

By the Committee on Criminal Justice

591-02476-19

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1 A bill to be entitled
2 An act relating to critical infrastructure facilities
3 and staff; amending s. 330.41, F.S.; redefining the
4 term "critical infrastructure facility"; reenacting
5 and amending s. 943.13, F.S.; requiring any person
6 employed as a full-time, a part-time, or an auxiliary
7 correctional officer be at least 18 years of age;
8 reenacting ss. 943.131(1)(a) and (c) and (4),
9 943.133(1) and (6), 943.137(1), 943.139(2),
10 943.1395(1), (2), and (3), 943.14(7), 943.17(4),
11 943.253, 944.105(7), 944.714(2), 945.035(3),
12 948.01(1)(a), 951.063, and 985.644(3)(b), F.S., all
13 relating to employment qualifications or requirements
14 for certain officers, to incorporate the amendment
15 made to s. 943.13, F.S., in references thereto;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (2) of section
21 330.41, Florida Statutes, is amended, and subsection (4) of that
22 section is republished, to read:

23 330.41 Unmanned Aircraft Systems Act.—

24 (2) DEFINITIONS.—As used in this act, the term:

25 (a) "Critical infrastructure facility" means any of the
26 following, if completely enclosed by a fence or other physical
27 barrier that is obviously designed to exclude intruders, or if
28 clearly marked with a sign or signs which indicate that entry is
29 forbidden and which are posted on the property in a manner

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30 reasonably likely to come to the attention of intruders:

31 1. An electrical power generation or transmission facility,
32 substation, switching station, or electrical control center.

33 2. A chemical or rubber manufacturing or storage facility.

34 3. A mining facility.

35 4. A natural gas or compressed gas compressor station,
36 storage facility, or natural gas or compressed gas pipeline.

37 5. A liquid natural gas or propane gas terminal or storage
38 facility with a capacity of 4,000 gallons or more.

39 6. Any portion of an aboveground oil or gas pipeline.

40 7. A wireless communications facility, including the tower,
41 antennae, support structures, and all associated ground-based
42 equipment.

43 8. A state correctional institution as defined in s. 944.02
44 or a private correctional facility authorized under chapter 957.

45 9. A secure detention center or facility as defined in s.
46 985.03(45) or a nonsecure residential facility, a high-risk
47 residential facility, or a maximum-risk residential facility, as
48 those terms are described in s. 985.03(44).

49 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

50 (a) A person may not knowingly or willfully:

51 1. Operate a drone over a critical infrastructure facility;

52 2. Allow a drone to make contact with a critical
53 infrastructure facility, including any person or object on the
54 premises of or within the facility; or

55 3. Allow a drone to come within a distance of a critical
56 infrastructure facility that is close enough to interfere with
57 the operations of or cause a disturbance to the facility.

58 (b) A person who violates paragraph (a) commits a

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59 misdemeanor of the second degree, punishable as provided in s.
60 775.082 or s. 775.083. A person who commits a second or
61 subsequent violation commits a misdemeanor of the first degree,
62 punishable as provided in s. 775.082 or s. 775.083.

63 (c) This subsection does not apply to actions identified in
64 paragraph (a) which are committed by:

65 1. A federal, state, or other governmental entity, or a
66 person under contract or otherwise acting under the direction of
67 a federal, state, or other governmental entity.

68 2. A law enforcement agency that is in compliance with s.
69 934.50, or a person under contract with or otherwise acting
70 under the direction of such law enforcement agency.

71 3. An owner, operator, or occupant of the critical
72 infrastructure facility, or a person who has prior written
73 consent of such owner, operator, or occupant.

74 (d) Subparagraph (a)1. does not apply to a drone operating
75 in transit for commercial purposes in compliance with Federal
76 Aviation Administration regulations, authorizations, or
77 exemptions.

78 (e) This subsection shall sunset 60 days after the date
79 that a process pursuant to s. 2209 of the FAA Extension, Safety
80 and Security Act of 2016 becomes effective.

