

By the Committee on Criminal Justice; and Senator Smith

307-2032-03

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.
7 943.13, F.S.; adding time limitation for
8 service in another jurisdiction to qualify for
9 an exemption from a recruit training program;
10 amending s. 943.131, F.S.; providing
11 requirements for basic recruit training
12 following employment; revising requirements for
13 temporary employment authorizations; amending
14 s. 943.1395, F.S.; clarifying provisions
15 relating to reemployment of certified officers;
16 clarifying provisions relating to disciplining
17 individuals employed under a temporary
18 employment authorization; amending s. 943.17,
19 F.S.; providing that entrants in
20 commission-approved academies are exempt from
21 the statutory requirements relating to basic
22 skills assessment for students entering
23 vocational training; providing an effective
24 date.

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

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

30 943.12 Powers, duties, and functions of the
31 commission.--The commission shall:

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

4 Section 2. Subsection (9) of section 943.13, Florida
5 Statutes, is amended to read:

6 943.13 Officers' minimum qualifications for employment
7 or appointment.--On or after October 1, 1984, any person
8 employed or appointed as a full-time, part-time, or auxiliary
9 law enforcement officer or correctional officer; on or after
10 October 1, 1986, any person employed as a full-time,
11 part-time, or auxiliary correctional probation officer; and on
12 or after October 1, 1986, any person employed as a full-time,
13 part-time, or auxiliary correctional officer by a private
14 entity under contract to the Department of Corrections, to a
15 county commission, or to the Correctional Privatization
16 Commission shall:

17 (9) Complete a commission-approved basic recruit
18 training program for the applicable criminal justice
19 discipline, unless exempt under this subsection. An applicant
20 who has:

21 (a) Completed a comparable basic recruit training
22 program for the applicable criminal justice discipline in
23 another state or for the Federal Government; and

24 (b) Served as a full-time sworn officer in another
25 state or for the Federal Government for at least 1 year
26 provided there is no more than an 8-year break in employment,
27 as measured from the separation date of the most recent
28 qualifying employment to the time a complete application is
29 submitted for an exemption under this section,
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31

1 is exempt in accordance with s. 943.131(2) from completing the
2 commission-approved basic recruit training program.

3 Section 3. Section 943.131, Florida Statutes, is
4 amended to read:

5 943.131 Temporary employment or appointment; minimum
6 basic recruit training exemption.--

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

1 180 consecutive days after completing basic recruit training.
2 A person hired after he or she has commenced basic recruit
3 training or after completion of basic recruit training must
4 fulfill the certification examination requirements of s.
5 943.13(10) within 180 consecutive days after completion of
6 basic recruit training or the commencement of employment,
7 whichever occurs later.~~Further, upon successful completion of~~
8 ~~the basic recruit training program, any person temporarily~~
9 ~~employed or appointed as an officer must fulfill the~~
10 ~~requirements of s. 943.13(10) within 180 consecutive days.~~

11 (b) In no case may the person be temporarily employed
12 or appointed for more than 30 months. A person shall not be
13 eligible to transfer to another employer while employed
14 pursuant to this subsection ~~180 consecutive days, and such~~
15 ~~temporary employment or appointment is not renewable by the~~
16 ~~employing agency or transferable to another employing agency.~~
17 However, a person who is temporarily employed or appointed and
18 is attending the first training program offered in the
19 geographic area, or has been assigned to a state training
20 program, may continue to be temporarily employed or appointed
21 until the person:

22 ~~1. Successfully completes the basic recruit training~~
23 ~~program and achieves an acceptable score on the officer~~
24 ~~certification examination;~~

25 ~~1.2.~~ Fails or withdraws from a basic recruit training
26 program within the time limits specified in this subsection;

27 ~~2.3.~~ Fails to achieve an acceptable score on the
28 officer certification examination within 180 consecutive days
29 after the successful completion of the basic recruit training
30 program within the time limits specified in this subsection;

31 or

1 ~~3.4.~~ Is separated from employment or appointment by
2 the employing agency within the time limits specified in this
3 subsection.

4 (c) No person temporarily employed or appointed under
5 the provisions of this subsection may perform the duties of an
6 officer unless he or she is adequately supervised by another
7 officer of the same discipline. The supervising officer must
8 be in full compliance with the provisions of s. 943.13 and
9 must be employed or appointed by the employing agency.

10 (d) Persons employed under this subsection are subject
11 to the provisions of s. 943.1395.

