FSA Legislative Report

June 18

2015

One of the primary roles and responsibilities of the Florida Sheriffs Association is to support and monitor legislation that ensures public safety. During the 2015 legislative session, FSA's legislative team actively worked with lawmakers to ensure that the bills that passed are in the best interest of Florida citizens' safety and Florida's law enforcement officers.

Florida Sheriffs Association

Executive Summary

Florida Sheriffs had a successful legislative session. All three of their top priorities passed (CIT funding, electronic oaths and homeowners' rights), with two of the priorities (electronic oaths and homeowners' rights) getting accomplished before the end of an abbreviated regular session.

The 2015 legislative session ended early when the House of Representatives concluded on the 57th day (Tuesday). The Senate met until the following day (Wednesday) and then stayed adjourned until the 60th and final day of session. At the time there was a vast disagreement regarding health care spending, and this difference of opinions led to a breakdown in budget negotiations. After a month long cooling off period, both the House and Senate agreed to reconvene on June 1 for a special session to pass a state budget. The special session concluded on June 19 and the budget was then sent to Governor Scott for his approval.

1,754 bills were filled and 231 (13.2%) passed during the 2015 legislative session that had the House in session for a total of 66 hours and 11 minutes, and the Senate in session for 46 hours and 10 minutes. Bills that passed that were important to sheriffs included SB 248, a public record exemption for body-worn cameras by law enforcement; and SB 378, a bill to expand civil citation program for juveniles, which passed after sheriffs and the FSA lobbying team worked to remove language that would have mandated civil citations. Bills that failed to pass included large-scale casino gambling, as well as a bill that would have overhauled Florida's asset forfeiture laws by removing a sheriff's ability to expend forfeited proceeds for law enforcement operations.

Two priority bills that passed during the shortened regular session were electronic oaths (HB 523/SB 526) and homeowners' rights (HB 305/SB 656). SB 526 will now allow law enforcement officers to electronically notarize work-related documents. This will be an excellent efficiency measure for deputies out in the field. In addition, HB 305 creates a way for law enforcement to provide protections to homeowners or property owners, or leasees when an unwanted guest refuses to leave. This new law will allow property owners to determine if a resident is transient and issue a trespass warning in the presence of an officer; an arrest can be made after receiving a sworn affidavit from the property owner.

FSA's top legislative priority was to obtain state funding to expand Crisis Intervention Team (CIT) Training to all 67 sheriff's offices. CIT is an evidenced-based practice designed to improve the outcomes of law enforcement interactions with people living with mental illnesses. CIT is both a training program, and a collaborative effort that builds community partnerships with mental health service providers. As the slogan of the 40-hour training course: CIT – It's more than just training. Due to the leadership of the FSA President Sheriff David Shoar and the Legislative Chair Sheriff Bob Gualtieri's testimony in several legislative committees, FSA was able to gain support for the initiative. The Florida Legislature has appropriated $800,000 to the Department of Legal Affairs and will be directed to FSA to pay for training costs associated with conducting this week long training.

Through teamwork – with Sheriffs, their staff, and our lobby team at Southern Strategy Group and Guy Spearman Management – FSA was successful in passing the sheriffs' priorities and fighting bills that diminished public safety. The success would not have been possible without the dedication of the many individuals committed to the FSA's legislative program.

Table of Contents

Florida Sheriffs Association Priorities

Issue: Crisis Intervention Team Training

Outcome: **Passed. FSA will receive $800,000 in recurring general revenue.**
Effective: *July 1, 2015*

(Budget Appropriation)
Crisis Intervention Team (CIT) training is more than just training; it is a 40-hour Memphis model course that builds community partnerships with law enforcement, mental health service providers, and mental health advocates. The Florida Sheriffs Association requested $800,000 in recurring general revenue funding to initiate CIT programs statewide with the goal of 100% CIT participation by sheriff's offices. These funds will be used to host and facilitate 40-hour CIT trainings and permit agencies to seek reimbursement for CIT training costs. This funding will train law enforcement officers to safely assess and identify people in mental health crisis and help connect them with community treatment, and help keep them out of the criminal justice system by providing training on mental health related topics, de-escalation skills, and how to access community-based services. Agencies who have conducted minimal or no CIT training must be given priority for this training. A maximum of $50,000 of these funds may be used by the Florida Sheriffs Association to hire a contract CIT Coordinator.

Impact to Sheriffs: FSA is in the process of working out the details for sheriffs' offices to receive financial support to send deputies to CIT training. Additional details about how this funding will be utilized will be discussed during FSA's summer conference.

Issue: Electronic Oaths

Outcome: **Passed, Chapter No. 2015-23**
Effective: *July 1, 2015*

(HB 523 by Rep. Kerner and SB 526 by Sen. Grimsley)
Using a system compliant with criminal justice information system security measures, law enforcement officers can now electronically notarize work-related documents.

Impact to Sheriffs: Sheriffs' deputies can now notarize work-related documents electronically.

