

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 3 Law Enforcement Officer, Benefits, Recruitment, and Training

**SPONSOR(S):** Appropriations Committee, Leek and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	13 Y, 1 N	Padgett	Hall
2) Appropriations Committee	25 Y, 0 N, As CS	Saag	Pridgeon
3) Judiciary Committee	20 Y, 0 N	Padgett	Kramer

### SUMMARY ANALYSIS

Law enforcement agencies across the United States, including Florida, have reported difficulty in attracting and retaining qualified law enforcement officers. Understaffed law enforcement agencies endanger public safety by increasing response times to emergency calls, hindering the ability to solve crimes, and negatively impacting the morale of law enforcement officers who are currently employed.

CS/HB 3 provides law enforcement agencies with additional tools to bolster the recruitment and retention of qualified officers by providing financial incentives, enhanced training, expanded educational opportunities, and recognition that honors law enforcement officers' service to the state of Florida. The bill:

- Creates the Florida Law Enforcement Recruitment Bonus Program to provide one-time bonus payments of up to \$5,000 to newly employed law enforcement officers in Florida;
- Creates the Florida Law Enforcement Academy Scholarship Program to cover tuition, fees, and up to \$1,000 of eligible education expenses for trainees enrolled in a law enforcement officer basic recruit training program;
- Creates a reimbursement program to pay for up to \$1,000 of equivalency training costs for certified law enforcement officers who relocate to Florida or members of the special operations forces who become full-time law enforcement officers;
- Provides law enforcement officers who adopt a child from within the state child welfare system with a \$25,000 benefit for adopting a child with special needs or a \$10,000 benefit for adopting a child without special needs;
- Makes dependent children of law enforcement officers eligible to receive a Family Empowerment Scholarship to attend a private school;
- Increases the base salary for each county sheriff by \$5,000;
- Exempts veterans and applicants with an associate degree or higher from taking the basic skills test as a prerequisite to entering a law enforcement officer basic recruit training program;
- Requires that law enforcement officers receive training in health and wellness principles as part of their initial certification training and continued employment training;
- Allows law enforcement officers or former law enforcement officers to receive postsecondary credit at Florida public postsecondary educational institutions for training and experience acquired while serving;
- Encourages each district school board to establish public safety telecommunication training programs and law enforcement explorer programs in public schools; and
- Designates May 1 of each year as "Law Enforcement Appreciation Day."

The bill will have an indeterminate fiscal impact on state and local governments. See *Fiscal Analysis & Economic Impact Statement*.

The bill provides an effective date of July 1, 2022.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

Law enforcement agencies across the United States have reported difficulty in attracting and retaining qualified law enforcement officers.<sup>1</sup> According to a 2019 survey conducted by the International Association of Chiefs of Police, 78 percent of law enforcement agencies experienced difficulty in recruiting qualified candidates, 50 percent of agencies reported having to change employment policies in order to expand the pool of eligible recruits, and 25 percent reported having to reduce or eliminate certain law enforcement services or units due to staffing difficulties.<sup>2</sup>

The emergence of COVID-19 in early 2020 only exacerbated the difficulty in recruiting law enforcement officers. In a survey conducted in September 2020, the number of law enforcement agencies reporting difficulty in recruiting qualified officers jumped to 86 percent.<sup>3</sup> Law enforcement agencies have reported a variety of reasons for the difficulty in maintaining full staffing levels, including the negative public perception of law enforcement officers, an increase in retirements, decreased interest in law enforcement careers, the economy and availability of open positions in other occupations, and the lengthy background check and hiring process.<sup>4</sup> Although law enforcement agencies have attempted to address the problem in a variety of ways, such as by offering hiring incentives, relaxing automatic candidate disqualifiers, providing more flexible work schedules, increasing fringe benefits, and expanding recruitment campaigns, many agencies are still unable to recruit enough qualified officers.<sup>5</sup>

##### **Financial Incentives**

##### Florida Law Enforcement Recruitment Bonus Payment Program

###### *Background*

In an effort to reduce staffing shortages, many law enforcement agencies offer financial incentives to recruit new law enforcement officers.<sup>6</sup> For example, the Orange County Sheriff's Office is offering a \$2,500 signing bonus for candidates with two or more years of full-time law enforcement experience and \$1,500 for all other candidates.<sup>7</sup> In an attempt to attract new officers, the City of Ft. Myers is offering relocation assistance of up to \$5,000 for out-of-state candidates and up to \$3,000 for in-state candidates, as well as a \$1,000 signing bonus for newly hired officers.<sup>8</sup>

###### *Effect of Proposed Changes – Florida Law Enforcement Recruitment Bonus Payment Program*

CS/HB 3 creates s. 445.08, F.S., to establish the Law Enforcement Recruitment Bonus Payment Program (Bonus Program) within the Florida Department of Economic Opportunity (DEO). The bill provides the Bonus Program is created to administer one-time bonus payments of up to \$5,000 to newly employed officers in Florida, subject to legislative appropriation. The bill defines a "newly

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<sup>1</sup> International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement*, [https://www.theiacp.org/sites/default/files/239416\\_IACP\\_RecruitmentBR\\_HR\\_0.pdf](https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf) (last visited Feb. 8, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> Eric Glasser, *Study finds 86% of police departments experiencing staffing shortages*, WTSP (Sept. 16, 2020), <https://www.wtsp.com/article/news/local/study-finds-86-of-police-departments-experiencing-shortages/67-cd4f8f7c-1d5e-4840-b0b4-53614530249e> (last visited Feb. 8, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> International Association of Chiefs of Police, *supra* note 1.

