

By Senator Smith

14-923-03

1 A bill to be entitled
 2 An act relating to the Criminal Justice
 3 Standards and Training Commission; amending s.
 4 943.12, F.S.; authorizing the commission to
 5 grant and revoke the certification of agency
 6 in-service training instructors; amending s.
 7 943.131, F.S.; providing requirements for basic
 8 recruit training following employment; revising
 9 requirements for temporary employment
 10 authorizations; amending s. 943.1395, F.S.;
 11 clarifying provisions relating to disciplining
 12 individuals employed under a temporary
 13 employment authorization; amending s. 943.17,
 14 F.S.; providing that entrants in
 15 commission-approved academies are exempt from
 16 the statutory requirements relating to basic
 17 skills assessment for students entering
 18 vocational training; providing an effective
 19 date.

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

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 23 Section 1. Subsection (3) of section 943.12, Florida
 24 Statutes, is amended to read:

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

27 (3) Certify, and revoke the certification of,
 28 officers, instructors, including agency in-service training
 29 instructors, and criminal justice training schools.

30 Section 2. Section 943.131, Florida Statutes, is
 31 amended to read:

1 943.131 Temporary employment or appointment; minimum
2 basic recruit training exemption.--

3 (1)(a) An employing agency may temporarily employ or
4 appoint a person who complies with the qualifications for
5 employment in s. 943.13(1)-(8), but has not fulfilled the
6 requirements of s. 943.13(9) and (10), if a critical need
7 exists to employ or appoint the person and such person is or
8 will be enrolled in the next approved basic recruit training
9 program available in the geographic area or that no assigned
10 state training program for state officers is available within
11 a reasonable time. The employing agency must maintain
12 documentation which demonstrates that a critical need exists
13 to employ a person pursuant to this section. Prior to the
14 employment or appointment of any person other than a
15 correctional probation officer under this subsection, the
16 person shall comply with the firearms provisions established
17 pursuant to s. 943.17(1)(a). Any person temporarily employed
18 or appointed as an officer under this subsection must attend
19 the first training program offered in the geographic area, or
20 the first assigned state training program for a state officer,
21 subsequent to his or her employment or appointment. A person
22 may be employed under this subsection only once per
23 discipline. A person temporarily employed or appointed as an
24 officer under this subsection must begin basic recruit
25 training within 180 consecutive days after employment. Such
26 person must fulfill the requirements of s. 943.13(2) within 1
27 year after employment and must fulfill the requirements of s.
28 943.13(10) within 180 consecutive days after completing basic
29 recruit training. However, this paragraph does not prohibit
30 hiring an otherwise qualified person at any time up until that
31 person fulfills the requirements of s. 943.13(10). ~~Further,~~

1 ~~upon successful completion of the basic recruit training~~
2 ~~program, any person temporarily employed or appointed as an~~
3 ~~officer must fulfill the requirements of s. 943.13(10) within~~
4 ~~180 consecutive days.~~

5 (b) In no case may the person be temporarily employed
6 or appointed for more than 2 years. A person is not eligible
7 to transfer to another employer while employed under this
8 subsection 180 consecutive days, and such temporary employment
9 or appointment is not renewable by the employing agency or
10 transferable to another employing agency. However, a person
11 who is temporarily employed or appointed and is attending the
12 first training program offered in the geographic area, or has
13 been assigned to a state training program, may continue to be
14 temporarily employed or appointed until the person:

15 1. Successfully completes the basic recruit training
16 program and achieves an acceptable score on the officer
17 certification examination;

18 2. Fails or withdraws from a basic recruit training
19 program within the time limits specified in this subsection;

20 3. Fails to achieve an acceptable score on the officer
21 certification examination within 180 consecutive days after
22 the successful completion of the basic recruit training
23 program within the time limits specified in this subsection;
24 or

25 4. Is separated from employment or appointment by the
26 employing agency within the time limits specified in this
27 subsection.

28 (c) No person temporarily employed or appointed under
29 the provisions of this subsection may perform the duties of an
30 officer unless he or she is adequately supervised by another
31 officer of the same discipline. The supervising officer must

1 be in full compliance with the provisions of s. 943.13 and
2 must be employed or appointed by the employing agency.

