

**STORAGE NAME:** h1099.leps  
**DATE:** March 5, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND PUBLIC SAFETY  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1099 (PCB LEPS 97-01A)

**RELATING TO:** Criminal Justice Standards and Training

**SPONSOR(S):** Committee on Law Enforcement and Public Safety and Representative Futch

**STATUTE(S) AFFECTED:** ss. 318.18, 943.10, 943.13, 943.131, 943.133, 943.139, 943.1715, 943.1716, 943.175, 943.1755, 943.1757, 943.1758, 943.25, F.S.

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 6 NAYS 0
- (2)
- (3)
- (4)
- (5)

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I. SUMMARY:

Chapter 943, F.S., establishes minimum qualifications, training requirements, and standards for law enforcement, correctional, and correctional probation officers employed by criminal justice agencies in Florida. The Criminal Justice Standards and Training Commission (the "Commission") administers the applicable provisions of Chapter 943, and is responsible for: *establishing* uniform standards for the training and employment of officers; *establishing and maintaining* officer training program curricula; *preparing and administering* officer certification examinations; *certifying* officers for employment or appointment; and *revoking* the certification of, or otherwise disciplining, officers.

House Bill 1099 amends various sections of Chapter 943, F.S., at the request of the Criminal Justice Standards and Training Commission. Substantive provisions of the bill include:

- ▶ *Requiring* private entities under contract with the Correctional Privatization Commission to employ *certified* correctional officers;
- ▶ *Requiring* officer training programs to address the development of interpersonal skills when officers deal with *diverse populations* (currently, the statute requires such training for "racial and ethnic minorities"); *and*
- ▶ *Reinstating* the assessment of an additional \$3 court cost upon persons who commit traffic infractions, [see *Comments* section].

House Bill 1099 will have a positive fiscal impact upon the trust funds that support public safety programs and criminal justice standards and training efforts [see *Fiscal Comments* for details.]

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 943, F.S., establishes minimum qualifications, training requirements, and standards for law enforcement, correctional, and correctional probation officers employed by criminal justice agencies in Florida.

The Criminal Justice Standards and Training Commission (the "Commission") administers the applicable provisions of Chapter 943, F.S., [ss. 943.085 - 943.257, F.S.], and is responsible for: *establishing* uniform standards for the training and employment of officers; *establishing and maintaining* officer training program curricula; *preparing and administering* officer certification examinations; *certifying* officers for employment or appointment; and *revoking* the certification of, or otherwise disciplining, officers. The Florida Department of Law Enforcement (FDLE) serves as staff to the Commission.

The Commission has developed a basic recruit training program for each criminal justice discipline. The Commission has established, by rule, the minimum number of hours of instruction and the types of courses required for each basic recruit training program. Individual employing agencies may require applicants to complete a training program that requires additional hours of instruction.

Any person employed or appointed as a law enforcement, correctional, or correctional probation officer must:

- ▶ Be a U.S. citizen who is at least 19 years of age.
- ▶ Be a high school graduate, or its equivalent.
- ▶ Not have been convicted of any felony or of a misdemeanor involving perjury or false statement, or have been dishonorably discharged from any of the Armed Forces of the United States. [Any person who pleads guilty or nolo contendere to, or is found guilty of, any felony or of a misdemeanor involving perjury or false statement is not eligible for employment or appointment as an officer, regardless of whether the sentence was suspended or adjudication withheld.]
- ▶ Have his or her processed fingerprints on file.
- ▶ Have passed a physical examination by a licensed physician, based on the Commission's specifications.
- ▶ Have "good moral character," as determined by a background investigation.  
[See s. 943.13(1) - (7), F.S.]

Generally, an officer must complete a basic recruit training program established by the Commission [see s. 943.13(9), F.S.]. If the applicant has completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal government *and* has served as a full-time sworn officer in another state or for the Federal government for at least one year, the applicant is exempt from completing the commission-approved basic recruit training program.

