

1 A bill to be entitled

2 An act relating to minimum qualifications for law
3 enforcement or correctional officers; amending s.
4 943.13, F.S.; providing additional criminal history
5 screening standards for applicants; requiring
6 applicants to pass a psychological screening;
7 requiring applicants to provide names of any prior law
8 enforcement agency employers; requiring such employers
9 in this state to provide certain information
10 concerning applicants; prohibiting the employment of
11 an applicant until information is provided by such
12 prior employers; amending ss. 409.1757, 943.131,
13 943.1395, 943.1397, 943.17296, 943.17298, 943.173,
14 943.19, and 943.253, F.S.; conforming provisions to
15 changes made by the act; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (6) through (11) of section 943.13,
20 Florida Statutes, are renumbered as subsections (8) through
21 (13), respectively, new subsections (6) and (7) are added to
22 that section, and present subsections (4) and (8) of that
23 section are 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 (4) Not have been convicted of any felony or of a
35 misdemeanor involving perjury or a false statement, been
36 convicted of any felony or misdemeanor involving moral
37 turpitude, including petit larceny, within the last 3 years, or
38 have received a dishonorable discharge from any of the Armed
39 Forces of the United States. Any person who, after July 1, 1981,
40 pleads guilty or nolo contendere to or is found guilty of any
41 felony or of a misdemeanor involving perjury or a false
42 statement is not eligible for employment or appointment as an
43 officer, notwithstanding suspension of sentence or withholding
44 of adjudication. Notwithstanding this subsection, any person who
45 has pled nolo contendere to a misdemeanor involving a false
46 statement, prior to December 1, 1985, and has had such record
47 sealed or expunged shall not be deemed ineligible for employment
48 or appointment as an officer.

49 (6) Have passed a psychological examination, subsequent to
50 a conditional offer of employment, conducted under the

51 supervision of a licensed psychologist or other licensed mental
52 health professional, as defined by the commission.

53 (7) (a) Provide the names of any law enforcement agencies
54 that he or she has previously been employed by.

55 (b) Any sheriff, chief of police, or other law-enforcement
56 agency in this state, shall disclose to a prospective law-
57 enforcement or correctional employer any information:

58 1. Related to an arrest or prosecution of the applicant,
59 including expunged information.

60 2. Related to a civil suit regarding the applicant's
61 employment or performance of his or her duties.

62 3. Obtained during the course of any internal
63 investigation related to the applicant's alleged criminal
64 conduct, use of excessive force, or other official misconduct in
65 violation of the state professional standards of conduct.

66 4. Related to the applicant's job performance that led to
67 dismissal, demotion, suspension, or transfer.

68 (c) An applicant may not be employed by another law
69 enforcement or correctional agency until the requested
70 information is received from all prior employing agencies
71 required to provide such information under this subsection.

72 (10)-(8) Execute and submit to the employing agency or, if
73 a private correctional officer, submit to the appropriate
74 governmental entity an affidavit-of-applicant form, adopted by
75 the commission, attesting to his or her compliance with

76 subsections (1)-(9) ~~subsections (1)-(7)~~. The affidavit shall be
77 executed under oath and constitutes an official statement within
78 the purview of s. 837.06. The affidavit shall include
79 conspicuous language that the intentional false execution of the
80 affidavit constitutes a misdemeanor of the second degree. The
81 affidavit shall be retained by the employing agency.

82 Section 2. Section 409.1757, Florida Statutes, is amended
83 to read:

84 409.1757 Persons not required to be refingerprinted or
85 rescreened.—Any law to the contrary notwithstanding, human
86 resource personnel who have been fingerprinted or screened
87 pursuant to chapters 393, 394, 397, 402, and this chapter,
88 teachers who have been fingerprinted pursuant to chapter 1012,
89 and law enforcement officers who meet the requirements of s.
90 943.13, who have not been unemployed for more than 90 days
91 thereafter, and who under the penalty of perjury attest to the
92 completion of such fingerprinting or screening and to compliance
93 with this section and the standards for good moral character as
94 contained in such provisions as ss. 110.1127(2)(c), 393.0655(1),
95 394.457(6), 397.4073, 402.305(2), 409.175(6), and 943.13(9)
96 ~~943.13(7)~~, are not required to be refingerprinted or rescreened
97 in order to comply with any caretaker screening or
98 fingerprinting requirements.