3 (2) If an applicant seeks an exemption from completing
4 a commission-approved basic recruit training program, the
5 employing agency must verify that the applicant has
6 successfully completed a comparable basic recruit training
7 program for the discipline in which the applicant is seeking
8 certification in another state or for the Federal Government
9 within the preceding 8 years. Further, the employing agency
10 must verify that the applicant has served as a full-time sworn
11 officer in another state or for the Federal Government for at
12 least 1 year of the preceding 8 years. When the employing
13 agency obtains written documentation regarding the applicant's
14 criminal justice experience, the documentation must be
15 submitted to the commission. The commission shall adopt rules
16 that establish criteria and procedures to determine if the
17 applicant is exempt from completing the commission-approved
18 basic recruit training program and, upon making a
19 determination, shall notify the employing agency. An applicant
20 who is exempt from completing the commission-approved basic
21 recruit training program must demonstrate proficiency in the
22 high-liability areas, as defined by commission rule, and must
23 complete the requirements of s. 943.13(10) within 180 days
24 after receiving an exemption. If the proficiencies and
25 requirements of s. 943.13(10) are not met within the 180 days,
26 the applicant must complete a commission-approved basic
27 recruit training program, as required by the commission by
28 rule. Except as provided in subsection (1), before the
29 employing agency may employ or appoint the applicant as an
30 officer, the applicant must meet the minimum qualifications

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1 described in s. 943.13(1)-(8), and must fulfill the
2 requirements of s. 943.13(10).

3 Section 3. Section 943.1395, Florida Statutes, is
4 amended to read:

5 943.1395 Certification for employment or appointment;
6 concurrent certification; reemployment or reappointment;
7 inactive status; revocation; suspension; investigation.--

8 (1) The commission shall certify, under procedures
9 established by rule, any person for employment or appointment
10 as an officer if:

11 (a) The person complies with s. 943.13(1)-(10); and

12 (b) The employing agency complies with s. 943.133(2)
13 and (3).

14 (2) An officer who is certified in one discipline and
15 who complies with s. 943.13 in another discipline shall hold
16 concurrent certification and may be assigned in either
17 discipline within his or her employing agency.

18 (3) Any certified officer who has separated from
19 employment or appointment and who is not reemployed or
20 reappointed by an employing agency within 4 years after the
21 date of separation must meet the minimum qualifications
22 described in s. 943.13, except for the requirement found in s.
23 943.13(9). Further, such officer must complete any training
24 required by the commission by rule.

25 (4) The certification of an officer who fails to
26 comply with s. 943.135(1) shall be inactive, and the officer
27 may not be employed or appointed as an officer until he or she
28 complies with the provisions of s. 943.135(1).

29 (5) The employing agency must conduct an internal
30 investigation if it has cause to suspect that an officer is
31 not in compliance with, or has failed to maintain compliance

1 with, s. 943.13(4) or (7). If an officer is not in compliance
2 with, or has failed to maintain compliance with, s. 943.13(4)
3 or (7), the employing agency must submit the investigative
4 findings and supporting information and documentation to the
5 commission in accordance with rules adopted by the commission.

6 (6) The commission shall revoke the certification of
7 any officer who is not in compliance with the provisions of s.
8 943.13(4) or who intentionally executes a false affidavit
9 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

10 (a) The commission shall cause to be investigated any
11 ground for revocation from the employing agency pursuant to s.
12 943.139 or from the Governor, and the commission may
13 investigate verifiable complaints. Any investigation initiated
14 by the commission pursuant to this section must be completed
15 within 6 months after receipt of the completed report of the
16 disciplinary or internal affairs investigation from the
17 employing agency or Governor's office. A verifiable complaint
18 shall be completed within 1 year after receipt of the
19 complaint. An investigation shall be considered completed
20 upon a finding by a probable cause panel of the commission.
21 These time periods shall be tolled during the period of any
22 criminal prosecution of the officer.

23 (b) The report of misconduct and all records or
24 information provided to or developed by the commission during
25 the course of an investigation conducted by the commission are
26 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
27 I of the State Constitution and, except as otherwise provided
28 by law, such information shall be subject to public disclosure
29 only after a determination as to probable cause has been made
30 or until the investigation becomes inactive.

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1 (c) When an officer's certification is revoked in any
2 discipline, his or her certification in any other discipline
3 shall simultaneously be revoked.

