

## Committee Substitute for House Bill No. 1641

An act relating to law enforcement; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors; amending s. 943.13, F.S.; authorizing physician assistants to examine law enforcement officers as a condition of employment; amending s. 943.131, F.S.; revising provisions relating to minimum basic training for temporary employees and officers; amending s. 943.135, F.S.; deleting requirement to provide a remediation program for certain officers; amending s. 943.14, F.S.; revising provisions relating to commission-certified criminal justice training schools; authorizing employing agencies to submit information regarding fingerprints and criminal history checks; amending s. 943.17, F.S.; revising provisions relating to basic recruit, advanced, and career development programs; providing for a specialized training program; amending s. 943.173, F.S.; removing requirement that certain examinations be adopted by the commission; amending s. 943.175, F.S.; removing provisions relating to specialized training programs; amending s. 943.22, F.S.; clarifying authority for accreditation; amending s. 943.25, F.S.; prohibiting the assessment of costs for advanced and specialized training under certain circumstances; conforming a cross reference; amending s. 316.640, F.S.; revising provisions relating to required instruction for certain traffic officers; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; providing effective dates.

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

Section 1. Subsections (10) through (18) of section 943.12, Florida Statutes, are renumbered as subsections (9) through (17), respectively, and subsections (1), (7), and (9) of said section are amended to read:

943.12 Powers, duties, and functions of the commission.—The commission shall:

(1) ~~Adopt Promulgate~~ rules for the administration of ss. 943.085-943.255 pursuant to chapter 120.

(7) Conduct official inquiries or require ~~Authorize the issuance of certificates for~~ criminal justice training schools to conduct official inquiries of criminal justice training instructors who are certified by the commission.

~~(9) Authorize the issuance of certificates for instructors.~~

Section 2. Subsection (6) of 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, to a county commission, or to the Correctional Privatization Commission shall:

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

Section 3. Paragraph (b) of subsection (1) and subsection (2) of section 943.131, Florida Statutes, are amended to read:

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

(1)

(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 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 or withdraws from a ~~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.

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency must verify that the applicant has successfully completed a comparable basic recruit training program for the discipline in which the applicant is seeking certification in another state or for the Federal Government. Further, the employing agency must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least one year. When the employing agency obtains written documentation regarding the applicant's criminal justice experience, the documentation must be submitted to the commission. The commission shall adopt rules that establish criteria and procedures to determine if the applicant is exempt from completing the commission-approved basic recruit training program and, upon making a determination, shall notify the employing agency. ~~An~~ If the applicant who is exempt from completing the commission-approved basic recruit

training program must demonstrate proficiency in the high-liability areas, as defined by commission rule, and must complete the requirements of s. 943.13(10) within 180 days after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 180 days, the applicant must complete a commission-approved basic recruit training program, as required by the commission by rule, in areas which include, but are not limited to, defensive driving, defensive tactics, firearms training, and first responder training. Except as provided in subsection (1), before the employing agency may employ or appoint the applicant as an officer, the applicant must meet the minimum qualifications described in s. 943.13(1)-(8), and must fulfill the requirements of s. 943.13(10).

Section 4. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 Requirements for continued employment.—

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her most recent date for successful completion of continuing training or education; and

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section; ~~and~~

~~(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.~~

Section 5. Section 943.14, Florida Statutes, is amended to read:

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

(1) Each criminal justice training school approved by the commission shall obtain from the commission a certificate of compliance, with rules of the commission, signed by the chair of the commission. ~~Any training or educational courses which are taught in any criminal justice training school must first be approved in writing by the commission.~~

(2) Any certificate or diploma issued by any criminal justice training school which relates to completion, graduation, or attendance in criminal justice training or educational subjects, or related matters, must be approved by the commission staff in the department's Criminal Justice Professionalism Program.

(3) The commission shall establish, by rule, procedures for the certification and discipline of all instructors in any criminal justice training school.

(4) Prior to the issuance of a certificate of compliance, or as a condition of continuing certification, all records of any criminal justice training school that relate to training and all financial and personnel records of the school shall be made available to the commission upon request.

(5) No private criminal justice training school may include within its name the word "commission," "bureau," or "division" together with the word "Florida" or "state," the name of any county or municipality, or any misleading derivative thereof which might be construed to represent a government agency or an entity authorized by a government agency.

