

# FLORIDA SHERIFFS ASSOCIATION



*Protecting, Leading, Uniting Since 1893*



FSA Headquarters • 2617 Mahan Drive • Tallahassee, Florida



# Legislative Affairs at FSA



*Protecting, Leading, Uniting Since 1893*

## **Legislative Wrap-Up Webinar** June 1, 2017

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Government Affairs Coordinator

This presentation will be posted at:  
<http://www.flsheriffs.org/legislative/>



# 2017 Session Overview

The legislative session adjourned  
sine die on May 8<sup>th</sup>



*3,052 bills introduced*  
*Only 231 passed*

*FSA passed our legislative priority*



# FSA Legislative Platform

Prevention & Youth Service

Public Safety

Law Enforcement

Gaming

Administration

Jails, Corrections, & Re-Entry



Sheriffs Day at the Capitol 2017



# 2017 Priorities

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# Comprehensive Drug Control

## HB 477 by Rep. Boyd & SB 150 by Sen. Steube

- Creates criminal penalties for trafficking in Fentanyl and synthetic drugs, such as cannabinoids and cathinones
- Allows a person to be charged with murder for causing any death through the distribution of Fentanyl, heroin, or any mixture thereof (This penalty currently exists for cocaine, opium, and methadone)
- Adds numerous “Fentanyl Derivatives” to Florida’s Controlled Substances Schedules to ensure all chemical variants of Fentanyl are included
- Provides for an increased penalty for 10 or more grams of Fentanyl (This penalty currently exists for other drugs that have no accepted medical applications)

**PASSED**



# Prolific Juvenile Offender

## **HB 7059 by Rep. Grant & SB 1670 by Sen. Latvala**

- Creates the new criteria of “Prolific Juvenile Offenders” to identify a narrow class of repeat juvenile offenders at risk of further recidivism who must be placed in detention care until disposition of their cases
- PJOs must have their adjudicatory hearing held within 45 days after being taken into custody and be held in detention care until disposition
- Requires secure detention for a juvenile awaiting placement in a nonsecure residential program

**PASSED**



# Prevention and Youth Service

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# Civil Citations for Juveniles

## **HB 205 by Rep. Ahern**

- Encourages pre-arrest programs
- Provides expunction of a record associated with a juvenile civil citation, neighborhood restorative justice, and community arbitration

## **SB 196 by Sen. Flores**

- Mandates pre-arrest programs
- Requires civil citations to be issued for 11 misdemeanor offenses
- DJJ to annually report all civil citations issued



# Direct File of Juvenile Offenders

## HB 192 by Rep. Powell

Specifies the offenses in which a state attorney can direct file a juvenile offender into adult court by creating a two-tiered system.

Requires:

- Minimum ages for certain offenses
- Requires court to review reports and other factors prior to direct file
- DJJ annual report



# Public Safety

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# Open Carry (and Variations)

**HB 779 by Rep. Combee & SB 646 by Sen. Steube**

Noncriminal violation for open carry for conceal carry license holders

Bill #	Conceal Carry in...
SB 616	Courthouse (check weapons at security)
SB 618	Airport
SB 620	Legislative Committee Meeting
SB 622	School Athletic Events
SB 626	County/Public School District Meetings
SB 640	Career Center



**FAIL**

# Self-Defense Protection Act

**HB 245 by Rep. Payne & SB 128 by Sen. Bradley**

- Once a defendant raises a prima facie claim of self-defense immunity from prosecution at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the state to overcome the immunity from criminal prosecution

**PASSED**





# Controlled Substances



Florida Comprehensive Drug Abuse Prevention and Control Act

**HB 505 by Rep. Trumbull & SB 1002 by Sen. Perry**

Removes ioflupane I 123 from Schedule II of Florida's controlled substance schedules

Kratom

**HB 183 by Rep. Jacobs & SB 424 Sen. Rouson**

Adds Kratom to Schedule I of Florida's controlled substance schedules



# Medical Marijuana

## HB 1397 by Rep. Rodrigues & SB 406 by Sen. Bradley

- Implements the Constitutional Amendment
- Prohibited smoking of medical marijuana
- Disagreement between the chambers:
  - Cap on the number of storefront dispensaries
  - Dispensary tax

...Special Session...?



