

1 A bill to be entitled
 2 An act relating to the Criminal Justice
 3 Standards and Training Commission; amending s.
 4 943.11, F.S.; revising the membership of the
 5 commission; amending s. 943.1395, F.S.;
 6 providing for the inspection and copying of
 7 certain records; tolling certain time
 8 limitations regarding investigations;
 9 authorizing an officer who is under
 10 investigation, or the office's attorney, to
 11 review certain documents regarding the
 12 investigation; requiring the commission to
 13 periodically conduct a workshop and review
 14 disciplinary guidelines; providing for an
 15 advisory panel; requiring the Criminal Justice
 16 Professionalism Program within the Department
 17 of Law Enforcement to review disciplinary
 18 penalties imposed against an officer by an
 19 employing agency; providing for the adoption of
 20 rules; providing an effective date.

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

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 24 Section 1. Paragraph (a) of subsection (1) of section
 25 943.11, Florida Statutes, is amended to read:

26 943.11 Criminal Justice Standards and Training
 27 Commission; membership; meetings; compensation.--

28 (1)(a) There is created a Criminal Justice Standards
 29 and Training Commission within the Department of Law
 30 Enforcement. The commission shall be composed of 19 members,
 31 consisting of the secretary of the Department of Corrections

1 or a designated assistant; the Attorney General or a designee
 2 ~~designated assistant; the Commissioner of Education or a~~
 3 ~~designated assistant;~~ the Director of the Division of the
 4 Florida Highway Patrol; and 16 ~~15~~ members, ~~to be~~ appointed by
 5 the Governor, consisting of 3 sheriffs; 3 chiefs of police; 5
 6 ~~4~~ law enforcement officers who are ~~neither sheriffs nor chiefs~~
 7 ~~of police, at least 3 of whom~~ are of the rank of sergeant or
 8 below within the employing agency; 2 correctional officers, 1
 9 of whom is an administrator of a state correctional
 10 institution and 1 of whom is of the rank of sergeant or below
 11 within the employing agency; 1 training center director; 1
 12 person who is in charge of a county correctional institution;
 13 and 1 resident of the state who falls into none of the
 14 foregoing classifications. Prior to the appointment, the
 15 sheriff, chief of police, law enforcement officer, and
 16 correctional officer members shall have had at least 4 years'
 17 experience as law enforcement officers or correctional
 18 officers.

19 Section 2. Subsections (5), (6), and (8) of section
 20 943.1395, Florida Statutes, are amended to read:

21 943.1395 Certification for employment or appointment;
 22 concurrent certification; reemployment or reappointment;
 23 inactive status; revocation; suspension; investigation.--

24 (5) The employing agency must conduct an internal
 25 investigation if it has cause to suspect that an officer is
 26 not in compliance with, or has failed to maintain compliance
 27 with, s. 943.13(4) or (7). If an officer is not in compliance
 28 with, or has failed to maintain compliance with, s. 943.13(4)
 29 or (7), the employing agency must submit the investigative
 30 findings and supporting information and documentation to the
 31 commission in accordance with rules adopted by the commission.

1 The commission may inspect and copy an employing agency's
2 records to ensure compliance with this subsection.

3 (6) The commission shall revoke the certification of
4 any officer who is not in compliance with the provisions of s.
5 943.13(4) or who intentionally executes a false affidavit
6 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

7 (a) The commission shall cause to be investigated any
8 ground for revocation from the employing agency pursuant to s.
9 943.139 or from the Governor, and the commission may
10 investigate verifiable complaints. Any investigation initiated
11 by the commission pursuant to this section must be completed
12 within 6 months after receipt of the completed report of the
13 disciplinary or internal affairs investigation from the
14 employing agency or Governor's office. A verifiable complaint
15 shall be completed within 1 year after receipt of the
16 complaint. An investigation shall be considered completed
17 upon a finding by a probable cause panel of the commission.
18 These time periods shall be tolled during the appeal of a
19 termination or other disciplinary action through the
20 administrative or judicial process or during the period of any
21 criminal prosecution of the officer.

22 (b)1. The report of misconduct and all records or
23 information provided to or developed by the commission during
24 the course of an investigation conducted by the commission are
25 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
26 I of the State Constitution and, except as otherwise provided
27 by law, such information shall be subject to public disclosure
28 only after a determination as to probable cause has been made
29 or until the investigation becomes inactive.

30 2. However, not more than 30 days before the results
31 of an investigation are to be presented to a probable cause

1 panel, an officer who is being investigated, or the officer's
2 attorney, may review any documents or other information
3 regarding the investigation which was developed by or provided
4 to the commission.

5 (c) When an officer's certification is revoked in any
6 discipline, his or her certification in any other discipline
7 shall simultaneously be revoked.

8 (8)(a) The commission shall, by rule, adopt
9 disciplinary guidelines and procedures to administer the
10 penalties provided in subsections (6) and (7). The commission
11 may, by rule, prescribe penalties for certain offenses. The
12 commission shall, by rule, set forth aggravating and
13 mitigating circumstances to be considered when imposing the
14 penalties provided in subsection (7).

15 (b)1. The disciplinary guidelines and prescribed
16 penalties must be based upon the severity of specific
17 offenses. The guidelines must provide reasonable and
18 meaningful notice to officers and to the public of penalties
19 that may be imposed for prohibited conduct. The penalties
20 must be consistently applied by the commission.

21 2. On or before July 1 of each odd-numbered year, the
22 commission shall conduct a workshop to receive public comment
23 and evaluate disciplinary guidelines and penalties. The
24 commission chair shall appoint a 12-member advisory panel,
25 composed of six officers and six representatives of criminal
26 justice management positions, to make recommendations to the
27 commission concerning disciplinary guidelines.

28 (c) For the purpose of implementing the penalties
29 provided in subsections (6) and (7), the chair of the
30 commission may appoint one or more panels of three
31 commissioners each to determine probable cause. In lieu of a

1 finding of probable cause, the probable cause panel may issue
2 a letter of guidance to the officer. ~~However,~~

3 (d) When an employing agency disciplines an officer
4 and the officer's employment is continued or reinstated by the
5 agency, the Criminal Justice Professionalism Program shall a
6 ~~probable cause panel may~~ review the sustained disciplinary
7 charges and disciplinary penalty to, determine whether ~~or not~~
8 the penalty conforms to the disciplinary penalties prescribed
9 by commission rule, and, in writing ~~and on behalf of the~~
10 ~~commission~~, notify the employing agency and officer of the
11 results of the review. If the penalty conforms to the
12 disciplinary penalty provided by rule, the officer and
13 employing agency shall be notified, by a letter of
14 acknowledgement in writing, that no further action shall be
15 taken. If the penalty does not conform to such disciplinary
16 penalty prescribed by rule, the officer and employer shall be
17 notified, in writing, of further action to be taken. The
18 commission shall adopt rules establishing procedures for
19 administering this subsection.

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

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

28 2. Specify, in writing, any aggravating or mitigating
29 circumstance that he or she considered in determining the
30 recommended penalty.

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1 Any deviation from the disciplinary guidelines or prescribed
2 penalty must be based upon circumstances or factors that
3 reasonably justify the aggravation or mitigation of the
4 penalty. Any deviation from the disciplinary guidelines or
5 prescribed penalty must be explained, in writing, by the
6 administrative law judge.

7 Section 3. This act shall take effect July 1, 2004.

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