

By Senator Futch

18-1455-02

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; authorizing a hiring  
26          agency to use fingerprints previously taken and  
27          the results of a prior background investigation  
28          for purposes of screening applicants; amending  
29          s. 943.17, F.S.; requiring the commission to  
30          establish a specialized training program;  
31          amending s. 943.173, F.S.; conforming

1 provisions amending s. 943.175, F.S.;  
2 eliminating provisions governing specialized  
3 training programs; amending s. 943.22, F.S.;  
4 redefining the term "accredited college";  
5 amending s. 943.25, F.S.; prohibiting the  
6 assessment of certain costs against officers or  
7 agencies for courses offered by criminal  
8 justice training schools; amending s. 316.640,  
9 F.S.; specifying the training requirement for  
10 certain persons employed as traffic accident or  
11 crash investigation officers or traffic  
12 infraction enforcement officers; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 943.12, Florida Statutes, is  
18 amended to read:

19 943.12 Powers, duties, and functions of the  
20 commission.--The commission shall:

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

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

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

29 (4) Establish uniform minimum employment standards for  
30 the various criminal justice disciplines.

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1           (5) Establish uniform minimum training standards for  
2 the training of officers in the various criminal justice  
3 disciplines.

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

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

17           (8) Establish minimum curricular requirements for  
18 criminal justice training schools.

19           (9) ~~Authorize the issuance of certificates for~~  
20 ~~instructors.~~

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

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

3 (11)~~(12)~~ Provide to each commission member and, upon  
4 request, to any sheriff, chief of police, state law  
5 enforcement or correctional agency chief administrator, or  
6 training center director or to any other concerned citizen  
7 minutes of commission meetings and notices and agendas of  
8 commission meetings.

9 (12)~~(13)~~ Establish a central repository of records for  
10 the proper administration of its duties, powers, and  
11 functions.

12 (13)~~(14)~~ Issue final orders which include findings of  
13 fact and conclusions of law and which constitute final agency  
14 action for the purpose of chapter 120.

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

17 (15)~~(16)~~ Make recommendations concerning any matter  
18 within the purview of this chapter.

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

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

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

3           943.13 Officers' minimum qualifications for employment  
4 or appointment.--On or after October 1, 1984, any person  
5 employed or appointed as a full-time, part-time, or auxiliary  
6 law enforcement officer or correctional officer; on or after  
7 October 1, 1986, any person employed as a full-time,  
8 part-time, or auxiliary correctional probation officer; and on  
9 or after October 1, 1986, any person employed as a full-time,  
10 part-time, or auxiliary correctional officer by a private  
11 entity under contract to the Department of Corrections, to a  
12 county commission, or to the Correctional Privatization  
13 Commission shall:

14           (6) Have passed a physical examination by a licensed  
15 physician or physician assistant, based on specifications  
16 established by the commission.

17           Section 3. Section 943.131, Florida Statutes, is  
18 amended to read:

19           943.131 Temporary employment or appointment; minimum  
20 basic recruit training exemption.--

21           (1)(a) An employing agency may temporarily employ or  
22 appoint a person who complies with the qualifications for  
23 employment in s. 943.13(1)-(8), but has not fulfilled the  
24 requirements of s. 943.13(9) and (10), if a critical need  
25 exists to employ or appoint the person and such person is or  
26 will be enrolled in the next approved basic recruit training  
27 program available in the geographic area or that no assigned  
28 state training program for state officers is available within  
29 a reasonable time. The employing agency must maintain  
30 documentation which demonstrates that a critical need exists  
31 to employ a person pursuant to this section. Prior to the

1 employment or appointment of any person other than a  
2 correctional probation officer under this subsection, the  
3 person shall comply with the firearms provisions established  
4 pursuant to s. 943.17(1)(a). Any person temporarily employed  
5 or appointed as an officer under this subsection must attend  
6 the first training program offered in the geographic area, or  
7 the first assigned state training program for a state officer,  
8 subsequent to his or her employment or appointment. Further,  
9 upon successful completion of the basic recruit training  
10 program, any person temporarily employed or appointed as an  
11 officer must fulfill the requirements of s. 943.13(10) within  
12 180 consecutive days.

