

STORAGE NAME: h713s2.ed

DATE: April 11, 1999

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
ANALYSIS**

BILL #: CS/CS/HB 713

RELATING TO: Training Centers

SPONSOR(S): Rep. Kelly

COMPANION BILL(S): SB 1664, by Sen. Horne

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

- (1) COMMUNITY COLLEGES & CAREER PREP YEAS 7 NAYS 3
 - (2) JUVENILE JUSTICE (W/D)
 - (3) EDUCATION APPROPRIATIONS YEAS 8 NAYS 1
 - (4)
 - (5)
-

I. SUMMARY:

Currently, law enforcement and corrections training programs are vocational certificate programs which can be conducted at either vocational-technical centers operated by school districts or at community colleges.

The bill would transfer all existing law enforcement, corrections, and public criminal justice training programs at vocational-technical centers to the community college in the respective area. The bill would also transfer ownership of school district owned real property to the respective community college.

The bill would require a person to either have an associate degree to sit for the law enforcement certification exam or be enrolled in an associate degree program and complete it within five years of taking the exam.

The bill provides that funding generated by students, including FTE or workforce development recurring, and nonrecurring funds would be transferred from the school district to the community college. In addition, the bill authorizes that the state appropriation for continuing workforce education for criminal justice shall equal 75% (rather than the current 50%) of costs. Also, the bill requires the Legislature to appropriate funds to reimburse school districts for documented loss of profits and local funds expended for criminal justice training.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently, law enforcement and corrections training programs are vocational certificate programs which can be conducted at either vocational-technical centers operated by school districts or at community colleges, except that all law enforcement and corrections training must be approved by the Criminal Justice Standards and Training Commission (CJSTC).

If such programs are offered at a community college, the college then owns or leases the facilities in which it operates the program, and collects fee revenue and state appropriations for the program. Likewise, if the programs are offered at a school district vo-tech center, the school district owns or leases the facilities in which it operates the program, and collects fee revenue and state appropriations for the program. It should be noted that as of the changes in funding beginning with CS/CS/SB 1688 and CS/CS/SB 1124, school districts and community colleges are not funded based on enrollment counts, but are funded with an 85% allocation based on their prior year appropriation and a 15% allocation based on completions and placements. Prior to SBs 1688 and 1124, the decision regarding whether the school district or the community college would offer the training programs in an area was made based on a local articulation agreement. SBs 1688 and 1124 made those local articulation agreements obsolete by requiring statewide articulation of programs and courses between school districts and community colleges. The decision was still locally determined, but after 1688 and 1124, both institutions could offer the training, although the training would still have to be approved by the CJSTC.

According to the CJSTC, there has been an effort, for many years, to increase the amount of education required to become a law enforcement officer. The current educational program is a vocational certificate. The CJSTC would like to see an associate degree required.

B. EFFECT OF PROPOSED CHANGES:

The bill would transfer all existing law enforcement, corrections, officer, and public criminal justice training programs at vocational-technical centers to the community college in the respective area. The bill would also transfer ownership of school district owned real property to the respective community college and would provide payment for documented loss of profits or local funds expended in the criminal justice training programs.

The Criminal Justice Standards and Training Commission certification of the program would be transferred to the community college which would have to continue to meet the requirements of the commission. If the school district was the fiscal agent for the CJSTC Trust Fund, the regional training council would appoint a new fiscal agent according to Administrative Code provisions.

Additionally, the community college board of trustees must establish an advisory committee to adopt a schedule for reimbursement to the school district from funds provided by the Legislature, provide certificate and noncredit options for students, develop articulation agreements with the state university system to facilitate the transfer of graduates into a corresponding state university program, and, upon review by the advisory council, transfer staff from the existing center to the community college at the same rate of pay.

These changes would effectively transfer all aspects of the governance of existing criminal justice training centers at school district vocational-technical centers from the school district to the community college and would be a new policy direction, different from the direction of SBs 1688 and 1124. If funds are appropriated from the Legislature, reimbursement could be available to school districts for facilities that would be transferred; this could make up for local funds which may have been used to fund the school district facilities. In areas where criminal justice facilities are co-mingled with other school district programs, the Criminal Justice Training and Standards Commission would mediate the transfer and payment issues.

The bill would provide that funding generated by students, including FTE or workforce development recurring, and nonrecurring funds would be transferred from the school district to the community college. Additionally, the bill would provide that the state appropriation for continuing workforce education for criminal justice shall equal 75% (rather than the current 50%) of costs.

