

By the Committee on Criminal Justice; and Senator Futch

307-2081A-02

1 A bill to be entitled
2 An act relating to the law enforcement;
3 amending s. 790.065, F.S., relating to the sale
4 and delivery of firearms; delaying the date of
5 repeal of that section; amending s. 943.12,
6 F.S.; revising the powers and duties of the
7 Criminal Justice Standards and Training
8 Commission relating to certification of
9 training schools and instructors; amending s.
10 943.13, F.S.; allowing employee physicals to be
11 performed by physician assistants; amending s.
12 943.131, F.S.; providing alternative
13 requirements for certain applicants who seek
14 exemptions from the basic-recruit training
15 program; amending s. 943.135, F.S.; eliminating
16 a requirement that the department provide
17 remediation programs for officers who cannot
18 comply with continuing education requirements
19 because of learning disabilities; amending s.
20 943.14, F.S.; deleting a requirement for
21 commission approval of certain courses;
22 providing for staff to approve certain diplomas
23 or 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
13 effective dates.

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

16
17 Section 1. Effective upon this act becoming a law,
18 subsection (14) of section 790.065, Florida Statutes, is
19 amended to read:

20 790.065 Sale and delivery of firearms.--

21 (14) This section is repealed effective June 1, 2004
22 ~~2002~~.

23 Section 2. Section 943.12, Florida Statutes, is
24 amended to read:

25 943.12 Powers, duties, and functions of the
26 commission.--The commission shall:

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

29 (2) Be responsible for the execution, administration,
30 implementation, and evaluation of its powers, duties, and

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1 functions under ss. 943.085-943.255, including any rules
2 promulgated or policies established hereunder.

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

5 (4) Establish uniform minimum employment standards for
6 the various criminal justice disciplines.

7 (5) Establish uniform minimum training standards for
8 the training of officers in the various criminal justice
9 disciplines.

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

18 (7) Conduct official inquiries or require criminal
19 justice training schools to conduct official inquiries of
20 ~~Authorize the issuance of certificates for~~ criminal justice
21 training instructors who are certified by the commission
22 ~~schools.~~

23 (8) Establish minimum curricular requirements for
24 criminal justice training schools.

25 (9) ~~Authorize the issuance of certificates for~~
26 ~~instructors.~~

27 (9)~~(10)~~ Make, publish, or encourage studies on any
28 aspect of criminal justice education and training or
29 recruitment, including the development of defensible and
30 job-related psychological, selection, and performance
31 evaluation tests.

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

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

14 (12)~~(13)~~ Establish a central repository of records for
15 the proper administration of its duties, powers, and
16 functions.

17 (13)~~(14)~~ Issue final orders which include findings of
18 fact and conclusions of law and which constitute final agency
19 action for the purpose of chapter 120.

20 (14)~~(15)~~ Enforce compliance with provisions of this
21 chapter through injunctive relief and civil fines.

22 (15)~~(16)~~ Make recommendations concerning any matter
23 within the purview of this chapter.

24 (16)~~(17)~~ Adopt ~~Promulgate~~ rules for the certification
25 and discipline of officers who engage in those specialized
26 areas found to present a high risk of harm to the officer or
27 the public at large and which would in turn increase the
28 potential liability of an employing agency.

29 (17)~~(18)~~ Implement, administer, maintain, and revise a
30 job-related officer certification examination for each
31 criminal justice discipline. The commission shall, by rule,

1 establish procedures for the administration of the officer
2 certification examinations. Further, the commission shall
3 establish standards for acceptable performance for each
4 officer certification examination.

5 Section 3. Subsection (6) of section 943.13, Florida
6 Statutes, is amended to read:

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

18 (6) Have passed a physical examination by a licensed
19 physician or physician assistant, based on specifications
20 established by the commission.

