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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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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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