Finally, any person employed or appointed as an officer must:

- ▶ Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline; and
- ▶ Comply with the continuing training or education requirements described in s. 943.135, F.S.

**B. EFFECT OF PROPOSED CHANGES:**

House Bill 1099 amends various sections of Chapter 943, F.S., at the request of the Criminal Justice Standards and Training Commission. Substantive provisions of the bill include:

- ▶ *Requiring* private entities under contract with the Correctional Privatization Commission to employ *certified* correctional officers;
- ▶ *Requiring* officer training programs to address the development of interpersonal skills when officers deal with *diverse populations* (currently, the statute requires such training for “racial and ethnic minorities”); *and*
- ▶ *Reinstating* the assessment of an additional \$3 court cost upon persons who commit traffic infractions, [see *Comments* section].

[See the *Section by Section Analysis* for details.]

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

*No.*

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*The bill requires private entities who are under contract with the Correctional Privatization Commission to employ correctional officers who are certified under the provisions of Chapter 943, F.S. To the extent that these private entities are currently employing persons who are not certified officers, this bill imposes a new requirement upon those organizations.*

(3) any entitlement to a government service or benefit?

*No.*

- b. If an agency or program is eliminated or reduced:

*HB 1099 does not eliminate or reduce an agency or program.*

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

*Not applicable.*

- (2) what is the cost of such responsibility at the new level/agency?

*Not applicable.*

- (3) how is the new agency accountable to the people governed?

*Not applicable.*

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

*No.*

- b. Does the bill require or authorize an increase in any fees?

*HB 1099 reinstates a \$3 court cost that was deleted during the 1996 legislative session [see Chapter 96-350, Laws of Florida]. Specifically, the bill provides that persons who commit traffic infractions (i.e., pedestrian, nonmoving traffic, and moving traffic infractions) must pay an additional \$3 court cost, to be distributed as follows:*

- ▶ *\$2.75 -- deposited in the Criminal Justice Standards and Training Trust Fund; and*
- ▶ *.25 -- deposited in the Operating Trust Fund for distribution to the Department of Community Affairs' Bureau of Public Safety Management.*

- c. Does the bill reduce total taxes, both rates and revenues?

*No.*

- d. Does the bill reduce total fees, both rates and revenues?

*No.*

- e. Does the bill authorize any fee or tax increase by any local government?

*See paragraph b. above.*

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

*No.*

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

*By paying an additional \$3 court cost, persons who commit traffic infractions are directly contributing to the funds that support public safety and criminal justice standards and training programs.*

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*No.*

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

*The bill requires private entities who are under contract with the Correctional Privatization Commission to employ certified correctional officers. As such, the bill could be viewed as imposing government restrictions on a presently lawful activity.*

*The policy issue raised in HB 1099 is whether or not private entities under contract with the Correctional Privatization Commission should be allowed to employ non-certified correctional officers.*

*[Correctional facilities operated by both the Department of Corrections and private entities under contract with either the Department of Corrections or county commissions **must** employ certified correctional officers.]*

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

*The bill does not purport to provide services to families or children.*

- (1) Who evaluates the family's needs?

*Not applicable.*

- (2) Who makes the decisions?

*Not applicable.*

- (3) Are private alternatives permitted?

*Not applicable.*

- (4) Are families required to participate in a program?

*Not applicable.*

- (5) Are families penalized for not participating in a program?

*Not applicable.*

- b. Does the bill directly affect the legal rights and obligations between family members?

*No.*

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

*The bill does not create or change a program providing services to families or children.*

- (1) parents and guardians?

*Not applicable.*

- (2) service providers?

*Not applicable.*

- (3) government employees/agencies?

*Not applicable.*

D. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 943.10, F.S. (the definition section), to include definitions for *part-time correctional probation officer*, *diverse population*, and *criminal justice executive*.

Section 2 amends s. 943.13, F.S., which addresses officers' minimum qualifications for employment or appointment, to require that persons employed as correctional officers by private entities under contract with the Correctional Privatization Commission meet the minimum qualifications described in that section.