Issue: Homeowners' Rights

Outcome: **Passed, Chapter No. 2015-89**
Effective: *July 1, 2015*

(HB 305 by Rep. Harrison and SB 656 by Sen. Latvala)
This legislation creates a way for law enforcement to provide protections to homeowners or property owners, or leasees when an unwanted guest refuses to leave. Instead of using the Landlord Tenant Act, a property owner can provide a law enforcement officer with a sworn affidavit that the person is a transient resident. After which, the property owner can issue a trespass warning to the unwanted guest with an officer present. If the guest does not comply with the warning, he or she can be arrested for trespassing.

Impact on Sheriffs: Allows law enforcement to arrest a transient resident after he or she is issued a trespass warning by the home or property owner in the presence of an officer. The arrest for trespassing can be made after receiving a sworn affidavit from the property owner that the person is a transient resident.

Prevention & Youth Services

Issue: Civil Citation Programs

Outcome: **Passed**
Effective: *October 1, 2015*

(HB 99 by Rep. Clarke-Reed and SB 378 by Sen. Garcia)
This bill authorizes a law enforcement officer to issue a simple warning to the youth, inform the youth's parents of the misdemeanor, issue a civil citation or require participation in a similar diversion program. The bill also expands civil citation programs to allow an officer to issue a civil citation for two subsequent misdemeanors.

Impact to Sheriffs: Sheriffs' Offices and other criminal justice community stakeholders can expand their civil citation program to allow citations be given for up to three misdemeanor offenses. Law enforcement officers who make an arrest in place of a civil citation must provide documentation, such as an arrest report, as to why the arrest took place. This law does NOT mandate civil citation programs.

Issue: School Safety

Outcome: **Failed. HB died on House Calendar. SB temporality postponed in committee.**

(HB 19 by Rep. Steube and SB 180 by Sen. Evers)
The bill proposed to allow a school board to create a school safety designee program for employees to carry a concealed firearm or weapon on school campuses. Designees must be current or former law enforcement, military or reserve officers, have departed the respective entity in good standing, and hold a concealed weapons license. Each designee must coordinate with its local responding law enforcement agency to develop best practices, which include developing an easy way to identify designees in a case of emergency.

During an emergency in which law enforcement responds, the designee will be under the direction of the assigned school resource officer or any responding law enforcement officers. Training for the designee will be created by the Florida Criminal Justice Standards and Training Commission and administered by Criminal Justice Training Centers. Required training would likely include elements from the School Resource Officer training, crisis intervention team training and lock down drills.

The bill requires a school's first responder law enforcement agency to assist in developing best practices for active shooter training. Law enforcement is invited to examine a school's campus once every three years to provide insight on structural safety issues.

Issue: Charging Youths as Adults in Criminal Proceedings

Outcome: **Failed. Both bills died in committee.**

(HB 783 Rep. Edwards and SB 1082 by Sen. Altman)
This bill proposed significant changes to the direct file of youth into the adult criminal justice system, which:

- Limited the state attorney's authority to convene a grand jury case to only juveniles that are 13 years of age or older, and must be charged with murder, manslaughter, or sexual battery.
- Created a two-tier process based on age and offense committed:
    - Tier 1: Juveniles 16 years or older, but less than 18, who committed a crime on a list of enumerated offenses.
    - Tier 2: Juveniles 14 years or older, but less than 16, who committed murder, manslaughter, or sexual battery.
- Prohibited the transfer to adult court if the juvenile has a pending competency hearing in juvenile court, or has been previously found to be incompetent and has not subsequently been found by a court to have attained competency.
- Does not require the court to impose adult sanctions; a juvenile who has been transferred to adult court could be sentenced as an adult, youthful offender, or juvenile.

Public Safety

Issue: Concealed Carry without a Permit during Mandatory Evacuation

Outcome: **Passed, Chapter No. 2015-44**
Effective: *May 21, 2015*

(HB 493 by Rep. Fitzenhagen and SB 290 by Sen. Brandes)
The bill allows a person to carry a concealed firearm without a concealed weapons permit during a mandatory evacuation, if he or she is otherwise lawfully allowed to carry a firearm. The person is required to be in the act of evacuating, which is defined by the bill as the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered. The bill also extended the ability to conceal carry without a concealed weapons permit when an emergency is declared by a local authority during affrays, riots, routs or unlawful assemblies.

Current Florida law already authorizes citizens without a concealed weapons permit to take their weapons with them during a mandatory evacuation, or any other time, as long as they are properly transported – securely encased and not readily accessible. Florida law also provides options for public and private transportation, in the event a person had to evacuate on public transportation during a declared state of emergency.

Impact on Sheriffs: During a mandatory evacuation declared by the Governor or during an emergency declared by a local authority, persons ***without a concealed weapons permit (and who are otherwise lawfully able to own a firearm) can legally carry their firearm concealed if they are in the process of evacuating.***

Issue: Conceal Carry on a College Campus

Outcome: **Failed. HB died on House Calendar. SB died in committee.**

(HB 4005 by Rep. Steube and SB 176 by Sen. Evers)
This bill proposed to allow persons with valid conceal carry weapons or firearm licenses to conceal carry into any college of university facility.

