

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 470

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Stargel

SUBJECT: Minimum Basic Recruit Training Exemptions

DATE: February 6, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Forbes</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 470 creates an exemption from a Criminal Justice Standards and Training Commission (Commission)-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill defines the term “special operations forces” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes servicemembers of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;

- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Commission.

The Florida Department of Law Enforcement and the Department of Corrections expect minimal increases in costs in implementing the provisions of the bill.

The bill takes effect on July 1, 2018.

II. Present Situation:

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission (Commission) was created within the Florida Department of Law Enforcement to actively provide statewide leadership in the establishment, implementation, and evaluation of criminal justice standards and training for all law enforcement, correctional, and correctional probation officers.¹ The powers, duties, and functions of the Commission include, but are not limited to:

- Adopting rules for the administration of ss. 943.085-943.255, F.S.;²
- Certifying, and revoking the certification of, officers, instructors, and criminal justice training schools;
- Establishing uniform minimum employment and training standards for the various criminal justice disciplines;
- Establishing minimum curricular requirements for criminal justice training schools;
- Establishing a central repository of records for the proper administration of the Commission's duties, powers, and functions; and³
- Implementing, administering, maintaining, and revising a job-related officer certification examination for each criminal justice discipline.⁴

Criminal Justice Training and Selection Centers

There are 40 training centers, or training schools, certified by the Commission. Training centers are tasked with the delivery of all basic recruit, advanced, and specialized training programs, which are intended to provide job-related training to law enforcement, correctional, and correctional probation officers.⁵ Attached to the training centers are 15 selection centers responsible for the evaluation of pre-service candidates and in-service officers for all units of the local criminal justice system in a region, thereby establishing a pool of qualified candidates for

¹ Sections 943.11(1)(a) and 943.085(3), F.S.

² Sections 943.085-943.255, F.S., govern the administration, development, implementation, and enforcement of training and employment standards in various criminal justice disciplines.

³ The Commission utilizes a system called the Automated Training Management System to secure and store records required by statute and in Commission rules.

⁴ See s. 943.12, F.S.

⁵ Rule 11B-35.001(1), F.A.C.

criminal justice agencies.⁶ Each selection center is under the direction and control of a postsecondary public school or a criminal justice agency within the selection center's region.⁷

Minimum Qualifications for Employment or Appointment

Section 943.13, F.S., specifies the minimum qualifications for any person seeking employment or appointment as a law enforcement, correctional, or correctional probation officer. An applicant must:

- Be at least 19 years of age, a citizen of the U.S., and a high school graduate or its equivalent;⁸
- 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 U.S. Armed Forces;
- 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 Department of Corrections or the Commission;
- Pass a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;⁹
- Have a good moral character as determined by a background investigation under procedures established by the Commission;¹⁰
- Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the Commission, attesting to his or her compliance with the aforementioned qualifications;
- Complete a Commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under s. 943.13(9), F.S.;
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline; and
- Comply with the continuing training or education requirements of s. 943.135, F.S.

Basic Recruit Training Program

The Commission is required to adopt rules to design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for a basic recruit training program (BRTP).¹¹ The Commission must assure that entrance into a BRTP for law enforcement, correctional, and correctional probation officers be limited to those who have passed a Commissioned-approved basic abilities test.¹² After an applicant passes the discipline

⁶ Sections 943.256(2) and (3), F.S.

⁷ Section 943.256(1), F.S.

⁸ Rule 11B-27.0021(1), F.A.C., defines a high school graduate as an individual who has completed a secondary education program through a public school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma.

⁹ See 11B-27.002(1)(d), F.A.C.

¹⁰ See 11B-27.002(1)(g), F.A.C.

¹¹ Section 943.17, F.S.

