

# 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 2288

SPONSOR: Criminal Justice Committee and Senator Futch

SUBJECT: Criminal Justice Standards and Training

DATE: February 25, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Favorable/CS
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The Committee Substitute for Senate Bill 2288 would make numerous changes to ch. 943, F.S., dealing with the Florida Department of Law Enforcement’s Criminal Justice Standards and Training Commission (CJSTC) and law enforcement officer training. CJSTC asserts that the CS 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 CJSTC to adopt rules from other entities rather than promulgate them internally;
- Authorizes CJSTC to conduct official inquiries of law enforcement instructors;
- Allows experienced officers from other jurisdictions to be certified without repeating basic training if they pass exams and show proficiency in skills like defensive driving and firearms;
- Allows CJSTC 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 CS also amends s. 790.065(14), F.S., to extend the Firearm Purchase Program until June 1, 2004.

The CS has an effective date of July 1, 2002, except that the extension of the Firearm Purchase Program will take effect upon becoming a law.

This CS substantially amends or repeals the following sections of the Florida Statutes: 316.604, 790.065, 943.12, 943.13, 943.131, 943.135, 943.14, 943.17, 943.173, 943.175, 943.22, 943.25.

## II. Present Situation:

*Section 1* of the CS pertains to the Firearm Purchase Program that is set forth in s. 790.065, F.S. The Florida Department of Law Enforcement operates the Firearm Purchase Program which runs background checks on all individuals who attempt to purchase a firearm from a licensed importer, dealer, or manufacturer.

During the year 2001, FDLE indicates there were 6,873 non-approvals of 275,755 record checks made. Of those non-approvals 160 were wanted for a felony offense, 1,622 were illegal aliens, had pending criminal court cases or had dishonorable discharges from the armed forces, 819 had criminal cases in which adjudication was withheld, 1,333 had domestic violence convictions or injunctions, and 2,939 were convicted or habitual felons.

The program is scheduled to end as of June 1, 2002, unless extended by the Legislature.

*Section 2* refers to s. 943.12, F.S., concerning the duties and powers of the CJSTC. CJSTC is statutorily required to promulgate rules regarding training and certification of law enforcement officers in Florida. Section 943.12(3), F.S., authorizes CJSTC to certify or revoke the certification of officers, instructors, and criminal justice training schools, and s. 943.12(7), F.S., authorizes it to issue certificates for criminal justice training schools.

*Section 3* refers to s. 943.13(6), F.S., which requires that an applicant must pass a physical exam by a licensed physician as one of the minimum qualifications for becoming an officer in Florida.

*Section 4* pertains to s. 943.131, F.S., which permits experienced officers from other jurisdictions to be exempted from basic recruit training. To qualify for an exemption, the employing agency must verify that the officer completed a comparable basic training program. If exempted, the applicant must still complete training in areas such as defensive driving, defensive tactics, firearms training and first responder training.

*Section 5* relates to s. 943.135(1), F.S., concerning continuing officer training. The subsection directs CJSTC to adopt rules requiring officers to complete 40 hours of additional training every 4 years to stay current on their certifications. Among other provisions, the rule must provide for a remediation program for those officers who have learning disabilities and have tried to comply with the requirements for continuing education.

*Section 6* refers to s. 943.14, F.S., concerning the regulation of criminal justice training schools, most of which are located in community colleges and technical schools. The schools and their curriculum must be approved by CJSTC. The section also requires that an applicant for basic recruit training must have his or her fingerprints taken and forwarded to the Florida Department of Law Enforcement and Federal Bureau of Investigation for background checks.

**Section 7** pertains to s. 943.17, F.S., concerning CJSTC's duty to evaluate basic recruit training and advanced training programs. For any new or existing program, CJSTC has to establish measurements of an officer's acquisition of knowledge, skills and abilities.

**Section 8** relates to s. 943.173(2), F.S., which requires examinations adopted by CJSTC to be administered in certified criminal justice training schools under the supervision of the training center director.

**Section 9** concerns s. 943.175, F.S., relating to 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 CJSTC. However, CJSTC must establish criteria for an employing agency or training school to submit their training programs to CJSTC for approval.

**Section 10** refers to s. 943.22(1)(a), F.S., which defines an accredited college, university, or community 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** pertains to s. 943.25(6), F.S., which provides that costs may not be assessed against an officer or agency for a training course funded through the Criminal Justice Standards and Training Trust Fund.

**Section 12** relates to s. 316.640, F.S., which requires that certified traffic accident investigators and traffic enforcement infraction officers receive at least 200 hours of training and instruction.

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

This CS extends the Firearms Purchase Program that is administered by FDLE. According to the Bureau Chief of Training for the CJSTC, it also addresses a number of situations in the law where references and policies have changed over time or requirements have become outdated. CJSTC asserts that this CS will amend the statutes to bring them in line with current practice and evolving standards of law enforcement training and professionalism.

**Section 1** of the CS amends s. 790.065(14), F.S., to extend the Firearm Purchase Program until June 1, 2004. Without the extension, the program will end on June 1, 2002.

