

Bill No. SB 1480

Barcode 510474

CHAMBER ACTION

Senate

House

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The Committee on Banking and Insurance (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (5) and (6) are added to Section 943.135, Florida Statutes, to read:

943.135 Requirements for continued employment.--

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the

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1 | documentation to the commission, in a format approved by the
2 | commission. The rule shall also provide:

3 | (a) Assistance to an employing agency in identifying
4 | each affected officer, the date of his or her employment or
5 | appointment, and his or her most recent date for successful
6 | completion of continuing training or education; and

7 | (b) A procedure for reactivation of the certification
8 | of an officer who is not in compliance with this section.

9 | (2) Continuing training or education required under
10 | this section may not be used to qualify an officer for salary
11 | incentive payments provided under s. 943.22.

12 | (3) For the purposes of this section, the employing
13 | agency is responsible for notifying the commission of any
14 | omission of any approved training not included in the records
15 | of the commission.

16 | (4)(a) Notwithstanding any other provision of law, any
17 | person holding active certification from the Criminal Justice
18 | Standards and Training Commission as a law enforcement
19 | officer, correctional officer, or correctional probation
20 | officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8),
21 | or (9), who resigns his or her position as law enforcement
22 | officer, correctional officer, or correctional probation
23 | officer for the sole purpose of serving in an office to which
24 | the person has been elected or appointed and to thereby avoid
25 | the prohibition against dual officeholding established in s.
26 | 5(a), Art. II of the State Constitution may be allowed to
27 | retain active certification in a special status during the
28 | tenure of the elected or appointed office if, at the time of
29 | resignation, the person:

30 | 1. Was employed by or associated with an employing
31 | agency in a manner authorized by this chapter;

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1 2. Was not subject to an internal investigation or
2 employment action to discipline or dismiss by the employing
3 agency;

4 3. Was not subject to criminal investigation or
5 prosecution by any state or federal authority; and

6 4. Was not subject to an investigation or action
7 against his or her certification by the Criminal Justice
8 Standards and Training Commission,

9
10 and that subsequent to the resignation the person otherwise
11 complies with this subsection.

12 (b) Any person who qualifies under paragraph (a) may,
13 for purposes of meeting the minimum mandatory continuing
14 training or education requirements of this section, at the
15 option of an employing agency, associate with that agency for
16 the sole purpose of securing continuing training or education
17 as required by this section and for allowing the agency to
18 report completion of the education or training to the Criminal
19 Justice Standards and Training Commission. The employing
20 agency with which the person has associated shall submit proof
21 of completion of any education or training so obtained for
22 purposes of demonstrating compliance with this section and
23 shall indicate that the person for whom the credits are
24 reported has secured the training under the special status
25 authorized by this section. An employing agency may require
26 any person so associated to attend continuing training or
27 education at the person's own expense and may determine the
28 courses or training that a person is to attend while
29 associated with the agency. Any person who is permitted to
30 associate with an employing agency for purposes of obtaining
31 and reporting education or continuing training credits while

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1 | serving in an elected or appointed public office shall not be
 2 | considered to be employed by the employing agency or
 3 | considered by the association with the employing agency to
 4 | maintain an office under s. 5(a), Art. II of the State
 5 | Constitution.

6 | (c) The period of time a person serves in an elected
 7 | or appointed office and thereby maintains the special
 8 | certification status authorized by this section may not be
 9 | considered in calculating whether the person is considered to
 10 | have incurred a break in service for purposes of maintaining
 11 | active certification by the Criminal Justice Standards and
 12 | Training Commission.

13 | (d) An employing agency that receives a resignation
 14 | from a person for the purpose of avoiding the dual
 15 | officeholding prohibition as discussed in this subsection
 16 | shall verify that the person who has resigned is in fact
 17 | serving in an elected or public office and report the
 18 | verification, including an indication of the office in which
 19 | the person is serving to the Criminal Justice Standards and
 20 | Training Commission via the affidavit of separation of
 21 | employment used by the commission.

22 | (e) Any person seeking the benefit of this subsection
 23 | shall, upon request, provide to the Criminal Justice Standards
 24 | and Training Commission any documentation or proof required by
 25 | the commission to evaluate the person's eligibility under this
 26 | subsection, to evaluate a submission of continuing training or
 27 | education credits as authorized by this subsection, or to
 28 | determine the duration of any tenure in an elected or
 29 | appointed public office, including any extension of the status
 30 | by reason of reelection or reappointment or by election or
 31 | appointment to a different office.

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(5) An employing agency as defined in s. 943.10 (4) may require a law enforcement officer and correctional officer as defined in s. 943.10 (1), (2), or (3) to successfully pass a physical examination in order to be eligible for the presumption set forth in s. 112.18. The employing agency shall have the physical examination performed prior to or immediately upon employment of the officer. Alternatively, an employing agency may elect to accept the results of a physical examination that has been previously performed by another employing agency prior to the officer's current employment. This provision shall not affect the applicability of the presumption set forth in s. 112.18 for law enforcement officers or correctional officers who are currently employed by an employing agency.

(6) An employing agency as defined in s. 943.10 (4) may set tobacco use standards for law enforcement officers and correctional officers as defined in s. 943.10 (1), (2), or (3) employed by a municipality, county, political subdivision of the state of any agent of the political subdivision who has constitutional authority or statutory authority to employ or appoint an officer.

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to insurance; amending s.

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1 943.10; revising presumption of disability for
2 purposes of workers compensation and
3 establishing tobacco use standards;
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