



140560

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(22) "Special operations forces" means those active and



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11 reserve component forces of the military services designated by  
12 the Secretary of Defense and specifically organized, trained,  
13 and equipped to conduct and support special operations. The term  
14 includes servicemembers of the United States Army Special  
15 Forces; the United States Army 75th Ranger Regiment; the United  
16 States Navy SEALs and Special Warfare Combatant-Craft Crewmen;  
17 the United States Air Force Combat Control, Pararescue, and  
18 Tactical Air Control Party specialists; the United States Marine  
19 Corps Critical Skills Operators; and any other component of the  
20 United States Special Operations Command approved by the  
21 commission.

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

24 943.13 Officers' minimum qualifications for employment or  
25 appointment.—On or after October 1, 1984, any person employed or  
26 appointed as a full-time, part-time, or auxiliary law  
27 enforcement officer or correctional officer; on or after October  
28 1, 1986, any person employed as a full-time, part-time, or  
29 auxiliary correctional probation officer; and on or after  
30 October 1, 1986, any person employed as a full-time, part-time,  
31 or auxiliary correctional officer by a private entity under  
32 contract to the Department of Corrections, to a county  
33 commission, or to the Department of Management Services shall:

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

37 (a)1. Completed a comparable basic recruit training program  
38 for the applicable criminal justice discipline in another state  
39 or for the Federal Government; and



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40           ~~2.(b)~~ Served as a full-time sworn officer in another state  
41 or for the Federal Government for at least 1 year provided there  
42 is no more than an 8-year break in employment, as measured from  
43 the separation date of the most recent qualifying employment to  
44 the time a complete application is submitted for an exemption  
45 under this section; or

46           (b) Successfully completed a special operations forces  
47 training course, served in the special operations forces for a  
48 minimum of 5 years, and no more than 4 years have passed from  
49 the last date of service in the special operations forces to the  
50 date that a complete application is submitted for an exemption  
51 under this subsection,

52  
53 is exempt in accordance with s. 943.131(2) from completing ~~a the~~  
54 commission-approved basic recruit training program.

55           Section 3. Subsection (2) of section 943.131, Florida  
56 Statutes, is amended, and paragraph (a) of subsection (1) of  
57 that section is republished, to read:

58           943.131 Temporary employment or appointment; minimum basic  
59 recruit training ~~exemptions exemption.~~

60           (1)(a) An employing agency may temporarily employ or  
61 appoint a person who complies with the qualifications for  
62 employment in s. 943.13(1)-(8), but has not fulfilled the  
63 requirements of s. 943.13(9) and (10), if a critical need exists  
64 to employ or appoint the person and such person is or will be  
65 enrolled in the next approved basic recruit training program  
66 available in the geographic area or that no assigned state  
67 training program for state officers is available within a  
68 reasonable time. The employing agency must maintain



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69 documentation which demonstrates that a critical need exists to  
70 employ a person pursuant to this section. Prior to the  
71 employment or appointment of any person other than a  
72 correctional probation officer under this subsection, the person  
73 shall comply with the firearms provisions established pursuant  
74 to s. 943.17(1)(a). Any person temporarily employed or appointed  
75 as an officer under this subsection must attend the first  
76 training program offered in the geographic area, or the first  
77 assigned state training program for a state officer, subsequent  
78 to his or her employment or appointment. A person temporarily  
79 employed or appointed as an officer under this subsection must  
80 begin basic recruit training within 180 consecutive days after  
81 employment. Such person must fulfill the requirements of s.  
82 943.13(9) within 18 months after beginning basic recruit  
83 training and must fulfill the certification examination  
84 requirements of s. 943.13(10) within 180 consecutive days after  
85 completing basic recruit training. A person hired after he or  
86 she has commenced basic recruit training or after completion of  
87 basic recruit training must fulfill the certification  
88 examination requirements of s. 943.13(10) within 180 consecutive  
89 days after completion of basic recruit training or the  
90 commencement of employment, whichever occurs later.

91 (2) If an applicant seeks an exemption from completing a  
92 commission-approved basic recruit training program, the  
93 employing agency, training center, or criminal justice selection  
94 center must do one of the following, as appropriate:

95 (a) Verify and document that the applicant has successfully  
96 completed a comparable basic recruit training program for the  
97 discipline in which the applicant is seeking certification in



