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LEGISLATIVE ACTION

Senate

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House

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 reserve component forces of the military services designated by
12 the Secretary of Defense and specifically organized, trained,
13 and equipped to conduct and support special operations. The term
14 includes servicemembers of the United States Army Special
15 Forces; the United States Army 75th Ranger Regiment; the United
16 States Navy SEALs and Special Warfare Combatant-Craft Crewmen;
17 the United States Air Force Combat Control, Pararescue, and
18 Tactical Air Control Party specialists; the United States Marine
19 Corps Critical Skills Operators; and any other component of the
20 United States Special Operations Command approved by the
21 commission.

22 Section 2. Subsection (9) of section 943.13, Florida
23 Statutes, is amended to read:

24 943.13 Officers' minimum qualifications for employment or
25 appointment.—On or after October 1, 1984, any person employed or
26 appointed as a full-time, part-time, or auxiliary law
27 enforcement officer or correctional officer; on or after October
28 1, 1986, any person employed as a full-time, part-time, or
29 auxiliary correctional probation officer; and on or after
30 October 1, 1986, any person employed as a full-time, part-time,
31 or auxiliary correctional officer by a private entity under
32 contract to the Department of Corrections, to a county
33 commission, or to the Department of Management Services shall:

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

37 (a)1. Completed a comparable basic recruit training program
38 for the applicable criminal justice discipline in another state
39 or for the Federal Government; and



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40 ~~2.(b)~~ Served as a full-time sworn officer in another state
41 or for the Federal Government for at least 1 year provided there
42 is no more than an 8-year break in employment, as measured from
43 the separation date of the most recent qualifying employment to
44 the time a complete application is submitted for an exemption
45 under this section; or

46 (b) Successfully completed a special operations forces
47 training course, served in the special operations forces for a
48 minimum of 5 years, and no more than 4 years have passed from
49 the last date of service in the special operations forces to the
50 date that a complete application is submitted for an exemption
51 under this subsection,

52
53 is exempt in accordance with s. 943.131(2) from completing ~~a the~~
54 commission-approved basic recruit training program.

55 Section 3. Subsection (2) of section 943.131, Florida
56 Statutes, is amended, and paragraph (a) of subsection (1) of
57 that section is republished, to read:

58 943.131 Temporary employment or appointment; minimum basic
59 recruit training ~~exemptions exemption.~~

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



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69 documentation which demonstrates that a critical need exists to
70 employ a person pursuant to this section. Prior to the
71 employment or appointment of any person other than a
72 correctional probation officer under this subsection, the person
73 shall comply with the firearms provisions established pursuant
74 to s. 943.17(1)(a). Any person temporarily employed or appointed
75 as an officer under this subsection must attend the first
76 training program offered in the geographic area, or the first
77 assigned state training program for a state officer, subsequent
78 to his or her employment or appointment. A person temporarily
79 employed or appointed as an officer under this subsection must
80 begin basic recruit training within 180 consecutive days after
81 employment. Such person must fulfill the requirements of s.
82 943.13(9) within 18 months after beginning basic recruit
83 training and must fulfill the certification examination
84 requirements of s. 943.13(10) within 180 consecutive days after
85 completing basic recruit training. A person hired after he or
86 she has commenced basic recruit training or after completion of
87 basic recruit training must fulfill the certification
88 examination requirements of s. 943.13(10) within 180 consecutive
89 days after completion of basic recruit training or the
90 commencement of employment, whichever occurs later.

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

95 (a) Verify and document that the applicant has successfully
96 completed a comparable basic recruit training program for the
97 discipline in which the applicant is seeking certification in