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

22 1. Successfully completes the basic recruit training  
23 program and achieves an acceptable score on the officer  
24 certification examination;

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

27 3. Fails to achieve an acceptable score on the officer  
28 certification examination within 180 consecutive days after  
29 the successful completion of the basic recruit training  
30 program; or  
31

1           4. Is separated from employment or appointment by the  
2 employing agency.

3           (c) No person temporarily employed or appointed under  
4 the provisions of this subsection may perform the duties of an  
5 officer unless he or she is adequately supervised by another  
6 officer of the same discipline. The supervising officer must  
7 be in full compliance with the provisions of s. 943.13 and  
8 must be employed or appointed by the employing agency.

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

1 complete a commission-approved basic recruit training program  
2 ~~complete training, as required by the commission by rule, in~~  
3 ~~areas which include, but are not limited to, defensive~~  
4 ~~driving, defensive tactics, firearms training, and first~~  
5 ~~responder training.~~ Except as provided in subsection (1),  
6 before the employing agency may employ or appoint the  
7 applicant as an officer, the applicant must meet the minimum  
8 qualifications described in s. 943.13(1)-(8), and must fulfill  
9 the requirements of s. 943.13(10).

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

12 943.135 Requirements for continued employment.--

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

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

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

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

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

9           943.1395 Certification for employment or appointment;  
10 concurrent certification; reemployment or reappointment;  
11 inactive status; revocation; suspension; investigation.--

12           (2) An officer who is certified in one discipline and  
13 who complies with s. 943.13 in another discipline shall hold  
14 concurrent certification and may be assigned in either  
15 discipline within his or her employing agency. However, the  
16 officer may be registered and hold concurrent certification  
17 only if the employing agency has authority to employ multiple  
18 disciplines.

19           Section 6. Section 943.14, Florida Statutes, is  
20 amended to read:

21           943.14 Commission-certified criminal justice training  
22 schools; certificates and diplomas; exemptions; injunctive  
23 relief; fines.--

24           (1) Each criminal justice training school approved by  
25 the commission shall obtain from the commission a certificate  
26 of compliance, with rules of the commission, signed by the  
27 chair of the commission. ~~Any training or educational courses~~  
28 ~~which are taught in any criminal justice training school must~~  
29 ~~first be approved in writing by the commission.~~

30           (2) Any certificate or diploma issued by any criminal  
31 justice training school which relates to completion,

1 graduation, or attendance in criminal justice training or  
2 educational subjects, or related matters, must be approved by  
3 the commission staff in the department's Criminal Justice  
4 Professionalism Program.

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

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

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

20 ~~(6) Criminal justice training schools and courses~~  
21 ~~which are licensed and operated in accordance with the rules~~  
22 ~~of the State Board of Education and the rules of the~~  
23 ~~commission are exempt from the requirements of subsections~~  
24 ~~(1)-(5). However, any school which instructs approved~~  
25 ~~commission courses must meet the requirements of subsections~~  
26 ~~(1)-(5).~~

27 (6)(7)(a) Commission-approved correctional probation  
28 courses and subjects which are taught by Florida 4-year  
29 accredited colleges and universities are exempt from  
30 subsections (1)-(5) except for such documentation which may be  
31 required by the commission. The commission retains control

1 over the content of courses and subjects covered by this  
2 subsection as specified in s. 943.17(1)(a). Florida 4-year  
3 accredited colleges and universities must obtain approval from  
4 the commission prior to offering correctional probation  
5 courses. Florida 4-year accredited colleges and universities  
6 offering the Correctional Probation Training Program shall  
7 teach the learning objectives specified by the commission.  
8 The administration of the commission's Correctional Probation  
9 Training Program within a Florida 4-year accredited college or  
10 university shall fall within the institution's established  
11 guidelines for course delivery and student attendance. The  
12 Florida 4-year accredited college or university shall provide  
13 to the commission and to the student proof of successful  
14 completion of all the approved objectives required by the  
15 commission for the academic courses approved for the  
16 Correctional Probation Training Program. The  
17 commission-certified training school administering the  
18 commission-required correctional probation high-liability  
19 training shall provide to the commission and to the student  
20 proof of successful completion of all approved objectives.