99 Section 3. Paragraph (a) of subsection (1) and subsection
100 (4) of section 943.131, Florida Statutes, are amended to read:

101 943.131 Temporary employment or appointment; minimum basic
102 recruit training exemptions.—

103 (1) (a) An employing agency may temporarily employ or
104 appoint a person who complies with the qualifications for
105 employment in s. 943.13(1)-(10) ~~s. 943.13(1)-(8)~~, but has not
106 fulfilled the requirements of s. 943.13(11) and (12) ~~s.~~
107 ~~943.13(9) and (10)~~, if a critical need exists to employ or
108 appoint the person and such person is or will be enrolled in the
109 next approved basic recruit training program available in the
110 geographic area or that no assigned state training program for
111 state officers is available within a reasonable time. The
112 employing agency must maintain documentation which demonstrates
113 that a critical need exists to employ a person pursuant to this
114 section. Prior to the employment or appointment of any person
115 other than a correctional probation officer under this
116 subsection, the person shall comply with the firearms provisions
117 established pursuant to s. 943.17(1) (a). Any person temporarily
118 employed or appointed as an officer under this subsection must
119 attend the first training program offered in the geographic
120 area, or the first assigned state training program for a state
121 officer, subsequent to his or her employment or appointment. A
122 person temporarily employed or appointed as an officer under
123 this subsection must begin basic recruit training within 180
124 consecutive days after employment. Such person must fulfill the
125 requirements of s. 943.13(11) ~~s. 943.13(9)~~ within 18 months

126 after beginning basic recruit training and must fulfill the
127 certification examination requirements of s. 943.13(12) ~~s.~~
128 ~~943.13(10)~~ within 180 consecutive days after completing basic
129 recruit training. A person hired after he or she has commenced
130 basic recruit training or after completion of basic recruit
131 training must fulfill the certification examination requirements
132 of s. 943.13(12) ~~s. 943.13(10)~~ within 180 consecutive days after
133 completion of basic recruit training or the commencement of
134 employment, whichever occurs later.

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

138 (a) Complete all additional required training as required
139 by the commission.

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

142 (c) Complete the requirements of s. 943.13(12) ~~s.~~
143 ~~943.13(10)~~.

144
145 If the proficiencies and requirements of s. 943.13(12) ~~s.~~
146 ~~943.13(10)~~ are not met within the 1-year period, the applicant
147 must seek an additional exemption as provided in this
148 subsection. Except as provided in subsection (1), before the
149 employing agency may employ or appoint the applicant as an
150 officer, the applicant must meet the minimum qualifications

151 described in s. 943.13(1)-(10) ~~s. 943.13(1)-(8)~~ and must fulfill
152 the requirements of s. 943.13(12) ~~s. 943.13(10)~~.

153 Section 4. Paragraph (a) of subsection (1), subsections
154 (3), (5), (6), and (7), and paragraph (e) of subsection (8) of
155 section 943.1395, Florida Statutes, are amended to read:

156 943.1395 Certification for employment or appointment;
157 concurrent certification; reemployment or reappointment;
158 inactive status; revocation; suspension; investigation.—

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

162 (a) The person complies with s. 943.13(1)-(12) ~~s.~~
163 ~~943.13(1)-(10)~~; and

164 (3) Any certified officer who has separated from
165 employment or appointment and who is not reemployed or
166 reappointed by an employing agency within 4 years after the date
167 of separation must meet the minimum qualifications described in
168 s. 943.13, except for the requirement found in s. 943.13(11) ~~s.~~
169 ~~943.13(9)~~. Further, such officer must complete any training
170 required by the commission by rule in compliance with s.
171 943.131(2). Any such officer who fails to comply with the
172 requirements provided in s. 943.131(2) must meet the minimum
173 qualifications described in s. 943.13, to include the
174 requirement of s. 943.13(11) ~~s. 943.13(9)~~.

