

By Senator Stargel

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1                                   A bill to be entitled  
2       An act relating to temporary employment or appointment  
3       of officers; amending s. 943.10, F.S.; defining the  
4       term "special operations forces"; amending s. 943.131,  
5       F.S.; requiring an employing agency or criminal  
6       justice selection center to verify and document that  
7       certain applicants have served in the special  
8       operations forces and completed certain training if  
9       they seek an exemption from a basic recruit training  
10      program approved by the Criminal Justice Standards and  
11      Training Commission; requiring the employing agency or  
12      selection center to submit the documentation to the  
13      commission; reenacting ss. 626.989(7), 943.13(9),  
14      943.133(1) and (6), and 943.1395(3), (9), and (10),  
15      F.S., relating to investigations by the Division of  
16      Investigative and Forensic Services, officers' minimum  
17      qualifications for employment or appointment, the  
18      responsibilities of certain employing entities, and  
19      certification for certain employment or appointment,  
20      respectively, to incorporate the amendment made to s.  
21      943.131, F.S., in references thereto; providing an  
22      effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Subsection (22) is added to section 943.10,  
27       Florida Statutes, to read:

28       943.10 Definitions; ss. 943.085-943.255.—The following  
29       words and phrases as used in ss. 943.085-943.255 are defined as

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30 follows:

31 (22) "Special operations forces" means those active and  
32 reserve component forces of the military services designated by  
33 the Secretary of Defense and specifically organized, trained,  
34 and equipped to conduct and support special operations. This  
35 includes, but is not limited to, servicemembers of the United  
36 States Army Special Forces with military occupational skill 18,  
37 the 75th Ranger Regiment with military occupational skill 11,  
38 and the Combat Applications Group with military occupational  
39 skills 11 and 18; the United States Navy SEALs and special  
40 warfare combatant-craft crewmen with a military occupational  
41 skill in the 5300 series; the United States Air Force special  
42 tactics air force specialty code 13CX; the United States Marine  
43 Corps critical skills operators with military occupational skill  
44 0372 and special operations officers with military occupational  
45 skill 0370; and any other component of the United States Special  
46 Operations Command approved by the commission.

47 Section 2. Section 943.131, Florida Statutes, is amended to  
48 read:

49 943.131 Temporary employment or appointment; minimum basic  
50 recruit training exemptions ~~exemption~~.-

51 (1) (a) An employing agency may temporarily employ or  
52 appoint a person who complies with the qualifications for  
53 employment in s. 943.13(1)-(8), but has not fulfilled the  
54 requirements of s. 943.13(9) and (10), if a critical need exists  
55 to employ or appoint the person and such person is or will be  
56 enrolled in the next approved basic recruit training program  
57 available in the geographic area or that no assigned state  
58 training program for state officers is available within a

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

82 (b) In no case may the person be temporarily employed or  
83 appointed for more than 30 months. A person shall not be  
84 eligible to transfer to another employer while employed pursuant  
85 to this subsection. However, a person who is temporarily  
86 employed or appointed and is attending the first training  
87 program offered in the geographic area, or has been assigned to

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88 a state training program, may continue to be temporarily  
89 employed or appointed until the person:

90 1. Fails or withdraws from a basic recruit training program  
91 within the time limits specified in this subsection;

92 2. Fails to achieve an acceptable score on the officer  
93 certification examination within 180 consecutive days after the  
94 successful completion of the basic recruit training program  
95 within the time limits specified in this subsection; or

96 3. Is separated from employment or appointment by the  
97 employing agency within the time limits specified in this  
98 subsection.

99 (c) No person temporarily employed or appointed under the  
100 provisions of this subsection may perform the duties of an  
101 officer unless he or she is adequately supervised by another  
102 officer of the same discipline. The supervising officer must be  
103 in full compliance with the provisions of s. 943.13 and must be  
104 employed or appointed by the employing agency.

