

**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 Committee on Criminal Justice

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BILL: SB 1192

INTRODUCER: Senator Powell

SUBJECT: Mental Illness Training for Law Enforcement Officers

DATE: March 8, 2021

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

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

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**I. Summary:**

SB 1192 requires the Florida Department of Law Enforcement (FDLE) to establish a continued employment training component relating to mental illness. The bill provides a non-exclusive list of subject matter to be included in the training component and 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 FDLE estimates that the bill will cost the department \$10,267 for course development and implementation, and indicates that this can be accomplished with existing resources.

The bill takes effect October 1, 2021.

**II. Present Situation:**

**Continued Employment Training**

The FDLE describes the required instruction for continued employment or appointment as a law enforcement officer.

To maintain their certification, law enforcement officers must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every 4 years. The employing agency must document that the continuing training or 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) through the Automated Training Management System (ATMS).<sup>1</sup>

### **Mental Illness Training for Law Enforcement Agencies**

According to the National Alliance on Mental Illness (NAMI), “[t]he lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises.”<sup>2</sup> “Many agencies have determined that because all their officers respond to mental health calls, they need to have the specialized training, knowledge, and skills to respond appropriately.”<sup>3</sup>

To address this training need, some law enforcement agencies have engaged in Crisis Intervention Team (CIT) Training, which is a training curriculum that “emphasizes understanding of mental illness and incorporates the development of communication skills, practical experience and role-playing. Officers are introduced to mental health professionals, consumers and family members both in the classroom and through site visits.”<sup>4</sup>

Mental illness training may also occur during recruit academy training, in-service training, and roll-call training. The U.S. Department of Justice (DOJ) asserts that “[r]ecruit academy training is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis. Recruit academy training must exist alongside a more comprehensive and robust program to be effective.”<sup>5</sup> Further, DOJ states that “[i]n-service and roll-call training provide law enforcement agencies with the opportunities to convey new policies and tactics to officers, to refresh knowledge, and to reinforce skills learned in previous recruit or specialized training courses.”<sup>6</sup>

The FDLE states that “[c]urrently, post-basic mental illness training is covered by a “Crisis Intervention for School Resource Officers (SROs) course. However, because this course is primarily taken by SROs, many officers do not receive this training.”<sup>7</sup> Additionally, according to the FDLE, accreditation standards for those law enforcement agencies that are accredited require annual mental illness training.

Law enforcement agencies accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) must comply with an accreditation standard that requires agencies to have annual training for their law enforcement officers and other agency personnel who may come into contact with the public in dealing with individuals who suffer from mental illness (CALEA standard 41.2.7). The standard further directs

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<sup>1</sup> 2021 FDLE Legislative Bill Analysis (SB 1192) (Feb. 25, 2021) (on file with the Senate Committee on Criminal Justice).

<sup>2</sup> Crisis Intervention Team (CIT) Programs, National Alliance on Mental Illness, available at [https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-\(CIT\)-Programs](https://www.nami.org/Advocacy/Crisis-Intervention/Crisis-Intervention-Team-(CIT)-Programs) (last visited March 3, 2021).

<sup>3</sup> Training/Police-Mental Health Collaboration (PMHC) Toolkit, U.S. Department of Justice, available at <https://bja.ojp.gov/program/pmhc/training#:~:text=Mental%20Health%20First%20Aid%20for%20Public%20Safety%20is%20an%20eight,effective%20response%20options%20to%20deescalate> (last visited March 3, 2021).

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

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

<sup>6</sup> *Id.* However, the DOJ also asserts that roll-call training, like recruit academy training, “is not sufficient by itself to prepare a police force to respond appropriately to individuals experiencing a mental health crisis.” *Id.*

<sup>7</sup> 2021 FDLE Legislative Bill Analysis (SB 1192), *supra*.

that the training should be developed in collaboration with mental health professionals and should include access to the court system and applicable case law. The standard indicates that alternatives to arrest, such as citations, summonses, referrals, informal resolutions and warnings, should be considered to ensure the best treatment options are used and to keep those with mental health issues out of the criminal justice system. The training is to be reviewed and updated annually. Currently 43 state and local law enforcement agencies in Florida are accredited through CALEA.<sup>8</sup>

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

The bill creates s. 943.17161, F.S., which requires the FDLE to establish a continued employment training component relating to mental illness as defined in s. 394.455, F.S. Section 394.455(29), F.S., defines “mental illness” 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 the purposes of this part, the term does not include a developmental disability as defined in chapter 393, intoxication, or conditions manifested only by dementia, traumatic brain injury, antisocial behavior, or substance abuse.

The bill specifies that the training component must include, but need not be limited to, instruction on the recognition of the symptoms or characteristics of an individual with a mental illness and appropriate responses to an individual exhibiting such symptoms or characteristics. The bill also 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 October 1, 2021.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>8</sup> *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the FDLE, “[t]he bill would require workshops with subject matter experts and staff time and salary. The estimated cost of the course development and implementation is \$10,267 and can be accomplished with existing resources.”<sup>9</sup>

The FDLE provided the following breakdown of the cost of course development and implementation:

**Analysis**

- \$744 for 40 hours to identify subject matter experts (SMEs)
- \$744 for 40 hours to research existing material
- \$1,488 for 80 hours involving SME workshop - instructional analysis

**Design/Development**

- \$5,208 for 280 hours to develop course content

**Review/Revisions**

- \$1,488 for 80 hours

**Implementation**

- \$ 595 for 32 hours involving course edit

**Total cost: \$10,267<sup>10</sup>**

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:****Definition of “Mental Illness”**

The bill defines “mental illness” by reference to the definition of that term in s. 394.455(29), F.S. The FDLE indicates that this definition contains exclusions which may be inconsistent with the intent of the bill and limit course-effectiveness.

Traditionally, training assumes officers will encounter a broad range of potential causes and co-occurring causes. This requires a quick initial assessment of what they’re dealing with so they can choose the best response and means officers must look for substance abuse, emotion triggers, traumatic brain injury, mental illness, etc.

This bill limits the scope by choosing the definition of mental illness in s. 394.455(29), F.S. That definition specifically limits training on responding to people with developmental disability, intoxication or dementia, traumatic brain injury, antisocial behavior or substance abuse. However, if the bill had a slightly broader definition of mental illness, this could be included in a Crisis Intervention Training course, which would capture the intent of the bill and be more effective than a course based on the narrower definition defined in the bill.<sup>11</sup>

The FDLE believes the definition in s. 394.455(29), F.S., *without the exclusions* would be broad enough to capture intent of the bill and enhance course-effectiveness.<sup>12</sup>

**Effective Date**

The effective date of the bill is October 1, 2021. The FDLE recommends an effective date of July 1, 2022, because it does not believe the current effective date provides sufficient time “to host workshops, compile research, develop the course and receive approval from the CJSTC.”<sup>13</sup>

**VIII. Statutes Affected:**

This bill creates 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.

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<sup>11</sup> *Id.*

<sup>12</sup> E-mail to staff of the Senate Committee on Criminal Justice from FDLE staff, dated March 2, 2021 (on file with the Senate Committee on Criminal Justice).

<sup>13</sup> 2021 FDLE Legislative Bill Analysis (SB 1192), *supra*.

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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