

**By** the Committees on Appropriations; and 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 law enforcement and correctional  
3           officers; amending s. 943.10, F.S.; defining the term  
4           "special operations forces"; amending s. 943.13, F.S.;  
5           authorizing a full-time, part-time, or auxiliary  
6           correctional officer to be employed at 18 years of  
7           age; exempting former special operations forces  
8           members who meet certain requirements from the  
9           Criminal Justice Standards and Training Commission-  
10          approved basic recruit training program; amending s.  
11          943.131, F.S.; requiring an employing agency, training  
12          center, or criminal justice selection center to verify  
13          and document that special operations forces applicants  
14          meet certain requirements if the applicants seek an  
15          exemption from a basic recruit training program  
16          approved by the commission; requiring the employing  
17          agency, training center, or criminal justice selection  
18          center to submit the documentation to the commission;  
19          creating s. 944.145, F.S.; prohibiting a correctional  
20          officer who is under 19 years of age from supervising  
21          inmates; authorizing a correctional officer who is  
22          under 19 years of age to perform all other tasks  
23          performed by a full-time, part-time, or auxiliary  
24          correctional officer; reenacting ss. 943.1395(3) and  
25          943.17296, F.S., relating to certification for  
26          employment or appointment as an officer and training  
27          in identifying and investigating elder abuse and  
28          neglect, respectively, to incorporate the amendment  
29          made to s. 943.13, F.S., in references thereto;

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30 reenacting ss. 626.989(7), 943.133(1) and (6), and  
31 943.1395(3), (9), and (10), F.S., relating to  
32 investigations by the Division of Investigative and  
33 Forensic Services, the responsibilities of certain  
34 employing entities, and certification for certain  
35 employment or appointment, respectively, to  
36 incorporate the amendment made to s. 943.131, F.S., in  
37 references thereto; providing an effective date.  
38

39 Be It Enacted by the Legislature of the State of Florida:  
40

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

43 943.10 Definitions; ss. 943.085-943.255.—The following  
44 words and phrases as used in ss. 943.085-943.255 are defined as  
45 follows:

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

58 Section 2. Subsections (1) and (9) of section 943.13,

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59 Florida Statutes, are amended to read:

60 943.13 Officers' minimum qualifications for employment or  
61 appointment.—On or after October 1, 1984, any person employed or  
62 appointed as a full-time, part-time, or auxiliary law  
63 enforcement officer or correctional officer; on or after October  
64 1, 1986, any person employed as a full-time, part-time, or  
65 auxiliary correctional probation officer; and on or after  
66 October 1, 1986, any person employed as a full-time, part-time,  
67 or auxiliary correctional officer by a private entity under  
68 contract to the Department of Corrections, to a county  
69 commission, or to the Department of Management Services shall:

70 (1) Be at least 19 years of age, except that any person  
71 employed as a full-time, part-time, or auxiliary correctional  
72 officer may be at least 18 years of age.

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

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

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

85 (b) Successfully completed a special operations forces  
86 training course, served in the special operations forces for a  
87 minimum of 5 years, and no more than 4 years have passed from

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88 the last date of service in the special operations forces to the  
89 date that a complete application is submitted for an exemption  
90 under this subsection,

91  
92 is exempt in accordance with s. 943.131(2) from completing a ~~the~~  
93 commission-approved basic recruit training program.

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

97 943.131 Temporary employment or appointment; minimum basic  
98 recruit training exemptions ~~exemption~~.-

99 (1) (a) An employing agency may temporarily employ or  
100 appoint a person who complies with the qualifications for  
101 employment in s. 943.13(1)-(8), but has not fulfilled the  
102 requirements of s. 943.13(9) and (10), if a critical need exists  
103 to employ or appoint the person and such person is or will be  
104 enrolled in the next approved basic recruit training program  
105 available in the geographic area or that no assigned state  
106 training program for state officers is available within a  
107 reasonable time. The employing agency must maintain  
108 documentation which demonstrates that a critical need exists to  
109 employ a person pursuant to this section. Prior to the  
110 employment or appointment of any person other than a  
111 correctional probation officer under this subsection, the person  
112 shall comply with the firearms provisions established pursuant  
113 to s. 943.17(1) (a). Any person temporarily employed or appointed  
114 as an officer under this subsection must attend the first  
115 training program offered in the geographic area, or the first  
116 assigned state training program for a state officer, subsequent

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117 to his or her employment or appointment. A person temporarily  
118 employed or appointed as an officer under this subsection must  
119 begin basic recruit training within 180 consecutive days after  
120 employment. Such person must fulfill the requirements of s.  
121 943.13(9) within 18 months after beginning basic recruit  
122 training and must fulfill the certification examination  
123 requirements of s. 943.13(10) within 180 consecutive days after  
124 completing basic recruit training. A person hired after he or  
125 she has commenced basic recruit training or after completion of  
126 basic recruit training must fulfill the certification  
127 examination requirements of s. 943.13(10) within 180 consecutive  
128 days after completion of basic recruit training or the  
129 commencement of employment, whichever occurs later.