21 Section 4. Section 943.131, Florida Statutes, is
22 amended to read:

23 943.131 Temporary employment or appointment; minimum
24 basic recruit training exemption.--

25 (1)(a) An employing agency may temporarily employ or
26 appoint a person who complies with the qualifications for
27 employment in s. 943.13(1)-(8), but has not fulfilled the
28 requirements of s. 943.13(9) and (10), if a critical need
29 exists to employ or appoint the person and such person is or
30 will be enrolled in the next approved basic recruit training
31 program available in the geographic area or that no assigned

1 state training program for state officers is available within
2 a reasonable time. The employing agency must maintain
3 documentation which demonstrates that a critical need exists
4 to employ a person pursuant to this section. Prior to the
5 employment or appointment of any person other than a
6 correctional probation officer under this subsection, the
7 person shall comply with the firearms provisions established
8 pursuant to s. 943.17(1)(a). Any person temporarily employed
9 or appointed as an officer under this subsection must attend
10 the first training program offered in the geographic area, or
11 the first assigned state training program for a state officer,
12 subsequent to his or her employment or appointment. Further,
13 upon successful completion of the basic recruit training
14 program, any person temporarily employed or appointed as an
15 officer must fulfill the requirements of s. 943.13(10) within
16 180 consecutive days.

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

26 1. Successfully completes the basic recruit training
27 program and achieves an acceptable score on the officer
28 certification examination;

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

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1 3. Fails to achieve an acceptable score on the officer
2 certification examination within 180 consecutive days after
3 the successful completion of the basic recruit training
4 program; or

5 4. Is separated from employment or appointment by the
6 employing agency.

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

13 (2) If an applicant seeks an exemption from completing
14 a commission-approved basic recruit training program, the
15 employing agency must verify that the applicant has
16 successfully completed a comparable basic recruit training
17 program for the discipline in which the applicant is seeking
18 certification in another state or for the Federal Government.
19 Further, the employing agency must verify that the applicant
20 has served as a full-time sworn officer in another state or
21 for the Federal Government for at least one year. When the
22 employing agency obtains written documentation regarding the
23 applicant's criminal justice experience, the documentation
24 must be submitted to the commission. The commission shall
25 adopt rules that establish criteria and procedures to
26 determine if the applicant is exempt from completing the
27 commission-approved basic recruit training program and, upon
28 making a determination, shall notify the employing agency. An
29 ~~if the applicant who~~ is exempt from completing the
30 ~~commission-approved basic recruit training program, the~~
31 ~~applicant~~ must demonstrate proficiency in the high-liability

1 areas, as defined by commission rule, and must complete the
2 requirements of s. 943.13(10) within 180 days after receiving
3 an exemption. If the proficiencies and requirements of s.
4 943.13(10) are not met within the 180 days, the applicant must
5 complete a commission-approved basic recruit training program
6 ~~complete training, as required by the commission by rule, in~~
7 ~~areas which include, but are not limited to, defensive~~
8 ~~driving, defensive tactics, firearms training, and first~~
9 ~~responder training.~~ Except as provided in subsection (1),
10 before the employing agency may employ or appoint the
11 applicant as an officer, the applicant must meet the minimum
12 qualifications described in s. 943.13(1)-(8), and must fulfill
13 the requirements of s. 943.13(10).

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

16 943.135 Requirements for continued employment.--

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

30 (a) Assistance to an employing agency in identifying
31 each affected officer, the date of his or her employment or

1 appointment, and his or her most recent date for successful
2 completion of continuing training or education; and

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

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

11 Section 6. Section 943.14, Florida Statutes, is
12 amended to read:

13 943.14 Commission-certified criminal justice training
14 schools; certificates and diplomas; exemptions; injunctive
15 relief; fines.--

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

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

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

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

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

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

20 (6)(7)(a) Commission-approved correctional probation
21 courses and subjects which are taught by Florida 4-year
22 accredited colleges and universities are exempt from
23 subsections (1)-(5) except for such documentation which may be
24 required by the commission. The commission retains control
25 over the content of courses and subjects covered by this
26 subsection as specified in s. 943.17(1)(a). Florida 4-year
27 accredited colleges and universities must obtain approval from
28 the commission prior to offering correctional probation
29 courses. Florida 4-year accredited colleges and universities
30 offering the Correctional Probation Training Program shall
31 teach the learning objectives specified by the commission.

