

House Bill 3 FAQ

April 2022



House Bill 3 from this most recent legislative session adds many new benefits for law enforcement officers, one of which makes their dependent students automatically eligible for the Family Empowerment Scholarship Program. The FAQs below describe more specifically what is meant by “law enforcement officer” and who qualifies for the scholarship. If you don’t see a category that fits your situation, please still consider applying for the Family Empowerment Scholarship, as the income threshold for eligibility has increased.

- Who is considered a “law enforcement officer”?
 - Under s. 943.10(1) F.S., “law enforcement officer” is defined as 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.
- Are certified law enforcement supervisory and command personnel eligible?
 - Yes, certified supervisory and command personnel are included within the definition of “law enforcement officer” and therefore are eligible if their 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.
- Are law enforcement support personnel eligible?
 - No, support personnel are excluded from the definition of “law enforcement officer” and therefore are not eligible.
- Are law enforcement officers who work for a federal agency eligible (FBI, U.S. Customs and Border Protection, U.S. Dept. of Homeland Security, U.S. Immigration and Customs Enforcement, U.S. Marshals Service, U.S. Secret Service, etc.)?
 - No, law enforcement officers employed by a federal agency are not included within the definition of “law enforcement officer” and therefore are not eligible. The definition includes only those officers employed by the State of Florida or a municipality/political subdivision in Florida.

- Are law enforcement officers from other states eligible?
 - No, law enforcement officers employed by another state are not included within the definition of “law enforcement officer” and are therefore not eligible. The definition includes only those officers employed by the State of Florida or a municipality/political subdivision in Florida.

- Are auxiliary officers eligible?
 - No, auxiliary law enforcement officers are not included within the definition of “law enforcement officer” and are therefore not eligible. Auxiliary law enforcement officers only have the authority to arrest and perform law enforcement functions while under the direct supervision of a full-time or part-time law enforcement officer and are defined separately under s. 943.10(8), F.S.

- Are correctional officers eligible?
 - No, correctional officers are not included within the definition of “law enforcement officer” and are therefore not eligible. Correctional officers have primary responsibility for the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution and are defined separately under s. 943.10(2), F.S.

- Are correctional probation officers eligible?
 - No, correctional probation officers are not included within the definition of “law enforcement officer” and are therefore not eligible. Correctional probation officers have primary responsibility for the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community and are defined separately under s. 943.10(3), F.S.

- Are security officers eligible?
 - No, security officers are not included within the definition of “law enforcement officer” and are therefore not eligible. Security officers may perform bodyguard services, theft prevention services, armored car services, or transport prisoners and are defined separately under s. 493.6101, F.S.

- Are school safety officers employed by a school district eligible?
 - Yes, Florida law requires school safety officers to be a “law enforcement officer” under s. 943.10(1), F.S., and the Florida Supreme Court has held that an employing school district is considered a political subdivision as required by s. 943.10(1), F.S.

- Are school resource officers eligible?
 - Yes Florida law requires school resource officers to be a “law enforcement officer” under s. 943.10(1), F.S., making school resource officers eligible.

- Are firefighters or paramedics/EMTs eligible?
 - No, firefighters and paramedics/EMTs are not included within the definition of “law enforcement officer” and are therefore not eligible.

- Are military police eligible?
 - Yes, although military police are not included within the definition of “law enforcement officer,” they are otherwise eligible as members of the U.S. Armed Forces.

- Are reserve deputies eligible?
 - No, reserve deputies are not included within the definition of “law enforcement officer” and are therefore not eligible.