12 (e) Persons who have had a certification administered
13 pursuant to s. 943.1395 revoked by the commission or have
14 voluntarily relinquished such certification shall be
15 ineligible for employment pursuant to this subsection.

16 (2) If an applicant seeks an exemption from completing
17 a commission-approved basic recruit training program, the
18 employing agency must verify that the applicant has
19 successfully completed a comparable basic recruit training
20 program for the discipline in which the applicant is seeking
21 certification in another state or for the Federal Government.
22 Further, the employing agency must verify that the applicant
23 has served as a full-time sworn officer in another state or
24 for the Federal Government for at least 1 year provided there
25 is no more than an 8-year break in employment, as measured
26 from the separation date of the most recent qualifying
27 employment to the time a complete application is submitted for
28 an exemption under this section. When the employing agency
29 obtains written documentation regarding the applicant's
30 criminal justice experience, the documentation must be
31 submitted to the commission. The commission shall adopt rules

1 that establish criteria and procedures to determine if the
2 applicant is exempt from completing the commission-approved
3 basic recruit training program and, upon making a
4 determination, shall notify the employing agency. An applicant
5 who is exempt from completing the commission-approved basic
6 recruit training program must demonstrate proficiency in the
7 high-liability areas, as defined by commission rule, and must
8 complete the requirements of s. 943.13(10) within 1 year ~~180~~
9 ~~days~~ after receiving an exemption. If the proficiencies and
10 requirements of s. 943.13(10) are not met within the 1 year
11 ~~180 days~~, the applicant must complete a commission-approved
12 basic recruit training program, as required by the commission
13 by rule. Except as provided in subsection (1), before the
14 employing agency may employ or appoint the applicant as an
15 officer, the applicant must meet the minimum qualifications
16 described in s. 943.13(1)-(8), and must fulfill the
17 requirements of s. 943.13(10).

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

20 943.1395 Certification for employment or appointment;
21 concurrent certification; reemployment or reappointment;
22 inactive status; revocation; suspension; investigation.--

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

26 (a) The person complies with s. 943.13(1)-(10); and
27 (b) The employing agency complies with s. 943.133(2)
28 and (3).

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

3 (3) Any certified officer who has separated from
4 employment or appointment and who is not reemployed or
5 reappointed by an employing agency within 4 years after the
6 date of separation must meet the minimum qualifications
7 described in s. 943.13, except for the requirement found in s.
8 943.13(9). Further, such officer must complete any training
9 required by the commission by rule. Any such officer who is
10 not reemployed or reappointed by an employing agency within 8
11 years after the date of separation must meet the minimum
12 qualifications described in s. 943.13, to include the
13 requirement of s. 943.13(9).

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

18 (5) The employing agency must conduct an internal
19 investigation if it has cause to suspect that an officer is
20 not in compliance with, or has failed to maintain compliance
21 with, s. 943.13(4) or (7). If an officer is not in compliance
22 with, or has failed to maintain compliance with, s. 943.13(4)
23 or (7), the employing agency must submit the investigative
24 findings and supporting information and documentation to the
25 commission in accordance with rules adopted by the commission.

26 (6) The commission shall revoke the certification of
27 any officer who is not in compliance with the provisions of s.
28 943.13(4) or who intentionally executes a false affidavit
29 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

30 (a) The commission shall cause to be investigated any
31 ground for revocation from the employing agency pursuant to s.

1 943.139 or from the Governor, and the commission may
2 investigate verifiable complaints. Any investigation initiated
3 by the commission pursuant to this section must be completed
4 within 6 months after receipt of the completed report of the
5 disciplinary or internal affairs investigation from the
6 employing agency or Governor's office. A verifiable complaint
7 shall be completed within 1 year after receipt of the
8 complaint. An investigation shall be considered completed
9 upon a finding by a probable cause panel of the commission.
10 These time periods shall be tolled during the period of any
11 criminal prosecution of the officer.

12 (b) The report of misconduct and all records or
13 information provided to or developed by the commission during
14 the course of an investigation conducted by the commission are
15 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
16 I of the State Constitution and, except as otherwise provided
17 by law, such information shall be subject to public disclosure
18 only after a determination as to probable cause has been made
19 or until the investigation becomes inactive.

20 (c) When an officer's certification is revoked in any
21 discipline, his or her certification in any other discipline
22 shall simultaneously be revoked.