**Section 2** amends s. 943.12(7), F.S., to allow CJSTC to conduct official inquiries or require criminal justice training schools to conduct inquiries of instructors who are certified by CJSTC. According to CJSTC, it needs the authority to conduct the inquiries so that it will have information upon which to base a decision to certify or revoke certification of an instructor. The CS also deletes language that requires CJSTC to authorize the issuance of certificates for criminal justice training schools, since such certificates are issued by CJSTC. For the same reason, the CS deletes s. 943.12(9), F.S., which requires CJSTC to authorize the issuance of instructor certificates. This section also includes a non-substantive wording change from "promulgate" to "adopt."

**Section 3** amends s. 943.13(5), F.S., pertaining to the minimum qualification for employment as an officer in Florida. This amendment would allow the physical examination required of all recruits to be performed by either a licensed physician or physician assistant. CJSTC indicates that the amendment would conform the law to accepted practice.

**Section 4** amends s. 943.131, F.S., concerning exemptions from the basic recruit training requirements for officers from other jurisdictions seeking certification in Florida. The 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 who is certified as a police officer in another jurisdiction, but wants to work for the Department of Corrections as a correctional officer, would have to show that he or she has successfully completed a comparable basic recruit training program for the discipline of correctional officer.

Exempted applicants would be required to pass an examination and demonstrate proficiency in “high-liability” areas defined by CJSTC rule. According to CJSTC, these areas include defensive driving, defensive tactics, firearms training, and first responder training for which specific reference would be deleted. An exempted officer who does not pass the exam and show proficiency within 180 days must take a CJSTC approved basic recruit training program.

**Section 5** repeals s. 943.135(1)(c), F.S., which requires CJSTC to develop a rule to provide a remediation program for officers who have an identified learning disability and who are attempting to comply with continuing education requirements. CJSTC indicates that continuing education programs are administered by the employing agency, and are structured in such a way that CJSTC could maintain an effective remediation program that is applicable to all agencies.

**Section 6** amends s. 943.14, F.S., which requires criminal justice training schools and curriculum, to be approved by CJSTC in writing. Most of these schools are located in community colleges and technical schools. According to CJSTC, commission certification of the school indicates that the training is approved. This amendment also deletes s. 943.14(6), F.S., which exempts certain criminal justice training schools from compliance with subsections (1) through (5) of the section. According to CJSTC, this provision is obsolete because all criminal justice training schools must be certified by CJSTC.

This section of the CS also amends s. 943.14(2), F.S., to make CJSTC staff, rather than CJSTC itself, the approval authority for any graduation certificate or diploma issued by a criminal justice training school.

In addition, Section 6 adds new language to s. 943.14(8), F.S., (to be renumbered as paragraph 7) regarding fingerprinting of applicants for criminal justice training schools. The current statute requires that a new set of fingerprints must be taken from each applicant and forwarded to both the Florida Department of Law Enforcement and the Federal Bureau of Investigation for background checks. The amendment would allow a hiring agency to meet these requirements in cases in which the applicant’s fingerprints have already been taken by certifying the date the fingerprints were taken, summarizing the results of the background investigations, and certifying that the applicant is qualified to take the basic recruit training program.

**Section 7** amends s. 943.17, F.S., to give CJSTC the authority to specify entry requirements for criminal justice training courses. This section of the CS would also delete the current language of s. 943.17(1)(d), F.S., which requires CJSTC to develop an acceptable level of measurable student performance and to adopt an assessment tool to measure an officer's acquisition of knowledge, skills and abilities from any training course. The deleted language would be replaced by a provision requiring CJSTC to design, implement, maintain or adopt a specialized training program to enhance an officer's ability to perform his or her job. According to CJSTC, there is already such a specialized training program.

**Section 8** would delete the phrase "adopted by CJSTC" from s. 943.173(2), F.S., in reference to examinations administered at certified criminal justice training schools. According to CJSTC, it does not adopt exams used by training schools.

**Section 9** amends s. 943.175, F.S., to delete references to "specialized" training throughout the section and delete the requirement that CJSTC establish criteria by which an employing agency or the criminal justice training school can submit its training program to CJSTC for approval. According to CJSTC, it is desirable for employing agencies to have the ability to conduct in-service training without getting CJSTC's prior approval.

**Section 10** deletes a reference in s. 943.22, F.S., to the American Association of Collegiate Registrars and Admissions Officers as an accepted college accrediting agency. CJSTC indicates that the organization is not an accrediting agency.

**Section 11** amends s. 943.25(6), F.S., which provides an officer or employing agency may not be assessed costs for advanced or specialized training courses that are funded from the Criminal Justice Standards and Training Trust Fund. The amendment adds an additional requirement that cost will not be assessed if the course is offered through a criminal justice training school certified by CJSTC.

**Section 12** amends s. 316.640, F.S., to remove the requirement that certified traffic accident investigators and traffic enforcement infraction officers receive at least 200 hours of training and instruction. According to CJSTC, 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.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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