

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1650

SPONSOR: Criminal Justice Committee and Senator Smith

SUBJECT: Criminal Justice Standards Commission

DATE: March 25, 2003 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill authorizes the Criminal Justice Standards and Training Commission (CJSTC) to certify and revoke certification on law enforcement agency in-service training instructors. It also provides that a person may only be temporarily employed or appointed under s. 943.131, F.S., once per law enforcement discipline, and clarifies that a person is allowed 180 days from completion of basic recruit training to pass the officer certification examination. The permissible period of temporary employment or appointment is extended from 180 days to 30 months.

The bill specifies that a person may not exempt basic recruit training class unless he or she completed a comparable program in another state or federal jurisdiction within the preceding eight years. It establishes that the person seeking exemption must also have had the required one year of service as a sworn law enforcement officer in another jurisdiction ending within the same 8-year window.

The bill provides the CJSTC with authority to discipline persons who are temporarily employed or appointed, and requires investigation of offenses and development of disciplinary guidelines and penalties. Finally, the bill exempts basic recruit training program students from testing for mastery of basic skills that is required of technical-vocational students by s. 1004.91, F.S.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 943.12, 943.13, 943.131, 943.1395, and 943.17.

## II. Present Situation:

**Section 1** refers to s. 943.12, F.S., concerning the duties and powers of the CJSTC. The CJSTC is statutorily required to promulgate rules regarding training and certification of law enforcement

officers in Florida. Section 943.12(3), F.S., authorizes the CJSTC to certify or revoke the certification of officers, instructors, and criminal justice training schools.

**Section 2** pertains to s. 943.13, F.S., which sets forth minimum requirements for certification as a law enforcement officer. Among these requirements is successful completion of a CJSTC-approved basic recruit training program. Section 943.13(9), F.S., requires the person to complete a CJSTC-approved basic recruit training program. However, the person is exempt from this requirement pursuant to s. 943.131(2), F.S., if he or she has: (1) successfully completed a comparable program for the same criminal justice discipline in another state or for the United States; and (2) worked for at least one year as a full-time sworn officer in another state or for the United States.

**Section 3** pertains to s. 943.131, F.S., which permits temporary employment of otherwise qualified officers who have not completed basic recruit training or passed the certification examination and allows experienced officers from other jurisdictions to be exempted from basic recruit training.

A person may be temporarily employed or appointed before completing basic recruit training or passing the officer certification examination if:

- (1) he or she has met the requirements of s. 943.13(1)-(8), F.S., (age 19 or older, United States citizen, non-felon, etc.);
- (2) the employing agency documents that it has a critical need to employ the person; and
- (3) the person will enroll in the next approved basic recruit training program available in the geographic area or no state training program for state officers is available in a reasonable time.

The temporary employment or appointment may not exceed 180 days, unless the person is attending the first available training program in the geographic area or has been assigned to a state training program.

A person may be exempted from completing the basic recruit training program if the employing agency verifies that he or she completed a comparable basic training program for the discipline in another state or with the federal government. The officer must have also served as a full-time sworn law enforcement officer in another state or with the federal government for at least one year. If exempted, the applicant must pass the officer certification examination within 180 days after receiving the exemption. The exempted officer is also required to demonstrate proficiency in high liability areas, which the CJSTC defines to include defensive driving, defensive tactics, firearms training and first responder training, within the same 180 day period. Failure to do so results in a requirement to attend a certified basic recruit training program.

**Section 4** pertains to s. 943.1395, F.S., which generally addresses employment and reemployment and provides authority for the CJSTC to investigate and take disciplinary action against certified officers. Section 943.1395(3), F.S., requires that a certified officer who has a break from service in excess of four years must meet all minimum requirements for certification except for the basic recruit training program requirement.