81 Section 2. Subsection (1) of section 943.13, Florida
82 Statutes, is amended, and subsection (8) is reenacted, to read:

83 943.13 Officers' minimum qualifications for employment or
84 appointment.—On or after October 1, 1984, any person employed or
85 appointed as a full-time, part-time, or auxiliary law
86 enforcement officer or correctional officer; on or after October
87 1, 1986, any person employed as a full-time, part-time, or

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88 auxiliary correctional probation officer; and on or after
 89 October 1, 1986, any person employed as a full-time, part-time,
 90 or auxiliary correctional officer by a private entity under
 91 contract to the Department of Corrections, to a county
 92 commission, or to the Department of Management Services shall:

93 (1) Be at least 19 years of age, except that any person
 94 employed as a full-time, a part-time, or an auxiliary
 95 correctional officer must be at least 18 years of age.

96 (8) Execute and submit to the employing agency or, if a
 97 private correctional officer, submit to the appropriate
 98 governmental entity an affidavit-of-applicant form, adopted by
 99 the commission, attesting to his or her compliance with
 100 subsections (1)-(7). The affidavit shall be executed under oath
 101 and constitutes an official statement within the purview of s.
 102 837.06. The affidavit shall include conspicuous language that
 103 the intentional false execution of the affidavit constitutes a
 104 misdemeanor of the second degree. The affidavit shall be
 105 retained by the employing agency.

106 Section 3. For the purpose of incorporating the amendment
 107 made by this act to section 943.13, Florida Statutes, in
 108 references thereto, paragraphs (a) and (c) of subsection (1) and
 109 subsection (4) of section 943.131, Florida Statutes, are
 110 reenacted to read:

111 943.131 Temporary employment or appointment; minimum basic
 112 recruit training exemptions.—

113 (1)(a) An employing agency may temporarily employ or
 114 appoint a person who complies with the qualifications for
 115 employment in s. 943.13(1)-(8), but has not fulfilled the
 116 requirements of s. 943.13(9) and (10), if a critical need exists

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117 to employ or appoint the person and such person is or will be
118 enrolled in the next approved basic recruit training program
119 available in the geographic area or that no assigned state
120 training program for state officers is available within a
121 reasonable time. The employing agency must maintain
122 documentation which demonstrates that a critical need exists to
123 employ a person pursuant to this section. Prior to the
124 employment or appointment of any person other than a
125 correctional probation officer under this subsection, the person
126 shall comply with the firearms provisions established pursuant
127 to s. 943.17(1)(a). Any person temporarily employed or appointed
128 as an officer under this subsection must attend the first
129 training program offered in the geographic area, or the first
130 assigned state training program for a state officer, subsequent
131 to his or her employment or appointment. A person temporarily
132 employed or appointed as an officer under this subsection must
133 begin basic recruit training within 180 consecutive days after
134 employment. Such person must fulfill the requirements of s.
135 943.13(9) within 18 months after beginning basic recruit
136 training and must fulfill the certification examination
137 requirements of s. 943.13(10) within 180 consecutive days after
138 completing basic recruit training. A person hired after he or
139 she has commenced basic recruit training or after completion of
140 basic recruit training must fulfill the certification
141 examination requirements of s. 943.13(10) within 180 consecutive
142 days after completion of basic recruit training or the
143 commencement of employment, whichever occurs later.

144 (c) No person temporarily employed or appointed under the
145 provisions of this subsection may perform the duties of an

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146 officer unless he or she is adequately supervised by another
147 officer of the same discipline. The supervising officer must be
148 in full compliance with the provisions of s. 943.13 and must be
149 employed or appointed by the employing agency.

