

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/HB 3

INTRODUCER: Appropriations Committee; and Representative Leek and others

SUBJECT: Law Enforcement Officer, Benefits, Recruitment, and Training

DATE: February 25, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Grace/Hrdlicka</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

I. Summary:

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 fiscal impact of the bill is indeterminate. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

II. Present Situation:

Law enforcement agencies across the United States have reported difficulty in attracting and retaining qualified law enforcement officers. 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.¹

The emergence of COVID-19 in early 2020 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 increased to 86 percent.² 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. 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.³

The remaining present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

This bill 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.

¹ International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement*, p. 3, https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf (last visited Feb. 24, 2022).

² 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. 24, 2022).

³ See generally International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement*.

Florida Law Enforcement Recruitment Bonus Payment Program (Section 3)

Present Situation

In an effort to reduce staffing shortages, many law enforcement agencies offer financial incentives to recruit new law enforcement officers.⁴ 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.⁵ 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.⁶

Effect of Proposed Changes

The bill creates s. 445.08, F.S., to establish the Law Enforcement Recruitment Bonus Payment Program (Bonus Program) within the Department of Economic Opportunity (DEO). The bill creates the Bonus Program to administer one-time bonus payments of up to \$5,000 to newly employed officers in Florida, subject to legislative appropriation.⁷ The bill defines a "newly employed officer" as a person who gains or is appointed to full-time employment as a certified law enforcement officer⁸ with a Florida criminal justice employing agency⁹ 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 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, the 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.

⁴ International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement*, p. 6.

⁵ Florida Sheriffs Association, *Deputy Sheriff – Patrol (FL Certified Law Enforcement Officer)*, https://flsheriffsjobs.org/jobs/view/deputy-sheriff-patrol-fl-certified-law-enforcement-officer/49899741/?keywords=&pos_ft=0&location=Orange+county+fl&location_completion=&location_type=&location_text=&location_autocomplete=0 (last visited Feb. 24, 2022).

⁶ Florida Police Chiefs Association, *Certified (FL) Police Officer*, <https://fpca.com/certified-fl-police-officer-fort-myers-police/> (last visited Feb. 24, 2022).

⁷ The bonus payment must be adjusted to include an amount to include any FICA due.

⁸ "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. Section 943.10(1), F.S.

⁹ "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. Section 943.10(4), F.S.

- 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 2 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 the 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 2-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 the 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. Agencies employing eligible individuals and the Criminal Justice Standards and Training Commission (CJSTC) must assist the DEO with collecting any required information and distributing payments. The bill authorizes the 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 (Section 11)

Present Situation

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.¹⁰ A trainee may either pay the costs of tuition out-of-pocket, or, pursuant to s. 943.16, F.S., an employing agency may sponsor a trainee to pay the costs of his or her tuition.¹¹ A trainee who is sponsored by an employing agency is required to maintain employment with that agency for at least 2 years after graduation from the basic recruit training program. In most cases, if a trainee fails to maintain employment for the 2-year period, he or she is required to reimburse the employing agency for the full cost of tuition and other course expenses.¹²

Effect of Proposed Changes

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) to assist in

¹⁰ Section 943.13(9), F.S. See heading Equivalency Training Reimbursement, *infra*.

¹¹ Section 943.16(1), F.S.

¹² Section 943.16(2), F.S. 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. Section 943.16(6) and (7), F.S.

the recruitment of law enforcement officers by providing a scholarship to trainees that enroll in approved law enforcement officer basic recruitment training programs. The Scholarship Program is 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 (SBE). The bill requires scholarships to be awarded on a first-come, first-served basis based on the date the 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 CJSTC at a Florida College System (FCS) institution or school district technical center.
- Not be sponsored by an employing agency that is already covering the costs of training.

The bill provides for a scholarship award in an amount equal to the costs and specified 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 fees, a trainee is also eligible for up to \$1,000 for educational expenses, including the officer certification examination fee,¹³ textbooks, uniforms, ammunition, required insurance, and any other costs or fees for consumable materials required to complete the basic recruit training program.

Law Enforcement Equivalency Training Reimbursement (Section 12)

Present Situation

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 1 year, provided there is no more than an 8-year break in employment;
- Served in the special operations forces¹⁴ for a minimum of 5 years, provided there is no more than a 4-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 4-year break in service, but no more than an 8-year break in service.¹⁵

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

¹³ The fee is \$100. See Florida Department of Law Enforcement, *State Officer Certification Exam*, <https://www.fdle.state.fl.us/CJSTC/Exam/Exam-Home.aspx#:~:text=The%20SOCE%20is%20administered%20on,taking%20the%20SOCE%20is%20%24100> (last visited Feb. 24, 2022).

