

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Burgess offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (22) is added to section 943.10,
 8 Florida Statutes, to read:

9 943.10 Definitions; ss. 943.085-943.255.—The following
 10 words and phrases as used in ss. 943.085-943.255 are defined as
 11 follows:

12 (22) "Special operations forces" means those active and
 13 reserve component forces of the military services designated by
 14 the Secretary of Defense and specifically organized, trained,
 15 and equipped to conduct and support special operations. The term
 16 includes, but is not limited to, servicemembers of the United

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17 States Army Special Forces; the United States Army 75th Ranger
18 Regiment; the United States Navy SEALs and Special Warfare
19 Combatant-Craft Crewmen; the United States Air Force Combat
20 Control, Pararescue, and Tactical Air Control Party specialists;
21 the United States Marine Corps Critical Skills Operators; and
22 any other component of the United States Special Operations
23 Command approved by the commission.

24 Section 2. Subsection (9) of section 943.13, Florida
25 Statutes, is amended to read:

26 943.13 Officers' minimum qualifications for employment or
27 appointment.—On or after October 1, 1984, any person employed or
28 appointed as a full-time, part-time, or auxiliary law
29 enforcement officer or correctional officer; on or after October
30 1, 1986, any person employed as a full-time, part-time, or
31 auxiliary correctional probation officer; and on or after
32 October 1, 1986, any person employed as a full-time, part-time,
33 or auxiliary correctional officer by a private entity under
34 contract to the Department of Corrections, to a county
35 commission, or to the Department of Management Services shall:

36 (9) Complete a commission-approved basic recruit training
37 program for the applicable criminal justice discipline, unless
38 exempt under this subsection. An applicant who has:

39 (a) Completed a comparable basic recruit training program
40 for the applicable criminal justice discipline in another state
41 or for the Federal Government~~+~~ and served as a full-time sworn

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42 officer in another state or for the Federal Government for at
43 least 1 year, provided there is no more than an 8-year break in
44 employment, as measured from the separation date of the most
45 recent qualifying employment to the time a complete application
46 for an exemption under this subsection is submitted; or

47 (b) Served in the special operations forces for a minimum
48 of 5 years, provided there is no more than a 4-year break from
49 the applicant's special operations forces experience, as
50 measured from the separation date from the special operations
51 forces to the time a complete application for an exemption under
52 this subsection is submitted; ~~Served as a full-time sworn~~

53 ~~officer in another state or for the Federal Government for at~~
54 ~~least 1 year provided there is no more than an 8-year break in~~
55 ~~employment, as measured from the separation date of the most~~
56 ~~recent qualifying employment to the time a complete application~~
57 ~~is submitted for an exemption under this section,~~

58
59 is exempt in accordance with s. 943.131(2) from completing the
60 commission-approved basic recruit training program.

61 Section 3. Subsection (2) of section 943.131, Florida
62 Statutes, is amended, and subsections (3) and (4) are added to
63 section 943.131, Florida Statutes, to read:

64 943.131 Temporary employment or appointment; minimum basic
65 recruit training exemptions.-

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66 (2) If an applicant seeks an exemption from completing a
67 commission-approved basic recruit training program, the
68 employing agency, training center, or criminal justice selection
69 center must verify and document that the applicant has:

70 (a) Successfully completed a comparable basic recruit
71 training program for the discipline in which the applicant is
72 seeking certification in another state or for the Federal
73 Government or a previous Florida basic recruit training program.
74 Further, the employing agency, training center, or criminal
75 justice selection center must verify that the applicant has
76 served as a full-time sworn officer in another state or for the
77 Federal Government for at least 1 year provided there is no more
78 than an 8-year break in employment or was a previously certified
79 Florida officer provided there is no more than an 8-year break
80 in employment, as measured from the separation date of the most
81 recent qualifying employment to the time a complete application
82 is submitted for an exemption under this section. ~~When~~ The ~~the~~
83 employing agency, training center, or criminal justice selection
84 center shall submit ~~obtains written~~ documentation of
85 satisfaction of this requirement to the commission; or ~~regarding~~
86 ~~the applicant's criminal justice experience, the documentation~~
87 ~~must be submitted to the commission. The commission shall adopt~~
88 ~~rules that establish criteria and procedures to determine if the~~
89 ~~applicant is exempt from completing the commission-approved~~
90 ~~basic recruit training program and, upon making a determination,~~