# Public Records: Injunctions for Protection

## HB 239 by Rep. Lee, Jr. & SB 1062 by Sen. Powell

- Exempts from public record requirements a petition, and the contents thereof, for all types of injunctions for protection when the petition is:
  - Dismissed without a hearing,
  - Dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or
  - Dismissed for any reason having to do with the sufficiency of the petition itself

**PASSED**





# Public Records: ID of a Witness to a Murder

## HB 111 by Rep. Stafford & SB 550 by Sen. Bracy

- Creates a public record exemption for criminal intelligence or criminal investigative information that reveals the personal identifying information of a witness to a murder for two years after the date on which the murder is observed by the witness
- May be disclosed by a criminal justice agency:
  - In the furtherance of its official duties and responsibilities
  - To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered
  - To another governmental agency for use in the performance of its official duties and responsibilities or
  - To the parties in a pending criminal prosecution as required by law
- Provides that the public record exemption continues to apply to personal identifying information of a witness to a murder when it is disclosed in discovery to a person who is arrested or made part of a court file



# Texting While Driving

**HB 69 by Rep. Slosberg & SB 144 by Sen. Garcia**

Authorizes the enforcement of texting while driving as a primary offense



# Arrest Booking Photos

## **HB 857 by Rep. Plakon & SB 118 by Sen. Steube**

- Prohibits any person or entity that publishes arrest booking photographs to solicit or accept a fee to remove the photographs
- Does not apply to a person or entity that publishes or disseminates information relating to arrest booking photographs, unless the person or entity solicits or accepts a fee to remove the information



# In Proviso Language...

## **Criminal Justice Reform Study**

- Conducts a comprehensive review of the state's criminal justice system, court system, and corrections system

## **Florida Highway Patrol Workgroup**

- Creates workgroup within DHSMV to review FHP's response to calls for service and identify funding needs and potential partnerships with local law enforcement entities and consider optional funding sources for those agencies to address needs associated with traffic crash investigations

**PASSED**



# Law Enforcement

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# Body Cameras for Law Enforcement Officers



## HB 305 Rep. Harrison & SB 624 Sen. Steube

- Requires a law enforcement agency that permits the use of body cameras to have a provision permitting a LEO using a body camera to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties
- Provides that any such provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses

**PASSED**



# Internet Identifiers



## **HB 699 by Rep. Mariano & SB 684 by Sen. Baxley**

- Fixes a glitch from 2016 legislation that was determined to be overbroad and vague and hampered protected speech
- Revises the definition of “Internet identifier” and creates a definition for “social Internet communication”
- Requires sexual predators and sexual offenders to register each Internet identifier’s corresponding website homepage or application software name with FDLE
- Requires sexual predators and sexual offenders to update any changes to the Internet identifier’s corresponding website homepage or application software name within 48 hours of using the Internet identifier



# Eye Witness Identification

## **HB 643 by Rep. Harrell & SB 312 by Sen. Baxley**

- Requires law enforcement agencies that conduct lineups to follow specified procedures
- Requires eyewitnesses to sign acknowledgment that they have received instructions about lineup procedures
- Requires lineup administrators to document refusal of eyewitness to acknowledge receipt
- Creates remedies for failing to adhere to procedures
- Requires Criminal Justice Standards and Training Commission to create educational materials and provide training

**PASSED**





# Threats to Kill or Do Bodily Harm

## HB 575 by Rep. Plasencia & SB 260 by Sen. Steube

- Prohibits person from making threat to kill or do bodily injury in writing or other record by posting or transmitting threat in specified manner
- Removes the requirement that a threat be sent to the specific recipient





# Virtual Currency

## **HB 1379 by Rep. Diaz & SB 1626 by Sen. Bradley**

- Provides fix to a court case in which Bitcoins were determined to not fall within the definition of money laundering
- Defines “virtual currency” as “a medium of exchange in electronic or digital format that is not a coin or currency of the United States or other country”
- Amends the term “monetary instruments” to include “virtual currency” in the Florida Money Laundering Act

**PASSED**



# Autism Awareness Training for Law Enforcement Officers

## HB 39 by Rep. Jenne & SB 219 by Sen. Stafford

- Requires FDLE to establish continued employment training component relating to autism spectrum disorder
- Specifies instruction to be included in training component
- Provides that completion of training may count toward continued employment instruction requirements



# Gaming

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# Gaming Compact between the Seminole Tribe and the State of Florida

## HB 149 by Rep. Brodeur & SB 8 by Sen. Galvano

- Ratifies and approves the Gaming Compact between the Tribe and the State of Florida
- Creates the Fantasy Contest Amusement Act, which regulates fantasy contests and provides that these contests involve the skill of contest participants
- Allows a greyhound racing permitholder, harness racing permitholder, jai alai permitholder, quarter horse permitholder, and certain thoroughbred horse racing permitholders to stop conducting live performances but continue to operate its slot machine facilities or card rooms



