

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-2114-02

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
6 certain allegations against an officer under
7 the Administrative Procedure Act; providing for
8 penalties; providing final order authority to
9 an administrative law judge for cases involving
10 certain allegations against officers;
11 specifying the manner in which certain hearings
12 must be conducted; providing for judicial
13 review of final orders by an administrative law
14 judge; providing an effective date.

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

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18 Section 1. Subsection (7) and paragraph (d) of
19 subsection (8) of section 943.1395, Florida Statutes, are
20 amended to read:

21 943.1395 Certification for employment or appointment;
22 concurrent certification; reemployment or reappointment;
23 inactive status; revocation; suspension; investigation.--

24 (7) Upon a finding by the commission or by an
25 administrative law judge of the Division of Administrative
26 Hearings assigned to conduct a hearing under ss. 120.569 and
27 120.57(1)that a certified officer has not maintained good
28 moral character, the definition of which has been adopted by
29 rule and is established as a statewide standard, as required
30 by s. 943.13(7), the commission or administrative law judge

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1 may enter an order imposing one or more of the following
2 penalties:

3 (a) Revocation of certification.
4 (b) Suspension of certification for a period not to
5 exceed 2 years.
6 (c) Placement on a probationary status for a period
7 not to exceed 2 years, subject to terms and conditions imposed
8 by the commission. Upon the violation of such terms and
9 conditions, the commission may revoke certification or impose
10 additional penalties as enumerated in this subsection.
11 (d) Successful completion by the officer of any basic
12 recruit, advanced, or career development training or such
13 retraining deemed appropriate by the commission.
14 (e) Issuance of a reprimand.
15 (8)
16 (d)1. An administrative law judge assigned to conduct
17 a hearing under ss. 120.569 and 120.57(1) regarding
18 allegations that an officer is not in compliance with, or has
19 failed to maintain compliance with, s. 943.13(4) or (7) must,
20 in his or her ~~recommended~~ order:

21 ~~a.1.~~ Adhere to the disciplinary guidelines and
22 penalties set forth in subsections (6) and (7) and the rules
23 adopted by the commission for the type of offense committed.
24 ~~b.2.~~ Specify, in writing, any aggravating or
25 mitigating circumstance that he or she considered in
26 determining the recommended penalty.

27 2. Hearings held by an administrative law judge under
28 this paragraph shall be conducted in the same manner as
29 provided in ss. 120.569 and 120.57(1), except that the
30 administrative law judge's order shall constitute a final
31 order subject to judicial review under s. 120.68.

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2 Any deviation from the disciplinary guidelines or prescribed
3 penalty must be based upon circumstances or factors that
4 reasonably justify the aggravation or mitigation of the
5 penalty. Any deviation from the disciplinary guidelines or
6 prescribed penalty must be explained, in writing, by the
7 administrative law judge.

8 Section 2. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 974

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15 Clarifies that the order issued by the administrative law
16 judge shall be a final order subject to judicial review under
17 s. 120.68, F.S.

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