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CHAMBER ACTION

The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

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;



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29 providing ineligibility of temporarily employed or
30 appointed officers for transfer to another employer;
31 amending s. 943.1395, F.S.; providing qualifications for
32 certified officers who have separated from employment or
33 appointment and who have not been reemployed or
34 reappointed by an employing agency within a specified time
35 period; providing that temporarily employed or appointed
36 officers are subject to disciplinary action by the
37 Criminal Justice Standards and Training Commission;
38 providing that persons who have been the subject of such
39 disciplinary action are ineligible for temporary
40 employment or appointment; providing requirements and
41 authority of the commission with respect to such
42 disciplinary action; providing that an officer whose
43 certification has been revoked is ineligible for temporary
44 employment or appointment as an officer; amending s.
45 943.17, F.S.; exempting entrants into academies certified
46 to instruct basic skills training from specified
47 vocational-preparatory instruction; reenacting s.
48 943.173(3), F.S., relating to exemption from public
49 records requirements for specified examinations,
50 assessments, and instruments associated with basic recruit
51 training programs, officer certification, and advanced and
52 career development programs, to incorporate the amendments
53 to s. 943.13, F.S., in references thereto; providing an
54 effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:



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

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

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



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84 (b) Served as a full-time sworn officer in another state
85 or for the Federal Government for at least 1 year, provided
86 there is no more than an 8-year break in employment, as
87 calculated from the date of separation from the most recent
88 qualifying employment to the time a complete application is
89 submitted for an exemption under this section,

90
91 is exempt in accordance with s. 943.131(2) from completing the
92 commission-approved basic recruit training program.

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

95 943.131 Temporary employment or appointment; minimum basic
96 recruit training exemption.--

97 (1)(a) An employing agency may temporarily employ or
98 appoint a person who complies with the qualifications for
99 employment in s. 943.13(1)-(8), but has not fulfilled the
100 requirements of s. 943.13(9) and (10), if a critical need exists
101 to employ or appoint the person and such person is or will be
102 enrolled in the next approved basic recruit training program
103 available in the geographic area or that no assigned state
104 training program for state officers is available within a
105 reasonable time. The employing agency must maintain
106 documentation which demonstrates that a critical need exists to
107 employ a person pursuant to this section. Prior to the
108 employment or appointment of any person other than a
109 correctional probation officer under this subsection, the person
110 shall comply with the firearms provisions established pursuant
111 to s. 943.17(1)(a). Any person temporarily employed or appointed



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112 as an officer under this subsection must attend the first
113 training program offered in the geographic area, or the first
114 assigned state training program for a state officer, subsequent
115 to his or her employment or appointment. A person temporarily
116 employed or appointed as an officer under this subsection must
117 begin basic recruit training within 180 consecutive days after
118 employment. Such person must fulfill the requirements of s.
119 943.13(9) within 18 months after beginning basic recruit
120 training and must fulfill the certification examination
121 requirements of s. 943.13(10) within 180 consecutive days after
122 completing basic recruit training. A person hired after he or
123 she has commenced basic recruit training or after the completion
124 of basic recruit training must fulfill the certification
125 examination requirements of s. 943.13(10) within 180 consecutive
126 days after the completion of basic recruit training or the
127 commencement of employment, whichever occurs later. Further,
128 upon successful completion of the basic recruit training
129 program, any person temporarily employed or appointed as an
130 officer must fulfill the requirements of s. 943.13(10) within
131 180 consecutive days.

132 (b) In no case may the person be temporarily employed or
133 appointed for more than 30 months ~~180 consecutive days~~, and such
134 ~~temporary employment or appointment is not renewable by the~~
135 ~~employing agency or transferable to another employing agency.~~ A
136 person shall not be eligible to transfer to another employer
137 while employed pursuant to this subsection. However, a person
138 who is temporarily employed or appointed and is attending the
139 first training program offered in the geographic area, or has



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140 | been assigned to a state training program, may not continue to
141 | be temporarily employed or appointed if ~~until~~ the person:

142 | ~~1. Successfully completes the basic recruit training~~
143 | ~~program and achieves an acceptable score on the officer~~
144 | ~~certification examination;~~

145 | 1.2. Fails or withdraws from a basic recruit training
146 | program within the time limits specified in this subsection;

147 | ~~2.3.~~ Fails to achieve an acceptable score on the officer
148 | certification examination within 180 consecutive days after the
149 | successful completion of the basic recruit training program
150 | within the time limits specified in this subsection; or

151 | ~~3.4.~~ Is separated from employment or appointment by the
152 | employing agency within the time limits specified in this
153 | subsection.

154 | (c) No person temporarily employed or appointed under the
155 | provisions of this subsection may perform the duties of an
156 | officer unless he or she is adequately supervised by another
157 | officer of the same discipline. The supervising officer must be
158 | in full compliance with the provisions of s. 943.13 and must be
159 | employed or appointed by the employing agency.

