

By the Committee on Criminal Justice; and Senators Garcia, Argenziano, Smith and Fasano

307-2428-03

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          for notification of officers; providing for  
 13          continuation of service of commission chair;  
 14          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. Paragraph (a) of subsection (1) of section  
 19 943.11, Florida Statutes, is amended to read:

20           943.11 Criminal Justice Standards and Training  
 21 Commission; membership; meetings; compensation.--

22           (1)(a) There is created a Criminal Justice Standards  
 23 and Training Commission within the Department of Law  
 24 Enforcement. The commission shall be composed of 20 ~~19~~  
 25 members, consisting of the secretary of the Department of  
 26 Corrections or a designee ~~designated assistant~~; the Attorney  
 27 General or a designee ~~designated assistant~~; the Commissioner  
 28 of Education or a designee ~~designated assistant~~; the Director  
 29 of the Division of the Florida Highway Patrol; and 16 ~~15~~  
 30 members, to be appointed by the Governor, consisting of 3  
 31 sheriffs; 3 chiefs of police; 5 ~~4~~ law enforcement officers ~~who~~

1 ~~are neither sheriffs nor chiefs of police, at least 3 of whom~~  
2 ~~are~~ of the rank of sergeant or below ~~within the employing~~  
3 ~~agency; 2 correctional officers, 1 of whom is an administrator~~  
4 ~~of a state correctional institution and 1 of whom is of the~~  
5 rank of sergeant or below within the employing agency; 1  
6 training center director; 1 person who is in charge of a  
7 county correctional institution; and 1 resident of the state  
8 who falls into none of the foregoing classifications. Prior  
9 to the appointment, the sheriff, chief of police, law  
10 enforcement officer, and correctional officer members shall  
11 have had at least 4 years' experience as law enforcement  
12 officers or correctional officers.

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

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

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

28 (c) For the purpose of implementing the penalties  
29 provided in subsections (6) and (7), the chair of the  
30 commission may appoint one or more panels of three  
31 commissioners each to determine probable cause. In lieu of a

1 finding of probable cause, the probable cause panel may issue  
2 a letter of guidance to the officer. However, when an  
3 employing agency disciplines an officer and the officer's  
4 employment is continued or reinstated by the agency as the  
5 result of a disciplinary appeal procedure, including, but not  
6 limited to, a grievance procedure, arbitration, a civil  
7 service appeal, or an administrative hearing, a probable cause  
8 panel may only review the sustained disciplinary charges and  
9 disciplinary penalty resulting from the disciplinary appeal,  
10 determine whether or not the penalty conforms to, or is less  
11 than, the disciplinary penalties prescribed by rule, and, in  
12 writing and on behalf of the commission, notify the employing  
13 agency and officer of the results of the review. If the  
14 penalty conforms to, or is less than, the disciplinary penalty  
15 provided by rule, the officer and employing agency shall be  
16 notified, in writing through a letter of acknowledgement, that  
17 no further action shall be taken. If the penalty conforms to  
18 or is less than the ~~does not conform to such~~ disciplinary  
19 penalty prescribed by rule and the officer has previously  
20 received a letter of acknowledgement in the preceding 3 years,  
21 the officer and employer shall be notified, in writing, of  
22 further action to be taken.

23 Section 3. The current chair of the Criminal Justice  
24 Standards and Training Commission shall continue as one of the  
25 law enforcement officer members of the commission until the  
26 expiration of his or her term, subject to the provisions of  
27 section 943.11(1)(d), Florida Statutes.

28 Section 4. This act shall take effect upon becoming a  
29 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1000

- Allows the Secretary of the Department of Corrections and the Commissioner of Education to name a designee to serve on the commission, and removes the requirement that both correctional officer members of the commission be of the rank of sergeant or below.
- Provides that the commission may only review the results of a disciplinary appeal procedure to determine whether the disciplinary penalty conforms to or is less than the disciplinary penalties provided by commission rule. If the penalty conforms to or is less than the range of penalties, the officer must be notified in writing, by letter of acknowledgement, that no further actions will be taken unless the officer has received a letter of acknowledgement within the proceeding 3 years.
- Includes provision for continued service of the current commission chair.