

1                                   A bill to be entitled  
 2           An act relating to corrections; amending s. 330.41,  
 3           F.S.; redefining the term "critical infrastructure  
 4           facility" to include certain detention centers and  
 5           correctional facilities for the purpose of  
 6           restrictions on the operation of unmanned aircraft;  
 7           reenacting and amending s. 943.13, F.S.; requiring any  
 8           person employed as a full-time, a part-time, or an  
 9           auxiliary correctional officer be at least 18 years of  
 10          age; reenacting ss. 943.131(1)(a) and (c) and (4),  
 11          943.133(1) and (6), 943.137(1), 943.139(2),  
 12          943.1395(1), (2), and (3), 943.14(7), 943.17(4),  
 13          943.253, 944.105(7), 944.714(2), 945.035(3),  
 14          948.01(1)(a), 951.063, and 985.644(3)(b), F.S.,  
 15          relating to employment qualifications or requirements  
 16          for certain officers, to incorporate the amendments  
 17          made by the act; providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Paragraph (a) of subsection (2) of section  
 22   330.41, Florida Statutes, is amended, and subsection (4) of that  
 23   section is republished, to read:

24           330.41 Unmanned Aircraft Systems Act.—

25           (2) DEFINITIONS.—As used in this act, the term:

26 (a) "Critical infrastructure facility" means any of the  
 27 following, if completely enclosed by a fence or other physical  
 28 barrier that is obviously designed to exclude intruders, or if  
 29 clearly marked with a sign or signs which indicate that entry is  
 30 forbidden and which are posted on the property in a manner  
 31 reasonably likely to come to the attention of intruders:

- 32 1. An electrical power generation or transmission  
 33 facility, substation, switching station, or electrical control  
 34 center.
- 35 2. A chemical or rubber manufacturing or storage facility.
- 36 3. A mining facility.
- 37 4. A natural gas or compressed gas compressor station,  
 38 storage facility, or natural gas or compressed gas pipeline.
- 39 5. A liquid natural gas or propane gas terminal or storage  
 40 facility with a capacity of 4,000 gallons or more.
- 41 6. Any portion of an aboveground oil or gas pipeline.
- 42 7. A wireless communications facility, including the  
 43 tower, antennae, support structures, and all associated ground-  
 44 based equipment.
- 45 8. A state correctional institution as defined in s.  
 46 944.02 or a private correctional facility authorized under  
 47 chapter 957.
- 48 9. A secure detention center or facility, as defined in s.  
 49 985.03, or a nonsecure residential facility, a high-risk  
 50 residential facility, or a maximum-risk residential facility, as

51 those terms are described in s. 985.03(44).

52 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

53 (a) A person may not knowingly or willfully:

54 1. Operate a drone over a critical infrastructure  
55 facility;

56 2. Allow a drone to make contact with a critical  
57 infrastructure facility, including any person or object on the  
58 premises of or within the facility; or

59 3. Allow a drone to come within a distance of a critical  
60 infrastructure facility that is close enough to interfere with  
61 the operations of or cause a disturbance to the facility.

62 (b) A person who violates paragraph (a) commits a  
63 misdemeanor of the second degree, punishable as provided in s.  
64 775.082 or s. 775.083. A person who commits a second or  
65 subsequent violation commits a misdemeanor of the first degree,  
66 punishable as provided in s. 775.082 or s. 775.083.

67 (c) This subsection does not apply to actions identified  
68 in paragraph (a) which are committed by:

69 1. A federal, state, or other governmental entity, or a  
70 person under contract or otherwise acting under the direction of  
71 a federal, state, or other governmental entity.

72 2. A law enforcement agency that is in compliance with s.  
73 934.50, or a person under contract with or otherwise acting  
74 under the direction of such law enforcement agency.

75 3. An owner, operator, or occupant of the critical

76 | infrastructure facility, or a person who has prior written  
 77 | consent of such owner, operator, or occupant.

78 | (d) Subparagraph (a)1. does not apply to a drone operating  
 79 | in transit for commercial purposes in compliance with Federal  
 80 | Aviation Administration regulations, authorizations, or  
 81 | exemptions.

82 | (e) This subsection shall sunset 60 days after the date  
 83 | that a process pursuant to s. 2209 of the FAA Extension, Safety  
 84 | and Security Act of 2016 becomes effective.

