of the traffic laws of this state on all the

1 streets and highways thereof and elsewhere throughout the
2 state wherever the public has a right to travel by motor
3 vehicle. The Division of the Florida Highway Patrol may employ
4 as a traffic accident investigation officer any individual who
5 successfully completes ~~at least 200 hours of~~ instruction in
6 traffic accident investigation and court presentation through
7 the Selective Traffic Enforcement Program as approved by the
8 Criminal Justice Standards and Training Commission and funded
9 through the National Highway Traffic Safety Administration or
10 a similar program approved by the commission, but who does not
11 necessarily meet the uniform minimum standards established by
12 the commission for law enforcement officers or auxiliary law
13 enforcement officers under chapter 943. Any such traffic
14 accident investigation officer who makes an investigation at
15 the scene of a traffic accident may issue traffic citations,
16 based upon personal investigation, when he or she has
17 reasonable and probable grounds to believe that a person who
18 was involved in the accident committed an offense under this
19 chapter, chapter 319, chapter 320, or chapter 322 in
20 connection with the accident. This paragraph does not permit
21 the carrying of firearms or other weapons, nor do such
22 officers have arrest authority other than for the issuance of
23 a traffic citation as authorized in this paragraph.

24 b. University police officers shall have authority to
25 enforce all of the traffic laws of this state when such
26 violations occur on or about any property or facilities that
27 are under the guidance, supervision, regulation, or control of
28 the State University System, except that traffic laws may be
29 enforced off-campus when hot pursuit originates on-campus.

30 c. Community college police officers shall have the
31 authority to enforce all the traffic laws of this state only

1 when such violations occur on any property or facilities that
2 are under the guidance, supervision, regulation, or control of
3 the community college system.

4 d. Police officers employed by an airport authority
5 shall have the authority to enforce all of the traffic laws of
6 this state only when such violations occur on any property or
7 facilities that are owned or operated by an airport authority.

8 (I) An airport authority may employ as a parking
9 enforcement specialist any individual who successfully
10 completes a training program established and approved by the
11 Criminal Justice Standards and Training Commission for parking
12 enforcement specialists but who does not otherwise meet the
13 uniform minimum standards established by the commission for
14 law enforcement officers or auxiliary or part-time officers
15 under s. 943.12. Nothing in this sub-sub-paragraph shall be
16 construed to permit the carrying of firearms or other weapons,
17 nor shall such parking enforcement specialist have arrest
18 authority.

19 (II) A parking enforcement specialist employed by an
20 airport authority is authorized to enforce all state, county,
21 and municipal laws and ordinances governing parking only when
22 such violations are on property or facilities owned or
23 operated by the airport authority employing the specialist, by
24 appropriate state, county, or municipal traffic citation.

25 e. The Office of Agricultural Law Enforcement of the
26 Department of Agriculture and Consumer Services shall have the
27 authority to enforce traffic laws of this state only as
28 authorized by the provisions of chapter 570. However, nothing
29 in this section shall expand the authority of the Office of
30 Agricultural Law Enforcement at its agricultural inspection
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1 stations to issue any traffic tickets except those traffic
2 tickets for vehicles illegally passing the inspection station.

3 f. School safety officers shall have the authority to
4 enforce all of the traffic laws of this state when such
5 violations occur on or about any property or facilities which
6 are under the guidance, supervision, regulation, or control of
7 the district school board.

8 2. An agency of the state as described in subparagraph
9 1. is prohibited from establishing a traffic citation quota. A
10 violation of this subparagraph is not subject to the penalties
11 provided in chapter 318.

12 3. Any disciplinary action taken or performance
13 evaluation conducted by an agency of the state as described in
14 subparagraph 1. of a law enforcement officer's traffic
15 enforcement activity must be in accordance with written
16 work-performance standards. Such standards must be approved by
17 the agency and any collective bargaining unit representing
18 such law enforcement officer. A violation of this subparagraph
19 is not subject to the penalties provided in chapter 318.

20 (b)1. The Department of Transportation has authority
21 to enforce on all the streets and highways of this state all
22 laws applicable within its authority.

23 2.a. The Department of Transportation shall develop
24 training and qualifications standards for toll enforcement
25 officers whose sole authority is to enforce the payment of
26 tolls pursuant to s. 316.1001. Nothing in this subparagraph
27 shall be construed to permit the carrying of firearms or other
28 weapons, nor shall a toll enforcement officer have arrest
29 authority.

30 b. For the purpose of enforcing s. 316.1001,
31 governmental entities, as defined in s. 334.03, which own or

1 operate a toll facility may employ independent contractors or
2 designate employees as toll enforcement officers; however, any
3 such toll enforcement officer must successfully meet the
4 training and qualifications standards for toll enforcement
5 officers established by the Department of Transportation.

