

PBA Legislative Synopsis 1974-1980

PREFACE

The listing of bills reflects but a small number of the total legislative bills which the P.B.A. as authored and/or assisted in passage or has opposed and subsequently defeated. The list does not include a great deal of law enforcement-related legislation that improved existing statutes, giving law enforcement officers better and more efficient tools with which to perform their duties.

1974

CHAPTER 74-13 (SB 522)

Elections, public employees. Amends § 104.31(1)(d), Florida Statutes, to remove the authority of municipalities to regulate certain political activities; creating § 104.31(3), Florida Statutes, to assure freedom of expression and participation in the political process by public employees.

CHAPTER 74-15 (HB 308)

Mileage allowance of public officers, employees and authorized persons. Amends § 112.061(7)(d), Florida Statutes; providing mileage allowance; from 10¢ to 14¢ per mile.

CHAPTER 74-100 (HB 2028)

Collective Bargaining. Created § 447.17, Florida Statutes, to provide civil and injunctive relief for denial or abridgement of rights; providing right to organize and bargain collectively as to terms and conditions of employment; providing method of bargaining procedure; defining rights of public employees and employers; providing payroll dues deduction; providing grievance procedures; providing procedures for resolution of impasse; providing factors to be considered by the special master; and establishing unfair labor practices by employers and employee organizations.

CHAPTER 74-139 (HB 3268)

Health Insurance. Amended § 112.12, Florida Statutes, to authorize employer payment of certain insurance premiums of public officers and employees, asserting health insurance as is defined by § 624.603, Florida Statutes, providing an effective date (June 10, 1974).

CHAPTER 74-194 (HB 3504)

Salary incentive guaranteed/Minimum Standards. Reenacted and amended part II of Chapter 218, Florida Statutes, relating to revenue sharing; providing for trust funds. This act provided guaranteed funding of the law enforcement officers' salary incentive program at local level. It also required a minimum salary be paid and provided the enforcement for local governments to meet standards required for employment and training of law enforcement officers.

CHAPTER 74-198 (HB 4122)

Unemployment compensation. Amends § 443.03(5)(n), Florida Statutes, 1973, provides coverage for local government employees; and provides for an increase of the maximum weekly benefit amount.

CHAPTER 74-274 (CS/SB 84)

Law Enforcement Officers' Bill of Rights. Provides for certain rights and privileges of law enforcement officers; providing for the receipt and processing of complaints.

CHAPTER 74-289 (HB 3352)

Employee Discipline. Adds paragraph (d) to § 110.061(2), Florida Statutes, 1973, providing for the award of costs, expenses, and attorney's fees to the successful career service system employee appealing from a suspension, reduction in pay, transfer, layoff, demotion or dismissal.

CHAPTER 74-302 (CS/HB 3909)

Florida Retirement System and other state retirement systems. Amending subsection (3) of § 212.011, Florida Statutes, 1973, providing for the preservation of the rights of members in the system when the system is made non-contributory. Provides annual cost-of-living increases for retirees.

CHAPTER 74-365 (SB 255)

Per diem and travel expenses. Amended § 112.061(5)(a), (6), (10)(a), and (12), Florida Statutes, 1972 Supplement; providing for computation of travel time for reimbursement, rates of per diem and subsistence allowance. Provides for increase in per diem rate.

CHAPTER 74-376 (SB 81)

Florida Retirement System. Amended §§ 121.071(1) and 121.091(1)(a), Florida Statutes; providing an increase in contributions and the retirement benefit for special risk members; providing an effective date. Increase retirement from 2% to 3%.

1975

CHAPTER 75-7 (SB 55)

Handgun/Mandatory Sentencing. Provides for mandatory three (3) year sentence upon conviction of committing or attempting to commit a felony with a handgun.

CHAPTER 75-64 (HB 210)

Fleeing Felon. Improved rewording; broader and more clarifying than previous language. Decision-making process easier for officer.

CHAPTER 75-116 (SB 505)

Habitual Offenders. Permits court to impose an extended term of imprisonment for habitual felony and misdemeanor offenders.

CHAPTER 75-248 (HB 182)

State Retirement Commission. Creates Commission to hear cases of aggrieved personnel; gives power to reinstate employee.

CHAPTER 75-160 (HB 838)

Florida Retirement System Preservation of Rights. A law enforcement officer who is, has been, or shall be suspended and then reinstated without compensation, shall receive retirement service credit during time of suspension upon member paying into Retirement System Trust Fund those funds to provide said retirement credit.

CHAPTER 75-260 (HB 857)

Retirement Credit. Permits law enforcement officers to claim prior service as creditable service for retirement purposes without awaiting expiration of a previously established three-year period.

1976

CHAPTER 76-75 (SB 405)

Assault/Battery. Increases penalties for assault or battery of a law enforcement officer.

CHAPTER 76-151 (SB 1000)

Health Insurance. Provides for retirees to continue coverage under State group program for life, health and accident insurance benefits. Must elect to do so at time of retirement.