<sup>6</sup> *Id.*

<sup>7</sup> Florida Sheriffs Association, *Deputy Sheriff – Patrol (FL Certified Law Enforcement Officer)*, <https://flsheriffsjobs.org/jobs/view/deputy-sheriff-patrol-fl-certified-law-enforcement-officer/49900014/> (last visited Feb. 8, 2022).

<sup>8</sup> Florida Police Chiefs Association, *Certified (FL) Police Officer*, <https://fpca.com/certified-fl-police-officer-fort-myers-police/> (last visited Feb. 8, 2022).

employed officer” as a person who gains or is appointed to full-time employment as a certified law enforcement officer with a Florida criminal justice employing agency on or after July 1, 2022, and who has never before been employed as a law enforcement officer in this state.

The bill requires bonus payments to be prorated based on the funds appropriated by the Legislature for the Bonus Program. The bill requires the DEO to develop an annual plan for administering the Bonus Program and distributing bonus payments to eligible officers. At a minimum, DEO’s annual plan must include:

- The method for determining the estimated number of newly employed officers to gain or be appointed to full-time employment during the applicable fiscal year.
- The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:
  - Obtaining certification as a law enforcement officer.
  - Gaining full-time employment with a Florida criminal justice agency.
  - Maintaining continuous full-time employment with one or more Florida criminal justice agencies for at least two years from the date on which the officer obtained certification, provided that an officer employed by more than one criminal justice agency may not have a break in service longer than 15 days when transitioning between employers.
- The method that will be used to determine the bonus payment amount to be distributed to each newly employed officer.
- The method that will be used to distribute bonus payments to employing law enforcement agencies for distribution to eligible officers.
- The estimated cost to DEO associated with developing and administering the program and distributing bonus payment funds.
- The method by which an officer must reimburse the state if he or she received a bonus payment but failed to maintain continuous employment for the required two-year period. An officer is not required to reimburse the state if he or she is discharged from employment with a law enforcement agency for a reason other than misconduct.

The bill requires DEO to submit the annual plan to the Executive Office of the Governor’s Office of Policy and Budget, the chair of the Senate Appropriations Committee, and the chair of the House of Representatives Appropriations Committee by October 1 of each year. The bill authorizes DEO to submit budget amendments as necessary to release funds appropriated for the Bonus Program to criminal justice employing agencies.

The Bonus Program expires on July 1, 2025.

## Florida Law Enforcement Academy Scholarship Program

### *Background*

Prior to being certified as a law enforcement officer in Florida, a person must complete a basic recruit training program unless he or she can claim an exemption.<sup>9</sup> A trainee may either pay the costs of tuition out-of-pocket, or, under s. 943.16, F.S., an employing agency<sup>10</sup> may sponsor a trainee to pay the costs of his or her tuition.<sup>11</sup> A trainee who is sponsored by an employing agency is required to maintain employment with that agency for at least two years after graduation from the basic recruit training program.<sup>12</sup> In most cases, if a trainee fails to maintain employment for the two-year period, he or she is required to reimburse the employing agency for the full cost of tuition and other course expenses.<sup>13</sup>

<sup>9</sup> S. 943.13(9), F.S. See Equivalency Training Reimbursement, *infra*.

<sup>10</sup> “Employing agency” means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term also includes any private entity which has contracted with the state or county for the operation and maintenance of a nonjuvenile detention facility.

S. 943.10(4), F.S.

<sup>11</sup> S. 943.16(1), F.S.

<sup>12</sup> S. 943.16(2), F.S.

<sup>13</sup> *Id.* A trainee is not required to reimburse the employing agency if he or she terminates employment with the employing agency and resigns his or her law enforcement certification or if the trainee terminates employment due to hardship or extenuating circumstances.

Ss. 943.16(6) and (7), F.S.

## *Effect of Proposed Changes – Florida Law Enforcement Academy Scholarship Program*

The bill creates s. 1009.896, F.S., which, beginning with the 2022-2023 academic year, creates the Florida Law Enforcement Academy Scholarship Program (Scholarship Program). The Scholarship Program is required to be administered by the Department of Education (DOE), in consultation with the Florida Department of Law Enforcement (FDLE), according to the rules and procedures established by the State Board of Education. The bill requires scholarships to be awarded on a first-come, first-served basis based on the date DOE receives each completed application. Scholarships are contingent upon an appropriation by the Legislature. To be eligible for a scholarship, a trainee must:

- Be enrolled at a basic recruit training program approved by the Criminal Justice Standards and Training Commission (CJSTC) at a Florida College System institution or school district technical center.
- Not be sponsored by an employing agency to cover the costs of training.

The bill provides for a scholarship award in an amount equal to the costs and fees which are necessary to complete the basic recruit training program, less any state financial aid received by a trainee. A nonresident may apply for a scholarship, but the bill prohibits such an award from including the additional out-of-state student fee. In addition to tuition and costs, a trainee is also eligible for up to \$1,000 for educational expenses, including the officer certification examination fee, textbooks, uniforms, ammunition, required insurance, and any other costs or fees for consumable materials required to complete the basic recruit training program.

