

**By** the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Stargel

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1                                   A bill to be entitled  
2           An act relating to minimum basic recruit training  
3           exemptions; amending s. 943.10, F.S.; defining the  
4           term "special operations forces"; amending s. 943.13,  
5           F.S.; exempting former special operations forces  
6           members who meet certain requirements from the  
7           Criminal Justice Standards and Training Commission-  
8           approved basic recruit training program; amending s.  
9           943.131, F.S.; requiring an employing agency, training  
10          center, or criminal justice selection center to verify  
11          and document that special operations forces applicants  
12          meet certain requirements if the applicants seek an  
13          exemption from a basic recruit training program  
14          approved by the commission; requiring the employing  
15          agency, training center, or criminal justice selection  
16          center to submit the documentation to the commission;  
17          reenacting ss. 943.1395(3) and 943.17296, F.S.,  
18          relating to certification for employment or  
19          appointment as an officer and training in identifying  
20          and investigating elder abuse and neglect,  
21          respectively, to incorporate the amendment made to s.  
22          943.13, F.S., in references thereto; reenacting ss.  
23          626.989(7), 943.133(1) and (6), and 943.1395(3), (9),  
24          and (10), F.S., relating to investigations by the  
25          Division of Investigative and Forensic Services, the  
26          responsibilities of certain employing entities, and  
27          certification for certain employment or appointment,  
28          respectively, to incorporate the amendment made to s.  
29          943.131, F.S., in references thereto; providing an

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30 effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (22) is added to section 943.10,  
35 Florida Statutes, to read:

36 943.10 Definitions; ss. 943.085-943.255.—The following  
37 words and phrases as used in ss. 943.085-943.255 are defined as  
38 follows:

39 (22) "Special operations forces" means those active and  
40 reserve component forces of the military services designated by  
41 the Secretary of Defense and specifically organized, trained,  
42 and equipped to conduct and support special operations. The term  
43 includes servicemembers of the United States Army Special  
44 Forces; the United States Army 75th Ranger Regiment; the United  
45 States Navy SEALs and Special Warfare Combatant-Craft Crewmen;  
46 the United States Air Force Combat Control, Pararescue, and  
47 Tactical Air Control Party specialists; the United States Marine  
48 Corps Critical Skills Operators; and any other component of the  
49 United States Special Operations Command approved by the  
50 commission.

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

53 943.13 Officers' minimum qualifications for employment or  
54 appointment.—On or after October 1, 1984, any person employed or  
55 appointed as a full-time, part-time, or auxiliary law  
56 enforcement officer or correctional officer; on or after October  
57 1, 1986, any person employed as a full-time, part-time, or  
58 auxiliary correctional probation officer; and on or after

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59 October 1, 1986, any person employed as a full-time, part-time,  
60 or auxiliary correctional officer by a private entity under  
61 contract to the Department of Corrections, to a county  
62 commission, or to the Department of Management Services shall:

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

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

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

75 (b) Successfully completed a special operations forces  
76 training course, served in the special operations forces for a  
77 minimum of 5 years, and no more than 4 years have passed from  
78 the last date of service in the special operations forces to the  
79 date that a complete application is submitted for an exemption  
80 under this subsection,

81  
82 is exempt in accordance with s. 943.131(2) from completing a ~~the~~  
83 commission-approved basic recruit training program.

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

87 943.131 Temporary employment or appointment; minimum basic

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88 recruit training exemptions ~~exemption~~.-

89 (1)(a) An employing agency may temporarily employ or  
90 appoint a person who complies with the qualifications for  
91 employment in s. 943.13(1)-(8), but has not fulfilled the  
92 requirements of s. 943.13(9) and (10), if a critical need exists  
93 to employ or appoint the person and such person is or will be  
94 enrolled in the next approved basic recruit training program  
95 available in the geographic area or that no assigned state  
96 training program for state officers is available within a  
97 reasonable time. The employing agency must maintain  
98 documentation which demonstrates that a critical need exists to  
99 employ a person pursuant to this section. Prior to the  
100 employment or appointment of any person other than a  
101 correctional probation officer under this subsection, the person  
102 shall comply with the firearms provisions established pursuant  
103 to s. 943.17(1)(a). Any person temporarily employed or appointed  
104 as an officer under this subsection must attend the first  
105 training program offered in the geographic area, or the first  
106 assigned state training program for a state officer, subsequent  
107 to his or her employment or appointment. A person temporarily  
108 employed or appointed as an officer under this subsection must  
109 begin basic recruit training within 180 consecutive days after  
110 employment. Such person must fulfill the requirements of s.  
111 943.13(9) within 18 months after beginning basic recruit  
112 training and must fulfill the certification examination  
113 requirements of s. 943.13(10) within 180 consecutive days after  
114 completing basic recruit training. A person hired after he or  
115 she has commenced basic recruit training or after completion of  
116 basic recruit training must fulfill the certification

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117 examination requirements of s. 943.13(10) within 180 consecutive  
118 days after completion of basic recruit training or the  
119 commencement of employment, whichever occurs later.