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

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

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

157 (c) Complete the requirements of s. 943.13(10).
158

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

166 Section 4. For the purpose of incorporating the amendment
167 made by this act to section 943.13, Florida Statutes, in
168 references thereto, subsections (1) and (6) of section 943.133,
169 Florida Statutes, are reenacted to read:

170 943.133 Responsibilities of employing agency, commission,
171 and program with respect to compliance with employment
172 qualifications and the conduct of background investigations;
173 injunctive relief.—

174 (1) The employing agency is fully responsible for the

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175 collection, verification, and maintenance of documentation
176 establishing that an applicant complies with the requirements of
177 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
178 943.13 and 943.131.

179 (6) If an employing agency employs or appoints an officer
180 in violation of this section or of s. 943.13, s. 943.131, or s.
181 943.135, or any rules adopted pursuant thereto, the Department
182 of Legal Affairs, at the request of the chair of the commission,
183 shall apply to the circuit court in the county of the employing
184 agency for injunctive relief prohibiting the employment or
185 appointment of the person contrary to this section.

186 Section 5. For the purpose of incorporating the amendment
187 made by this act to section 943.13, Florida Statutes, in a
188 reference thereto, subsection (1) of section 943.137, Florida
189 Statutes, is reenacted to read:

190 943.137 Establishment of qualifications and standards above
191 the minimum.—

192 (1) Nothing herein may be construed to preclude an
193 employing agency from establishing qualifications and standards
194 for employment, appointment, training, or promotion of officers
195 that exceed the minimum requirements set by ss. 943.13 and
196 943.17, including establishing tobacco-use standards.

197 Section 6. For the purpose of incorporating the amendment
198 made by this act to section 943.13, Florida Statutes, in a
199 reference thereto, subsection (2) of section 943.139, Florida
200 Statutes, is reenacted to read:

201 943.139 Notice of employment, appointment, or separation;
202 response by the officer; duty of commission.—

203 (2) In a case of separation from employment or appointment,

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204 the employing agency shall execute and maintain an affidavit-of-
 205 separation form adopted by the commission, setting forth in
 206 detail the facts and reasons for such separation. The
 207 information contained in the affidavit-of-separation form must
 208 be submitted, or electronically transmitted, to the commission.
 209 If the officer is separated for his or her failure to comply
 210 with s. 943.13, the notice must so specify. The affidavit must
 211 be executed under oath and constitutes an official statement
 212 within the purview of s. 837.06. The affidavit must include
 213 conspicuous language that intentional false execution of the
 214 affidavit constitutes a misdemeanor of the second degree. Any
 215 officer who has separated from employment or appointment must be
 216 permitted to respond to the separation, in writing, to the
 217 commission, setting forth the facts and reasons for the
 218 separation as he or she understands them.

219 Section 7. For the purpose of incorporating the amendment
 220 made by this act to section 943.13, Florida Statutes, in
 221 references thereto, subsections (1), (2), and (3) of section
 222 943.1395, Florida Statutes, are reenacted to read:

223 943.1395 Certification for employment or appointment;
 224 concurrent certification; reemployment or reappointment;
 225 inactive status; revocation; suspension; investigation.—

226 (1) The commission shall certify, under procedures
 227 established by rule, any person for employment or appointment as
 228 an officer if:

229 (a) The person complies with s. 943.13(1)-(10); and
 230 (b) The employing agency complies with s. 943.133(2) and
 231 (3).

232 (2) An officer who is certified in one discipline and who

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233 complies with s. 943.13 in another discipline shall hold
234 concurrent certification and may be assigned in either
235 discipline within his or her employing agency.