### Equivalency Training Reimbursement

#### *Background*

A person may be exempt from completing all or part of a law enforcement officer basic recruit training program if he or she:

- Has completed a comparable basic recruit training program in another state or with the Federal Government and served as a full-time sworn officer in another state for at least one year, provided there is no more than an eight-year break in employment;
- Served in the special operations forces<sup>14</sup> for a minimum of five years, provided there is no more than a four-year break from special operations service; or
- Was previously certified as a law enforcement officer in Florida but is on inactive status with more than a four-year break in service, but no more than an eight-year break in service.<sup>15</sup>

To claim an exemption, a person must document the reason he or she is requesting an exemption on an FDLE-issued form and submit the form to his or her employing agency, training center, or criminal justice selection center for initial verification.<sup>16</sup> The form is then forwarded to the CJSTC for final approval.<sup>17</sup> If a person receives an exemption from basic recruit training, he or she has one year to complete any additional training, if required; to demonstrate proficiency in high-liability training areas,<sup>18</sup> and to pass the officer certification examination.<sup>19</sup>

### *Effect of Proposed Changes – Equivalency Training Reimbursement*

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<sup>14</sup> “Special operations forces” means 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, but is not limited to, servicemembers of the United States Army Special Forces and the United States Army 75th Ranger Regiment; the United States Navy SEALs and Special Warfare Combatant-Craft Crewmen; the United States Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the United States Marine Corps Critical Skills Operators; and any other component of the United States Special Operations Command approved by the commission. S. 943.10(22), F.S.

<sup>15</sup> Ss. 943.13(8) and 943.131(2)(a), F.S.

<sup>16</sup> S. 943.131(2), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> High-liability training areas include firearms, defensive tactics, vehicle operations, and first aid. R. 11B-35.0021, F.A.C.

<sup>19</sup> S. 943.131(4), F.S.

The bill creates s. 1009.8961, F.S., which, beginning with the 2022-2023 academic year, requires the Department of Education, in consultation with FDLE, to reimburse the costs of equivalency training for certified law enforcement officers from other states who relocate to Florida and members of the special operations forces who are transitioning into service as full-time law enforcement officers. To be eligible for such reimbursement, an applicant's employing agency must certify that he or she:

- Qualifies for an exemption from the basic recruit training program.
- Is not sponsored by the employing agency to cover the cost of equivalency training.

The bill provides that applicants may be reimbursed up to \$1,000 for eligible expenses, contingent upon appropriation by the Legislature. Reimbursement is awarded on a first-come, first-served basis for costs or fees incurred by an applicant for:

- Equivalency assessment tests.
- Equivalency training.
- The law enforcement officer certification examination.

## Adoption Benefits

### *Background*

Section 409.1664, F.S., provides a one-time, lump-sum monetary benefit to a qualifying adoptive employee,<sup>20</sup> veteran,<sup>21</sup> or servicemember<sup>22</sup> who adopts a child within Florida's child welfare system<sup>23</sup> of \$10,000 for adopting a child who has special needs<sup>24</sup> or \$5,000 for adopting a child who does not have special needs.

Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation by the Legislature.<sup>25</sup> To obtain the adoption benefit, a qualifying adoptive employee must apply to his or her agency head or to his or her school director.<sup>26</sup> A veteran or servicemember must apply directly to the Department of Children and Families to receive the benefit.<sup>27</sup>

### *Effect of Proposed Changes – Adoption Benefits*

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<sup>20</sup> "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school established under s. 1002.33, F.S., or the Florida Virtual School established under s. 1002.37, F.S., who is not an independent contractor and who adopts a child within the child welfare system pursuant to ch. 63, F.S., on or after July 1, 2015. The term includes instructional personnel, as defined in s. 1012.01, F.S., who are employed by the Florida School for the Deaf and the Blind, and includes other personal-services employees who have been continuously employed full time or part time by a state agency for at least one year. S. 409.1664(1)(b), F.S.

<sup>21</sup> "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or during a specified period of wartime service. S. 1.01(14), F.S.

<sup>22</sup> "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces. S. 250.01(19), F.S.

<sup>23</sup> "Child within the child welfare system" means a special needs child and any other child who was removed from the child's caregiver due to abuse or neglect and whose permanent custody has been awarded to the department or to a licensed child-placing agency. S. 409.166(2)(c), F.S.

<sup>24</sup> For purposes of the adoption benefit program, a child who has special needs is:

- A child whose permanent custody has been awarded to the Department of Children and Families or to a licensed child-placing agency; and
- Who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is:
  - Eight years of age or older;
  - Developmentally disabled;
  - Physically or emotionally handicapped;
  - Of black or racially mixed parentage; or
  - A member of a sibling group of any age, provided two or more members of a sibling group remain together for purposes of adoption; and
- For whom a reasonable but unsuccessful effort has been made to place the child without providing a maintenance subsidy, except when the child is being adopted by the child's foster parents or relative caregivers. S. 409.166(2), F.S.

<sup>25</sup> Ss. 409.1664(2)(c) and (3), F.S.

<sup>26</sup> S. 409.1664(3), F.S.

<sup>27</sup> *Id.*

The bill amends s. 409.1664, F.S., to make a law enforcement officer<sup>28</sup> who is domiciled in Florida eligible, for adoptions occurring on or after July 1, 2022, for a benefit of \$25,000 for adopting a child who has special needs or \$10,000 for adopting a child who does not have special needs. The bill requires a law enforcement officer to apply to FDLE to obtain the adoption benefit.