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91 ~~shall notify the employing agency or criminal justice selection~~
92 ~~center. An applicant who is exempt from completing the~~
93 ~~commission-approved basic recruit training program must~~
94 ~~demonstrate proficiency in the high-liability areas, as defined~~
95 ~~by commission rule, and must complete the requirements of s.~~
96 ~~943.13(10) within 1 year after receiving an exemption. If the~~
97 ~~proficiencies and requirements of s. 943.13(10) are not met~~
98 ~~within the 1 year, the applicant must seek an additional~~
99 ~~exemption pursuant to the requirements of this subsection.~~
100 ~~Except as provided in subsection (1), before the employing~~
101 ~~agency may employ or appoint the applicant as an officer, the~~
102 ~~applicant must meet the minimum qualifications described in s.~~
103 ~~943.13(1)–(8), and must fulfill the requirements of s.~~
104 ~~943.13(10).~~

105 (b) Served in the special operation forces for a minimum
106 of 5 years, provided there is no more than a 4-year break from
107 the applicant's special operations forces experience, as
108 measured from the separation date from the special operations
109 forces to the time a complete application for an exemption under
110 this subsection is submitted. The employing agency, training
111 center, or criminal justice selection center shall further
112 verify and document the specific training and experience the
113 applicant received during his or her special operations forces
114 service that is relevant to law enforcement. The employing
115 agency, training center, or criminal justice selection center

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116 shall submit documentation of satisfaction of these requirements
117 to the commission.

118 (3) The commission shall adopt rules that establish
119 criteria and procedures to determine if the applicant is exempt
120 from completing the commission-approved basic recruit training
121 program and, upon making a determination, shall notify the
122 employing agency, training center, or criminal justice selection
123 center. The commission may require an exempt applicant to
124 complete additional training as it deems appropriate based on
125 the applicant's prior training and experience.

126 (4) Within 1 year after receiving an exemption, an
127 applicant who is exempt from completing the commission-approved
128 basic recruit training program must:

129 (a) Complete all additional required training as required
130 by the commission;

131 (b) Demonstrate proficiency in the high-liability areas as
132 defined by commission rule; and

133 (c) Complete the requirements of s. 943.13(10).

134
135 If the proficiencies and requirements of s. 943.13(10) are not
136 met within the 1-year period, the applicant must seek an
137 additional exemption pursuant to the requirements of this
138 subsection. Except as provided in subsection (1), before the
139 employing agency may employ or appoint the applicant as an
140 officer, the applicant must meet the minimum qualifications

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141 described in s. 943.13(1)-(8), and must fulfill the requirements
142 of s. 943.13(10).

143 Section 4. For the purpose of incorporating the amendment
144 made by this act to section 943.131, Florida Statutes, in a
145 reference thereto, Subsection (7) of section 626.989, Florida
146 Statutes, is reenacted to read:

147 626.989 Investigation by department or Division of
148 Investigative and Forensic Services; compliance; immunity;
149 confidential information; reports to division; division
150 investigator's power of arrest.—

151 (7) Division investigators shall have the power to make
152 arrests for criminal violations established as a result of
153 investigations. Such investigators shall also be considered
154 state law enforcement officers for all purposes and shall have
155 the power to execute arrest warrants and search warrants; to
156 serve subpoenas issued for the examination, investigation, and
157 trial of all offenses; and to arrest upon probable cause without
158 warrant any person found in the act of violating any of the
159 provisions of applicable laws. Investigators empowered to make
160 arrests under this section shall be empowered to bear arms in
161 the performance of their duties. In such a situation, the
162 investigator must be certified in compliance with the provisions
163 of s. 943.1395 or must meet the temporary employment or
164 appointment exemption requirements of s. 943.131 until
165 certified.