85 | Section 2. Subsection (1) of section 943.13, Florida  
 86 | Statutes, is amended, and subsection (8) of that section is  
 87 | reenacted for the purpose of incorporating the amendment made to  
 88 | subsection (1) by this act in a reference thereto, to read:

89 | 943.13 Officers' minimum qualifications for employment or  
 90 | appointment.—On or after October 1, 1984, any person employed or  
 91 | appointed as a full-time, part-time, or auxiliary law  
 92 | enforcement officer or correctional officer; on or after October  
 93 | 1, 1986, any person employed as a full-time, part-time, or  
 94 | auxiliary correctional probation officer; and on or after  
 95 | October 1, 1986, any person employed as a full-time, part-time,  
 96 | or auxiliary correctional officer by a private entity under  
 97 | contract to the Department of Corrections, to a county  
 98 | commission, or to the Department of Management Services shall:

99 | (1) Be at least 19 years of age, except that any person  
 100 | employed as a full-time, a part-time, or an auxiliary

101 correctional officer must be at least 18 years of age.

102 (8) Execute and submit to the employing agency or, if a  
103 private correctional officer, submit to the appropriate  
104 governmental entity an affidavit-of-applicant form, adopted by  
105 the commission, attesting to his or her compliance with  
106 subsections (1)-(7). The affidavit shall be executed under oath  
107 and constitutes an official statement within the purview of s.  
108 837.06. The affidavit shall include conspicuous language that  
109 the intentional false execution of the affidavit constitutes a  
110 misdemeanor of the second degree. The affidavit shall be  
111 retained by the employing agency.

112 Section 3. For the purpose of incorporating the amendment  
113 made by this act to section 943.13, Florida Statutes, in  
114 references thereto, paragraphs (a) and (c) of subsection (1) and  
115 subsection (4) of section 943.131, Florida Statutes, are  
116 reenacted to read:

117 943.131 Temporary employment or appointment; minimum basic  
118 recruit training exemptions.-

119 (1)(a) An employing agency may temporarily employ or  
120 appoint a person who complies with the qualifications for  
121 employment in s. 943.13(1)-(8), but has not fulfilled the  
122 requirements of s. 943.13(9) and (10), if a critical need exists  
123 to employ or appoint the person and such person is or will be  
124 enrolled in the next approved basic recruit training program  
125 available in the geographic area or that no assigned state

126 training program for state officers is available within a  
127 reasonable time. The employing agency must maintain  
128 documentation which demonstrates that a critical need exists to  
129 employ a person pursuant to this section. Prior to the  
130 employment or appointment of any person other than a  
131 correctional probation officer under this subsection, the person  
132 shall comply with the firearms provisions established pursuant  
133 to s. 943.17(1)(a). Any person temporarily employed or appointed  
134 as an officer under this subsection must attend the first  
135 training program offered in the geographic area, or the first  
136 assigned state training program for a state officer, subsequent  
137 to his or her employment or appointment. A person temporarily  
138 employed or appointed as an officer under this subsection must  
139 begin basic recruit training within 180 consecutive days after  
140 employment. Such person must fulfill the requirements of s.  
141 943.13(9) within 18 months after beginning basic recruit  
142 training and must fulfill the certification examination  
143 requirements of s. 943.13(10) within 180 consecutive days after  
144 completing basic recruit training. A person hired after he or  
145 she has commenced basic recruit training or after completion of  
146 basic recruit training must fulfill the certification  
147 examination requirements of s. 943.13(10) within 180 consecutive  
148 days after completion of basic recruit training or the  
149 commencement of employment, whichever occurs later.

150 (c) No person temporarily employed or appointed under the

151 provisions of this subsection may perform the duties of an  
152 officer unless he or she is adequately supervised by another  
153 officer of the same discipline. The supervising officer must be  
154 in full compliance with the provisions of s. 943.13 and must be  
155 employed or appointed by the employing agency.

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

159 (a) Complete all additional required training as required  
160 by the commission.

161 (b) Demonstrate proficiency in the high-liability areas as  
162 defined by commission rule.

163 (c) Complete the requirements of s. 943.13(10).  
164

165 If the proficiencies and requirements of s. 943.13(10) are not  
166 met within the 1-year period, the applicant must seek an  
167 additional exemption as provided in this subsection. Except as  
168 provided in subsection (1), before the employing agency may  
169 employ or appoint the applicant as an officer, the applicant  
170 must meet the minimum qualifications described in s. 943.13(1)-  
171 (8) and must fulfill the requirements of s. 943.13(10).

