

By Representative Kyle

1 A bill to be entitled
2 An act relating to decertification processing
3 of law enforcement officers; amending s.
4 943.1395, F.S.; authorizing an administrative
5 law judge to conduct hearings regarding
6 certification; granting final order authority
7 in such hearings to the administrative law
8 judge; providing an effective date.

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

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12 Section 1. Subsection (7) and paragraph (d) of
13 subsection (8) of section 943.1395, Florida Statutes, are
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 (7) Upon a finding by the commission, or an
19 administrative law judge assigned by the Division of
20 Administrative Hearings to conduct a hearing under ss. 120.569
21 and 120.57(1), that a certified officer has not maintained
22 good moral character, the definition of which has been adopted
23 by rule and is established as a statewide standard, as
24 required by s. 943.13(7), the commission may enter an order
25 imposing one or more of the following penalties:

26 (a) Revocation of certification.

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

29 (c) Placement on a probationary status for a period
30 not to exceed 2 years, subject to terms and conditions imposed
31 by the commission. Upon the violation of such terms and

1 conditions, the commission may revoke certification or impose
2 additional penalties as enumerated in this subsection.

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

6 (e) Issuance of a reprimand.

7 (8)

8 (d) An administrative law judge assigned to conduct a
9 hearing under ss. 120.569 and 120.57(1) regarding allegations
10 that an officer is not in compliance with, or has failed to
11 maintain compliance with, s. 943.13(4) or (7) shall have final
12 order authority and must, in his or her ~~recommended~~ order:

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

16 2. Specify, in writing, any aggravating or mitigating
17 circumstance that he or she considered in determining the
18 recommended penalty.

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20 Any deviation from the disciplinary guidelines or prescribed
21 penalty must be based upon circumstances or factors that
22 reasonably justify the aggravation or mitigation of the
23 penalty. Any deviation from the disciplinary guidelines or
24 prescribed penalty must be explained, in writing, by the
25 administrative law judge.

26 Section 2. This act shall take effect upon becoming a
27 law.

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HOUSE SUMMARY

Revises provisions relating to decertification processing of law enforcement officers. Authorizes an administrative law judge to conduct hearings regarding certification and grants final order authority in such hearings to the administrative law judge.