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

27 (7)~~(8)~~ Each criminal justice training school that  
28 offers law enforcement, correctional, or correctional  
29 probation officer basic recruit training, or selection center  
30 that provides applicant screening for criminal justice  
31 training schools, shall conduct a criminal history background

1 check of an applicant prior to entrance into the basic recruit  
2 class. A complete set of fingerprints must be taken by an  
3 authorized criminal justice agency or by an employee of the  
4 criminal justice training school or selection center who is  
5 trained to take fingerprints. If the hiring agency has  
6 previously taken a set of fingerprints from the applicant and  
7 has obtained a criminal history background check of the  
8 applicant using the fingerprints, the hiring agency may meet  
9 the requirements of this section by submitting a letter to the  
10 criminal justice training school or selection center which  
11 states the date the agency took the applicant's fingerprints,  
12 summarizes the results of the background investigation  
13 conducted using the fingerprints, and certifies that the  
14 applicant is qualified to take the basic recruit training  
15 program pursuant to s. 943.13. If the criminal justice  
16 training school or selection center takes the applicant's  
17 fingerprints, the school or center shall submit the  
18 fingerprints to the Florida Department of Law Enforcement for  
19 a statewide criminal history check, and forward the  
20 fingerprints to the Federal Bureau of Investigation for a  
21 national criminal history check. Applicants found through  
22 fingerprint processing to have pled guilty to or been  
23 convicted of a crime which would render the applicant unable  
24 to meet the minimum qualifications for employment as an  
25 officer as specified in s. 943.13(4) shall be removed from the  
26 pool of qualified candidates by the criminal justice training  
27 school or selection center.

28 (8)(9)(a) If a criminal justice training school or  
29 person violates this section, or any rule adopted pursuant  
30 hereto, the Department of Legal Affairs, at the request of the  
31 chair of the commission, shall apply to the circuit court in

1 the county in which the violation or violations occurred for  
2 injunctive relief prohibiting the criminal justice training  
3 school or person from operating contrary to this section.

4 (b)1. In addition to any injunctive relief available  
5 under paragraph (a), the commission may impose a civil fine  
6 upon any criminal justice training school or person who  
7 violates subsection (1) or subsection (5), or any rule adopted  
8 pursuant thereto, of up to \$10,000 for each violation, which  
9 fine shall be paid into the Criminal Justice Standards and  
10 Training Trust Fund. The commission may impose a civil fine  
11 upon any criminal justice training school or person who  
12 violates subsection (2), subsection (3), or subsection (4), or  
13 any rule adopted pursuant thereto, of up to \$1,000 for each  
14 violation, which fine shall be paid into the Criminal Justice  
15 Standards and Training Trust Fund.

16 2. A proceeding under this paragraph shall comply with  
17 the provisions of chapter 120, and the final order of the  
18 commission constitutes final agency action for the purposes of  
19 chapter 120. When the commission imposes a civil fine and the  
20 fine is not paid within a reasonable time, the Department of  
21 Legal Affairs, at the request of the chair of the commission,  
22 shall bring a civil action under the provisions of s. 120.69  
23 to recover the fine. The commission and the Department of  
24 Legal Affairs are not required to post any bond in any  
25 proceeding herein.

26 Section 7. Section 943.17, Florida Statutes, is  
27 amended to read:

28 943.17 Basic recruit, advanced, and career development  
29 training programs; participation; cost; evaluation.--The  
30 commission shall, by rule, design, implement, maintain,  
31 evaluate, and revise entry requirements, job-related

1 curricula, and performance standards for basic recruit,  
2 advanced, and career development training programs and  
3 courses. The rules shall include, but are not limited to, a  
4 methodology to assess relevance of the subject matter to the  
5 job, student performance, and instructor competency.

