

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 333 Temporary Employment or Appointment of Officers

SPONSOR(S): Criminal Justice Subcommittee; Burgess, Jr.

TIED BILLS: **IDEN./SIM. BILLS:** SB 470

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	8 Y, 0 N, As CS	Bruno	Sumner
2) Judiciary Committee	17 Y, 0 N	Bruno	Poche

SUMMARY ANALYSIS

Law enforcement officers in Florida must complete a commission-approved basic recruit training program or qualify for an exemption from the training requirement. A person may be exempt from the basic recruit training requirement if he or she completed a comparable basic recruit training program in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year. A person is ineligible for this exemption if more than 8 years have passed since his or her most recent qualifying employment.

CS/HB 333 adds an exemption to the basic recruit training program for an applicant who has served in the special operations forces of the U.S. military for at least 5 years, provided there is no more than a 4-year break from the applicant's special operations forces experience at the time of application. The bill defines special operations forces to include servicemembers of the Army 75th Ranger Regiment; the Navy SEALs and Special Warfare-Craft Crewman; the Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the Marine Corps Critical Skills Operators; and any other component of the Special Operations Command approved by the Commission. The Commission may require an exempt applicant to complete additional training as it deems appropriate, based on the applicant's prior training and experience.

The bill may have a positive fiscal impact on local government.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Law Enforcement Officer Minimum Qualifications

In Florida, a law enforcement officer is a person who:

- Is elected, appointed, or employed full-time by any municipality, the state, or a political subdivision;
- Is vested with authority to bear arms and make arrests; and
- Is primarily responsible for the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of this state.¹

At a minimum, a person must meet the following requirements in order to be a law enforcement officer in Florida:

- Be at least 19 years old;
- Be a U.S. citizen;
- Be a high school graduate or its equivalent;
- Not have any disqualifying criminal history, including a conviction for a felony, a conviction for a misdemeanor involving perjury or false statement, or a dishonorable discharge from the Armed Forces;
- Document his or her processed fingerprints on file with the employing agency;
- Pass a physical examination;
- Have good moral character, as determined by a background investigation;
- Submit an affidavit-of-applicant form;
- Complete a commission-approved basic recruit training program;
- Pass the officer certification examination; and
- Comply with continuing training or education requirements.²

Basic Recruit Training

The Criminal Justice Standards and Training Commission (Commission) was created within the Florida Department of Law Enforcement to establish, implement, and evaluate criminal justice standards and training for all law enforcement, correctional, and correctional probation officers.³ Among the Commission's responsibilities are establishing uniform minimum training standards and minimum curricular requirements for criminal justice training schools.⁴ The Commission is required to design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for the basic recruit training program.⁵ The 2017 basic recruit training program is 770 hours long, covering the following topics:

- Introduction to Law Enforcement;
- Legal;
- Interactions in a Diverse Community;
- Interviewing and Report Writing;
- Fundamentals of Patrol;
- Calls for Service;
- Criminal Investigations;

¹ S. 943.10(1), F.S.

² S. 943.13, F.S.

³ S. 943.12, F.S.

⁴ SS. 943.12(5) & (8), F.S.

⁵ S. 943.17, F.S.

- Crime Scene to Courtroom;
- Critical Incidents;
- Traffic Stops;
- DUI Traffic Stops;
- Traffic Crash Investigations;
- Law Enforcement Vehicle Operations;
- First Aid for Criminal Justice Officers;
- Criminal Justice Firearms;
- Criminal Justice Defensive Tactics;
- Dart-Firing Stun Gun; and
- Criminal Justice Officer Physical Fitness Training.⁶

Exemption from the Basic Recruit Training Requirement

A person may be exempt from the basic recruit training requirement if he or she completed a comparable basic recruit training program in another state or for the Federal Government and served as a full-time sworn officer in another state or for the Federal Government for at least 1 year.⁷ A person is ineligible for this exemption if more than 8 years have passed since his or her most recent qualifying employment.⁸ The employing agency or criminal justice selection center⁹ must verify an applicant's exempt status and submit documentation of the exemption to the Commission.¹⁰ Within 1 year, the applicant must demonstrate proficiency in high-liability areas, as defined by the Commission, and pass the officer certification examination.¹¹ The high-liability areas requiring a demonstration of proficiency include law enforcement vehicle operations, first aid for criminal justice officers, criminal justice firearms, criminal justice defensive tactics, dart-firing stun gun, and criminal justice officer physical fitness training.¹²

United States Special Operations Forces

Special operations forces are those active and reserve component forces of the U.S. Armed Forces specifically organized, trained, and equipped to conduct and support special operations.¹³ These small, specially organized units are manned by people carefully selected and trained to operate under physically demanding and psychologically stressful conditions to accomplish missions using modified equipment and unconventional applications of tactics against strategic and operational objectives.¹⁴ Special operations forces fall under the United States Special Operations Command, which includes:

- Army Special Operations Command;
- Naval Special Warfare Command;
- Air Force Special Operations Command; and
- Marine Corps Forces Special Operations Command.¹⁵

⁶ Rule 11B-35.002, F.A.C.