105 (d) Persons employed under this subsection are subject to  
106 the provisions of s. 943.1395.

107 (e) Persons who have had a certification administered  
108 pursuant to s. 943.1395 revoked by the commission or have  
109 voluntarily relinquished such certification shall be ineligible  
110 for employment pursuant to this subsection.

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

115 (a) Verify that the applicant has successfully completed a  
116 comparable basic recruit training program for the discipline in

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117 which the applicant is seeking certification in another state or  
118 for the Federal Government or a previous Florida basic recruit  
119 training program. Further, the employing agency or criminal  
120 justice selection center must verify and document that the  
121 applicant has served as a full-time sworn officer in another  
122 state or for the Federal Government for at least 1 year provided  
123 there is no more than an 8-year break in employment or was a  
124 previously certified Florida officer provided there is no more  
125 than an 8-year break in employment, as measured from the  
126 separation date of the most recent qualifying employment to the  
127 time a complete application is submitted for an exemption under  
128 this section. ~~When~~ The employing agency or criminal justice  
129 selection center shall submit ~~obtains written~~ documentation of  
130 satisfaction of this requirement to the commission ~~regarding the~~  
131 ~~applicant's criminal justice experience, the documentation must~~  
132 ~~be submitted to the commission.~~

133 (b) Verify and document that the applicant has served in  
134 the special operations forces for a minimum of 10 years and has  
135 successfully completed a special operations forces training  
136 course. The employing agency or criminal justice selection  
137 center shall submit documentation of satisfaction of these  
138 requirements to the commission.

139  
140 The commission shall adopt rules that establish criteria and  
141 procedures to determine if an ~~the~~ applicant is exempt from  
142 completing the commission-approved basic recruit training  
143 program and, upon making such a determination, shall notify the  
144 employing agency or criminal justice selection center, as  
145 appropriate. An applicant who is exempt from completing the

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146 commission-approved basic recruit training program must  
147 demonstrate proficiency in the high-liability areas, as defined  
148 by commission rule, and must complete the requirements of s.  
149 943.13(10) within 1 year after receiving an exemption. If the  
150 proficiencies and requirements of s. 943.13(10) are not met  
151 within the 1 year, such an ~~the~~ applicant must seek an additional  
152 exemption pursuant to the requirements of this subsection.  
153 Except as provided in subsection (1), before an ~~the~~ employing  
154 agency may employ or appoint an ~~the~~ applicant as an officer, the  
155 applicant must meet the minimum qualifications described in s.  
156 943.13(1)-(8), and must fulfill the requirements of s.  
157 943.13(10).

158 Section 3. For the purpose of incorporating the amendment  
159 made by this act to section 943.131, Florida Statutes, in a  
160 reference thereto, subsection (7) of section 626.989, Florida  
161 Statutes, is reenacted to read:

162 626.989 Investigation by department or Division of  
163 Investigative and Forensic Services; compliance; immunity;  
164 confidential information; reports to division; division  
165 investigator's power of arrest.—

166 (7) Division investigators shall have the power to make  
167 arrests for criminal violations established as a result of  
168 investigations. Such investigators shall also be considered  
169 state law enforcement officers for all purposes and shall have  
170 the power to execute arrest warrants and search warrants; to  
171 serve subpoenas issued for the examination, investigation, and  
172 trial of all offenses; and to arrest upon probable cause without  
173 warrant any person found in the act of violating any of the  
174 provisions of applicable laws. Investigators empowered to make

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175 arrests under this section shall be empowered to bear arms in  
176 the performance of their duties. In such a situation, the  
177 investigator must be certified in compliance with the provisions  
178 of s. 943.1395 or must meet the temporary employment or  
179 appointment exemption requirements of s. 943.131 until  
180 certified.