CHAPTER 76-191 (SB 583)

Legal Expenses. Provides for expenditure of public funds to be used to compensate a law enforcement officer for legal expenses incurred in defense of civil or criminal charges under certain conditions.

CHAPTER 76-277 (SB 299)

Standards. Reconfirms and protects statutory requirement that all law enforcement officers employed in Florida must be citizens of the United States.

1977

CHAPTER 77-436 (CS/HB 922 and 2272)

Salary Incentives. Amends §§ 943.22(1)(b) and (2), Florida Statutes; to include certain full-time state employees in the definition of law enforcement officers for eligibility of pay under the salary incentive program established for local law enforcement officers.

1978

CHAPTER 78-46 (HB 617)

Law Enforcement Appreciation Month. Establishes the month of May each year as Law Enforcement Appreciation Month, and May 15th as Law Enforcement Memorial Day.

CHAPTER 78-170 (SB 14)

"Florida Protection of Public Employee Retirement Act." Provides strong regulations for maintenance of actuarial soundness of the retirement system (broad and encompassing).

CHAPTER 78-227 (SB 588)

State Attorney. Provides authorization of any State Attorney to employ a municipal police officer or a deputy sheriff on a full-time basis, with full jurisdictional powers.

CHAPTER 78-246 (CS/SB 193)

Fresh pursuit. Broadens law enforcement officer's authority; includes misdemeanants as well as felons and/or suspects; provides for liabilities, and all rights to benefits by the pursuing officer.

CHAPTER 78-258 (SB 955)

Insurance Fraud Investigators. Provides full law enforcement powers to Insurance Fraud Investigators, Department of Insurance, except carrying of weapon.

CHAPTER 78-291 (SB 448)

Bill of Rights. Amends Chapter 112.554, Florida Statutes, and permits an officer covered by the Law Enforcement Officers' Bill of Rights to apply directly to circuit court when injured by a "failure to comply" action by his employer, pursuant to Chapter 112.

CHAPTER 78-338 (SB 1272)

Death Benefit. Provides a child dependent of any law enforcement officers killed in the line of duty shall have any fees waived for an undergraduate degree education until age 25.

1979

CHAPTER 79-60 (CS/SB 40)

Law Enforcement/Personal Information. Provides that law enforcement officers may refuse to disclose certain personal information in criminal cases or proceedings preliminary thereto.

CHAPTER 79-295 (HB 1570)

PERC. Amends § 447.503, Florida Statutes; providing a simplified procedure for the remedy of unfair labor practices by the Public Employees Relations Commission (PERC).

CHAPTER 79-306 (CS/SB 210)

Sick Leave. Creates § 112.202, Florida Statutes; authoring certain state departments and agencies to adopt rules permitting state employees to pool sick leave.

CHAPTER 79-335 (SB 79)

Retirement Awards. Creates § 112.193, Florida Statutes; authorizing state agencies to present retiring law enforcement officers a uniform, service revolver, and badge; authorizing state agencies to present a uniform to the spouse or other beneficiary of a deceased law enforcement officer.

CHAPTER 79-337 (SB 162)

Group Insurance/Public Officers and Employees. Amends § 112.08(1), Florida Statutes; authorizing local governmental units to provide for insurance for the dependents of officers or employees; authorizing the commingling of insurance payments.

CHAPTER 79-349 (SB 423)

Beverage Law. Amends § 561.25, Florida Statutes; providing that a law enforcement officer may be employed as an entertainer or provide security in an establishment licensed under the beverage law after obtaining appropriate approval.

1980

CHAPTER 80-27 (CS/HBs 532 and 630)

Provides for legal wire communications intercept and recording by law enforcement agencies.

CHAPTER 80-68 (SB 93)

"Florida Contraband Forfeiture Act." Provides for forfeiture of aircraft, vessels and motor vehicles to law enforcement agencies when seized with defined contraband aboard.

CHAPTER 80-126 (HB 1573)

Employment after Retirement. Provides for retiree to be employed with an employer not under Florida Retirement System. Limitations of 600 hours or \$4,000 in each calendar year established. Excess of aforementioned results in reduction of retirement benefits. (This is an increase from previous law.)

CHAPTER 80-128 (HB 1664)

Early Retirement. Provides for law enforcement officer retirement at age 55; allows retirement at age 52 if he has 25 years creditable service (does not have to wait until age 55).

CHAPTER 80-201 (HB 929)

Park Officers. Grants arrest authority to Park Officers, same as law enforcement officers, under certain conditions (see 901.15, Florida Statutes).

CHAPTER 80-304 (HB 424)

Group Insurance. Group Insurance continuity for retirees of local governments and school boards; authorizes allowing continued participation in life, health, accident and annuity group programs; permits governments to pay all or a portion from public funds.

CHAPTER 80-367 (HB 1655)

Collective Bargaining. Provides for resolution of impasse.