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CS/HB 333, Engrossed 1

2018 Legislature

1
2 An act relating to minimum officer qualifications;
3 amending s. 943.10, F.S.; defining the term "special
4 operations forces"; amending s. 943.13, F.S.;
5 exempting certain applicants from completing a basic
6 recruit training program approved by the Criminal
7 Justice Standards and Training Commission under
8 specified conditions; amending s. 943.131, F.S.;
9 requiring an employing agency, training center, or
10 criminal justice selection center to verify and
11 document that certain applicants have served in the
12 special operations forces for a minimum period and
13 completed certain training if they seek an exemption
14 from the commission-approved basic recruit training
15 program; requiring the employing agency, training
16 center, or selection center to submit the
17 documentation to the commission; reenacting ss.
18 626.989(7), 943.133(1) and (6), and 943.1395(3), (9),
19 and (10), F.S., relating to investigations by the
20 Division of Investigative and Forensic Services, the
21 responsibilities of certain employing entities, and
22 certification for certain employment or appointment,
23 respectively, to incorporate changes made by the act;
24 providing an effective date.
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26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Subsection (22) is added to section 943.10,
29 | Florida Statutes, to read:

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

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

45 | Section 2. Subsection (9) of section 943.13, Florida
46 | Statutes, is amended to read:

47 | 943.13 Officers' minimum qualifications for employment or
48 | appointment.—On or after October 1, 1984, any person employed or
49 | appointed as a full-time, part-time, or auxiliary law
50 | enforcement officer or correctional officer; on or after October

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51 | 1, 1986, any person employed as a full-time, part-time, or
 52 | auxiliary correctional probation officer; and on or after
 53 | October 1, 1986, any person employed as a full-time, part-time,
 54 | or auxiliary correctional officer by a private entity under
 55 | contract to the Department of Corrections, to a county
 56 | commission, or to the Department of Management Services shall:

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

60 | (a) Completed a comparable basic recruit training program
 61 | for the applicable criminal justice discipline in another state
 62 | or for the Federal Government; and served as a full-time sworn
 63 | officer in another state or for the Federal Government for at
 64 | least 1 year, provided there is no more than an 8-year break in
 65 | employment, as measured from the separation date of the most
 66 | recent qualifying employment to the time a complete application
 67 | for an exemption under this subsection is submitted; or

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

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76 | ~~employment, as measured from the separation date of the most~~
 77 | ~~recent qualifying employment to the time a complete application~~
 78 | ~~is submitted for an exemption under this section,~~

79 |
 80 | is exempt in accordance with s. 943.131(2) from completing the
 81 | commission-approved basic recruit training program.

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

85 | 943.131 Temporary employment or appointment; minimum basic
 86 | recruit training exemptions.-

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

91 | (a) Successfully completed a comparable basic recruit
 92 | training program for the discipline in which the applicant is
 93 | seeking certification in another state or for the Federal
 94 | Government or a previous Florida basic recruit training program.
 95 | Further, the employing agency, training center, or criminal
 96 | justice selection center must verify that the applicant has
 97 | served as a full-time sworn officer in another state or for the
 98 | Federal Government for at least 1 year provided there is no more
 99 | than an 8-year break in employment or was a previously certified
 100 | Florida officer provided there is no more than an 8-year break

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101 in employment, as measured from the separation date of the most
102 recent qualifying employment to the time a complete application
103 is submitted for an exemption under this section. ~~When~~ The
104 employing agency, training center, or criminal justice selection
105 center shall submit ~~obtains written~~ documentation of
106 satisfaction of this requirement to the commission; or ~~regarding~~
107 ~~the applicant's criminal justice experience, the documentation~~
108 ~~must be submitted to the commission. The commission shall adopt~~
109 ~~rules that establish criteria and procedures to determine if the~~
110 ~~applicant is exempt from completing the commission-approved~~
111 ~~basic recruit training program and, upon making a determination,~~
112 ~~shall notify the employing agency or criminal justice selection~~
113 ~~center. An applicant who is exempt from completing the~~
114 ~~commission-approved basic recruit training program must~~
115 ~~demonstrate proficiency in the high liability areas, as defined~~
116 ~~by commission rule, and must complete the requirements of s.~~
117 ~~943.13(10) within 1 year after receiving an exemption. If the~~
118 ~~proficiencies and requirements of s. 943.13(10) are not met~~
119 ~~within the 1 year, the applicant must seek an additional~~
120 ~~exemption pursuant to the requirements of this subsection.~~
121 ~~Except as provided in subsection (1), before the employing~~
122 ~~agency may employ or appoint the applicant as an officer, the~~
123 ~~applicant must meet the minimum qualifications described in s.~~
124 ~~943.13(1)-(8), and must fulfill the requirements of s.~~
125 ~~943.13(10).~~

