

By the Committees on Governmental Oversight and Accountability;
and Criminal Justice

585-03246-19

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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 10. A county detention facility as defined in s. 951.23.

50 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 943.131 Temporary employment or appointment; minimum basic
113 recruit training exemptions.-

114 (1) (a) An employing agency may temporarily employ or
115 appoint a person who complies with the qualifications for
116 employment in s. 943.13(1)-(8), but has not fulfilled the

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

145 (c) No person temporarily employed or appointed under the

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

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

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

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

158 (c) Complete the requirements of s. 943.13(10).
159

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

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

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

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175 (1) The employing agency is fully responsible for the
176 collection, verification, and maintenance of documentation
177 establishing that an applicant complies with the requirements of
178 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
179 943.13 and 943.131.

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

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

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

193 (1) Nothing herein may be construed to preclude an
194 employing agency from establishing qualifications and standards
195 for employment, appointment, training, or promotion of officers
196 that exceed the minimum requirements set by ss. 943.13 and
197 943.17, including establishing tobacco-use standards.

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

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

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

220 Section 7. For the purpose of incorporating the amendment
221 made by this act to section 943.13, Florida Statutes, in
222 references thereto, subsections (1), (2), and (3) of section
223 943.1395, Florida Statutes, are reenacted to read:

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

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

- 230 (a) The person complies with s. 943.13(1)-(10); and
231 (b) The employing agency complies with s. 943.133(2) and
232 (3).

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233 (2) An officer who is certified in one discipline and who
234 complies with s. 943.13 in another discipline shall hold
235 concurrent certification and may be assigned in either
236 discipline within his or her employing agency.

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

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

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

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

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

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

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

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

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

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

307 943.253 Exemption; elected officers.—Elected officers are
308 exempt from the requirements of ss. 943.085-943.25. However, an
309 elected officer may participate in the programs and benefits
310 under ss. 943.085-943.25 if he or she complies with s.
311 943.13(1)-(7).

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

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

319 (7) The department shall require the certification of

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

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

335 944.714 Quality assurance and standards of operation.—

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

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

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

346 (3) In a case of separation from employment or appointment,
347 the department shall execute and maintain an affidavit-of-
348 separation form adopted by the commission, setting forth in

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

362 Section 14. For the purpose of incorporating the amendment
363 made by this act to section 943.13, Florida Statutes, in a
364 reference thereto, paragraph (a) of subsection (1) of section
365 948.01, Florida Statutes, is reenacted to read:

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

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

376 (a) If the court places the defendant on probation or into
377 community control for a felony, the department shall provide

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

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

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

401 Section 16. For the purpose of incorporating the amendment
402 made by this act to section 943.13, Florida Statutes, in a
403 reference thereto, paragraph (b) of subsection (3) of section
404 985.644, Florida Statutes, is reenacted to read:

405 985.644 Departmental contracting powers; personnel
406 standards and investigation.—

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407 (3)

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

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

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

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