172 Section 4. For the purpose of incorporating the amendment  
173 made by this act to section 943.13, Florida Statutes, in  
174 references thereto, subsections (1) and (6) of section 943.133,  
175 Florida Statutes, are reenacted to read:

176           943.133 Responsibilities of employing agency, commission,  
 177 and program with respect to compliance with employment  
 178 qualifications and the conduct of background investigations;  
 179 injunctive relief.—

180           (1) The employing agency is fully responsible for the  
 181 collection, verification, and maintenance of documentation  
 182 establishing that an applicant complies with the requirements of  
 183 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
 184 943.13 and 943.131.

185           (6) If an employing agency employs or appoints an officer  
 186 in violation of this section or of s. 943.13, s. 943.131, or s.  
 187 943.135, or any rules adopted pursuant thereto, the Department  
 188 of Legal Affairs, at the request of the chair of the commission,  
 189 shall apply to the circuit court in the county of the employing  
 190 agency for injunctive relief prohibiting the employment or  
 191 appointment of the person contrary to this section.

192           Section 5. For the purpose of incorporating the amendment  
 193 made by this act to section 943.13, Florida Statutes, in a  
 194 reference thereto, subsection (1) of section 943.137, Florida  
 195 Statutes, is reenacted to read:

196           943.137 Establishment of qualifications and standards  
 197 above the minimum.—

198           (1) Nothing herein may be construed to preclude an  
 199 employing agency from establishing qualifications and standards  
 200 for employment, appointment, training, or promotion of officers



201 that exceed the minimum requirements set by ss. 943.13 and  
202 943.17, including establishing tobacco-use standards.

203 Section 6. For the purpose of incorporating the amendment  
204 made by this act to section 943.13, Florida Statutes, in a  
205 reference thereto, subsection (2) of section 943.139, Florida  
206 Statutes, is reenacted to read:

207 943.139 Notice of employment, appointment, or separation;  
208 response by the officer; duty of commission.—

209 (2) In a case of separation from employment or  
210 appointment, the employing agency shall execute and maintain an  
211 affidavit-of-separation form adopted by the commission, setting  
212 forth in detail the facts and reasons for such separation. The  
213 information contained in the affidavit-of-separation form must  
214 be submitted, or electronically transmitted, to the commission.  
215 If the officer is separated for his or her failure to comply  
216 with s. 943.13, the notice must so specify. The affidavit must  
217 be executed under oath and constitutes an official statement  
218 within the purview of s. 837.06. The affidavit must include  
219 conspicuous language that intentional false execution of the  
220 affidavit constitutes a misdemeanor of the second degree. Any  
221 officer who has separated from employment or appointment must be  
222 permitted to respond to the separation, in writing, to the  
223 commission, setting forth the facts and reasons for the  
224 separation as he or she understands them.

225 Section 7. For the purpose of incorporating the amendment

226 made by this act to section 943.13, Florida Statutes, in  
227 references thereto, subsections (1), (2), and (3) of section  
228 943.1395, Florida Statutes, are reenacted to read:

229 943.1395 Certification for employment or appointment;  
230 concurrent certification; reemployment or reappointment;  
231 inactive status; revocation; suspension; investigation.—

232 (1) The commission shall certify, under procedures  
233 established by rule, any person for employment or appointment as  
234 an officer if:

235 (a) The person complies with s. 943.13(1)-(10); and

236 (b) The employing agency complies with s. 943.133(2) and  
237 (3).

238 (2) An officer who is certified in one discipline and who  
239 complies with s. 943.13 in another discipline shall hold  
240 concurrent certification and may be assigned in either  
241 discipline within his or her employing agency.

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

251 943.13, to include the requirement of s. 943.13(9).