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

139 (3) The commission shall adopt rules that establish
140 criteria and procedures to determine if the applicant is exempt
141 from completing the commission-approved basic recruit training
142 program and, upon making a determination, shall notify the
143 employing agency, training center, or criminal justice selection
144 center. The commission may require an exempt applicant to
145 complete additional training as it deems appropriate based on
146 the applicant's prior training and experience.

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

150 (a) Complete all additional required training as required

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151 by the commission.

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

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

155
 156 If the proficiencies and requirements of s. 943.13(10) are not
 157 met within the 1-year period, the applicant must seek an
 158 additional exemption as provided in this subsection. Except as
 159 provided in subsection (1), before the employing agency may
 160 employ or appoint the applicant as an officer, the applicant
 161 must meet the minimum qualifications described in s. 943.13(1)-
 162 (8), and must fulfill the requirements of s. 943.13(10).

163 Section 4. For the purpose of incorporating the amendment
 164 made by this act to section 943.131, Florida Statutes, in a
 165 reference thereto, subsection (7) of section 626.989, Florida
 166 Statutes, is reenacted to read:

167 626.989 Investigation by department or Division of
 168 Investigative and Forensic Services; compliance; immunity;
 169 confidential information; reports to division; division
 170 investigator's power of arrest.—

171 (7) Division investigators shall have the power to make
 172 arrests for criminal violations established as a result of
 173 investigations. Such investigators shall also be considered
 174 state law enforcement officers for all purposes and shall have
 175 the power to execute arrest warrants and search warrants; to

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176 | serve subpoenas issued for the examination, investigation, and
 177 | trial of all offenses; and to arrest upon probable cause without
 178 | warrant any person found in the act of violating any of the
 179 | provisions of applicable laws. Investigators empowered to make
 180 | arrests under this section shall be empowered to bear arms in
 181 | the performance of their duties. In such a situation, the
 182 | investigator must be certified in compliance with the provisions
 183 | of s. 943.1395 or must meet the temporary employment or
 184 | appointment exemption requirements of s. 943.131 until
 185 | certified.

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

190 | 943.133 Responsibilities of employing agency, commission,
 191 | and program with respect to compliance with employment
 192 | qualifications and the conduct of background investigations;
 193 | injunctive relief.—

194 | (1) The employing agency is fully responsible for the
 195 | collection, verification, and maintenance of documentation
 196 | establishing that an applicant complies with the requirements of
 197 | ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
 198 | 943.13 and 943.131.

199 | (6) If an employing agency employs or appoints an officer
 200 | in violation of this section or of s. 943.13, s. 943.131, or s.

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201 943.135, or any rules adopted pursuant thereto, the Department
202 of Legal Affairs, at the request of the chair of the commission,
203 shall apply to the circuit court in the county of the employing
204 agency for injunctive relief prohibiting the employment or
205 appointment of the person contrary to this section.

206 Section 6. For the purpose of incorporating the amendment
207 made by this act to section 943.131, Florida Statutes, in
208 references thereto, subsections (3), (9), and (10) of section
209 943.1395, Florida Statutes, are reenacted to read:

210 943.1395 Certification for employment or appointment;
211 concurrent certification; reemployment or reappointment;
212 inactive status; revocation; suspension; investigation.—

213 (3) Any certified officer who has separated from
214 employment or appointment and who is not reemployed or
215 reappointed by an employing agency within 4 years after the date
216 of separation must meet the minimum qualifications described in
217 s. 943.13, except for the requirement found in s. 943.13(9).
218 Further, such officer must complete any training required by the
219 commission by rule in compliance with s. 943.131(2). Any such
220 officer who fails to comply with the requirements provided in s.
221 943.131(2) must meet the minimum qualifications described in s.
222 943.13, to include the requirement of s. 943.13(9).

223 (9) Each person employed pursuant to s. 943.131 is subject
224 to discipline by the commission. Persons who have been subject
225 to disciplinary action pursuant to this subsection are

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226 | ineligible for employment or appointment under s. 943.131.

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

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

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

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

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