

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 1842

INTRODUCER: Senator Bennett

SUBJECT: Auxiliary Law Enforcement Officers/Basic Training

DATE: March 24, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides that an applicant for employment as an auxiliary law enforcement officer may be granted an exemption from basic recruit training approved by the Criminal Justice Standards and Training Commission (“commission”) if the applicant is not employed in a full-time capacity and if the applicant meets all of these requirements:

- Submits verification from the employing agency or criminal justice selection center that the applicant has successfully completed a comparable basic auxiliary law enforcement training program in another state.
- Demonstrates proficiency in high-liability areas, as defined by commission rule.
- Has served as an auxiliary law enforcement officer in another state for at least 1 year, with a maximum 8-year break in service from the separation date of the applicant’s most recent qualifying service until the date the complete application is submitted.
- Complies with the requirements of s. 943.13(1)-(8), F.S., relating to officers’ minimum qualifications for employment or appointment.

The bill also provides that a person who qualifies as an auxiliary officer based on the described requirements must comply with the requirements of s. 943.13(9), F.S. (commission-approved basic training program for the applicable criminal justice discipline), and complete the commission-approved basic recruit training program before being employed in any capacity as a paid law enforcement officer or correctional officer in this state.

This bill creates section 943.1305, Florida Statutes.

II. Present Situation:

Section 943.10(8), F.S., defines an “auxiliary law enforcement officer” as “any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.”

The Florida Department of Law Enforcement (FDLE) states:

Currently individuals who desire to become auxiliary law enforcement officers are required to complete a 109-hour basic course at a Criminal Justice Standards and Training Commission-certified training school and complete high liability training in firearms, defensive tactics, and vehicles operations at either a training school or with a criminal justice agency. There is no exemption from this training to become an auxiliary law enforcement officer. Exemptions from basic training are afforded only to individuals who served as a full-time law enforcement officer in another state, the federal government or the military pursuant to s. 943.131, F.S. Individuals must provide documentation of comparable basic recruit training and one year, full-time experience to be granted the exemption from Florida basic recruit training. An individual granted such an exemption has one year to demonstrate proficiency in the high liability skills and pass the certification examination. The certification examination ensures minimum competencies are met. If the individual fails to demonstrate proficiency and pass the certification examination within the one year time limitation, the individual must complete Florida basic recruit training to become a Florida officer.¹

Section 943.13, F.S., provides that, on or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services shall:

- Be at least 19 years of age. (s. 943.13(1), F.S.)
- Be a U.S citizen. (s. 943.13(2), F.S.)
- Be a high school graduate or its “equivalent” as the commission has defined the term by rule. (s. 943.13(3), F.S.)
- Not have a felony or misdemeanor conviction involving perjury or a false statement or a dishonorable discharge. (s. 943.13(4), F.S.)
- Not be a person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement. (s. 943.13(4), F.S.)
- Not be a person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged. (s. 943.13(4), F.S.)

¹ Analysis of SB 1842, Florida Department of Law Enforcement, dated March 11, 2009.

- Have documentation of his or her processed fingerprints on file with the employing agency.
- Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the commission. (s. 943.13(6), F.S.)
- Have good moral character as determined by a background investigation under procedures established by the commission. (s. 943.13(7), F.S.)
- Execute and submit to the employing agency an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). (s. 943.13(8), F.S.)
- Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless the person is exempt in accordance with s. 943.131(2), F.S. (successfully completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the federal government and served as a full-time sworn officer in another state or for the federal government for at least 1 year provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section). (s. 943.13(9), F.S.)
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline. (s. 943.13(10), F.S.)
- Comply with the continuing training or education requirements of s. 943.135, F.S. (s. 943.13(11), F.S.)

III. Effect of Proposed Changes:

The bill creates s. 943.1305, F.S., which provides that an applicant for employment as an auxiliary law enforcement officer may be granted an exemption from basic recruit training approved by the Criminal Justice Standards and Training Commission (“commission”) if the applicant is not employed in a full-time capacity and if the applicant meets all of these requirements:

- Submits verification from the employing agency or criminal justice selection center that the applicant has successfully completed a comparable basic auxiliary law enforcement training program in another state.
- Demonstrates proficiency in high-liability areas, as defined by commission rule.
- Has served as an auxiliary law enforcement officer in another state for at least 1 year, with a maximum 8-year break in service from the separation date of the applicant’s most recent qualifying service until the date the complete application is submitted.
- Complies with the requirements of s. 943.13(1)-(8), F.S., relating to officers’ minimum qualifications for employment or appointment.

The bill also provides that a person who qualifies as an auxiliary officer based on the described requirements must comply with the requirements of s. 943.13(9), F.S. (commission-approved basic training program for the applicable criminal justice discipline), and complete the commission-approved basic recruit training program before being employed in any capacity as a paid law enforcement officer or correctional officer in this state.

The new section does not indicate that persons who become auxiliary law enforcement officers through the new exemption or such persons who want to be employed as a paid law enforcement officer or correctional officer in this state are required to comply with s. 943.13(10), F.S. (achieve an acceptable score on the officer certification examination) or s. 943.13(11), F.S. (comply with the continuing training or education requirements of s. 943.135, F.S.).²

The bill takes effect on July 1, 2009.

Other Potential Implications:

The FDLE has indicated a number of concerns regarding the bill, which reflect similar concerns of the Criminal Justice Standards and Training Commission, as expressed by its chairman, William J. Romine:

There are vast differences in auxiliary law enforcement officers across the nation. For example, in California there are three levels of auxiliary law enforcement officers, ranging from those who can only perform security functions, to those that perform law enforcement functions under the supervision of a full-time officer, to those that are able to perform law enforcement duties independently. In Florida, auxiliary officers are used differently throughout the state; their functions range from crowd control/traffic at special events to the Sheriff's Posse. Allowing auxiliary officers trained in another state with differing work experiences to become a Florida auxiliary officer with no training compounds the differences in training and experience. The proposed legislation will essentially allow an individual to forego the Commission-approved 109-hour basic training course to complete a proficiency demonstration course through a certified training school. These proficiency demonstration courses are 80-hours minimum.

There is no time limitation on how long after receiving an exemption from the 109-hour course that the individual has to demonstrate proficiency in the high liability areas. Individuals who were full-time officers in another state only have one year to demonstrate proficiency in the high liability areas and pass the certification examination. The certification examination ensures that individuals who received their basic training in another state and have worked as a full-time officer have the minimum competencies to perform the job. Auxiliary officers should be held to the same standards and time constraints as full-time officers.

...[T]he proposed legislation creates different standards and requirements for individuals who obtain auxiliary law enforcement certification through this newly created section of Chapter 943 than exist for other officers who actually attend Florida basic recruit

² The FDLE states: "Every full-time, part-time, and auxiliary officer is required to comply with the 40-hours of continuing training or education requirements to maintain their certification pursuant to s. 943.13(11), F.S." *Id.* Section 943.135(1), F.S., states, in part: "The commission shall, by rule, adopt a program that requires *all* officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education." (Emphasis provided.) Section 943.10(14), defines an "officer" as "any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer."

training. Auxiliary officers incur the same liability for criminal justice agencies as full-time officers.

Chairman Jay Romine has expressed these concerns on behalf of the Criminal Justice Standards and Training Commission to the sponsors of the House and Senate bills.³

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³ *Id.* The letter from Chairman Romine to the sponsor, dated February 23, 2009, is included with FDLE's analysis. *See* footnote 1.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