252 Section 8. For the purpose of incorporating the amendment  
253 made by this act to section 943.13, Florida Statutes, in a  
254 reference thereto, subsection (7) of section 943.14, Florida  
255 Statutes, is reenacted to read:

256 943.14 Commission-certified criminal justice training  
257 schools; certificates and diplomas; exemptions; injunctive  
258 relief; fines.—

259 (7) Each criminal justice training school that offers law  
260 enforcement, correctional, or correctional probation officer  
261 basic recruit training, or selection center that provides  
262 applicant screening for criminal justice training schools, shall  
263 conduct a criminal history background check of an applicant  
264 prior to entrance into the basic recruit class. A complete set  
265 of fingerprints must be taken by an authorized criminal justice  
266 agency or by an employee of the criminal justice training school  
267 or selection center who is trained to take fingerprints. If the  
268 employing agency has previously taken a set of fingerprints from  
269 the applicant and has obtained a criminal history check of the  
270 applicant using the fingerprints, the requirements of this  
271 subsection shall be met when the employing agency submits to the  
272 criminal justice training school or selection center a letter  
273 stating the date on which the agency took the fingerprints of  
274 the applicant, a summary of the criminal history check based on  
275 the fingerprints, and a certification that the applicant is

276 qualified to enroll in the basic recruit training program  
277 pursuant to s. 943.13. If the criminal justice training school  
278 or selection center takes the fingerprints, it shall submit the  
279 fingerprints to the Florida Department of Law Enforcement for a  
280 statewide criminal history check, and forward the fingerprints  
281 to the Federal Bureau of Investigation for a national criminal  
282 history check. Applicants found through fingerprint processing  
283 to have pled guilty to or been convicted of a crime which would  
284 render the applicant unable to meet the minimum qualifications  
285 for employment as an officer as specified in s. 943.13(4) shall  
286 be removed from the pool of qualified candidates by the criminal  
287 justice training school or selection center.

288 Section 9. For the purpose of incorporating the amendment  
289 made by this act to section 943.13, Florida Statutes, in a  
290 reference thereto, subsection (4) of section 943.17, Florida  
291 Statutes, is reenacted to read:

292 943.17 Basic recruit, advanced, and career development  
293 training programs; participation; cost; evaluation.—The  
294 commission shall, by rule, design, implement, maintain,  
295 evaluate, and revise entry requirements and job-related  
296 curricula and performance standards for basic recruit, advanced,  
297 and career development training programs and courses. The rules  
298 shall include, but are not limited to, a methodology to assess  
299 relevance of the subject matter to the job, student performance,  
300 and instructor competency.

301 (4) The commission may, by rule, establish a sponsorship  
302 program for prospective officers. The rule shall specify the  
303 provisions of s. 943.13 that must be satisfied prior to the  
304 prospective officer's enrollment in a basic recruit training  
305 course. However, the rule shall not conflict with any laws or  
306 rules of the State Board of Education relating to student  
307 enrollment.

308 Section 10. For the purpose of incorporating the amendment  
309 made by this act to section 943.13, Florida Statutes, in a  
310 reference thereto, section 943.253, Florida Statutes, is  
311 reenacted to read:

312 943.253 Exemption; elected officers.—Elected officers are  
313 exempt from the requirements of ss. 943.085-943.25. However, an  
314 elected officer may participate in the programs and benefits  
315 under ss. 943.085-943.25 if he or she complies with s.  
316 943.13(1)-(7).

317 Section 11. For the purpose of incorporating the amendment  
318 made by this act to section 943.13, Florida Statutes, in a  
319 reference thereto, subsection (7) of section 944.105, Florida  
320 Statutes, is reenacted to read:

321 944.105 Contractual arrangements with private entities for  
322 operation and maintenance of correctional facilities and  
323 supervision of inmates.—

324 (7) The department shall require the certification of  
325 private correctional officers at the private vendor's expense

326 | under s. 943.1395, and all such officers must meet the minimum  
 327 | qualifications established in s. 943.13. All other employees of  
 328 | the private vendor that perform their duties at the private  
 329 | correctional facility shall receive, at a minimum, the same  
 330 | quality and quantity of training as that required by the state  
 331 | for employees of state-operated correctional facilities. All  
 332 | training expenses shall be the responsibility of the private  
 333 | vendor. The department shall be the contributor and recipient of  
 334 | all criminal background information necessary for certification  
 335 | by the Criminal Justice Standards and Training Commission.

336 |       Section 12. For the purpose of incorporating the amendment  
 337 | made by this act to section 943.13, Florida Statutes, in a  
 338 | reference thereto, subsection (2) of section 944.714, Florida  
 339 | Statutes, is reenacted to read:

340 |           944.714 Quality assurance and standards of operation.—

341 |           (2) All private correctional officers employed by a  
 342 | private vendor must be certified, at the private vendor's  
 343 | expense, as having met the minimum qualifications established  
 344 | for correctional officers under s. 943.13.