160 | (d) Persons employed under this subsection are subject to
161 | the provisions of s. 943.1395.

162 | (e) Persons who have had a certification administered
163 | pursuant to s. 943.1395 revoked by the commission or have
164 | voluntarily relinquished such certification shall be ineligible
165 | for employment pursuant to this subsection.

166 | (2) If an applicant seeks an exemption from completing a
167 | commission-approved basic recruit training program, the



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168 employing agency must verify that the applicant has successfully
169 completed a comparable basic recruit training program for the
170 discipline in which the applicant is seeking certification in
171 another state or for the Federal Government. Further, the
172 employing agency must verify that the applicant has served as a
173 full-time sworn officer in another state or for the Federal
174 Government for at least 1 year, provided there is no more than
175 an 8-year break in employment, as calculated from the date of
176 separation from the most recent qualifying employment to the
177 time a complete application is submitted for an exemption under
178 this section. When the employing agency obtains written
179 documentation regarding the applicant's criminal justice
180 experience, the documentation must be submitted to the
181 commission. The commission shall adopt rules that establish
182 criteria and procedures to determine if the applicant is exempt
183 from completing the commission-approved basic recruit training
184 program and, upon making a determination, shall notify the
185 employing agency. An applicant who is exempt from completing the
186 commission-approved basic recruit training program must
187 demonstrate proficiency in the high-liability areas, as defined
188 by commission rule, and must complete the requirements of s.
189 943.13(10) within 1 year ~~180 days~~ after receiving an exemption.
190 If the proficiencies and requirements of s. 943.13(10) are not
191 met within 1 year ~~the 180 days~~, the applicant must complete a
192 commission-approved basic recruit training program, as required
193 by the commission by rule. Except as provided in subsection (1),
194 before the employing agency may employ or appoint the applicant
195 as an officer, the applicant must meet the minimum



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196 qualifications described in s. 943.13(1)-(8), and must fulfill
197 the requirements of s. 943.13(10).

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

201 943.1395 Certification for employment or appointment;
202 concurrent certification; reemployment or reappointment;
203 inactive status; revocation; suspension; investigation.--

204 (3) Any certified officer who has separated from
205 employment or appointment and who is not reemployed or
206 reappointed by an employing agency within 4 years after the date
207 of separation must meet the minimum qualifications described in
208 s. 943.13, except for the requirement found in s. 943.13(9).
209 Further, such officer must complete any training required by the
210 commission by rule. Any such officer who is not reemployed or
211 reappointed by an employing agency within 8 years after the date
212 of separation must meet the minimum qualifications described in
213 s. 943.13, including the requirement of s. 943.13(9).

214 (9) Persons employed pursuant to s. 943.131 are subject to
215 discipline by the commission. Persons who have been the subject
216 of disciplinary action pursuant to this subsection are
217 ineligible for employment or appointment under s. 943.131.

218 (a) The commission shall cause to be investigated any
219 conduct defined in subsections (6) and (7) by persons employed
220 pursuant to s. 943.131 and shall set disciplinary guidelines and
221 penalties prescribed in rule applicable to such noncertified
222 persons.



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223 (b) Such disciplinary guidelines and prescribed penalties
224 must be based upon the severity of specific offenses. The
225 guidelines must provide reasonable and meaningful notice to
226 officers and to the public of penalties that may be imposed for
227 prohibited conduct. The penalties must be consistently applied
228 by the commission.

229 (c) The commission may establish violations and
230 disciplinary penalties for applicants and employing agencies for
231 intentional abuse of, or misrepresentation or fraud with respect
232 to, the waiver of requirements authorized under s. 943.131(1) in
233 demonstrated instances of critical need.

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

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

239 943.17 Basic recruit, advanced, and career development
240 training programs; participation; cost; evaluation.--The
241 commission shall, by rule, design, implement, maintain,
242 evaluate, and revise entry requirements and job-related
243 curricula and performance standards for basic recruit, advanced,
244 and career development training programs and courses. The rules
245 shall include, but are not limited to, a methodology to assess
246 relevance of the subject matter to the job, student performance,
247 and instructor competency.

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



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251 Section 6. For the purpose of incorporating the amendments
252 to section 943.13, Florida Statutes, in references thereto, the
253 sections or subdivisions of Florida Statutes set forth below are
254 reenacted to read:

255 943.173 Examinations; administration; materials not public
256 records; disposal of materials.--

257 (3) All examinations, assessments, and instruments and the
258 results of examinations, other than test scores on officer
259 certification examinations, including developmental materials
260 and workpapers directly related thereto, prepared, prescribed,
261 or administered pursuant to ss. 943.13(9) or (10) and 943.17 are
262 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
263 of the State Constitution. Provisions governing access to,
264 maintenance of, and destruction of relevant documents pursuant
265 to this section shall be prescribed by rules adopted by the
266 commission.

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