

**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 Fiscal Policy

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**BILL:** CS/CS/SB 864

**INTRODUCER:** Fiscal Policy Committee; Criminal Justice Committee; and Senator Collins and others

**SUBJECT:** Autism Spectrum Disorder Training for Law Enforcement and Correctional Officers

**DATE:** February 23, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<b>Fav/CS</b>
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	<b>Favorable</b>
3.	<u>Vaughan</u>	<u>Yeatman</u>	<u>FP</u>	<b>Fav/CS</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 864 amends s. 943.1727, F.S., requiring a training component relating to individuals with autism spectrum disorder. The bill specifies that the training may count toward the 40 hours of instruction for continued employment or for appointment as a law enforcement officer, correctional officer, or correctional probation officer. This would apply to both the Criminal Justice Standards and Training Commission (CJSTC) advanced/specialized programs and to the basic recruit training for those seeking to become a certified law enforcement officer in Florida.

The bill also specifies that the training must include in-person instruction for initial certification and online instruction for continued employment, in the techniques and procedures including:

- The nature and manifestation of autism spectrum disorders;
- Appropriate techniques for interviewing or interrogating an individual with autism spectrum disorder, including techniques to ensure the legality of statements made by the individual and techniques used to protect the right of the individual;
- Techniques for locating an individual with autism spectrum disorder who runs away and is in danger and for returning that individual while causing as little stress as possible to the individual;
- Techniques for recognizing the agency of an individual with autism spectrum disorder while identifying potential abusive or coercive situations;
- Techniques for deescalating a potentially dangerous situation to maximize the safety of both the officer and the individual with autism spectrum disorder;

- Techniques for differentiating an individual with autism spectrum disorder from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an individual with autism spectrum disorder and understanding the law as it relates to the use of the Baker Act against an individual with autism spectrum disorder;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with autism spectrum disorder in a correctional facility; and
- The impact of interaction with officers on individuals with autism spectrum disorder.

All recruits must receive the employment training component relating to individuals with autism spectrum disorder.

The bill provides timeframes for implementation of training for initial certification and for continued training or education. Failure to complete the training will result in the officer's certification being in "inactive status" until the officer's employing agency notifies the commission that he or she has completed the training.

The Florida Department of Law Enforcement can absorb the workload associated with this bill within existing resources. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2024.

## II. Present Situation:

### **Criminal Justice Standards and Training Commission (CJSTC)**

The CJSTC is established under s. 943.11, F.S. The commission is an independent policy making body that 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.<sup>1</sup>

#### *Minimum Qualifications*

An individual must be at least 19 years of age to become a certified law enforcement officer or a certified correctional probation officer and must be at least 18 years of age to become a certified correctional officer. Additionally, the individual must be a citizen of the United States, not have been convicted of a felony or received a dishonorable discharge from the military, pass a physical exam, and have good moral character as determined by a background investigation. Certification as a law enforcement officer or correctional officer requires a high school diploma or equivalent (GED). Certification as a correctional probation officer requires a bachelor's degree.<sup>2,3</sup>

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<sup>1</sup> 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 January 18, 2024).

<sup>2</sup> Office of Program Policy Analysis and Governmental Accountability, *Department of Law Enforcement Criminal Justice Professionalism Services*, <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=1065> (last visited January 18, 2024).

<sup>3</sup> Section 943.13, F.S.

### ***Autism Training***

In 2017, s. 943.1727, F.S., was amended to include autism training for law enforcement officers. This training may be counted toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer under s. 943.135, F.S.<sup>4</sup>

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.<sup>5</sup>

Currently, the Florida Law Enforcement Academy Basic Recruit Training Program (LEBRT or Basic Recruit) is set at 770 hours of instruction time. The Basic Recruit has a lesson in place on interacting with people with autism that addresses topics relating to the autism spectrum disorder. Training is included in an optional 4-hour Specialized Course, Autism Spectrum Disorder and Awareness. The LEBRT program also includes information on interviewing people with autism spectrum disorder and responding to missing persons incidents involving people with autism spectrum disorder.<sup>6</sup>

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

The bill amends s. 943.1727, F.S., to require a training component relating to individuals with autism spectrum disorder<sup>7</sup> for law enforcement officers, correctional officers, or correctional probation officers. The bill specifies that the training may count toward the 40 hours of instruction for continued employment or for appointment as a law enforcement officer, correctional officer, or correctional probation officer. This would apply to both the CJSTC’s advanced/specialized programs and to the basic recruit training for those seeking to become certified law enforcement officers in Florida.

