

**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 Committee on Governmental Oversight and Accountability

**BILL:** CS/SB 250

**INTRODUCER:** Governmental Oversight and Accountability Committee and Senator Ring

**SUBJECT:** Florida Law Enforcement Officers' Hall of Fame

**DATE:** April 15, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>McKay</u>	<u>McVaney</u>	<u>GO</u>	<b>Fav/CS</b>
3.	_____	_____	<u>ACJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 250 establishes a Florida Law Enforcement Officers' Hall of Fame, which is administered by the Florida Department of Law Enforcement (FDLE) without appropriation of state funds. The Department of Management Services (DMS) must set aside an area on the Plaza Level of the Capitol Building (and meet other specifications) for the Hall of Fame and consult with the FDLE regarding the design and theme of the area. The bill also specifies the procedures for recommendations of potential nominees and selection of officers for induction.

This bill creates section 265.004 of the Florida Statutes.

**II. Present Situation:**

The FDLE provides the following information relevant to the bill:

Florida has no publicly established Hall of Fame for law enforcement officers, and there is no Hall of Fame in Florida that gives preference to law enforcement officers who were born in Florida or adopted Florida as their home. Florida is, however, home to the American Police Hall of Fame and Museum (APHF), which was founded in 1960 and is

the nation's first national police museum and memorial dedicated to American law enforcement officers killed in the line of duty. Through interactive displays, simulators and thousands of artifacts, the APHF Museum educates the public about the history and current trends of American law enforcement. The APHF Memorial lists over 8,000 officers who were killed in the line of duty. Their names are permanently etched on the Memorial's marble walls, which are added to once a year for Police Memorial Day (May 15th). The APHF houses two non-profit law enforcement associations: The National Association of Chiefs of Police (NACOP) and the American Federation of Police and Concerned Citizens (AFP&CC), which provide financial and program support.

The Florida Legislature has established four Halls of Fame in Florida that honor persons born in Florida or who adopted Florida as their home, and who have made significant contributions to the state. The Florida Women's Hall of Fame (s. 265.001, F.S.), created in 1982, honors women who, through their lives and efforts, have made significant contributions to improving the lives of women and all citizens of Florida. The Florida Commission on the Status of Women maintains and facilitates the permanent Florida Women's Hall of Fame display in the state Capitol, with no specific appropriation of state funds.

The Florida Veterans' Hall of Fame (s. 265.003, F.S.), was created by the 2011 Legislature to recognize and honor military veterans who have made a significant contribution to Florida through their works and lives, during or after military service. The Florida Veterans' Hall of Fame is administered by the Florida Department of Veterans Affairs without appropriation of state funds.

The Florida Civil Rights Hall of Fame (s. 760.065, F.S.), honors persons who have made significant contributions as leaders in the struggle for equality and justice. It is administered by the Commission on Human Relations, which is responsible for related costs; however, the costs of operation, repairs and maintenance are covered by the Department of Management Services.

The Florida Artists Hall of Fame (s. 265.2865, F.S.), was established by the Legislature in 1986 to recognize persons, living or deceased, who have made significant contributions to the arts in Florida either as performing or practicing artists in individual disciplines. Located on the Plaza level of the Rotunda in the Capitol building, it is administered by the Florida Council on Arts and Culture and the Division of Cultural Affairs within the Department of State. The Secretary of State must annually request an appropriation to carry out the purposes of s. 265.2865, F.S.

The 1988 Legislature designated the Florida Sports Hall of Fame in Lake City, Columbia County, as the Official Sports Hall of Fame for the state (s. 15.051, F.S.). The Sports Hall of Fame was founded in 1961 by the Florida Sportswriters Association and Florida Sportscasters Association, to recognize and honor Florida's greatest sports figures and events, and was housed ... at Cypress Gardens in Winter Haven and in Lake City before moving to the Lake Myrtle Sports Complex in Auburndale, Florida, on June 22, 2010.

Florida provides state funding for a professional golf hall of fame facility and the International Game Fish Association World Center facility, pursuant to s. 288.1168, F.S. The distribution of funds is overseen by the Department of Revenue.<sup>1</sup>

Presently, numerous agencies, associations, and organizations present state and national awards for “officer of the year,” “deputy of the year,” etc., including, but not limited to, the Florida Attorney General,<sup>2</sup> the Florida Police Chiefs Association, the Florida Sheriffs Association, the Fraternal Order of Police, the Police Benevolent Association, the American Legion, and the National Rifle Association.

Section 683.115, F.S., designates May 15th of each year as “Law Enforcement Memorial Day.” The Capitol Courtyard contains a law enforcement officer memorial monument to honor fallen officers. This monument is maintained by the Fraternal Order of Police. A memorial service for fallen officers is held annually at the Capitol.

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

The bill creates s. 265.004, F.S., which establishes the Florida Law Enforcement Officers’ Hall of Fame. According to intent language in the proposed statute:

It is the intent of the Legislature to recognize and honor those law enforcement officers who, through their works, service, and exemplary accomplishments during or following their service as a law enforcement officer, have dedicated their lives to, and sacrificed their lives for, the safety of the residents of Florida and have made significant contributions to the state.

The Hall of Fame is administered by the FDLE without appropriation of state funds. The bill directs the DMS to set aside an appropriate public area on the Plaza Level of the Capitol building for the Hall of Fame. The DMS must consult with the FDLE regarding the design and theme of the area. The FDLE must affix the name of each inductee on a plaque displayed in the designated area of the Capitol building.

The FDLE must annually accept recommendations of persons to be considered as nominees for induction into the Hall of Fame from law enforcement organizations the FDLE deems appropriate, including but not limited to, the Police Benevolent Association.