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

134 (a) Verify and document that the applicant has successfully  
135 completed a comparable basic recruit training program for the  
136 discipline in which the applicant is seeking certification in  
137 another state or for the Federal Government or a previous  
138 Florida basic recruit training program. Further, the employing  
139 agency, training center, or criminal justice selection center  
140 must verify and document that the applicant has served as a  
141 full-time sworn officer in another state or for the Federal  
142 Government for at least 1 year provided there is no more than an  
143 8-year break in employment or was a previously certified Florida  
144 officer provided there is no more than an 8-year break in  
145 employment, as measured from the separation date of the most

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146 recent qualifying employment to the time a complete application  
147 is submitted for an exemption under this section. ~~When~~ The  
148 employing agency, training center, or criminal justice selection  
149 center shall submit ~~obtains written~~ documentation of  
150 satisfaction of this requirement to the commission ~~regarding the~~  
151 ~~applicant's criminal justice experience, the documentation must~~  
152 ~~be submitted to the commission. The commission shall adopt rules~~  
153 ~~that establish criteria and procedures to determine if the~~  
154 ~~applicant is exempt from completing the commission approved~~  
155 ~~basic recruit training program and, upon making a determination,~~  
156 ~~shall notify the employing agency or criminal justice selection~~  
157 ~~center. An applicant who is exempt from completing the~~  
158 ~~commission approved basic recruit training program must~~  
159 ~~demonstrate proficiency in the high liability areas, as defined~~  
160 ~~by commission rule, and must complete the requirements of s.~~  
161 ~~943.13(10) within 1 year after receiving an exemption. If the~~  
162 ~~proficiencies and requirements of s. 943.13(10) are not met~~  
163 ~~within the 1 year, the applicant must seek an additional~~  
164 ~~exemption pursuant to the requirements of this subsection.~~  
165 ~~Except as provided in subsection (1), before the employing~~  
166 ~~agency may employ or appoint the applicant as an officer, the~~  
167 ~~applicant must meet the minimum qualifications described in s.~~  
168 ~~943.13(1) - (8), and must fulfill the requirements of s.~~  
169 ~~943.13(10).~~

170 (b) Verify and document that the applicant has successfully  
171 completed a special operations forces training course and served  
172 in the special operations forces for a minimum of 5 years.  
173 Further, the employing agency, training center, or criminal  
174 justice selection center must verify and document that no more

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175 than 4 years have passed from the last date of service in the  
176 special operations forces to the time a complete application is  
177 submitted for an exemption under this section. The employing  
178 agency, training center, or criminal justice selection center  
179 shall submit documentation of satisfaction of these requirements  
180 to the commission.

181  
182 The commission shall adopt rules that establish criteria and  
183 procedures to determine if the applicant is exempt from  
184 completing the commission-approved basic recruit training  
185 program and, upon making a determination, shall notify the  
186 employing agency, training center, or criminal justice selection  
187 center, as appropriate. An applicant who is exempt under this  
188 subsection must complete training required by the commission and  
189 demonstrate proficiency in the high-liability areas as defined  
190 by commission rule and complete the requirements of s.  
191 943.13(10) within 1 year after receiving an exemption.

192 If the proficiencies and requirements of s. 943.13(10) are not  
193 met within the 1-year period, the applicant must seek an  
194 additional exemption pursuant to the requirements of this  
195 subsection. Except as provided in subsection (1), before the  
196 employing agency may employ or appoint the applicant as an  
197 officer, the applicant must meet the minimum qualifications  
198 described in s. 943.13(1)-(8), and must fulfill the requirements  
199 of s. 943.13(10).

200 Section 4. Section 944.145, Florida Statutes, is created to  
201 read:

202 944.145 Correctional officers under the age of 19.—A  
203 correctional officer who is under the age of 19 years may not

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204 supervise inmates, but may perform all of the other duties  
205 performed by a full-time, part-time, or auxiliary correctional  
206 officer.

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, subsection (3) of section 943.1395, Florida  
210 Statutes, is reenacted to read:

211 943.1395 Certification for employment or appointment;  
212 concurrent certification; reemployment or reappointment;  
213 inactive status; revocation; suspension; investigation.—

214 (3) Any certified officer who has separated from employment  
215 or appointment and who is not reemployed or reappointed by an  
216 employing agency within 4 years after the date of separation  
217 must meet the minimum qualifications described in s. 943.13,  
218 except for the requirement found in s. 943.13(9). Further, such  
219 officer must complete any training required by the commission by  
220 rule in compliance with s. 943.131(2). Any such officer who  
221 fails to comply with the requirements provided in s. 943.131(2)  
222 must meet the minimum qualifications described in s. 943.13, to  
223 include the requirement of s. 943.13(9).

