

# 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: CS/SB 2036

SPONSOR: Criminal Justice Committee and Senator Bronson

SUBJECT: Criminal Justice Standards Comm.

DATE: April 10, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gardner	Cannon	CJ	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Committee Substitute for Senate Bill 2036 would make several changes to ch. 943, F.S., dealing with the Criminal Justice Standards and Training Commission and law enforcement officer training, in addition to making several technical or linguistic changes. The Department of Law Enforcement (FDLE) asserts that this bill will amend the statutes to bring them in line with current practice and evolving standards of law enforcement training and professionalism. Some of the modifications include, but are not limited to the following:

- Allows FDLE to adopt rules from other entities rather than promulgate them internally;
- Authorizes FDLE to conduct official inquiries of law enforcement instructors;
- Allows certification of officers from other jurisdictions who pass exams and show proficiencies in skills like defensive driving and firearms, without having to repeat basic training;
- Restricts law enforcement agencies from certifying officers in disciplines the agency is not allowed to utilize;
- Allows FDLE to revise entry requirements for specialized training programs and adopt new training programs; and
- Removes language that traffic accident investigation training contain more than 200 hours of instruction.

The provisions of this bill would become effective on July 1, 2001.

This bill substantially amends or repeals the following sections of the Florida Statutes: 316.604, 943.12, 943.13, 943.131, 943.135, 943.1395, 943.14, 943.17, 943.173, 943.175, 943.22, and 943.25.

## II. Present Situation:

According to the Bureau Chief of Training for the Criminal Justice Standards and Training Commission (commission) of FDLE, there are a number of places in the statutes pertaining to the commission that have become outdated, refer to other statutes that have been changed, or no longer conform to current practice.

The following paragraphs analyze the current status of these statutes in the order that they are addressed in the Committee Substitute for Senate Bill 2036.

Section 1 of this bill refers to s. 943.12, F.S., concerning the duties and powers of the commission. The law requires the commission to promulgate rules for the administration of ss. 943.085 through 943.255, F.S., which deal with the training and certification of law enforcement officers in Florida. The commission is authorized to certify or revoke the certification of officers, instructors, and criminal justice training schools, under s. 943.12(3), F.S., and authorize the issuance of certificates for criminal justice training schools, under s. 943.12(7), F.S.

Section 2 of this bill refers to s. 943.13, F.S., concerning the minimum qualifications for becoming an officer in Florida, such as being at least 19, being a U.S. citizen, being a high school graduate, passing a physical exam by a licensed physician, and not having a felony record.

Section 3 of this bill refers to s. 943.131, F.S., concerning the exemption from minimum basic training requirements for experienced officers from other jurisdictions. To qualify for an exemption, the employing agency must verify that the officer completed a comparable basic training program in another jurisdiction. If the applicant is exempted from basic training, the applicant must still complete training in areas such as defensive driving, defensive tactics, firearms training and first responder training.

Section 4 of this bill refers to s. 943.135, F.S., concerning continuing officer training. Officers have to complete 40 hours of additional training every 4 years to stay current on their certifications. The statute mentions a remediation program for those officers who have learning disabilities and have tried to comply with the requirements for continuing education.

Section 5 of this bill refers to s. 943.1395, F.S., concerning the practice of allowing officers to hold certification in 2 disciplines, such as law enforcement and corrections. An officer who complies with s. 943.13, F.S., can hold concurrent certification and can be assigned to either discipline within the employing agency. This occurs when an employee of a sheriff's office can operate as either a deputy or a jailer.

Section 6 of this bill refers to s. 943.14, F.S., concerning criminal justice training schools, most of which are located in community colleges and technical schools. The schools and their curriculum must be approved by the commission.

Section 7 of this bill refers to s. 943.17, F.S., concerning the commission's duty to evaluate the programs for basic recruit training and advanced training. For any new or existing program, the

commission has to establish measurements of an officer's acquisition of knowledge, skills and abilities.

Section 8 of this bill refers to s. 943.173(2), F.S., requiring the examinations adopted by the commission be administered in certified criminal justice training schools under the supervision of the training center director.

Section 9 of this bill refers to s. 943.175, F.S., concerning in-service and specialized training. These courses are the responsibility of the employing agency or the criminal justice training school and do not have to be approved by the commission. However, the commission has to establish criteria whereby an employing agency or the criminal justice training school may submit their training programs to the commission for approval.

Section 10 of this bill refers to s. 943.22, F.S., concerning law enforcement salary incentives and defines an accredited college as one that has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, or the American Association of Collegiate Registrars and Admissions Officers.

Section 11 of this bill refers to s. 943.25, F.S., concerning criminal justice trust funds. No training costs may be assessed against an officer or agency for a training course funded through the Criminal Justice Standards and Training Trust Fund under s. 943.25(6), F.S.

Section 12 of this bill refers to s. 316.640, F.S., concerning enforcement of traffic laws in Florida. This statute states that the Florida Highway Patrol may employ as traffic accident investigation officers only those officers who have completed at least 200 hours of training and instruction in traffic accident investigation and courtroom presentation through the Selective Traffic Enforcement Program of the commission.

### **III. Effect of Proposed Changes:**

According to FDLE, this bill seeks to address a number of situations in the law pertaining to the Criminal Justice Standards and Training Commission where references and policies have changed over time, or the requirements have become outdated. Some of these changes are substantive, but many of them are linguistic and technical. FDLE asserts that this bill will amend the statutes to bring them in line with current practice and evolving standards of law enforcement training and professionalism.

The following paragraphs analyze each section of the Committee Substitute for Senate Bill 2036, and the impact of what is added, amended, repealed, or modified.