6 (1) The commission shall:

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

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

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

20 (d) Design, implement, maintain, evaluate, or adopt a  
21 specialized training program, consisting of identified goals  
22 and objectives that enhance an officer's ability to perform  
23 the duties of his or her job. ~~For any existing or newly~~  
24 ~~established course, adopt an examination and assessment~~  
25 ~~instrument that is job-related and measures an officer's~~  
26 ~~acquisition of knowledge, skills, and abilities. An~~  
27 ~~acceptable level of measurable student performance shall also~~  
28 ~~be developed for each course.~~

29 (2) The commission is encouraged to design, implement,  
30 maintain, evaluate, and revise criminal justice training  
31 courses, or to enter into contracts for such training courses,

1 that are intended to provide for the safety and well-being of  
2 the citizens of and visitors to this state.

3 (3) The program shall be responsible for the accuracy  
4 of curriculum content through the identification and revision  
5 of typographical or grammatical errors, incorrect statutory  
6 citations, or information which can be identified as  
7 inaccurate by superior references. The commission shall be  
8 advised of any revision, and a copy of revised curricula shall  
9 be provided to all criminal justice training schools.

10 (4) The commission may, by rule, establish a  
11 sponsorship program for prospective officers. The rule shall  
12 specify the provisions of s. 943.13 that must be satisfied  
13 prior to the prospective officer's enrollment in a basic  
14 recruit training course. However, the rule shall not conflict  
15 with any laws or rules of the Department of Education relating  
16 to student enrollment.

17 (5) The commission, in consultation with the Florida  
18 Violent Crime and Drug Control Council, shall establish  
19 standards for basic and advanced training programs for law  
20 enforcement officers in the subjects of investigating and  
21 preventing violent crime. After January 1, 1995, every basic  
22 skills course required in order for law enforcement officers  
23 to obtain initial certification must include training on  
24 violent crime prevention and investigations.

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

27 943.173 Examinations; administration; materials not  
28 public records; disposal of materials.--

29 (2) Each advanced and career development course  
30 examination ~~adopted by the commission~~ shall be administered at  
31

1 a certified criminal justice training school under the  
2 supervision of the training center director.

3 Section 9. Section 943.175, Florida Statutes, is  
4 amended to read:

5 943.175 Inservice ~~and specialized~~ training.--

6 (1) Inservice training programs, consisting of courses  
7 established, implemented, and evaluated by an employing  
8 agency, are the responsibility of the employing agency.  
9 Inservice ~~Specialized~~ training programs, consisting of courses  
10 established, implemented, and evaluated by a criminal justice  
11 training school, are the responsibility of the criminal  
12 justice training school. Inservice ~~and specialized~~ training  
13 programs or courses need not be approved by the commission.

14 ~~(2) The commission shall, by rule, establish~~  
15 ~~procedures and criteria whereby an employing agency or~~  
16 ~~criminal justice training school seeking commission approval~~  
17 ~~of a specialized training program or course must submit the~~  
18 ~~program or course to the commission for evaluation. The~~  
19 ~~procedures and criteria shall include, but are not limited to,~~  
20 ~~a demonstration of job relevance and quality of instruction.~~

21 (2)(3) ~~Inservice or specialized~~ training courses or  
22 programs shall not be part of the programs or courses  
23 established by the commission pursuant to s. 943.17, nor shall  
24 they be used to qualify an officer for salary incentive  
25 payment provided under s. 943.22.