Issue: Synthetic Drugs

Outcome: **Passed, Chapter No. 2015-34**

Effective: *May 14, 2015*

(HB 897 by Rep. Ingram and SB 1098 by Sen. Bradley)
The bill adds five new synthetic cannabinoids to Schedule I of Florida's controlled substance schedules. As a result, the criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances will apply to these synthetic substances:

- AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide;
- FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate;
- Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide;
- Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole- 3-carboxamido)-3-methylbutanoate; and
- THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone.

Impact on Sheriffs: A person can be arrested and charged with various drug offenses related to the named synthetic cannabinoids.

Issue: Kratom

Outcome: **Failed. HB temporality postponed in committee. SB died in committee.**

(HB 287 by Rep. Jacobs and SB 764 Sen. Evers)
The Senate bill proposed to add mitragynine and 7-hydroxymitragynine, substances that are pharmacologically active constituents of the plant Kratom, to Schedule I of Florida's controlled substance schedules, creating criminal penalties relating to the possession, sale, manufacture, and delivery of Kratom.

The House bill proposed that the Office of the Attorney General, in collaboration with the Department of Children and Families' Substance Abuse and Mental Health Program Office and the Florida Department of Law Enforcement, gather specified information on Kratom and make a recommendation on whether the substance should be placed in a controlled substance schedule. The bill also required the Office of the Attorney General to report its findings and present them to the President of the Senate and the Speaker of the House of Representatives by December 31, 2015.

Issue: Medical Use of Marijuana

Outcome: **Failed. Neither bill was heard in committee.**

(HB 683 by Rep. Steube and SB 528 by Sen. Brandes)
Each bill proposed to create "The Florida Medical Marijuana Act." Both bill contained similar provisions:

- Provided definitions for multiple terms—diverging on the illnesses that qualified a patient to be treated with medical marijuana;
- Allowed for a patient or dedicated caregiver to purchase, acquire, or possess up to the allowed amount of medical-grade marijuana, including paraphernalia, for the patient's medical use;
- Prohibited the use of medical-grade marijuana in public places, use as public transportation;
- Developed a medical marijuana patient and caregiver registration that required the use of an identification card and provided guidelines for the ordering of medical-grade marijuana by a physician;
- Created an electronic medical marijuana patient registry through the Department of Health;
- Created guidelines, requirements, and penalties for licensing of dispensing organizations;

- Required patients be seen by a physician for at least three months, among other requirements, prior to certifying a patient to the Department of Health as being qualified to receive medical-grade marijuana;
- Provided guidelines for the testing and labeling of medical-grade marijuana; and
- Created first degree misdemeanor penalties for doctors that fraudulently order medical-grade marijuana and for patients that fraudulently represents having a medical condition to a physician in order to be prescribed medical marijuana.

Issue: Charlotte's Web: Low-THC Marijuana

Outcome: Failed.

(SB 7066 by Regulated Industries Committee)

The bill proposed to significantly revise the provisions of the 2014 bill (HB 843), which created the compassionate use of low-THC cannabis. The bill:

- Increased the number of conditions for which a physician may order the use of low-THC cannabis. The new list of conditions included human immunodeficiency virus, acquired immune deficiency syndrome, epilepsy, amyotrophic lateral sclerosis, autism, multiple sclerosis, Crohn's disease, Parkinson's disease, paraplegia, quadriplegia, and terminal illness;
- Permitted the use of low-THC cannabis to treat the listed conditions, symptoms of those conditions, and symptoms created by treatments for those conditions;
- Required a physician to register a patient's legal representative with the compassionate use registry in order for that person to be authorized to assist the patient with his or her use of low-THC cannabis;
- Required a dispensing organization (DO) to verify the identity of the person being dispensed low-THC cannabis before dispensing; and
- Restricted the locations where low-THC cannabis may be used;
- Provided that low-THC cannabis food products may not include candy or similar confectionary products that appeal to children; and
- Prohibited persons who have direct or indirect interest in the dispensing organization, and the dispensing organization's managers, employees, and contractors who directly interact with low-THC cannabis or low-THC cannabis products from making recommendations, offering prescriptions, or providing medical advice to qualified patients.

