



# FSA 2012 Legislative Session Webinar

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# FSA Session Wrap Up

- Please mute your phones during the presentation.
- Please do not put the conference call on hold.
- This presentation will be posted to our website this afternoon.
- **If you have a question**: you can unmute your phone to ask a question, or type a question in the “Question” field and we will respond at the **end** of the webinar.



# Legislative Priorities

- Secondary Metals
  - HB 885 by Rep. Ford & SB 540 by Sen. Smith
- Florida Retirement System
  - HB 525 by Rep. Workman
  - SB 1334 by Sen. Oelrich & SB 1280 by Sen. Latvala
- Personal Injury Protection (PIP)
  - HB 119 by Rep. Boyd & SB 1860 by Sen. Negron
- Early Release for Drug Treatment (Inmate Reentry)
  - HB 177 by Rep. Porth & SB 448 by Sen. Bogdanoff
- Zero Tolerance
  - SB 1886 by Sen. Wise & HB 1445 by Rep. Davis



# Priority: Secondary Metals

## HB 885 by Rep. Ford & SB 540 by Sen. Smith - PASSED

- The bill creates a regulatory and transaction-reporting framework similar to what is required for pawnshops and secondhand dealers.
  - Prohibits cash transactions (requires check) for the purchase of restricted regulated metals
  - Provides for criminal penalties and exemptions from civil liability
  - Includes list of regulated metals: manhole covers, street signs, guard rails, copper, etc.
- Certificate of destruction – current law provides a vehicle must be declared un-rebuildable if the cost to repair the damage exceeds 80% of the value of the vehicle. **Current statute remains!**
- **Preemption for local governments:** Ordinances adopted prior to March 1, 2012 are grandfathered in. The only updates that can be made to local ordinances are changes that will incorporate provisions in this bill.



# Priority: Florida Retirement System

**Florida Retirement System**, HB 525 by Rep. Workman & SB 1334 by Sen. Oelrich - **FAILED**

- SB 1280 by Sen. Latvala – Same as SB 1334, but **never moved**
- SB 2024 by Government Oversight and Accountability – Passed without age and length of service for Special Risk
- Legislation proposed returning the **length of service back to 25 years and the retirement age to 55 years for Special Risk Class** employees (As it was prior to SB 2100, 2011)
- Minimum retirement age
- Increased vesting for all members of the FRS from 8 to 11 years
- Default into the Investment Plan (employee still had option to select the Defined Benefit Plan)



# Priority: Personal Injury Protection

## HB 119 by Rep. Boyd & SB 1860 by Sen. Negron – PASSED

- Long Form Required when:
  - Death or personal injury result;
  - Any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
  - Vehicle rendered inoperable to a degree that it has to be towed
  - Involved a commercial motor vehicle.
  - Involved a violation of s. 316.061(1) or s. 316.193
- Short Form Required or **Driver's Exchange of Information** shall be issued, when a long form is not required, and *will include all drivers & passengers and the vehicle in which each person was a passenger*
- Claimants required to seek treatment in 14 days & can be put under
- oath
- Attorney's fees capped, penalties for doctors who commit fraud
- Rate reduction benchmarks to be passed onto consumer & 10% reduction in premiums within the year





# Priority: Early Release

## **HB 177 by Rep. Porth & SB 448 by Sen. Bogdanoff - PASSED** (Inmate Reentry)

- Reentry program to include substance abuse, education and vocational training for nonviolent offenders (*defined*)
- DOC must determine eligibility: must be a nonviolent offender, have served half the sentence, have a need for substance abuse treatment, volunteer, etc.
- Process to enter (and removal from) the program established, including an individualized determination by the court & prosecution to voice objections before the inmate can enter the program
- Made significant amendments to exclude habitual, dangerous, violent felony offenders from the program
- Fewer than 90 inmates are eligible under the bill