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98 another state or for the Federal Government or a previous  
99 Florida basic recruit training program. Further, the employing  
100 agency, training center, or criminal justice selection center  
101 must verify and document that the applicant has served as a  
102 full-time sworn officer in another state or for the Federal  
103 Government for at least 1 year provided there is no more than an  
104 8-year break in employment or was a previously certified Florida  
105 officer provided there is no more than an 8-year break in  
106 employment, as measured from the separation date of the most  
107 recent qualifying employment to the time a complete application  
108 is submitted for an exemption under this section. ~~When~~ The  
109 employing agency, training center, or criminal justice selection  
110 center shall submit ~~obtains written~~ documentation of  
111 satisfaction of this requirement to the commission ~~regarding the~~  
112 ~~applicant's criminal justice experience, the documentation must~~  
113 ~~be submitted to the commission. The commission shall adopt rules~~  
114 ~~that establish criteria and procedures to determine if the~~  
115 ~~applicant is exempt from completing the commission-approved~~  
116 ~~basic recruit training program and, upon making a determination,~~  
117 ~~shall notify the employing agency or criminal justice selection~~  
118 ~~center. An applicant who is exempt from completing the~~  
119 ~~commission-approved basic recruit training program must~~  
120 ~~demonstrate proficiency in the high-liability areas, as defined~~  
121 ~~by commission rule, and must complete the requirements of s.~~  
122 ~~943.13(10) within 1 year after receiving an exemption. If the~~  
123 ~~proficiencies and requirements of s. 943.13(10) are not met~~  
124 ~~within the 1 year, the applicant must seek an additional~~  
125 ~~exemption pursuant to the requirements of this subsection.~~  
126 ~~Except as provided in subsection (1), before the employing~~



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127 ~~agency may employ or appoint the applicant as an officer, the~~  
128 ~~applicant must meet the minimum qualifications described in s.~~  
129 ~~943.13(1)-(8), and must fulfill the requirements of s.~~  
130 ~~943.13(10).~~

131 (b) Verify and document that the applicant has successfully  
132 completed a special operations forces training course and served  
133 in the special operations forces for a minimum of 5 years.  
134 Further, the employing agency, training center, or criminal  
135 justice selection center must verify and document that no more  
136 than 4 years have passed from the last date of service in the  
137 special operations forces to the time a complete application is  
138 submitted for an exemption under this section. The employing  
139 agency, training center, or criminal justice selection center  
140 shall submit documentation of satisfaction of these requirements  
141 to the commission.

142  
143 The commission shall adopt rules that establish criteria and  
144 procedures to determine if the applicant is exempt from  
145 completing the commission-approved basic recruit training  
146 program and, upon making a determination, shall notify the  
147 employing agency, training center, or criminal justice selection  
148 center, as appropriate. An applicant who is exempt under this  
149 subsection must complete training required by the commission and  
150 demonstrate proficiency in the high-liability areas as defined  
151 by commission rule and complete the requirements of s.  
152 943.13(10) within 1 year after receiving an exemption.  
153 If the proficiencies and requirements of s. 943.13(10) are not  
154 met within the 1-year period, the applicant must seek an  
155 additional exemption pursuant to the requirements of this



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156 subsection. Except as provided in subsection (1), before the  
157 employing agency may employ or appoint the applicant as an  
158 officer, the applicant must meet the minimum qualifications  
159 described in s. 943.13(1)-(8), and must fulfill the requirements  
160 of s. 943.13(10).

161 Section 4. For the purpose of incorporating the amendment  
162 made by this act to section 943.13, Florida Statutes, in a  
163 reference thereto, subsection (3) of section 943.1395, Florida  
164 Statutes, is reenacted to read:

165 943.1395 Certification for employment or appointment;  
166 concurrent certification; reemployment or reappointment;  
167 inactive status; revocation; suspension; investigation.—

168 (3) Any certified officer who has separated from employment  
169 or appointment and who is not reemployed or reappointed by an  
170 employing agency within 4 years after the date of separation  
171 must meet the minimum qualifications described in s. 943.13,  
172 except for the requirement found in s. 943.13(9). Further, such  
173 officer must complete any training required by the commission by  
174 rule in compliance with s. 943.131(2). Any such officer who  
175 fails to comply with the requirements provided in s. 943.131(2)  
176 must meet the minimum qualifications described in s. 943.13, to  
177 include the requirement of s. 943.13(9).

178 Section 5. For the purpose of incorporating the amendment  
179 made by this act to section 943.13, Florida Statutes, in a  
180 reference thereto, section 943.17296, Florida Statutes, is  
181 reenacted to read:

182 943.17296 Training in identifying and investigating elder  
183 abuse and neglect.—Each certified law enforcement officer must  
184 successfully complete training on identifying and investigating



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185 elder abuse and neglect as a part of the basic recruit training  
186 of the officer required in s. 943.13(9) or continuing education  
187 under s. 943.135(1) before June 30, 2011. The training shall be  
188 developed in consultation with the Department of Elderly Affairs  
189 and the Department of Children and Families and must incorporate  
190 instruction on the identification of and appropriate responses  
191 for persons suffering from dementia and on identifying and  
192 investigating elder abuse and neglect. If an officer fails to  
193 complete the required training, his or her certification is  
194 inactive until the employing agency notifies the commission that  
195 the officer has completed the training.

