

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill requires the Department of Corrections to provide standardized firearms and ammunition to probation officers who elect to carry a firearm. This bill also gives the Department of Corrections the authority to adopt rules.

Maintain Public Security - This bill requires the Department of Corrections to provide standardized firearms and ammunition to probation officers who elect to carry a firearm.

B. EFFECT OF PROPOSED CHANGES:

The Department of Corrections (department) employs over 2,700 correctional probation officers (CPOs) whose primary responsibilities are the supervised custody, surveillance, and control of assigned offenders.¹ Currently, CPOs who have received authorization² from the department may elect to carry department-approved firearms, ammunition, and reloading devices while on duty.³ Although the department currently provides standardized ammunition to its CPOs, the department's rules require that CPOs purchase their own firearm.⁴

This bill requires that the department provide CPOs who elect to carry a firearm a standardized semi-automatic firearm and standardized ammunition for such firearm. Requiring standard weapons and ammunition will promote cost effective procurement by the state and enable the department to provide consistent and uniform firearms training. If the CPO decides to not carry a firearm or is no longer employed by the department, this bill provides that the CPO must return the firearm and any unused ammunition to the department. This bill gives the department the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement its provisions.

Based on an informal survey recently administered by the department, it is estimated that approximately 1,800 CPOs will choose to carry a firearm. This bill provides a non-recurring general revenue appropriation of \$1 million to the department for the purchase of the firearms and ammunition.

¹ Section 943.10(3), F.S., defines "correctional probation officer" as a "full time state employees whose primary responsibilities are the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community." See also Department of Corrections Procedure 302.313.

² CPOs requesting authorization to carry a firearm while on duty must submit a written request to the Department containing documentation that they have complied with the required training and qualification requirements of the Criminal Justice Standards and Training Commission and the Department. The Department must then review the request, review documentation of the officer's training and qualifications, and complete a Florida Crime Information Center/National Crime Information Center check on the officer and the firearm the officer intends to use. If approved, the Department issues the CPO a weapon card, which establishes that the CPO is authorized to carry a specific firearm while on duty. See Rule 33-302.104, F.A.C.

³ Department of Corrections' Procedure 302.313 authorizes CPOs to carry one of the following firearms:

- On or after July 13, 2005,
 - o Smith and Wesson five or six shot revolver of .38 or .357 caliber, with a barrel length of two-four inches
 - o one of the following semi-automatic pistols with a barrel length not to exceed five inches and a magazine with fifteen round law enforcement capacity:
 - Smith and Wesson 9 millimeter,
 - Beretta 9 millimeter, 92 series , or
 - Glock 9 millimeter.
- Prior to July 13, 2005, if an officer purchased an approved firearm not specified above, the officer will be allowed to qualify or maintain qualification with that firearm and will be allowed to continue with annual qualification with that specific firearm.

⁴ Rule 33-302.104(11), F.A.C.

C. SECTION DIRECTORY:

Section 1. Creates s. 943.17001, F.S.; requiring the Department of Corrections to provide a standardized semi-automatic firearm and standardized ammunition to probation officers who choose to carry a firearm; requiring probation officers to return firearms and ammunition to the Department of Corrections if the officer no longer elects to carry a firearm or is no longer employed by the Department of Corrections; granting the Department of Corrections the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S.

Section 2. Provides a non-recurring appropriation of \$1,000,000 from the General Revenue Fund to the department for the 2006-2007 fiscal year for expenses for the purpose of providing a standardized firearm and ammunition to its correctional probation officers.

Section 3. This act takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

A non-recurring appropriation of \$1 million from the General Revenue Fund is provided to the department to carry out the provisions of the bill. This provides for \$500 for a standard issue .9mm handgun and ammunition to approximately 1,800 officers the department predicts would wish to carry a firearm. The Department of Corrections has stated that it will cost \$1,825,389 to carry out the provisions of the bill. The cost estimate provided by the department includes the cost of providing uniform firearms training and other gear associated with carrying a firearm (handcuffs, bullet-proof vest, holster, chemical agents, targets, gun storage locker, etc.) for each CPO. The department would be responsible for absorbing the cost of additional firearms, ammunition and associated gear for any of the remaining 900 CPOs if they later elect to carry a firearm.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take 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:

This bill provides a general grant of rulemaking power to the Department of Corrections to implement the bill's provisions. The bill specifically provides rule-making authority to the department to designate a standardized semi-automatic firearm and standardized ammunition. The bill appears to give sufficient rule making authority that is appropriately limited.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the Criminal Justice Appropriations Committee adopted two amendments to the bill as originally drafted.

Amendment #1 by Representative Adams, provides a non-recurring appropriation of \$1,000,000 from the General Revenue Fund to the Department of Corrections to enable the agency to provide a semi-automatic firearm and ammunition to those correctional probation officers who choose to carry a firearm.

Amendment #2 by Representative Kreegel, the bill sponsor, removes discretion on the part of CPOs to carry personal firearms or weapons of choice, requiring each officer to carry a standard department-issued firearm