

By Senator Garcia

40-599-03

1 A bill to be entitled
2 An act relating to the Criminal Justice
3 Standards and Training Commission; amending s.
4 943.11, F.S.; revising the membership on the
5 commission; revising certain qualifications for
6 membership; amending s. 943.1395, F.S.;
7 authorizing the commission to prescribe a range
8 of disciplinary actions for certain offenses;
9 specifying circumstances under which a probable
10 cause panel may take additional disciplinary
11 action than that prescribed by rule; providing
12 an effective date.

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

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16 Section 1. Paragraph (a) of subsection (1) of section
17 943.11, Florida Statutes, is amended to read:18 943.11 Criminal Justice Standards and Training
19 Commission; membership; meetings; compensation.--20 (1)(a) There is created a Criminal Justice Standards
21 and Training Commission within the Department of Law
22 Enforcement. The commission shall be composed of 19 members,
23 consisting of the secretary of the Department of Corrections
24 or a designated assistant; the Attorney General or a designee
25 ~~designated assistant~~; the Commissioner of Education or a
26 designated assistant; the Director of the Division of the
27 Florida Highway Patrol; and 16 ~~15~~ members, to be appointed by
28 the Governor, consisting of 3 sheriffs; 3 chiefs of police; 5
29 ~~4~~ law enforcement officers who ~~are neither sheriffs nor chiefs~~
30 ~~of police, at least 3 of whom~~ are of the rank of sergeant or
31 below within the employing agency; 2 correctional officers who

1 ~~are, 1 of whom is an administrator of a state correctional~~
2 ~~institution and 1 of whom is~~ of the rank of sergeant or below
3 within the employing agency; 1 training center director; 1
4 person who is in charge of a county correctional institution;
5 and 1 resident of the state who falls into none of the
6 foregoing classifications. Prior to the appointment, the
7 sheriff, chief of police, law enforcement officer, and
8 correctional officer members shall have had at least 4 years'
9 experience as law enforcement officers or correctional
10 officers.

11 Section 2. Paragraphs (a) and (c) of subsection (8) of
12 section 943.1395, Florida Statutes, are amended to read:

13 943.1395 Certification for employment or appointment;
14 concurrent certification; reemployment or reappointment;
15 inactive status; revocation; suspension; investigation.--

16 (8)(a) The commission shall, by rule, adopt
17 disciplinary guidelines and procedures to administer the
18 penalties provided in subsections (6) and (7). The commission
19 may, by rule, prescribe penalties for certain offenses. Except
20 for an offense set forth in s. 943.13(4), the penalties for an
21 offense proscribed in the rules must provide a range of
22 disciplinary actions, from suspension to revocation of
23 certification.The commission shall, by rule, set forth
24 aggravating and mitigating circumstances to be considered when
25 imposing the penalties provided in subsection (7).

26 (c) For the purpose of implementing the penalties
27 provided in subsections (6) and (7), the chair of the
28 commission may appoint one or more panels of three
29 commissioners each to determine probable cause. In lieu of a
30 finding of probable cause, the probable cause panel may issue
31 a letter of guidance to the officer. However, when an

1 employing agency disciplines an officer and the officer's
2 employment is continued or reinstated by the agency, a
3 probable cause panel may review the sustained disciplinary
4 charges and disciplinary penalty, determine whether or not the
5 penalty conforms to the disciplinary penalties prescribed by
6 rule, and, in writing and on behalf of the commission, notify
7 the employing agency and officer of the results of the review.
8 Except for an offense set forth in s. 943.13(4) or unless the
9 officer has been previously disciplined by the commission, if
10 the penalty conforms to the disciplinary penalty provided by
11 rule, the officer and employing agency shall be notified, in
12 writing, that no further action shall be taken. If the
13 penalty does not conform to such disciplinary penalty
14 prescribed by rule, the officer and employer shall be
15 notified, in writing, of further action to be taken.

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

23 Section 3. This act shall take effect upon becoming a
24 law.

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27 SENATE SUMMARY

28 Revises the membership and membership qualifications of
29 the Criminal Justice Standards and Training Commission.
30 Provides that the commission prescribe a range of
31 disciplinary actions ranging from suspension to
revocation of certification. Authorizes a probable cause
panel to take disciplinary action in addition to that
prescribed by rule under certain circumstances.