

CHAMBER ACTION

1 The Fiscal Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to law enforcement personnel; amending s.
7 162.21, F.S.; including environmental enforcement officers
8 as authorized county or municipality code enforcement
9 officers; amending s. 943.10, F.S.; defining the term
10 "environmental enforcement officer"; amending s. 943.13,
11 F.S.; revising the presumption of disability for certain
12 law enforcement, correctional, and correctional probation
13 officers; amending s. 943.137, F.S.; authorizing
14 establishment of tobacco-use standards; providing an
15 effective date.

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

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19 Section 1. Subsection (2) of section 162.21, Florida
20 Statutes, is amended to read:

21 162.21 Enforcement of county or municipal codes or
22 ordinances; penalties.--

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23 (2) A county or a municipality may designate certain of
24 its employees or agents as code enforcement officers. The
25 training and qualifications of the employees or agents for such
26 designation shall be determined by the county or the
27 municipality. Employees or agents who may be designated as code
28 enforcement officers may include, but are not limited to, code
29 inspectors, environmental enforcement officers, law enforcement
30 officers, animal control officers, or firesafety inspectors.
31 Designation as a code enforcement officer does not provide the
32 code enforcement officer with the power of arrest or subject the
33 code enforcement officer to the provisions of ss. 943.085-
34 943.255. Nothing in this section amends, alters, or contravenes
35 the provisions of any state-administered retirement system or
36 any state-supported retirement system established by general
37 law.

38 Section 2. Subsection (22) is added to section 943.10,
39 Florida Statutes, to read:

40 943.10 Definitions; ss. 943.085-943.255.--The following
41 words and phrases as used in ss. 943.085-943.255 are defined as
42 follows:

43 (22) "Environmental enforcement officer" means a person
44 who is employed full time by a county or municipality, who is
45 vested with authority to make arrests, and whose primary
46 responsibility is the enforcement of litter and solid waste laws
47 of the state which provide for a criminal penalty.

48 Section 3. Subsection (6) of section 943.13, Florida
49 Statutes, is amended to read:

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50 943.13 Officers' minimum qualifications for employment or
51 appointment.--On or after October 1, 1984, any person employed
52 or appointed as a full-time, part-time, or auxiliary law
53 enforcement officer or correctional officer; on or after October
54 1, 1986, any person employed as a full-time, part-time, or
55 auxiliary correctional probation officer; and on or after
56 October 1, 1986, any person employed as a full-time, part-time,
57 or auxiliary correctional officer by a private entity under
58 contract to the Department of Corrections, to a county
59 commission, or to the Department of Management Services shall:

60 (6) (a) Have passed a physical examination by a licensed
61 physician, physician assistant, or certified advanced registered
62 nurse practitioner, based on specifications established by the
63 commission.

64 (b) In order to be eligible for the presumption set forth
65 in s. 112.18 while employed as a law enforcement officer,
66 correctional officer, or correctional probation officer with an
67 employing agency, have successfully passed the physical
68 examination required by paragraph (a) upon entering into service
69 as a law enforcement officer, correctional officer, or
70 correctional probation officer with the employing agency, which
71 examination must have failed to reveal any evidence of
72 tuberculosis, heart disease, or hypertension. In no event may a
73 law enforcement officer, correctional officer, or correctional
74 probation officer use a physical examination from a former
75 employing agency for purposes of claiming the presumption set
76 forth in s. 112.18 against the current employing agency.

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77 Section 4. Subsection (1) of section 943.137, Florida
78 Statutes, is amended to read:

79 943.137 Establishment of qualifications and standards
80 above the minimum.--

81 (1) Nothing herein may be construed to preclude an
82 employing agency from establishing qualifications and standards
83 for employment, appointment, training, or promotion of officers
84 that exceed the minimum requirements set by ss. 943.13 and
85 943.17, including establishing tobacco-use standards.

86 Section 5. This act shall take effect October 1, 2006.