

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 829 Autism Spectrum Disorder Training for Law Enforcement Officers

SPONSOR(S): Stark and others

TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 864

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	15 Y, 0 N	Butcher	Hall
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Autism spectrum disorder (ASD) is a developmental disability caused by differences in the brain. People with ASD may behave, communicate, interact, and learn in ways that are different from most other people, and the abilities of people with ASD can vary significantly. People with ASD may experience difficulty with communication and social interaction.

The Criminal Justice Standards and Training Commission (CJSTC) is established within the Florida Department of Law Enforcement. Section 943.13, F.S., requires all law enforcement officer applicants to complete a CJSTC-approved basic recruit training program. After obtaining certification and as a condition of continued employment or appointment, s. 943.135, F.S., requires law enforcement officers to receive at least 40 hours of CJSTC-approved continued employment training (CET) every four years.

In 2017, s. 943.1727, F.S., was created to establish a CET component for law enforcement officers relating to ASD. The current training component is required to include instruction on recognizing the symptoms and characteristics of persons with ASD and appropriate responses to a person exhibiting such symptoms and characteristics. The training may be counted toward the 40 hours of instruction for CET and is currently included in an optional four-hour course.

HB 829 amends s. 943.1727, F.S., to require the CJSTC to establish a training component relating to individuals with ASD; require all recruits and officers to receive the employment training component; and specify that the training component may count toward the required 40 hours of CET for continued employment or appointment as a law enforcement officer. Under the bill, the training component may include at least four hours of in-person instruction in:

- Appropriate techniques for interviewing or interrogating individuals with ASD;
- Techniques for locating and returning individuals with ASD who run away and are in danger;
- Techniques for recognizing the agency of individuals with ASD while identifying potential abusive or coercive situations;
- Techniques for deescalating potentially dangerous situations to maximize the safety of officers and individuals with ASD;
- Techniques for differentiating individuals with ASD from individuals who are belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of individuals with ASD;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with ASD in a correctional facility; and
- The impact of interaction with law enforcement on individuals with ASD.

The bill may have an indeterminate negative impact on FDLE by requiring the development and implementation of a new employment training component.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Autism Spectrum Disorder

Autism spectrum disorder (ASD) is a developmental disability caused by differences in the brain.¹ People with ASD may behave, communicate, interact, and learn in ways that are different from most other people, and the abilities of people with ASD can vary significantly.² Conditions such as anxiety, depression, or attention-deficit/hyperactivity disorder occur more often in people with ASD than in people without ASD, and people with ASD may experience difficulty with communication and social interaction.³

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission (CJSTC) is established within the Florida Department of Law Enforcement under ss. 943.11 and 943.12, F.S. The CJSTC ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The commission is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.⁴

Section 943.13, F.S., requires all law enforcement officer applicants to complete a CJSTC-approved basic recruit training program.⁵ After obtaining certification and as a condition of continued employment or appointment, s. 943.135, F.S., requires law enforcement officers to receive at least 40 hours of CJSTC-approved continued employment training (CET) every four years. The officer's employing agency must document that the CET is job-related and consistent with the needs of the employing agency, and report training completion to the CJSTC through the Automated Training Management System.⁶

Autism Training

In 2017, s. 943.1727, F.S., was created to establish a continued employment training component relating to autism spectrum disorder, as defined in s. 627.6686, F.S.

Section 627.6686(2)(b), F.S., defines "autism spectrum disorder" to mean 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.
- Pervasive developmental disorder not otherwise specified.

Section 943.1727 requires the current training component to include, at a minimum, instruction on the recognition of the symptoms and characteristics of persons with autism spectrum disorder and appropriate responses to a person exhibiting such symptoms and characteristics. Such training may be

¹ Centers for Disease Control and Prevention, *What is Autism Spectrum Disorder*, <https://www.cdc.gov/ncbddd/autism/facts.html> (last visited Jan. 30, 2024).

² *Id.*

³ *Id.*

⁴ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited Jan. 30, 2024).

⁵ S. 943.13(9), F.S.

⁶ FDLE, Agency Analysis of 2024 House Bill 801, p. 5 (Dec. 8, 2023)(on file with the House Criminal Justice Subcommittee).

counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer as required under s. 943.135, F.S.⁷

FDLE reports that there are multiple current training offerings related to law enforcement interactions with persons with ASD including:

- Autism Spectrum Disorder and Awareness (an optional four-hour specialized course);
- Lessons on interacting with people with autism, including interviewing people with ASD and responding to missing persons incidents involving people with ASD (included as part of the Florida Law Enforcement Academy Basic Recruit Training Program); and
- Autism Awareness Telecommunicator and Autism Spectrum Disorders and Interviews (online courses that can be taken as part of an officer's mandatory retraining, but that were not developed by the CJSTC.)⁸

Effect of Proposed Changes

HB 829 amends s. 943.1727, F.S., to require CJSTC to establish an employment training component relating to individuals with ASD.

Under the bill, the training component may include at least four hours of in-person instruction in:

- The nature and manifestation of ASD;
- Appropriate techniques for interviewing or interrogating individuals with ASD, including techniques to ensure the legality of statements made by individuals and techniques used to protect the rights of individuals;
- Techniques for locating individuals with ASD who run away and are in danger and for returning those individuals while causing them as little stress as possible;
- Techniques for recognizing the agency of individuals with ASD while identifying potential abusive or coercive situations;
- Techniques for deescalating a potentially dangerous situation to maximize the safety of officers and individuals with ASD;
- Techniques for differentiating individuals with ASD from individuals who are belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of individuals with ASD and understanding the law as it relates to the use of the Baker Act against individuals with ASD;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with ASD in a correctional facility; and
- The impact of interaction with officers on individuals with ASD.

The bill requires all recruits to receive the employment training component relating to individuals with ASD, and specifies that such training component may be taught as part of other relevant parts of training. Additionally, the bill requires CJSTC to establish a rule that each officer receive instruction in the procedures and techniques described in the bill as part of the required instruction for continued employment or appointment as an officer.

The bill also provides a definition for "agency" as the ability to make independent decisions and act in one's own best interests, and "autism spectrum disorder" is defined the same as in s. 627.6686(2), F.S.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

⁷ The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every four years. No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. S. 943.135, F.S.

⁸ 2024 FDLE Legislative Bill Analysis, January 6, 2024 (on file with the House Criminal Justice Subcommittee).

Section 1: Amends s. 943.1727, F.S, relating to continued employment training relating to autism spectrum disorder.

Section 2: Provides an effective date of July 1, 2024.

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:

The bill may have an indeterminate negative impact on FDLE by requiring the development and implementation of a new employment training component.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires CJSTC to establish a rule requiring officers to receive specified instruction in the procedures and techniques described in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES