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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/09/2016	.	
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The Committee on Criminal Justice (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 85 and 86

insert:

Section 3. Section 943.11, Florida Statutes, is amended to read:

943.11 Criminal Justice Standards and Training Commission; membership; meetings; compensation.—

(1) (a) There is created a Criminal Justice Standards and Training Commission within the Department of Law Enforcement.



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11 The commission shall be composed of 22 ~~19~~ members, consisting of
12 the Secretary of Corrections or a designated assistant; the
13 Attorney General or a designee; the Director of the Division of
14 the Florida Highway Patrol; 1 circuit judge with past criminal
15 jurisdiction designated by the Office of the State Courts
16 Administrators; 1 state attorney designated by the Florida
17 Prosecuting Attorneys Association; 1 public defender designated
18 by the Florida Public Defender Association; and 16 members
19 appointed by the Governor, consisting of 3 sheriffs; 3 chiefs of
20 police; 6 ~~5~~ law enforcement officers or correctional officers
21 who are of the rank of captain ~~sergeant~~ or below within the
22 employing agency; 2 correctional officers, 1 of whom is an
23 administrator of a state correctional institution and 1 of whom
24 ~~is of the rank of sergeant or below within the employing agency;~~
25 ~~1 training center director;~~ 1 person who is in charge of a county
26 correctional institution; and 2 residents ~~1 resident~~ of the
27 state who have never been employed by any of the departments,
28 institutions, or agencies in any ~~falls into none~~ of the
29 foregoing classifications. Prior to the appointment, the
30 sheriff, chief of police, law enforcement officer, and
31 correctional officer members must have had at least 4 years'
32 experience as law enforcement officers or correctional officers.

33 (b) The Governor, in making appointments under this
34 section, shall take into consideration representation by
35 geography, population, and other relevant factors in order that
36 the representation on the commission be apportioned to give
37 representation to the state at large rather than to a particular
38 area. Of the appointed members, and except for correctional
39 officers of a state institution, there may be only one



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40 appointment from any employing agency.

41 1. In appointing one circuit judge, the Governor shall
42 choose the appointment from a list of two nominees submitted by
43 the Office of the State Courts Administrators. The Office of the
44 State Courts Administrators shall submit its list of two
45 nominees at least 3 months before the expiration of the term of
46 any circuit judge.

47 2. In appointing one state attorney, the Governor shall
48 choose the appointment from a list of two nominees submitted by
49 the Florida Prosecuting Attorneys Association. The Florida
50 Prosecuting Attorneys Association shall submit its list of two
51 nominees at least 3 months before the expiration of the term of
52 any state attorney.

53 3. In appointing one public defender, the Governor shall
54 choose the appointment from a list of two nominees submitted by
55 the Florida Public Defender Association. The Florida Public
56 Defender Association shall submit its list of two nominees at
57 least 3 months before the expiration of the term of any public
58 defender.

59 ~~4.1.~~ In appointing the three sheriffs, the Governor shall
60 choose each appointment from a list of six nominees submitted by
61 the Florida Sheriffs Association. The Florida Sheriffs
62 Association shall submit its list of six nominees at least 3
63 months before the expiration of the term of any sheriff member.

64 ~~5.2.~~ In appointing the three chiefs of police, the Governor
65 shall choose each appointment from a list of six nominees
66 submitted by the Florida Police Chiefs Association. The Florida
67 Police Chiefs Association shall submit its list of six nominees
68 at least 3 months before the expiration of the term of any



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69 police chief member.

70 ~~6.3.~~ For appointments made on or after July 1, 2016, in
71 appointing the five law enforcement officers and one
72 correctional officers officer of the rank of captain sergeant or
73 below, the Governor shall choose each appointment from a list of
74 six nominees submitted by a committee comprised of three members
75 of the collective bargaining agent for the largest number of
76 certified law enforcement or correctional officer bargaining
77 units, two members of the collective bargaining agent for the
78 second largest number of certified law enforcement or
79 correctional officer bargaining units, and one member of the
80 collective bargaining agent representing the largest number of
81 state law enforcement officers or correctional officers in
82 certified law enforcement bargaining units. At least one of the
83 names submitted for each of the six five appointments who are
84 law enforcement officers or correctional officers must be an
85 officer who is not in a collective bargaining unit.

86 (c) Members appointed by the Governor shall be appointed
87 for terms of 4 years, and no member shall serve beyond the time
88 he or she ceases to hold the office or employment by reason of
89 which the member was eligible for appointment to the commission.
90 Any member appointed to fill a vacancy occurring because of
91 death, resignation, or ineligibility for membership shall serve
92 only for the unexpired term of his or her predecessor.

93 (d) Each member appointed by the Governor shall be
94 accountable to the Governor for the proper performance of the
95 duties of his or her office. The Governor may remove from office
96 any such member for malfeasance, misfeasance, neglect of duty,
97 incompetence, or permanent inability to perform official duties



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98 or for pleading guilty or nolo contendere to, or being found
99 guilty of, a felony.

100 (e) Membership on the commission shall be construed as an
101 extension of the duties of the office by which the member was
102 appointed to the commission. Membership on the commission does
103 not disqualify a member from holding any other public office or
104 being employed by a public entity, except that no member of the
105 Legislature shall serve on the commission. The Legislature finds
106 that the commission serves a state, county, and municipal
107 purpose and that service on the commission is consistent with a
108 member's principal service in a public office or employment.

109 (f) Members of the commission shall serve without
110 compensation but shall be entitled to be reimbursed for per diem
111 and travel expenses as provided by s. 112.061.

112 (2) The commission shall annually elect its chair and other
113 officers. The commission shall hold at least four regular
114 meetings each year at the call of the chair or upon the written
115 request of three members of the commission. A majority of the
116 members of the commission constitutes a quorum.

117 (3) The Department of Legal Affairs shall serve as legal
118 counsel to the commission.

119

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

121 And the title is amended as follows:

122 Delete lines 2 - 12

123 and insert:

124 An act relating to criminal justice; amending s.

125 216.136, F.S.; requiring the Criminal Justice

126 Estimating Conference to develop projections of prison



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127 admissions and populations for elderly felony
128 offenders; amending s. 921.0021, F.S.; revising the
129 definition of "victim injury" by removing a
130 prohibition on assessing certain victim injury
131 sentence points for sexual misconduct by an employee
132 of the Department of Corrections or a private
133 correctional facility with an inmate or an offender
134 supervised by the department; conforming a provision
135 to changes made by the act; amending s. 943.11, F.S.;
136 revising the composition of the Criminal Justice
137 Standards and Training Commission; adding to the
138 commission a circuit judge, a state attorney, a public
139 defender, and an additional resident of the state;
140 requiring that the law enforcement officers and
141 correctional officers appointed to the commission be
142 of the rank of captain or below; deleting the training
143 center director from the commission; prohibiting
144 residents serving on the commission from having been
145 employed by certain departments, institutions, or
146 agencies; specifying that the Governor choose the
147 appointments from lists submitted by the Office of the
148 State Courts Administrators, by the Florida
149 Prosecuting Attorneys Association, and by the Florida
150 Public Defender Association; amending s.