## Sheriff Salaries

### *Background*

Article VIII, section 1(d) of the Florida Constitution establishes the offices of sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court in each county. Article II, section 5(c) of the Florida Constitution provides that the powers, duties, compensation, and method of payment of state and county officers, including the sheriff, shall be fixed by law. Section 145.071, F.S., provides a schedule for calculating the salary of each sheriff based on county population as follows:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	0	49,999	\$23,350	\$0.07875
II	50,000	99,999	\$26,500	\$0.06300
III	100,000	199,999	\$29,650	\$0.02625
IV	200,000	399,999	\$32,275	\$0.01575
V	400,000	999,999	\$35,425	\$0.00525
VI	1,000,000	—	\$38,575	\$0.00400

A sheriff's salary is calculated by adjusting the base salary for a sheriff's county to reflect the actual population within the given range,<sup>29</sup> then, to account for inflation, multiplying the result by several factors that are provided in statute.<sup>30</sup>

The compensation requirements apply to sheriffs in all counties of the state, except those sheriffs from counties:

- Whose salaries are not subject to being set by the Legislature because of the provisions of a county home rule charter;<sup>31</sup> or
- With a consolidated form of government as provided in ch. 67-1320, Laws of Fla. (Duval County).<sup>32</sup>

### *Effect of Proposed Changes – Sheriff Salaries*

CS/HB 3 increases the base salary for a sheriff in each of the six population groups by \$5,000 as follows:

Population Group	County Population Range		Base Salary	Group Rate
	Minimum	Maximum		
I	0	49,999	\$28,350	\$0.07875
II	50,000	99,999	\$31,500	\$0.06300

<sup>28</sup> "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. S. 943.10(1), F.S. This definition applies to the term, "law enforcement officer" as used in CS/HB 3 and in this analysis.

<sup>29</sup> The base salary is adjusted by multiplying the appropriate group rate by the population in excess of the minimum for the population group. The result is added to the base salary for the population group. S. 145.071, F.S.

<sup>30</sup> S. 145.19, F.S.

<sup>31</sup> There are currently 20 charter counties in Florida: Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, and Wakulla. Florida Association of Counties, *Charter County Information*, <https://www.fl-counties.com/charter-county-information> (last visited Feb. 8, 2022).

<sup>32</sup> S. 145.012, F.S.

III	100,000	199,999	\$34,650	\$0.02625
IV	200,000	399,999	\$37,275	\$0.01575
V	400,000	999,999	\$40,425	\$0.00525
VI	1,000,000	–	\$43,575	\$0.00400

## Law Enforcement Training and Education Requirements

### Basic Recruit Training Program Entry Requirements

#### *Background*

The CJSTC was established for the purpose of ensuring criminal justice officers in Florida are ethical, qualified, and well-trained.<sup>33</sup> The CJSTC is comprised of:

- Three sheriffs.
- Three chiefs of police.
- Five law enforcement officers who are neither sheriffs nor chiefs, who are the rank of sergeant or below.
- Two correctional officers, one of which is an administrator of a state correctional institution and one who is of the rank of sergeant or below.
- One Florida resident who falls into none of the above categories.
- The Attorney General or his or her designated proxy.
- The Secretary of the Department of Corrections or his or her designated proxy.
- The Director of the Florida Highway Patrol.<sup>34</sup>

The primary responsibilities of the CJSTC are to:

- Establish uniform minimum standards for employment and training of full-time, part-time, and auxiliary law enforcement, correctional officers, and correctional probation officers.
- Establish and maintain officer training programs, curricula requirements, and certification of training schools and training school instructors.
- Certify officers who complete a Florida basic recruit training program, or who are diversely qualified through experience and training, and who meet minimum employment standards.
- Review and administer appropriate administrative sanctions in instances when an officer, a training school instructor, or a training school is found in violation of law or CJSTC standards.
- Promulgate rules and procedures to administer the requirements of ss. 943.085–943.257, F.S., relating to standards and training for officers.
- Conduct studies of compensation, education, and training for the correctional, correctional probation, and law enforcement disciplines.
- Maintain a central repository of records of all certified officers.
- Conduct quarterly meetings to discuss issues and approve rules that relate to officer standards and training.
- Develop, maintain, and administer the State Officer Certification Examination for criminal justice officers.<sup>35</sup>

As part of its responsibility in establishing training standards for law enforcement officers, the CJSTC is required to design, implement, maintain, evaluate, and revise entry requirements for the basic recruit training program.<sup>36</sup> Section 943.17(1)(g), F.S., requires the CJSTC to limit entry to basic recruit training programs to those persons who have passed a basic skills examination and assessment instrument, commonly referred to as the Basic Abilities Test (BAT).<sup>37</sup> Out-of-state law enforcement officers, federal officers, certain members of the special operations forces, and previously certified Florida law

<sup>33</sup> Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission*, <https://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx> (last visited Feb. 8, 2022).

<sup>34</sup> S. 943.11, F.S.

<sup>35</sup> *Id.*

<sup>36</sup> S. 943.17, F.S.

<sup>37</sup> Florida Department of Law Enforcement, *Basic Abilities Test (BAT)*, <https://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Basic-Abilities-Test.aspx> (last visited Feb. 8, 2022).

enforcement officers may qualify for an exemption from the BAT as part of the equivalency of training process.<sup>38</sup>

The BAT is a 97 question, 90 minute examination that measures “minimum competencies” as adopted by the CJSTC in three sections: behavioral attributes, memorization, and cognitive abilities.<sup>39</sup> A candidate must receive a score of 70 or higher across all three sections of the BAT to pass the examination.<sup>40</sup> According to FDLE, the pass rate for the law enforcement BAT from FY 2016-17 – FY 2020-21 is 88.31 percent.<sup>41</sup>

### *Effect of Proposed Changes – Basic Recruit Training Program Entry Requirements*

The bill amends s. 943.17, F.S., to exempt a person who is a veteran<sup>42</sup> or who holds an associate degree or higher from an accredited college or university from taking the BAT prior to enrolling in a basic recruit training program.