The bill also amended provisions related to the cultivation, processing, and dispensing of low-THC cannabis. The bill:

- Increased the number of DOs that the Department of Health (DOH) is required to license from 5 to 20;
- Provided for the selection by lottery of two qualified applicants in each of the following defined regions: Northwest Florida, Northeast Florida, Central Florida, Southwest Florida, and Southeast Florida;
- Provided for the selection by lottery the 10 additional dispensing organizations;
- Specified an application fee of $50,000, a licensure fee of $125,000, and a licensure renewal fee of $125,000;
- Reduced the performance and compliance bond from $5 million to $1 million;
- Significantly revised and expanded the criteria required for an applicant to qualify for licensure;
- Preempted regulation of DO cultivation and processing facilities to the state and allowing municipalities and counties to choose by ordinance the number and location of any DO retail facilities authorized in that municipality or the unincorporated area of that county, respectively;
- Required DO vehicles to be permitted by the DOH;

- Authorized the DOH to inspect DO premises and facilities. The DOH is required to perform an inspection of all DO facilities before such facilities become operational and at licensure renewal;
- Allowed the DOH to fine a DO up to $10,000 or to revoke, suspend, or deny a DO's license for listed violations including failure to maintain the qualifications for licensure and endangering the health, safety, and welfare of a qualified patient; and
- Required DOs to have all low-THC cannabis and low-THC cannabis product tested by an independent testing laboratory before dispensing it.

Issue: Pain Management Clinics

Outcome: **Passed, Chapter No. 2015-49**
Effective: *May 21, 2015*

(HB 4017 by Rep. Spano and SB 450 by Sen. Benacquisto)
From 2009 to 2012, the Legislature enacted and refined a substantial set of regulations designed to combat prescription drug overprescribing and trafficking, including regulation of pain-management clinics. The law defined pain-management clinics as facilities that advertise in any medium for any type of pain-management services or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodoland currently requires pain-management clinic registration, inspection, reporting, and penalties for violations of several laws. The law also requires physicians practicing at a clinic to ensure that the clinic meets certain requirements.

The pain-management clinic statutes also included "sunset provisions," such that the two sections which regulate pain-management clinics will expire on January 1, 2016. This bill deleted the sunset provisions and kept the current laws related to pain-management clinics intact.

Impact to Sheriffs: All current law related to pain-management clinics remain in effect.

Law Enforcement

Issue: Body Cameras: Public Record Exemption

Outcome: **Passed, Chapter No. 2015-41**
Effective: *May 21, 2015*

(SB 248 by Sen. Smith)
This bill creates a public records exemption for a body camera recording made by a law enforcement officer. By definition, a body camera records audio and video data in the course of the officer performing his or her official duties and responsibilities. A law enforcement agency must retain a body camera recording for at least 90 days.

The bill makes a body camera recording, or a portion thereof, confidential and exempt from public disclosure if the recording is taken:
- Within the interior of a private residence;
- Within the interior of a facility that offers health care, mental health care, or social services; or
- In a place that a reasonable person would expect to be private.

- A law enforcement agency may disclose a body camera recording in furtherance of its official duties and responsibilities and may also disclose the recording to another governmental agency in the furtherance of its official duties and responsibilities.
- A law enforcement agency must disclose a body camera recording, or a portion thereof, to:
    - A person recorded by a body camera (the agency must disclose those portions of the recording relevant to the person's presence in the recording);
    - The personal representative of a person recorded by a body camera (the agency must disclose those portions of the recording relevant to the recorded person's presence in the recording);
    - A person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording (the agency must disclose those portions of the recording that disclose the interior of such place); or
    - Pursuant to a court order.

The bill specifies grounds the court must consider in determining whether to order disclosure of the body camera recording. These grounds are in addition to any other grounds the court may choose to consider. In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording must be given reasonable notice of hearings and an opportunity to participate.

The public record exemption applies retroactively. It does not supersede any other exemption existing prior to or created after the effective date of this exemption. Those portions of a body camera recording that are protected from disclosure by another exemption continue to be exempt or confidential and exempt.

Impact to Sheriffs: This provides sheriffs' offices with the guidelines to properly edit and produce camera recordings for public record requests. This exemption is retroactive and applies to all videos taken by worn body cameras.

Issue: Body Cameras: Chapter 934 Exemption

Outcome: Failed. HB died in Senate Messages. SB died on Special Order Calendar.

(HB 57 by Rep. Jones and SB 7080 by Criminal Justice Committee)
This bill proposed to require law enforcement agencies that use worn body cameras to establish policies and procedures related to body cameras and the data recorded by body cameras. The bill specified what must be included in those policies and procedures, such as general guidelines for the proper use, maintenance, and storage of body cameras and limitations on recording law enforcement-related encounters and activities.

The bill also required these agencies to conduct training, retain audio and video data recorded by body cameras, and perform periodic review of practices.

Finally, the bill specified that ch. 934, F.S. (relating to the interception of communications), did not apply to body camera recordings made by law enforcement agencies that elect to use worn body cameras.

Issue: Civil Asset Forfeiture

Outcome: Failed.

