

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Dean offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

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

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

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

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

943.13 Officers' minimum qualifications for employment or appointment.--On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law

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28 enforcement officer or correctional officer; on or after October
29 1, 1986, any person employed as a full-time, part-time, or
30 auxiliary correctional probation officer; and on or after
31 October 1, 1986, any person employed as a full-time, part-time,
32 or auxiliary correctional officer by a private entity under
33 contract to the Department of Corrections, to a county
34 commission, or to the Correctional Privatization Commission
35 shall:

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

39 (a) Completed a comparable basic recruit training program
40 for the applicable criminal justice discipline in another state
41 or for the Federal Government; and

42 (b) Served as a full-time sworn officer in another state
43 or for the Federal Government for at least 1 year provided there
44 is no more than an 8-year break in employment, as measured from
45 the separation date of the most recent qualifying employment to
46 the time a complete application is submitted for an exemption
47 under this section,

48
49 is exempt in accordance with s. 943.131(2) from completing the
50 commission-approved basic recruit training program.

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

53 943.131 Temporary employment or appointment; minimum basic
54 recruit training exemption.--

55 (1)(a) An employing agency may temporarily employ or
56 appoint a person who complies with the qualifications for

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57 employment in s. 943.13(1)-(8), but has not fulfilled the
58 requirements of s. 943.13(9) and (10), if a critical need exists
59 to employ or appoint the person and such person is or will be
60 enrolled in the next approved basic recruit training program
61 available in the geographic area or that no assigned state
62 training program for state officers is available within a
63 reasonable time. The employing agency must maintain
64 documentation which demonstrates that a critical need exists to
65 employ a person pursuant to this section. Prior to the
66 employment or appointment of any person other than a
67 correctional probation officer under this subsection, the person
68 shall comply with the firearms provisions established pursuant
69 to s. 943.17(1)(a). Any person temporarily employed or appointed
70 as an officer under this subsection must attend the first
71 training program offered in the geographic area, or the first
72 assigned state training program for a state officer, subsequent
73 to his or her employment or appointment. A person temporarily
74 employed or appointed as an officer under this subsection must
75 begin basic recruit training within 180 consecutive days after
76 employment. Such person must fulfill the requirements of s.
77 943.13(9) within 18 months after beginning basic recruit
78 training and must fulfill the certification examination
79 requirements of s. 943.13(10) within 180 consecutive days after
80 completing basic recruit training. A person hired after he or
81 she has commenced basic recruit training or after completion of
82 basic recruit training must fulfill the certification
83 examination requirements of s. 943.13(10) within 180 consecutive
84 days after completion of basic recruit training or the
85 commencement of employment, whichever occurs later. Further,

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86 ~~upon successful completion of the basic recruit training~~
87 ~~program, any person temporarily employed or appointed as an~~
88 ~~officer must fulfill the requirements of s. 943.13(10) within~~
89 ~~180 consecutive days.~~

90 (b) In no case may the person be temporarily employed or
91 appointed for more than 30 months. A person shall not be
92 eligible to transfer to another employer while employed pursuant
93 to this subsection ~~180 consecutive days, and such temporary~~
94 ~~employment or appointment is not renewable by the employing~~
95 ~~agency or transferable to another employing agency.~~ However, a
96 person who is temporarily employed or appointed and is attending
97 the first training program offered in the geographic area, or
98 has been assigned to a state training program, may continue to
99 be temporarily employed or appointed until the person:

100 ~~1. Successfully completes the basic recruit training~~
101 ~~program and achieves an acceptable score on the officer~~
102 ~~certification examination;~~

103 ~~1.2.~~ Fails or withdraws from a basic recruit training
104 program within the time limits specified in this subsection;

105 ~~2.3.~~ Fails to achieve an acceptable score on the officer
106 certification examination within 180 consecutive days after the
107 successful completion of the basic recruit training program
108 within the time limits specified in this subsection; or

109 ~~3.4.~~ Is separated from employment or appointment by the
110 employing agency within the time limits specified in this
111 subsection.

112 (c) No person temporarily employed or appointed under the
113 provisions of this subsection may perform the duties of an
114 officer unless he or she is adequately supervised by another

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115 officer of the same discipline. The supervising officer must be
116 in full compliance with the provisions of s. 943.13 and must be
117 employed or appointed by the employing agency.