The FDLE must choose nominees from among the recommendations submitted and transmit the names to the Governor and Cabinet who will select the nominees to be inducted. In making these

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<sup>1</sup> Analysis of SB 250 (February 12, 2012), Florida Department of Law Enforcement (on file with the Senate Criminal Justice Committee) (further cited as “FDLE’s Bill Analysis”). All information in the “Present Section” of this analysis is from the FDLE Analysis unless otherwise indicated.

<sup>2</sup> According to information provided by Attorney General staff in 2011 in regard to SB 484 (which is almost identical to SB 250), nominees are law enforcement officers (including correctional officers) who are selected by several agencies, associations, and organizations. The Florida Law Enforcement Officer of the Year is selected by a group composed of members of multiple agencies, associations, and organizations. Both the Florida Law Enforcement Officer of the Year and the other nominees are honored for their achievements. *See* Staff Analysis of SB 484 (November 28, 2011) Senate Committee on Criminal Justice.

recommendations, the FDLE must give preference to law enforcement officers who were born in Florida or who adopted Florida as their home state.

The FDLE may establish criteria and set specific time periods for the acceptance of recommendations for nomination and for the selection process. The FDLE may also establish, organize, and conduct a formal induction ceremony.<sup>3</sup>

The effective date of the bill is July 1, 2013.

#### **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:

None.

C. Government Sector Impact:

The bill specifies that the Florida Law Enforcement Officers' Hall of Fame is administered by the FDLE without appropriation of state funds.

The FDLE states:

FDLE believes it is important to recognize the many accomplishments of Florida's law enforcement officers; as of December 7, 2012, there were 45,261 certified law enforcement officers in Florida. In order for the Florida Law Enforcement Officers' Hall of Fame initiative to be meaningful, it will require an extensive vetting process in order to examine and evaluate all nominations submitted to the department.

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<sup>3</sup> In its bill analysis, the FDLE construes these provisions as granting it rulemaking authority. The bill does not grant any rulemaking authority.

Although the bill directs FDLE to administer the Florida Law Enforcement Officers’ Hall of Fame without appropriation of state funds, the associated costs related to staff time and agency resources that will be expended to carry out this annual activity cannot be absorbed within FDLE’s existing resources due to previous position reductions.<sup>4</sup>

Over the last several sessions, FDLE had 297 positions eliminated and the department’s operating budget cut by approximately \$34 million. Although the bill directs FDLE to administer the Florida Law Enforcement Officers’ Hall of Fame without appropriation of state funds, the associated costs related to staff time and agency resources that will be expended to carry out this annual activity cannot be absorbed within FDLE’s existing resources.

**Expenditures:**

The FDLE states:

The FDLE is required to accept recommendations of persons to be considered for induction, and to choose nominees from the recommendations submitted for transmittal to the Governor and Cabinet. The FDLE is, also, authorized to develop guidelines for the process of accepting recommendations and selecting nominees. In order to implement these statutory requirements, the FDLE will need 1 FTE to develop the guidelines that will govern the implementation, and to solicit, review and more importantly, vet the applications prior to processing the names submitted for consideration.

	FY 13-14	FY 14-15	FY 15-16	
1 Government Analyst	\$ 51, 482	\$ 51,482	\$ 50,642	Salary & Benefits
1 Government Analyst	\$9,973	\$3,762	\$6,555	Expenses
Standard HR Services for 1 Government Analyst	\$354	\$354	\$354	Human Resources Services
<b>TOTAL</b>	<b>\$61,809</b>	<b>\$55,598</b>	<b>\$55,598</b>	

The FDLE further indicates that the bill “requires that the name of each person inducted into the Hall of Fame be placed on a plaque displayed in the designated area of the Capitol building.” The FDLE will include the costs related to this plaque as part of the expenses previously specified.

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<sup>4</sup> All of the information and comments provided by the FDLE for the “Government Sector Impact” section of this bill analysis are from the FDLE Analysis.

**Non-Recurring:**

An analysis was not available from the DMS, but the FDLE states: “The DMS is required to set aside an area on the Plaza level of the Capitol for the Hall of Fame, and may incur non-recurring expenses to prepare the area.”

**VI. Technical Deficiencies:**

The FDLE indicates that some intent language in the bill could create ambiguities that may make it difficult to implement provisions of the bill:

CS/SB 250 grants FDLE rule-making authority to “establish criteria and set specific time periods for the acceptance of recommendations for nomination and for the process of selecting nominees to forward to the Governor and Cabinet.” However, an apparent inconsistency in the intent language may pose difficulties for FDLE in carrying out this duty.

Section 1 states that “It is the intent of the Legislature to recognize and honor those law enforcement officers who, through their works, service, and *exemplary accomplishments during or following their service as law enforcement officers*, have dedicated their lives to, and *sacrificed their lives for*,...” (Emphases added). To the law enforcement community, the words “sacrificed their lives for” mean “died in the line of duty.” But, it does not appear that the intent is to limit eligibility only to those who have died in the line of duty, as evidenced by the inclusion of the words “exemplary accomplishments during or following their service as law enforcement officers.” If this point is not clarified, the FDLE will have difficulty in establishing criteria for the process of accepting recommendations and selecting nominees to forward to the Governor and Cabinet.<sup>5</sup>

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by Governmental Oversight and Accountability on April 16, 2013:**

The CS clarifies that the DMS must locate the hall of fame in an appropriate public area on the plaza level of the Capitol Building.

- B. **Amendments:**

None.

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

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<sup>5</sup> FDLE Analysis.