



HB 0335

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A bill to be entitled  
 An act relating to employment and appointment of law enforcement officers, correctional officers, and correctional probation officers; amending s. 943.12, F.S.; providing authority of the Criminal Justice Standards and Training Commission to certify, and revoke the certification of, agency inservice training instructors; amending s. 943.13, F.S.; revising a condition for exemption from the requirement of basic recruit training for applicants for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; amending s. 943.131, F.S.; revising and providing additional requirements and conditions of eligibility with respect to temporary employment or appointment as a law enforcement officer, correctional officer, or correctional probation officer; increasing the maximum period of temporary employment or appointment as an officer; providing ineligibility of temporarily employed or appointed officers for transfer to another employer; amending s. 943.1395, F.S.; providing qualifications for certified officers who have separated from employment or appointment and who have not been reemployed or reappointed by an employing agency within a specified time period; providing that temporarily employed or appointed officers are subject to disciplinary action by the Criminal Justice Standards and Training Commission; providing that persons who have been the subject of such disciplinary action are ineligible for temporary employment or appointment; providing requirements and



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31 authority of the commission with respect to such  
32 disciplinary action; providing that an officer whose  
33 certification has been revoked is ineligible for temporary  
34 employment or appointment as an officer; amending s.  
35 943.17, F.S.; exempting entrants into academies certified  
36 to instruct basic skills training from specified  
37 vocational-preparatory instruction; reenacting s.  
38 943.173(3), F.S., relating to exemption from public  
39 records requirements for specified examinations,  
40 assessments, and instruments associated with basic recruit  
41 training programs, officer certification, and advanced and  
42 career development programs, to incorporate the amendments  
43 to s. 943.13, F.S., in references thereto; providing an  
44 effective date.

45

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

47

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

50 943.12 Powers, duties, and functions of the  
51 commission.--The commission shall:

52 (3) Certify, and revoke the certification of, officers,  
53 instructors, including agency inservice training instructors,  
54 and criminal justice training schools.

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

57 943.13 Officers' minimum qualifications for employment or  
58 appointment.--On or after October 1, 1984, any person employed  
59 or appointed as a full-time, part-time, or auxiliary law  
60 enforcement officer or correctional officer; on or after October



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61 1, 1986, any person employed as a full-time, part-time, or  
 62 auxiliary correctional probation officer; and on or after  
 63 October 1, 1986, any person employed as a full-time, part-time,  
 64 or auxiliary correctional officer by a private entity under  
 65 contract to the Department of Corrections, to a county  
 66 commission, or to the Correctional Privatization Commission  
 67 shall:

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

71 (a) Completed a comparable basic recruit training program  
 72 for the applicable criminal justice discipline in another state  
 73 or for the Federal Government; and

74 (b) Served as a full-time sworn officer in another state  
 75 or for the Federal Government for at least 1 year within a  
 76 period of 8 years after the date on which the applicant  
 77 separated from employment as a full-time sworn officer in  
 78 another state or for the Federal Government

79  
 80 is exempt in accordance with s. 943.131(2) from completing the  
 81 commission-approved basic recruit training program.

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

84 943.131 Temporary employment or appointment; minimum basic  
 85 recruit training exemption.--

86 (1)(a) An employing agency may temporarily employ or  
 87 appoint a person who complies with the qualifications for  
 88 employment in s. 943.13(1)-(8), but has not fulfilled the  
 89 requirements of s. 943.13(9) and (10), if a critical need exists  
 90 to employ or appoint the person and such person is or will be