175 (5) The employing agency must conduct an internal

176 investigation if it has cause to suspect that an officer is not
177 in compliance with, or has failed to maintain compliance with,
178 s. 943.13(4) or (9) ~~(7)~~. If an officer is not in compliance
179 with, or has failed to maintain compliance with, s. 943.13(4) or
180 (9) ~~(7)~~, the employing agency must submit the investigative
181 findings and supporting information and documentation to the
182 commission in accordance with rules adopted by the commission.
183 The commission may inspect and copy an employing agency's
184 records to ensure compliance with this subsection.

185 (6) The commission shall revoke the certification of any
186 officer who is not in compliance with the provisions of s.
187 943.13(4) or who intentionally executes a false affidavit
188 established in s. 943.13(10) ~~s. 943.13(8)~~, s. 943.133(2), or s.
189 943.139(2).

190 (a) The commission shall cause to be investigated any
191 ground for revocation from the employing agency pursuant to s.
192 943.139 or from the Governor, and the commission may cause
193 verifiable complaints to be investigated. Any investigation
194 initiated by the commission pursuant to this section must be
195 completed within 6 months after receipt of the completed report
196 of the disciplinary or internal affairs investigation from the
197 employing agency or Governor's office. A verifiable complaint
198 shall be completed within 1 year after receipt of the complaint.
199 An investigation shall be considered completed upon a finding by
200 a probable cause panel of the commission. These time periods

201 shall be tolled during the appeal of a termination or other
202 disciplinary action through the administrative or judicial
203 process or during the period of any criminal prosecution of the
204 officer.

205 (b)1. The report of misconduct and all records or
206 information provided to or developed by the commission during
207 the course of an investigation conducted by the commission are
208 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
209 of the State Constitution and, except as otherwise provided by
210 law, such information shall be subject to public disclosure only
211 after a determination as to probable cause has been made or
212 until the investigation becomes inactive.

213 2. However, not more than 30 days before the results of an
214 investigation are to be presented to a probable cause panel, an
215 officer who is being investigated, or the officer's attorney,
216 may review any documents or other information regarding the
217 investigation which was developed by or provided to the
218 commission.

219 (c) When an officer's certification is revoked in any
220 discipline, his or her certification in any other discipline
221 shall simultaneously be revoked.

222 (7) Upon a finding by the commission that a certified
223 officer has not maintained good moral character, the definition
224 of which has been adopted by rule and is established as a
225 statewide standard, as required by s. 943.13(9) ~~s. 943.13(7)~~,

226 | the commission may enter an order imposing one or more of the
 227 | following penalties:

228 | (a) Revocation of certification.

229 | (b) Suspension of certification for a period not to exceed
 230 | 2 years.

231 | (c) Placement on a probationary status for a period not to
 232 | exceed 2 years, subject to terms and conditions imposed by the
 233 | commission. Upon the violation of such terms and conditions, the
 234 | commission may revoke certification or impose additional
 235 | penalties as enumerated in this subsection.

236 | (d) Successful completion by the officer of any basic
 237 | recruit, advanced, or career development training or such
 238 | retraining deemed appropriate by the commission.

239 | (e) Issuance of a reprimand.

240 | (8)

241 | (e) An administrative law judge assigned to conduct a
 242 | hearing under ss. 120.569 and 120.57(1) regarding allegations
 243 | that an officer is not in compliance with, or has failed to
 244 | maintain compliance with, s. 943.13(4) or (9) ~~(7)~~ must, in his
 245 | or her recommended order:

246 | 1. Adhere to the disciplinary guidelines and penalties set
 247 | forth in subsections (6) and (7) and the rules adopted by the
 248 | commission for the type of offense committed.

249 | 2. Specify, in writing, any aggravating or mitigating
 250 | circumstance that he or she considered in determining the

251 recommended penalty.

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253 Any deviation from the disciplinary guidelines or prescribed
 254 penalty must be based upon circumstances or factors that
 255 reasonably justify the aggravation or mitigation of the penalty.

