

CHAPTER 97-225

House Bill No. 1099

An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining “part-time correctional probation officer,” “diverse population,” and “criminal justice executive” with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers’ minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers’ temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance to employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in officer’s affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a \$3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

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

Section 1. Subsections (19), (20), and (21) are added to section 943.10, Florida Statutes, to read:

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

(19) “Part-time correctional probation officer” means a person who is employed less than full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or in the community.

(20) “Diverse population” means members of a cultural group with common origins, customs, and styles of living. This definition includes both ethnic and religious minorities.

(21) “Criminal justice executive” includes executives of law enforcement, correctional, and correctional probation agencies.

Section 2. Section 943.13, Florida Statutes, is amended to read:

943.13 Officers' minimum qualifications for employment or appointment.—On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, ~~or to a county commission, or to the Correctional Privatization Commission~~ shall:

- (1) Be at least 19 years of age.
- (2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.
- (3) Be a high school graduate or its “equivalent” as the commission has defined the term by rule ~~may be determined by the commission.~~
- (4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.
- (5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4)

and (6)-(9), he or she may be employed or appointed for a period not to exceed 1 calendar year from the date he or she was employed or appointed or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first.

(6) Have passed a physical examination by a licensed physician, based on specifications established by the commission.

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

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

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

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

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least one year

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

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

(11) Comply with the continuing training or education requirements of s. 943.135.

Section 3. Paragraphs (a) and (b) of subsection (1) of section 943.131, Florida Statutes, are amended to read:

943.131 Temporary employment or appointment; minimum basic recruit training exemption.—

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

documentation which demonstrates that a critical need exists to employ a person pursuant to this section. Prior to the employment or appointment of any person other than a correctional probation officer under this subsection, the person shall comply with the firearms provisions established pursuant to s. 943.17(1)(a). Any person temporarily employed or appointed as an officer under this subsection must ~~attend~~ enroll in the first training program offered in the geographic area, or the first assigned state training program for a state officer, subsequent to his or her employment or appointment. Further, upon successful completion of the basic recruit training program, any person temporarily employed or appointed as an officer must fulfill the requirements of s. 943.13(10) within 180 consecutive days.

(b) In no case may the person be temporarily employed or appointed for more than 180 consecutive days, and such temporary employment or appointment is not renewable by the employing agency or transferable to another employing agency. However, a person who is temporarily employed or appointed and ~~is attending who has enrolled~~ in the first training program offered in the geographic area, or has been assigned to a state training program, may continue to be temporarily employed or appointed until the person:

1. Successfully completes the basic recruit training program and achieves an acceptable score on the officer certification examination;
2. ~~Fails to successfully complete, or withdraws from,~~ any course of the basic recruit training program;
3. Fails to achieve an acceptable score on the officer certification examination within 180 consecutive days after the successful completion of the basic recruit training program; or
4. Is separated from employment or appointment by the employing agency.

Section 4. Subsections (2), (3), and (4) of section 943.133, Florida Statutes, are amended to read:

943.133 Responsibilities of employing agency, commission, and division with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief.—

(2) Prior to the employment or appointment of any officer, the chief law enforcement or correctional officer administrator or probation and parole regional administrator of the employing agency, or his designee, is required to execute and maintain a registration ~~an~~ affidavit-of-compliance form adopted by the commission, attesting to compliance by the employing agency with subsection (1). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The information contained in the registration ~~A copy of the~~ affidavit-of-compliance form must be submitted, or electronically transmitted, to the commission.

(3) The commission shall adopt rules that establish procedures for conducting background investigations. The rules must specify a form for employing agencies to use to document the findings of the background investigation. Before employing or appointing any officer, the employing agency must conduct a thorough background investigation in accordance with the rules. The background information should include information setting forth the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. For the purposes of this subsection, "separation from employment or appointment" includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from any salaried or nonsalaried position. The employing agency must maintain the original background investigation form, which must be signed by the administrator of the employing agency or his designee. ~~A copy of the background investigation form must be submitted, or electronically transmitted, to the commission.~~

(4) When the employing agency is a private entity under contract to the county or the state pursuant to s. 944.105, ~~or s. 951.062,~~ or chapter 957, the contracting agency shall be responsible for meeting the requirements of subsections (1), (2), and (3).