¹⁴ “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 U.S. Army Special Forces and the U.S. Army 75th Ranger Regiment; the U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen; the U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; the U.S. Marine Corps Critical Skills Operators; and any other component of the U.S. Special Operations Command approved by the CJSTC. Section 943.10(22), F.S.

¹⁵ Sections 943.13(9) and 943.131(2)(a), F.S.

criminal justice selection center for initial verification. The form is then forwarded to the CJSTC for final approval. If a person receives an exemption from basic recruit training, he or she has 1 year to complete any additional training, if required; to demonstrate proficiency in high-liability training areas; and to pass the officer certification examination.¹⁶

Effect of Proposed Changes

The bill creates s. 1009.8961, F.S., which, beginning with the 2022-2023 academic year, requires the DOE, in consultation with the FDLE, to reimburse the costs of equivalency training for certified law enforcement officers from other states who relocate to Florida and for 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 already to cover the costs of training.

The bill provides that applicants may be reimbursed up to \$1,000 for eligible expenses, contingent upon appropriation. 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.

College Credit for Law Enforcement Training (Section 10)

Present Situation

Section 1004.096, F.S., requires the Board of Governors (BOG) to adopt regulations and the SBE to adopt rules to create a process to allow eligible servicemembers or veterans of the U.S. 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. State universities, FCS 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 BOG and the SBE.¹⁷

Effect of Proposed Changes

The bill creates s. 1004.098, F.S., which requires the BOG and the SBE 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

¹⁶ Section 943.131, F.S.

¹⁷ Section 1004.096, F.S.

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.

The bill requires the Articulation Coordinating Committee¹⁸ (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 BOG.
- Four members representing academic affairs administrators and faculty from FCS institutions, appointed by the chair of the SBE.
- Two members representing faculty from career centers, appointed by the SBE.
- A representative from the Florida Sheriffs Association.
- A representative from the Florida Police Chiefs Association.
- A representative from the CJSTC.

The workgroup must provide recommendations to the BOG and the SBE by March 1, 2023. The bill requires the ACC to approve within 1 year 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 list must be updated annually. The bill requires state universities, FCS 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 BOG and the SBE.

Adoption Benefits (Section 2)

Present Situation

Section 409.1664, F.S., provides a one-time, lump-sum monetary benefit to a qualifying adoptive employee,¹⁹ veteran, or servicemember who adopts a child within Florida's child welfare system²⁰ of \$10,000 for adopting a child who has special needs²¹ or \$5,000 for adopting a child who does not have special needs.

¹⁸ The Articulation Coordinating Committee 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 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.stml> (last visited Feb. 24, 2022).

¹⁹ "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school, or the Florida Virtual School, who is not an independent contractor and who adopts a child within the child welfare system pursuant to ch 63, F.S. Section 409.1664(1)(b), F.S.

²⁰ "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. Section 409.166(2)(c), F.S.

²¹ 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. Section 409.166(2), F.S.

Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation.²² To obtain the adoption benefit, a qualifying adoptive employee must apply to his or her agency head or to his or her school director. A veteran or servicemember must apply directly to the Department of Children and Families to receive the benefit.²³

Effect of Proposed Changes

The bill amends s. 409.1664, F.S., to add law enforcement officers who are domiciled in Florida and who adopt children on or after July 1, 2022, eligible for the one-time, lump-sum monetary benefits. The benefit is \$25,000 for adopting a child who has special needs and \$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 (Section 1)

Present Situation

Article VIII, section 1(d) of the Florida Constitution establishes the office of sheriff 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, are 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,²⁴ then, to account for inflation, multiplying the result by several factors that are provided in statute.²⁵

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;²⁶ or

²² Section 409.1664(2)(c) and (3), F.S.

²³ Section 409.1664(3), F.S.

²⁴ 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. Section 145.071(1), F.S.

²⁵ Section 145.19, F.S.

²⁶ 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

- With a consolidated form of government as provided in ch. 67-1320, Laws of Florida.²⁷

Effect of Proposed Changes

The bill amends s. 145.071, F.S., to increase 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
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

Basic Abilities Test Exemption (Section 5)

Present Situation

The CJSTC was established for the purpose of ensuring criminal justice officers in Florida are ethical, qualified, and well-trained.²⁸ 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.²⁹

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).³⁰ Out-of-state law enforcement officers, federal officers, certain members of the special operations forces, and previously certified Florida law enforcement officers may qualify for an exemption from the BAT as part of the equivalency of training process.³¹

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.³² A candidate must receive a score of 70 or higher across all three sections of the BAT

Association of Counties, *Charter County Information*, <https://www.fl-counties.com/charter-county-information> (last visited Feb. 24, 2022).

