

**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.)

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

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BILL: PCS/SB 1352 (278176)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice and Senator Smith

SUBJECT: Autism Awareness Training for Law Enforcement Officers

DATE: February 26, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Sanders</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

PCS/SB 1352 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

The bill requires the FDLE to develop a course of instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to the individual. The FDLE estimates that the development of the training will cost a minimum of \$11,934.78, which includes the projected cost for curriculum development workshops and the production of training, which may require actors and videotaping.<sup>1</sup> Removing the online requirement does not change the anticipated cost of the developing the course.<sup>2</sup>

The bill has an effective date of October 1, 2016.

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<sup>1</sup> Analysis of SB 1352 (January 15, 2016), Florida Department of Law Enforcement (on file with Senate Appropriations Subcommittee on Criminal and Civil Justice). This analysis is further cited as "FDLE Analysis."

<sup>2</sup> Email to Senate Appropriations Subcommittee on Criminal and Civil Justice from FDLE staff (February 24, 2016) (on file with the Senate Appropriations Subcommittee on Criminal and Civil Justice).

## II. Present Situation:

### Autism Spectrum Disorder

The Center for Disease Control (CDC) estimates that one in 68 children have been identified with Autism Spectrum Disorder (ASD).<sup>3</sup> The CDC defines “Autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. Though there is nothing about how ASD people look that sets them apart from other people, the CDC states that people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The range of abilities of people with ASD can span from gifted to severely challenged.<sup>4</sup>

Though formerly diagnosed separately, autistic disorder, pervasive developmental disorder, and Asperger syndrome are now included in the diagnosis of ASD.<sup>5</sup>

The following definitions are codified in Florida law:

- “Autism” is a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.<sup>6</sup>
- “Developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.<sup>7</sup>
- “Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:
  - Autistic disorder;
  - Asperger’s syndrome; and
  - Pervasive developmental disorder not otherwise specified.<sup>8</sup>

### Law Enforcement Training on Autism Spectrum Disorder

In order to maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S., which requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every four years. The employing agency must document that the continuing training or

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<sup>3</sup> “Autism Spectrum Disorder (ASD),” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/research.html> (last visited on February 2, 2016). Data is from the Autism and Developmental Disabilities Monitoring (ADDM) Network.

<sup>4</sup> “Autism Spectrum Disorder (ASD),” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/facts.html> (last visited on February 18, 2016).

<sup>5</sup> *Id.*

<sup>6</sup> Section 393.063(3), F.S.

<sup>7</sup> Section 393.063(9), F.S.

<sup>8</sup> Sections 627.6686(2)(b) and 641.31098(2), F.S.

education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC).<sup>9</sup>

The CJSTC does not offer specific post-basic training on autism spectrum disorder (ASD). Agencies wanting to offer training to their officers rely on CJSTC-certified training schools or vendors to provide training on this topic. Training schools may use CJSTC Trust Fund monies to deliver the training. This training topic is also provided in the Crisis Intervention Team training (CIT) program (the Memphis Model) that is offered independently through training facilitated by the Florida Sheriff's Association statewide for a period of three years beginning with Fiscal Year 2015-16.

The topic of ASD is included in two sections of the Florida Law Enforcement Academy basic recruit curriculum:

- Chapter 3 (Interactions in a Diverse Community), Unit 2 (Communicating in a Diverse Society), Lesson 3 (Developmental Disabilities); and
- Chapter 6 (Calls for Service), Unit 6 (Responding to a Person in Crisis), Lesson 2 (Intervention and Referral).<sup>10</sup>

There is no set number of training hours specifically for autism spectrum disorder. For purpose of reference, Chapter 3 (Interactions in a Diverse Community) is 40 classroom hours and Chapter 6 (Calls for Service) is 36 classroom hours. Instructors for each of the referenced chapters are given resources such as videos and links to informational websites to aid classroom instruction. An instructor guide is provided to all instructors that, along with the required activities, includes suggested activities. Examples of suggested activities are reviewing websites such as [floridaautismcenter.info](http://floridaautismcenter.info), [florida-card.org](http://florida-card.org), and [autismfl.com](http://autismfl.com), reviewing case law, and inviting a guest speaker from the Autism Society or a member of the Exceptional Student Education Program (ESE).<sup>11</sup>

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

The bill creates s. 943.1727, F.S., which requires the Florida Department of Law Enforcement to establish a continued employment training component relating to autism spectrum disorder. Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. The bill specifies that completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect on October 1, 2016.

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<sup>9</sup> FDLE Analysis.

<sup>10</sup> FDLE Analysis.

<sup>11</sup> FDLE Analysis.

**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:

PCS/SB 1352 requires the Florida Department of Law Enforcement (FDLE) to develop a course of instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to the individual. The FDLE estimates that the development of the training will cost a minimum of \$11,934.78. The FDLE states that it bases this estimate on current estimates for curriculum development workshops and the production of training, which may require actors and videotaping.<sup>12</sup> Removing the on-line requirement does not change the anticipated cost of developing the course.<sup>13</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 943.1727 of the Florida Statutes.

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<sup>12</sup> FDLE Analysis.

<sup>13</sup> Email to Senate Appropriations Subcommittee on Criminal and Civil Justice from FDLE staff (February 24, 2016) (on file with the Senate Appropriations Subcommittee on Criminal and Civil Justice).

**IX. Additional Information:**

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

**Recommend CS by Appropriations Subcommittee on Criminal and Civil Justice on February 24, 2015:**

The committee substitute removes the on line requirement for the continued employment training component related to autism spectrum disorder.

- B. **Amendments:**

None.