

By Senator Bracy

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1 A bill to be entitled
2 An act relating to law enforcement certification;
3 amending s. 943.13, F.S.; requiring law enforcement,
4 correctional, and correctional probation officers to
5 pass a job-related psychological evaluation performed
6 by a mental health professional before initial
7 employment or appointment; conforming a cross-
8 reference; amending s. 943.135, F.S.; requiring all
9 officers to pass such psychological evaluation every 4
10 years as a condition of continued employment or
11 appointment; amending s. 943.14, F.S.; requiring all
12 criminal justice training schools to receive a
13 specified national accreditation by a certain date;
14 amending ss. 409.1757, 943.131, 943.1395, 943.1397,
15 943.17296, 943.173, 943.19, and 943.253, F.S.;
16 conforming cross-references; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsections (7) through (11) of section 943.13,
22 Florida Statutes, are renumbered as subsections (8) through
23 (12), respectively, a new subsection (7) is added to that
24 section, and present subsection (8) is amended, to read:

25 943.13 Officers' minimum qualifications for employment or
26 appointment.—On or after October 1, 1984, any person employed or
27 appointed as a full-time, part-time, or auxiliary law
28 enforcement officer or correctional officer; on or after October
29 1, 1986, any person employed as a full-time, part-time, or

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30 auxiliary correctional probation officer; and on or after
 31 October 1, 1986, any person employed as a full-time, part-time,
 32 or auxiliary correctional officer by a private entity under
 33 contract to the Department of Corrections, to a county
 34 commission, or to the Department of Management Services shall:

35 (7) Have passed a job-related psychological evaluation
 36 performed by a mental health professional licensed under chapter
 37 490 or chapter 491.

38 (9)~~(8)~~ Execute and submit to the employing agency or, if a
 39 private correctional officer, submit to the appropriate
 40 governmental entity an affidavit-of-applicant form, adopted by
 41 the commission, attesting to his or her compliance with
 42 subsections (1)-(8) ~~(1)-(7)~~. The affidavit shall be executed
 43 under oath and constitutes an official statement within the
 44 purview of s. 837.06. The affidavit shall include conspicuous
 45 language that the intentional false execution of the affidavit
 46 constitutes a misdemeanor of the second degree. The affidavit
 47 shall be retained by the employing agency.

48 Section 2. Subsection (1) of section 943.135, Florida
 49 Statutes, is amended to read:

50 943.135 Requirements for continued employment.—

51 (1) The commission shall, by rule, adopt a program that
 52 requires all officers, as a condition of continued employment or
 53 appointment as officers, to receive periodic commission-approved
 54 continuing training or education. Such continuing training or
 55 education shall be required at the rate of 40 hours every 4
 56 years, and an officer must pass a job-related psychological
 57 evaluation performed by a mental health professional licensed
 58 under chapter 490 or chapter 491 every 4 years. An ~~No~~ officer

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59 may not ~~shall~~ be denied a reasonable opportunity by the
60 employing agency to comply with this section. The employing
61 agency must document that the continuing training or education
62 and the psychological evaluation are ~~is~~ job-related and
63 consistent with the needs of the employing agency. The employing
64 agency must maintain and submit, or electronically transmit, the
65 documentation to the commission, in a format approved by the
66 commission. The rule shall also provide:

67 (a) Assistance to an employing agency in identifying each
68 affected officer, the date of his or her employment or
69 appointment, and the his or her most recent dates of his or her
70 date for successful completion of continuing training or
71 education and passage of the psychological evaluation; and

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

74 Section 3. Subsection (9) is added to section 943.14,
75 Florida Statutes, to read:

76 943.14 Commission-certified criminal justice training
77 schools; certificates and diplomas; exemptions; injunctive
78 relief; fines.—

79 (9) On or before January 1, 2019, each criminal justice
80 training school must receive the Public Safety Training Academy
81 Accreditation by the Commission on Accreditation for Law
82 Enforcement Agencies, Inc. Each criminal justice training school
83 must maintain its accreditation with the Commission on
84 Accreditation for Law Enforcement Agencies, Inc., or the
85 commission shall revoke the criminal justice training school's
86 certificate of compliance.