23 (7) Upon a finding by the commission that a certified
24 officer has not maintained good moral character, the
25 definition of which has been adopted by rule and is
26 established as a statewide standard, as required by s.
27 943.13(7), the commission may enter an order imposing one or
28 more of the following 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)(a) The commission shall, by rule, adopt
11 disciplinary guidelines and procedures to administer the
12 penalties provided in subsections (6) and (7). The commission
13 may, by rule, prescribe penalties for certain offenses. The
14 commission shall, by rule, set forth aggravating and
15 mitigating circumstances to be considered when imposing the
16 penalties provided in subsection (7).

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

23 (c) For the purpose of implementing the penalties
24 provided in subsections (6) and (7), the chair of the
25 commission may appoint one or more panels of three
26 commissioners each to determine probable cause. In lieu of a
27 finding of probable cause, the probable cause panel may issue
28 a letter of guidance to the officer. However, when an
29 employing agency disciplines an officer and the officer's
30 employment is continued or reinstated by the agency, a
31 probable cause panel may review the sustained disciplinary

1 charges and disciplinary penalty, determine whether or not the
2 penalty conforms to the disciplinary penalties prescribed by
3 rule, and, in writing and on behalf of the commission, notify
4 the employing agency and officer of the results of the review.
5 If the penalty conforms to the disciplinary penalty provided
6 by rule, the officer and employing agency shall be notified,
7 in writing, that no further action shall be taken. If the
8 penalty does not conform to such disciplinary penalty
9 prescribed by rule, the officer and employer shall be
10 notified, in writing, of further action to be taken.

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) must, in his or
15 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 (9) Each person employed pursuant to s. 943.131 is
30 subject to discipline by the commission. Persons who have been

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1 subject to disciplinary action pursuant to this subsection are
2 ineligible for employment or appointment under s. 943.131.

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

8 (b) The disciplinary guidelines and prescribed
9 penalties must be based upon the severity of specific
10 offenses. The guidelines must provide reasonable and
11 meaningful notice to officers and to the public of penalties
12 that may be imposed for prohibited conduct. The penalties must
13 be consistently applied by the commission.

14 (c) In addition, the commission may establish
15 violations and disciplinary penalties for intentional abuse of
16 the employment option provided by s. 943.131 by an individual
17 or employing agency.

18 (10) An officer whose certification has been revoked
19 pursuant to this section shall be ineligible for employment or
20 appointment under s. 943.131.

21 Section 5. Subsection (6) is added to section 943.17,
22 Florida Statutes, to read:

23 943.17 Basic recruit, advanced, and career development
24 training programs; participation; cost; evaluation.--The
25 commission shall, by rule, design, implement, maintain,
26 evaluate, and revise entry requirements and job-related
27 curricula and performance standards for basic recruit,
28 advanced, and career development training programs and
29 courses. The rules shall include, but are not limited to, a
30 methodology to assess relevance of the subject matter to the
31 job, student performance, and instructor competency.

1 (6) Entrants into academies certified by the
2 commission to instruct basic skills training are exempt from
3 s. 1004.91.

4 Section 6. This act shall take effect upon becoming a
5 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1650

- 4 1. Adds language to s. 943.13(9)(b), F.S., to limit the
5 amount of time between qualifying out-of-state, federal
6 or military experience and application for an exemption
7 from basic recruit training for Florida certification to
8 a maximum of 8 years. This CS brings s. 943.13(9), F.S.,
9 in agreement with suggested changes to s. 943.131(2),
10 F.S.
- 11 2. Amends s. 943.131, F.S., to:
- 12 - Require a person who is hired on a Temporary
13 Employment Authorization (TEA) after commencing or
14 completing recruit basic training to pass the
15 officer certification examination within 180 days of
16 completion of training or the date of hire,
17 whichever is later.
 - 18 - Limit the amount of time for employment on a
19 Temporary Employment or Appointment Authorization to
20 a maximum of 2 1/2 years (30 months).
 - 21 - Prohibit individuals from being hired on a TEA if
22 their certification was previously revoked by the
23 Commission or they voluntarily relinquished their
24 certification due to disciplinary action.
 - 25 - Exclude persons whose prior service ended more than
26 8 years prior to application from exempting the
27 basic recruit training program.
 - 28 - Allow one year for persons exempted from basic
29 recruit training to pass the certification
30 examination and demonstrate proficiencies in
31 high-risk areas.
3. Amends s. 943.1395, F.S., to:
- Require a certified officer who has had a break in
service in excess of eight years to meet all minimum
certification requirements, including completion of
the basic recruit training program.
 - Prohibit individuals disciplined while on a TEA from
being hired on a TEA in the future.
 - Prohibit individuals whose certification has been
revoked by the Commission from being hired on a TEA.