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98 another state or for the Federal Government or a previous
99 Florida basic recruit training program. Further, the employing
100 agency, training center, or criminal justice selection center
101 must verify and document that the applicant has served as a
102 full-time sworn officer in another state or for the Federal
103 Government for at least 1 year provided there is no more than an
104 8-year break in employment or was a previously certified Florida
105 officer provided there is no more than an 8-year break in
106 employment, as measured from the separation date of the most
107 recent qualifying employment to the time a complete application
108 is submitted for an exemption under this section. ~~When~~ The
109 employing agency, training center, or criminal justice selection
110 center shall submit ~~obtains written~~ documentation of
111 satisfaction of this requirement to the commission ~~regarding the~~
112 ~~applicant's criminal justice experience, the documentation must~~
113 ~~be submitted to the commission. The commission shall adopt rules~~
114 ~~that establish criteria and procedures to determine if the~~
115 ~~applicant is exempt from completing the commission-approved~~
116 ~~basic recruit training program and, upon making a determination,~~
117 ~~shall notify the employing agency or criminal justice selection~~
118 ~~center. An applicant who is exempt from completing the~~
119 ~~commission-approved basic recruit training program must~~
120 ~~demonstrate proficiency in the high-liability areas, as defined~~
121 ~~by commission rule, and must complete the requirements of s.~~
122 ~~943.13(10) within 1 year after receiving an exemption. If the~~
123 ~~proficiencies and requirements of s. 943.13(10) are not met~~
124 ~~within the 1 year, the applicant must seek an additional~~
125 ~~exemption pursuant to the requirements of this subsection.~~
126 ~~Except as provided in subsection (1), before the employing~~



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127 ~~agency may employ or appoint the applicant as an officer, the~~
128 ~~applicant must meet the minimum qualifications described in s.~~
129 ~~943.13(1)-(8), and must fulfill the requirements of s.~~
130 ~~943.13(10).~~

131 (b) Verify and document that the applicant has successfully
132 completed a special operations forces training course and served
133 in the special operations forces for a minimum of 5 years.
134 Further, the employing agency, training center, or criminal
135 justice selection center must verify and document that no more
136 than 4 years have passed from the last date of service in the
137 special operations forces to the time a complete application is
138 submitted for an exemption under this section. The employing
139 agency, training center, or criminal justice selection center
140 shall submit documentation of satisfaction of these requirements
141 to the commission.

142
143 The commission shall adopt rules that establish criteria and
144 procedures to determine if the applicant is exempt from
145 completing the commission-approved basic recruit training
146 program and, upon making a determination, shall notify the
147 employing agency, training center, or criminal justice selection
148 center, as appropriate. An applicant who is exempt under this
149 subsection must complete training required by the commission and
150 demonstrate proficiency in the high-liability areas as defined
151 by commission rule and complete the requirements of s.
152 943.13(10) within 1 year after receiving an exemption.
153 If the proficiencies and requirements of s. 943.13(10) are not
154 met within the 1-year period, the applicant must seek an
155 additional exemption pursuant to the requirements of this



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156 subsection. Except as provided in subsection (1), before the
157 employing agency may employ or appoint the applicant as an
158 officer, the applicant must meet the minimum qualifications
159 described in s. 943.13(1)-(8), and must fulfill the requirements
160 of s. 943.13(10).

161 Section 4. For the purpose of incorporating the amendment
162 made by this act to section 943.13, Florida Statutes, in a
163 reference thereto, subsection (3) of section 943.1395, Florida
164 Statutes, is reenacted to read:

165 943.1395 Certification for employment or appointment;
166 concurrent certification; reemployment or reappointment;
167 inactive status; revocation; suspension; investigation.—

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

178 Section 5. For the purpose of incorporating the amendment
179 made by this act to section 943.13, Florida Statutes, in a
180 reference thereto, section 943.17296, Florida Statutes, is
181 reenacted to read:

182 943.17296 Training in identifying and investigating elder
183 abuse and neglect.—Each certified law enforcement officer must
184 successfully complete training on identifying and investigating



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185 elder abuse and neglect as a part of the basic recruit training
186 of the officer required in s. 943.13(9) or continuing education
187 under s. 943.135(1) before June 30, 2011. The training shall be
188 developed in consultation with the Department of Elderly Affairs
189 and the Department of Children and Families and must incorporate
190 instruction on the identification of and appropriate responses
191 for persons suffering from dementia and on identifying and
192 investigating elder abuse and neglect. If an officer fails to
193 complete the required training, his or her certification is
194 inactive until the employing agency notifies the commission that
195 the officer has completed the training.

