



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Criminal Justice Professionalism Program
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-8600
www.fdle.state.fl.us

Charlie Crist, *Governor*
Bill McCollum, *Attorney General*
Alex Sink, *Chief Financial Officer*
Charles H. Bronson, *Commissioner of Agriculture*

June 30, 2010

**CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION
TECHNICAL MEMO 2010-06**

TO: Criminal Justice Agencies
Criminal Justice Training Schools

FROM: Program Director Michael D. Crews
Criminal Justice Professionalism Program

SUBJECT: 2010 Legislative Changes

During the 2010 Legislative Session, House Bill 951 was passed and signed by Governor Crist. The legislation includes several changes to Chapter 943, Florida Statutes, affecting officers, employing agencies and training schools. The changes are outlined below and a copy of the relevant sections of the legislation is attached to this memorandum. **The changes will be effective on July 1, 2010.**

1. Chapter 943.12(16), F.S., was amended to clarify the Commission's authority to implement the firearms qualification standard for law enforcement officers. After reviewing Rule 11B-27.00212(14), Florida Administrative Code, the Joint Administrative Procedures Committee (JAPC) suggested the change to ensure the Commission's authority in this area was clear.
2. Chapter 943.131(2), F.S., was amended to clarify the authority of criminal justice selection centers to process exemptions from basic training (Equivalency-of-Training [EOT]) as well as a number of changes affecting EOT applicants and previously sworn Florida Officers.

Chapters 943.256 and 943.2565, F.S. give the criminal justice selection centers the authority to evaluate candidates for employment in the criminal justice system. They were added to Chapter 943.131(2), F.S. to clarify that an EOT can be processed by either a criminal justice employing agency or a criminal justice selection center.

An existing problem with an out-of-state or federal officer applicant who was a previously sworn Florida officer, but had not been employed in Florida for more than 8 years was corrected. The issue was that a previously sworn Florida officer with more than an 8 year break in service was not eligible for an EOT as a previously sworn Florida officer due to the break in service. If they had not completed equivalent basic recruit training in another state or through the federal government, they were also not eligible for an EOT as an out-of-state or federal officer because of the wording in the statute requiring equivalent training for out-of-state or federal officers. Completion of a Florida basic recruit training program was added as a qualifying equivalent training to resolve this issue.

Pursuant to current statute, to be eligible for an EOT, out-of-state and federal officers could have no more than an 8 year break in service as measured from the separation from their most recent qualifying employment to the date a completed application requesting an EOT was submitted. Florida officers were treated differently. Chapter 943.1395(3), F.S., mandated that they be reemployed within 8 years of their most recent separation regardless of when they applied for an EOT or they would have to complete a full basic recruit training academy. Chapter 943.131(2), F.S., was amended to treat previously sworn Florida officers the same as out-of-state/federal officers in regard to calculating an 8 year break in service for purposes of being eligible for an EOT.

Currently, an applicant for an EOT is required to complete the demonstration of proficiency in the high liability skills and pass the State Officer Certification Examination (SOCE) within 1 year of being approved for the EOT. If they fail to complete the requirements within the 1 year time limit, they must complete a basic recruit training academy. Chapter 943.131(2), F.S., was amended to allow an applicant who fails to complete the requirements within the 1 year time limit to apply for another EOT. The applicant would have to submit a new application through a criminal justice employing agency or criminal justice selection center and still be eligible under the applicable rules/statutes in place at the time of application.

3. Chapter 943.1395(3), F.S., was amended to remove language regarding the 8 year break in service for previously sworn Florida officers and added a reference back to Chapter 943.131(2), F.S.
4. Chapter 943.17(1)(g), F.S., was amended to remove the requirement to complete a basic skills examination (BAT) for students entering a correctional probation basic recruit training program. The BAT provided very little screening value for the program as a 4 year degree is a state job class requirement to be a correctional probation officer..

Frequently Asked Questions

1. If the statute was changed to clarify the Commission's authority to implement a firearms qualification standard, is the current standard valid?