The bill would provide that state and local law enforcement agencies currently offering certified training could continue to do so. According to the CJSTC, this includes satellite training facilities operated under the certificate of a state or local law enforcement agency.

The bill would require a person to either have an associate degree to sit for the law enforcement certification exam or be enrolled in an associate degree program and complete it within five years of taking the exam. This represents an increase in the amount of training, above what is currently required to sit for the exam.

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?

Yes. The bill requires community college boards of trustees to establish an advisory committee and adopt a schedule for reimbursing school districts.

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

No.

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

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

Ten programs are transferred from school districts to community colleges. The funds associated with the programs are also transferred in the bill.

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

The funds associated with the programs are also transferred in the bill.

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

There is no new agency. Community colleges are currently held accountable by accountability measures reported to the Legislature in an annual plan, and by performance funding.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

No.

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?

No.

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?

No.

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 transfers programs that are currently offered by school districts to community colleges.

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?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates an unspecified section of the Florida Statutes and amends ss. 943.13; 943.17; and 943.31, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates an unspecified section of law relating to criminal justice training.

Section 2. Amends s. 943.13, F.S.; relating to officers' minimum qualifications for employment or appointment.

Section 3. Amends s. 943.17, F.S.; relating to basic recruit, advanced, and career development training programs (conforming language)

Section 4. Amends s. 943.31, F.S.; relating to legislative intent.

Section 5. Provides that the act shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The Department of Education is to shift funds, including funds generated by FTE or workforce development, recurring and nonrecurring for criminal justice training programs, from school districts to community colleges. The bill authorizes funds to be provided by the Legislature for the purpose of reimbursement to school districts for documented loss of profits and local funds expended for criminal justice training.

2. Recurring Effects:

The bill provides that the state appropriation for continuing workforce education for criminal justice shall equal 75% (rather than the current 50%) of costs. This would require additional state appropriations for these programs.

Section 2 amends Section 943.13 (3), Florida Statutes to provide that on or after January 1, 2005 a person who applies for the Law Enforcement Officer Certification Examination must have earned an associates degree or its equivalent. Section 943.22, Florida Statutes provides that any full-time officer who has a Community College Degree or equivalent shall receive a basic salary supplement of \$ 30 per month. There maybe a fiscal impact of requiring an associates degree for Law Enforcement Certification, however this is in determinant.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

The Department of Education is to shift funds, including funds generated by FTE or workforce development, recurring and nonrecurring for criminal justice training programs, from school districts to community colleges. The bill authorizes funds to be provided by the Legislature for the purpose of reimbursement to school districts for documented loss of profits and local funds expended for criminal justice training.

2. Recurring Effects:

The bill provides that the state appropriation for continuing workforce education for criminal justice shall equal 75% (rather than the current 50%) of costs. This would require additional state appropriations for these programs.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

Other fiscal provisions of the bill are:

Ownership or lease of public school criminal justice training program real property, furniture and equipment is to be transferred to the community college, unless the facility is also used for other purposes in which case, transfer and payment would be mediated by the Criminal Justice Standards and Training Commission. Once transfer of the facility is accomplished, then the community college can qualify for facilities funding.

The community college board of trustees is required to refrain from shifting criminal justice program funds to other programs; provide an accounting of all fiscal matters to the criminal justice advisory council; and is not to use academic training funds for fund-raising purposes.

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

E. APPLICABILITY OF THE MANDATES PROVISION:

N/A

F. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

IV. COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 31, 1999, the Committee on Community Colleges and Career Prep considered this bill; passed a strike everything amendment and one amendment to the amendment; and made it into a committee substitute; the substance of which is incorporated into this bill analysis.

On April 9, 1999 the Education Appropriations Committee considered CS/HB 713, amended the bill and made it a Committee Substitute for Committee Substitute. The Committee Substitute for the Committee Substitute differs from the Committee Substitute in the following ways:

1. Prescribes conditions and procedures for the use, lease, transfer and purchase of criminal justice training facilities and property when criminal justice training programs are transferred from school districts to community colleges.
2. Provides that fees for continuing workforce development education for public law enforcement officers and corrections officers shall not exceed 25% of the cost of the course.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES & CAREER PREP:

Prepared by:

Staff Director:

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