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91 enrolled in the next approved basic recruit training program  
 92 available in the geographic area or that no assigned state  
 93 training program for state officers is available within a  
 94 reasonable time. The employing agency must maintain  
 95 documentation which demonstrates that a critical need exists to  
 96 employ a person pursuant to this section. Prior to the  
 97 employment or appointment of any person other than a  
 98 correctional probation officer under this subsection, the person  
 99 shall comply with the firearms provisions established pursuant  
 100 to s. 943.17(1)(a). Any person temporarily employed or appointed  
 101 as an officer under this subsection must attend the first  
 102 training program offered in the geographic area, or the first  
 103 assigned state training program for a state officer, subsequent  
 104 to his or her employment or appointment. A person temporarily  
 105 employed or appointed as an officer under this subsection must  
 106 begin basic recruit training within 180 consecutive days after  
 107 employment. Such person must fulfill the requirements of s.  
 108 943.13(9) within 18 months after beginning basic recruit  
 109 training and must fulfill the certification examination  
 110 requirements of s. 943.13(10) within 180 consecutive days after  
 111 completing basic recruit training. A person hired after he or  
 112 she has commenced basic recruit training or after the completion  
 113 of basic recruit training must fulfill the certification  
 114 examination requirements of s. 943.13(10) within 180 consecutive  
 115 days after the completion of basic recruit training or the  
 116 commencement of employment, whichever occurs later. Further,  
 117 ~~upon successful completion of the basic recruit training~~  
 118 ~~program, any person temporarily employed or appointed as an~~  
 119 ~~officer must fulfill the requirements of s. 943.13(10) within~~  
 120 ~~180 consecutive days.~~



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121 (b) In no case may the person be temporarily employed or  
122 appointed for more than 30 months ~~180 consecutive days, and such~~  
123 ~~temporary employment or appointment is not renewable by the~~  
124 ~~employing agency or transferable to another employing agency.~~ A  
125 person shall not be eligible to transfer to another employer  
126 while employed pursuant to this subsection. However, a person  
127 who is temporarily employed or appointed and is attending the  
128 first training program offered in the geographic area, or has  
129 been assigned to a state training program, may continue to be  
130 temporarily employed or appointed until the person:

131 ~~1. Successfully completes the basic recruit training~~  
132 ~~program and achieves an acceptable score on the officer~~  
133 ~~certification examination;~~

134 ~~1.2.~~ Fails or withdraws from a basic recruit training  
135 program within the time limits specified in this subsection;

136 ~~2.3.~~ Fails to achieve an acceptable score on the officer  
137 certification examination within 180 consecutive days after the  
138 successful completion of the basic recruit training program  
139 within the time limits specified in this subsection; or

140 ~~3.4.~~ Is separated from employment or appointment by the  
141 employing agency within the time limits specified in this  
142 subsection.

143 (c) No person temporarily employed or appointed under the  
144 provisions of this subsection may perform the duties of an  
145 officer unless he or she is adequately supervised by another  
146 officer of the same discipline. The supervising officer must be  
147 in full compliance with the provisions of s. 943.13 and must be  
148 employed or appointed by the employing agency.

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



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151 (e) Persons who have had a certification administered  
 152 pursuant to s. 943.1395 revoked by the commission or have  
 153 voluntarily relinquished such certification shall be ineligible  
 154 for employment pursuant to this subsection.

155 (2) If an applicant seeks an exemption from completing a  
 156 commission-approved basic recruit training program, the  
 157 employing agency must verify that the applicant has successfully  
 158 completed a comparable basic recruit training program for the  
 159 discipline in which the applicant is seeking certification in  
 160 another state or for the Federal Government. Further, the  
 161 employing agency must verify that the applicant has served as a  
 162 full-time sworn officer in another state or for the Federal  
 163 Government for at least 1 year within a period of 8 years after  
 164 the date on which the applicant separated from employment as a  
 165 full-time sworn officer in another state or for the Federal  
 166 Government. When the employing agency obtains written  
 167 documentation regarding the applicant's criminal justice  
 168 experience, the documentation must be submitted to the  
 169 commission. The commission shall adopt rules that establish  
 170 criteria and procedures to determine if the applicant is exempt  
 171 from completing the commission-approved basic recruit training  
 172 program and, upon making a determination, shall notify the  
 173 employing agency. An applicant who is exempt from completing the  
 174 commission-approved basic recruit training program must  
 175 demonstrate proficiency in the high-liability areas, as defined  
 176 by commission rule, and must complete the requirements of s.  
 177 943.13(10) within 1 year ~~180 days~~ after receiving an exemption.  
 178 If the proficiencies and requirements of s. 943.13(10) are not  
 179 met within 1 year ~~the 180 days~~, the applicant must complete a  
 180 commission-approved basic recruit training program, as required



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181 by the commission by rule. Except as provided in subsection (1),  
 182 before the employing agency may employ or appoint the applicant  
 183 as an officer, the applicant must meet the minimum  
 184 qualifications described in s. 943.13(1)-(8), and must fulfill  
 185 the requirements of s. 943.13(10).