6 (2) COUNTIES.--

7 (a) The sheriff's office of each of the several
8 counties of this state shall enforce all of the traffic laws
9 of this state on all the streets and highways thereof and
10 elsewhere throughout the county wherever the public has the
11 right to travel by motor vehicle. In addition, the sheriff's
12 office may be required by the county to enforce the traffic
13 laws of this state on any private or limited access road or
14 roads over which the county has jurisdiction pursuant to a
15 written agreement entered into under s. 316.006(3)(b).

16 (b) The sheriff's office of each county may employ as
17 a traffic crash investigation officer any individual who
18 successfully completes ~~at least 200 hours of~~ instruction in
19 traffic crash investigation and court presentation through the
20 Selective Traffic Enforcement Program (STEP) as approved by
21 the Criminal Justice Standards and Training Commission and
22 funded through the National Highway Traffic Safety
23 Administration (NHTSA) or a similar program approved by the
24 commission, but who does not necessarily otherwise meet the
25 uniform minimum standards established by the commission for
26 law enforcement officers or auxiliary law enforcement officers
27 under chapter 943. Any such traffic crash investigation
28 officer who makes an investigation at the scene of a traffic
29 crash may issue traffic citations when, based upon personal
30 investigation, he or she has reasonable and probable grounds
31 to believe that a person who was involved has committed an

1 offense under this chapter in connection with the crash. This
2 paragraph does not permit the carrying of firearms or other
3 weapons, nor do such officers have arrest authority other than
4 for the issuance of a traffic citation as authorized in this
5 paragraph.

6 (c) The sheriff's office of each of the several
7 counties of this state may employ as a parking enforcement
8 specialist any individual who successfully completes a
9 training program established and approved by the Criminal
10 Justice Standards and Training Commission for parking
11 enforcement specialists, but who does not necessarily
12 otherwise meet the uniform minimum standards established by
13 the commission for law enforcement officers or auxiliary or
14 part-time officers under s. 943.12.

15 1. A parking enforcement specialist employed by the
16 sheriff's office of each of the several counties of this state
17 is authorized to enforce all state and county laws,
18 ordinances, regulations, and official signs governing parking
19 within the unincorporated areas of the county by appropriate
20 state or county citation and may issue such citations for
21 parking in violation of signs erected pursuant to s.
22 316.006(3) at parking areas located on property owned or
23 leased by a county, whether or not such areas are within the
24 boundaries of a chartered municipality.

25 2. A parking enforcement specialist employed pursuant
26 to this subsection shall not carry firearms or other weapons
27 or have arrest authority.

28 (3) MUNICIPALITIES.--

29 (a) The police department of each chartered
30 municipality shall enforce the traffic laws of this state on
31 all the streets and highways thereof and elsewhere throughout

1 the municipality wherever the public has the right to travel
2 by motor vehicle. In addition, the police department may be
3 required by a municipality to enforce the traffic laws of this
4 state on any private or limited access road or roads over
5 which the municipality has jurisdiction pursuant to a written
6 agreement entered into under s. 316.006(2)(b). However,
7 nothing in this chapter shall affect any law, general,
8 special, or otherwise, in effect on January 1, 1972, relating
9 to "hot pursuit" without the boundaries of the municipality.

10 (b) The police department of a chartered municipality
11 may employ as a traffic crash investigation officer any
12 individual who successfully completes ~~at least 200 hours of~~
13 instruction in traffic crash investigation and court
14 presentation through the Selective Traffic Enforcement Program
15 (STEP) as approved by the Criminal Justice Standards and
16 Training Commission and funded through the National Highway
17 Traffic Safety Administration (NHTSA) or a similar program
18 approved by the commission, but who does not otherwise meet
19 the uniform minimum standards established by the commission
20 for law enforcement officers or auxiliary law enforcement
21 officers under chapter 943. Any such traffic crash
22 investigation officer who makes an investigation at the scene
23 of a traffic crash is authorized to issue traffic citations
24 when, based upon personal investigation, he or she has
25 reasonable and probable grounds to believe that a person
26 involved has committed an offense under the provisions of this
27 chapter in connection with the crash. Nothing in this
28 paragraph shall be construed to permit the carrying of
29 firearms or other weapons, nor shall such officers have arrest
30 authority other than for the issuance of a traffic citation as
31 authorized above.

1 (c)1. A chartered municipality or its authorized
2 agency or instrumentality may employ as a parking enforcement
3 specialist any individual who successfully completes a
4 training program established and approved by the Criminal
5 Justice Standards and Training Commission for parking
6 enforcement specialists, but who does not otherwise meet the
7 uniform minimum standards established by the commission for
8 law enforcement officers or auxiliary or part-time officers
9 under s. 943.12.

10 2. A parking enforcement specialist employed by a
11 chartered municipality or its authorized agency or
12 instrumentality is authorized to enforce all state, county,
13 and municipal laws and ordinances governing parking within the
14 boundaries of the municipality employing the specialist, by
15 appropriate state, county, or municipal traffic citation.
16 Nothing in this paragraph shall be construed to permit the
17 carrying of firearms or other weapons, nor shall such a
18 parking enforcement specialist have arrest authority.