345 |       Section 13. For the purpose of incorporating the amendment  
 346 | made by this act to section 943.13, Florida Statutes, in a  
 347 | reference thereto, subsection (3) of section 945.035, Florida  
 348 | Statutes, is reenacted to read:

349 |           945.035 Notice of employment, appointment, or separation;  
 350 | response by the correctional officer; duty of department.—

351 (3) In a case of separation from employment or  
352 appointment, the department shall execute and maintain an  
353 affidavit-of-separation form adopted by the commission, setting  
354 forth in detail the facts and reasons for such separation. A  
355 copy of the affidavit-of-separation form must be submitted, or  
356 electronically transmitted, to the commission. If the  
357 correctional officer is separated for failure to comply with s.  
358 943.13, the notice must so specify. The affidavit must be  
359 executed under oath and constitutes an official statement within  
360 the purview of s. 837.06. The affidavit must include conspicuous  
361 language that intentional false execution of the affidavit  
362 constitutes a misdemeanor of the second degree. Any correctional  
363 officer who has separated from employment or appointment must be  
364 permitted to respond to the separation, in writing, to the  
365 commission, setting forth the facts and reasons for the  
366 separation as the officer understands them.

367 Section 14. For the purpose of incorporating the amendment  
368 made by this act to section 943.13, Florida Statutes, in a  
369 reference thereto, paragraph (a) of subsection (1) of section  
370 948.01, Florida Statutes, is reenacted to read:

371 948.01 When court may place defendant on probation or into  
372 community control.—

373 (1) Any state court having original jurisdiction of  
374 criminal actions may at a time to be determined by the court,  
375 with or without an adjudication of the guilt of the defendant,

376 | hear and determine the question of the probation of a defendant  
377 | in a criminal case, except for an offense punishable by death,  
378 | who has been found guilty by the verdict of a jury, has entered  
379 | a plea of guilty or a plea of nolo contendere, or has been found  
380 | guilty by the court trying the case without a jury.

381 |         (a) If the court places the defendant on probation or into  
382 | community control for a felony, the department shall provide  
383 | immediate supervision by an officer employed in compliance with  
384 | the minimum qualifications for officers as provided in s.  
385 | 943.13. A private entity may not provide probationary or  
386 | supervision services to felony or misdemeanor offenders  
387 | sentenced or placed on probation or other supervision by the  
388 | circuit court.

389 |         Section 15. For the purpose of incorporating the amendment  
390 | made by this act to section 943.13, Florida Statutes, in a  
391 | reference thereto, section 951.063, Florida Statutes, is  
392 | reenacted to read:

393 |         951.063 Privately operated county correctional  
394 | facilities.—Each private correctional officer employed by a  
395 | private entity under contract to a county commission must be  
396 | certified as a correctional officer under s. 943.1395 and must  
397 | meet the minimum qualifications established in s. 943.13. The  
398 | county shall provide to the Criminal Justice Standards and  
399 | Training Commission all necessary fingerprints for Florida  
400 | Department of Law Enforcement and Federal Bureau of



401 Investigation background checks. The Criminal Justice Standards  
402 and Training Commission shall advise the county as to those  
403 employees whose certification has been denied or revoked.  
404 Neither the county nor the private entity shall be the direct  
405 recipient of criminal records.

406 Section 16. For the purpose of incorporating the amendment  
407 made by this act to section 943.13, Florida Statutes, in a  
408 reference thereto, paragraph (b) of subsection (3) of section  
409 985.644, Florida Statutes, is reenacted to read:

410 985.644 Departmental contracting powers; personnel  
411 standards and investigation.-

412 (3)

413 (b) Law enforcement, correctional, and correctional  
414 probation officers, certified pursuant to s. 943.13, are not  
415 required to submit to level 2 screenings as long as they are  
416 currently employed by a law enforcement agency or correctional  
417 facility. The department shall electronically submit to the  
418 Department of Law Enforcement:

419 1. Fingerprint information obtained during the employment  
420 screening required by subparagraph (a)1.

421 2. Fingerprint information for all persons employed by the  
422 department, or by a provider under contract with the department,  
423 in delinquency facilities, services, or programs if such  
424 fingerprint information has not previously been submitted  
425 pursuant to this section.

HB 7057

2019

426 |           Section 17.   This act shall take effect July 1, 2019.           |