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<sup>4</sup> 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 4 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. Section 943.135, F.S.

<sup>5</sup> Section 627.6686, F.S.

<sup>6</sup> 2024 FDLE Legislative Bill Analysis, January 6, 2024 (on file with the Senate Committee on Criminal Justice).

<sup>7</sup> The bill defines the term “autism spectrum disorder” to have the same meaning as provided in s. 627.6686(2)(b), F.S., which defines “autism spectrum disorder” as 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:

1. Autistic disorder.
2. Asperger’s syndrome.
3. Pervasive developmental disorder not otherwise specified.

The bill also specifies that the training must include in-person instruction for initial certification and online instruction for continued employment, in the techniques and procedures including:

- The nature and manifestation of autism spectrum disorders;
- Appropriate techniques for interviewing or interrogating an individual with autism spectrum disorder, including techniques to ensure the legality of statements made by the individual and techniques used to protect the right of the individual;
- Techniques for locating an individual with autism spectrum disorder who runs away and is in danger and for returning that individual while causing as little stress as possible to the individual;
- Techniques for recognizing the agency<sup>8</sup> of an individual with autism spectrum disorder while identifying potential abusive or coercive situations;
- Techniques for deescalating a potentially dangerous situation to maximize the safety of both the officer and the individual with autism spectrum disorder;
- Techniques for differentiating an individual with autism spectrum disorder from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an individual with autism spectrum disorder and understanding the law as it relates to the use of the Baker Act against an individual with autism spectrum disorder;
- Procedures to identify and address challenges related to the safety and wellbeing of individuals with autism spectrum disorder in a correctional facility; and
- The impact of interaction with officers on individuals with autism spectrum disorder.

All recruits must receive the employment training component relating to individuals with autism spectrum disorder.

The bill provides that by July 1, 2026, each basic skills course required for a law enforcement, correctional, and correctional probation officer to obtain initial certification must incorporate the autism spectrum disorder training. Autism training for continued training or education must be completed by July 1, 2028. The bill provides that failure to complete the training will result in the officer's certification being in "inactive status" until the officer's employing agency notifies the commission that he or she has completed the training.

Increasing the overall number of hours for basic recruit training would require the CJSTC approval and approval by the Department of Education be completed and approved before the training becomes effective.

The bill takes effect July 1, 2024.

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

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

None.

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<sup>8</sup> The bill defines the term "agency" to mean "the ability to make independent decisions and act in one's own best interests."

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

None.

**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:**

None.

**C. Government Sector Impact:**

The FDLE cited the need for 2 new positions (Education and Training Specialists) to meet the requirements of the bill. The salary and benefits cost for one of these positions totals \$53,806 and the expense and human resource service assessment package costs \$11,436. As of December 2023, the department has two vacant Education and Training Specialist positions and should be able to absorb the workload within existing resources.

Additionally, the Department states there will be minimal programming changes needed to the Automated Training Management System. The cost estimate for these changes is \$45,000, which can be absorbed within current resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 943.1727 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Fiscal Policy on February 22, 2024:**

The committee substitute:

- Removes the language “may include at least 4 hours” and requires in person training without a specific time requirement.
- Requires that the basic skills course incorporate autism training for law enforcement, correctional, and correctional probation officers to obtain *initial certification* by July 1, 2026.
- Requires that law enforcement, correctional, and correctional probation officers complete training by July 1, 2028, through continued training or education. The amendment provides that failure to complete the training will result in the officer’s certification being in “inactive status” until the officer’s employing agency notifies the commission that he or she has completed the training.

**CS by Criminal Justice on January 23, 2024:**

The committee substitute:

- Adds language to include correctional officers or correctional probation officers in autism spectrum disorder training.

- B. **Amendments:**

None.