Section 5. Subsections (1) and (2) of section 943.139, Florida Statutes, are amended to read:

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

(1) An employing agency shall immediately notify the commission in writing, on a form adopted by the commission, of the employment or appointment, or separation from employment or appointment, of any officer. The employing agency must maintain the original form and submit, or electronically transmit, this information ~~a copy of the form~~ to the commission. Separation from employment or appointment includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence of any officer.

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

Section 6. Section 943.1715, Florida Statutes, is amended to read:

943.1715 Basic skills training relating to diverse populations racial and ethnic minorities.—

(1) ~~As used in this section:~~

(a) ~~“Racial and ethnic minorities” means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

(b) ~~“Law enforcement officer” includes law enforcement officers, correctional officers, and correctional probation officers.~~

(2) The commission shall establish and maintain standards for instruction of ~~law enforcement~~ officers in the subject of interpersonal skills relating to diverse populations racial and ethnic minorities, with an emphasis on the awareness of cultural differences. Every basic skills course required in order for ~~law enforcement~~ officers to obtain initial certification ~~must shall, after January 1, 1993,~~ include a minimum of 8 hours training in interpersonal skills with diverse populations racial and ethnic minorities.

Section 7. Section 943.1716, Florida Statutes, is amended to read:

943.1716 Continued employment training relating to diverse populations racial and ethnic minorities.—

(1) ~~As used in this section:~~

(a) ~~“Racial and ethnic minorities” means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

(b) ~~“Law enforcement officer” includes law enforcement officers, correctional officers, and correctional probation officers.~~

(2) The commission shall by rule require that adopt a program by January 1, 1993, which shall be implemented by July 1, 1993, that requires each officer to receive, as part of the 40 hours of required instruction for continued employment or appointment as an a ~~law enforcement~~ officer, 8 hours of instruction in the subject of interpersonal skills relating to diverse populations racial and ethnic minorities, with an emphasis on the awareness of cultural differences.

Section 8. Section 943.175, Florida Statutes, is amended to read:

943.175 Inservice and specialized training.—

(1) Inservice training programs, consisting of courses established, implemented, and evaluated by an employing agency, are the responsibility of the employing agency. Specialized training programs, consisting of courses established, implemented, and evaluated by a criminal justice training school, are the responsibility of the criminal justice training school. Inservice and specialized training programs or courses need not be approved by the commission.

(2) The commission shall, by rule, establish procedures and criteria whereby an employing agency or criminal justice training school seeking commission approval of ~~a an inservice or~~ specialized training program or course must submit the program or course to the commission for evaluation. The procedures and criteria shall include, but are not limited to, a demonstration of job relevance and quality of instruction.

(3) ~~Each inservice or specialized training course that is approved by the commission and successfully completed by an officer shall be identified as such in any record the commission maintains on the officer. Commission-approved inservice and specialized training courses will be acceptable for the provisions of s. 943.135.~~

(4) Inservice or specialized training courses or programs shall not be part of the programs ~~or~~ of courses established by the commission pursuant to s. 943.17, nor shall they be used to qualify an officer for salary incentive payment provided under s. 943.22.

Section 9. Paragraphs (b) and (c) of subsection (1) of section 943.1755, Florida Statutes, are amended to read:

943.1755 Florida Criminal Justice Executive Institute.—

(1)

(b) The Legislature further finds that there exists a need to improve relationships between law enforcement agencies and the diverse populations racial and ethnic minorities they serve. To this end the Florida Criminal Justice Executive Institute shall conduct research projects, utilizing the resources of community colleges and universities, for the purpose of improving law enforcement interaction and intervention in the communities of diverse populations racial and ethnic minorities.

~~(c) As used in this subsection:~~

~~1. “Racial and ethnic minorities” means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~2. “Criminal justice executive” includes executives of law enforcement, correctional, and correctional probation agencies.~~

Section 10. Section 943.1757, Florida Statutes, is amended to read:

943.1757 Criminal justice executives; training; policy report.—

~~(1) As used in this section:~~

~~(a) “Racial and ethnic minorities” means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

~~(b) “Criminal justice executive” includes executives of law enforcement, correctional, and correctional probation agencies.~~

(2) The Legislature finds that there exists a need to provide training to criminal justice executives in the subject of interpersonal skills relating to diverse populations ~~racial and ethnic minorities~~, with an emphasis on the awareness of cultural differences.