## Law Enforcement Training

### *Background*

The basic recruit training program for initial certification as a law enforcement officer is 770 hours and consists of the following topics:

- Introduction to law enforcement;
- Legal;
- Interactions in a diverse community;
- Interviewing and report writing;
- Fundamentals of patrol;
- Calls for service;
- Criminal investigations;
- Crime scene to courtroom;
- Critical incidents;
- Traffic stops;
- DUI traffic stops;
- Traffic crash investigations;
- Law enforcement vehicle operations;
- First aid for criminal justice officers;
- Firearms;
- Defensive tactics;
- Dart-firing stun gun; and
- Criminal justice officer physical fitness training.<sup>43</sup>

After an officer obtains initial certification, as a condition of continued employment or appointment as a law enforcement officer, s. 943.135, F.S., requires the officer to receive at least 40 hours of continued employment training every four years. Current law requires CJSTC to develop continued education training relating to several topics, such as training for diabetic emergencies,<sup>44</sup> juvenile sexual offender investigations,<sup>45</sup> and interpersonal skills relating to diverse populations.<sup>46</sup> The employing agency must

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<sup>38</sup> S. 943.131(2), F.S. Florida Department of Law Enforcement, *Equivalency of Training*, <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Equivalency-of-Training.aspx> (last visited Feb. 8, 2022).

<sup>39</sup> Pearson VUE, *The FDLE Basic Abilities Test Exam*, <https://home.pearsonvue.com/fdle/bat> (last visited Feb. 8, 2022).

<sup>40</sup> Pearson VUE, *Exam Description*, <https://home.pearsonvue.com/getattachment/7093b7e6-bd7f-4f5a-8f93-df30ae23f60a/Florida%20Department%20of%20Law%20Enforcement%20BAT%20Exam%20Description.aspx> (last visited Feb. 8, 2022).

<sup>41</sup> Email from Bobbie Smith, Legislative Analyst, Florida Department of Law Enforcement, RE: Basic Abilities Test (Oct. 6, 2021).

<sup>42</sup> S. 1.01(14), F.S., *supra* note 24.

<sup>43</sup> Florida Department of Law Enforcement, *Florida Law Enforcement Academy (Version 2020.07) #2000*, <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses/2010.aspx> (last visited Feb. 8, 2022).

<sup>44</sup> S. 943.1726, F.S.

<sup>45</sup> S. 943.17295, F.S.

<sup>46</sup> S. 943.1716, F.S.



document that the continued employment training is job-related and consistent with the needs of the employing agency and report training completion to CJSTC.

### *Effect of Proposed Changes – Law Enforcement Training*

The proposed bill creates s. 943.1745, F.S., which requires the CJSTC, in consultation with the Florida State University Institute for Justice Research and Development and the Resiliency Behind the Badge Training Program,<sup>47</sup> to develop a training program relating to officer health and wellness principles. At a minimum, such training must include:

- Understanding the role secondary trauma and work-related incidents have on an officer's personal life;
- Methods for identifying and addressing personal and work-related stressors;
- Strategies to better understand when to seek professional help and what kind of professional help to seek; and
- Strategies to normalize conversations about stress, trauma, and mental health within the law enforcement community.

By July 1, 2023, CS/HB 3 requires CJSTC to incorporate a training component relating to officer health and wellness principles into the course curriculum required for a law enforcement officer to obtain his or her initial certification and as part of the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

## **Education**

### Family Empowerment Scholarship Program

#### *Background*

The Family Empowerment Scholarship (FES) Program was established in 2019 to provide educational options to eligible children of families with limited financial resources (known as FES-Educational Options or EO).<sup>48</sup> For the 2019-2020 school year, the law allowed 18,000 scholarships to be awarded. Beginning in the 2020-2021 school year, the maximum number of students participating in the FES-EO Program may annually increase by 1 percent of the state's total public school enrollment.<sup>49</sup> Beginning in the 2021-2022 school year, a scholarship recipient meeting one of the statutorily-identified criteria is excluded from the maximum number of students allowed to participate.<sup>50</sup>

A student is eligible for the FES-EO Program if the student:

- Is on the direct certification list<sup>51</sup> or the student's household income level does not exceed 185 percent of the federal poverty level;
- Is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care;
- Has a household income level that does not exceed 375 percent of the federal poverty level or an adjusted maximum percent of the federal poverty level that is increased by 25 percentage points in the fiscal year following any fiscal year in which more than five percent of the authorized FES scholarships have not been funded;

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<sup>47</sup> The "ResiliencyBehind the Badge" training program, developed by Florida State University's Institute for Justice Research and Development, is a self-paced, interactive, online training program specifically designed to assist law enforcement officers in gaining "a deeper understanding of how their mind and body react to on-the-job stress and learn actionable steps they can take to manage that stress." Florida State University Institute for Justice Research and Development, *Resiliency Behind the Badge*, <https://ijrd.csw.fsu.edu/resiliency-behind-badge> (last visited Feb. 8, 2022).

<sup>48</sup> S. 1002.394(1), F.S.

<sup>49</sup> S. 1002.394(12)(a)1, F.S.

<sup>50</sup> *Id.*

<sup>51</sup> "Direct certification list" means the certified list of children who qualify for the food assistance program, the Temporary Assistance to Needy Families Program, or the Food Distribution Program on Indian Reservations provided to the Department of Education by the Department of Children and Families. S. 1002.395(2)(c), F.S.