Other amendments to s. 943.13, F.S., include: clarifying that all full-time, part-time, and auxiliary officers for all three criminal justice disciplines must meet the minimum qualifications; *and* allowing applicants to have *documentation* of processed fingerprints on file (rather than the actual fingerprint card).

Section 3 amends ss. 943.131(1)(a) & (b), F.S., which addresses temporary employment or appointment of officers.

Section 943.131(1), F.S., allows employing agencies, under certain circumstances, to temporarily employ or appoint persons who have not completed the basic recruit training program, but otherwise meet the minimum qualifications described in ss. 943.13(1)-(8), F.S.

The employing agency must document that a critical need exists in order to temporarily employ or appoint a person. A person who is temporarily employed or appointed must *enroll* in the first available basic recruit training program in the geographical area; a person can not be temporarily employed or appointed for more than 180 consecutive days, unless *enrolled* in a basic recruit training program. If a person is *enrolled* in a training course, the temporary employment or appointment may continue until the person:

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- ▶ Successfully completes the basic recruit training course and achieves an acceptable score on the officer certification examination;
- ▶ Fails to successfully complete, or withdraws from any course in the training program;
- ▶ Fails to achieve an acceptable score on the officer certification examination within 180 days after completing the basic recruit training program; or
- ▶ Is separated from employment or appointment by the employing agency.

House Bill 1099 requires persons temporarily employed or appointed as officers to *attend*, rather than simply enroll, in the first available basic recruit training program. Also, if a person *fails* any course in the training program (rather than “fails to successfully complete”), he or she can no longer be temporarily employed or appointed as an officer.

Sections 4 and 5 amend various subsections of ss. 943.133 and 943.139, F.S., relating to the responsibilities of employing agencies and notices of employment, appointment or separation, respectively, to allow employing agencies to submit required *information* to the commission (which may be transmitted electronically), rather than requiring the submission of specific forms.

The bill provides that employing agencies do not have to submit copies of background investigation forms to the Commission. These forms will be maintained at the employing agencies and will continue to be available for inspection. Additionally, the bill requires the Correctional Privatization Commission to comply with the provisions of s. 943.133, F.S., as applicable.

Sections 6 & 7 amend ss. 943.1715 and 943.1716, F.S., which address basic skills and continued employment training, respectively, as that training relates to *racial and ethnic minorities*. The Commission’s *Human Diversity Task Force* recommended that the term “racial and ethnic minorities” be replaced with “diverse populations” for criminal justice training purposes. Additionally, obsolete language in both sections is deleted.

Section 8 amends s. 943.175, F.S., which addresses in-service and specialized training programs, to provide that the Commission will no longer approve in-service training programs. Additionally, the bill provides that the Commission is no longer required to maintain records regarding an officer’s successful completion of in-service and specialized training programs. The Commission will continue to maintain mandatory retraining information.

Sections 9, 10, and 11 amend s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute, s. 943.1757, F.S., relating to criminal justice executive training, *and* s. 943.1758, F.S., relating to curriculum revisions for racial and ethnic minorities skills training, respectively, to replace the term “racial and ethnic minorities” with “diverse populations.” Language is clarified and obsolete language is deleted.

Section 12 amends s. 943.25(3), F.S., relating to criminal justice trust funds, to delete language that prohibits the assessment of the \$3 court cost in addition to the civil penalties imposed under s. 318.18, F.S.

Additionally, HB 1099 allows any interest earned and any unencumbered funds remaining in the Criminal Justice Standards and Training Trust Fund and the Operating Trust Fund at the end of the budget cycle to remain in the respective trust fund until the following year. [Currently, the funds revert to the Additional Court Cost Clearing Trust Fund.]

Section 13 amends s. 318.18(11), F.S., 1996 Supp., to reinstate a \$3 court cost that was deleted during the 1996 legislative session [see *Chapter 96-350, Laws of Florida*]. Specifically, the bill provides that persons who commit traffic infractions (i.e., pedestrian, nonmoving traffic, and moving traffic infractions) must pay an additional \$3 court cost, to be distributed as follows:

- ▶ \$2.75 -- deposited in the Criminal Justice Standards and Training Trust Fund; and
- ▶ .25 -- deposited in the Operating Trust Fund for distribution to the Department of Community Affairs' Bureau of Public Safety Management.