224 Section 6. For the purpose of incorporating the amendment  
225 made by this act to section 943.13, Florida Statutes, in a  
226 reference thereto, section 943.17296, Florida Statutes, is  
227 reenacted to read:

228 943.17296 Training in identifying and investigating elder  
229 abuse and neglect.—Each certified law enforcement officer must  
230 successfully complete training on identifying and investigating  
231 elder abuse and neglect as a part of the basic recruit training  
232 of the officer required in s. 943.13(9) or continuing education

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233 under s. 943.135(1) before June 30, 2011. The training shall be  
234 developed in consultation with the Department of Elderly Affairs  
235 and the Department of Children and Families and must incorporate  
236 instruction on the identification of and appropriate responses  
237 for persons suffering from dementia and on identifying and  
238 investigating elder abuse and neglect. If an officer fails to  
239 complete the required training, his or her certification is  
240 inactive until the employing agency notifies the commission that  
241 the officer has completed the training.

242 Section 7. For the purpose of incorporating the amendment  
243 made by this act to section 943.131, Florida Statutes, in a  
244 reference thereto, subsection (7) of section 626.989, Florida  
245 Statutes, is reenacted to read:

246 626.989 Investigation by department or Division of  
247 Investigative and Forensic Services; compliance; immunity;  
248 confidential information; reports to division; division  
249 investigator's power of arrest.-

250 (7) Division investigators shall have the power to make  
251 arrests for criminal violations established as a result of  
252 investigations. Such investigators shall also be considered  
253 state law enforcement officers for all purposes and shall have  
254 the power to execute arrest warrants and search warrants; to  
255 serve subpoenas issued for the examination, investigation, and  
256 trial of all offenses; and to arrest upon probable cause without  
257 warrant any person found in the act of violating any of the  
258 provisions of applicable laws. Investigators empowered to make  
259 arrests under this section shall be empowered to bear arms in  
260 the performance of their duties. In such a situation, the  
261 investigator must be certified in compliance with the provisions

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262 of s. 943.1395 or must meet the temporary employment or  
263 appointment exemption requirements of s. 943.131 until  
264 certified.

265 Section 8. For the purpose of incorporating the amendment  
266 made by this act to section 943.131, Florida Statutes, in  
267 references thereto, subsections (1) and (6) of section 943.133,  
268 Florida Statutes, are reenacted to read:

269 943.133 Responsibilities of employing agency, commission,  
270 and program with respect to compliance with employment  
271 qualifications and the conduct of background investigations;  
272 injunctive relief.—

273 (1) The employing agency is fully responsible for the  
274 collection, verification, and maintenance of documentation  
275 establishing that an applicant complies with the requirements of  
276 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
277 943.13 and 943.131.

278 (6) If an employing agency employs or appoints an officer  
279 in violation of this section or of s. 943.13, s. 943.131, or s.  
280 943.135, or any rules adopted pursuant thereto, the Department  
281 of Legal Affairs, at the request of the chair of the commission,  
282 shall apply to the circuit court in the county of the employing  
283 agency for injunctive relief prohibiting the employment or  
284 appointment of the person contrary to this section.

285 Section 9. For the purpose of incorporating the amendment  
286 made by this act to section 943.131, Florida Statutes, in  
287 references thereto, subsections (3), (9), and (10) of section  
288 943.1395, Florida Statutes, are reenacted to read:

289 943.1395 Certification for employment or appointment;  
290 concurrent certification; reemployment or reappointment;

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291 inactive status; revocation; suspension; investigation.—

292 (3) Any certified officer who has separated from employment  
293 or appointment and who is not reemployed or reappointed by an  
294 employing agency within 4 years after the date of separation  
295 must meet the minimum qualifications described in s. 943.13,  
296 except for the requirement found in s. 943.13(9). Further, such  
297 officer must complete any training required by the commission by  
298 rule in compliance with s. 943.131(2). Any such officer who  
299 fails to comply with the requirements provided in s. 943.131(2)  
300 must meet the minimum qualifications described in s. 943.13, to  
301 include the requirement of s. 943.13(9).

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

306 (a) The commission shall cause to be investigated any  
307 conduct defined in subsection (6) or subsection (7) by a person  
308 employed under s. 943.131 and shall set disciplinary guidelines  
309 and penalties prescribed in rules applicable to such  
310 noncertified persons.

311 (b) The disciplinary guidelines and prescribed penalties  
312 must be based upon the severity of specific offenses. The  
313 guidelines must provide reasonable and meaningful notice to  
314 officers and to the public of penalties that may be imposed for  
315 prohibited conduct. The penalties must be consistently applied  
316 by the commission.

317 (c) In addition, the commission may establish violations  
318 and disciplinary penalties for intentional abuse of the  
319 employment option provided by s. 943.131 by an individual or

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320 employing agency.

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

324 Section 10. This act shall take effect July 1, 2018.