256 Any deviation from the disciplinary guidelines or prescribed
 257 penalty must be explained, in writing, by the administrative law
 258 judge.

259 Section 5. Subsection (4) of section 943.1397, Florida
 260 Statutes, is amended to read:

261 943.1397 Officer certification examinations; fee.—

262 (4) The provisions of subsection (1) and s. 943.13(12) ~~s.~~
 263 ~~943.13(10)~~ do not apply to an applicant who was enrolled in a
 264 commission-approved basic recruit training program prior to July
 265 1, 1993.

266 Section 6. Section 943.17296, Florida Statutes, is amended
 267 to read:

268 943.17296 Training in identifying and investigating elder
 269 abuse and neglect.—Each certified law enforcement officer must
 270 successfully complete training on identifying and investigating
 271 elder abuse and neglect as a part of the basic recruit training
 272 of the officer required in s. 943.13(11) ~~s. 943.13(9)~~ or
 273 continuing education under s. 943.135(1) before June 30, 2011.
 274 The training shall be developed in consultation with the
 275 Department of Elderly Affairs and the Department of Children and

276 Families and must incorporate instruction on the identification
 277 of and appropriate responses for persons suffering from dementia
 278 and on identifying and investigating elder abuse and neglect. If
 279 an officer fails to complete the required training, his or her
 280 certification is inactive until the employing agency notifies
 281 the commission that the officer has completed the training.

282 Section 7. Section 943.17298, Florida Statutes, is amended
 283 to read:

284 943.17298 Training in the recognition of and responses to
 285 head trauma and brain injury in a child under 6 years of age.—
 286 The commission shall establish standards for the instruction of
 287 law enforcement officers in the subject of recognition of and
 288 responses to head trauma and brain injury in a child under 6
 289 years of age to aid an officer in the detection of head trauma
 290 and brain injury due to child abuse. Each law enforcement
 291 officer must successfully complete the training as part of the
 292 basic recruit training for a law enforcement officer, as
 293 required under s. 943.13(11) ~~s. 943.13(9)~~, or as a part of
 294 continuing training or education required under s. 943.135(1),
 295 before July 1, 2022.

296 Section 8. Subsection (3) of section 943.173, Florida
 297 Statutes, is amended to read:

298 943.173 Examinations; administration; materials not public
 299 records; disposal of materials.—

300 (3) All examinations, assessments, and instruments and the

301 results of examinations, other than test scores on officer
 302 certification examinations, including developmental materials
 303 and workpapers directly related thereto, prepared, prescribed,
 304 or administered pursuant to ss. 943.13(11) ~~943.13(9)~~ or (12) ~~(10)~~
 305 and 943.17 are exempt from the provisions of s. 119.07(1) and s.
 306 24(a), Art. I of the State Constitution. Provisions governing
 307 access to, maintenance of, and destruction of relevant documents
 308 pursuant to this section shall be prescribed by rules adopted by
 309 the commission.

310 Section 9. Subsection (1) of section 943.19, Florida
 311 Statutes, is amended to read:

312 943.19 Saving clause.—

313 (1) Any full-time, part-time, or auxiliary law enforcement
 314 or correctional officer duly certified by the commission and
 315 employed or appointed as of September 30, 1984, and any
 316 correctional probation officer employed or appointed as of
 317 September 30, 1986, and any correctional probation officer
 318 employed in an institution as of September 30, 1989, is not
 319 required to comply with s. 943.13(5) and (10) ~~(8)~~ as a condition
 320 of continued employment or appointment with his or her current
 321 employing agency.

322 Section 10. Section 943.253, Florida Statutes, is amended
 323 to read:

324 943.253 Exemption; elected officers.—Elected officers are
 325 exempt from the requirements of ss. 943.085–943.25. However, an

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326 | elected officer may participate in the programs and benefits
327 | under ss. 943.085-943.25 if he or she complies with s.
328 | 943.13(1)-(9) ~~s. 943.13(1)-(7)~~.

329 | Section 11. This act shall take effect July 1, 2020.