87 Section 4. Section 409.1757, Florida Statutes, is amended

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88 to read:

89 409.1757 Persons not required to be refingerprinted or
90 rescreened.—Any law to the contrary notwithstanding, human
91 resource personnel who have been fingerprinted or screened
92 pursuant to chapters 393, 394, 397, 402, and this chapter,
93 teachers who have been fingerprinted pursuant to chapter 1012,
94 and law enforcement officers who meet the requirements of s.
95 943.13, who have not been unemployed for more than 90 days
96 thereafter, and who under the penalty of perjury attest to the
97 completion of such fingerprinting or screening and to compliance
98 with this section and the standards for good moral character as
99 contained in such provisions as ss. 110.1127(2)(c), 393.0655(1),
100 394.457(6), 397.451, 402.305(2), 409.175(6), and 943.13(8)
101 ~~943.13(7)~~, are not required to be refingerprinted or rescreened
102 in order to comply with any caretaker screening or
103 fingerprinting requirements.

104 Section 5. Paragraph (a) of subsection (1) and subsection
105 (2) of section 943.131, Florida Statutes, are amended to read:

106 943.131 Temporary employment or appointment; minimum basic
107 recruit training exemption.—

108 (1)(a) An employing agency may temporarily employ or
109 appoint a person who complies with the qualifications for
110 employment in s. 943.13(1)-(9) ~~943.13(1)-(8)~~, but has not
111 fulfilled the requirements of s. 943.13(10) ~~943.13(9)~~ and (11)
112 ~~(10)~~, if a critical need exists to employ or appoint the person
113 and such person is or will be enrolled in the next approved
114 basic recruit training program available in the geographic area
115 or that no assigned state training program for state officers is
116 available within a reasonable time. The employing agency must

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117 maintain documentation which demonstrates that a critical need
118 exists to employ a person pursuant to this section. Prior to the
119 employment or appointment of any person other than a
120 correctional probation officer under this subsection, the person
121 shall comply with the firearms provisions established pursuant
122 to s. 943.17(1)(a). Any person temporarily employed or appointed
123 as an officer under this subsection must attend the first
124 training program offered in the geographic area, or the first
125 assigned state training program for a state officer, subsequent
126 to his or her employment or appointment. A person temporarily
127 employed or appointed as an officer under this subsection must
128 begin basic recruit training within 180 consecutive days after
129 employment. Such person must fulfill the requirements of s.
130 943.13(10) ~~943.13(9)~~ within 18 months after beginning basic
131 recruit training and must fulfill the certification examination
132 requirements of s. 943.13(11) ~~943.13(10)~~ within 180 consecutive
133 days after completing basic recruit training. A person hired
134 after he or she has commenced basic recruit training or after
135 completion of basic recruit training must fulfill the
136 certification examination requirements of s. 943.13(11)
137 ~~943.13(10)~~ within 180 consecutive days after completion of basic
138 recruit training or the commencement of employment, whichever
139 occurs later.

140 (2) If an applicant seeks an exemption from completing a
141 commission-approved basic recruit training program, the
142 employing agency or criminal justice selection center must
143 verify that the applicant has successfully completed a
144 comparable basic recruit training program for the discipline in
145 which the applicant is seeking certification in another state or

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146 for the Federal Government or a previous Florida basic recruit
147 training program. Further, the employing agency or criminal
148 justice selection center must verify that the applicant has
149 served as a full-time sworn officer in another state or for the
150 Federal Government for at least 1 year provided there is no more
151 than an 8-year break in employment or was a previously certified
152 Florida officer provided there is no more than an 8-year break
153 in employment, as measured from the separation date of the most
154 recent qualifying employment to the time a complete application
155 is submitted for an exemption under this section. When the
156 employing agency or criminal justice selection center obtains
157 written documentation regarding the applicant's criminal justice
158 experience, the documentation must be submitted to the
159 commission. The commission shall adopt rules that establish
160 criteria and procedures to determine if the applicant is exempt
161 from completing the commission-approved basic recruit training
162 program and, upon making a determination, shall notify the
163 employing agency or criminal justice selection center. An
164 applicant who is exempt from completing the commission-approved
165 basic recruit training program must demonstrate proficiency in
166 the high-liability areas, as defined by commission rule, and
167 must complete the requirements of s. 943.13(11) ~~943.13(10)~~
168 within 1 year after receiving an exemption. If the proficiencies
169 and requirements of s. 943.13(11) ~~943.13(10)~~ are not met within
170 the 1 year, the applicant must seek an additional exemption
171 pursuant to the requirements of this subsection. Except as
172 provided in subsection (1), before the employing agency may
173 employ or appoint the applicant as an officer, the applicant
174 must meet the minimum qualifications described in s. 943.13(1)-

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175 (9) ~~943.13(1)-(8)~~, and must fulfill the requirements of s.
176 943.13(11) ~~943.13(10)~~.

