

1                   A bill to be entitled  
2           An act relating to temporary employment or appointment  
3           of officers; amending s. 943.10, F.S.; defining the  
4           term "special operations forces"; amending s. 943.131,  
5           F.S.; requiring an employing agency or criminal  
6           justice selection center to verify and document that  
7           certain applicants have served in the special  
8           operations forces for a minimum period and completed  
9           certain training if they seek an exemption from a  
10          basic recruit training program approved by the  
11          Criminal Justice Standards and Training Commission;  
12          requiring the employing agency or selection center to  
13          submit the documentation to the commission; reenacting  
14          ss. 626.989(7), 943.13(9), 943.133(1) and (6), and  
15          943.1395(3), (9), and (10), F.S., relating to  
16          investigations by the Division of Investigative and  
17          Forensic Services, officers' minimum qualifications  
18          for employment or appointment, the responsibilities of  
19          certain employing entities, and certification for  
20          certain employment or appointment, respectively, to  
21          incorporate the amendment made to s. 943.131, F.S., in  
22          references thereto; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
25

26 Section 1. Subsection (22) is added to section 943.10,  
 27 Florida Statutes, to read:

28 943.10 Definitions; ss. 943.085-943.255.—The following  
 29 words and phrases as used in ss. 943.085-943.255 are defined as  
 30 follows:

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

43 Section 2. Subsection (2) of section 943.131, Florida  
 44 Statutes, is amended to read:

45 943.131 Temporary employment or appointment; minimum basic  
 46 recruit training exemptions ~~exemption~~.—

47 (2) If an applicant seeks an exemption from completing a  
 48 commission-approved basic recruit training program, the  
 49 employing agency or criminal justice selection center must do  
 50 one of the following, as appropriate:

51        (a) Verify that the applicant has successfully completed a  
52 comparable basic recruit training program for the discipline in  
53 which the applicant is seeking certification in another state or  
54 for the Federal Government or a previous Florida basic recruit  
55 training program. Further, the employing agency or criminal  
56 justice selection center must verify and document that the  
57 applicant has served as a full-time sworn officer in another  
58 state or for the Federal Government for at least 1 year provided  
59 there is no more than an 8-year break in employment or was a  
60 previously certified Florida officer provided there is no more  
61 than an 8-year break in employment, as measured from the  
62 separation date of the most recent qualifying employment to the  
63 time a complete application is submitted for an exemption under  
64 this section. ~~When~~ The employing agency or criminal justice  
65 selection center shall submit ~~obtains written~~ documentation of  
66 satisfaction of this requirement to the commission ~~regarding the~~  
67 ~~applicant's criminal justice experience, the documentation must~~  
68 ~~be submitted to the commission. The commission shall adopt rules~~  
69 ~~that establish criteria and procedures to determine if the~~  
70 ~~applicant is exempt from completing the commission-approved~~  
71 ~~basic recruit training program and, upon making a determination,~~  
72 ~~shall notify the employing agency or criminal justice selection~~  
73 ~~center. An applicant who is exempt from completing the~~  
74 ~~commission-approved basic recruit training program must~~  
75 ~~demonstrate proficiency in the high-liability areas, as defined~~

76 ~~by commission rule, and must complete the requirements of s.~~  
77 ~~943.13(10) within 1 year after receiving an exemption. If the~~  
78 ~~proficiencies and requirements of s. 943.13(10) are not met~~  
79 ~~within the 1 year, the applicant must seek an additional~~  
80 ~~exemption pursuant to the requirements of this subsection.~~  
81 ~~Except as provided in subsection (1), before the employing~~  
82 ~~agency may employ or appoint the applicant as an officer, the~~  
83 ~~applicant must meet the minimum qualifications described in s.~~  
84 ~~943.13(1)-(8), and must fulfill the requirements of s.~~  
85 ~~943.13(10).~~

86 (b) Verify and document that the applicant has served in  
87 the special operation forces for a minimum of 5 years and has  
88 successfully completed a special operation forces training  
89 course. The employing agency or criminal justice selection  
90 center shall submit documentation of satisfaction of these  
91 requirements to the commission.

92  
93 The commission shall adopt rules that establish criteria and  
94 procedures to determine if the applicant is exempt from  
95 completing the commission-approved basic recruit training  
96 program and, upon making a determination, shall notify the  
97 employing agency or criminal justice selection center. An  
98 applicant who is exempt from completing the commission-approved  
99 basic recruit training program must demonstrate proficiency in  
100 the high-liability areas as defined by commission rule, and must

101 complete the requirements of s. 943.13(10) within 1 year after  
102 receiving an exemption. If the proficiencies and requirements of  
103 s. 943.13(10) are not met within the 1-year period, the  
104 applicant must seek an additional exemption pursuant to the  
105 requirements of this subsection. Except as provided in  
106 subsection (1), before the employing agency may employ or  
107 appoint the applicant as an officer, the applicant must meet the  
108 minimum qualifications described in s. 943.13(1)-(8), and must  
109 fulfill the requirements of s. 943.13(10).

