

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 335 Employment and appointment of officers.
SPONSOR(S): Rep. Dean
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1650

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice (Sub.)	6 Y, 0 N	Cole	De La Paz
2) Public Safety and Crime Prevention	15 Y, 0 N w/CS	Cole	De La Paz
3) Public Safety Appropriations (Sub.)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

This bill authorizes the Criminal Justice Standards and Training Commission to certify and revoke certification on law enforcement agency in-service instructors.

Currently, in order to be exempt from attending the basic training academy, an applicant for a sworn law enforcement position in the state must have been a sworn officer in another state or for the federal government for a period of at least one year. This bill adds a requirement that the applicant's employment must have been within the last eight years in order for them to be qualify for the exemption.

This bill adds that a person hired under the temporary hiring provisions must begin a basic training academy within 180 days, successfully complete that training within 18 months, and take and pass the state certification exam within 180 days after completing the academy. It also extends from 180 days to 30 months the time period that anyone hired under the temporary hiring provisions may be employed in a temporary capacity.

This bill adds that a person who was an officer must be reemployed or reappointed within 8 years or they must re-attend the basic training academy. This bill also clarifies that all officers hired under the temporary hiring provisions are subject to that same rules and disciplinary procedures as a regular officer.

The bill does not allow officers who are hired under a temporary employment authorization (TEA) to continue their employment or appointment if they fail or withdraw from basic recruit training, fail the basic recruit certification exam, or is separated from employment by the employing agency within the time limits provided.

This bill would allow law enforcement and corrections agencies to fill vacancies with applicants from other states or the federal government and with trainees who can be certified at a later date.

There appears to be no negative fiscal impact to state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0335a.ps.doc
DATE: March 27, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Section 943.12, F.S., currently allows the Criminal Justice Standards and Training Commission to certify and revoke the certification of officers, instructors, and criminal justice training schools.

This bill provides the authority for the Criminal Justice Standards and Training Commission (CJSTC) to also certify and revoke the certification of agency in-service training instructors.

Section 943.13, F.S., currently allows applicants who have worked as a sworn officer in another state or for the federal government to be exempt from attending the applicable basic recruit training program if they were employed full-time in that capacity for at least one year. There is also a time period of 180 days for these individuals to meet the requirements of s.943.13 (10) (state certification exam).

This bill adds the qualification that the one year of full time employment must have been within eight years of the time the applicant is applying for a sworn position within this state. This bill also extends the time limit to 1 year on those officers hired from out of state or from the federal government to take and pass the state certification exam.

Section 943.131 F.S., currently provides for the procedure to hire or appoint sworn officers who have not attended a basic recruit academy if a critical need exists as long as that person is enrolled in the next approved basic recruit academy in that geographic area. Section 943.131(1) (b) also provides for a person to only be employed or appointed for a period of 180 days.

This bill provides for a time limit in which that basic recruit training must be started and finished. Training is proposed to begin within 180 consecutive days of employment as a sworn officer. The requirements of S. 943.13(9), F.S., must be met within 18 months of beginning recruit training. The bill also requires that that the provisions of S. 943.13(10), F.S., (state certification exam) must be met within 6 months of completing basic recruit training. The bill also extends from 180 days to 30 months the time period that anyone hired under the temporary hiring provisions may be employed in a temporary capacity. The bill also clarifies that such a person hired or appointed under a temporary status shall not be eligible to transfer that temporary status to another employer while employed in that temporary status. The bill clarifies that all people hired under this temporary status are subject to all of the requirements of S.943.1395 F.S., and that anyone who has had their certification revoked by CJSTC or voluntarily relinquished it, are ineligible to be hired or appointed under this subsection.

Section 943.1395 (3) F.S., currently does not have any provision on how long a former officer can remain in a non-sworn position before totally losing their particular certification from CJSTC.

This bill provides that any former officer must be employed within 8 years from the last time they were a sworn officer, before they must go back through a basic training academy. The bill provides that sworn officers who were employed or appointed under the temporary provision of S. 943.131 F.S. to fall under the same disciplinary procedures as a regular, full-time, sworn officer.

C. SECTION DIRECTORY:

Section 1: Amends S. 943.12(3) F.S., relating to CJSTC's certification and revocation authority.

Section 2: Amends S. 943.13(9) F.S., relating to the exemption from attending the basic recruit training academy.

Section 3: Amends S. 943.131 F.S. relating to requirements to attend basic recruit training and provisions relating to temporary employment as a law enforcement officer.

Section 4: Amends S. 943.1395 F.S., relating to reemployment of former law enforcement officers.

Section 5: Amends S. 943.17 F.S. relating to exemptions for vocational training.

Section 6: Reenacts S. 943.13 F.S., to incorporate changes made by the bill.

Section 7: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See Fiscal Comments.

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:

The bill does not appear to have any fiscal impact on state or local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A

2. Other: N/A

B. RULE-MAKING AUTHORITY: N/A

C. DRAFTING ISSUES OR OTHER COMMENTS: N/A

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Amendment 1 clarifies language that an applicant have no more than an 8 year break in service from the time they last held qualifying employment and the time a completed application is submitted for an exemption under S. 943.13, F.S.

Amendment 2 clarifies that an officer hired under a temporary employment authorization may not continue to be employed or appointed if they are disqualified under the requirements of subsection 1, 2, or 3 of S. 943.131(1)(b).