# Priority: Zero Tolerance

## **SB 1886 by Sen. Wise & HB 1445 by Rep. Davis – FAILED**

- Legislation would have prohibited law enforcement from making misdemeanor arrests on school grounds
  - Intent was to not give a youth a criminal record for an offense that is not a serious threat to school safety (i.e. throwing an eraser)
  - Encouraged school administrators to handle acts without LE intervention
- Bill was amended to continue to allow law enforcement to make arrests
- Required school administrators work with law enforcement to determine which “petty acts of misconduct” would be handled within the school system instead of with law enforcement and the Department of Juvenile Justice
- Bill passed the Senate, died in the House





# Prevention & Youth Services

## Community Substance Abuse and Mental Health Funding

- Cuts of more than \$100 million proposed by the Florida Senate were **defeated**
- **Adult mental health services** will receive an **increase of .9 percent**.
- **Substance abuse services** treatment services have a **.4 percent cut** to adult and children's services.

## Juvenile Offenders Eligible for Parole, SB 212 & HB 5 – **FAILED**

- Legislation would have fixed Graham v. US case – juveniles cannot be given life without parole
- Eligibility for Parole set at 25 years, amended to 15 in the Senate

**Healthy Families** fully funded at \$18.1 million

**Juvenile Assessment Centers** fully funded at \$3.3 million



# Prevention & Youth Services

## 911 Good Samaritan, SB 278 & HB 125 – **PASSED**

- Provides immunity for a person who is making a good faith effort (calls 911) to get medical assistance for a person experiencing a drug-related overdose ***for possession only***; Adds same language to mitigating circumstances in 921.0026 (n), F.S.
- Does not suppress the evidence in other criminal prosecutions

## Vulnerable Persons, HB 1355 & SB 1816 - **PASSED**

- Deleted current statute [“or other person responsible for a child’s welfare” in 39.01 (47), F.S.] that would have subjected law enforcement officers to DCF investigations during routine LE activities, Sponsors re-added the language -- **current statute remains!**
- Fines for educational institutions and law enforcement agencies for any failures to report abuse
- Aimed at preventing Penn State & Syracuse University circumstances



# Public Safety

## **Prescription Drug Monitoring, HB 1167 & SB 1604 – FAILED**

- Legislation requires thumbprints before Schedule II controlled substances are dispensed

## **Felons with Guns, SB 1272 & HB 947 – PASSED**

- Increases penalties for violent, habitual felons caught in possession of a firearm from 3 to 10 years

## **Deputy John C. Mecklenberg Act, HB 667 & SB 872 – PASSED**

- Adds aggravated fleeing or eluding with serious bodily injury or death to first and second degree murder
- **Attempted Murder of a Correctional Officer**
  - Brings the penalties for murder or attempted murder on a correctional officer in line with penalties for murdering a law enforcement officer



# Public Safety

## **Public Safety Telecommunicators, HB 1227 & SB 514 – PASSED**

- Exempts sworn law enforcement officers from having to be certified as a 911 public safety telecommunicator as long as the officer performs as an operator on an ***occasional or limited basis*** and passes the DOH approved exam

## **Texting while Driving, SB 416 & HB 299 – FAILED**

- Senate placed on Second Reading; House bill never heard

## **Red Light Cameras**

- HB 1399 & SB 1866 – **FAILED**
  - Prohibition of installing and operating traffic infraction detectors
- HB 343 – **FAILED**
  - Legislation directed all traffic infraction fines from cameras to the state



# Gaming

- **Casino Destination Resorts, SB 710 & HB 479 – FAILED**
  - Three Casino Resorts
  - Additional expansion options for pari-mutuels
- **Internet Cafes – FAILED**
  - **Prohibition, HB 3 & SB 428 – FAILED**
    - HB passed House, TP'ed in the 1<sup>st</sup> Senate Committee
  - **Regulation, SB 380 & HB 467 – FAILED**
    - SB Passed 1<sup>st</sup> committee and withdrawn from 2<sup>nd</sup>