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

120 (e) Persons who have had a certification administered
121 pursuant to s. 943.1395 revoked by the commission or have
122 voluntarily relinquished such certification shall be ineligible
123 for employment pursuant to this subsection.

124 (2) If an applicant seeks an exemption from completing a
125 commission-approved basic recruit training program, the
126 employing agency must verify that the applicant has successfully
127 completed a comparable basic recruit training program for the
128 discipline in which the applicant is seeking certification in
129 another state or for the Federal Government. Further, the
130 employing agency must verify that the applicant has served as a
131 full-time sworn officer in another state or for the Federal
132 Government for at least 1 year provided there is no more than an
133 8-year break in employment, as measured from the separation date
134 of the most recent qualifying employment to the time a complete
135 application is submitted for an exemption under this section.

136 When the employing agency obtains written documentation
137 regarding the applicant's criminal justice experience, the
138 documentation must be submitted to the commission. The
139 commission shall adopt rules that establish criteria and
140 procedures to determine if the applicant is exempt from
141 completing the commission-approved basic recruit training
142 program and, upon making a determination, shall notify the
143 employing agency. An applicant who is exempt from completing the

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144 commission-approved basic recruit training program must
145 demonstrate proficiency in the high-liability areas, as defined
146 by commission rule, and must complete the requirements of s.
147 943.13(10) within 1 year ~~180 days~~ after receiving an exemption.
148 If the proficiencies and requirements of s. 943.13(10) are not
149 met within the 1 year ~~180 days~~, the applicant must complete a
150 commission-approved basic recruit training program, as required
151 by the commission by rule. Except as provided in subsection (1),
152 before the employing agency may employ or appoint the applicant
153 as an officer, the applicant must meet the minimum
154 qualifications described in s. 943.13(1)-(8), and must fulfill
155 the requirements of s. 943.13(10).

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

158 943.1395 Certification for employment or appointment;
159 concurrent certification; reemployment or reappointment;
160 inactive status; revocation; suspension; investigation.--

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

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

165 (b) The employing agency complies with s. 943.133(2) and
166 (3).

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

171 (3) Any certified officer who has separated from
172 employment or appointment and who is not reemployed or

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173 reappointed by an employing agency within 4 years after the date
174 of separation must meet the minimum qualifications described in
175 s. 943.13, except for the requirement found in s. 943.13(9).
176 Further, such officer must complete any training required by the
177 commission by rule. Any such officer who is not reemployed or
178 reappointed by an employing agency within 8 years after the date
179 of separation must meet the minimum qualifications described in
180 s. 943.13, to include the requirement of s. 943.13(9).

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

185 (5) The employing agency must conduct an internal
186 investigation if it has cause to suspect that an officer is not
187 in compliance with, or has failed to maintain compliance with,
188 s. 943.13(4) or (7). If an officer is not in compliance with,
189 or has failed to maintain compliance with, s. 943.13(4) or(7),
190 the employing agency must submit the investigative findings and
191 supporting information and documentation to the commission in
192 accordance with rules adopted by the commission.

193 (6) The commission shall revoke the certification of any
194 officer who is not in compliance with the provisions of s.
195 943.13(4) or who intentionally executes a false affidavit
196 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

197 (a) The commission shall cause to be investigated any
198 ground for revocation from the employing agency pursuant to s.
199 943.139 or from the Governor, and the commission may investigate
200 verifiable complaints. Any investigation initiated by the
201 commission pursuant to this section must be completed within 6

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202 months after receipt of the completed report of the disciplinary
203 or internal affairs investigation from the employing agency or
204 Governor's office. A verifiable complaint shall be completed
205 within 1 year after receipt of the complaint. An investigation
206 shall be considered completed upon a finding by a probable cause
207 panel of the commission. These time periods shall be tolled
208 during the period of any criminal prosecution of the officer.

209 (b) The report of misconduct and all records or
210 information provided to or developed by the commission during
211 the course of an investigation conducted by the commission are
212 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
213 of the State Constitution and, except as otherwise provided by
214 law, such information shall be subject to public disclosure only
215 after a determination as to probable cause has been made or
216 until the investigation becomes inactive.

217 (c) When an officer's certification is revoked in any
218 discipline, his or her certification in any other discipline
219 shall simultaneously be revoked.

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

226 (a) Revocation of certification.

227 (b) Suspension of certification for a period not to exceed
228 2 years.

