

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: SB 1234

INTRODUCER: Senator Bullard

SUBJECT: Florida Law Enforcement Officers' Hall of Fame

DATE: April 9, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>McKay</u>	<u>McVaney</u>	<u>GO</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1234 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.

II. Present Situation:

The FDLE has provided 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 Museum 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.¹

The Legislature has established four Halls of Fame “that honor persons born in Florida or who adopted Florida as their home, and who have made significant contributions to the state”²: the Florida Women’s Hall of Fame³; the Florida Veterans’ Hall of Fame⁴; the Florida Civil Rights Hall of Fame⁵; and the Florida Artists Hall of Fame.⁶

The approach taken by the bill in establishing and administering the Law Enforcement Officers’ Hall of Fame is substantially similar to the approach taken in s. 265.003, F.S., which establishes the Florida Veterans’ Hall of Fame. This statute specifies that an agency (the Department of Veterans Affairs) must administer the Florida Veterans’ Hall of Fame “without appropriation of state funds.”⁷ The Department of Management Services (DMS) must set aside an area on the Plaza Level of the Capitol Building, where a plaque is displayed.⁸ The DMS must consult with Department of Veterans’ Affairs, the administering agency, regarding the design and theme of the area.⁹

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,¹⁰ the Florida Police Chiefs Association,¹¹ and the Florida Sheriffs Association.¹²

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.

¹ Analysis of SB 1234 (March 5, 2014) (footnote omitted), Florida Department of Law Enforcement (on file with the Senate Criminal Justice Committee) (further cited as “FDLE Bill Analysis”).

² *Id.*

³ Section 265.001, F.S.

⁴ Section 265.003, F.S.

⁵ Section 760.065, F.S.

⁶ Section 265.2865, F.S.

⁷ Section 265.003(2)(a), F.S.

⁸ Section 265.003(2)(b) and (c), F.S.

⁹ Section 265.003(2)(b), F.S.

¹⁰ “Attorney General Pam Bondi Honors Law Enforcement Officers and Victim Advocates During Crime Victims’ Week Ceremony” (News Release) (April 24, 2013), Florida Office of the Attorney General, available at <http://myfloridalegal.com/852562220065EE67.nsf/0/9485E43A4865854485257B5700620577?Open&Highlight=0,law,enforcement,officer,of,the,year> (last visited on March 12, 2014).

¹¹ “The ‘Lee McGehee’ Police Officer of the Year Awards,” Florida Police Chiefs Association, available at <http://www.fpca.com/lee-mcgehee-police-officer-of-the-year-award> (last visited on March 12, 2014).

¹² “Deputy Tim Liberatore is 2013 Florida Sheriffs Association’s Law Enforcement Officer of the Year” (Press Release) (August 7, 2013), Florida Sheriffs Association, available at <http://www.flsheriffs.org/newsroom/entry/deputy-time-liberatore-is-2013-florida-sheriffs-associations-law-enforcemen> (last visited on March 12, 2014).

III. Effect of Proposed Changes:

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

The Legislature intends 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, the safety of the residents of Florida and have made significant contributions to this 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;
- Annually accept recommendations of persons to be considered for induction into the Hall of Fame from law enforcement organizations the FDLE deems appropriate, including but not limited to, the Police Benevolent Association;
- Transmit a list of nominees to the Governor and Cabinet who will select the nominees to be inducted; and
- In making its recommendations to the Governor and Cabinet, give preference to law enforcement officers who were born in Florida or adopted Florida as their home state.

The FDLE may:

- Establish criteria and set specific time periods for the acceptance of nominations and for the selection process for nominees; and
- Establish, organize, and conduct a formal induction ceremony.

The bill takes effect on July 1, 2014.

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:**FDLE Impact**

The FDLE has provided the following comments regarding the impact of the bill on the department:

FDLE believes it is important to recognize the many accomplishments of Florida's law enforcement officers; as of December 20, 2013, there were 45,273 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.

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 appropriated resources.¹³

The FDLE further states:

The FDLE is required to accept nominations of persons to be considered for induction, and transmit the names to the Governor and Cabinet. The FDLE is, also, authorized to establish guidelines for the process of selecting nominees. In order to implement these statutory requirements, the FDLE will need one 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.

The following specific information is provided by the FDLE regarding expenditures for the one FTE, Government Analyst:

- FY 2014-15: \$63,520 (\$53,142 salary & benefits), \$10,034 (expense), and \$344 (HR)¹⁴
- FY 2015-16: \$57,259 (\$53,142 salary & benefits), \$3,773 (expenses), and \$344 (HR)

¹³ All of the information for the "Government Sector Impact" section of this bill analysis is from the FDLE Bill Analysis.

¹⁴ Standard costs associated with the FTE such as DMS personnel management and People First.

- FY 2016-17: \$57,259 (\$53,142 salary & benefits), \$3,773 (expenses), and \$344 (HR)

The FDLE further states 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 costs related to this plaque will be absorbed into FDLE’s appropriated budget.”

DMS Impact

The DMS is required to set aside an area on the Plaza level of the Capitol Building for the Hall of Fame. An analysis of the bill by the DMS is not available, but the FDLE states that the DMS “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:

SB 1234 grants FDLE rule-making authority to “establish criteria and set specific time periods for the acceptance of nominations and for the selection process for nominees” whose names are transmitted to the Governor and Cabinet.¹⁵ However, an apparent inconsistency in the intent language may pose difficulties for FDLE in carrying out this duty.

Section 1 states that “[T]he Legislature intends 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*,...” (Emphasis added). To the law enforcement community, the words “sacrificed their lives for” mean “died in the line of duty.” This section could be interpreted 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.

VII. Related Issues:

The FDLE is required by the bill to “give preference to law enforcement officers who were born in Florida or adopted Florida as their home state.” The phrase “adopted Florida as their home state” is unclear and may be susceptible to differing interpretations.

VIII. Statutes Affected:

This bill creates section 265.005 of the Florida Statutes.

¹⁵ While the FDLE interprets this language as granting the department rule-making authority, the bill does not specifically grant rulemaking authority to the FDLE for this purpose.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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