- Is a sibling of a student who is participating in the FES Program and such siblings reside in the same household; or
- Is a dependent child of a member of the United States Armed Forces.<sup>52</sup>

A student must use FES-EO Program funds to pay tuition and fees at an eligible private school or to pay for transportation to a public school or lab school that is different from the school to which the student is assigned.<sup>53</sup> Scholarship awards remain in effect until a student returns to a public school, graduates from high school, or reaches the age of 21, whichever occurs first.<sup>54</sup>

Beginning in the 2021-2022 school year, the FES Program was expanded to include existing scholarship programs for students with disabilities (known as FES-Unique Abilities or UA).<sup>55</sup> For the 2021-2022 school year, scholarships for up to 20,000 students can be awarded, and beginning in the 2022-2023 school year, the maximum number of students with disabilities participating in the FES-UA Program may annually increase by 1 percent or the state's total exceptional student education enrollments. Certain statutorily-identified students are excluded from the maximum number of students participating in the FES-UA Program.

#### *Effect of Proposed Changes – Family Empowerment Scholarship Program*

For the FES-EO Program, the bill expands eligibility to include dependent children of law enforcement officers. The bill also excludes dependent children of law enforcement officers from the maximum number of students participating in both the FES-EO and FES-UA Programs.

#### College Credit for Law Enforcement Training

##### *Background*

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules to create a process to allow eligible servicemembers or veterans of the United States Armed Forces to earn postsecondary credit across all Florida public postsecondary educational institutions for college-level training and education acquired in the military. These regulations and rules include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours, including, but not limited to, equivalency and alignment of military coursework with appropriate postsecondary courses and course descriptions.<sup>56</sup> State universities, Florida College System institutions, and career centers are required to award postsecondary credit or career education clock hours for courses taken and occupations held by individuals during their service in the military based on the rules and regulations adopted by the Board of Governors and the State Board of Education.<sup>57</sup>

#### *Effect of Proposed Changes – College Credit for Law Enforcement Training*

The bill creates s. 1004.098, F.S., which requires the Board of Governors and the State Board of Education to adopt rules to create a process to allow eligible law enforcement officers or former law enforcement officers to earn postsecondary credit across all Florida public postsecondary educational institutions for college-level training and education acquired while serving as a law enforcement officer. Such regulations and rules must include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours, including, but not limited to, equivalency and alignment of law enforcement training with appropriate postsecondary courses and course descriptions.

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<sup>52</sup> S. 1002.394(3)(a), F.S.

<sup>53</sup> S. 1002.394(4)(a), F.S.

<sup>54</sup> S. 1002.394(5)(a), F.S.

<sup>55</sup> Ch. 2021-27, Laws of Fla.

<sup>56</sup> S. 1004.096(1), F.S.

<sup>57</sup> S. 1004.096(2)(f), F.S.

The bill requires the Articulation Coordinating Committee<sup>58</sup> (ACC) to convene a workgroup by September 1, 2022 to develop a process for determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for law enforcement training and experience. The workgroup is composed of the following 14 members:

- The chair of the ACC, or his or her designee, who shall serve as chair.
- Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors.
- Four members representing academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education.
- Two members representing faculty from career centers, appointed by the State Board of Education.
- A representative from the Florida Sheriffs Association.
- A representative from the Florida Police Chiefs Association.
- A representative from the Criminal Justice Standards and Training Commission.

The workgroup must provide recommendations to the Board of Governors and the State Board of Education by March 1, 2023. The bill requires the ACC to approve and annually update a prioritized list of postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for law enforcement training and experience. The bill requires State universities, Florida College System institutions, and career centers to award postsecondary credit or career education clock hours for law enforcement training and experience based on the rules and regulations adopted by the Board of Governors and the State Board of Education.

## **Public Safety Training in Public Schools**

### 911 Public Safety Telecommunication Training Programs

#### *Background*

Section 401.465(2)(a), F.S., requires any person employed as a 911 public safety telecommunicator to be certified by the Department of Health (DOH). A “911 public safety telecommunicator” is a public safety dispatcher or 911 operator whose duties and responsibilities include:

- The answering, receiving, transferring, and dispatching functions related to 911 calls;
- Dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency;
- Providing real-time information from federal, state, and local crime databases; or
- Supervising or serving as the command officer to a person or persons having such duties and responsibilities.<sup>59</sup>

To be certified as a 911 public safety telecommunicator, a person must:

- Complete a 911 public safety telecommunication training program;<sup>60</sup>
- Certify that he or she is not addicted to alcohol or any controlled substance;
- Certify that he or she is free from any physical or mental defect that might impair the person’s ability to perform his or her duties; and
- Submit a completed application and application fee to DOH.<sup>61</sup>

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<sup>58</sup> The Articulation Coordinating Committee (ACC) is a K-20 advisory body appointed by the Commissioner of Education. It is comprised of representatives from all levels of public and private education: the State University System, the Florida College System (FCS), independent postsecondary institutions, public schools, nonpublic schools, and career centers. There is also an additional member representing students. Florida Department of Education, *Articulation Coordinating Committee*, <http://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/meetings.stm> (last visited Feb. 8, 2022).

<sup>59</sup> The term does not include administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel. S. 401.465(1)(a), F.S.

<sup>60</sup> “Public safety telecommunication training program” means a 911 emergency public safety telecommunication training program that [DOH] determines to be equivalent to the public safety telecommunication training program curriculum framework developed by the Department of Education and consists of not less than 232 hours. S. 401.465(1)(c), F.S.

<sup>61</sup> S. 401.465(2)(d), F.S.

