



Florida Department of
Law Enforcement

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**CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION
TECHNICAL MEMO 2013-14**

TO: Criminal Justice Agency Administrators
Criminal Justice Training Center Directors

FROM: Jennifer C. Pritt, Director
Criminal Justice Professionalism Division

JCP 10/21/13

SUBJECT: Special Elected or Appointed Officer Separation

We recently reviewed Section 943.135(4), F.S., as it relates to officers who are elected or appointed to a position that would create a conflict with Section 5(a), Article II of the Florida State Constitution regarding dual officeholding. Through consultation with FDLE legal counsel, it was determined that a potential conflict exists with Chapter 943.253, F.S., which exempts elected officers from the provisions of Chapters 943.085 – 943.25, F.S.

Currently, an officer who resigns his or her sworn position for the sole purpose of serving in an elected or appointed position should be separated in the Automated Training and Management System (ATMS) under the separation code of "Special Elected or Appointed Position." The officer has the option of affiliating with a criminal justice employing agency for the purpose of completing mandatory retraining. Previously, if an officer chose not to be affiliated with an agency or became affiliated with an agency, but did not complete mandatory retraining, his or her certification would become inactive once the mandatory retraining due date was reached.

To clarify, an officer who resigns his or her sworn position to serve in an elected or appointed position may still choose to be affiliated with a criminal justice employing agency for the purpose of completing mandatory retraining. However, if mandatory retraining is not completed or the officer chooses not to be affiliated with a criminal justice employing agency, they will have four years from the date they are no longer in an elected or appointed position to complete mandatory retraining. A criminal justice employing agency that wants to hire an officer whose mandatory retraining has expired in ATMS, and the officer has left a special elected or appointed position within the past four years, will need to contact their assigned criminal justice customer service specialist in the Officer Records Section to have the mandatory retraining due date modified to reflect the correct date.

If you have any questions, please contact Terry Baker, Training and Research Manager in the Bureau of Standards, at telephone number (850) 410-8688.

JCP/GWH/tb/dh

cc: Criminal Justice Standards and Training Commission Members