26 Section 10. Paragraph (a) of subsection (1) of section  
27 943.22, Florida Statutes, is amended to read:

28 943.22 Salary incentive program for full-time  
29 officers.--

30 (1) For the purpose of this section, the term:  
31

1           (a) "Accredited college, university, or community  
2 college" means a college, university, or community college  
3 which has been accredited by the Southern Association of  
4 Colleges and Schools, another regional accrediting agency, or  
5 the Accrediting Commission for Independent Colleges and  
6 Schools ~~American Association of Collegiate Registrars and~~  
7 ~~Admissions Officers.~~

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

10           943.25 Criminal justice trust funds; source of funds;  
11 use of funds.--

12           (6) ~~No~~ Training, room, or board cost may not be  
13 assessed against any officer or employing agency for any  
14 advanced and specialized training course funded from the  
15 Criminal Justice Standards and Training Trust Fund and offered  
16 through a criminal justice training school certified by the  
17 commission. Such expenses shall be paid from the trust fund  
18 and are not reimbursable by the officer. Travel costs to and  
19 from the training site are the responsibility of the trainee  
20 or employing agency. Any compensation, including, but not  
21 limited to, salaries and benefits, paid to any person during  
22 the period of training shall be fixed and determined by the  
23 employing agency; and such compensation shall be paid directly  
24 to the person.

25           (a) The commission shall develop a policy of  
26 reciprocal payment for training officers from regions other  
27 than the region providing the training.

28           (b) An officer who is not employed or appointed by an  
29 employing agency of this state may attend a course funded by  
30 the trust fund, provided the officer is required to pay to the  
31

1 criminal justice training school all training costs incurred  
2 for her or his attendance.

3 Section 12. Section 316.640, Florida Statutes, is  
4 amended to read:

5 316.640 Enforcement.--The enforcement of the traffic  
6 laws of this state is vested as follows:

7 (1) STATE.--

8 (a)1.a. The Division of Florida Highway Patrol of the  
9 Department of Highway Safety and Motor Vehicles, the Division  
10 of Law Enforcement of the Fish and Wildlife Conservation  
11 Commission, the Division of Law Enforcement of the Department  
12 of Environmental Protection, and law enforcement officers of  
13 the Department of Transportation each have authority to  
14 enforce all of the traffic laws of this state on all the  
15 streets and highways thereof and elsewhere throughout the  
16 state wherever the public has a right to travel by motor  
17 vehicle. The Division of the Florida Highway Patrol may employ  
18 as a traffic accident investigation officer any individual who  
19 successfully completes ~~at least 200 hours of~~ instruction in  
20 traffic accident investigation and court presentation through  
21 the Selective Traffic Enforcement Program as approved by the  
22 Criminal Justice Standards and Training Commission and funded  
23 through the National Highway Traffic Safety Administration or  
24 a similar program approved by the commission, but who does not  
25 necessarily meet the uniform minimum standards established by  
26 the commission for law enforcement officers or auxiliary law  
27 enforcement officers under chapter 943. Any such traffic  
28 accident investigation officer who makes an investigation at  
29 the scene of a traffic accident may issue traffic citations,  
30 based upon personal investigation, when he or she has  
31 reasonable and probable grounds to believe that a person who

1 was involved in the accident committed an offense under this  
2 chapter, chapter 319, chapter 320, or chapter 322 in  
3 connection with the accident. This paragraph does not permit  
4 the carrying of firearms or other weapons, nor do such  
5 officers have arrest authority other than for the issuance of  
6 a traffic citation as authorized in this paragraph.

7       b. University police officers shall have authority to  
8 enforce all of the traffic laws of this state when such  
9 violations occur on or about any property or facilities that  
10 are under the guidance, supervision, regulation, or control of  
11 the State University System, except that traffic laws may be  
12 enforced off-campus when hot pursuit originates on-campus.

13       c. Community college police officers shall have the  
14 authority to enforce all the traffic laws of this state only  
15 when such violations occur on any property or facilities that  
16 are under the guidance, supervision, regulation, or control of  
17 the community college system.

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

22       (I) An airport authority may employ as a parking  
23 enforcement specialist any individual who successfully  
24 completes a training program established and approved by the  
25 Criminal Justice Standards and Training Commission for parking  
26 enforcement specialists but who does not otherwise meet the  
27 uniform minimum standards established by the commission for  
28 law enforcement officers or auxiliary or part-time officers  
29 under s. 943.12. Nothing in this sub-sub-paragraph shall be  
30 construed to permit the carrying of firearms or other weapons,  
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1 nor shall such parking enforcement specialist have arrest  
2 authority.

