

By Senator Powell

30-01215-21

2021992__

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 cross-
15 references; providing an effective date.

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

18
19 Section 1. Present subsections (6) through (11) of section
20 943.13, Florida Statutes, are renumbered as subsections (8)
21 through (13), respectively, new subsections (6) and (7) are
22 added to that section, and present subsections (4) and (8) of
23 that 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

30-01215-21

2021992__

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

55 (a) 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,

30-01215-21

2021992__

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

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

68 (b) 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 a
73 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,

30-01215-21

2021992__

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

30-01215-21

2021992__

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.~~

30-01215-21

2021992__

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 employment
165 or appointment and who is not reemployed or reappointed by an
166 employing agency within 4 years after the date of separation
167 must meet the minimum qualifications described in s. 943.13,
168 except for the requirement found in s. 943.13(11) ~~s. 943.13(9)~~.

169 Further, such officer must complete any training required by the
170 commission by rule in compliance with s. 943.131(2). Any such
171 officer who fails to comply with the requirements provided in s.
172 943.131(2) must meet the minimum qualifications described in s.
173 943.13, to include the requirement of s. 943.13(11) ~~s.~~
174 ~~943.13(9)~~.

30-01215-21

2021992__

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

30-01215-21

2021992__

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

30-01215-21

2021992__

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.

252

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.—

30-01215-21

2021992__

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

30-01215-21

2021992__

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) or (12) ~~ss. 943.13(9)~~
305 ~~or (10)~~ and 943.17 are exempt from the provisions of s.
306 119.07(1) and s. 24(a), Art. I of the State Constitution.
307 Provisions governing access to, maintenance of, and destruction
308 of relevant documents pursuant to this section shall be
309 prescribed by rules adopted by 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

30-01215-21

2021992__

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
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, 2021.