²⁷ Section 145.012, F.S.

²⁸ Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission*, <https://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx> (last visited Feb. 24, 2022).

²⁹ Section 943.17, F.S.

³⁰ 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. 24, 2022).

³¹ Section 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. 23, 2022).

³² Pearson VUE, *The FDLE Basic Abilities Test Exam*, <https://home.pearsonvue.com/fdle/bat> (last visited Feb. 24, 2022).

to pass the examination.³³ According to FDLE, the pass rate for the law enforcement BAT from FY 2016-17 – FY 2020-21 is 88.31 percent.³⁴

Effect of Proposed Changes

The bill amends s. 943.17, F.S., to exempt a person who is a veteran 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 – Health and Wellness (Section 6)

Present Situation

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 and DUI stops; and traffic crash investigations.³⁵

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 the CJSTC to develop continued education training relating to several topics, such as training for diabetic emergencies,³⁶ juvenile sexual offender investigations,³⁷ and interpersonal skills relating to diverse populations.³⁸ The employing agency must document that the continued employment training is job-related and consistent with the needs of the employing agency and report training completion to the CJSTC.

Effect of Proposed Changes

The 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,³⁹ to develop a training program relating to officer health and wellness principles. At a minimum, the training must include:

³³ 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. 24, 2022).

³⁴ Email, Florida Department of Law Enforcement, Bobbie Smith, Legislative Analyst, *RE: Basic Abilities Test*, (Oct. 6, 2021) (on file with Senate Education Committee).

³⁵ See Florida Department of Law Enforcement, *Florida Law Enforcement Academy*, (2020) https://dmingear-irsc.weebly.com/uploads/2/4/4/0/24408602/2020_le_text_2.pdf and *Active Courses*, <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx> (last visited Feb. 24, 2022).

³⁶ Section 943.1726, F.S.

³⁷ Section 943.17295, F.S.

³⁸ Section 943.1716, F.S.

³⁹ The “Resiliency Behind 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. 24, 2022).

- 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, the bill requires the 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.

Family Empowerment Scholarship Program (Section 7)

Present Situation

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). For the 2019-2020 academic year, the law allowed 18,000 scholarships to be awarded. Beginning in the 2020-2021 academic 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. Beginning in the 2021-2022 academic year, a scholarship recipient meeting one of the statutorily-identified criteria is excluded from the maximum number of students allowed to participate.⁴⁰

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

- Is on the direct certification list⁴¹ 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;
- 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 U.S. Armed Forces.⁴²

A student must use the 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. Scholarship awards remain in effect until a student

⁴⁰ Section 1002.394, F.S.

⁴¹ "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. Section 1002.395(2)(c), F.S.

⁴² Section 1002.394(12)(a), F.S.

returns to a public school, graduates from high school, or reaches the age of 21, whichever occurs first.⁴³

Beginning in the 2021-2022 academic year, the FES Program was expanded to include existing scholarship programs for students with disabilities (known as FES-Unique Abilities or UA).⁴⁴ For the 2021-2022 academic year, scholarships for up to 20,000 students can be awarded, and beginning in the 2022-2023 academic 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, not including gifted students. Certain statutorily-identified students are excluded from the maximum number of students participating in the FES-UA Program.⁴⁵

Effect of Proposed Changes

The bill amends s. 1002.394, F.S., to expand eligibility for the FES-EO Program 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.

Public Safety Training in Public Schools

911 Public Safety Telecommunication Training Programs (Section 8)

Present Situation

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.⁴⁶

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

- Complete a 911 public safety telecommunication training program;⁴⁷
- 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

⁴³ Section 1002.394, F.S.

⁴⁴ Chapter 2021-27, L.O.F.

⁴⁵ Section 1002.394(12)(b), F.S.

⁴⁶ 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. Section 401.465(1)(a), F.S.

⁴⁷ "Public safety telecommunication training program" means a 911 emergency public safety telecommunication training program that the DOH determines to be equivalent to the public safety telecommunication training program curriculum framework developed by the DOE and consists of not less than 232 hours. Section 401.465(1)(c), F.S.

- Submit a completed application and application fee to the DOH.⁴⁸

911 public safety telecommunicator training programs are offered by law enforcement and public safety agencies, FCS institutions, technical colleges, and some public high schools.

Effect of Proposed Changes

The bill creates s. 1003.4933, F.S., to encourage 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 FCS 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 (Section 9)

Present Situation

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. Participants in explorer programs receive training in the basics of law enforcement, including patrol procedures, traffic control, firearm safety, first aid, and radio procedures. Explorers also may assist certified law enforcement officers in controlled settings, such as assisting with crowd control at parades and athletic events.⁴⁹ In Florida, Explorer programs are offered by both sheriff's offices and municipal police departments.⁵⁰

Effect of Proposed Changes

The bill creates s. 1003.49966, F.S., to encourage 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.

