



HB 1885

2003

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A bill to be entitled  
 An act relating to the Criminal Justice Standards and  
 Training Commission within the Florida Department of Law  
 Enforcement; amending s. 943.11, F.S.; revising the  
 composition of the commission; amending s. 943.1395, F.S.;  
 providing procedure and requirements with respect to the  
 discipline of a law enforcement officer by an employing  
 agency where the officer's employment is continued or  
 reinstated as the result of a disciplinary appeal  
 procedure; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section  
 943.11, Florida Statutes, is amended to read:

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

(1)(a) There is created a Criminal Justice Standards and  
 Training Commission within the Department of Law Enforcement.  
 The commission shall be composed of 19 members, consisting of  
 the secretary of the Department of Corrections or a designee  
~~designated assistant~~; the Attorney General or a designee  
~~designated assistant~~; the Commissioner of Education or a  
designee ~~designated assistant~~; the Director of the Division of  
 the Florida Highway Patrol; and 15 members, to be appointed by  
 the Governor, consisting of 3 sheriffs; 3 chiefs of police; 4  
~~law enforcement officers who are neither sheriffs nor chiefs of~~  
~~police, at least 3 of whom are of the rank of sergeant or below~~  
~~within the employing agency~~; 2 correctional officers, 1 of whom  
 is an administrator of a state correctional institution and 1 of



HB 1885

2003

31 whom is of the rank of sergeant or below within the employing  
 32 agency; 1 training center director; 1 person who is in charge of  
 33 a county correctional institution; and 5 law enforcement  
 34 officers of the rank of sergeant or below ~~1 resident of the~~  
 35 ~~state who falls into none of the foregoing classifications.~~  
 36 Prior to the appointment, the sheriff, chief of police, law  
 37 enforcement officer, and correctional officer members shall have  
 38 had at least 4 years' experience as law enforcement officers or  
 39 correctional officers.

40 Section 2. Paragraph (c) of subsection (8) of section  
 41 943.1395, Florida Statutes, is amended to read:

42 943.1395 Certification for employment or appointment;  
 43 concurrent certification; reemployment or reappointment;  
 44 inactive status; revocation; suspension; investigation.--

45 (8)(c) For the purpose of implementing the penalties  
 46 provided in subsections (6) and (7), the chair of the commission  
 47 may appoint one or more panels of three commissioners each to  
 48 determine probable cause. In lieu of a finding of probable  
 49 cause, the probable cause panel may issue a letter of guidance  
 50 to the officer. However, when an employing agency disciplines an  
 51 officer and the officer's employment is continued or reinstated  
 52 by the agency as the result of a disciplinary appeal procedure,  
 53 including but not limited to a grievance procedure, arbitration,  
 54 civil service appeal, or administrative hearing, a probable  
 55 cause panel may only review the sustained disciplinary charges  
 56 and disciplinary penalty resulting from the disciplinary appeal,  
 57 determine whether or not the penalty conforms to or is less than  
 58 the disciplinary penalties prescribed by rule, and, in writing  
 59 and on behalf of the commission, notify the employing agency and  
 60 officer of the results of the review. If the penalty conforms to



HB 1885

2003

61 or is less than the disciplinary penalty provided by rule, the  
62 officer and the employing agency shall be notified, in writing  
63 through a letter of acknowledgement, that no further action  
64 shall be taken. If the penalty conforms to or is less than the  
65 disciplinary penalty provided by rule and the officer has  
66 previously received a letter of acknowledgement in the past 3  
67 years, the officer and the employing agency shall be notified in  
68 writing of further action to be taken. ~~If the penalty does not~~  
69 ~~conform to such disciplinary penalty prescribed by rule, the~~  
70 ~~officer and employer shall be notified, in writing, of further~~  
71 ~~action to be taken.~~

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