

# FLORIDA SHERIFFS ASSOCIATION



## Florida Sheriffs Association 2023 Legislative Priorities

### Juvenile Justice

This comprehensive legislation was developed alongside a host of stakeholders that will hold for longer periods of time juveniles who possess or use a firearm, and bolster the juvenile justice system with more options to address the most serious crimes.

Recent events where juveniles were in possession of or used a firearm require time and deliberation to determine the best course of action. Juveniles charged with a firearm offense must remain in secure detention until they see a judge. Statutes should also be revised to make certain that for violent and gun related crimes that the presumption is to hold the juvenile in secure detention and to then allow a judge to depart from this with written findings. Unfortunately, the opposite is the case today and it puts the onus on the judge to submit findings in writing if they believe the juvenile should remain in secure detention.

This important piece of legislation will work to find balance where juveniles are offered chances at rehabilitation, while also keeping our communities safe from violent acts.

**Support HB 1181 by Rep. Jacques and SB 1274 by Sen. Martin**

### Reemployment Post Retirement

Sheriffs are continuing to experience staffing shortages and issues with recruitment and retention. Currently, returning to work or providing services to a Florida Retirement System (FRS) employer requires a 12-calendar month waiting period, with a few exceptions. Returning to FRS employment within 12 calendar months of becoming a Pension Plan retiree may have significant financial consequences and require the employee to repay retirement benefits received. Reducing the waiting period to six calendar months for sworn law enforcement officers to return to work after becoming a Pension Plan retiree will provide agencies with the opportunity to rehire experienced officers to address staffing needs.

This legislation allows an FRS retired law enforcement officer to be reemployed by an FRS employer in a position that qualifies for the Special Risk Class and receive compensation from that employer and retirement benefits provided the retiree is not reemployed within the 6 months following his or her date of retirement.

## **Support HB 853 by Rep. McClure and SB 400 by Sen. Burgess**

### **Officer Wellness**

In 2023, Florida Attorney General Ashley Moody concluded Florida opioid-related litigation by entering into settlement agreements with several manufacturers, distributors, and dispensers (pharmacies) of opioids. The state of Florida, counties and certain cities will receive approximately \$3.1 billion over the next 17 years. The settlements and state-subdivision agreement with local governments provide a distribution scheme and calculation methodology for settlement funds.

In 2023, the Florida Legislature created the Opioid Settlement Trust Fund in the Department of Children and Families (DCF). The bill provides that funds credited to the trust fund shall consist of funds disbursed from the Department of Financial Services Opioid Settlement Clearing Trust Fund. On September 30 of each year, any unencumbered balance remaining undisbursed in the DCF trust fund shall revert to the Department of Financial Services Opioid Settlement Clearing Trust Fund. The state fund will receive 45% of the settlement funds and increase over time to 55% of the settlement.

Sheriffs will work this year to ensure a portion of these state settlement funds are allocated for the mental health, wellness, and support services for first responders who experience trauma associated with opioid-related emergency events. This action is allowable under the settlement agreement entered into by the state and will greatly assist law enforcement agencies as they cope with mental health issues.

### **Luring or Enticing a Child**

Currently, an adult who intentionally lures or entices a child, or attempts to lure or entice a child other than for a lawful purpose into their vehicle or dwelling can only be charged with a misdemeanor under Florida law if it is their first offense of this nature. Because a first offense is only categorized as a misdemeanor, it is difficult for law enforcement to obtain arrest and search warrants and make physical arrests of these dangerous criminals if they have no other similar convictions. Felony luring applies only to an adult with a previous conviction for a sexual battery or lewd offense or where a computer was used to lure or entice a child.

Law enforcement continues to see examples of adults who attempt to lure and entice young children into their vehicles with the clear intent of kidnapping these children and performing

unspeakable acts upon them. Unfortunately, in many instances, unless the perpetrator has already been charged with luring or enticing or attempting to lure or entice a child, the only

charge that can be brought against the perpetrator is a misdemeanor for attempting to lure or entice a child.

This legislation will amend s. 787.025, the luring statute, to increase the penalty from a misdemeanor to a felony for an adult who intentionally lures or entices or attempts to lure or entice a child under the age of 12, other than for a lawful purpose. This legislation will also increase the criminal penalties for repeat offenders. This legislation will make an important change to current law to bring greater uniformity to the law used to protect our children and ensure these dangerous predators can be held accountable from the start.

**Support HB 1129 by Rep. Salzman and SB 1196 by Sen. Ingolia**

## Florida Sheriffs Association Legislative Platform

### **Law Enforcement**

*Marsy's Law:* Support legislation to clarify Marsy's Law protects victim information when they ask for their information to be protected.

### **Jails, Corrections & Re-Entry**

*Early Release:* Support Truth in Sentencing laws requiring convicted criminals to serve at least 85% of their sentence.

*Mandatory Minimum Sentencing:* Oppose the elimination of mandatory minimum sentences.

*Expunction of Criminal Records:* Oppose unlimited expunction of criminal records.

### **Administration**

*Florida Retirement System:* Support reducing the amount of time a law enforcement officer must remain retired before being rehired from 12 months to 6 months.

*Florida Retirement System:* Support legislation to assess the financial impact and necessary funding required for an ad hoc cost of living adjustment for future Special Risk Class retirees.

### **Budget**

*Crisis Intervention Team (CIT) Training Funding:* Support continued funding to train law enforcement officers to safely assess and identify people in mental health crisis and help connect them with community treatment and keep them out of the criminal justice system.

*Community Mental Health Funding:* Support funding for mental health services that will assist persons after they are released from county jails and have to transition back into the community.



850.877.2165



FLSHERIFFS.ORG