⁴⁸ Section 401.465(2)(d), F.S.

⁴⁹ Florida Sheriffs Association, *Youth Programs*, <https://www.flsheriffs.org/law-enforcement-programs/florida-sheriffs-explorer-association> (last visited Feb. 24, 2022).

⁵⁰ *Id.* City of Fort Myers Florida Police, *Explorer Program*, <https://www.fmpolice.com/247/Explorer-Program> (last visited Feb. 24, 2022).

Law Enforcement Appreciation Day (Section 4)

Present Situation

In 1972, the Florida Legislature designated the month of May as “Law Enforcement Appreciation Month.”⁵¹ Pursuant to 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

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.

Effective Date (Section 13)

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides that counties and municipalities are not bound by general law requiring such counties or municipalities to spend funds. However, the local governments may be bound if the Legislature has determined that the law fulfills an important state interest and approves the law requiring such expenditure by two-thirds vote of the membership each house of the Legislature. Additionally, the mandates requirements do not apply to laws having an insignificant impact, which is \$2.3 million or less for Fiscal Year 2022-2023.⁵² The impact of this provisions of this bill related to increasing the base salary of sheriffs if unknown.

B. Public Records/Open Meetings Issues:

None.

⁵¹ Chapter 72-322, L.O.F.

⁵² FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited February 24, 2021). This calculation is based on the Demographic Estimating Conference’s estimated population adopted on March 3, 2021. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/archives/210303demographic.pdf> (last visited February 24, 2022).

C. Trust Funds Restrictions:

None.

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:

Law enforcement officers, both current and new to the state or profession, will benefit from various provisions of this bill through reimbursements of training expenses, exemptions from certain training, or benefits for their children.

C. Government Sector Impact:

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 5-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 must be prorated subject to the amount appropriated for the program. Neither the bill nor SB 2500 include an appropriation for this program. However, HB 5001 includes an appropriation of \$20 million.

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 in-state tuition rate for a career certificate at a FCS institution or a school district career center is \$2.33 per contact hour.⁵³ The law enforcement basic recruit training program is 770 contact hours. This equates to an average in-state program tuition cost of \$1,794.

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. Neither the bill nor SB 2500 include an appropriation for this program. However, HB 5001 includes an appropriation of \$5 million.

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 officer certification examination is administered electronically by a third party contract provider at authorized testing sites throughout the state. The standard fee for taking the exam is \$100, plus any additional fees that may be assessed by individual testing sites.⁵⁴

The bill specifies that the reimbursement for equivalency training is contingent upon annual appropriation by the Legislature. Neither the bill nor SB 2500 include an appropriation for this program. However, HB 5001 includes an appropriation of \$1 million.

Adoption Benefits

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 pursuant to s. 409.1664, F.S., is contingent upon an annual appropriation by the Legislature. Neither the bill nor SB 2500 include an appropriation for this program. However, HB 5001 includes an appropriation of about \$3 million.

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

⁵³ Section 1009.22(3)(c), F.S.

⁵⁴ Florida Department of Law Enforcement, *State Officer Certification Exam*, <http://www.fdle.state.fl.us/CJSTC/Exam/Exam-Home.aspx> (last visited Feb. 24, 2022)

annual formula-based calculations of the salaries of elected county constitutional officers.⁵⁵

Law Enforcement Training

The 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 \$54,291.⁵⁶ This cost can be absorbed within 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 officers⁵⁷ 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 academic year or was not already participating in the FES-EO Program, there may 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.

The PreK-12 Enrollment Impact Conference will meet on Friday, February 25, 2022, to estimate any impact of the bill.

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 state postsecondary education entities.

⁵⁵ Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2021-22*, <http://edr.state.fl.us/Content/local-government/reports/finsal21.pdf> (last visited Feb. 24, 2022).

⁵⁶ Florida Department of Law Enforcement, *Agency Analysis of 2022 House Bill 3*, p.4 (Jan. 18, 2022)

⁵⁷ Email, Florida Department of Law Enforcement, Ron Draa, RE: State of Florida Law Enforcement Officer Count (Jan. 28, 2022) (on file with the Senate Education Committee).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 145.071, 409.1664, 683.11, 943.17, and 1002.394.

This bill creates the following sections of the Florida Statutes: 445.08, 943.1745, 1003.4933, 1003.49966, 1004.098, 1009.896, and 1009.8961.

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.