196 Section 6. For the purpose of incorporating the amendment  
197 made by this act to section 943.131, Florida Statutes, in a  
198 reference thereto, subsection (7) of section 626.989, Florida  
199 Statutes, is reenacted to read:

200 626.989 Investigation by department or Division of  
201 Investigative and Forensic Services; compliance; immunity;  
202 confidential information; reports to division; division  
203 investigator's power of arrest.—

204 (7) Division investigators shall have the power to make  
205 arrests for criminal violations established as a result of  
206 investigations. Such investigators shall also be considered  
207 state law enforcement officers for all purposes and shall have  
208 the power to execute arrest warrants and search warrants; to  
209 serve subpoenas issued for the examination, investigation, and  
210 trial of all offenses; and to arrest upon probable cause without  
211 warrant any person found in the act of violating any of the  
212 provisions of applicable laws. Investigators empowered to make  
213 arrests under this section shall be empowered to bear arms in





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214 the performance of their duties. In such a situation, the  
215 investigator must be certified in compliance with the provisions  
216 of s. 943.1395 or must meet the temporary employment or  
217 appointment exemption requirements of s. 943.131 until  
218 certified.

219 Section 7. For the purpose of incorporating the amendment  
220 made by this act to section 943.131, Florida Statutes, in  
221 references thereto, subsections (1) and (6) of section 943.133,  
222 Florida Statutes, are reenacted to read:

223 943.133 Responsibilities of employing agency, commission,  
224 and program with respect to compliance with employment  
225 qualifications and the conduct of background investigations;  
226 injunctive relief.—

227 (1) The employing agency is fully responsible for the  
228 collection, verification, and maintenance of documentation  
229 establishing that an applicant complies with the requirements of  
230 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
231 943.13 and 943.131.

232 (6) If an employing agency employs or appoints an officer  
233 in violation of this section or of s. 943.13, s. 943.131, or s.  
234 943.135, or any rules adopted pursuant thereto, the Department  
235 of Legal Affairs, at the request of the chair of the commission,  
236 shall apply to the circuit court in the county of the employing  
237 agency for injunctive relief prohibiting the employment or  
238 appointment of the person contrary to this section.

239 Section 8. For the purpose of incorporating the amendment  
240 made by this act to section 943.131, Florida Statutes, in  
241 references thereto, subsections (3), (9), and (10) of section  
242 943.1395, Florida Statutes, are reenacted to read:



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243           943.1395 Certification for employment or appointment;  
244 concurrent certification; reemployment or reappointment;  
245 inactive status; revocation; suspension; investigation.—

246           (3) Any certified officer who has separated from employment  
247 or appointment and who is not reemployed or reappointed by an  
248 employing agency within 4 years after the date of separation  
249 must meet the minimum qualifications described in s. 943.13,  
250 except for the requirement found in s. 943.13(9). Further, such  
251 officer must complete any training required by the commission by  
252 rule in compliance with s. 943.131(2). Any such officer who  
253 fails to comply with the requirements provided in s. 943.131(2)  
254 must meet the minimum qualifications described in s. 943.13, to  
255 include the requirement of s. 943.13(9).

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

260           (a) The commission shall cause to be investigated any  
261 conduct defined in subsection (6) or subsection (7) by a person  
262 employed under s. 943.131 and shall set disciplinary guidelines  
263 and penalties prescribed in rules applicable to such  
264 noncertified persons.

265           (b) The disciplinary guidelines and prescribed penalties  
266 must be based upon the severity of specific offenses. The  
267 guidelines must provide reasonable and meaningful notice to  
268 officers and to the public of penalties that may be imposed for  
269 prohibited conduct. The penalties must be consistently applied  
270 by the commission.

271           (c) In addition, the commission may establish violations



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272 and disciplinary penalties for intentional abuse of the  
273 employment option provided by s. 943.131 by an individual or  
274 employing agency.

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

278 Section 9. This act shall take effect July 1, 2018.

279

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

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284

A bill to be entitled

285 An act relating to minimum basic recruit training  
286 exemptions; amending s. 943.10, F.S.; defining the  
287 term "special operations forces"; amending s. 943.13,  
288 F.S.; exempting former special operations forces  
289 members who meet certain requirements from the  
290 Criminal Justice Standards and Training Commission-  
291 approved basic recruit training program; amending s.  
292 943.131, F.S.; requiring an employing agency, training  
293 center, or criminal justice selection center to verify  
294 and document that special operations forces applicants  
295 meet certain requirements if the applicants seek an  
296 exemption from a basic recruit training program  
297 approved by the commission; requiring the employing  
298 agency, training center, or criminal justice selection  
299 center to submit the documentation to the commission;  
300 reenacting ss. 943.1395(3) and 943.17296, F.S.,



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301 relating to certification for employment or  
302 appointment as an officer and training in identifying  
303 and investigating elder abuse and neglect,  
304 respectively, to incorporate the amendment made to s.  
305 943.13, F.S., in references thereto; reenacting ss.  
306 626.989(7), 943.133(1) and (6), and 943.1395(3), (9),  
307 and (10), F.S., relating to investigations by the  
308 Division of Investigative and Forensic Services, the  
309 responsibilities of certain employing entities, and  
310 certification for certain employment or appointment,  
311 respectively, to incorporate the amendment made to s.  
312 943.131, F.S., in references thereto; providing an  
313 effective date.