

CHAPTER 2018-46

Committee Substitute for House Bill No. 333

An act relating to minimum officer qualifications; amending s. 943.10, F.S.; defining the term “special operations forces”; amending s. 943.13, F.S.; exempting certain applicants from completing a basic recruit training program approved by the Criminal Justice Standards and Training Commission under specified conditions; amending s. 943.131, F.S.; requiring an employing agency, training center, or criminal justice selection center to verify and document that certain applicants have served in the special operations forces for a minimum period and completed certain training if they seek an exemption from the commission-approved basic recruit training program; requiring the employing agency, training center, or selection center to submit the documentation to the commission; reenacting ss. 626.989(7), 943.133(1) and (6), and 943.1395(3), (9), and (10), F.S., relating to investigations by the Division of Investigative and Forensic Services, the responsibilities of certain employing entities, and certification for certain employment or appointment, respectively, to incorporate changes made by the act; providing an effective date.

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

Section 1. Subsection (22) is 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:

(22) “Special operations forces” means those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes, but is not limited to, servicemembers of the United States Army Special Forces and the United States Army 75th Ranger Regiment; the United States Navy SEALs and Special Warfare Combatant-Craft Crewmen; the United States Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the United States Marine Corps Critical Skills Operators; and any other component of the United States Special Operations Command approved by the commission.

Section 2. Subsection (9) 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 Department of Management Services shall:

(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 served as a full-time sworn officer in another state or for the Federal Government for at least 1 year, provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application for an exemption under this subsection is submitted; or

(b) Served in the special operations forces for a minimum of 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience, as measured from the separation date from the special operations forces to the time a complete application for an exemption under this subsection is submitted ~~Served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section,~~

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

Section 3. Subsection (2) of section 943.131, Florida Statutes, is amended, and subsections (3) and (4) are added to that section, to read:

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

(2) If an applicant seeks an exemption from completing a commission-approved basic recruit training program, the employing agency, training center, or criminal justice selection center must verify and document that the applicant has:

(a) 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 or a previous Florida basic recruit training program. Further, the employing agency, training center, or criminal justice selection center must verify that the applicant has served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment or was a previously certified Florida officer provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete

~~application is submitted for an exemption under this section. When The employing agency, training center, or criminal justice selection center shall submit obtains written documentation of satisfaction of this requirement to the commission; or 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 or criminal justice selection center. An 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 1 year after receiving an exemption. If the proficiencies and requirements of s. 943.13(10) are not met within the 1 year, the applicant must seek an additional exemption pursuant to the requirements of this subsection. 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).~~

(b) Served in the special operation forces for a minimum of 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience, as measured from the separation date from the special operations forces to the time a complete application for an exemption under this subsection is submitted. The employing agency, training center, or criminal justice selection center shall further verify and document the specific training and experience the applicant received during his or her special operations forces service that is relevant to law enforcement. The employing agency, training center, or criminal justice selection center shall submit documentation of satisfaction of these requirements to the commission.

(3) 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, training center, or criminal justice selection center. The commission may require an exempt applicant to complete additional training as it deems appropriate based on the applicant's prior training and experience.

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

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

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

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

If the proficiencies and requirements of s. 943.13(10) are not met within the 1-year period, the applicant must seek an additional exemption as provided in this subsection. 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. For the purpose of incorporating the amendment made by this act to section 943.131, Florida Statutes, in a reference thereto, subsection (7) of section 626.989, Florida Statutes, is reenacted to read:

626.989 Investigation by department or Division of Investigative and Forensic Services; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.—

(7) Division investigators shall have the power to make arrests for criminal violations established as a result of investigations. Such investigators shall also be considered state law enforcement officers for all purposes and shall have the power to execute arrest warrants and search warrants; to serve subpoenas issued for the examination, investigation, and trial of all offenses; and to arrest upon probable cause without warrant any person found in the act of violating any of the provisions of applicable laws. Investigators empowered to make arrests under this section shall be empowered to bear arms in the performance of their duties. In such a situation, the investigator must be certified in compliance with the provisions of s. 943.1395 or must meet the temporary employment or appointment exemption requirements of s. 943.131 until certified.

Section 5. For the purpose of incorporating the amendment made by this act to section 943.131, Florida Statutes, in references thereto, subsections (1) and (6) of section 943.133, Florida Statutes, are reenacted to read:

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

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

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

Section 6. For the purpose of incorporating the amendment made by this act to section 943.131, Florida Statutes, in references thereto, subsections (3), (9), and (10) of section 943.1395, Florida Statutes, are reenacted to read:

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

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

(9) Each person employed pursuant to s. 943.131 is subject to discipline by the commission. Persons who have been subject to disciplinary action pursuant to this subsection are ineligible for employment or appointment under s. 943.131.

(a) The commission shall cause to be investigated any conduct defined in subsection (6) or subsection (7) by a person employed under s. 943.131 and shall set disciplinary guidelines and penalties prescribed in rules applicable to such noncertified persons.

(b) The disciplinary guidelines and prescribed penalties must be based upon the severity of specific offenses. The guidelines must provide reasonable and meaningful notice to officers and to the public of penalties that may be imposed for prohibited conduct. The penalties must be consistently applied by the commission.

(c) In addition, the commission may establish violations and disciplinary penalties for intentional abuse of the employment option provided by s. 943.131 by an individual or employing agency.

(10) An officer whose certification has been revoked pursuant to this section shall be ineligible for employment or appointment under s. 943.131.

Section 7. This act shall take effect July 1, 2018.

Approved by the Governor March 21, 2018.

Filed in Office Secretary of State March 21, 2018.