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

124 (a) Verify and document that the applicant has successfully  
125 completed a comparable basic recruit training program for the  
126 discipline in which the applicant is seeking certification in  
127 another state or for the Federal Government or a previous  
128 Florida basic recruit training program. Further, the employing  
129 agency, training center, or criminal justice selection center  
130 must verify and document that the applicant has served as a  
131 full-time sworn officer in another state or for the Federal  
132 Government for at least 1 year provided there is no more than an  
133 8-year break in employment or was a previously certified Florida  
134 officer provided there is no more than an 8-year break in  
135 employment, as measured from the separation date of the most  
136 recent qualifying employment to the time a complete application  
137 is submitted for an exemption under this section. ~~When~~ The  
138 employing agency, training center, or criminal justice selection  
139 center shall submit ~~obtains written~~ documentation of  
140 satisfaction of this requirement to the commission ~~regarding the~~  
141 ~~applicant's criminal justice experience, the documentation must~~  
142 ~~be submitted to the commission. The commission shall adopt rules~~  
143 ~~that establish criteria and procedures to determine if the~~  
144 ~~applicant is exempt from completing the commission-approved~~  
145 ~~basic recruit training program and, upon making a determination,~~

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146 ~~shall notify the employing agency or criminal justice selection~~  
147 ~~center. An applicant who is exempt from completing the~~  
148 ~~commission-approved basic recruit training program must~~  
149 ~~demonstrate proficiency in the high liability areas, as defined~~  
150 ~~by commission rule, and must complete the requirements of s.~~  
151 ~~943.13(10) within 1 year after receiving an exemption. If the~~  
152 ~~proficiencies and requirements of s. 943.13(10) are not met~~  
153 ~~within the 1 year, the applicant must seek an additional~~  
154 ~~exemption pursuant to the requirements of this subsection.~~  
155 ~~Except as provided in subsection (1), before the employing~~  
156 ~~agency may employ or appoint the applicant as an officer, the~~  
157 ~~applicant must meet the minimum qualifications described in s.~~  
158 ~~943.13(1)-(8), and must fulfill the requirements of s.~~  
159 ~~943.13(10).~~

160 (b) Verify and document that the applicant has successfully  
161 completed a special operations forces training course and served  
162 in the special operations forces for a minimum of 5 years.  
163 Further, the employing agency, training center, or criminal  
164 justice selection center must verify and document that no more  
165 than 4 years have passed from the last date of service in the  
166 special operations forces to the time a complete application is  
167 submitted for an exemption under this section. The employing  
168 agency, training center, or criminal justice selection center  
169 shall submit documentation of satisfaction of these requirements  
170 to the commission.

171  
172 The commission shall adopt rules that establish criteria and  
173 procedures to determine if the applicant is exempt from  
174 completing the commission-approved basic recruit training

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175 program and, upon making a determination, shall notify the  
176 employing agency, training center, or criminal justice selection  
177 center, as appropriate. An applicant who is exempt under this  
178 subsection must complete training required by the commission and  
179 demonstrate proficiency in the high-liability areas as defined  
180 by commission rule and complete the requirements of s.  
181 943.13(10) within 1 year after receiving an exemption.  
182 If the proficiencies and requirements of s. 943.13(10) are not  
183 met within the 1-year period, the applicant must seek an  
184 additional exemption pursuant to the requirements of this  
185 subsection. Except as provided in subsection (1), before the  
186 employing agency may employ or appoint the applicant as an  
187 officer, the applicant must meet the minimum qualifications  
188 described in s. 943.13(1)-(8), and must fulfill the requirements  
189 of s. 943.13(10).

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

194 943.1395 Certification for employment or appointment;  
195 concurrent certification; reemployment or reappointment;  
196 inactive status; revocation; suspension; investigation.—

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

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204 fails to comply with the requirements provided in s. 943.131(2)  
205 must meet the minimum qualifications described in s. 943.13, to  
206 include the requirement of s. 943.13(9).

