

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: SB 2002
 SPONSOR: Senator Crist
 SUBJECT: Law Enforcement Officer Training
 DATE: April 17, 2003 REVISED: 04/22/03 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends s. 943.16, F.S., to require law enforcement officers and correctional officers to remain employed with their agency for a minimum of two years if the agency paid the costs of their basic recruit training program. Officers who voluntarily terminate employment within two years would be required to reimburse their employing agencies for the full cost of tuition and other expenses of the course. The officer would also be required to make a pro-rata reimbursement of wages and benefits earned while enrolled in the basic recruit training program. This reimbursement requirement would not apply to officers who leave for reasons that are not of their own initiative, or to those who terminate employment and resign their certification to take a job for which certification under ch. 943, F.S., is not required.

The bill also authorizes the employing agency to file a civil collection action if it is not reimbursed in accordance with the statute. However, such authorization is contingent upon the agency having notified the employee of the two-year obligation no later than the first day on which basic recruit training classes commence.

The bill provides that it is to apply to basic recruit training classes that commence after the effective date of July 1, 2003.

This bill substantially amends the following section of the Florida Statutes: 943.16.

II. Present Situation:

Law enforcement officers and correctional officers are required to complete a basic recruit training program before they can be certified, but may be employed under a Temporary

Employment Authorization (TEA) while attending the training program. Employing agencies are authorized to pay tuition for a trainee attending an approved basic recruit training program.

An employee who attends basic recruit training at the expense of his or her employing agency must remain employed with the agency for at least one year. If employment is terminated by the employee within the year, the employee must reimburse the cost of participation, and the employing agency may institute a civil suit to recover the costs.

Currently, there is a concern that some trainees attend basic recruit training at the expense of their state employer and leave shortly thereafter for a higher-paying job with a local or private agency.

III. Effect of Proposed Changes:

The bill amends s. 943.16, F.S., to require that an employee who attends basic recruit training at the expense of his or her employer must not voluntarily leave such employment for a period of two years. The bill also clarifies that an employee who voluntarily leaves before completing two years of service is required to reimburse the full cost of tuition, other course expenses, and additional amounts related to attendance at the school. The bill specifies that the term "other course expenses" includes the cost of meals.

The bill does not require reimbursement by an employee who terminates employment and resigns certification to accept employment for which certification under ch. 943, F.S., is not required. It also does not apply to trainees attending auxiliary officer training.

In addition to requiring full reimbursement of the costs of tuition and other course expenses, the bill requires the employee to reimburse the agency for wages and benefits earned while attending the basic recruit training program. Reimbursement is pro-rated depending upon the length of employment following graduation according to the following schedule:

- Within 6 months: Full reimbursement
- Within 12 months: Reimbursement of three-fourths of the full amount
- Within 18 months: Reimbursement of one-half of the full amount
- Within 24 months: Reimbursement of one-fourth of the full amount

The bill authorizes the employing agency to institute a civil action for recovery of tuition, other course expenses, wages and benefits if it is not reimbursed. However, this authorization is contingent upon the employing agency having notified the employee of the 2-year employment commitment no later than the first day of the employee's basic recruit training class.

The bill provides an effective date of July 1, 2003, and specifies that it applies to basic recruit training classes commencing after that date.

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:

By lengthening the length of the service obligation and expanding the scope of required reimbursement, it is likely that agencies will retain recruits longer than is currently the case. This will reduce expenses to train new recruits. It is unlikely that the employing agency will be able to recover a significant amount of costs from employees who leave early, unless reimbursement is made by a subsequent employer.

VI. Technical Deficiencies:

Section 943.16(2)(a), F.S., states that the requirement to make reimbursement for costs of tuition and other course expenses applies if the officer does not remain in the employing agency's employment for at least 2 years. It is not clear whether the 2-year requirement applies to the entire period of employment (including the time while in training) or to the period after graduation from training. By contrast, s. 943.16(2)(b), F.S., clearly specifies that the employee must make reimbursement for wages and benefits if he or she voluntarily leaves employment within two years after graduation.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Provides that the trainee must remain employed for two years after graduation from basic training in order to avoid reimbursement requirements.