(SB 440 by Sen. Bean // HB by Rep. and SB 1535 by Sen. Brandes)

This bill proposed to amend the Florida Contraband Forfeiture Act by adding a number of new requirements for law enforcement agencies that seize property, including:

- Annual or more frequent review of the agency's seizures, settlements, and forfeitures and prompt correction of any deficiencies;
- Use of written policies, procedures, and training to ensure compliance with applicable legal requirements regarding seizing, maintaining, and forfeiting property;
- A prohibition against making employment, salary, or other compensation of a law enforcement officer dependent upon seizure quotas.
- Prompt review of the probable cause for all seizures by supervisory personnel and prompt notification to the agency's legal counsel for determination of legal sufficiency to proceed with a forfeiture action;
- Use of written policies and procedures to promote the prompt release of seized property when there is no legitimate basis for holding it, and for prompt review of the validity of all asserted claims of interest to the seized property;
- Maintenance of training records to show that every law enforcement officer has completed basic and continuing education forfeiture training required by the act;
- Completion of a detailed annual report indicating whether the agency has received or forfeited property, to be kept on file and accessible to the public;
- Prohibiting the seizing agency from retaining forfeited property for the agency's use; and
- Requiring the seizing agency to submit a detailed quarterly report of its seizure and forfeiture activities to the Florida Department of Law Enforcement.

Issue: Confidential Informants

Outcome: **Failed. HB was never heard in committee. SB died in committee.**

(HB 267 by Rep. Pilon and SB 372 by Sen. Dean)

This bill proposed to amend "Rachel's Law," relating to confidential informants, in the following ways:

- Required a law enforcement agency that uses confidential informants to adopt policies and procedures that provide reasonable protective measures related to the risk or threat of harm to a confidential informant and the risk or threat of harm is a result of the informant's service to the agency;
- Required a law enforcement agency to provide prospective and current confidential informants who are known to be substance abusers or at risk of substance abuse with information on community substance abuse treatment options;
- Required that policies and procedures addressing recruitment, control, and use of confidential informants include general guidelines for the management and safety of informants and training requirements that agency personnel must complete in order to recruit and manage informants;
- Required that policies and procedures to assess the suitability of using a person as a confidential informant include the person's experience to serve as an informant, the effect that the disclosure of the person's cooperation may have on the agency's investigative or intelligence gathering activities, and whether the use of the person may be necessary to the success of an investigation;
- Required a law enforcement agency that enlists a person to be a confidential informant to inform the person of the right to consult with an attorney before entering into a substantial assistance agreement to serve as a confidential informant;
- Prohibited a minor from participating in a controlled buy or sale of contraband or related activities without the written consent of a parent or legal guardian;
- Prohibited a person who is receiving inpatient or outpatient substance abuse treatment from participating in a controlled buy or sale of contraband or related activities;

- Prohibited a person who is under the jurisdiction of a drug court or participating in a drug court program from participating in a controlled buy or sale of contraband or related activity without the consent of the state attorney assigned to the drug court program;
- Required law enforcement agencies that use confidential informants to annually collect specified confidential informant data and report it to the Florida Department of Law Enforcement (FDLE);
- Required FDLE to compile the data and annually issue a publicly available report regarding the confidential informant data; and
- Provided that a law enforcement officer or a person designated as support personnel who willfully fails to comply with Rachel's Law commits culpable negligence.

Issue: Naloxone

Outcome: **Passed, Chapter No. 2015-123**
Effective: *June 10, 2015*

(HB 751 by Rep. Gonzalez and SB 758 by Sen. Evers)
This bill allows patients, caregivers, and emergency responders, including law enforcement officers, to possess, store, and administer approved emergency opioid antagonists and authorizes them to administer an emergency opioid antagonist to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an emergency opioid antagonist. The term "emergency opioid antagonist" is defined by the bill as "naloxone hydrochloride or any similarly acting drug that blocks the effects of exogenously administered opioids and is approved by the United States Food and Drug Administration for the treatment of opioid overdose."

The bill also grants civil liability protections under the Good Samaritan Act for all individuals who administer emergency opioid antagonists in emergency situations, without limiting any existing immunities for emergency responders or others provided under this chapter or any other applicable provision of law.

Impact to Sheriffs: Sheriffs' offices may supply deputies with emergency opioid antagonists to aid in emergency situations of opioid drug overdoses.

Issue: Interception of Oral Communications

Outcome: **Passed, Chapter No. 2015-82**
Effective: *July 1, 2015*

(HB 7001 by House Criminal Justice and SB 542 by Sen. Benacquisto)
This bill creates an exception to the prohibition on intercepting oral communications in ch. 934, F.S., that makes it lawful for a child under 18 years of age to intercept and record an oral communication if the child is a party to the communication and has reasonable grounds to believe that the recording will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.

Impact to Sheriffs: This exception to the interception of oral communications prohibition will allow additional evidence to be used legally in court.

Issue: No Contact Orders

Outcome: **Passed, Chapter No. 2015-17**

Effective: *October 1, 2015*

(HB 717 by Rep. Raschein. SB 342 by Sen. Simmons)
This bill defines what is meant by an order of no contact in a court order granting the pretrial release of a criminal defendant. An order of no contact directs a defendant to have no contact with a victim. The bill provides that orders of no contact are immediately effective and enforceable through the duration of the pretrial release or until the order is modified by the court. The defendant must receive a copy of the order of no contact from the court before he or she is released from custody on pretrial release.