(2)(3) The policy board of the Criminal Justice Executive Institute shall identify the needs of criminal justice executives regarding issues related to diverse populations in racially and ethnically sensitive areas, and ensure that such needs are met through appropriate training. Beginning January 1, 1995, and every 5 years thereafter, the policy board shall provide to the appropriate substantive committees of each house a report describing executive training needs. In addition, the policy board shall prepare a biennial report to the appropriate substantive committees of each house describing how these needs are being met through training by the Criminal Justice Executive Institute.

Section 11. Section 943.1758, Florida Statutes, is amended to read:

943.1758 Curriculum revision for diverse populations ~~racial and ethnic minorities~~; skills training.—

(1) ~~As used in this section:~~

(a) ~~“Racial and ethnic minorities” means members of a socially or economically disadvantaged group which includes blacks, Hispanics, and American Indians.~~

(b) ~~“Law enforcement officer” includes law enforcement officers, correctional officers, and correctional probation officers.~~

(2)(a) The Criminal Justice Standards and Training Commission shall revise its standards and training for basic recruits and its requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations ~~racial and ethnic minorities~~ into the criminal justice standards and training curriculum. The curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include, but are not limited to, stops, use of force and domination, and other areas of interaction between ~~law enforcement officers and members of diverse populations~~ racial and ethnic minorities. ~~Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in racial and ethnic minorities-related training shall be used as instructional materials.~~

(2)(b) The commission shall develop and implement, as part of its law ~~enforcement~~ instructor training programs, standardized instruction in the subject of interpersonal skills relating to diverse populations ~~racial and ethnic minorities~~.

Culturally sensitive lesson plans, up-to-date videotapes, and other demonstrative aids developed for use in diverse population-related ~~racial and ethnic minorities-related~~ training shall be used as instructional materials.

~~(3) A report detailing the racial and ethnic minorities-related curriculum for recruits, employment, and instructors shall be submitted by the commission to the chairs of the relevant substantive committees of both houses of the Legislature no later than December 1, 1992, and the revised criminal justice standards and training curriculum for recruits and instructors shall be implemented no later than January 1, 1993.~~

Section 12. Subsection (3) of section 943.25, Florida Statutes, is amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(3) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. ~~However, such assessment shall not be imposed in addition to civil penalties provided in s. 318.18.~~ Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be forwarded to the Treasurer as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All such costs collected by the courts shall be remitted to the Department of Revenue, in accordance with administrative rules adopted by the executive director of the Department of Revenue, for deposit in the Additional Court Cost Clearing Trust Fund and shall be earmarked to the Department of Law Enforcement and the Department of Community Affairs for distribution as follows:

1. Two dollars and seventy-five cents of each \$3 assessment shall be deposited in the Criminal Justice Standards and Training Trust Fund, and the remaining 25 cents of each such assessment shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

2. Ninety-two percent of the money distributed to the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21 shall be earmarked to the Department of Law Enforcement for deposit in the Criminal Justice Standards and Training Trust Fund, and 8 percent of such money shall be deposited into the Operating Trust Fund and shall be disbursed to the Bureau of Public Safety Management of the Department of Community Affairs.

(b) The funds deposited in the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund until the following year ~~be deposited, for redistribution, in the Additional Court Cost Clearing Trust Fund.~~ However, revenues generated from officer certification examination fees shall not revert to the Additional Court Cost Clear-

~~ing Trust Fund and shall remain in the Criminal Justice Standards and Training Trust Fund.~~

(c) All funds in the Criminal Justice Standards and Training Trust Fund earmarked to the Department of Law Enforcement shall be disbursed only in compliance with subsection (10).

Section 13. Subsection (11) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(11)(a) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

For pedestrian infractions	\$ 3.
For nonmoving traffic infractions	\$ 6.
For moving traffic infractions	\$10.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a \$3 court cost for each infraction to be distributed as provided in s. 943.25(3).

Section 14. For the purpose of incorporating the amendment to s. 318.18 in a reference thereto, section 318.121, Florida Statutes, 1996 Supplement, is reenacted to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs assessed under s. 318.18(11) may not be added to the civil traffic penalties assessed in this chapter.

Section 15. This act shall take effect July 1, 1997.

Became a law without the Governor’s approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.