911 public safety telecommunicator training programs are offered by law enforcement and public safety agencies, Florida College System institutions, technical colleges, and some public high schools.<sup>62</sup>

### *Effect of Proposed Changes – 911 Public Safety Telecommunication Training Programs*

The bill encourages each district school board to establish a public safety telecommunication training program in at least one public high school in a school district or to partner with an existing public safety telecommunication training program operated by a law enforcement agency or Florida College System institution. The bill requires a school district to allow a student attending a public high school in the district to attend a public safety telecommunication training program at another public high school in the district unless:

- The student's school offers a public safety telecommunication training program;
- The student does not meet the minimum enrollment qualifications for the public safety telecommunication training program; or
- Scheduling of the student's courses of study does not allow the student to attend the public safety telecommunication training program at another public high school in the district.

## Law Enforcement Explorer Programs

### *Background*

Law enforcement Explorer programs provide young adults between the ages of 14 and 21 with the opportunity to receive experience and training in the law enforcement profession.<sup>63</sup> Participants in Explorer programs receive training in the basics of law enforcement, including patrol procedures, traffic control, firearm safety, first aid, and radio procedures.<sup>64</sup> Explorers also may assist certified law enforcement officers in controlled settings, such as assisting with crowd control at parades and athletic events.<sup>65</sup> In Florida, Explorer programs are offered by both sheriff's offices and municipal police departments.

### *Effect of Proposed Changes – Law Enforcement Explorer Programs*

The bill encourages each district school board to partner with a law enforcement agency to offer a law enforcement Explorer program at public middle and high schools, either by integrating the Explorer program into existing curriculum or by offering an Explorer program as an elective course or an after-school activity. The bill requires a district school board to award course credit if an Explorer program is offered as an elective course.

## **Law Enforcement Appreciation Day**

### *Background*

In 1972, the Florida Legislature designated the month of May as "Law Enforcement Appreciation Month."<sup>66</sup> Under s. 683.11, F.S., "[t]he Governor and the mayor of each municipality may issue annually a proclamation designating the month of May as 'Law Enforcement Appreciation Month' and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations in which state, county, and local law enforcement officers are invited to participate."

### *Effect of Proposed Changes – Law Enforcement Appreciation Day*

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<sup>62</sup> Florida Department of Health, *License Verification*, <https://mqa.internet.doh.state.fl.us/MQASearchServices/HealthCareProviders/IndexPaged?page=1> (last visited Feb. 8, 2022).

<sup>63</sup> Florida Sheriffs Association, *Youth Programs*, <https://www.flsheriffs.org/law-enforcement-programs/florida-sheriffs-explorer-association> (last visited Feb. 8, 2022).

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Ch. 72-322, Laws of Fla.  
**STORAGE NAME:** h0003e.JDC  
**DATE:** 2/8/2022

The bill amends s. 683.11, F.S., to designate May 1 of each year “Law Enforcement Appreciation Day,” in Florida and authorizes the Governor and mayor of each municipality to annually issue such a proclamation.

The bill provides an effective date of July 1, 2022.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 145.071, F.S., relating to sheriff salaries.

**Section 2:** Amends s. 409.1664, F.S., relating to adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers.

**Section 3:** Creates s. 445.08, F.S., relating to Florida Law Enforcement Recruitment Bonus Payment Program.

**Section 4:** Amends s. 683.11, F.S., relating to Law Enforcement Appreciation Month.

**Section 5:** Amends s. 943.17, F.S., relating to basic recruit, advanced, and career development training programs; participation; cost; evaluation.

**Section 6:** Creates s. 943.1745, F.S., relating to training relating to officer health and wellness principles.

**Section 7:** Amends s. 1002.394, F.S., relating to the Family Empowerment Scholarship Program.

**Section 8:** Creates s. 1003.4933, F.S., relating to 911 public safety telecommunication training programs.

**Section 9:** Creates s. 1003.49966, F.S., relating to Law Enforcement Explorer Program.

**Section 10:** Creates s. 1004.098, F.S., relating to college credit for law enforcement training.

**Section 11:** Creates s. 1009.896, F.S., relating to Florida Law Enforcement Academy Scholarship Program.

**Section 12:** Creates s. 1009.8961, F.S., relating to reimbursement for out-of-state and special operations forces law enforcement equivalency training.

**Section 13:** Provides an effective date of July 1, 2022.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

See *Fiscal Comments*.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

See *Fiscal Comments*.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

**Recruitment Incentive Programs**

The House Proposed General Appropriations Act for Fiscal Year 2022-2023 provides \$6.0 million recurring and \$20.0 million nonrecurring funds from the General Revenue Fund to implement the recruitment incentive program provisions included in the bill.

#### Florida Law Enforcement Recruitment Bonus Program

While it is unclear how many new individuals may be recruited into law enforcement in Florida, law enforcement data illustrates a five-year average of approximately 2,711 initial law enforcement certifications annually. Based upon this historical data, a \$5,000 bonus payment indicates the state could expect to expend approximately \$13.6 million annually on bonuses for recruitment purposes.

The bill specifies that a one-time bonus payment of up to \$5,000 could be provided to newly employed law enforcement officers within the state contingent upon annual appropriation by the Legislature, and that payments shall be prorated subject to the amount appropriated for the program. The House Proposed General Appropriations Act for Fiscal Year 2022-2023 appropriates \$20.0 million in nonrecurring general revenue funds to administer the Florida Law Enforcement Recruitment Bonus Program.

Additionally, workload created within the Department of Economic Opportunity associated with administering the program is also indeterminate. However, administering this law enforcement bonus program can likely be handled within existing resources, similar to how the department has managed the pandemic first responder's bonus payment program in Fiscal Year 2021-2022.