181 Section 4. For the purpose of incorporating the amendment  
182 made by this act to section 943.131, Florida Statutes, in a  
183 reference thereto, subsection (9) of section 943.13, Florida  
184 Statutes, is reenacted to read:

185 943.13 Officers' minimum qualifications for employment or  
186 appointment.—On or after October 1, 1984, any person employed or  
187 appointed as a full-time, part-time, or auxiliary law  
188 enforcement officer or correctional officer; on or after October  
189 1, 1986, any person employed as a full-time, part-time, or  
190 auxiliary correctional probation officer; and on or after  
191 October 1, 1986, any person employed as a full-time, part-time,  
192 or auxiliary correctional officer by a private entity under  
193 contract to the Department of Corrections, to a county  
194 commission, or to the Department of Management Services shall:

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

198 (a) Completed a comparable basic recruit training program  
199 for the applicable criminal justice discipline in another state  
200 or for the Federal Government; and

201 (b) Served as a full-time sworn officer in another state or  
202 for the Federal Government for at least 1 year provided there is  
203 no more than an 8-year break in employment, as measured from the

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204 separation date of the most recent qualifying employment to the  
205 time a complete application is submitted for an exemption under  
206 this section,

207  
208 is exempt in accordance with s. 943.131(2) from completing the  
209 commission-approved basic recruit training program.

210 Section 5. For the purpose of incorporating the amendment  
211 made by this act to section 943.131, Florida Statutes, in a  
212 reference thereto, subsections (1) and (6) of section 943.133,  
213 Florida Statutes, are reenacted to read:

214 943.133 Responsibilities of employing agency, commission,  
215 and program with respect to compliance with employment  
216 qualifications and the conduct of background investigations;  
217 injunctive relief.-

218 (1) The employing agency is fully responsible for the  
219 collection, verification, and maintenance of documentation  
220 establishing that an applicant complies with the requirements of  
221 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
222 943.13 and 943.131.

223 (6) If an employing agency employs or appoints an officer  
224 in violation of this section or of s. 943.13, s. 943.131, or s.  
225 943.135, or any rules adopted pursuant thereto, the Department  
226 of Legal Affairs, at the request of the chair of the commission,  
227 shall apply to the circuit court in the county of the employing  
228 agency for injunctive relief prohibiting the employment or  
229 appointment of the person contrary to this section.

230 Section 6. For the purpose of incorporating the amendment  
231 made by this act to section 943.131, Florida Statutes, in a  
232 reference thereto, subsections (3), (9), and (10) of section



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233 943.1395, Florida Statutes, are reenacted to read:

234 943.1395 Certification for employment or appointment;  
235 concurrent certification; reemployment or reappointment;  
236 inactive status; revocation; suspension; investigation.—

237 (3) Any certified officer who has separated from employment  
238 or appointment and who is not reemployed or reappointed by an  
239 employing agency within 4 years after the date of separation  
240 must meet the minimum qualifications described in s. 943.13,  
241 except for the requirement found in s. 943.13(9). Further, such  
242 officer must complete any training required by the commission by  
243 rule in compliance with s. 943.131(2). Any such officer who  
244 fails to comply with the requirements provided in s. 943.131(2)  
245 must meet the minimum qualifications described in s. 943.13, to  
246 include the requirement of s. 943.13(9).

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

251 (a) The commission shall cause to be investigated any  
252 conduct defined in subsection (6) or subsection (7) by a person  
253 employed under s. 943.131 and shall set disciplinary guidelines  
254 and penalties prescribed in rules applicable to such  
255 noncertified persons.

256 (b) The disciplinary guidelines and prescribed penalties  
257 must be based upon the severity of specific offenses. The  
258 guidelines must provide reasonable and meaningful notice to  
259 officers and to the public of penalties that may be imposed for  
260 prohibited conduct. The penalties must be consistently applied  
261 by the commission.

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262           (c) In addition, the commission may establish violations  
263 and disciplinary penalties for intentional abuse of the  
264 employment option provided by s. 943.131 by an individual or  
265 employing agency.

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

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