

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 854

INTRODUCER: Senator Brandes

SUBJECT: Corrections Specialists

DATE: January 8, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	<b>Pre-meeting</b>
2.			ACJ	
3.			AP	

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**I. Summary:**

SB 854 creates a new category of employees, entitled “Corrections Specialists,” within the Department of Corrections (DOC). The DOC may employ or appoint a person who is 18 years of age, rather than 19, as a corrections specialist. A corrections specialist is prohibited from having contact with inmates, but may perform all other duties performed by a person temporarily employed under s. 943.131, F.S.

To be eligible to be employed as a corrections specialist, the person must meet the same criteria as correctional officers, including, in part:

- Being a citizen of the United States, notwithstanding any law of the state to the contrary;
- Being a high school graduate or its “equivalent”; and
- Having no convictions for any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States.

A person seeking to become a corrections specialist must also complete a Criminal Justice Standards and Training Commission (Commission) approved basic recruit training program for the applicable criminal justice discipline or be enrolled in a basic recruit training program available in the geographic location, unless exempt under law. Additionally, he or she must achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

The bill restricts the length of time a person can serve as a corrections specialist to a total of 30 months. However, a person that is attending the first available training program offered in his or her geographic area may continue to be employed as a corrections specialist until he or she:

- Fails or withdraws from the basic recruit training program; or
- Is separated from employment or appointment by the employing agency.

The bill is effective July 1, 2018.

## II. Present Situation:

The Commission, which is housed within the Florida Department of Law Enforcement (FDLE) is, in part, responsible for implementing requirements related to the training, certification, and discipline of full-time, part-time,<sup>1</sup> and auxiliary<sup>2</sup> correctional officers.<sup>3</sup>

Section 943.10(2), F.S., defines “correctional officer” to mean any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

Section 943.13, F.S., provides that to be eligible to be employed as a correctional officer, the person must:

- Be at least 19 years of age;
- Be a citizen of the United States, notwithstanding any law of the state to the contrary;
- Be a high school graduate or its “equivalent;”<sup>4</sup>
- Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States;<sup>5</sup>
- Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the DOC or the Commission;<sup>6</sup>

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<sup>1</sup> Section 943.10(7), F.S., defines “part-time correctional officer” to mean any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution.

<sup>2</sup> Section 943.10(9), F.S., defines “auxiliary correctional officer” to mean any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility.

<sup>3</sup> Correctional officers are eligible for special risk class benefits in accordance with s. 121.0515, F.S. Special risk class membership awards more retirement credit per year of service than is awarded to other employees due to the increased risk that such employees undertake as a part of their duties. Membership of correctional officers in the special risk class is determined by whether the officer’s primary duties and responsibilities involve the custody of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or whether the officer is the supervisor or command officer of a member or members who have such responsibilities. Section 121.0515(1) and (3)(c), F.S.

<sup>4</sup> Section 943.13(3), F.S., provides that the Commission must define the term high school equivalency in rule.

<sup>5</sup> Section 943.13(4), F.S., further specifies that: a. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication; and b. Any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

<sup>6</sup> Section 943.13(5), F.S., provides that the FDLE must retain and enter into the statewide automated biometric identification system all fingerprints submitted. Thereafter, the fingerprints must be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051, F.S. The FDLE is also

- Have passed a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;
- Have a good moral character as determined by a background investigation by the Commission;
- Execute and submit a sworn affidavit-of-applicant form attesting to his or her compliance with the above-listed requirements to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity;
- Complete a Commission approved basic recruit training program for the applicable criminal justice discipline, unless exempt under law;<sup>7</sup> and
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

If a critical need for officers exists, the employing agency may temporarily employ a person as a correctional officer, if he or she has met all the requirements listed above, but has not completed basic recruit school or received an acceptable score on the certification examination.<sup>8</sup> A person temporarily employed as a correctional officer must attend the first training program offered in the geographic area and must be supervised by another correctional officer anytime he or she is performing any duties of a correctional officer.<sup>9</sup>

A correctional officer must also comply with the continuing education requirements proscribed in s. 943.135, F.S.

The DOC reports that 23 states permit 18 year olds to be employed as correctional officers.<sup>10</sup>

### III. Effect of Proposed Changes:

The bill creates s. 943.1311, F.S., establishing a new category of employees, entitled “Corrections Specialists,” within the DOC. To be employed as a corrections specialist the person must comply with all of the requirements of s. 943.13, F.S., described above, however may be 18 years of age, rather than 19.

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required to search all arrest fingerprints received pursuant to s. 943.051, F.S., against the fingerprints retained in the statewide automated biometric identification system in accordance with s. 943.13, F.S., and report to the employing agency any arrest records that are identified with the retained employee’s fingerprints. These fingerprints must be forwarded to the FDLE for processing and retention.

<sup>7</sup> Section 943.13(9), F.S., provides an exemption for an applicant to be required to take the basic recruit training program, including that if the applicant has completed a comparable basic recruit training program for the applicable criminal justice discipline 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. For the exemption to be available, the applicant cannot have more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for the exemption.

<sup>8</sup> Section 943.131(1)(a), F.S.

<sup>9</sup> Section 943.131(1)(a) and (c), F.S.

<sup>10</sup> These states include Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Florida Department of Corrections, *Senate Bill 854 Analysis*, at p. 2 (September 19, 2017) (on file with the Senate Committee on Criminal Justice).

The bill prohibits a corrections specialist from having contact with inmates, but allows him or her to perform all other duties performed by a person temporarily employed under s. 943.131, F.S.<sup>11</sup>

Additionally, the bill prohibits a corrections specialist from being employed in this position for more than 30 months. However, a person that is attending the first available training program offered in his or her geographic area may continue to be employed as a corrections specialist until he or she:

- Fails or withdraws from the basic recruit training program; or
- Is separated from employment or appointment by the employing agency.

The bill is effective July 1, 2018.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill permits the DOC to hire persons who are 18 years of age to perform limited correctional officer functions. To the extent that this bill increases the number of persons the DOC is able to hire, the bill will likely reduce the current vacancy rate within correctional facilities.

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<sup>11</sup> A corrections specialist will not qualify for special risk class benefits because he or she will not have contact with inmates, which is required pursuant to s. 121.0515, F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 943.1311 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.