~~(6) Criminal justice training schools and courses which are licensed and operated in accordance with the rules of the State Board of Education and the rules of the commission are exempt from the requirements of subsections (1)-(5). However, any school which instructs approved commission courses must meet the requirements of subsections (1)-(5).~~

(6)(7)(a) Commission-approved correctional probation courses and subjects which are taught by Florida 4-year accredited colleges and universities are exempt from subsections (1)-(5) except for such documentation which may be required by the commission. The commission retains control over the content of courses and subjects covered by this subsection as specified in s. 943.17(1)(a). Florida 4-year accredited colleges and universities must obtain approval from the commission prior to offering correctional probation courses. Florida 4-year accredited colleges and universities offering the Correctional Probation Training Program shall teach the learning objectives specified by the commission. The administration of the commission's Correctional Probation Training Program within a Florida 4-year accredited college or university shall fall within the institution's established guidelines for course delivery and student attendance. The Florida 4-year accredited college or university shall provide to the commission and to the student proof of successful completion of all the approved objectives required by the commission for the academic courses approved for the Correctional Probation Training Program. The commission-certified training school administering the commission-required correctional probation high-liability training shall provide to the commission and to the student proof of successful completion of all approved objectives.

(b) All other criminal justice sciences or administration courses or subjects which are a part of the curriculum of any accredited college, university, community college, or vocational-technical center of this state, and all full-time instructors of such institutions, are exempt from the provisions of subsections (1)-(5).

(7)(8) Each criminal justice training school that offers law enforcement, correctional, or correctional probation officer basic recruit training, or selection center that provides applicant screening for criminal justice training schools, shall conduct a criminal history background check of an applicant prior to entrance into the basic recruit class. A complete set of fingerprints must be taken by an authorized criminal justice agency or by an employee of the criminal justice training school or selection center who is trained to take fingerprints. If the employing agency has previously taken a set of fingerprints from the applicant and has obtained a criminal history check of the applicant using the fingerprints, the requirements of this subsection shall be met when the employing agency submits to the criminal justice training school or selection center a letter stating the date on which the agency took the fingerprints of the applicant, a summary of the criminal history check based on the fingerprints, and a certification that the applicant is qualified to enroll in the basic recruit training program pursuant to s. 943.13. If the criminal justice training school or selection center takes the fingerprints, it shall submit the fingerprints to the Florida Department of Law Enforcement for a statewide criminal history check, and forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. Applicants found through fingerprint processing to have pled guilty to or been convicted of a crime which would render the applicant unable to meet the minimum qualifications for employment as an officer as specified in s. 943.13(4) shall be removed from the pool of qualified candidates by the criminal justice training school or selection center.

(8)(9)(a) If a criminal justice training school or person violates this section, or any rule adopted pursuant hereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county in which the violation or violations occurred for injunctive relief prohibiting the criminal justice training school or person from operating contrary to this section.

(b)1. In addition to any injunctive relief available under paragraph (a), the commission may impose a civil fine upon any criminal justice training school or person who violates subsection (1) or subsection (5), or any rule adopted pursuant thereto, of up to \$10,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund. The commission may impose a civil fine upon any criminal justice training school or person who violates subsection (2), subsection (3), or subsection (4), or any rule adopted pursuant thereto, of up to \$1,000 for each violation, which fine shall be paid into the Criminal Justice Standards and Training Trust Fund.

2. A proceeding under this paragraph shall comply with the provisions of chapter 120, and the final order of the commission constitutes final agency action for the purposes of chapter 120. When the commission imposes a civil fine and the fine is not paid within a reasonable time, the Department of Legal Affairs, at the request of the chair of the commission, shall bring a civil action under the provisions of s. 120.69 to recover the fine. The commission and the Department of Legal Affairs are not required to post any bond in any proceeding herein.

Section 6. Section 943.17, Florida Statutes, is amended to read:

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

(1) The commission shall:

(a) Design, implement, maintain, evaluate, ~~and revise,~~ or adopt a basic recruit training program for the purpose of providing minimum employment training qualifications for all officers to be employed or appointed in each discipline.

(b) Design, implement, maintain, evaluate, ~~and revise,~~ or adopt an advanced training program which is limited to those courses enhancing an officer's knowledge, skills, and abilities for the job he or she performs.