Under the bill, unless the court specifies otherwise, a defendant who is ordered to have "no contact" may not:

- Communicate orally or in writing with the victim in any manner, in person, telephonically, or electronically directly or through a third person, with limited exceptions provided to facilitate parental visitation through a third person or through an attorney for lawful purposes;
- Have physical or violent contact with the victim or other person named in a court order, or his or her property;
- Be within 500 feet of the victim's or other identified person's residence, even if the defendant shares the residence; and
- Be within 500 feet of the victim's or other identified person's vehicle, place of employment, or a place specified in the order as regularly frequented by the person.

Impact to Sheriffs: The specification of the no contact order's prohibitions provides deputies with clear definitions on what constitutes a violation and provides victims with additional safeguards not previously defined in statute.

Issue: Service of Process: Mailing Witness Subpoenas in Civil Traffic Cases

Outcome: **Passed, Chapter No. 2015-51**
Effective: *July 1, 2015*

(HB 619 by Rep. Rouson and SB 570 by Sen. Dean)
Currently, the service of process of witness subpoenas may be made by United States mail are criminal traffic, misdemeanor, and second or third degree felony cases. This bill adds civil traffic cases to the types of court cases for which service of process may be made on a witness by United States mail. To serve process by mail, the server must mail the subpoena to the witness's last known address at least 7 days before the witness's appearance is required.

Impact to Sheriffs: Sheriffs' offices may serve witness subpoenas for civil traffic cases through United States mail.

Issue: Service of Process: Criminal Witness Subpoenas

Outcome: **Passed, Chapter No. 2015-59**
Effective: *July 1, 2015*

(HB 667 by Rep. Cruz and SB 672 by Sen. Dean)
Currently, a process server must make three attempts, at different times of the day or night on different dates, to serve a criminal witness subpoena before the subpoena may be posted at the witness's residence. This bill reduces that requirement from three to one in the number of attempts required by a process server

to serve a subpoena for deposition in a criminal case before a process server may post the subpoena at a witness's residence.

The current requirements for three attempts at service before a process server may post a criminal witness subpoena continue to apply to a subpoena that commands a witness to appear in court.

Impact to Sheriffs: Sheriffs' offices that serve process may post a criminal witness subpoena for deposition at a witness's residence after one unsuccessful attempt.

Issue: Animal Control

Outcome: **Passed, Chapter No. 2015-18**
Effective: *July 1, 2015*

(HB 627 by Rep. Sullivan and SB 420 by Sen. Grimsley)
This bill provides a procedure for adopting or humanely disposing of impounded livestock (excluding cattle) as an alternative to sale or auction. Notice of the impounded livestock must be provided by county sheriffs or animal control centers to the known owner and the livestock must be recovered within at least three business days. If the owner is unknown, the sheriffs' office must publish a notice on their website and provide a timeframe to recover the livestock of at least three days.

The bill also clarifies that it does not prohibit a county or municipality from enforcing its own codes or ordinances by any other means, including but not limited to ch. 162.

Impact to Sheriffs: Allows Sheriffs' offices to adopt or humanly dispose of impounded livestock (except cattle) as an alternative to sale or auction.

Issue: Secondary Metals Recyclers

Outcome: **Failed. HB 771 died in Appropriations; SB 1182 died in Appropriations.**

(SB 831 by Rep. Combee and SB 618 by Sen. Grimsley)
This bill transfers the administration of the laws governing secondary metal recyclers from the Department of Revenue to the Department of Agriculture and Consumer Services (DACS). In addition to a law enforcement officer, the bill allows an employee of DACS, who is a non-sworn trained regulatory investigator, the right to inspect all purchased regulated metals property in possession of a secondary metals recycler, and all records maintained by a secondary metals recycler.

The bill also:

- Modifies the application process to register as a secondary metals recycler with DACS;
- Increases the amount of time an applicant must be free from conviction of certain crimes from 2 to 10 years;
- Prohibits the purchase of regulated metals property, restricted regulated metals property, or ferrous metals at any time on Sundays; and
- Prohibits the purchase of certain restricted regulated metals property without obtaining proof that the seller owns the regulated metals property.