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

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

20 (7)~~(8)~~ Each criminal justice training school that
21 offers law enforcement, correctional, or correctional
22 probation officer basic recruit training, or selection center
23 that provides applicant screening for criminal justice
24 training schools, shall conduct a criminal history background
25 check of an applicant prior to entrance into the basic recruit
26 class. A complete set of fingerprints must be taken by an
27 authorized criminal justice agency or by an employee of the
28 criminal justice training school or selection center who is
29 trained to take fingerprints. If the hiring agency has
30 previously taken a set of fingerprints from the applicant and
31 has obtained a criminal history background check of the

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

21 (8)(9)(a) If a criminal justice training school or
22 person violates this section, or any rule adopted pursuant
23 hereto, the Department of Legal Affairs, at the request of the
24 chair of the commission, shall apply to the circuit court in
25 the county in which the violation or violations occurred for
26 injunctive relief prohibiting the criminal justice training
27 school or person from operating contrary to this section.

28 (b)1. In addition to any injunctive relief available
29 under paragraph (a), the commission may impose a civil fine
30 upon any criminal justice training school or person who
31 violates subsection (1) or subsection (5), or any rule adopted

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

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

19 Section 7. Section 943.17, Florida Statutes, is
20 amended to read:

21 943.17 Basic recruit, advanced, and career development
22 training programs; participation; cost; evaluation.--The
23 commission shall, by rule, design, implement, maintain,
24 evaluate, and revise entry requirements, job-related
25 curricula, and performance standards for basic recruit,
26 advanced, and career development training programs and
27 courses. The rules shall include, but are not limited to, a
28 methodology to assess relevance of the subject matter to the
29 job, student performance, and instructor competency.

30 (1) The commission shall:
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1 (a) Design, implement, maintain, evaluate, ~~and~~ revise
2 or adopt a basic recruit training program for the purpose of
3 providing minimum employment training qualifications for all
4 officers to be employed or appointed in each discipline.

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

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

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

23 (2) The commission is encouraged to design, implement,
24 maintain, evaluate, and revise criminal justice training
25 courses, or to enter into contracts for such training courses,
26 that are intended to provide for the safety and well-being of
27 the citizens of and visitors to this state.

28 (3) The program shall be responsible for the accuracy
29 of curriculum content through the identification and revision
30 of typographical or grammatical errors, incorrect statutory
31 citations, or information which can be identified as

1 inaccurate by superior references. The commission shall be
2 advised of any revision, and a copy of revised curricula shall
3 be provided to all criminal justice training schools.

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

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

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

21 943.173 Examinations; administration; materials not
22 public records; disposal of materials.--

23 (2) Each advanced and career development course
24 examination ~~adopted by the commission~~ shall be administered at
25 a certified criminal justice training school under the
26 supervision of the training center director.

27 Section 9. Section 943.175, Florida Statutes, is
28 amended to read:

29 943.175 Inservice ~~and specialized~~ training.--

30 (1) Inservice training programs, consisting of courses
31 established, implemented, and evaluated by an employing

1 agency, are the responsibility of the employing agency.
2 Inservice ~~Specialized~~ training programs, consisting of courses
3 established, implemented, and evaluated by a criminal justice
4 training school, are the responsibility of the criminal
5 justice training school. Inservice ~~and specialized~~ training
6 programs or courses need not be approved by the commission.

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

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

19 Section 10. Paragraph (a) of subsection (1) of section
20 943.22, Florida Statutes, is amended to read:

21 943.22 Salary incentive program for full-time
22 officers.--

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

24 (a) "Accredited college, university, or community
25 college" means a college, university, or community college
26 which has been accredited by the Southern Association of
27 Colleges and Schools, another regional accrediting agency, or
28 the Accrediting Commission for Independent Colleges and
29 ~~Schools American Association of Collegiate Registrars and~~
30 ~~Admissions Officers.~~

31

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

3 943.25 Criminal justice trust funds; source of funds;
4 use of funds.--

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

18 (a) The commission shall develop a policy of
19 reciprocal payment for training officers from regions other
20 than the region providing the training.

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

26 Section 12. Section 316.640, Florida Statutes, is
27 amended to read:

28 316.640 Enforcement.--The enforcement of the traffic
29 laws of this state is vested as follows:

30 (1) STATE.--

31

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

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1 b. University police officers shall have authority to
2 enforce all of the traffic laws of this state when such
3 violations occur on or about any property or facilities that
4 are under the guidance, supervision, regulation, or control of
5 the State University System, except that traffic laws may be
6 enforced off-campus when hot pursuit originates on-campus.