229 (c) Placement on a probationary status for a period not to
230 exceed 2 years, subject to terms and conditions imposed by the

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231 commission. Upon the violation of such terms and conditions,
232 the commission may revoke certification or impose additional
233 penalties as enumerated in this subsection.

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

237 (e) Issuance of a reprimand.

238 (8)(a) The commission shall, by rule, adopt disciplinary
239 guidelines and procedures to administer the penalties provided
240 in subsections (6) and (7). The commission may, by rule,
241 prescribe penalties for certain offenses. The commission shall,
242 by rule, set forth aggravating and mitigating circumstances to
243 be considered when imposing the penalties provided in subsection
244 (7).

245 (b) The disciplinary guidelines and prescribed penalties
246 must be based upon the severity of specific offenses. The
247 guidelines must provide reasonable and meaningful notice to
248 officers and to the public of penalties that may be imposed for
249 prohibited conduct. The penalties must be consistently applied
250 by the commission.

251 (c) For the purpose of implementing the penalties provided
252 in subsections(6) and (7), the chair of the commission may
253 appoint one or more panels of three commissioners each to
254 determine probable cause. In lieu of a finding of probable
255 cause, the probable cause panel may issue a letter of guidance
256 to the officer. However, when an employing agency disciplines an
257 officer and the officer's employment is continued or reinstated
258 by the agency, a probable cause panel may review the sustained
259 disciplinary charges and disciplinary penalty, determine whether

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260 or not the penalty conforms to the disciplinary penalties
261 prescribed by rule, and, in writing and on behalf of the
262 commission, notify the employing agency and officer of the
263 results of the review. If the penalty conforms to the
264 disciplinary penalty provided by rule, the officer and employing
265 agency shall be notified, in writing, that no further action
266 shall be taken. If the penalty does not conform to such
267 disciplinary penalty prescribed by rule, the officer and
268 employer shall be notified, in writing, of further action to be
269 taken.

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

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

278 2. Specify, in writing, any aggravating or mitigating
279 circumstance that he or she considered in determining the
280 recommended penalty.

281
282 Any deviation from the disciplinary guidelines or prescribed
283 penalty must be based upon circumstances or factors that
284 reasonably justify the aggravation or mitigation of the penalty.
285 Any deviation from the disciplinary guidelines or prescribed
286 penalty must be explained, in writing, by the administrative law
287 judge.

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288 (9) Each person employed pursuant to s. 943.131 is subject
289 to discipline by the commission. Persons who have been subject
290 to disciplinary action pursuant to this subsection are
291 ineligible for employment or appointment under s. 943.131.

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

297 (b) The disciplinary guidelines and prescribed penalties
298 must be based upon the severity of specific offenses. The
299 guidelines must provide reasonable and meaningful notice to
300 officers and to the public of penalties that may be imposed for
301 prohibited conduct. The penalties must be consistently applied
302 by the commission.

303 (c) In addition, the commission may establish violations
304 and disciplinary penalties for intentional abuse of the
305 employment option provided by s. 943.131 by an individual or
306 employing agency.

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

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

312 943.17 Basic recruit, advanced, and career development
313 training programs; participation; cost; evaluation.--The
314 commission shall, by rule, design, implement, maintain,
315 evaluate, and revise entry requirements and job-related
316 curricula and performance standards for basic recruit, advanced,

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317 and career development training programs and courses. The rules
318 shall include, but are not limited to, a methodology to assess
319 relevance of the subject matter to the job, student performance,
320 and instructor competency.

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

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

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327 ===== T I T L E A M E N D M E N T =====

328 Remove the entire title, and insert:

329

330 A bill to be entitled

331 An act relating to the Criminal Justice Standards and
332 Training Commission; amending s. 943.12, F.S.; authorizing
333 the commission to grant and revoke the certification of
334 agency in-service training instructors; amending s.
335 943.13, F.S.; adding time limitation for service in
336 another jurisdiction to qualify for an exemption from a
337 recruit training program; amending s. 943.131, F.S.;
338 providing requirements for basic recruit training
339 following employment; revising requirements for temporary
340 employment authorizations; amending s. 943.1395, F.S.;
341 clarifying provisions relating to reemployment of
342 certified officers; clarifying provisions relating to
343 disciplining individuals employed under a temporary
344 employment authorization; amending s. 943.17, F.S.;
345 providing that entrants in commission-approved academies

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346 are exempt from the statutory requirements relating to
347 basic skills assessment for students entering vocational
348 training; providing an effective date.