

STORAGE NAME: h0359.lecp

DATE: January 3, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: HB 359

RELATING TO: Law Enforcement Officers Minimum Qualifications for Employment

SPONSOR(S): Representative Trovillion

TIED BILL(S): SB 128(I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND CRIME PREVENTION
 - (2) GOVERNMENTAL OPERATION
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 359 requires that all full-time or part-time law enforcement officers hired on or after October 1, 2005 must hold an associates degree or its equivalent. House bill 359 does not specify that correctional officers are subject to the provisions of the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | 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. PRESENT SITUATION:

Currently, law enforcement training programs are vocational certificate programs which are taught at either vocational-technical centers operated by school districts or at community colleges. The course requirements include classes in firearms, defensive tactics, interpersonal skills and driving. All law enforcement training classes must be approved by the Criminal Justice Standards and Training Commission (CJSTC).

The current minimum qualifications for employment as a law enforcement officer requires: (1) a high school diploma or its "equivalent", (2) the applicant must be a citizen of the United States, (3) must have reached the age of 19, (4) have not been convicted of a felony or misdemeanor of domestic violence or false statement, (5) have been fingerprinted by the employing agency, (6) passed a physical exam, (7) have good moral character, (8) signed an affidavit attesting to compliance with the above sections, (9) completed a commission-approved basic recruit training program, and (10) achieved an acceptable score on the officer certification exam.

According to the Criminal Justice Standards and Training Commission, there has been an effort both in the Legislature and by the Commission, for many years, to increase the education requirements for law enforcement officers. The current educational program is a vocational certificate which does not count toward college credit. Students who enroll in a law enforcement training course only get a certificate of completion.

C. EFFECT OF PROPOSED CHANGES:

House Bill 359 mandates that all law enforcement officers employed or appointed on or after October 1, 2005 shall hold an associates degree or its equivalent, as defined by commission rule. Clearly, HB 359 applies to all law enforcement officers hired on or after October 1, 2005. However, the current language could also be construed to include persons already "employed or appointed" as law enforcement officers on October 1, 2005. In other words, the current language could infer that law enforcement officers hired before October 1, 2005 would not be "grand fathered" into the system. The sponsor of HB 359 has expressed a desire to amend the current language to clarify that officers hired before the October 1, 2005 would be "grand-fathered" into the system. This would not require them to obtain an associates degree to continue employment. The bill does not include

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correctional officers or correctional probation officers. Therefore, they would not be required to attain an associates degree under the provisions of HB 359.

- D. SECTION-BY-SECTION ANALYSIS: This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

Some law enforcement agencies employing officers in the State of Florida may have to offer increased salaries for officers employed, because of the additional education requirement.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Some local law enforcement agencies may need to offer higher salaries to officers to compete with other employers, based on the educational requirement.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

There is no direct fiscal impact projected other than the possibility of some salary increases for officers hired on or after October 1, 2005, based on the increased educational requirement. There is a possibility that costs related to the recruitment of applicants could also increase with the additional education requirement.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

With the increase in educational requirements, it is suggested by some that there is a possibility that the recruitment of qualified law enforcement officers may become more difficult.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Representative Trovillion is offering an amendment to House Bill 359 that deletes the words "and correctional" on lines 2 and 3, and also deletes the words "or correctional officer" on lines 5 and 6 of the title. This portion of the amendment clarifies that correctional officers are in no way included in the new language requirements set forth in HB 359.

Also, page 2, line 1, is amended to delete: "person employed or appointed" with insertion of the following language "applicant for certification pursuant to s. 120.60" This will allow for officers that are employed before October 1, 2005 to be "grandfathered" into the system, and they would not be required to get an associates degree to continue employment as a law enforcement officer. The original language in HB 359 could be construed to require all law enforcement officers to obtain an associates degree on or before October 1, 2005 to continue employment.

Also, this amendment prevents any person from being *certified* as a law enforcement officer on or after October 1, 2005 without an associates degree. The previous language would have allowed a person to become *certified* as a law enforcement without an associates degree, but not be *employed* as a law enforcement officer in the State of Florida without an associates degree.

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VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

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