186 Section 4. Subsection (3) of section 943.1395, Florida  
 187 Statutes, is amended, and subsections (9) and (10) are added to  
 188 said section, to read:

189 943.1395 Certification for employment or appointment;  
 190 concurrent certification; reemployment or reappointment;  
 191 inactive status; revocation; suspension; investigation.--

192 (3) Any certified officer who has separated from  
 193 employment or appointment and who is not reemployed or  
 194 reappointed by an employing agency within 4 years after the date  
 195 of separation must meet the minimum qualifications described in  
 196 s. 943.13, except for the requirement found in s. 943.13(9).  
 197 Further, such officer must complete any training required by the  
 198 commission by rule. Any such officer who is not reemployed or  
 199 reappointed by an employing agency within 8 years after the date  
 200 of separation must meet the minimum qualifications described in  
 201 s. 943.13, including the requirement of s. 943.13(9).

202 (9) Persons employed pursuant to s. 943.131 are subject to  
 203 discipline by the commission. Persons who have been the subject  
 204 of disciplinary action pursuant to this subsection are  
 205 ineligible for employment or appointment under s. 943.131.

206 (a) The commission shall cause to be investigated any  
 207 conduct defined in subsections (6) and (7) by persons employed  
 208 pursuant to s. 943.131 and shall set disciplinary guidelines and  
 209 penalties prescribed in rule applicable to such noncertified  
 210 persons.



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211 (b) Such disciplinary guidelines and prescribed penalties  
212 must be based upon the severity of specific offenses. The  
213 guidelines must provide reasonable and meaningful notice to  
214 officers and to the public of penalties that may be imposed for  
215 prohibited conduct. The penalties must be consistently applied  
216 by the commission.

217 (c) The commission may establish violations and  
218 disciplinary penalties for applicants and employing agencies for  
219 intentional abuse of, or misrepresentation or fraud with respect  
220 to, the waiver of requirements authorized under s. 943.131(1) in  
221 demonstrated instances of critical need.

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

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

227 943.17 Basic recruit, advanced, and career development  
228 training programs; participation; cost; evaluation.--The  
229 commission shall, by rule, design, implement, maintain,  
230 evaluate, and revise entry requirements and job-related  
231 curricula and performance standards for basic recruit, advanced,  
232 and career development training programs and courses. The rules  
233 shall include, but are not limited to, a methodology to assess  
234 relevance of the subject matter to the job, student performance,  
235 and instructor competency.

236 (6) Entrants into academies certified by the commission to  
237 instruct basic skills training are hereby exempted from the  
238 provisions of s. 1004.91.





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239 Section 6. For the purpose of incorporating the amendments  
 240 to section 943.13, Florida Statutes, in references thereto, the  
 241 sections or subdivisions of Florida Statutes set forth below are  
 242 reenacted to read:

243 943.173 Examinations; administration; materials not public  
 244 records; disposal of materials.--

245 (3) All examinations, assessments, and instruments and the  
 246 results of examinations, other than test scores on officer  
 247 certification examinations, including developmental materials  
 248 and workpapers directly related thereto, prepared, prescribed,  
 249 or administered pursuant to ss. 943.13(9) or (10) and 943.17 are  
 250 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
 251 of the State Constitution. Provisions governing access to,  
 252 maintenance of, and destruction of relevant documents pursuant  
 253 to this section shall be prescribed by rules adopted by the  
 254 commission.

255 Section 7. This act shall take effect upon becoming a law.