7 c. Community college police officers shall have the
8 authority to enforce all the traffic laws of this state only
9 when such violations occur on any property or facilities that
10 are under the guidance, supervision, regulation, or control of
11 the community college system.

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

16 (I) An airport authority may employ as a parking
17 enforcement specialist any individual who successfully
18 completes a training program established and approved by the
19 Criminal 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. Nothing in this sub-sub-subparagraph shall be
24 construed to permit the carrying of firearms or other weapons,
25 nor shall such parking enforcement specialist have arrest
26 authority.

27 (II) A parking enforcement specialist employed by an
28 airport authority is authorized to enforce all state, county,
29 and municipal laws and ordinances governing parking only when
30 such violations are on property or facilities owned or
31

1 operated by the airport authority employing the specialist, by
2 appropriate state, county, or municipal traffic citation.

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

11 f. School safety officers shall have the authority to
12 enforce all of the traffic laws of this state when such
13 violations occur on or about any property or facilities which
14 are under the guidance, supervision, regulation, or control of
15 the district school board.

16 2. An agency of the state as described in subparagraph
17 1. is prohibited from establishing a traffic citation quota. A
18 violation of this subparagraph is not subject to the penalties
19 provided in chapter 318.

20 3. Any disciplinary action taken or performance
21 evaluation conducted by an agency of the state as described in
22 subparagraph 1. of a law enforcement officer's traffic
23 enforcement activity must be in accordance with written
24 work-performance standards. Such standards must be approved by
25 the agency and any collective bargaining unit representing
26 such law enforcement officer. A violation of this subparagraph
27 is not subject to the penalties provided in chapter 318.

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

31

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

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

15 (2) COUNTIES.--

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

25 (b) The sheriff's office of each county may employ as
26 a traffic crash investigation officer any individual who
27 successfully completes ~~at least 200 hours of~~ instruction in
28 traffic crash investigation and court presentation through the
29 Selective Traffic Enforcement Program (STEP) as approved by
30 the Criminal Justice Standards and Training Commission and
31 funded through the National Highway Traffic Safety

1 Administration (NHTSA) or a similar program approved by the
2 commission, but who does not necessarily otherwise meet the
3 uniform minimum standards established by the commission for
4 law enforcement officers or auxiliary law enforcement officers
5 under chapter 943. Any such traffic crash investigation
6 officer who makes an investigation at the scene of a traffic
7 crash may issue traffic citations when, based upon personal
8 investigation, he or she has reasonable and probable grounds
9 to believe that a person who was involved has committed an
10 offense under this chapter in connection with the crash. This
11 paragraph does not permit the carrying of firearms or other
12 weapons, nor do such officers have arrest authority other than
13 for the issuance of a traffic citation as authorized in this
14 paragraph.

15 (c) The sheriff's office of each of the several
16 counties of this state 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 necessarily
21 otherwise meet the uniform minimum standards established by
22 the commission for law enforcement officers or auxiliary or
23 part-time officers under s. 943.12.

24 1. A parking enforcement specialist employed by the
25 sheriff's office of each of the several counties of this state
26 is authorized to enforce all state and county laws,
27 ordinances, regulations, and official signs governing parking
28 within the unincorporated areas of the county by appropriate
29 state or county citation and may issue such citations for
30 parking in violation of signs erected pursuant to s.
31 316.006(3) at parking areas located on property owned or

1 leased by a county, whether or not such areas are within the
2 boundaries of a chartered municipality.

3 2. A parking enforcement specialist employed pursuant
4 to this subsection shall not carry firearms or other weapons
5 or have arrest authority.

