

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

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

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

24 330.41 Unmanned Aircraft Systems Act.—

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

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

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

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

36 3. A mining facility.

37 4. A natural gas or compressed gas compressor station,
38 storage facility, or natural gas or compressed gas pipeline.

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

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

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

45 8. A state correctional institution as defined in s.
46 944.02 or a private correctional facility authorized under
47 chapter 957.

48 9. A secure detention center or facility, as defined in s.
49 985.03, or a nonsecure residential facility, a high-risk
50 residential facility, or a maximum-risk residential facility, as

51 those terms are described in s. 985.03(44).

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

53 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

55 1. Operate a drone over a critical infrastructure
56 facility;

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

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

63 (b) A person who violates paragraph (a) commits a
64 misdemeanor of the second degree, punishable as provided in s.
65 775.082 or s. 775.083. A person who commits a second or
66 subsequent violation commits a misdemeanor of the first degree,
67 punishable as provided in s. 775.082 or s. 775.083.

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

70 1. A federal, state, or other governmental entity, or a
71 person under contract or otherwise acting under the direction of
72 a federal, state, or other governmental entity.

73 2. A law enforcement agency that is in compliance with s.
74 934.50, or a person under contract with or otherwise acting
75 under the direction of such law enforcement agency.

76 3. An owner, operator, or occupant of the critical
 77 infrastructure facility, or a person who has prior written
 78 consent of such owner, operator, or occupant.

79 (d) Subparagraph (a)1. does not apply to a drone operating
 80 in transit for commercial purposes in compliance with Federal
 81 Aviation Administration regulations, authorizations, or
 82 exemptions.

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

86 Section 2. Subsection (1) of section 943.13, Florida
 87 Statutes, is amended, and subsection (8) of that section is
 88 reenacted for the purpose of incorporating the amendment made to
 89 subsection (1) by this act in a reference thereto, to read:

90 943.13 Officers' minimum qualifications for employment or
 91 appointment.—On or after October 1, 1984, any person employed or
 92 appointed as a full-time, part-time, or auxiliary law
 93 enforcement officer or correctional officer; on or after October
 94 1, 1986, any person employed as a full-time, part-time, or
 95 auxiliary correctional probation officer; and on or after
 96 October 1, 1986, any person employed as a full-time, part-time,
 97 or auxiliary correctional officer by a private entity under
 98 contract to the Department of Corrections, to a county
 99 commission, or to the Department of Management Services shall:

100 (1) Be at least 19 years of age, except that any person

101 employed as a full-time, a part-time, or an auxiliary
102 correctional officer must be at least 18 years of age.

103 (8) Execute and submit to the employing agency or, if a
104 private correctional officer, submit to the appropriate
105 governmental entity an affidavit-of-applicant form, adopted by
106 the commission, attesting to his or her compliance with
107 subsections (1)-(7). The affidavit shall be executed under oath
108 and constitutes an official statement within the purview of s.
109 837.06. The affidavit shall include conspicuous language that
110 the intentional false execution of the affidavit constitutes a
111 misdemeanor of the second degree. The affidavit shall be
112 retained by the employing agency.

113 Section 3. For the purpose of incorporating the amendment
114 made by this act to section 943.13, Florida Statutes, in
115 references thereto, paragraphs (a) and (c) of subsection (1) and
116 subsection (4) of section 943.131, Florida Statutes, are
117 reenacted to read:

118 943.131 Temporary employment or appointment; minimum basic
119 recruit training exemptions.—

120 (1)(a) An employing agency may temporarily employ or
121 appoint a person who complies with the qualifications for
122 employment in s. 943.13(1)-(8), but has not fulfilled the
123 requirements of s. 943.13(9) and (10), if a critical need exists
124 to employ or appoint the person and such person is or will be
125 enrolled in the next approved basic recruit training program

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

151 (c) No person temporarily employed or appointed under the
152 provisions of this subsection may perform the duties of an
153 officer unless he or she is adequately supervised by another
154 officer of the same discipline. The supervising officer must be
155 in full compliance with the provisions of s. 943.13 and must be
156 employed or appointed by the employing agency.