3 (II) A parking enforcement specialist employed by an  
4 airport authority is authorized to enforce all state, county,  
5 and municipal laws and ordinances governing parking only when  
6 such violations are on property or facilities owned or  
7 operated by the airport authority employing the specialist, by  
8 appropriate state, county, or municipal traffic citation.

9 e. The Office of Agricultural Law Enforcement of the  
10 Department of Agriculture and Consumer Services shall have the  
11 authority to enforce traffic laws of this state only as  
12 authorized by the provisions of chapter 570. However, nothing  
13 in this section shall expand the authority of the Office of  
14 Agricultural Law Enforcement at its agricultural inspection  
15 stations to issue any traffic tickets except those traffic  
16 tickets for vehicles illegally passing the inspection station.

17 f. School safety officers shall have the authority to  
18 enforce all of the traffic laws of this state when such  
19 violations occur on or about any property or facilities which  
20 are under the guidance, supervision, regulation, or control of  
21 the district school board.

22 2. An agency of the state as described in subparagraph  
23 1. is prohibited from establishing a traffic citation quota. A  
24 violation of this subparagraph is not subject to the penalties  
25 provided in chapter 318.

26 3. Any disciplinary action taken or performance  
27 evaluation conducted by an agency of the state as described in  
28 subparagraph 1. of a law enforcement officer's traffic  
29 enforcement activity must be in accordance with written  
30 work-performance standards. Such standards must be approved by  
31 the agency and any collective bargaining unit representing

1 such law enforcement officer. A violation of this subparagraph  
2 is not subject to the penalties provided in chapter 318.

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

6 2.a. The Department of Transportation shall develop  
7 training and qualifications standards for toll enforcement  
8 officers whose sole authority is to enforce the payment of  
9 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
10 shall be construed to permit the carrying of firearms or other  
11 weapons, nor shall a toll enforcement officer have arrest  
12 authority.

13 b. For the purpose of enforcing s. 316.1001,  
14 governmental entities, as defined in s. 334.03, which own or  
15 operate a toll facility may employ independent contractors or  
16 designate employees as toll enforcement officers; however, any  
17 such toll enforcement officer must successfully meet the  
18 training and qualifications standards for toll enforcement  
19 officers established by the Department of Transportation.

20 (2) COUNTIES.--

21 (a) The sheriff's office of each of the several  
22 counties of this state shall enforce all of the traffic laws  
23 of this state on all the streets and highways thereof and  
24 elsewhere throughout the county wherever the public has the  
25 right to travel by motor vehicle. In addition, the sheriff's  
26 office may be required by the county to enforce the traffic  
27 laws of this state on any private or limited access road or  
28 roads over which the county has jurisdiction pursuant to a  
29 written agreement entered into under s. 316.006(3)(b).

30 (b) The sheriff's office of each county may employ as  
31 a traffic crash investigation officer any individual who

1 successfully completes ~~at least 200 hours of~~ instruction in  
2 traffic crash investigation and court presentation through the  
3 Selective Traffic Enforcement Program (STEP) as approved by  
4 the Criminal Justice Standards and Training Commission and  
5 funded through the National Highway Traffic Safety  
6 Administration (NHTSA) or a similar program approved by the  
7 commission, but who does not necessarily otherwise meet the  
8 uniform minimum standards established by the commission for  
9 law enforcement officers or auxiliary law enforcement officers  
10 under chapter 943. Any such traffic crash investigation  
11 officer who makes an investigation at the scene of a traffic  
12 crash may issue traffic citations when, based upon personal  
13 investigation, he or she has reasonable and probable grounds  
14 to believe that a person who was involved has committed an  
15 offense under this chapter in connection with the crash. This  
16 paragraph does not permit the carrying of firearms or other  
17 weapons, nor do such officers have arrest authority other than  
18 for the issuance of a traffic citation as authorized in this  
19 paragraph.