207 Section 5. For the purpose of incorporating the amendment  
208 made by this act to section 943.13, Florida Statutes, in a  
209 reference thereto, section 943.17296, Florida Statutes, is  
210 reenacted to read:

211 943.17296 Training in identifying and investigating elder  
212 abuse and neglect.—Each certified law enforcement officer must  
213 successfully complete training on identifying and investigating  
214 elder abuse and neglect as a part of the basic recruit training  
215 of the officer required in s. 943.13(9) or continuing education  
216 under s. 943.135(1) before June 30, 2011. The training shall be  
217 developed in consultation with the Department of Elderly Affairs  
218 and the Department of Children and Families and must incorporate  
219 instruction on the identification of and appropriate responses  
220 for persons suffering from dementia and on identifying and  
221 investigating elder abuse and neglect. If an officer fails to  
222 complete the required training, his or her certification is  
223 inactive until the employing agency notifies the commission that  
224 the officer has completed the training.

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

229 626.989 Investigation by department or Division of  
230 Investigative and Forensic Services; compliance; immunity;  
231 confidential information; reports to division; division  
232 investigator's power of arrest.—



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233 (7) Division investigators shall have the power to make  
234 arrests for criminal violations established as a result of  
235 investigations. Such investigators shall also be considered  
236 state law enforcement officers for all purposes and shall have  
237 the power to execute arrest warrants and search warrants; to  
238 serve subpoenas issued for the examination, investigation, and  
239 trial of all offenses; and to arrest upon probable cause without  
240 warrant any person found in the act of violating any of the  
241 provisions of applicable laws. Investigators empowered to make  
242 arrests under this section shall be empowered to bear arms in  
243 the performance of their duties. In such a situation, the  
244 investigator must be certified in compliance with the provisions  
245 of s. 943.1395 or must meet the temporary employment or  
246 appointment exemption requirements of s. 943.131 until  
247 certified.

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

252 943.133 Responsibilities of employing agency, commission,  
253 and program with respect to compliance with employment  
254 qualifications and the conduct of background investigations;  
255 injunctive relief.—

256 (1) The employing agency is fully responsible for the  
257 collection, verification, and maintenance of documentation  
258 establishing that an applicant complies with the requirements of  
259 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
260 943.13 and 943.131.

261 (6) If an employing agency employs or appoints an officer

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262 in violation of this section or of s. 943.13, s. 943.131, or s.  
263 943.135, or any rules adopted pursuant thereto, the Department  
264 of Legal Affairs, at the request of the chair of the commission,  
265 shall apply to the circuit court in the county of the employing  
266 agency for injunctive relief prohibiting the employment or  
267 appointment of the person contrary to this section.

268 Section 8. For the purpose of incorporating the amendment  
269 made by this act to section 943.131, Florida Statutes, in  
270 references thereto, subsections (3), (9), and (10) of section  
271 943.1395, Florida Statutes, are reenacted to read:

272 943.1395 Certification for employment or appointment;  
273 concurrent certification; reemployment or reappointment;  
274 inactive status; revocation; suspension; investigation.—

275 (3) Any certified officer who has separated from employment  
276 or appointment and who is not reemployed or reappointed by an  
277 employing agency within 4 years after the date of separation  
278 must meet the minimum qualifications described in s. 943.13,  
279 except for the requirement found in s. 943.13(9). Further, such  
280 officer must complete any training required by the commission by  
281 rule in compliance with s. 943.131(2). Any such officer who  
282 fails to comply with the requirements provided in s. 943.131(2)  
283 must meet the minimum qualifications described in s. 943.13, to  
284 include the requirement of s. 943.13(9).

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

289 (a) The commission shall cause to be investigated any  
290 conduct defined in subsection (6) or subsection (7) by a person

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291 employed under s. 943.131 and shall set disciplinary guidelines  
292 and penalties prescribed in rules applicable to such  
293 noncertified persons.

294 (b) The disciplinary guidelines and prescribed penalties  
295 must be based upon the severity of specific offenses. The  
296 guidelines must provide reasonable and meaningful notice to  
297 officers and to the public of penalties that may be imposed for  
298 prohibited conduct. The penalties must be consistently applied  
299 by the commission.

300 (c) In addition, the commission may establish violations  
301 and disciplinary penalties for intentional abuse of the  
302 employment option provided by s. 943.131 by an individual or  
303 employing agency.

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

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