4 (7) Upon a finding by the commission that a certified
5 officer has not maintained good moral character, the
6 definition of which has been adopted by rule and is
7 established as a statewide standard, as required by s.
8 943.13(7), the commission may enter an order imposing one or
9 more of the following penalties:

10 (a) Revocation of certification.

11 (b) Suspension of certification for a period not to
12 exceed 2 years.

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

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

21 (e) Issuance of a reprimand.

22 (8)(a) The commission shall, by rule, adopt
23 disciplinary guidelines and procedures to administer the
24 penalties provided in subsections (6) and (7). The commission
25 may, by rule, prescribe penalties for certain offenses. The
26 commission shall, by rule, set forth aggravating and
27 mitigating circumstances to be considered when imposing the
28 penalties provided in subsection (7).

29 (b) The disciplinary guidelines and prescribed
30 penalties must be based upon the severity of specific
31 offenses. The guidelines must provide reasonable and

1 meaningful notice to officers and to the public of penalties
2 that may be imposed for prohibited conduct. The penalties
3 must be consistently applied by the commission.

4 (c) For the purpose of implementing the penalties
5 provided in subsections (6) and (7), the chair of the
6 commission may appoint one or more panels of three
7 commissioners each to determine probable cause. In lieu of a
8 finding of probable cause, the probable cause panel may issue
9 a letter of guidance to the officer. However, when an
10 employing agency disciplines an officer and the officer's
11 employment is continued or reinstated by the agency, a
12 probable cause panel may review the sustained disciplinary
13 charges and disciplinary penalty, determine whether or not the
14 penalty conforms to the disciplinary penalties prescribed by
15 rule, and, in writing and on behalf of the commission, notify
16 the employing agency and officer of the results of the review.
17 If the penalty conforms to the disciplinary penalty provided
18 by rule, the officer and employing agency shall be notified,
19 in writing, that no further action shall be taken. If the
20 penalty does not conform to such disciplinary penalty
21 prescribed by rule, the officer and employer shall be
22 notified, in writing, of further action to be taken.

23 (d) An administrative law judge assigned to conduct a
24 hearing under ss. 120.569 and 120.57(1) regarding allegations
25 that an officer is not in compliance with, or has failed to
26 maintain compliance with, s. 943.13(4) or (7) must, in his or
27 her recommended order:

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

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1 2. Specify, in writing, any aggravating or mitigating
2 circumstance that he or she considered in determining the
3 recommended penalty.

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

11 (9) Each person employed pursuant to s. 943.131 is
12 subject to discipline by the commission.

13 (a) The commission shall cause to be investigated any
14 conduct defined in subsection (6) or subsection (7) by a
15 person employed under s. 943.131 and shall set disciplinary
16 guidelines and penalties prescribed in rules applicable to
17 such noncertified persons.

18 (b) The disciplinary guidelines and prescribed
19 penalties must be based upon the severity of specific
20 offenses. The guidelines must provide reasonable and
21 meaningful notice to officers and to the public of penalties
22 that may be imposed for prohibited conduct. The penalties must
23 be consistently applied by the commission.

24 (c) In addition, the commission may establish
25 violations and disciplinary penalties for intentional abuse of
26 the employment option provided by s. 943.131 by an individual
27 or employing agency.

28 Section 4. Subsection (6) is added to section 943.17,
29 Florida Statutes, to read:

30 943.17 Basic recruit, advanced, and career development
31 training programs; participation; cost; evaluation.--The

1 commission shall, by rule, design, implement, maintain,
2 evaluate, and revise entry requirements and job-related
3 curricula and performance standards for basic recruit,
4 advanced, and career development training programs and
5 courses. The rules shall include, but are not limited to, a
6 methodology to assess relevance of the subject matter to the
7 job, student performance, and instructor competency.

8 (6) Entrants into academies certified by the
9 commission to instruct basic skills training are exempt from
10 s. 1004.91.

11 Section 5. This act shall take effect upon becoming a
12 law.

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15 SENATE SUMMARY

16 Authorizes the Criminal Justice Standards and Training
17 Commission to grant and revoke the certification of
18 agency in-service training instructors. Revises the
19 requirements for temporary employment. Clarifies
20 provisions relating to disciplining individuals employed
21 under to a temporary employment authorization. Provides
22 that entrants in commission-approved academies are exempt
23 from the statutory requirements relating to basic skills
24 assessment for students entering vocational training.
25 (See bills for details.)
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