Yes. JAPC simply suggested that statutory language specifically stating the authority would serve to ensure there was no confusion. Commission staff asserted and JAPC agreed that pursuant to the existing statute language, the Commission had the authority to implement the qualification standard.

2. How do the changes affecting an 8 year break in service apply to Florida officers?

The change means that the 8 year break in service will be measured the same for out-of-state/federal officers and for previously sworn Florida officers. This measurement will be from the date of separation from their most recent qualifying employment to the date they submit a completed application for an EOT.

Currently, a previously sworn Florida officer can apply for an EOT at any time prior to being separated from a sworn employment for 8 years. However, the time for determining an 8 year break does not stop upon application for an EOT.

Under the provisions for the EOT, the officer would technically have 1 year to complete the requirements of the EOT, but they would also have to be reemployed in a sworn position prior to having an 8 year break in service. If the 8 year break in service occurs, even though the officer has time remaining on the EOT, pursuant to Chapter 943.1395(3), F.S., they have to compete a basic recruit training program.

3. What happens if a previously sworn Florida officer does not apply for an EOT prior to having an 8 year break in service?

There was no change in this situation. The officer would have no option but to complete a basic recruit training program in order to be eligible to take the SOCE.

4. As a previously sworn Florida officer, if I am unable to complete the requirements of the EOT within the 1 year time limit, will I be allowed to apply for another EOT?

Yes, provided at the time of application for the second EOT, you do not have an 8 year break in service.

5. How will this change affect previously sworn Florida officers who, before July 1, 2010, applied for an EOT prior to having an 8 year break in service, but did not get employed prior to the 8 year break?

The officer will be allowed to have the time remaining on their active EOT to complete the EOT and then, pursuant to Rule 11B-35.009(7), F.A.C., have 4 years from the date they started the demonstration of proficiency course to become employed in a sworn position.

6. After being granted an EOT, an applicant takes and fails the State Officer Certification Examination three times. Can this person apply for a second EOT?

No. Chapter 943.1397(2), F.S., mandates that a person shall not take an officer certification examination more than three times unless the applicant has successfully completed a new basic recruit training program.

7. After being granted an EOT, an applicant takes the SOCE one time before the 1 year time limit is reached and fails. Can the applicant apply for a second EOT?

Yes, as long as they are still eligible for the EOT. However, they are still bound by Chapter 943.1397(2), F.S., and would only have two attempts to pass the SOCE under their new EOT.

8. If a correctional probation basic recruit training program begins prior to July 1, 2010, is a BAT required?

Yes. Only those correctional probation basic recruit training programs starting on or after July 1, 2010, will not require a BAT prior to entry into the program.

Please contact Terry Baker, Training and Research Manager in the Bureau of Standards, at telephone number (850) 410-8688 or your assigned field representative if you have questions.

MDC/tb/djh

cc: Criminal Justice Standards and Training Commission Members

Attachment

ENROLLED

CS/HB 951

2010 Legislature

281 fingerprint submissions ~~cards~~ for which submitted fingerprints
282 may be used, any arrest record that is identified with the
283 retained employee fingerprints must be reported to the
284 submitting employing agency.

285 Section 4. Subsection (16) of section 943.12, Florida
286 Statutes, is amended to read:

287 943.12 Powers, duties, and functions of the commission.-
288 The commission shall:

289 (16) Adopt ~~Promulgate~~ rules for the certification,
290 maintenance, and discipline of officers who engage in those
291 specialized areas found to present a high risk of harm to the
292 officer or the public at large and which would in turn increase
293 the potential liability of an employing agency. The commission
294 shall adopt rules requiring the demonstration of proficiency in
295 firearms for all law enforcement officers. The commission shall
296 by rule include the frequency of demonstration of proficiency
297 with firearms and the consequences for officers failing to
298 demonstrate proficiency with firearms.