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166 Section 5. For the purpose of incorporating the amendment
167 made by this act to section 943.131, Florida Statutes, in a
168 reference thereto, Subsections (1) and (6) of section 943.133,
169 Florida Statutes, are reenacted to read:

170 943.133 Responsibilities of employing agency, commission,
171 and program with respect to compliance with employment
172 qualifications and the conduct of background investigations;
173 injunctive relief.—

174 (1) The employing agency is fully responsible for the
175 collection, verification, and maintenance of documentation
176 establishing that an applicant complies with the requirements of
177 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
178 943.13 and 943.131.

179 (6) If an employing agency employs or appoints an officer
180 in violation of this section or of s. 943.13, s. 943.131, or s.
181 943.135, or any rules adopted pursuant thereto, the Department
182 of Legal Affairs, at the request of the chair of the commission,
183 shall apply to the circuit court in the county of the employing
184 agency for injunctive relief prohibiting the employment or
185 appointment of the person contrary to this section.

186 Section 6. For the purpose of incorporating the amendment
187 made by this act to section 943.131, Florida Statutes, in a
188 reference thereto, Subsections (3), (9), and (10) of section
189 943.1395, Florida Statutes, are reenacted to read:

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190 943.1395 Certification for employment or appointment;
191 concurrent certification; reemployment or reappointment;
192 inactive status; revocation; suspension; investigation.—

193 (3) Any certified officer who has separated from
194 employment or appointment and who is not reemployed or
195 reappointed by an employing agency within 4 years after the date
196 of separation must meet the minimum qualifications described in
197 s. 943.13, except for the requirement found in s. 943.13(9).
198 Further, such officer must complete any training required by the
199 commission by rule in compliance with s. 943.131(2). Any such
200 officer who fails to comply with the requirements provided in s.
201 943.131(2) must meet the minimum qualifications described in s.
202 943.13, to include the requirement of s. 943.13(9).

203 (9) Each person employed pursuant to s. 943.131 is subject
204 to discipline by the commission. Persons who have been subject
205 to disciplinary action pursuant to this subsection are
206 ineligible for employment or appointment under s. 943.131.

207 (a) The commission shall cause to be investigated any
208 conduct defined in subsection (6) or subsection (7) by a person
209 employed under s. 943.131 and shall set disciplinary guidelines
210 and penalties prescribed in rules applicable to such
211 noncertified persons.

212 (b) The disciplinary guidelines and prescribed penalties
213 must be based upon the severity of specific offenses. The
214 guidelines must provide reasonable and meaningful notice to

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215 officers and to the public of penalties that may be imposed for
216 prohibited conduct. The penalties must be consistently applied
217 by the commission.

218 (c) In addition, the commission may establish violations
219 and disciplinary penalties for intentional abuse of the
220 employment option provided by s. 943.131 by an individual or
221 employing agency.

222 (10) An officer whose certification has been revoked
223 pursuant to this section shall be ineligible for employment or
224 appointment under s. 943.131.

225 Section 7. This act shall take effect July 1, 2018.

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227 **T I T L E A M E N D M E N T**

228 Remove everything before the enacting clause and insert:
229 An act relating to temporary employment or appointment of
230 officers; amending s. 943.10, F.S.; defining the term "special
231 operations forces"; amending s. 943.13, F.S.; exempting
232 applicants who have served at least 5 years in the special armed
233 forces from the basic recruit training requirement, provided
234 there is no more than a 4-year break from the applicant's
235 special operations forces experience; amending s. 943.131, F.S.;
236 requiring an employing agency, training center, or criminal
237 justice selection center to verify and document that certain
238 applicants have served in the special operations forces for a
239 minimum period and completed certain training if they seek an

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240 exemption from a basic recruit training program approved by the
241 Criminal Justice Standards and Training Commission; requiring
242 the employing agency, training center, or selection center to
243 submit the documentation to the commission; reenacting ss.
244 626.989(7), 943.13(9), 943.133(1) and (6), and 943.1395(3), (9),
245 and (10), F.S., relating to investigations by the Division of
246 Investigative and Forensic Services, officers' minimum
247 qualifications for employment or appointment, the
248 responsibilities of certain employing entities, and
249 certification for certain employment or appointment,
250 respectively, to incorporate the amendment made to s. 943.131,
251 F.S., in references thereto; providing an effective date.