⁷ S. 943.13(9), F.S.

⁸ Id.

⁹ A criminal justice selection center provides standardized evaluation of preservice and inservice candidates for all units of the criminal justice system in the region, thereby establishing a pool of qualified officers for criminal justice agencies throughout the region. S. 943.256, F.S.

¹⁰ S. 943.131(2), F.S.

¹¹ Id.

¹² Florida Department of Law Enforcement, *Florida Law Enforcement Academy (Version 2017.07) #2000*, available at: <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses/2000.aspx> (last viewed January 29, 2018).

¹³ Congressional Research Service, *U.S. Special Operations Forces (SOF): Background and Issues for Congress* (January 6, 2017), available at: <https://fas.org/sgp/crs/natsec/RS21048.pdf> (last viewed January 29, 2018).

¹⁴ Joint Special Operations Task Force Operations, *Joint Publication 3-05.1*, at I-1 (April 26, 2007), available at: https://fas.org/irp/doddir/dod/jp3_05_01.pdf (last viewed January 29, 2018).

¹⁵ United States Special Operations Command Office of Communication, *2018 Fact Book*, available at: <http://www.socom.mil/FactBook/2018%20Fact%20Book.pdf> (last viewed January 29, 2018).

Effect of Proposed Changes

CS/HB 333 adds an exemption from the basic recruit training program for an applicant who has served in the special operations forces of the U.S. military for at least five years, provided there is no more than a 4-year break from the applicant's special operations forces experience at the time of application. The bill defines special operations forces to include servicemembers of the Army 75th Ranger Regiment; the Navy SEALs and Special Warfare-Craft Crewman; the Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the Marine Corps Critical Skills Operators; and any other component of the Special Operations Command approved by the Commission. The Commission may require an exempt applicant to complete additional training as it deems appropriate, based on the applicant's prior training and experience.

A veteran of the special operations forces with the requisite 5-years of experience could become a law enforcement officer without completing the full 770 hours of basic recruit training. An exempt applicant would still have to meet other minimum qualifications, such as passing a physical examination and having good moral character, and complete any additional training required by the Commission. As with applicants currently exempt due to prior law enforcement experience in another jurisdiction, an exempt applicant must demonstrate proficiency in high-liability areas and pass the officer certification examination within 1 year of receiving the exemption.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 943.10, F.S., relating to definitions; ss. 943.085-943.255.
- Section 2:** Amends s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment.
- Section 3:** Amends s. 943.131, F.S., relating to temporary employment or appointment; minimum basic recruit training exemption.
- Section 4:** Reenacts s. 626.989, F.S., relating to investigation by department or Division of Investigative and Forensic Services; compliance; immunity; confidential information; reports to division; division investigator's power of arrest.
- Section 5:** Reenacts s. 943.13, F.S., relating to officers' minimum qualifications for employment or appointment.
- Section 6:** Reenacts s. 943.133, F.S., relating to responsibilities of employing agency, commission, and program with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief.
- Section 7:** Reenacts s. 943.1395, F.S., relating to certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.
- Section 8:** Provides an effective date of July 1, 2018.

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:

The bill may have a positive fiscal impact on local government. Law enforcement agencies who sponsor applicants during their basic recruit training program would no longer pay for exempt applicants' training and may see decreased expenditures.

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. The bill does not appear to affect municipal or county governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Law Enforcement has sufficient rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2018, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Required that there be no more than a 4-year break from an applicant's special operations forces experience in order to qualify for an exemption from the basic recruit training requirement.
- Allowed the Commission to require an exempt applicant to undergo additional training as it deems necessary, based on the applicant's prior training and experience.
- Included the exemption for applicants with special operations forces experience in s. 943.13, F.S. to address a drafting issue with the bill as originally filed.

This analysis is drafted to the committee substitute passed by the Criminal Justice Subcommittee.