

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 201 Diabetes Awareness Training for Law Enforcement Officers

SPONSOR(S): Criminal Justice Subcommittee; Narain and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 746

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N, As CS	Cunningham	Cunningham
2) Judiciary Committee	15 Y, 0 N	Cunningham	Havlicak

SUMMARY ANALYSIS

The Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement (FDLE), establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement officers (LEOs). Currently, every prospective LEO must meet the minimum qualifications outlined in s. 943.13, F.S., successfully complete a CJSTC-developed Basic Recruit Training Program, and pass a statewide certification examination in order to receive their certification.

In order to maintain their certification, LEOs must satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires LEOs, as a condition of continued employment, to receive periodic CJSTC-approved training or education at the rate of 40 hours every 4 years.

Florida law currently requires CJSTC to establish continued employment training related to specified topics (e.g., topics related to community policing, interpersonal skills relating to diverse populations, and juvenile sexual offender investigations). This training counts toward the 40 hours of required instruction for continued employment.

Florida law does not currently require CJSTC to establish continued employment training related to diabetic emergencies.

The bill creates s. 943.1726, F.S., which requires FDLE to establish an on-line continued employment training component relating to diabetic emergencies. Instruction must include, but is not limited to, recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a LEO.

FDLE reports that the bill will not have a fiscal impact on the Department.

The bill is effective October 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Law Enforcement Officer - Basic Recruit Training Program

The Criminal Justice Standards and Training Commission (CJSTC), housed within the Florida Department of Law Enforcement (FDLE), establishes uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement officers (LEOs). Currently, every prospective LEO must meet the minimum qualifications outlined in s. 943.13, F.S., successfully complete a CJSTC-developed Basic Recruit Training Program, and pass a statewide certification examination in order to receive their certification.¹

Sections 943.171 through 943.17296, F.S., require CJSTC to include instruction on a number of specific topics into a LEO Basic Recruit Training Program curriculum (e.g., topics related to victim assistance, juvenile sexual offender investigations, elder abuse and neglect, etc.). Although instruction on diabetic emergencies is not currently required by statute, FDLE states that this training is currently being provided.²

Law Enforcement Officer - Continuing Training & Education

In order to maintain their certification, LEOs must also satisfy the continuing training and education requirements of s. 943.135, F.S. This statute requires LEOs, as a condition of continued employment or appointment, to receive periodic CJSTC-approved continuing training or education at the rate of 40 hours every 4 years.³ The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and must maintain and submit the documentation to CJSTC.⁴

Similar to the Basic Recruit Training Program, Florida law requires CJSTC to establish continued employment training related to specified topics (e.g., topics related to community policing, interpersonal skills relating to diverse populations, and juvenile sexual offender investigations).⁵ This training counts toward the 40 hours of required instruction for continued employment.⁶

Currently, Florida law does not require CJSTC to establish continued employment training related to diabetic emergencies.

Effect of the Bill

The bill creates s. 943.1726, F.S., which requires FDLE to establish an on-line continued employment training component relating to diabetic emergencies. Instruction must include, but is not limited to, recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. The bill specifies that completion of the training component may count toward the 40 hours of required instruction for continued employment or appointment as a LEO.

B. SECTION DIRECTORY:

Section 1. Cites the act as the "Arthur Green, Jr., Act."

Section 2. Creates s. 943.1726, F.S., relating to continued employment training relating to diabetic emergencies.

¹ s. 943.13, F.S.

² FDLE Analysis of HB 201, January 16, 2015 (on file with the Criminal Justice Subcommittee).

³ s. 943.135(1), F.S.

⁴ *Id.*

⁵ ss. 943.1729, 943.1716, and 943.17295, F.S.

⁶ *Id.*

Section 3. Provides an effective date of October 1, 2015.

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:

FDLE reports that the bill will not have a fiscal impact on the Department.⁷

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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an 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:

Section 943.03, F.S., requires FDLE to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of law conferring powers or duties upon it. The bill does not appear to create a need for additional rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

⁷ E-mail from Ron Draa, FDLE's Legislative Affairs Director, March 5, 2015 (on file with the Criminal Justice Subcommittee).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2015, the Criminal Justice Subcommittee adopted a proposed committee substitute and reported the bill favorable as a committee substitute. The committee substitute requires *FDLE* to establish an on-line *continued employment* training component relating to diabetic emergencies (the bill as filed required CJSTC to establish such training for LEOs as part of their basic skills training).

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