¹² See s. 493.17(1)(g), F.S., and Rule 11B-35.0011, F.A.C. The basic abilities test assesses written comprehension and expression, information ordering, spatial orientation, memorization, problem sensitivity, and inductive and deductive reasoning. See also Florida Department of Law Enforcement, *Basic Abilities Test (BAT)*, <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Basic-Abilities-Test.aspx> (last visited Jan. 16, 2018).

specific basic abilities test, he or she may enter the appropriate BRTP.¹³ The applicant must successfully complete their program, pass the corresponding state officer certification exam, and gain employment within four years of beginning the BRTP.¹⁴

Basic Recruit Training Program Exemption

Current law provides an exemption from a BRTP for those who:

- Completed a comparable BRTP 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 one year provided there is no more than an eight-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 an exemption from the BRTP.¹⁵

Additionally, current law provides that a certified Florida officer who has separated from employment and who is not reemployed within four years after the date of separation must meet the requirements of s. 943.13, F.S., but does not have to complete a BRTP.¹⁶ Officers who are not reemployed within eight years after separation must meet the requirements of s. 943.13, F.S., and complete a BRTP.¹⁷

If an applicant is seeking any of these exemptions, the applicant's employing agency or a selection center must verify that the applicant meets the above-described exemption criteria and submit documentation about the applicant's criminal justice experience to the Commission.¹⁸ An applicant who ultimately receives an exemption from a BRTP must still demonstrate proficiency in high-liability areas¹⁹ and pass the state officer certification exam within one year after receiving an exemption. If these requirements are not met within one year, the person must complete a BRTP.²⁰

Equivalency of Training

Employing agencies and selection centers utilize the equivalency of training process to verify that an applicant meets the exemption criteria and is eligible for an exemption from a BRTP. As part of the process, an employing agency or selection center will review the applicant's previous

¹³ Rule 11B-35.002(5), F.A.C. There is a separate BRTP for law enforcement, correctional, and correctional probation officers. Each of the three programs consist of multiple courses totaling 770, 420, and 482 hours of course work, respectively.

¹⁴ Rule 11B-35.002(2)(a), F.A.C.

¹⁵ Section 943.13(9), F.S.

¹⁶ Section 943.1395(3), F.S.

¹⁷ Section 943.131(2), F.S.

¹⁸ Id.

¹⁹ Rule 11B-35.0021, F.A.C., establishes four high-liability training courses: Criminal Justice Firearms, Law Enforcement Vehicle Operations, Criminal Justice Defensive Tactics, and First Aid for Criminal Justice Officers.

²⁰ Supra note 17.

law enforcement,²¹ correctional,²² or correctional probation²³ officer training to determine what, if any, courses are comparable to those of a BRTP.²⁴ According to the Florida Department of Law Enforcement, the curriculum review may determine that additional training is necessary for the applicant and a partial exemption is granted in lieu of the full exemption from a BRTP.²⁵

U.S. Special Operations Forces

Special operations forces are those active and reserve component forces of the U.S. Armed Forces specifically organized, trained, and equipped to conduct and support special operations.²⁶ The Department of Defense's Special Operations Command (SOCOM), headquartered at MacDill Air Force Base in Tampa, trains, equips, and oversees the special operations forces of each military service. SOCOM's components include:

- The U.S. Army Special Operations Command;
- The Naval Special Warfare Command;
- The Air Force Special Operations Command; and
- The Marine Corps Forces Special Operations Command.

Special operations forces are intended to be versatile forces, capable of conducting a wide range of missions, including those that other military units would not be suited to undertake.²⁷ Among their multiple roles, the most important are considered to be direct action, special reconnaissance, foreign internal defense, and security force assistance. The last two activities involve helping friendly governments improve their military capabilities, which requires the largest commitments of special operations forces personnel and time.²⁸

Special operations require unique modes of employment, tactical techniques, equipment, and training. These operations are often conducted in hostile, denied, or politically sensitive environments and are characterized by one or more of the following elements: time sensitive, clandestine, low visibility, conducted with and/or through indigenous forces, requiring regional expertise, and/or a high degree of risk.

²¹ Comparable law enforcement officer training must cover the following topics: Legal, interactions in a diverse community, interviewing and reporting writing, patrol (including fundamentals, calls for service, and critical incidents), criminal investigations (including crime scene and courtroom), traffic stops, traffic crash investigations, and the high-liability subject areas. Rule 11B-.5.009(3)(a), F.A.C.

²² Comparable correctional officer training must cover the following topics: Legal, communications, officer safety, facility and equipment, intake and release, supervising in a correctional facility, supervising special populations, responding to incidents and emergencies, firearms, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(b), F.A.C.

²³ Comparable correctional probation officer training must cover the following topics: Legal foundations for correctional probation, communications, intake and orientation, caseload management, supervision of offenders, field supervision, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(c), F.A.C.

²⁴ 11B-35.009(3)(a), (b), and (c), F.A.C.

²⁵ Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Florida Department of Law Enforcement staff (October 31, 2017).

