

## PBA Legislative Synopsis 1981 - 1986

### 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.

## **1981**

### CHAPTER 81-24 (CS/CS/SB 103)

Law enforcement and corrections. Transfers the Correctional Standards Council to the Department of Law Enforcement, amends numerous sections of Chapter 943 relating to training of law enforcement officers so as to make such provisions applicable to correctional officers.

### CHAPTER 81-103 (SB 189)

Health Insurance. Allows the employer of former employees, and their dependents, to continue as a member in said employer's group health insurance plan; however, the premiums of such coverage may be paid by employer for the retiree but the dependent coverage is to be paid by said retiree.

### CHAPTER 81-121 (CS/SB 54)

Precious metals. Requires that records of purchases of items containing precious metals be retained in an unaltered condition and prohibits the purchase of precious metals from minors.

### CHAPTER 81-142 (SB 1104)

Mutual Aid. Provides for mutual aid agreements among law enforcement agencies; provides that employees of any law enforcement agency rendering aid outside of its jurisdiction shall have certain powers, duties, rights, privileges and immunities, etc.

### CHAPTER 81-209 (SB 1121), also

### CHAPTER 81-253 (SB 652)

Auto Insurance. No insurer providing motor vehicle liability coverage shall refuse to renew any policy providing coverage for a personal motor vehicle of any person based solely on such person's experience while operating a vehicle as part of his employment as a law enforcement officer or firefighter. No points assessed in connection with such experience shall be considered in setting such person's personal motor vehicle liability insurance rates.

### CHAPTER 81-313 (HB 563)

Arrests. Authorizes fresh pursuit arrests outside jurisdiction; creates the strip search provision of persons arrested.

## **1982**

CHAPTER 82-2 (SB 103)

Conspiracy to traffic drugs. Any person who conspires, combines or confederates with another to traffic a controlled substance is as guilty as if he actually committed such act.

CHAPTER 82-124 (HB 602)

Introduction of contraband into detention facilities. Increased penalty from third degree felony to second degree felony. Encompassed additional identified contraband.

CHAPTER 82-146 (CS/SB 420)

Workers' Compensation. Provides that a law enforcement officer shall be covered by workers' compensation no matter where he is injured in the state of Florida during an activity or action which is consistent with his primary responsibility as a law enforcement officer.

CHAPTER 82-155 (CS/CS/CS/SBs 69, 432, 312, 351, 39 and 285)

Driving While Impaired. Extensive rewrite of Chapters 316 through 322, Florida Statutes, improving and strengthening driving-while-impaired statutes.

CHAPTER 82-158 (SB 581)

Political Activity. Repealed §321.11, Florida Statutes, that previously prohibited Highway Patrol officers from engaging in any type of political activity. It struck down the second class citizenship created by law and gave F.H.P. full citizenship rights.

CHAPTER 82-169 (HB 173)

Special Risk Retirement. Provides for bomb disposal technicians to be placed or retained under special risk retirement of Florida Retirement System.

CHAPTER 82-210 (CS/SB 842)

Fleeing and Eluding. Increased the penalty for fleeing from law enforcement officer by boat or vessel from misdemeanor to third degree felony.

CHAPTER 82-405 (SB 4H)

Complaints/Public Records. Complaints received on law enforcement officers; provides that complaints received are exempt from Chapter 119 (Public Records Law) until certain established procedures are completed and, even then, certain exemptions remain such as names of officer and witnesses when complaints are found to be groundless.

### HJR 31-H

Exclusionary Rule. Search and seizure (amends State Constitution, Article I, Declaration of Rights). Provides that State Constitution be amended in conformity with the Fourth Amendment of the United States Constitution, as interpreted by the U.S. Supreme Court. Amendment assisted law enforcement by relaxing an overly restrictive state search and seizure requirement for admissibility of evidence in court. Federal Constitution provided more flexibility than Florida's.

## **1983**

### CHAPTER 83-76 (CS/SB 195)

Florida Retirement System prior service for F.H.P. Provides credit for time spent in F.H.P. Training Academy prior to taking oath of office and for which no contributions to the retirement system were made. Covers dates of November 1, 1939 to July 1, 1968. Member would have to make contributions, but would be entitled to three months additional retirement benefit or could retire three months earlier than originally anticipated. Also, if a State law enforcement officer becomes absent from an employer's payroll due to a "layoff" as defined in 110.203(24), but is reemployed within a 12-month period as a State law enforcement officer, he shall not have been deemed to have a "break in service."

### CHAPTER 83-115 (SB 233)

Death Benefit. Provides a death benefit of \$50,000 to surviving beneficiary of a law enforcement officer unlawfully and intentionally killed while in actual performance of his duties. Benefit is in addition to any workers' compensation or pension benefits and shall be exempt from claims and demands of creditors. The deceased officer's surviving children will be afforded a tuition free vocational, technical or undergraduate education per stipulations within the statute.

### CHAPTER 83-119 (HB 429)

Fresh Pursuit by law officer. Adds to existing law violations for county ordinances and Chapter 316, Florida Statutes. Can fresh pursue out of jurisdiction.

### CHAPTER 83-147 (SB 203)

Oaths. Authorizes law enforcement or correctional officers to administer oaths in connection with their official duties; provides penalty for false statement.

### CHAPTER 83-253 (CS/HB 54)

Armor Piercing Bullets. Prohibits the manufacture, sale, possession or delivery of armor-piercing bullets for use in handguns. Prohibits same for exploding bullets in any weapon. Exempts law enforcement officers.