Section 14 reenacts s. 318.121, F.S., that addresses the preemption of additional fees, fines, surcharges, and costs, to incorporate the amendment to s. 318.18(11), F.S., in a cross reference.

Section 15 provides that the act takes effect on July 1, 1997.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:  
See fiscal comments.
2. Recurring Effects:  
See fiscal comments.
3. Long Run Effects Other Than Normal Growth:  
None anticipated.
4. Total Revenues and Expenditures:  
See fiscal comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:  
See fiscal comments.

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2. Recurring Effects:

See fiscal comments.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

Persons who commit traffic infractions must pay an additional \$3 court cost.

2. Direct Private Sector Benefits:

None anticipated.

3. Effects on Competition, Private Enterprise and Employment Markets:

The bill requires private entities who are under contract with the Correctional Privatization Commission to employ correctional officers who are certified under the provisions of Chapter 943, F.S. To the extent that these private entities are currently employing persons who are not certified officers, this bill imposes a new requirement upon those organizations, which may have fiscal consequences for those organizations.

D. **FISCAL COMMENTS:**

The bill reinstates a \$3 court cost that was deleted during the 1996 legislative session [see *Chapter 96-350, Laws of Florida*]. Specifically, the bill provides that persons who commit traffic infractions must pay an additional \$3 court cost, to be distributed as follows:

- ▶ \$2.75 -- deposited in the Criminal Justice Standards and Training Trust Fund; and
- ▶ .25 -- deposited in the Operating Trust Fund for distribution to the Department of Community Affairs' Bureau of Public Safety Management.

This bill is expected to have a positive fiscal impact upon the trust funds described above. An estimate of the amount of revenue that may be generated by the assessment and collection of the \$3 court cost was not available when this analysis was prepared.

State and local governments may incur administrative expenses associated with the assessment, collection, and distribution of this court cost. Such administrative expenses are indeterminate, but expected to be insignificant.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill may require counties or municipalities to spend funds or to take an action requiring the expenditure of funds (see *Fiscal Comments*). However, the bill is exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is anticipated that the bill has an insignificant fiscal impact.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

During the 1995 interim, the Senate Transportation Committee conducted an interim project that addressed, in relevant part, the distribution of civil traffic fine monies. The report found that there was a consensus among law enforcement personnel that traffic fines were excessive. The report concluded that traffic fines needed to be reduced, and it was recommended that standard fines be established that cannot be exceeded. Legislation passed during the 1996 legislative session that established a system of uniform fines based on pedestrian, nonmoving traffic and moving traffic violations and consolidated the numerous add-ons to those fines, including court costs, [see *Chapter 96-350, Laws of Florida*, and the *Final Bill Analysis and Economic Impact Statement for CS/HB 1925* prepared by the House Committee on Transportation]. Section 318.18(11), F.S., 1996 Supplement, provides that:

*Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:*

- ▶ *Pedestrian infractions* . . . . . \$ 3
- ▶ *Non-moving traffic violations* . . . . . \$ 6
- ▶ *Moving traffic violations* . . . . . \$ 10

Section 318.121, F.S., 1996 Supplement, provides that:

*Notwithstanding any general or special law, or municipal or county ordinance, additional fines, fees, surcharges, or costs other than the court costs assessed under s. 318.18(11) may not be added to the civil traffic penalties assessed in this chapter.*

*Chapter 96-350, Laws of Florida*, eliminated the \$3 court cost specifically earmarked for the Criminal Justice Standards and Training Trust Fund and the Department of Community Affairs' Operating Trust Fund. At the request of the Criminal Justice Standards and Training Commission, HB 1099 provides an exception to the preemption in s. 318.121, F.S., to reinstate the additional \$3 court cost.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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