Legislative Wrap-Up Webinar
June 1, 2017

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This presentation will be posted at:
http://www.flsheriffs.org/legislative/
2017 Session Overview

The legislative session adjourned sine die on May 8th

3,052 bills introduced
Only 231 passed

FSA passed our legislative priority
# FSA Legislative Platform

<table>
<thead>
<tr>
<th>Prevention &amp; Youth Service</th>
<th>Public Safety</th>
<th>Law Enforcement</th>
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</thead>
<tbody>
<tr>
<td>Gaming</td>
<td>Administration</td>
<td>Jails, Corrections, &amp; Re-Entry</td>
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2017 Priorities

FSA Legislative Platform
Comprehensive Drug Control

- 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)
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
Prevention and Youth Service

FSA Legislative Platform
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

FAIL
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

FAIL
Public Safety

FSA Legislative Platform
Open Carry (and Variations)

Noncriminal violation for open carry for conceal carry license holders

<table>
<thead>
<tr>
<th>Bill #</th>
<th>Conceal Carry in...</th>
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<tbody>
<tr>
<td>SB 616</td>
<td>Courthouse (check weapons at security)</td>
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<tr>
<td>SB 618</td>
<td>Airport</td>
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<tr>
<td>SB 620</td>
<td>Legislative Committee Meeting</td>
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<tr>
<td>SB 622</td>
<td>School Athletic Events</td>
</tr>
<tr>
<td>SB 626</td>
<td>County/Public School District Meetings</td>
</tr>
<tr>
<td>SB 640</td>
<td>Career Center</td>
</tr>
</tbody>
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FAIL
Self-Defense Protection Act


- 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.
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**

Adds Kratom to Schedule I of Florida’s controlled substance schedules
Medical Marijuana

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

...Special Session...?

- 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

- 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


Authorizes the enforcement of texting while driving as a primary offense
Arrest Booking Photos


- 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

PASSED
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
Law Enforcement

FSA Legislative Platform

- 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.
Internet Identifiers

- 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


- 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
Threats to Kill or Do Bodily Harm


- 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


- 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
Autism Awareness Training for Law Enforcement Officers


- 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
FSA Legislative Platform
Gaming Compact between the Seminole Tribe and the State of Florida


- 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
Administration

FSA Legislative Platform
Selection and Duties of Sheriff


- 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

- 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
# FRS Contribution Rates

**Effective July 1, 2017**

<table>
<thead>
<tr>
<th>Membership Class</th>
<th>Normal Cost</th>
<th>UAL Rate</th>
<th>Admin</th>
<th>HIS</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular</td>
<td>2.90%</td>
<td>3.30%</td>
<td>0.06%</td>
<td>1.66%</td>
<td>7.92%</td>
</tr>
<tr>
<td>Special Risk</td>
<td>11.86%</td>
<td>9.69%</td>
<td>0.06%</td>
<td>1.66%</td>
<td>23.27%</td>
</tr>
<tr>
<td>Special Risk Admin Support</td>
<td>3.83%</td>
<td>29.08%</td>
<td>0.06%</td>
<td>1.66%</td>
<td>34.63%</td>
</tr>
<tr>
<td>Elected Officers-County</td>
<td>8.54%</td>
<td>35.24%</td>
<td>0.06%</td>
<td>1.66%</td>
<td>45.50%</td>
</tr>
<tr>
<td>Officers</td>
<td>4.29%</td>
<td>16.70%</td>
<td>0.06%</td>
<td>1.66%</td>
<td>22.71%</td>
</tr>
<tr>
<td>Senior Management</td>
<td>4.17%</td>
<td>7.43%</td>
<td>N/A</td>
<td>1.66%</td>
<td>13.26%</td>
</tr>
</tbody>
</table>
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
Depictions or Recordings of the Killing of a Law Enforcement Officer


- 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.

FAIL
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

- 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”
Florida Wing of the Civil Air Patrol

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
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
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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