177 Section 6. Subsections (1), (3), (5), (6), and (7) and
178 paragraph (e) of subsection (8) of section 943.1395, Florida
179 Statutes, are amended to read:

180 943.1395 Certification for employment or appointment;
181 concurrent certification; reemployment or reappointment;
182 inactive status; revocation; suspension; investigation.—

183 (1) The commission shall certify, under procedures
184 established by rule, any person for employment or appointment as
185 an officer if:

186 (a) The person complies with s. 943.13(1)-(11) ~~943.13(1)-~~
187 ~~(10)~~; and

188 (b) The employing agency complies with s. 943.133(2) and
189 (3).

190 (3) Any certified officer who has separated from employment
191 or appointment and who is not reemployed or reappointed by an
192 employing agency within 4 years after the date of separation
193 must meet the minimum qualifications described in s. 943.13,
194 except for the requirement found in s. 943.13(10) ~~943.13(9)~~.
195 Further, such officer must complete any training required by the
196 commission by rule in compliance with s. 943.131(2). Any such
197 officer who fails to comply with the requirements provided in s.
198 943.131(2) must meet the minimum qualifications described in s.
199 943.13, to include the requirement of s. 943.13(10) ~~943.13(9)~~.

200 (5) The employing agency must conduct an internal
201 investigation if it has cause to suspect that an officer is not
202 in compliance with, or has failed to maintain compliance with,
203 s. 943.13(4) or (8) ~~(7)~~. If an officer is not in compliance

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204 with, or has failed to maintain compliance with, s. 943.13(4) or
205 (8) ~~(7)~~, the employing agency must submit the investigative
206 findings and supporting information and documentation to the
207 commission in accordance with rules adopted by the commission.
208 The commission may inspect and copy an employing agency's
209 records to ensure compliance with this subsection.

210 (6) The commission shall revoke the certification of any
211 officer who is not in compliance with the provisions of s.
212 943.13(4) or who intentionally executes a false affidavit
213 established in s. 943.13(9) ~~943.13(8)~~, s. 943.133(2), or s.
214 943.139(2).

215 (a) The commission shall cause to be investigated any
216 ground for revocation from the employing agency pursuant to s.
217 943.139 or from the Governor, and the commission may cause
218 verifiable complaints to be investigated. Any investigation
219 initiated by the commission pursuant to this section must be
220 completed within 6 months after receipt of the completed report
221 of the disciplinary or internal affairs investigation from the
222 employing agency or Governor's office. A verifiable complaint
223 shall be completed within 1 year after receipt of the complaint.
224 An investigation shall be considered completed upon a finding by
225 a probable cause panel of the commission. These time periods
226 shall be tolled during the appeal of a termination or other
227 disciplinary action through the administrative or judicial
228 process or during the period of any criminal prosecution of the
229 officer.

230 (b)1. The report of misconduct and all records or
231 information provided to or developed by the commission during
232 the course of an investigation conducted by the commission are

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233 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
234 of the State Constitution and, except as otherwise provided by
235 law, such information shall be subject to public disclosure only
236 after a determination as to probable cause has been made or
237 until the investigation becomes inactive.

238 2. However, not more than 30 days before the results of an
239 investigation are to be presented to a probable cause panel, an
240 officer who is being investigated, or the officer's attorney,
241 may review any documents or other information regarding the
242 investigation which was developed by or provided to the
243 commission.

244 (c) When an officer's certification is revoked in any
245 discipline, his or her certification in any other discipline
246 shall simultaneously be revoked.

247 (7) Upon a finding by the commission that a certified
248 officer has not maintained good moral character, the definition
249 of which has been adopted by rule and is established as a
250 statewide standard, as required by s. 943.13(8) ~~943.13(7)~~, the
251 commission may enter an order imposing one or more of the
252 following penalties:

253 (a) Revocation of certification.

254 (b) Suspension of certification for a period not to exceed
255 2 years.

