

STORAGE NAME: h1481.lec

DATE: March 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: HB 1481 (PCB LECP 00-01)

RELATING TO: Entry Requirements into Law Enforcement Academies

SPONSOR(S): Law Enforcement and Crime Prevention Committee and Representative Futch

TIED BILL(S): None

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

(1) LAW ENFORCEMENT AND CRIME PREVENTION

(2)

(3)

(4)

(5)

I. SUMMARY:

HB 1481 requires that all applicants to the law enforcement, corrections, and correctional probation officer academies submit to a criminal background check prior to entry into said academies. FDLE will be charged with conducting the background check through the Florida Crime Information Computer and the National Crime Information Computer. FDLE will also handle the dissemination of information to the individual academies. The individual academies are not considered law enforcement agencies, thus, they are not privy to information contained in the background check.

HB 1481 also mandates that all recruits take a standardized entrance test before being admitted into any law enforcement, corrections, or correctional probation officer training academy. This will be a uniform test statewide, and will be based on a job task analysis in each of the three disciplines noted above. The test will measure a recruit's ability to perform the basic skills required in the discipline for which they have applied to enter.

This act shall take effect on January 1, 2001 if passed into law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 943.14, Florida Statutes, provides oversight for the Criminal Justice Standards and Training Commission over all training academies in the State of Florida. The rules and regulations pertaining to both private and public academies are found in the following subsections of 943.14 F.S. Subsection (1) requires that each academy must obtain a certificate of compliance from the Criminal Justice Standards and Training Commission. Subsection (2) states that all certificates and diplomas issued by individual academies must be approved by the commission. Subsection (3) mandates that the commission establish, by rule, a certification process for all academy instructors. In subsection (4) the commission is given oversight over all personnel, financial, and training records of each training academy. Subsection (5) requires that no private criminal justice training academy may use in its name the words "commission", "bureau", "division", "Florida", or "state". Subsection (6) states that training academies that are operated in accordance with the rules of the State Board of Education, and the rules of the commission are exempt from subsections (1)-(5). Subsection (7) mandates that Correctional Probation courses and subjects which are taught by Florida 4 year colleges are exempt from sections (1)-(5). Subsection (8) provides for the availability of injunctive relief if a law enforcement academy does not follow the rules and requirements set forth in this section.

To be *employed* as a law enforcement officer in the State of Florida you must successfully complete a criminal background check. An officer cannot have been convicted of any felony, or of any misdemeanor involving domestic violence or false statements. However, at this time, neither Florida Statutes nor the Criminal Justice Standards and Training Commission have any requirement for a criminal background check for *applicants* prior to enrollment in the law enforcement or corrections academy. There is currently a system in place to process the background checks for such applicants at the Florida Department of Law Enforcement that could be utilized for the purpose of applicant background checks.

There is no single test at this time that is being used statewide to screen prospective applicants for law enforcement and correctional academies. However, the Florida Department of Law Enforcement is currently developing a uniform test based on relevant job tasks. FDLE's uniform test for entry into the academy is based on a job task analysis of law enforcement officers, correctional officers, and correctional probation officers. The use of this test will provide the academies the ability to screen for applicants statewide rather than in a small area around their academy.

C. EFFECT OF PROPOSED CHANGES:

All applicants to the law enforcement, corrections, and correctional probation officer academies will be required to submit to a criminal background check before formally entering into any of the aforementioned academies. The Florida Department of Law Enforcement will conduct the background check through the Florida Crime Information Computer and the National Crime Information Computer. Since most academies are NOT considered law enforcement agencies, FDLE will also handle the dissemination of data to the individual academies.

A standardized entrance test for all applicants being admitted into the law enforcement, corrections, and correctional probation officer training academy will be required. This test will be based on a job task analysis of each of the three disciplines. The job task analysis ensures that a recruit will be able to perform the duties and possess the basic skills that are required to fulfill the position for which they will be trained. The test will be administered on a statewide basis. This will insure that all applicants are qualified for the individual academies no matter where the training is administered.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

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D. FISCAL COMMENTS:

By requiring all applicants to submit to a criminal background check before entering the law enforcement, corrections, and correctional probation officer academies, the State of Florida will not be required to expend funds on recruits that will be statutorily barred from employment as a law enforcement, corrections, or correctional probation officer.

The Florida Department of Law Enforcement Standards and Training Division is in the process of developing the standardized test for entrance into the law enforcement, correction, and correctional probation officers training academies. There is little fiscal impact expected from this portion of the bill.

There is a minimal cost associated with the performance of a criminal background check. This cost will be likely absorbed by the recruit upon application to the academy in the form of a fee.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

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