Gaming

Issue: Expansion of Gaming
Outcome: **Failed. HBs died in committee.**

(HB 1233 / HB 1235 / HB 1237 / HB 1239 by Rep. Young and SB 7088 by Regulated Industries)
These bills proposed to reorganize Florida's gaming statutes and to expand gaming in the state:

- HB 1233 changed the pari-mutuel wagering, slot machines and gambling chapters of the Florida Statutes. SB 7088 contained similar parts of HB 1233, these bullets have been italicized:
  - Permitting greyhound permit holders to conduct pari-mutuel wagering, cardrooms and slots without the requirement of live races;
  - Providing for the revocation of dormant permits based on a permit holder's failure to conduct live races, obtain an operating license, or failing to pay taxes and fees for a period of more than two years;
  - Prohibiting the issuance of new or additional permits, and the conversion or relocation of permits;
  - Prohibiting the transfer or relocation of most pari-mutuel permits or licenses;
  - Limiting the number of pari-mutuel wagering operating licenses to no more than 40;
  - Prohibiting the issuance of additional summer jai alai permits;
  - *Removing tax credits for greyhound permit holders and revising the tax on handle for live greyhound racing and intertrack wagering from 5.5% to 1.28%;*
  - Removing provisions that allow for reissuance of permits after they escheat to the state;
  - Revising purse requirements of a greyhound permit holder that conducts live racing;
  - Repealing tax credits for unclaimed greyhound racing wagers;
  - Revising the requirements for a greyhound permit holder to provide a greyhound adoption booth at its facility and requiring sterilization of greyhounds before adoption;
  - *Requiring injuries to racing greyhounds be reported to the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation;*
  - Permitting certain quarter horse racing permit holders to substitute certain live non-wagering equine competitions in order to meet the requirement to run a full schedule of live racing;
  - Requiring greyhound permit holders to offer certain simulcast signals if offering intertrack wagering;
  - Revising the number of days from 15 to 8 that a limited thoroughbred horse sales permit holder is required to offer sales in order to obtain a limited intertrack wagering license;
  - Extending weekday hours of operation for all slot machine and cardroom licensees from 18 to 24 hours;
  - Streamlining the slot machines chapter and limiting the issuance of slot machine licenses;
  - *Conditionally allowing slot machines at pari-mutuel facilities that have conducted 250 performances per year for 25 years, if the Seminole Gaming Compact is amended to allow for such facilities to operate;*
  - Providing for a referendum or commission vote in Miami-Dade and Broward Counties to determine support for legislative approval of destination resort casinos in those areas; and
  - Allowing pari-mutuel facilities in Palm Beach and Lee Counties may apply for licensure as slot machine facilities if slot machine gaming was exempted from the Gaming Compact (SB only).

- HB 1235 created a public record exemption for proprietary confidential business information received by the Department of Gaming Control.

- HB 1237 created the Destination Resort Trust Fund within the Department of Gaming Control.

- HB 1239 created a ballot initiative for voters to decide on allowing an expansion gaming in the state.

Issue: Amusement Machines

Outcome: **Passed, Chapter No. 2015-93**
Effective: *July 1, 2015*

(HB 641 by Rep. Trumbull and SB 268 by Sen. Stargel)
This bill:

- Provides that in addition to the use of a coin, an amusement game may be activated by currency, card (not a credit/debit card), coupon, slug, token, or similar device, and is played by application of skill;
- Provides for the classification of amusement games as Types A, B, or C:
    - Type A amusement games enable a player to receive free replays of the game without further activation or payment for a game (up to a maximum of 15 accumulated replays); no tickets or merchandise may be awarded to the player;
    - Type B amusement games enable a player to receive a coupon or point that may be accumulated and used to redeem merchandise onsite; or
    - Type C amusement games allow a player to manipulate a claw or similar device within an enclosure and receive merchandise directly from the game.
- Increases the maximum redemption value of coupons or points a player may receive for a single play of a Type B amusement game from 75 cents to $5.25, with a maximum value of 100 times that amount ($525) for an item of merchandise that may be obtained onsite using accumulated coupons or points won by a player;
- Increases the maximum wholesale cost of merchandise dispensed directly to a player by a Type C amusement game to 10 times that amount ($52.50);
- Provides for the maximum values to be adjusted annually, based on changes in the consumer price index, beginning January 1, 2018; and
- Increases the authorized locations for amusement games to be operated.

Impact to Sheriffs: None. This bill does not appear to re-establish the ability for individuals to create internet cafes.

Administration

Issue: Employer Contribution to Fund Retiree Benefits

Outcome: **Passed.**
Effective: *July 1, 2015*

(SB 2512-A by Sen. Lee, Special Session)
This legislation sets the retirement employer contribution rates for the normal cost, unfunded actuarial liability (UAL) rates, health insurance subsidy, and the Deferred Retirement Option Program (DROP).

The rates for state fiscal year 2015-2016 are:

Membership Class	Effective July 1, 2015				
	Normal Cost	UAL Rate	Admin	HIS	Total
Regular	2.91%	2.65%	0.04%	1.66%	7.26%
Special Risk	11.35%	8.99%	0.04%	1.66%	22.04%
Special Risk Admin Support	3.71%	27.54%	0.04%	1.66%	32.95%
Elected Officers-County Officers	8.48%	32.09%	0.04%	1.66%	42.27%
Senior Management	4.32%	15.41%	0.04%	1.66%	21.43%
DROP	4.10%	7.12%	N/A	1.66%	12.88%

Impact to Sheriffs: Each Sheriff's Office must pay the total employer contribution rate to fund the retirement benefits of employees and retirees.