256 (c) Placement on a probationary status for a period not to
257 exceed 2 years, subject to terms and conditions imposed by the
258 commission. Upon the violation of such terms and conditions, the
259 commission may revoke certification or impose additional
260 penalties as enumerated in this subsection.

261 (d) Successful completion by the officer of any basic

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262 recruit, advanced, or career development training or such
263 retraining deemed appropriate by the commission.

264 (e) Issuance of a reprimand.

265 (8)

266 (e) An administrative law judge assigned to conduct a
267 hearing under ss. 120.569 and 120.57(1) regarding allegations
268 that an officer is not in compliance with, or has failed to
269 maintain compliance with, s. 943.13(4) or (8) ~~(7)~~ must, in his
270 or her recommended order:

271 1. Adhere to the disciplinary guidelines and penalties set
272 forth in subsections (6) and (7) and the rules adopted by the
273 commission for the type of offense committed.

274 2. Specify, in writing, any aggravating or mitigating
275 circumstance that he or she considered in determining the
276 recommended penalty.

277

278 Any deviation from the disciplinary guidelines or prescribed
279 penalty must be based upon circumstances or factors that
280 reasonably justify the aggravation or mitigation of the penalty.
281 Any deviation from the disciplinary guidelines or prescribed
282 penalty must be explained, in writing, by the administrative law
283 judge.

284 Section 7. Subsection (4) of section 943.1397, Florida
285 Statutes, is amended to read:

286 943.1397 Officer certification examinations; fee.—

287 (4) The provisions of subsection (1) and s. 943.13(11)
288 ~~943.13(10)~~ do not apply to an applicant who was enrolled in a
289 commission-approved basic recruit training program prior to July
290 1, 1993.

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291 Section 8. Section 943.17296, Florida Statutes, is amended
292 to read:

293 943.17296 Training in identifying and investigating elder
294 abuse and neglect.—Each certified law enforcement officer must
295 successfully complete training on identifying and investigating
296 elder abuse and neglect as a part of the basic recruit training
297 of the officer required in s. 943.13(10) ~~943.13(9)~~ or continuing
298 education under s. 943.135(1) before June 30, 2011. The training
299 shall be developed in consultation with the Department of
300 Elderly Affairs and the Department of Children and Families and
301 must incorporate instruction on the identification of and
302 appropriate responses for persons suffering from dementia and on
303 identifying and investigating elder abuse and neglect. If an
304 officer fails to complete the required training, his or her
305 certification is inactive until the employing agency notifies
306 the commission that the officer has completed the training.

307 Section 9. Subsection (3) of section 943.173, Florida
308 Statutes, is amended to read:

309 943.173 Examinations; administration; materials not public
310 records; disposal of materials.—

311 (3) All examinations, assessments, and instruments and the
312 results of examinations, other than test scores on officer
313 certification examinations, including developmental materials
314 and workpapers directly related thereto, prepared, prescribed,
315 or administered pursuant to ss. 943.13(10) ~~943.13(9)~~ or (11)
316 ~~(10)~~ and 943.17 are exempt from the provisions of s. 119.07(1)
317 and s. 24(a), Art. I of the State Constitution. Provisions
318 governing access to, maintenance of, and destruction of relevant
319 documents pursuant to this section shall be prescribed by rules

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320 adopted by the commission.

321 Section 10. Subsection (1) of section 943.19, Florida
322 Statutes, is amended to read:

323 943.19 Saving clause.—

324 (1) Any full-time, part-time, or auxiliary law enforcement
325 or correctional officer duly certified by the commission and
326 employed or appointed as of September 30, 1984, and any
327 correctional probation officer employed or appointed as of
328 September 30, 1986, and any correctional probation officer
329 employed in an institution as of September 30, 1989, is not
330 required to comply with s. 943.13(5) and (9) ~~(8)~~ as a condition
331 of continued employment or appointment with his or her current
332 employing agency.

333 Section 11. Section 943.253, Florida Statutes, is amended
334 to read:

335 943.253 Exemption; elected officers.—Elected officers are
336 exempt from the requirements of ss. 943.085-943.25. However, an
337 elected officer may participate in the programs and benefits
338 under ss. 943.085-943.25 if he or she complies with s.
339 943.13(1)-(8) ~~943.13(1)-(7)~~.

340 Section 12. This act shall take effect July 1, 2017.