

By the Committee on Criminal Justice; and Senator Baker

591-1820-06

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A bill to be entitled

An act relating to employment requirements for law enforcement personnel; amending s. 943.13, F.S.; revising the presumption of disability for certain law enforcement, correctional, and correctional probation officers; amending s. 943.137, F.S.; authorizing the establishment of tobacco-use standards; providing an effective date.

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

Section 1. Subsection (6) 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 Department of Management Services shall:

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

(b) In order to be eligible for the presumption set forth in s. 112.18 while employed with an employing agency, a

1 law enforcement officer, correctional officer, or correctional
2 probation officer shall have successfully passed the physical
3 examination required by paragraph (a) upon entering into
4 service as a law enforcement officer, correctional officer, or
5 correctional probation officer with the employing agency,
6 which examination failed to reveal any evidence of
7 tuberculosis, heart disease, or hypertension. In no event may
8 a law enforcement officer, correctional officer, or
9 correctional probation officer use a physical examination from
10 a former employing agency for purposes of claiming the
11 presumption set forth in s. 112.18 against the current
12 employing agency.

13 Section 2. Subsection (1) of section 943.137, Florida
14 Statutes, is amended to read:

15 943.137 Establishment of qualifications and standards
16 above the minimum.--

17 (1) Nothing herein may be construed to preclude an
18 employing agency from establishing qualifications and
19 standards for employment, appointment, training, or promotion
20 of officers that exceed the minimum requirements set by ss.
21 943.13 and 943.17, including establishing tobacco-use
22 standards.

23 Section 3. This act shall take effect October 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 410

4 - Provides that, in order to be eligible for the
5 presumption set forth in s. 112.18, F.S., that a
6 condition or impairment of health caused by tuberculosis,
7 heart disease, or hypertension resulting in total or
8 partial disability or death is accidental or suffered in
9 the line of duty, a law enforcement officer, correctional
10 officer, or correctional probation officer, while
11 employed with an employing agency, shall have
12 successfully passed the physical examination required by
13 s. 943.13, F.S., upon entering into service as such
14 officer with the employing agency, which examination
15 failed to reveal any evidence of tuberculosis, heart
16 disease, or hypertension.

17 - Provides that in no event may a law enforcement officer,
18 correctional officer, or correctional probation officer
19 use a physical examination from a former employing agency
20 for purposes of claiming the disability presumption set
21 forth in s. 112.18, F.S., against the current employing
22 agency.
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