Issue: 911 Telecommunicators to Special Risk

Outcome: Failed. HB and SB was never heard in committee.

(HB 563 by Rep. Narain and SB 898 by Sen. Altman)
This bill proposed to add certified 911 public safety telecommunicators to the Special Risk Class of the Florida Retirement System.

Issue: Monthly Death Benefits

Outcome: Failed. HB was never heard in committee. SB 136 died in committee. SB 7082 passed the Senate and died in House Messages.

(HB 39 by Rep. Hill and SB 136 by Sen. Hays and SB 7082 by Government Oversight and Accountability)
This bill proposed to permit the surviving spouse or children of an investment plan member in the Special Risk Class when killed in the line of duty to opt into the FRS investment plan survivor benefits program in lieu of receiving normal retirement benefits under the FRS investment plan. By participating in the survivor benefits program, the surviving spouse and children are eligible to receive annuitized benefits afforded to Special Risk Class members of the FRS pension plan. The investment plan survivor benefits program is funded by additional employer-paid contributions to the survivor benefits account of the FRS Trust Fund.

The new survivor benefits established by this bill were available to members in the Special Risk Class when killed in the line of duty on or after July 1, 2013.

The bill also increased the monthly survivor benefits available to the spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty from 50 percent of the member's monthly salary at the time of death to 100 percent of the member's monthly salary at the time of death, with these new benefits funded through additional employer-paid contributions relating to the FRS pension plan.

Issue: Retired K9s

Outcome: Failed. HB died in committee. SB passed Senate and died in House Messages.

(HB 711 by Rep. Kerner and SB 1016 by Sen. Abruzzo)
This bill proposed to create the Care for Retired Law Enforcement Dogs Program, which would provide reimbursement for up to $1,500 of annual veterinary costs associated with caring for a retired law enforcement dog for the former handler or adopter who incurs the costs. The program would be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement.

SB 2500, the Senate's General Appropriations Bill for Fiscal Year 2015-2016, included an appropriation of $300,000 in recurring general revenue funds for the program.

Issue: County Officers' Salaries
Outcome: Failed. Both bills died in committee.

(HB 423 by Rep. Drake and SB 782 by Sen. Montford)
This bill proposed to provide that the salaries of county constitutional officers, such as Sheriffs, and school district officials would not decrease in certain instances based solely upon the county moving from one population group to a higher population group used for the calculation of official annual salaries. If a county's population increases and that increase causes a county to move into a new population group for officer annual salary calculations, the bill prevents the officers' salaries for the next four fiscal years from being reduced below the salary applicable for the prior year.

Jails, Corrections & Re-Entry

Issue: Contracting with the Department of Corrections
Outcome: Failed. HB laid on table for SB 7020. SB died in House Messages.

(HB 7131 by Justice Appropriations Subcommittee and SB 7020 by Criminal Justice Committee)
This bill proposed to allow a court to sentence an offender, sentenced to offenses committed on or after July 1, 2015, to a term in the county jail in the county where the offense was committed for no more than 24 months if the offender meets all of the following criteria:

- The offender's total sentence points score is more than 44 points but no more than 60 points;
- The offender's primary offense is not a forcible felony as defined in s. 776.08, F.S., but excluding any third degree felony violation of burglary and trespass; and
- The offender's primary offense is not punishable by a minimum mandatory sentence in excess of 24 months.

The Department of Corrections must enter into a contract with any chief correctional officer of a county that requests to enter a contract to allow inmates to be sentenced to the county jail. The contract must:

- Specifically establish the maximum number of beds and the validated per diem rate; and
- Provide for per diem reimbursement for occupied inmate days based on the contracting county's most recent annual adult male custody or adult female custody per diem rates not to exceed $60.

Issue: Department of Corrections Study Probation to Counties
Outcome: Passed.

Effective: *July 1, 2015 / Study must be submitted by November 1, 2015*

(Budget Proviso Language, Section 4 Line 726)
This language proposes to provide an appropriation of $250,000 in nonrecurring general revenue funds to the Department of Corrections to contract with the University of Florida to develop recommendations and a plan by which Florida can transfer the responsibility of Community Supervision of felony offenders to the Sheriff of each county. The University of Florida must provide a report detailing the recommendations and plan for implementation of a county sheriff based probation system to the chairs of the Senate Committee on Appropriations and the House Appropriations Committee by November 1, 2015.

The plan must include:

- A timeline for transition;
- A specific mechanism to address state-wide management issues; and
- Costs necessary to implement the plan.

Legislative Scorecard

The Florida Sheriffs Association publishes an annual Legislative Scorecard to highlight how legislators voted on key issues that are important to sheriffs. This year, FSA's priorities passed with near unanimous support, and other controversial issues never came to a floor vote. Due to this fact, FSA will not be publishing a legislative scorecard this year.