196 Section 6. For the purpose of incorporating the amendment
197 made by this act to section 943.131, Florida Statutes, in a
198 reference thereto, subsection (7) of section 626.989, Florida
199 Statutes, is reenacted to read:

200 626.989 Investigation by department or Division of
201 Investigative and Forensic Services; compliance; immunity;
202 confidential information; reports to division; division
203 investigator's power of arrest.-

204 (7) Division investigators shall have the power to make
205 arrests for criminal violations established as a result of
206 investigations. Such investigators shall also be considered
207 state law enforcement officers for all purposes and shall have
208 the power to execute arrest warrants and search warrants; to
209 serve subpoenas issued for the examination, investigation, and
210 trial of all offenses; and to arrest upon probable cause without
211 warrant any person found in the act of violating any of the
212 provisions of applicable laws. Investigators empowered to make
213 arrests under this section shall be empowered to bear arms in



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214 the performance of their duties. In such a situation, the
215 investigator must be certified in compliance with the provisions
216 of s. 943.1395 or must meet the temporary employment or
217 appointment exemption requirements of s. 943.131 until
218 certified.

219 Section 7. For the purpose of incorporating the amendment
220 made by this act to section 943.131, Florida Statutes, in
221 references thereto, subsections (1) and (6) of section 943.133,
222 Florida Statutes, are reenacted to read:

223 943.133 Responsibilities of employing agency, commission,
224 and program with respect to compliance with employment
225 qualifications and the conduct of background investigations;
226 injunctive relief.—

227 (1) The employing agency is fully responsible for the
228 collection, verification, and maintenance of documentation
229 establishing that an applicant complies with the requirements of
230 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
231 943.13 and 943.131.

232 (6) If an employing agency employs or appoints an officer
233 in violation of this section or of s. 943.13, s. 943.131, or s.
234 943.135, or any rules adopted pursuant thereto, the Department
235 of Legal Affairs, at the request of the chair of the commission,
236 shall apply to the circuit court in the county of the employing
237 agency for injunctive relief prohibiting the employment or
238 appointment of the person contrary to this section.

239 Section 8. For the purpose of incorporating the amendment
240 made by this act to section 943.131, Florida Statutes, in
241 references thereto, subsections (3), (9), and (10) of section
242 943.1395, Florida Statutes, are reenacted to read:



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243 943.1395 Certification for employment or appointment;
244 concurrent certification; reemployment or reappointment;
245 inactive status; revocation; suspension; investigation.—

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

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

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

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

271 (c) In addition, the commission may establish violations



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272 and disciplinary penalties for intentional abuse of the
273 employment option provided by s. 943.131 by an individual or
274 employing agency.

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

278 Section 9. This act shall take effect July 1, 2018.

279

280 ===== T I T L E A M E N D M E N T =====

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284 A bill to be entitled

285 An act relating to minimum basic recruit training
286 exemptions; amending s. 943.10, F.S.; defining the
287 term "special operations forces"; amending s. 943.13,
288 F.S.; exempting former special operations forces
289 members who meet certain requirements from the
290 Criminal Justice Standards and Training Commission-
291 approved basic recruit training program; amending s.
292 943.131, F.S.; requiring an employing agency, training
293 center, or criminal justice selection center to verify
294 and document that special operations forces applicants
295 meet certain requirements if the applicants seek an
296 exemption from a basic recruit training program
297 approved by the commission; requiring the employing
298 agency, training center, or criminal justice selection
299 center to submit the documentation to the commission;
300 reenacting ss. 943.1395(3) and 943.17296, F.S.,



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301 relating to certification for employment or
302 appointment as an officer and training in identifying
303 and investigating elder abuse and neglect,
304 respectively, to incorporate the amendment made to s.
305 943.13, F.S., in references thereto; reenacting ss.
306 626.989(7), 943.133(1) and (6), and 943.1395(3), (9),
307 and (10), F.S., relating to investigations by the
308 Division of Investigative and Forensic Services, the
309 responsibilities of certain employing entities, and
310 certification for certain employment or appointment,
311 respectively, to incorporate the amendment made to s.
312 943.131, F.S., in references thereto; providing an
313 effective date.