

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 647 CS Criminal Justice Standards and Training Commission
SPONSOR(S): Legg and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice Committee</u>	<u>7 Y, 1 N, w/CS</u>	<u>Kramer</u>	<u>Kramer</u>
2) <u>Governmental Operations Committee</u>	<u>7 Y, 0 N</u>	<u>Luppert</u>	<u>Everhart</u>
3) <u>Justice Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill relates to the nomination and appointment of members to the Criminal Justice Standards and Training Commission (CJSTC). The Commission is composed of 19 members who include the Secretary of Corrections or designee, the Attorney General or a designee, and the Director of the Division of Florida Highway Patrol. The 16 members that remain are appointed by the Governor, and consist of sheriffs, chiefs of police, law enforcement officers, correctional officers, a training center director, a county jail administrator, and a citizen member. The bill requires the Governor to base his or her appointments upon the nominations of the Florida Sheriffs Association, the Florida Police Chiefs Association, and a law enforcement collective bargaining committee. The Governor must appoint at least 1 non-union law enforcement officer.

This bill requires that consideration of any sheriff, chief of police, law enforcement officer, and correctional officer for appointment as a member of the CJSTC, *must* have four years experience as a law enforcement or correctional officer.

This bill does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill would limit the discretion the Governor currently has under s. 943.11, F.S., in appointing law enforcement members to the Criminal Justice Standards and Training Commission.

B. EFFECT OF PROPOSED CHANGES:

Background

Criminal Justice Standards and Training Commission:

The Criminal Justice Standards and Training Commission¹ (CJSTC) has a number of responsibilities relating to the training, certification, and discipline of full-time, part-time, and auxiliary law enforcement officers, correctional officers, and correctional probation officers.

Section 943.11(1)(a), F.S., specifies that the commission is to have a membership of 19 composed of the following persons:

- the Secretary of the Department of Corrections or designated assistant,
- the Attorney General or designated assistant,,
- the Director of the Florida Highway Patrol,
- 3 county sheriffs,
- 3 chiefs of police,
- 5 law enforcement officers who are of the rank of sergeant or below,
- 2 correctional officers
- 1 training center director,
- 1 person in charge of a county jail, and
- 1 resident of Florida who does not fall into any of the other categories.

The 16 positions filled by the sheriffs, chiefs of police, law enforcement officers, correctional officers, training center director, county jail administrator, and citizen member are appointed by the Governor.

In making appointments to the commission, the Governor must take into consideration representation by geography, population, and other relevant factors in order that the representation on the commission be apportioned to give representation to the state at large rather than to a particular area.

Effect of Bill

Of the 16 members of the CJSTC appointed by the Governor, the bill provides that the Governor must choose;

- the three sheriffs, from a list of 6 nominees submitted by the Florida Sheriff's Association. The Sheriff's Association must submit its list of nominees at least 3 months before the expiration of the term of any sheriff member.
- the 3 police chiefs, from a list of 6 nominees submitted by the Florida Police Chief's Association.

¹ s. 943.11, F.S.

- the 5 law enforcement officers and the 1 correctional officer of the rank of sergeant or below, from a list of 6 nominees submitted by a committee comprised of three members of the collective bargaining agent for the largest number of certified law enforcement bargaining units, 2 members of the collective bargaining agent for the second largest number of certified law enforcement bargaining units, and 1 member of the collective bargaining agent for the largest number of certified law enforcement bargaining units. At least one of the nominations must be an officer who is non-union.

This bill requires that consideration of any sheriff, chief of police, law enforcement officer, and correctional officer for appointment as a member of the CJSTC, *must* have four years experience as a law enforcement or correctional officer.

This bill takes effect upon becoming a law.

C. SECTION DIRECTORY:

Section 1. Amends s. 943.11, F.S. to provide requirements for the nomination and appointment to the Criminal Justice Standards and Training Commission.

Section 2. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact on state or local government or the private sector.

III. COMMENTS

The Sheriffs Association does not support this bill.²

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

² The Sheriffs Association feels this bill does not justly represent non-union law enforcement officers.

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Criminal Justice Committee adopted two amendments to the bill. As originally filed, the bill provided that in appointing the five law enforcement officers who sit on the Criminal Justice Standards and Training Commission, the Governor would have to choose from a list of six nominees submitted by the law enforcement organization, inclusive of charters and chapters, which the Public Employees Relations Commission certifies as the collective bargaining agent for the largest number of certified bargaining units on the date the list is submitted. The committee amendments modified the method of nominating the members of the commission to reflect the bill as described above.