6 (3) MUNICIPALITIES.--

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

19 (b) The police department of a chartered municipality
20 may employ as a traffic crash investigation officer any
21 individual who successfully completes ~~at least 200 hours of~~
22 instruction in traffic crash investigation and court
23 presentation through the Selective Traffic Enforcement Program
24 (STEP) as approved by the Criminal Justice Standards and
25 Training Commission and funded through the National Highway
26 Traffic Safety Administration (NHTSA) or a similar program
27 approved by the commission, but who does not otherwise meet
28 the uniform minimum standards established by the commission
29 for law enforcement officers or auxiliary law enforcement
30 officers under chapter 943. Any such traffic crash
31 investigation officer who makes an investigation at the scene

1 of a traffic crash is authorized to issue traffic citations
2 when, based upon personal investigation, he or she has
3 reasonable and probable grounds to believe that a person
4 involved has committed an offense under the provisions of this
5 chapter in connection with the crash. Nothing in this
6 paragraph shall be construed to permit the carrying of
7 firearms or other weapons, nor shall such officers have arrest
8 authority other than for the issuance of a traffic citation as
9 authorized above.

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

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

28 (4)(a) Any sheriff's department, or any police
29 department of a municipality, may employ as a traffic control
30 officer any individual who successfully completes at least 8
31 hours of instruction in traffic control procedures through a

1 program approved by the Division of Criminal Justice Standards
2 and Training of the Department of Law Enforcement, or through
3 a similar program offered by the local sheriff's department or
4 police department, but who does not necessarily otherwise meet
5 the uniform minimum standards established by the Criminal
6 Justice Standards and Training Commission for law enforcement
7 officers or auxiliary law enforcement officers under s.
8 943.13. A traffic control officer employed pursuant to this
9 subsection may direct traffic or operate a traffic control
10 device only at a fixed location and only upon the direction of
11 a fully qualified law enforcement officer; however, it is not
12 necessary that the traffic control officer's duties be
13 performed under the immediate supervision of a fully qualified
14 law enforcement officer.

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

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

28 (5)(a) Any sheriff's department or police department
29 of a municipality may employ, as a traffic infraction
30 enforcement officer, any individual who successfully completes
31 ~~at least 200 hours of~~ instruction in traffic enforcement

1 procedures and court presentation through the Selective
2 Traffic Enforcement Program as approved by the Division of
3 Criminal Justice Standards and Training of the Department of
4 Law Enforcement, or through a similar program, but who does
5 not necessarily otherwise meet the uniform minimum standards
6 established by the Criminal Justice Standards and Training
7 Commission for law enforcement officers or auxiliary law
8 enforcement officers under s. 943.13. Any such traffic
9 infraction enforcement officer who observes the commission of
10 a traffic infraction or, in the case of a parking infraction,
11 who observes an illegally parked vehicle may issue a traffic
12 citation for the infraction when, based upon personal
13 investigation, he or she has reasonable and probable grounds
14 to believe that an offense has been committed which
15 constitutes a noncriminal traffic infraction as defined in s.
16 318.14.

17 (b) The traffic enforcement officer shall be employed
18 in relationship to a selective traffic enforcement program at
19 a fixed location or as part of a crash investigation team at
20 the scene of a vehicle crash or in other types of traffic
21 infraction enforcement under the direction of a fully
22 qualified law enforcement officer; however, it is not
23 necessary that the traffic infraction enforcement officer's
24 duties be performed under the immediate supervision of a fully
25 qualified law enforcement officer.

26 (c) This subsection does not permit the carrying of
27 firearms or other weapons, nor do traffic infraction
28 enforcement officers have arrest authority other than the
29 authority to issue a traffic citation as provided in this
30 subsection.

31

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

11 (7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF
12 FLORIDA.--For purposes of traffic control and enforcement,
13 nothing in chapter 87-88, Laws of Florida, shall be construed
14 to classify any road which has been dedicated or impliedly
15 dedicated for public use, and which has been constructed and
16 is open to the use of the public for vehicular traffic, as a
17 private road or driveway.

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

23 Section 13. Except as otherwise expressly provided in
24 this act and except for this section, which shall take effect
25 upon becoming a law, this act shall take effect July 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2288

- The bill amended s. 943.1395, F.S., to allow an officer to be certified in more than one law enforcement discipline only if his or her employing agency had authority to employ officers in both disciplines. The CS does not amend s. 943.1395.
- Amends s. 790.065, F.S., to extend the ending date of the Firearm Purchase Program from June 1, 2002 to June 1, 2004.