# Law Enforcement

**Crime Lab Funding – Local labs fully funded at \$3.1 million**

## **Crime Lab Fees, SB 1968 – PASSED**

- Current statute allows the court to assess a \$100 fee on a defendant who pleads to or is convicted of a criminal offense in which the services of a local county-operated crime lab was used in the investigation or prosecution of the violation;
- Legislation makes that a MANDATORY court \$100 fee and collections will be directed to local county-operated crime labs

## **Synthetic Drugs, SB 1502 & HB 1175 – PASSED**

- Adds 91 new chemical compounds to the list of Schedule I drugs
- Example: AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone)





# Law Enforcement

## **Transient Sex Offenders, SB 1200 & HB 1157 - FAILED**

- 30 day notice?

## **Human Trafficking, SB 1880 & HB 7049 – PASSED**

- Combines statutes on sex trafficking and labor trafficking into a single human trafficking statute; and clarifies the definition of human trafficking
- Creates a 1<sup>st</sup> degree felony for trafficking and 3<sup>rd</sup> degree felony for human smuggling
- Gives jurisdiction to the Office of Statewide Prosecution
- Permits judicial authorization of wiretapping for human trafficking investigations

## **Sexual Exploitation, HB 99 & SB 202 – PASSED**

- Law enforcement retained discretion to treat an under-aged prostitute as a *delinquent* or a *dependent* (criminal v. rehabilitative options).



# Administration

## **Fuel Tax Exemption – FAILED**

- Added as amendments on two bills

## **Tax Relief for Fallen Heroes, HJR 93 & SJR 1065/HJR 95 & SJR 1068 – PASSED**

- Provides property tax relief for families whose spouse died in the line of duty
- Extends to law enforcement, firefighters & other first responders

## **Public Records for Law Enforcement Officers, SB 916 & HB 629 - PASSED**

- Removes date of birth of law enforcement officers and personal cellular numbers from public records
- Exemption for Undercover Law Enforcement Officers **Not Adopted**



# Administration

## **Publishing of Contracts, SB 1626 & HB 1401 - FAILED**

- Requires ALL contracts to be submitted and posted to the DFS website – including LOCAL contacts
  - Regardless of dollar amount
  - Regardless of state funds attach

## **Sheriff's Budget in Trim Notice, HB 7097 - FAILED**

- HB 7097 contained language that would have put the Sheriffs budget on a separate line item in the Trim Notice
- Removed ***before*** final passage (Section 27 of CS/HB 7097)



# Jails, Corrections & Re-Entry

## **Inmate Medical Costs, HB 263 & SB 452 – FAILED**

- Capped cost of inmate medical care at 110% of Medicare

## **Pretrial Programs, HB 875 & SB 1730 – FAILED**

## **Mandatory Minimums, HB 497 & SB 732 – FAILED**

- Increased weights required to charge individuals with drug trafficking for nearly all drugs
- Used the National Drug Code to measure the active ingredient for prescription drugs
- Required prosecutors to prove intent to sell, purchase, manufacture, or deliver



# Jails, Corrections & Re-Entry

## **Restraint of Incarcerated Pregnant Women, SB 524 & HB 367 – PASSED**

- Restraints may not be used during labor, delivery or postpartum recovery, unless the correctional officer makes an individualized determination that for security reasons restraints are needed;
  - Except that leg, ankle or waist restraints may not be used in *labor or delivery*.
  - If restraints are used the correctional officer must document within 10 days the extraordinary circumstance requiring restraints. Records shall be kept 5 years.
- Third Trimester – leg, ankle and waist restraints shall not be used, unless there are significant documentable security risk
- Requirement for correctional facilities to notify female inmates
- Grievance process, new 45 day extension
- Defines labor, postpartum recovery and extraordinary circumstance
  - (d) “Extraordinary circumstance” means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

## **Electronic Monitoring of Juveniles, HB 471 & SB 1100 – FAILED**



# Questions?

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Florida Sheriffs Association