20 (c) The sheriff's office of each of the several  
21 counties of this state may employ as a parking enforcement  
22 specialist any individual who successfully completes a  
23 training program established and approved by the Criminal  
24 Justice Standards and Training Commission for parking  
25 enforcement specialists, but who does not necessarily  
26 otherwise meet the uniform minimum standards established by  
27 the commission for law enforcement officers or auxiliary or  
28 part-time officers under s. 943.12.

29 1. A parking enforcement specialist employed by the  
30 sheriff's office of each of the several counties of this state  
31 is authorized to enforce all state and county laws,

1 ordinances, regulations, and official signs governing parking  
2 within the unincorporated areas of the county by appropriate  
3 state or county citation and may issue such citations for  
4 parking in violation of signs erected pursuant to s.  
5 316.006(3) at parking areas located on property owned or  
6 leased by a county, whether or not such areas are within the  
7 boundaries of a chartered municipality.

8           2. A parking enforcement specialist employed pursuant  
9 to this subsection shall not carry firearms or other weapons  
10 or have arrest authority.

11           (3) MUNICIPALITIES.--

12           (a) The police department of each chartered  
13 municipality shall enforce the traffic laws of this state on  
14 all the streets and highways thereof and elsewhere throughout  
15 the municipality wherever the public has the right to travel  
16 by motor vehicle. In addition, the police department may be  
17 required by a municipality to enforce the traffic laws of this  
18 state on any private or limited access road or roads over  
19 which the municipality has jurisdiction pursuant to a written  
20 agreement entered into under s. 316.006(2)(b). However,  
21 nothing in this chapter shall affect any law, general,  
22 special, or otherwise, in effect on January 1, 1972, relating  
23 to "hot pursuit" without the boundaries of the municipality.

24           (b) The police department of a chartered municipality  
25 may employ as a traffic crash investigation officer any  
26 individual who successfully completes ~~at least 200 hours of~~  
27 instruction in traffic crash investigation and court  
28 presentation through the Selective Traffic Enforcement Program  
29 (STEP) as approved by the Criminal Justice Standards and  
30 Training Commission and funded through the National Highway  
31 Traffic Safety Administration (NHTSA) or a similar program

1 approved by the commission, but who does not otherwise meet  
2 the uniform minimum standards established by the commission  
3 for law enforcement officers or auxiliary law enforcement  
4 officers under chapter 943. Any such traffic crash  
5 investigation officer who makes an investigation at the scene  
6 of a traffic crash is authorized to issue traffic citations  
7 when, based upon personal investigation, he or she has  
8 reasonable and probable grounds to believe that a person  
9 involved has committed an offense under the provisions of this  
10 chapter in connection with the crash. Nothing in this  
11 paragraph shall be construed to permit the carrying of  
12 firearms or other weapons, nor shall such officers have arrest  
13 authority other than for the issuance of a traffic citation as  
14 authorized above.

15 (c)1. A chartered municipality or its authorized  
16 agency or instrumentality may employ as a parking enforcement  
17 specialist any individual who successfully completes a  
18 training program established and approved by the Criminal  
19 Justice Standards and Training Commission for parking  
20 enforcement specialists, but who does not otherwise meet the  
21 uniform minimum standards established by the commission for  
22 law enforcement officers or auxiliary or part-time officers  
23 under s. 943.12.

24 2. A parking enforcement specialist employed by a  
25 chartered municipality or its authorized agency or  
26 instrumentality is authorized to enforce all state, county,  
27 and municipal laws and ordinances governing parking within the  
28 boundaries of the municipality employing the specialist, by  
29 appropriate state, county, or municipal traffic citation.  
30 Nothing in this paragraph shall be construed to permit the  
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1 carrying of firearms or other weapons, nor shall such a  
2 parking enforcement specialist have arrest authority.

3 (4)(a) Any sheriff's department, or any police  
4 department of a municipality, may employ as a traffic control  
5 officer any individual who successfully completes at least 8  
6 hours of instruction in traffic control procedures through a  
7 program approved by the Division of Criminal Justice Standards  
8 and Training of the Department of Law Enforcement, or through  
9 a similar program offered by the local sheriff's department or  
10 police department, but who does not necessarily otherwise meet  
11 the uniform minimum standards established by the Criminal  
12 Justice Standards and Training Commission for law enforcement  
13 officers or auxiliary law enforcement officers under s.