19 (4)(a) Any sheriff's department, or any police
20 department of a municipality, may employ as a traffic control
21 officer any individual who successfully completes at least 8
22 hours of instruction in traffic control procedures through a
23 program approved by the Division of Criminal Justice Standards
24 and Training of the Department of Law Enforcement, or through
25 a similar program offered by the local sheriff's department or
26 police department, but who does not necessarily otherwise meet
27 the uniform minimum standards established by the Criminal
28 Justice Standards and Training Commission for law enforcement
29 officers or auxiliary law enforcement officers under s.
30 943.13. A traffic control officer employed pursuant to this
31 subsection may direct traffic or operate a traffic control

1 device only at a fixed location and only upon the direction of
2 a fully qualified law enforcement officer; however, it is not
3 necessary that the traffic control officer's duties be
4 performed under the immediate supervision of a fully qualified
5 law enforcement officer.

6 (b) In the case of a special event or activity in
7 relation to which a nongovernmental entity is paying for
8 traffic control on public streets, highways, or roads, traffic
9 control officers may be employed to perform such traffic
10 control responsibilities only when off-duty, full-time law
11 enforcement officers, as defined in s. 943.10(1), are
12 unavailable to perform those responsibilities. However, this
13 paragraph may not be construed to limit the use of traffic
14 infraction enforcement officers for traffic enforcement
15 purposes.

16 (c) This subsection does not permit the carrying of
17 firearms or other weapons, nor do traffic control officers
18 have arrest authority.

19 (5)(a) Any sheriff's department or police department
20 of a municipality may employ, as a traffic infraction
21 enforcement officer, any individual who successfully completes
22 ~~at least 200 hours of~~ instruction in traffic enforcement
23 procedures and court presentation through the Selective
24 Traffic Enforcement Program as approved by the Division of
25 Criminal Justice Standards and Training of the Department of
26 Law Enforcement, or through a similar program, but who does
27 not necessarily otherwise meet the uniform minimum standards
28 established by the Criminal Justice Standards and Training
29 Commission for law enforcement officers or auxiliary law
30 enforcement officers under s. 943.13. Any such traffic
31 infraction enforcement officer who observes the commission of

1 a traffic infraction or, in the case of a parking infraction,
2 who observes an illegally parked vehicle may issue a traffic
3 citation for the infraction when, based upon personal
4 investigation, he or she has reasonable and probable grounds
5 to believe that an offense has been committed which
6 constitutes a noncriminal traffic infraction as defined in s.
7 318.14.

8 (b) The traffic enforcement officer shall be employed
9 in relationship to a selective traffic enforcement program at
10 a fixed location or as part of a crash investigation team at
11 the scene of a vehicle crash or in other types of traffic
12 infraction enforcement under the direction of a fully
13 qualified law enforcement officer; however, it is not
14 necessary that the traffic infraction enforcement officer's
15 duties be performed under the immediate supervision of a fully
16 qualified law enforcement officer.

17 (c) This subsection does not permit the carrying of
18 firearms or other weapons, nor do traffic infraction
19 enforcement officers have arrest authority other than the
20 authority to issue a traffic citation as provided in this
21 subsection.

22 (6) MOBILE HOME PARK RECREATION
23 DISTRICTS.--Notwithstanding subsection (2) or subsection (3),
24 the sheriff's office of each of the several counties of this
25 state and the police department of each chartered municipality
26 have authority, but are not required, to enforce the traffic
27 laws of this state on any way or place used for vehicular
28 traffic on a controlled access basis within a mobile home park
29 recreation district which has been created under s. 418.30 and
30 the recreational facilities of which district are open to the
31 general public.

1 (7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF
2 FLORIDA.--For purposes of traffic control and enforcement,
3 nothing in chapter 87-88, Laws of Florida, shall be construed
4 to classify any road which has been dedicated or impliedly
5 dedicated for public use, and which has been constructed and
6 is open to the use of the public for vehicular traffic, as a
7 private road or driveway.

8 (8) TRAFFIC ENFORCEMENT AGENCY.--Any agency or
9 governmental entity designated in subsection (1), subsection
10 (2), or subsection (3), including a university, a community
11 college, a school board, or an airport authority, is a traffic
12 enforcement agency for purposes of s. 316.650.

13 Section 13. This act shall take effect July 1, 2001.

14
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 2036

- 18 - Deletes from the bill proposed s. 943.14(3), F.S., which
19 would have capped continuing education fees for officers
20 at no more than 25 percent of the cost of the course.
21 - Deletes the proposed change to s. 943.13(5), F.S., which
22 would have required private prisons as well as criminal
23 justice employing agencies to submit processed
24 fingerprints of their employees to the FBI, and keeps
25 the current language which requires private prisons to
26 submit the fingerprints to FDLE.
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