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

246 Section 8. For the purpose of incorporating the amendment
247 made by this act to section 943.13, Florida Statutes, in a
248 reference thereto, subsection (7) of section 943.14, Florida
249 Statutes, is reenacted to read:

250 943.14 Commission-certified criminal justice training
251 schools; certificates and diplomas; exemptions; injunctive
252 relief; fines.—

253 (7) Each criminal justice training school that offers law
254 enforcement, correctional, or correctional probation officer
255 basic recruit training, or selection center that provides
256 applicant screening for criminal justice training schools, shall
257 conduct a criminal history background check of an applicant
258 prior to entrance into the basic recruit class. A complete set
259 of fingerprints must be taken by an authorized criminal justice
260 agency or by an employee of the criminal justice training school
261 or selection center who is trained to take fingerprints. If the

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262 employing agency has previously taken a set of fingerprints from
263 the applicant and has obtained a criminal history check of the
264 applicant using the fingerprints, the requirements of this
265 subsection shall be met when the employing agency submits to the
266 criminal justice training school or selection center a letter
267 stating the date on which the agency took the fingerprints of
268 the applicant, a summary of the criminal history check based on
269 the fingerprints, and a certification that the applicant is
270 qualified to enroll in the basic recruit training program
271 pursuant to s. 943.13. If the criminal justice training school
272 or selection center takes the fingerprints, it shall submit the
273 fingerprints to the Florida Department of Law Enforcement for a
274 statewide criminal history check, and forward the fingerprints
275 to the Federal Bureau of Investigation for a national criminal
276 history check. Applicants found through fingerprint processing
277 to have pled guilty to or been convicted of a crime which would
278 render the applicant unable to meet the minimum qualifications
279 for employment as an officer as specified in s. 943.13(4) shall
280 be removed from the pool of qualified candidates by the criminal
281 justice training school or selection center.

282 Section 9. For the purpose of incorporating the amendment
283 made by this act to section 943.13, Florida Statutes, in a
284 reference thereto, subsection (4) of section 943.17, Florida
285 Statutes, is reenacted to read:

286 943.17 Basic recruit, advanced, and career development
287 training programs; participation; cost; evaluation.—The
288 commission shall, by rule, design, implement, maintain,
289 evaluate, and revise entry requirements and job-related
290 curricula and performance standards for basic recruit, advanced,

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291 and career development training programs and courses. The rules
292 shall include, but are not limited to, a methodology to assess
293 relevance of the subject matter to the job, student performance,
294 and instructor competency.

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

302 Section 10. For the purpose of incorporating the amendment
303 made by this act to section 943.13, Florida Statutes, in a
304 reference thereto, section 943.253, Florida Statutes, is
305 reenacted to read:

306 943.253 Exemption; elected officers.—Elected officers are
307 exempt from the requirements of ss. 943.085-943.25. However, an
308 elected officer may participate in the programs and benefits
309 under ss. 943.085-943.25 if he or she complies with s.
310 943.13(1)-(7).

311 Section 11. For the purpose of incorporating the amendment
312 made by this act to section 943.13, Florida Statutes, in a
313 reference thereto, subsection (7) of section 944.105, Florida
314 Statutes, is reenacted to read:

315 944.105 Contractual arrangements with private entities for
316 operation and maintenance of correctional facilities and
317 supervision of inmates.—

318 (7) The department shall require the certification of
319 private correctional officers at the private vendor's expense

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320 under s. 943.1395, and all such officers must meet the minimum
321 qualifications established in s. 943.13. All other employees of
322 the private vendor that perform their duties at the private
323 correctional facility shall receive, at a minimum, the same
324 quality and quantity of training as that required by the state
325 for employees of state-operated correctional facilities. All
326 training expenses shall be the responsibility of the private
327 vendor. The department shall be the contributor and recipient of
328 all criminal background information necessary for certification
329 by the Criminal Justice Standards and Training Commission.

330 Section 12. For the purpose of incorporating the amendment
331 made by this act to section 943.13, Florida Statutes, in a
332 reference thereto, subsection (2) of section 944.714, Florida
333 Statutes, is reenacted to read:

334 944.714 Quality assurance and standards of operation.—

335 (2) All private correctional officers employed by a private
336 vendor must be certified, at the private vendor's expense, as
337 having met the minimum qualifications established for
338 correctional officers under s. 943.13.

