

By Senator Garcia

39-768-02

1 A bill to be entitled
2 An act relating to the decertification of
3 criminal justice officers; amending s.
4 943.1395, F.S.; authorizing an administrative
5 law judge to conduct hearings concerning an
6 officer's good moral character under the
7 Administrative Procedure Act; providing for
8 penalties; providing requirements for a final
9 order issued by an administrative law judge;
10 providing an effective date.

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

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14 Section 1. Subsection (7) and paragraph (d) of
15 subsection (8) of section 943.1395, Florida Statutes, are
16 amended to read:

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

20 (7) Upon a finding by the commission or by an
21 administrative law judge of the Division of Administrative
22 Hearings assigned to conduct a hearing under ss. 120.569 and
23 120.57(1)that a certified officer has not maintained good
24 moral character, the definition of which has been adopted by
25 rule and is established as a statewide standard, as required
26 by s. 943.13(7), the commission or administrative law judge
27 may enter an order imposing one or more of the following
28 penalties:

29 (a) Revocation of certification.

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

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

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

9 (e) Issuance of a reprimand.

10 (8)

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

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

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

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

29 Section 2. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Provides for an administrative law judge to conduct hearings concerning the good moral character of a law enforcement officer, correctional officer, or correctional probation officer certified under chapter 943, F.S. Authorizes an administrative law judge to issue a final order following a hearing conducted under the Administrative Procedure Act.