

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 41 Florida Law Enforcement Officers' Hall of Fame

**SPONSOR(S):** Criminal Justice Subcommittee; Campbell and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1234

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Jones	Cunningham
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

The bill establishes the "Florida Law Enforcement Officers' Hall of Fame" (Hall of Fame). The bill requires the Department of Management Services (DMS) to set aside an appropriate public area for the Hall of Fame on the Plaza Level of the Capitol Building, and to consult with the Florida Department of Law Enforcement (FDLE) in developing the design and theme of the area.

The bill requires FDLE to annually accept recommendations of potential nominees from law enforcement organizations, and to establish criteria and time periods for accepting and selecting such recommendations. FDLE must then choose 10 nominees and submit them to the Governor and Cabinet. The Governor and Cabinet must then select five of the nominees to be inducted into the Hall of Fame. In making recommendations to the Governor and Cabinet, FDLE must give preference to law enforcement officers who:

- Were born in Florida or have adopted Florida as their home state; and
- Who have put their lives on the line for the safety and protection of the citizens of Florida through their works, service, and exemplary accomplishments, during or following their service as law enforcement officers.

The bill authorizes FDLE to establish, organize, and conduct a formal induction ceremony, and requires the names of each inductee to be placed on a plaque on the Plaza Level of the Capitol Building.

The bill may have a negative fiscal impact on DMS and FDLE. See fiscal section.

The bill is effective on July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Florida currently has a variety of statutorily created Hall of Fames honoring specified Floridians and their accomplishments.<sup>1</sup> Florida does not have a statutorily-created hall of fame honoring law enforcement officers. However, a number of private organizations have established such memorials. For example:

- The American Police Hall of Fame, located in Titusville, Florida, is a national police museum and memorial honoring the nation's police officers who were killed in the line of duty.<sup>2</sup>
- The Florida State Law Enforcement Officers Memorial, located on the grounds of the state capital building in Tallahassee, Florida, honors fallen Floridian law enforcement officers;<sup>3</sup> and
- The National Law Enforcement Officer Memorial, located in Washington D.C., honors law enforcement officers who were killed in the line of duty.<sup>4</sup>

##### **Effect of the Bill**

The bill provides the following legislative intent language:

It is the intent of the Legislature to recognize and honor law enforcement officers, as defined in s. 943.10, F.S., who put their lives on the line for the safety and protection of the citizens of Florida through their works, service, and exemplary accomplishments during or following their service as law enforcement officers.

The bill creates s. 265.004, F.S., establishing the "Florida Law Enforcement Officers' Hall of Fame" (Hall of Fame). The bill requires the Department of Management Services (DMS) to set aside an appropriate public area for the Hall of Fame on the Plaza Level of the Capitol Building. DMS must consult with the Florida Department of Law Enforcement (FDLE) in developing the design and theme of the area.

The bill requires FDLE to annually accept recommendations of law enforcement officers from law enforcement organizations that FDLE deems appropriate. Such organizations include, but are not limited to, the Police Benevolent Association and the Fraternal Order of Police. FDLE may establish criteria and time periods for accepting and selecting recommendations.

After receiving nominee recommendations, FDLE must choose 10 nominees and submit them to the Governor and Cabinet. The Governor and Cabinet must then select five of the nominees to be inducted into the Hall of Fame. In making recommendations to the Governor and Cabinet, FDLE must give preference to law enforcement officers who:

- Were born in Florida or have adopted Florida as their home state; and
- Who have put their lives on the line for the safety and protection of the citizens of Florida through their works, service, and exemplary accomplishments, during or following their service as law enforcement officers.

The bill authorizes FDLE to establish, organize, and conduct a formal induction ceremony. The names of each inductee must be placed on a plaque on the Plaza Level of the Capitol Building.

#### B. SECTION DIRECTORY:

Section 1. Creates s. 265.004, F.S., relating to Florida Law Enforcement Officers' Hall of Fame.

<sup>1</sup> See, e.g., the Women's Hall of Fame (s. 265.001, F.S.); the Metal of Honor Wall (s. 265.002, F.S.); and the Veterans' Hall of Fame (s. 265.003, F.S.).

<sup>2</sup> The American Police Hall of Fame, <http://www.aphf.org/> (last visited on March 11, 2014).

<sup>3</sup> The Florida State Law Enforcement Officers Memorial, <http://www.floridastatefop.org/flmemorial.asp> (last visited on March 11, 2014).

<sup>4</sup> The National Law Enforcement Officer Memorial, <http://www.nleomf.org/memorial/> (last visited on March 11, 2014).

Section 2. Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues.

#### 2. Expenditures:

##### DMS

DMS serves as the managing agency for the Capitol Complex, which includes the operation and maintenance of both the grounds and buildings. This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Complex.<sup>5</sup>

The bill requires DMS to set aside an appropriate area on the Plaza Level of the Capitol Building for the Hall of Fame, and to consult with FDLE regarding the design and theme of the area. DMS reports that the agency will incur de minimis expenses related to maintaining the area.<sup>6</sup>

##### FDLE

The bill requires FDLE to handle the acceptance of potential nominees, and gives them ability to create criteria for nominee selection. FDLE reports that in order to implement these requirements, they will need 1 FTE to develop the guidelines that will govern the implementation, and to solicit, review, and vet the applications prior to processing the names submitted for consideration.<sup>7</sup>

The bill also requires that the name of each person inducted into the Hall of Fame be placed on a plaque displayed in the designated area of the Capitol building. FDLE reports that the costs related to this plaque will be absorbed into FDLE's appropriated budget.<sup>8</sup>

The bill directs FDLE to administer the Hall of Fame without appropriation of state funds. FDLE reports that the costs related to staff time and agency resources that will be expended to carry out the bill's provisions cannot be absorbed within FDLE's existing appropriated resources.<sup>9</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

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

None.

### D. FISCAL COMMENTS:

None.

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<sup>5</sup> DMS 2014 Analysis of HB 41 (on file with the Criminal Justice Subcommittee).

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

<sup>7</sup> FDLE 2014 Analysis of HB 41 (on file with the Criminal Justice Subcommittee).

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

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

### **III. COMMENTS**

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

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

The bill does not appear to require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

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

None.

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

The bill authorizes FDLE to establish criteria and time periods for accepting and selecting Hall of Fame nominee recommendations. The bill does not specifically grant FDLE rulemaking authority for this purpose.

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

None.

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

On March 10, 2014, the Criminal Justice Subcommittee adopted one strike all amendment that:

- Clarified the intent language of the bill;
- Defined the term law enforcement officer;
- Included the Fraternal Order of Police to the organizations that FDLE must accept recommendations from; and
- Required FDLE to nominate 10 law enforcement officers to the Governor and Cabinet, who must then select five to be inducted into the Hall of Fame each year.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.