14 943.13. A traffic control officer employed pursuant to this  
15 subsection may direct traffic or operate a traffic control  
16 device only at a fixed location and only upon the direction of  
17 a fully qualified law enforcement officer; however, it is not  
18 necessary that the traffic control officer's duties be  
19 performed under the immediate supervision of a fully qualified  
20 law enforcement officer.

21 (b) In the case of a special event or activity in  
22 relation to which a nongovernmental entity is paying for  
23 traffic control on public streets, highways, or roads, traffic  
24 control officers may be employed to perform such traffic  
25 control responsibilities only when off-duty, full-time law  
26 enforcement officers, as defined in s. 943.10(1), are  
27 unavailable to perform those responsibilities. However, this  
28 paragraph may not be construed to limit the use of traffic  
29 infraction enforcement officers for traffic enforcement  
30 purposes.

31

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

4           (5)(a) Any sheriff's department or police department  
5 of a municipality may employ, as a traffic infraction  
6 enforcement officer, any individual who successfully completes  
7 ~~at least 200 hours of~~ instruction in traffic enforcement  
8 procedures and court presentation through the Selective  
9 Traffic Enforcement Program as approved by the Division of  
10 Criminal Justice Standards and Training of the Department of  
11 Law Enforcement, or through a similar program, but who does  
12 not necessarily otherwise meet the uniform minimum standards  
13 established by the Criminal Justice Standards and Training  
14 Commission for law enforcement officers or auxiliary law  
15 enforcement officers under s. 943.13. Any such traffic  
16 infraction enforcement officer who observes the commission of  
17 a traffic infraction or, in the case of a parking infraction,  
18 who observes an illegally parked vehicle may issue a traffic  
19 citation for the infraction when, based upon personal  
20 investigation, he or she has reasonable and probable grounds  
21 to believe that an offense has been committed which  
22 constitutes a noncriminal traffic infraction as defined in s.  
23 318.14.

24           (b) The traffic enforcement officer shall be employed  
25 in relationship to a selective traffic enforcement program at  
26 a fixed location or as part of a crash investigation team at  
27 the scene of a vehicle crash or in other types of traffic  
28 infraction enforcement under the direction of a fully  
29 qualified law enforcement officer; however, it is not  
30 necessary that the traffic infraction enforcement officer's  
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1 duties be performed under the immediate supervision of a fully  
2 qualified law enforcement officer.

3 (c) This subsection does not permit the carrying of  
4 firearms or other weapons, nor do traffic infraction  
5 enforcement officers have arrest authority other than the  
6 authority to issue a traffic citation as provided in this  
7 subsection.

8 (6) MOBILE HOME PARK RECREATION  
9 DISTRICTS.--Notwithstanding subsection (2) or subsection (3),  
10 the sheriff's office of each of the several counties of this  
11 state and the police department of each chartered municipality  
12 have authority, but are not required, to enforce the traffic  
13 laws of this state on any way or place used for vehicular  
14 traffic on a controlled access basis within a mobile home park  
15 recreation district which has been created under s. 418.30 and  
16 the recreational facilities of which district are open to the  
17 general public.

18 (7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF  
19 FLORIDA.--For purposes of traffic control and enforcement,  
20 nothing in chapter 87-88, Laws of Florida, shall be construed  
21 to classify any road which has been dedicated or impliedly  
22 dedicated for public use, and which has been constructed and  
23 is open to the use of the public for vehicular traffic, as a  
24 private road or driveway.

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

30 Section 13. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Revises provisions governing the Criminal Justice Standards and Training Commission with respect to its powers and duties to certify schools and instructors. Revises requirements for physicals and fingerprints of correctional officers. Revises certain exemptions from training requirements. Limits concurrent certification. Deletes a requirement that the commission approve certain training courses and certificates. Requires that the commission establish a specialized training program. (See bill for details.)