

**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: SB 1440

INTRODUCER: Senator Powell

SUBJECT: Mental Illness Training for Law Enforcement Officers

DATE: February 6, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Jones</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Sadberry</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 1440 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to mental illness. The bill specifies instructions to be included in the training component. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer.

The FDLE expects to incur costs of \$11,602 to develop the mental illness training course. See Section V. Fiscal Impact Statement. The department has indicated that such costs can be absorbed within existing resources.

**II. Present Situation:**

**“Mental Illness” and the Baker Act**

The Florida Mental Health Act, otherwise known as the Baker Act,<sup>1</sup> authorizes treatment programs for mental, emotional, and behavioral disorders. According to the National Alliance on Mental Illness, “law enforcement agencies have increasingly become de facto first responders to people experiencing mental health crisis.”<sup>2</sup> The Baker Act requires a law enforcement officer to take a person who appears to meet Baker Act criteria for involuntary examination for mental

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<sup>1</sup> Section 394.451, F.S. The act was created by ch. 71-131, L.O.F., and is codified in Part I of ch. 394, F.S. (ss. 394.451-394.47892, F.S.). The Baker Act requires programs to include comprehensive health, social, educational, and rehabilitative services to persons requiring intensive short-term and continued treatment to facilitate recovery. Additionally, the Baker Act provides protections and rights to individuals examined or treated for mental illness. Legal procedures are addressed for mental health examination and treatment, including voluntary admission, involuntary admission, involuntary inpatient treatment, and involuntary outpatient treatment.

<sup>2</sup> “Law Enforcement and Mental Health,” National Alliance on Mental Illness, available at <https://www.nami.org/Get-Involved/Law-Enforcement-and-Mental-Health> (last visited on Jan. 23, 2018).

illness into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, receiving facility for examination.<sup>3</sup>

“Mental illness” is defined in s. 394.455(28), F.S., of the Baker Act as an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living. For purposes of the Baker Act, the term does not include a developmental disability as defined in ch. 393, F.S., intoxication, or conditions manifested only by antisocial behavior or substance abuse.

### **Mental Illness Training Provided by the FDLE**

According to the FDLE, mental illness training similar to that proposed by the bill (see discussion of bill, *infra*) “exists in the current Criminal Justice Standards and Training Commission (CJSTC) Law Enforcement Basic Recruit Training Program. CJSTC also maintains post-basic training courses that include training on mental illness: (1) a 32-hour Specialized Training Program Course (#1149 Special Populations) and (2) a 40-hour Advanced Training Program Course (#53 Crisis Intervention).”<sup>4</sup>

### **Continued Employment Training**

Section 943.135(1), F.S., provides that the CJSTC within FDLE shall, by rule,<sup>5</sup> adopt a program that requires all law enforcement officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. This training or education shall be required at the rate of 40 hours every four years.

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

The bill requires the FDLE to establish a continued employment training component relating to mental illness as defined in s. 394.455, F.S., of the Baker Act. The training component must include, but need not be limited to, instruction on the recognition of the symptoms and characteristics of an individual with a mental illness and appropriate responses to an individual exhibiting such symptoms and characteristics.

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 October 1, 2018.

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<sup>3</sup> Section 394.463(2)(a)2., F.S.

<sup>4</sup> 2018 FDLE Legislative Bill Analysis (SB 1440) (Jan. 8, 2018), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice).

<sup>5</sup> Rule 11B-27.00212 (Maintenance of Officer Certification), Florida Administrative Code, available at <https://www.flrules.org/gateway/readFile.asp?sid=0&tid=17913104&type=1&file=11B-27.00212.doc> (last visited on Jan. 23, 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:

None.

C. Government Sector Impact:

The FDLE anticipates using existing course material to create a shorter stand-alone course on mental illness in the Specialized Training Program. The FDLE estimates it will cost \$11,602 to develop the mental illness course proposed by the bill.<sup>6</sup> The department has indicated that they can absorb the fiscal impact with existing resources. Provided is the FDLE’s breakdown of costs:

<b>Mental Illness Training for Law Enforcement Officers<sup>7</sup></b>	
This course will be developed using research from existing course material and input from subject matter experts	
<b>Development of Post-Basic Course on Mental Illness</b>	<b>Estimated Costs</b>
<b>Task 1 – Preliminary Research, Review, and Planning</b> 1 Research and Training Specialist x 20 hours (1/2 work week) x \$18.59 to identify subject matter experts and retain their services	\$372
<b>Task 2 – Modify existing course material to meet requirements for Mental Illness training for Law Enforcement Officers (One- 4-day Workshop)</b> Salary for 1 Research & Training Specialist x 40 hours x \$18.59/hour for workshop preparation	\$744
Salary for 1 Research & Training Specialist x 120 (3 weeks ) x \$18.59/hour to facilitate job analysis workshops, post workshop development, drafting of course	\$2,231

<sup>6</sup> *Supra*, n. 4.

<sup>7</sup> *Id.*

Travel, hotel, and per diem for 7 Subject Matter Experts at approximately \$1,073 per SME x 7 x 1 workshop	\$7,511
<b>Task 5- Editing and Final Course Review</b>	
Salary for 1 Research & Training Specialist x 40 hours (1 week) x \$18.59/hour to edit the course and finalize the course	\$744
<b>Total</b>	<b>\$11,602</b>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the section 943.17161 of the Florida Statutes.

**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.

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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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