²⁶ Congressional Research Service, *U.S. Special Operations Forces (SOF): Background and Issues for Congress*, 1 (Jan. 6, 2017), <http://fas.org/sgp/crs/natsec/RS21048.pdf> (last visited on Jan. 16, 2018).

²⁷ Congressional Budget Office, *The U.S. Military's Force Structure: A Primer*, 112 (July 2016), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/51535-fsprimer.pdf> (last visited Jan. 16, 2018).

²⁸ *Id.*

In fiscal year 2014, there were approximately 62,800 special operations military personnel, which equated to just under 3 percent of the military services' total force levels for that year.²⁹ The Department of Defense plans to field an average of about 60,000 special-operations military personnel over the 2017-2021 period.³⁰ The Army has the largest concentration of special operations forces members of all the military services. In 2014, 54 percent of all special operations forces members were in the Army, 25 percent were in the Air Force, 16 percent were in the Navy, and 5 percent were in the Marine Corps.³¹

III. Effect of Proposed Changes:

Section 1 amends s. 943.10, F.S., to define the term “special operations forces” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes service members of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;
- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission).

Sections 2 and 3 amend ss. 913.13 and 943.131, F.S., respectively, to create an exemption from a Commission-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant's last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP under the bill.

The Commission must adopt rules that establish the criteria and procedures to determine if a special operations forces applicant is exempt from completing a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. If the demonstration of proficiencies and certification exam requirements are not completed within one year, the applicant must seek an additional exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill requires a criminal justice training center, in addition to an employing agency or criminal justice selection center, to verify and document to the Commission that an applicant

²⁹ U.S. Government Accountability Office, *Report No. 15-571: Special Operations Forces: Opportunities Exist to Improve Transparency of Funding and Assess Potential to Lesson Some Deployments*, 8-9 (July 2015), <https://www.gao.gov/assets/680/671462.pdf> (last visited Jan. 17, 2018).

³⁰ *Supra* note 27.

³¹ *Supra* note 29, at 11.

requesting an exemption from a law enforcement, correctional, or correctional probation officer BRTP satisfies the requirements of the applicable exemption.

Sections 4-8 reenact ss. 943.1395, 943.17296, 626.989, and 943.133, F.S., respectively, for the purpose of incorporating amendments to s. 943.13 and s. 943.131, F.S.

The bill takes effect on 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:

An applicant who is required by the Criminal Justice Standards and Training Commission to complete additional training is responsible for the cost of tuition. However, in some cases, an employing agency will pay the cost of a trainee's tuition, as authorized in s. 943.16, F.S.

C. Government Sector Impact:

The Automated Training Management System, which serves as the central repository of records for Criminal Justice Standards and Training Commission, must include programming to allow for the entry of individuals who qualify for the special operations forces exemption created in the bill. The Florida Department of Law Enforcement states that this change is minimal and there is no fiscal impact.³²

The number of individuals this would affect is indeterminate, as the Department of Corrections does not track employees with "special operations forces" experience. Any

³² Florida Department of Law Enforcement, *Senate Bill 470 Agency Analysis* (Oct. 31, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

additional administrative resources in administering this bill is anticipated to be negligible as much of the information required should be contained on documents already provided by applicants in the hiring process.³³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 943.10, 943.13, and 943.131 of the Florida Statutes.

The bill reenacts sections 626.989, 943.133, 943.1395, and 943.17296, F.S., for the purpose of incorporating the amendments to ss. 943.13 and 943.131, F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security:

The committee substitute:

- Changes the title of the bill to more accurately reflect the subject of the bill;
- Changes the definition of “special operations forces” to exclude the military occupational skill numbers;
- Requires an applicant for a basic recruit training program exemption to have served a minimum of 5 years in the special operations forces;
- Requires that an applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a basic recruit training program;
- Requires an applicant who is exempt from a basic recruit training program to complete training, if required by the Criminal Justice Standards and Training Commission;
- Requires an employing agency, training center, or selection center to verify and document if an applicant qualifies for an exemption from a basic recruit training program; and
- Amends s. 943.13(9), F.S., to reference the special operations forces exemption created by the bill among the existing basic recruit training program exemptions.

- B. **Amendments:**

None.

³³ Florida Department of Corrections, *Senate Bill 470 Agency Analysis* (Oct. 31, 2017).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