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

160 (a) Complete all additional required training as required
161 by the commission.

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

164 (c) Complete the requirements of s. 943.13(10).
165

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

173 Section 4. For the purpose of incorporating the amendment
174 made by this act to section 943.13, Florida Statutes, in
175 references thereto, subsections (1) and (6) of section 943.133,

176 Florida Statutes, are reenacted to read:

177 943.133 Responsibilities of employing agency, commission,
178 and program with respect to compliance with employment
179 qualifications and the conduct of background investigations;
180 injunctive relief.—

181 (1) The employing agency is fully responsible for the
182 collection, verification, and maintenance of documentation
183 establishing that an applicant complies with the requirements of
184 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
185 943.13 and 943.131.

186 (6) If an employing agency employs or appoints an officer
187 in violation of this section or of s. 943.13, s. 943.131, or s.
188 943.135, or any rules adopted pursuant thereto, the Department
189 of Legal Affairs, at the request of the chair of the commission,
190 shall apply to the circuit court in the county of the employing
191 agency for injunctive relief prohibiting the employment or
192 appointment of the person contrary to this section.

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

197 943.137 Establishment of qualifications and standards
198 above the minimum.—

199 (1) Nothing herein may be construed to preclude an
200 employing agency from establishing qualifications and standards

201 for employment, appointment, training, or promotion of officers
202 that exceed the minimum requirements set by ss. 943.13 and
203 943.17, including establishing tobacco-use standards.

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

208 943.139 Notice of employment, appointment, or separation;
209 response by the officer; duty of commission.—

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

226 Section 7. For the purpose of incorporating the amendment
227 made by this act to section 943.13, Florida Statutes, in
228 references thereto, subsections (1), (2), and (3) of section
229 943.1395, Florida Statutes, are reenacted to read:

230 943.1395 Certification for employment or appointment;
231 concurrent certification; reemployment or reappointment;
232 inactive status; revocation; suspension; investigation.—

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

236 (a) The person complies with s. 943.13(1)-(10); and

237 (b) The employing agency complies with s. 943.133(2) and
238 (3).

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

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

251 943.131(2) must meet the minimum qualifications described in s.
252 943.13, to include the requirement of s. 943.13(9).

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

257 943.14 Commission-certified criminal justice training
258 schools; certificates and diplomas; exemptions; injunctive
259 relief; fines.—

260 (7) Each criminal justice training school that offers law
261 enforcement, correctional, or correctional probation officer
262 basic recruit training, or selection center that provides
263 applicant screening for criminal justice training schools, shall
264 conduct a criminal history background check of an applicant
265 prior to entrance into the basic recruit class. A complete set
266 of fingerprints must be taken by an authorized criminal justice
267 agency or by an employee of the criminal justice training school
268 or selection center who is trained to take fingerprints. If the
269 employing agency has previously taken a set of fingerprints from
270 the applicant and has obtained a criminal history check of the
271 applicant using the fingerprints, the requirements of this
272 subsection shall be met when the employing agency submits to the
273 criminal justice training school or selection center a letter
274 stating the date on which the agency took the fingerprints of
275 the applicant, a summary of the criminal history check based on

276 the fingerprints, and a certification that the applicant is
277 qualified to enroll in the basic recruit training program
278 pursuant to s. 943.13. If the criminal justice training school
279 or selection center takes the fingerprints, it shall submit the
280 fingerprints to the Florida Department of Law Enforcement for a
281 statewide criminal history check, and forward the fingerprints
282 to the Federal Bureau of Investigation for a national criminal
283 history check. Applicants found through fingerprint processing
284 to have pled guilty to or been convicted of a crime which would
285 render the applicant unable to meet the minimum qualifications
286 for employment as an officer as specified in s. 943.13(4) shall
287 be removed from the pool of qualified candidates by the criminal
288 justice training school or selection center.

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

293 943.17 Basic recruit, advanced, and career development
294 training programs; participation; cost; evaluation.—The
295 commission shall, by rule, design, implement, maintain,
296 evaluate, and revise entry requirements and job-related
297 curricula and performance standards for basic recruit, advanced,
298 and career development training programs and courses. The rules
299 shall include, but are not limited to, a methodology to assess
300 relevance of the subject matter to the job, student performance,

301 and instructor competency.