110 Section 3. For the purpose of incorporating the amendment  
111 made by this act to section 943.131, Florida Statutes, in a  
112 reference thereto, subsection (7) of section 626.989, Florida  
113 Statutes, is reenacted to read:

114 626.989 Investigation by department or Division of  
115 Investigative and Forensic Services; compliance; immunity;  
116 confidential information; reports to division; division  
117 investigator's power of arrest.—

118 (7) Division investigators shall have the power to make  
119 arrests for criminal violations established as a result of  
120 investigations. Such investigators shall also be considered  
121 state law enforcement officers for all purposes and shall have  
122 the power to execute arrest warrants and search warrants; to  
123 serve subpoenas issued for the examination, investigation, and  
124 trial of all offenses; and to arrest upon probable cause without  
125 warrant any person found in the act of violating any of the

126 provisions of applicable laws. Investigators empowered to make  
127 arrests under this section shall be empowered to bear arms in  
128 the performance of their duties. In such a situation, the  
129 investigator must be certified in compliance with the provisions  
130 of s. 943.1395 or must meet the temporary employment or  
131 appointment exemption requirements of s. 943.131 until  
132 certified.

133 Section 4. For the purpose of incorporating the amendment  
134 made by this act to section 943.131, Florida Statutes, in a  
135 reference thereto, subsection (9) of section 943.13, Florida  
136 Statutes, is reenacted to read:

137 943.13 Officers' minimum qualifications for employment or  
138 appointment.—On or after October 1, 1984, any person employed or  
139 appointed as a full-time, part-time, or auxiliary law  
140 enforcement officer or correctional officer; on or after October  
141 1, 1986, any person employed as a full-time, part-time, or  
142 auxiliary correctional probation officer; and on or after  
143 October 1, 1986, any person employed as a full-time, part-time,  
144 or auxiliary correctional officer by a private entity under  
145 contract to the Department of Corrections, to a county  
146 commission, or to the Department of Management Services shall:

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

150 (a) Completed a comparable basic recruit training program

151 for the applicable criminal justice discipline in another state  
 152 or for the Federal Government; and

153 (b) Served as a full-time sworn officer in another state  
 154 or for the Federal Government for at least 1 year provided there  
 155 is no more than an 8-year break in employment, as measured from  
 156 the separation date of the most recent qualifying employment to  
 157 the time a complete application is submitted for an exemption  
 158 under this section,

159  
 160 is exempt in accordance with s. 943.131(2) from completing the  
 161 commission-approved basic recruit training program.

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

166 943.133 Responsibilities of employing agency, commission,  
 167 and program with respect to compliance with employment  
 168 qualifications and the conduct of background investigations;  
 169 injunctive relief.—

170 (1) The employing agency is fully responsible for the  
 171 collection, verification, and maintenance of documentation  
 172 establishing that an applicant complies with the requirements of  
 173 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.  
 174 943.13 and 943.131.

175 (6) If an employing agency employs or appoints an officer

176 in violation of this section or of s. 943.13, s. 943.131, or s.  
177 943.135, or any rules adopted pursuant thereto, the Department  
178 of Legal Affairs, at the request of the chair of the commission,  
179 shall apply to the circuit court in the county of the employing  
180 agency for injunctive relief prohibiting the employment or  
181 appointment of the person contrary to this section.

182 Section 6. For the purpose of incorporating the amendment  
183 made by this act to section 943.131, Florida Statutes, in  
184 references thereto, subsections (3), (9), and (10) of section  
185 943.1395, Florida Statutes, are reenacted to read:

186 943.1395 Certification for employment or appointment;  
187 concurrent certification; reemployment or reappointment;  
188 inactive status; revocation; suspension; investigation.—

189 (3) Any certified officer who has separated from  
190 employment or appointment and who is not reemployed or  
191 reappointed by an employing agency within 4 years after the date  
192 of separation must meet the minimum qualifications described in  
193 s. 943.13, except for the requirement found in s. 943.13(9).  
194 Further, such officer must complete any training required by the  
195 commission by rule in compliance with s. 943.131(2). Any such  
196 officer who fails to comply with the requirements provided in s.  
197 943.131(2) must meet the minimum qualifications described in s.  
198 943.13, to include the requirement of s. 943.13(9).

199 (9) Each person employed pursuant to s. 943.131 is subject  
200 to discipline by the commission. Persons who have been subject

201 to disciplinary action pursuant to this subsection are  
202 ineligible for employment or appointment under s. 943.131.

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

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

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

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

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