**FAIL**

# Administration

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# Selection and Duties of Sheriff

## **HJR 721 by Rep. Fischer & SJR 134 by Sen. Artiles**

- Proposes an amendment to the Florida Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff



# Public Records Requests

## **HB 163 by Rep. Burgess & SB 80 by Sen. Steube**

- Allows for the awarding of attorney fees against the responsible agency if:
  - The agency unlawfully refused to permit a public record to be inspected or copied; and
  - The complainant provided written notice at least 5 days before filing the civil action
- The agency must prominently post the contact information of the agency's custodian of public records
- The court will determine if the complainant's request was for an improper purpose, a request solely to cause a violation of this chapter

**PASSED**





# FRS Contribution Rates



Membership Class	Effective July 1, 2017				
	Normal Cost	UAL Rate	Admin	HIS	Total
Regular	2.90%	3.30%	0.06%	1.66%	7.92%
Special Risk	11.86%	9.69%	0.06%	1.66%	23.27%
Special Risk Admin Support	3.83%	29.08%	0.06%	1.66%	34.63%
Elected Officers-County Officers	8.54%	35.24%	0.06%	1.66%	45.50%
Senior Management	4.29%	16.70%	0.06%	1.66%	22.71%
DROP	4.17%	7.43%	N/A	1.66%	13.26%



# Florida Retirement System

## SB 7022 by Government Oversight and Accountability

- Default into the Investment Plan
  - Special Risk Class exempt from this provision
  - New hire civilian employees have 8 months to make the election
  
- Survivor benefits retroactive to July 1, 2002
  
- Reemployment of retired FRS members

**PASSED**



# Depictions or Recordings of the Killing of a Law Enforcement Officer

## HB 1115 Rep. Brown & SB 968 by Sen. Bracy

- Current law provides a public record exemption for photographs and video and audio recordings held by an agency that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties
- Reenacts this public record exemption, but expands the exemption to apply to photographs and recording that depict or record the killing of any person



# Homestead Tax Exemption

## HJR 7105 by Rep. La Rosa

- Proposes an amendment to the Florida Constitution to increase the homestead exemption, for all levies other than school district levies, on the assessed value greater than \$50,000 and up to \$100,000
- The amendment will take effect January 1, 2019, if approved by the electors

**PASSED**



# Emergency Responder Death Benefits

## HB 1379 by Rep. Diaz & SB 1626 by Sen. Bradley

- Provides that the Department of Legal Services may award up to a maximum of \$50,000 to the surviving family members of an emergency responder who, as a result of a crime, is killed answering a call for service in the line of duty
- Defines “emergency responder” as “law enforcement officer, firefighter, an emergency technician, or paramedic”



**PASSED**

# Florida Wing of the Civil Air Patrol

## **HB 635 by Rep. Combee & SB 370 by Sen. Stargel**

Provides employment protections for a member of the Florida Wing (FLWG) of the Civil Air Patrol (CAP) who is absent from his or her place of employment due to service or training with the CAP by:

- Requiring employers to provide unpaid leave to an employee engaged in CAP service or training;
- Prohibiting the termination of an employee who is absent from work due to CAP service or training, except for cause;
- Entitling an employee returning to work following a period of CAP service or training to certain seniority rights; or
- Authorizing a cause of action for a member of the FLWG of the CAP who is affected by a violation of a provision in the bill



**PASSED**

# Jails, Corrections & Re-Entry

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# Federal Immigration Enforcement

## HB 697 by Rep. Metz & SB 786 by Sen. Bean

- Requires state and local governments and law enforcement agencies to support and cooperate with federal immigration enforcement
- Requires any sanctuary policies currently in effect be repealed within 90 days of the effective date of the Act
- Authorizes the Attorney General or a state attorney to seek an injunction against a state or local governmental entity or law enforcement agency for violations
- Requires a state or local governmental entity or law enforcement agency that violates the Act to pay a civil penalty of at least \$1,000 but no more than \$5,000 for each day the policy was in effect

**FAIL**





Thank you to all sheriffs and their staff for assisting FSA and our lobbyists through the 2017 Legislative Session.

We would especially like to thank Sheriff Gualtieri, FSA Legislative Chair, and the members of the FSA Legislative Committee for their hardwork and dedication.



# Questions???



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