299 Section 5. Subsection (2) of section 943.131, Florida
300 Statutes, is amended to read:

301 943.131 Temporary employment or appointment; minimum basic
302 recruit training exemption.-

303 (2) If an applicant seeks an exemption from completing a
304 commission-approved basic recruit training program, the
305 employing agency or criminal justice selection center must
306 verify that the applicant has successfully completed a
307 comparable basic recruit training program for the discipline in
308 which the applicant is seeking certification in another state or

ENROLLED
CS/HB 951

2010 Legislature

309 for the Federal Government or a previous Florida basic recruit
310 training program. Further, the employing agency or criminal
311 justice selection center must verify that the applicant has
312 served as a full-time sworn officer in another state or for the
313 Federal Government for at least 1 year provided there is no more
314 than an 8-year break in employment or was a previously certified
315 Florida officer provided there is no more than an 8-year break
316 in employment, as measured from the separation date of the most
317 recent qualifying employment to the time a complete application
318 is submitted for an exemption under this section. When the
319 employing agency or criminal justice selection center obtains
320 written documentation regarding the applicant's criminal justice
321 experience, the documentation must be submitted to the
322 commission. The commission shall adopt rules that establish
323 criteria and procedures to determine if the applicant is exempt
324 from completing the commission-approved basic recruit training
325 program and, upon making a determination, shall notify the
326 employing agency or criminal justice selection center. An
327 applicant who is exempt from completing the commission-approved
328 basic recruit training program must demonstrate proficiency in
329 the high-liability areas, as defined by commission rule, and
330 must complete the requirements of s. 943.13(10) within 1 year
331 after receiving an exemption. If the proficiencies and
332 requirements of s. 943.13(10) are not met within the 1 year, the
333 applicant must seek an additional exemption pursuant to the
334 requirements of this subsection ~~complete a commission-approved~~
335 ~~basic recruit training program, as required by the commission by~~
336 ~~rule~~. Except as provided in subsection (1), before the employing

Page 12 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0951-02-er

ENROLLED

CS/HB 951

2010 Legislature

337 agency may employ or appoint the applicant as an officer, the
338 applicant must meet the minimum qualifications described in s.
339 943.13(1)-(8), and must fulfill the requirements of s.
340 943.13(10).

341 Section 6. Subsection (3) of section 943.1395, Florida
342 Statutes, is amended to read:

343 943.1395 Certification for employment or appointment;
344 concurrent certification; reemployment or reappointment;
345 inactive status; revocation; suspension; investigation.—

346 (3) Any certified officer who has separated from
347 employment or appointment and who is not reemployed or
348 reappointed by an employing agency within 4 years after the date
349 of separation must meet the minimum qualifications described in
350 s. 943.13, except for the requirement found in s. 943.13(9).
351 Further, such officer must complete any training required by the
352 commission by rule in compliance with s. 943.131(2). Any such
353 officer who fails to comply with the requirements provided in s.
354 943.131(2) ~~is not reemployed or reappointed by an employing~~
355 ~~agency within 8 years after the date of separation~~ must meet the
356 minimum qualifications described in s. 943.13, to include the
357 requirement of s. 943.13(9).

358 Section 7. Paragraph (g) of subsection (1) of section
359 943.17, Florida Statutes, is amended to read:

360 943.17 Basic recruit, advanced, and career development
361 training programs; participation; cost; evaluation.—The
362 commission shall, by rule, design, implement, maintain,
363 evaluate, and revise entry requirements and job-related
364 curricula and performance standards for basic recruit, advanced,

Page 13 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0951-02-er

ENROLLED

CS/HB 951

2010 Legislature

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

(1) The commission shall:

(g) Assure that entrance into the basic recruit training program for law enforcement and ~~correctional, and correctional probation~~ officers be limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

Section 8. Subsection (2) of section 943.32, Florida Statutes, is amended to read:

943.32 Statewide criminal analysis laboratory system.—
There is established a statewide criminal analysis laboratory system to be composed of:

(2) The existing locally funded laboratories in Broward, Indian River, Miami-Dade, ~~Monroe~~, Palm Beach, and Pinellas Counties, specifically designated in s. 943.35 to be eligible for state matching funds; and

Section 9. This act shall take effect July 1, 2010.