#### Florida Law Enforcement Academy Scholarship Program

The Florida College System (FCS) in-state tuition rate for a postsecondary vocational certificate is \$71.98 per credit hour<sup>67</sup>; additionally, the standard in-state tuition rate for a school district career certificate is \$2.33 per contact hour.<sup>68</sup> On average, FCS and school district technical center basic recruit training programs are 775 contact hours, or 27 credit hours in duration. This equates to an average in-state program tuition cost of \$1,943 at a FCS institution and \$1,805 at a school district technical center.

The bill specifies that awarded scholarship amounts are equal to tuition and specified fees, and up to \$1,000 for eligible expenses. Costs associated with out-of-state fees for nonresident trainees are excluded. Furthermore, the bill provides any potential expenditures for the scholarship program are contingent upon annual appropriation by the Legislature on a first-come, first-served basis. The House Proposed General Appropriations Act for Fiscal Year 2022-2023 appropriates \$5.0 million in recurring general revenue funds to administer the Florida Law Enforcement Academy Scholarship Program.

#### Equivalency Training Reimbursement Program

Equivalency training or assessments conducted at a FCS institution or school district technical center could be subject to the tuition and fees of the respective postsecondary institution. The State Officer Certification Examination (SOCE) is administered electronically by a third party contract provider at authorized testing sites throughout the state. The standard fee for taking the SOCE is \$100, plus any additional fees that may be assessed by individual testing sites.<sup>69</sup>

The bill specifies that the reimbursement for equivalency training is contingent upon annual appropriation by the Legislature. The House Proposed General Appropriations Act for Fiscal Year 2022-2023 appropriates \$1.0 million in recurring general revenue funds to administer the Equivalency Training Reimbursement Program.

### **Adoption Benefits**

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<sup>67</sup> S. 1009.23(3)(a), F.S.

<sup>68</sup> S. 1009.22(3)(c), F.S.

<sup>69</sup> Florida Department of Law Enforcement, State Officer Certification Exam, <http://www.fdle.state.fl.us/CJSTC/Exam/Exam-Home.aspx> (last visited Feb. 8, 2022)

The bill adds law enforcement officers to the list of individuals who may receive an adoption benefit pursuant to s. 409.1664, F.S. The payment of adoption benefits under s. 409.1664, F.S., is contingent upon an annual appropriation by the Legislature. The House Proposed General Appropriations Act for Fiscal Year 2022-2023 appropriates \$8.3 million in recurring general revenue funds to provide adoption benefits as currently authorized under s. 409.1664, F.S., and for the newly added benefit for law enforcement officers as specified in the bill.

### **Sheriff Salaries**

The fiscal impact on counties related to sheriff salary increases is indeterminate. The bill increases sheriffs' base salaries by \$5,000. The annual salary for each sheriff is based on a statutory formula contained in ss. 145.071 and 145.19, F.S. In September of each year, the Office of Economic and Demographic Research issues a report which contains the annual formula-based calculations of the salaries of elected county constitutional officers.

### **Law Enforcement Training**

FDLE estimates that nonrecurring costs for developing the basic skills and continued education training required by the bill, as well as nonrecurring updates to the department's information technology systems will cost \$54,291.<sup>70</sup> However these costs are insignificant and could likely be absorbed within FDLE's existing resources.

### **Family Empowerment Scholarship Program**

Expanding the Family Empowerment Scholarship Program will have an indeterminate fiscal impact to the Florida Education Finance Program (FEFP). The FEFP is the primary funding source for K-12 education in Florida, to include both the FES-EO and FES-UA Programs. It is currently unknown how many of the 52,383 law enforcement officers<sup>71</sup> currently in Florida may be eligible and enroll his or her student in either the FES-EO or FES-UA Program. It is also unknown how many of these individuals already participate in the FES-EO or FES-UA Program. To the extent that law enforcement officers opt to enroll into the program, the fiscal impact on the FEFP is indeterminate

For each FES-EO scholarship awarded to a dependent child of a law enforcement officer who was not funded in the FEFP for the 2021-2022 school year or was already participating in the FES-EO Program, there will be a fiscal impact to the FEFP.

For the FES-UA Program, the bill excludes scholarships awarded to dependent children of law enforcement officers from the maximum number of allowable participants. It is unclear how many current FES-UA scholarships would now be excluded from the maximum number participating cap in addition to how many new FES-UA scholarships will be awarded that are also excluded from the cap. Both types would have a potential fiscal impact to the FEFP.

### **College Credit for Law Enforcement Training**

The fiscal impact on state funding pertaining to students taking fewer credit or clock hours is indeterminate. By requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules to allow eligible law enforcement officers to earn postsecondary credit for college-level training and education, the bill could decrease the amount of time and cost for officers to receive a postsecondary degree. This may result in a slight decrease of tuition and fee revenue for

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<sup>70</sup> Florida Department of Law Enforcement, Agency Analysis of 2022 House Bill 3, p.4 (Jan. 18, 2022)

<sup>71</sup> Email from Ron Draa, Chief of Staff, Florida Department of Law Enforcement, RE: State of Florida Law Enforcement Officer Count (Jan. 28, 2022).

state postsecondary education entities. Incurred costs resulting from the activities for determining postsecondary course equivalencies can likely be absorbed by the partnering entities.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because this bill increases the base salaries of sheriffs. However, an exemption may apply if the bill has an insignificant fiscal impact on counties.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill grants sufficient rule-making authority to DEO, DOE, the State Board of Education, the Florida Board of Governors and FDLE for implementation.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 31, 2022, the House Appropriations Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment specified that a one-time bonus payment of up to \$5,000 could be provided to newly employed law enforcement officers within the state as part of the Florida Law Enforcement Recruitment Bonus Payment Program.

This analysis is drafted to the committee substitute as passed by the House Appropriations Committee.