CHAPTER 83-294 (SB 1029)

Group Health Insurance. Provides that local governments and school districts who offer a group health insurance program for employees must offer an opportunity for their retirees to participate in same group plan. Provides option for retiree to pay all of cost or the unit of government to pay all or any portion thereof.

**1984**

CHAPTER 84-153 (HB 520)

Witness Fees. Extends witness travel expense provisions to all law enforcement employees and authorizes reimbursement for actual travel from home to court rather than from duty station to court.

CHAPTER 84-228 (HB 87)

Collective Bargaining. Authorizes public employers and employee bargaining agents to jointly waive appointment of special master for resolution of impasse; provides for resolution by appropriate legislative body.

CHAPTER 84-229 (HB 120/SB 153)

Education/Children of Slain Officers. Allows for additional time on educational benefits for children of slain officers.

CHAPTER 84-266 (SB 153)

Retirement. The bill encompassed many changes; of more specific interest to law enforcement officers:

Reemployment after retirement. Removed all existing prohibitions contained in statute that related to limitations of hours worked and wages earned by a retiree. Placed a restriction that a retired employee could not be reemployed by the same agency he/she left for a minimum of six months.

Retirement; Continuous Service. Provides for continuous service for state law enforcement officers who resign to run for certain elected office which meets the criteria specified in §121.0515(2)(a).

CHAPTER 84-258 (CS/HB 1206)

Criminal Justice Standards and Training Act. Major rewrite; one essential part of this statute is a significant change in the law enforcement and correctional officers' decertification process. There is a clearer delineation of procedure and eliminates superfluous offenses as grounds for decertification.

## **1985**

### **CHAPTER 85-18** (SB 346)

Public records. Provides for confidentiality of law enforcement and correctional officers' personal family information. Makes this protection applicable to all active and former law enforcement personnel.

### **CHAPTER 85-29** (HB 146)

Bulletproof vest. Makes the wearing of a bulletproof vest during the commission or attempted commission of certain serious crimes a felony of the third degree.

### **CHAPTER 85-220** (CS/HB 1308)

Retirement. Extends veterans benefits for creditable military service to January 1987.

### **CHAPTER 85-224** (CS/HB 1358)

Criminal Justice Standards and Training Commission. Corrects a flaw in the savings clause for police and correctional officers, so that it also protects those officers who can not meet the new standards but want to transfer or reemploy with another police or correctional agency. (Previously the savings clause for those not meeting the higher standards was effective only with the agency of employment at the time the new standards went into effect.)

### **CHAPTER 85-258** (HB 282)

Self-propelled Knives. Manufacture, sales, display, ownership, use or possession of certain self-propelled knives prohibited.

### **CHAPTER 85-279** (HB 1221)

Military Leave. Provides for units of government to grant 17 working days to an employee for military leave without the employee having to take personal leave time.

### **CHAPTER 85-288** (SB 55)

Use of Force. Protects correctional officers when certain types of force are required to be used on inmates. Removes third-degree felony penalty for striking inmate.

### **CHAPTER 85-336** (SB 936)

Workers' Compensation. Protects special risk members from having a break in service or loss of 2% retirement credit when coming off workers' compensation injury and placed on light duty.

(HB 61)

Florida Retirement System. Allows cities to opt out of the Florida Retirement System. P.B.A. lobbied to get an amendment on the bill to protect present and future police members, but the opt out bill failed to pass.

**1986**

CHAPTER 86-42 (SB 208)

Municipal Police Officers' Retirement. Enables police officers to have a stronger voice in their retirement benefits. Some of the highlights of this pension reform bill are:

- Raises retirement credit minimum to at least equal that of the Florida Retirement System's Special Risk Class.
- Changes structure of the Board of Trustees, enabling police officers to be voting members of the Board and thus have considerable more say in the running of their pension systems.
- Enhances minimum disability benefits.
- Permits the Board of Trustees to hire its own attorney.

CHAPTER 86-143 (CS/SB 576)

AIDS Testing. Authorizes Department of Health and Rehabilitative Services or its authorized representatives to examine or cause to be examined any person or inmate who injures a police or correctional officer. The examination may include, by court order if necessary, the taking of blood samples if the subject or inmate is believed to be a carrier of a sexually transmissible disease.

CHAPTER 86-183 (CS/SB 485)

Probation and Parole Officers. Requires Probation and Parole Officers to meet certification standards as established by the Criminal Justice Standards and Training Commission. Contains a savings clause and makes Probation and Parole Officers eligible for the salary incentive program.

Privatization of Correctional facilities. Sets forth statutory requirements for the operation of correctional facilities by a private contractor. Establishes safeguards, i.e., protection of correctional officers' pension rights when facilities are privatized; private corrections personnel must meet same state standards as public sector corrections personnel. etc.

(SB 767)

Pardoned Felons. As originally written, the bill would have allowed pardoned felons to be police and corrections officers. P.B.A. lobbied placement of an amendment on the bill to exempt police and corrections officers (meaning that pardoned felons would continue to be ineligible for employment as police or correctional officers). The bill failed to become law.

CHAPTER 86-344, 86-349 & 86-342 (SB 804, SB 1268 & SB 719)

Career Service. Three local bills provide career service protection for the deputy Sheriffs in Sarasota County, Charlotte County and Alachua County.