339 Section 13. For the purpose of incorporating the amendment
340 made by this act to section 943.13, Florida Statutes, in a
341 reference thereto, subsection (3) of section 945.035, Florida
342 Statutes, is reenacted to read:

343 945.035 Notice of employment, appointment, or separation;
344 response by the correctional officer; duty of department.—

345 (3) In a case of separation from employment or appointment,
346 the department shall execute and maintain an affidavit-of-
347 separation form adopted by the commission, setting forth in
348 detail the facts and reasons for such separation. A copy of the

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349 affidavit-of-separation form must be submitted, or
350 electronically transmitted, to the commission. If the
351 correctional officer is separated for failure to comply with s.
352 943.13, the notice must so specify. The affidavit must be
353 executed under oath and constitutes an official statement within
354 the purview of s. 837.06. The affidavit must include conspicuous
355 language that intentional false execution of the affidavit
356 constitutes a misdemeanor of the second degree. Any correctional
357 officer who has separated from employment or appointment must be
358 permitted to respond to the separation, in writing, to the
359 commission, setting forth the facts and reasons for the
360 separation as the officer understands them.

361 Section 14. For the purpose of incorporating the amendment
362 made by this act to section 943.13, Florida Statutes, in a
363 reference thereto, paragraph (a) of subsection (1) of section
364 948.01, Florida Statutes, is reenacted to read:

365 948.01 When court may place defendant on probation or into
366 community control.—

367 (1) Any state court having original jurisdiction of
368 criminal actions may at a time to be determined by the court,
369 with or without an adjudication of the guilt of the defendant,
370 hear and determine the question of the probation of a defendant
371 in a criminal case, except for an offense punishable by death,
372 who has been found guilty by the verdict of a jury, has entered
373 a plea of guilty or a plea of nolo contendere, or has been found
374 guilty by the court trying the case without a jury.

375 (a) If the court places the defendant on probation or into
376 community control for a felony, the department shall provide
377 immediate supervision by an officer employed in compliance with

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378 the minimum qualifications for officers as provided in s.
379 943.13. A private entity may not provide probationary or
380 supervision services to felony or misdemeanor offenders
381 sentenced or placed on probation or other supervision by the
382 circuit court.

383 Section 15. For the purpose of incorporating the amendment
384 made by this act to section 943.13, Florida Statutes, in a
385 reference thereto, section 951.063, Florida Statutes, is
386 reenacted to read:

387 951.063 Privately operated county correctional facilities.-
388 Each private correctional officer employed by a private entity
389 under contract to a county commission must be certified as a
390 correctional officer under s. 943.1395 and must meet the minimum
391 qualifications established in s. 943.13. The county shall
392 provide to the Criminal Justice Standards and Training
393 Commission all necessary fingerprints for Florida Department of
394 Law Enforcement and Federal Bureau of Investigation background
395 checks. The Criminal Justice Standards and Training Commission
396 shall advise the county as to those employees whose
397 certification has been denied or revoked. Neither the county nor
398 the private entity shall be the direct recipient of criminal
399 records.

400 Section 16. For the purpose of incorporating the amendment
401 made by this act to section 943.13, Florida Statutes, in a
402 reference thereto, paragraph (b) of subsection (3) of section
403 985.644, Florida Statutes, is reenacted to read:

404 985.644 Departmental contracting powers; personnel
405 standards and investigation.-

406 (3)

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407 (b) Law enforcement, correctional, and correctional
408 probation officers, certified pursuant to s. 943.13, are not
409 required to submit to level 2 screenings as long as they are
410 currently employed by a law enforcement agency or correctional
411 facility. The department shall electronically submit to the
412 Department of Law Enforcement:

413 1. Fingerprint information obtained during the employment
414 screening required by subparagraph (a)1.

415 2. Fingerprint information for all persons employed by the
416 department, or by a provider under contract with the department,
417 in delinquency facilities, services, or programs if such
418 fingerprint information has not previously been submitted
419 pursuant to this section.

420 Section 17. This act shall take effect July 1, 2019.

421