(c) Design, implement, maintain, evaluate, ~~and revise,~~ or adopt a career development training program which is limited to those courses related to promotion to a higher rank or position. Career development courses will not be eligible for funding as provided in s. 943.25(9).

(d) Design, implement, maintain, evaluate, revise, or adopt a specialized training program consisting of identified goals and objectives that enhance an officer's ability to perform his or her duties. For any existing or newly established course, adopt an examination and assessment instrument that is job-related and measures an officer's acquisition of knowledge, skills, and abilities. An acceptable level of measurable student performance shall also be developed for each course.

(e) Implement, administer, maintain, and revise a job-related officer certification examination for each discipline.

(f) Acknowledge any specialized training course approved by the commission prior to October 1, 1984, as an inservice training course under s. 943.175, except that the radar training course developed under former s. 943.14(14), Florida Statutes 1983, shall be considered an approved advanced training program course.

(g) Assure that entrance into the basic recruit training program for law enforcement, correctional, and correctional probation officers be limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

(2) The commission is encouraged to design, implement, maintain, evaluate, and revise criminal justice training courses, or to enter into contracts for such training courses, that are intended to provide for the safety and well-being of the citizens of and visitors to this state.

(3) The program shall be responsible for the accuracy of curriculum content through the identification and revision of typographical or grammatical errors, incorrect statutory citations, or information which can be identified as inaccurate by superior references. The commission shall be advised of any revision, and a copy of revised curricula shall be provided to all criminal justice training schools.

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

(5) The commission, in consultation with the Florida Violent Crime and Drug Control Council, shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing violent crime. After January 1, 1995, every basic skills course required in order for law enforcement officers to obtain initial certification must include training on violent crime prevention and investigations.

Section 7. Subsection (2) of section 943.173, Florida Statutes, is amended to read:

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

(2) Each advanced and career development course examination ~~adopted by the commission~~ shall be administered at a certified criminal justice training school under the supervision of the training center director.

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. Inservice 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 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.~~

(2)(3) ~~Inservice or specialized~~ training courses or programs shall not be part of the programs or 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. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(a) “Accredited college, university, or community college” means a college, university, or community college which has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, or the Accrediting Commission for Independent Colleges and Schools ~~American Association of Collegiate Registrars and Admissions Officers.~~

Section 10. Subsections (2) and (6) of section 943.25, Florida Statutes, are amended to read:

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

(2) There is created, within the Department of Law Enforcement, the Criminal Justice Standards and Training Trust Fund for the purpose of providing for the payment of necessary and proper expenses incurred by the operation of the commission and the Criminal Justice Professionalism Program and providing commission-approved criminal justice advanced and specialized training and criminal justice training school enhancements and of establishing the provisions of s. 943.17 and developing the specific tests provided under s. 943.12(9)(10). The program shall administer the Criminal Justice Standards and Training Trust Fund and shall report the status of the fund at each regularly scheduled commission meeting.

(6) No Training, room, or board cost may not be assessed against any officer or employing agency for any advanced and specialized training course funded from the Criminal Justice Standards and Training Trust Fund and offered through a criminal justice training school certified by the commission. Such expenses shall be paid from the trust fund and are not reimbursable by the officer. Travel costs to and from the training site are the responsibility of the trainee or employing agency. Any compensation, including, but not limited to, salaries and benefits, paid to any person during the period of training shall be fixed and determined by the employing agency; and such compensation shall be paid directly to the person.

(a) The commission shall develop a policy of reciprocal payment for training officers from regions other than the region providing the training.

(b) An officer who is not employed or appointed by an employing agency of this state may attend a course funded by the trust fund, provided the officer is required to pay to the criminal justice training school all training costs incurred for her or his attendance.

Section 11. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (a) of subsection (5) of section 316.640, Florida Statutes, are amended to read:



316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in

this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

## (2) COUNTIES.—

(b) The sheriff's office of each county may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours~~ of instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest

authority other than for the issuance of a traffic citation as authorized in this paragraph.

(3) MUNICIPALITIES.—

(b) The police department of a chartered municipality may employ as a traffic crash investigation officer any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(5)(a) Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes ~~at least 200 hours of~~ instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal investigation, he or she has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

Section 12. Effective upon this act becoming a law, subsection (14) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(14) This section is repealed effective June 1, ~~2004~~ 2002.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2002.

Approved by the Governor April 29, 2002.

Filed in Office Secretary of State April 29, 2002.