Section 1 of this bill amends s. 943.12, F.S., to allow the commission to conduct official inquiries or require criminal justice training schools to conduct inquiries of instructors who are certified by the commission. s. 943.12(7), F.S. The commission has the authority to certify or revoke the certification of officers, instructors, and training schools. s. 943.12(3), F.S. According to the commission, it needs the authority to conduct the inquiries so that it will have the information upon which to base their decisions to certify or revoke. This section repeals s. 943.12(9), F.S., which requires the commission to "Authorize the issuance of certificates for

instructors.” It is the commission itself that certifies instructors, and not some other entity so authorized by the commission.

Section 2 of this bill amends s. 943.13(5) and (6), F.S., pertaining to the minimum qualification for employment as an officer in Florida. This amendment will require all criminal justice employing agencies, including private prisons, to submit their officers’ processed fingerprints to FDLE. There is an amendment to s. 943.13(6), F.S., that would allow the physical examination required of all recruits to be performed by a licensed physician or a physician assistant. This amendment conforms the law to the accepted practice, according to the commission.

Section 3 of this bill amends s. 943.131, F.S., concerning exemptions from the basic recruit training requirements for officers from other jurisdictions seeking to become certified in Florida. This is a substantive change in the law. This amendment would add the qualification that an officer show successful completion of comparable basic recruit training “in the discipline in which the applicant is seeking certification” to be exempt from that training requirement. For example, an officer coming to Florida who is certified to be a law enforcement officer, and is wanting to take a job with the Department of Corrections that requires correctional officer certification, would have to show that he or she has successfully completed a comparable basic recruit training program for the discipline of correctional officer.

Applicants who are exempted would be required to pass an examination and demonstrate proficiency in “high-liability” areas defined by commission rule. According to the commission, these are the same as “defensive driving, defensive tactics, firearms training, and first responder training,” which specific training requirements would be removed from the statute by this bill. There is a condition set forth in the amendment requiring the officer to pass the exam and show such proficiency within 180 days. Any officer who can not do that will have to take a commission approved basic recruit training program.

Section 4 of this bill repeals s. 943.135(1)(c), F.S., in the section on the requirement for continuing law enforcement education. This bill repeals a provision of the law that allows for a remediation program that no longer exists. The amendment is technical and conforming.

Section 5 of this bill amends s. 943.1395, F.S., concerning concurrent officer certification as both a law enforcement and corrections officer. This amendment will only allow concurrent certification if the employing agency has the authority to employ both disciplines. An example of such an agency would be a sheriff’s office, where an officer could be either a deputy or a jailer. A prison or a municipal police department could employ an officer as either a corrections officer or a law enforcement officer, respectively. However, those officers could not maintain certification under both disciplines.

Section 6 of this bill amends s. 943.14, F.S., concerning criminal justice training schools, most of which are located in community colleges and technical schools. This amendment would remove the requirement that the schools and their curriculum must be approved by the commission in writing. According to the commission, the fact that they certify the school shows that the training is approved. This amendment also deletes s. 943.14(6), F.S., which said that approved criminal justice training schools did not have to comply with subsection (1) through (5) of this section,

unless the school taught commission approved courses. According to the commission, this provision is obsolete because the school and training must be approved by the commission.

Section 943.14(2), F.S., states that every graduation certificate or diploma has to be approved by the commission itself. An amendment to this subsection states that the commission staff, rather than the commission itself, would become the entity that approves every graduation certificate or diploma. According to the commission, this is a delegation of authority conforming to practice.

Section 7 of this bill amends s. 943.17, F.S., concerning the commission's duty to evaluate the programs for basic recruit training and advanced training. This amendment adds the phrase "entry requirements" to the list of things related to training that the commission may implement and revise. This would give the commission the authority to specify entry requirements for criminal justice training courses.

This amendment would allow the commission to adopt training programs, a technical change. This amendment deletes a provision requiring the commission to adopt testing that assesses an officer's acquisition of knowledge and skills from any new or existing training course. The amendment would replace that provision with a requirement that the commission design or adopt a specialized training program to enhance an officer's ability to perform his or her job. According to the commission, it does not adopt the exams used by training schools. This would conform the statute to current practice.

Section 8 of this bill would delete from s. 943.173(2), F.S., the phrase, "adopted by the commission" in reference to examinations administered at certified criminal justice training schools. According to the commission, it does not adopt the exams used by training schools. This would conform the statute to current practice.

Section 9 of this bill amends s. 943.175, F.S., concerning in-service and specialized training. This amendment would delete references to "specialized" training throughout the section and delete the requirement that the commission establish criteria whereby an employing agency or the criminal justice training school can submit their training programs to the commission for approval. According to the commission, the employing agencies should be able to establish their own in-service training without getting the commission's prior approval. This is a substantive change.

Section 10 of this bill deletes a reference in s. 943.22, F.S., to the American Association of Collegiate Registrars and Admissions Officers as one of the college accrediting agencies the commission will respect, because it is not an accrediting agency. This is a technical change.

Section 11 of this bill refers to s. 943.25, F.S., concerning officer training paid for by criminal justice trust funds. The amendment would insure that training costs may not be assessed against an officer or agency for a training course funded through the Criminal Justice Standards and Training Trust Fund under s. 943.25(6), F.S., and approved by the commission. This is a technical change.

Section 12 of this bill amends s. 316.640, F.S., concerning enforcement of traffic laws in Florida. This statute states that the Florida Highway Patrol may employ as traffic accident investigation

officers only those officers who have completed at least 200 hours of training and instruction in traffic accident investigation and courtroom presentation through the Selective Traffic Enforcement Program of the commission. This amendment would remove the requirement that certified traffic accident investigators receive at least 200 hours of training and instruction. This is a substantive change. According to the commission, this training does not require 200 hours.

**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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.