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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (328176) (with title**
2 **amendment)**

3
4 Between lines 85 and 86
5 insert:

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

8 943.11 Criminal Justice Standards and Training Commission;
9 membership; meetings; compensation.—

10 (1) (a) There is created a Criminal Justice Standards and



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11 Training Commission within the Department of Law Enforcement.
12 The commission shall be composed of 21 ~~19~~ members, consisting of
13 the Secretary of Corrections or a designated assistant; the
14 Attorney General or a designee; the Director of the Division of
15 the Florida Highway Patrol; 1 circuit court judge with past
16 criminal jurisdiction designated by the Office of the State
17 Court Administrator; 1 state attorney designated by the Florida
18 Prosecuting Attorneys Association; and 16 members appointed by
19 the Governor, consisting of 3 sheriffs; 3 chiefs of police; 6 ~~5~~
20 law enforcement officers or correctional officers who are of the
21 rank of captain ~~sergeant~~ or below within the employing agency; 2
22 correctional officers, 1 of whom is an administrator of a state
23 correctional institution and 1 of whom ~~is of the rank of~~
24 ~~sergeant or below within the employing agency; 1 training center~~
25 ~~director; 1 person who~~ is in charge of a county correctional
26 institution; and 2 residents ~~1 resident~~ of the state who have
27 never been employed by any of the departments, institutions, or
28 agencies in any ~~falls into none~~ of the foregoing
29 classifications. Prior to the appointment, the sheriff, chief of
30 police, law enforcement officer, and correctional officer
31 members must have had at least 4 years' experience as law
32 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 Court Administrator. The Office of the
44 State Court Administrator shall submit its list of two nominees
45 at least three months before the expiration of the term of any
46 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. ~~1.~~ In appointing the three sheriffs, the Governor shall
54 choose each appointment from a list of six nominees submitted by
55 the Florida Sheriffs Association. The Florida Sheriffs
56 Association shall submit its list of six nominees at least 3
57 months before the expiration of the term of any sheriff member.

58 4. ~~2.~~ In appointing the three chiefs of police, the
59 Governor shall choose each appointment from a list of six
60 nominees submitted by the Florida Police Chiefs Association. The
61 Florida Police Chiefs Association shall submit its list of six
62 nominees at least 3 months before the expiration of the term of
63 any police chief member.

64 5. ~~3.~~ For appointments made on or after July 1, 2016, in
65 appointing the ~~five~~ law enforcement officers and ~~one~~
66 correctional officers ~~officer~~ of the rank of captain ~~sergeant~~ or
67 below, the Governor shall choose each appointment from a list of
68 six nominees submitted by a committee comprised of three members



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69 of the collective bargaining agent for the largest number of
70 certified law enforcement or correctional officer bargaining
71 units, two members of the collective bargaining agent for the
72 second largest number of certified law enforcement or
73 correctional officer bargaining units, and one member of the
74 collective bargaining agent representing the largest number of
75 state law enforcement officers or correctional officers in
76 certified law enforcement bargaining units. At least one of the
77 names submitted for each of the six ~~five~~ appointments who are
78 law enforcement officers or correctional officers must be an
79 officer who is not in a collective bargaining unit.

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

87 (d) Each member appointed by the Governor shall be
88 accountable to the Governor for the proper performance of the
89 duties of his or her office. The Governor may remove from office
90 any such member for malfeasance, misfeasance, neglect of duty,
91 incompetence, or permanent inability to perform official duties
92 or for pleading guilty or nolo contendere to, or being found
93 guilty of, a felony.

94 (e) Membership on the commission shall be construed as an
95 extension of the duties of the office by which the member was
96 appointed to the commission. Membership on the commission does
97 not disqualify a member from holding any other public office or



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98 being employed by a public entity, except that no member of the
99 Legislature shall serve on the commission. The Legislature finds
100 that the commission serves a state, county, and municipal
101 purpose and that service on the commission is consistent with a
102 member's principal service in a public office or employment.

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

106 (2) The commission shall annually elect its chair and other
107 officers. The commission shall hold at least four regular
108 meetings each year at the call of the chair or upon the written
109 request of three members of the commission. A majority of the
110 members of the commission constitutes a quorum.

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

113
114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete lines 1 - 12

117 and insert:

118 An act relating to criminal justice; amending s.
119 216.136, F.S.; requiring the Criminal Justice
120 Estimating Conference to develop projections of prison
121 admissions and populations for elderly felony
122 offenders; amending s. 921.0021, F.S.; revising the
123 definition of "victim injury" by removing a
124 prohibition on assessing certain victim injury
125 sentence points for sexual misconduct by an employee
126 of the Department of Corrections or a private



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127 correctional facility with an inmate or an offender
128 supervised by the department; conforming a provision
129 to changes made by the act; amending s. 943.11, F.S.;
130 modifying the composition of the Criminal Justice
131 Standards and Training Commission; adding to the
132 commission a circuit court judge, a state attorney and
133 additional resident of the state; specifying that the
134 Governor choose the newly added appointments from
135 lists submitted by the Office of the State Court
136 Administrator and from the Florida Prosecuting
137 Attorneys Association; requiring residents serving on
138 the commission to have never been employed with
139 certain departments, institutions, or agencies;
140 removing the training center director from the
141 commission; requiring that the 6 law enforcement
142 officers and one correctional officer appointed to the
143 commission be of the rank of captain or below;
144 amending s.