**Section 5** pertains to s. 943.17, F.S., concerning CJSTC's duty to evaluate basic recruit training and advanced training programs. All persons entering a CJSTC-approved basic training program must pass a discipline-specific basic skills assessment examination and those who complete the training must pass an industry licensure examination as specified in s. 943.13(10), F.S. For any new or existing program, CJSTC has to establish measurements of an officer's acquisition of knowledge, skills and abilities.

### III. Effect of Proposed Changes:

**Section 1** amends s. 943.12, F.S., to allow the CJSTC to certify and revoke the certification of agency in-service training instructors as well as officers, instructors, and criminal justice training schools.

**Section 2** amends s. 943.13(9), F.S., to specify that full-time sworn service in another jurisdiction cannot be used to support exemption from basic recruit training unless it terminated within the eight year period immediately preceding submission of the application for exemption. Currently, the statute does not limit the time period within which the one year can be served.

**Section 3** amends s. 943.131(1)(a), F.S., to provide that a person who is temporarily employed or appointed under the subsection must fulfill the basic recruit training program requirement of s. 943.13(9), F.S., within 18 months after beginning training, and is allowed 180 days after completion of basic recruit training to pass the certification examination. The CS also amends s. 943.131(1)(b), F.S., to extend the permissible period of temporary employment from 180 days to 30 months, and prohibits a temporary employee from transferring to another employer. Furthermore, the CS provides that the person may continue to be temporarily employed until the person: (1) fails or withdraws from basic recruit training within the time limit; (2) fails to pass the officer certification examination within the time limit; or (3) is separated from employment or appointment within the time limit.

The CS creates ss. 943.131(1)(d) and (e), F.S. Section 943.131(1)(d), F.S., provides that persons employed under a temporary employment authorization (TEA) are subject to the disciplinary provision of s. 943.1395, F.S. Section 943.131(1)(e), F.S., provides that a person may not be employed with a TEA if the person has had certification revoked by the CJSTC pursuant to s. 943.1395, F.S., or has voluntarily relinquished a certification that was administered pursuant to s. 943.1395, F.S.

Section 943.131(2), F.S., is amended to specify that a person seeking exemption from attending the basic recruit training program because of completing a comparable program in another jurisdiction must not have had a break in service of more than eight years immediately preceding submission of the application for exemption. Furthermore, the time period for the exempted person to pass the certification examination and to demonstrate proficiency in high-liability areas is expanded from 180 days to one year.

**Section 4** amends s. 943.1395(3), F.S., to require that a certified officer who has had a break in service in excess of eight years must meet all minimum certification requirements, including completion of the basic recruit training program.

This section also creates s. 943.1395(9), F.S., to subject persons temporarily employed under the provisions of s. 943.131, F.S., to disciplinary action by the CJSTC. Persons who have been disciplined pursuant to the subsection would be ineligible for employment under a TEA. Amendments to ss. 943.1395(9)(a) and (b), F.S., would require the CJSTC to cause an investigation of temporarily-employed officers for the same types of alleged misconduct which it currently investigates in relation to certified officers. The CJSTC would also be required to develop disciplinary guidelines and penalties by rule based upon the severity of specified offenses so as to provide notice of penalties for prohibited conduct, and to apply the penalties consistently. Section 943.1395(9)(c), F.S., provides authority for the CJSTC to establish violations and penalties for intentional abuse of the temporary employment option by an individual or an employing agency.

A new s. 943.1395(10), F.S., provides that an officer whose certification has been revoked pursuant to s. 943.1395, F.S., would not be eligible for employment under a TEA.

**Section 5** creates s. 943.17(6), F.S., to clarify that students in an academy certified by the CJSTC are exempt from the provision of s. 1004.91, F.S., which may otherwise require the students to pass the Test of Adult Basic Education (TABE) upon entering the academy.

**Section 6** provides that the act will take effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Senate Bill 1000 also includes amendments to s. 943.1395, F.S., relating to penalties for proscribed offenses. However, that amendment pertains only to certified officers, while this bill amends s. 943.1395, F.S., to provide for disciplinary action against temporarily employed or appointed officers.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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