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

309 Section 10. For the purpose of incorporating the amendment
310 made by this act to section 943.13, Florida Statutes, in a
311 reference thereto, section 943.253, Florida Statutes, is
312 reenacted to read:

313 943.253 Exemption; elected officers.—Elected officers are
314 exempt from the requirements of ss. 943.085-943.25. However, an
315 elected officer may participate in the programs and benefits
316 under ss. 943.085-943.25 if he or she complies with s.
317 943.13(1)-(7).

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

322 944.105 Contractual arrangements with private entities for
323 operation and maintenance of correctional facilities and
324 supervision of inmates.—

325 (7) The department shall require the certification of

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

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

341 944.714 Quality assurance and standards of operation.—

342 (2) All private correctional officers employed by a
343 private vendor must be certified, at the private vendor's
344 expense, as having met the minimum qualifications established
345 for correctional officers under s. 943.13.

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

350 945.035 Notice of employment, appointment, or separation;

351 response by the correctional officer; duty of department.-

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

368 Section 14. For the purpose of incorporating the amendment
369 made by this act to section 943.13, Florida Statutes, in a
370 reference thereto, paragraph (a) of subsection (1) of section
371 948.01, Florida Statutes, is reenacted to read:

372 948.01 When court may place defendant on probation or into
373 community control.-

374 (1) Any state court having original jurisdiction of
375 criminal actions may at a time to be determined by the court,

376 | with or without an adjudication of the guilt of the defendant,
377 | hear and determine the question of the probation of a defendant
378 | in a criminal case, except for an offense punishable by death,
379 | who has been found guilty by the verdict of a jury, has entered
380 | a plea of guilty or a plea of nolo contendere, or has been found
381 | guilty by the court trying the case without a jury.

382 | (a) If the court places the defendant on probation or into
383 | community control for a felony, the department shall provide
384 | immediate supervision by an officer employed in compliance with
385 | the minimum qualifications for officers as provided in s.
386 | 943.13. A private entity may not provide probationary or
387 | supervision services to felony or misdemeanor offenders
388 | sentenced or placed on probation or other supervision by the
389 | circuit court.

390 | Section 15. For the purpose of incorporating the amendment
391 | made by this act to section 943.13, Florida Statutes, in a
392 | reference thereto, section 951.063, Florida Statutes, is
393 | reenacted to read:

394 | 951.063 Privately operated county correctional
395 | facilities.—Each private correctional officer employed by a
396 | private entity under contract to a county commission must be
397 | certified as a correctional officer under s. 943.13⁹⁵ and must
398 | meet the minimum qualifications established in s. 943.13. The
399 | county shall provide to the Criminal Justice Standards and
400 | Training Commission all necessary fingerprints for Florida

401 Department of Law Enforcement and Federal Bureau of
 402 Investigation background checks. The Criminal Justice Standards
 403 and Training Commission shall advise the county as to those
 404 employees whose certification has been denied or revoked.
 405 Neither the county nor the private entity shall be the direct
 406 recipient of criminal records.

407 Section 16. For the purpose of incorporating the amendment
 408 made by this act to section 943.13, Florida Statutes, in a
 409 reference thereto, paragraph (b) of subsection (3) of section
 410 985.644, Florida Statutes, is reenacted to read:

411 985.644 Departmental contracting powers; personnel
 412 standards and investigation.—

413 (3)

414 (b) Law enforcement, correctional, and correctional
 415 probation officers, certified pursuant to s. 943.13, are not
 416 required to submit to level 2 screenings as long as they are
 417 currently employed by a law enforcement agency or correctional
 418 facility. The department shall electronically submit to the
 419 Department of Law Enforcement:

420 1. Fingerprint information obtained during the employment
 421 screening required by subparagraph (a)1.

422 2. Fingerprint information for all persons employed by the
 423 department, or by a provider under contract with the department,
 424 in delinquency facilities, services, or programs if such
 425 fingerprint information has not previously been submitted

CS/HB 7057

2019

426 | pursuant to this section.

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