

PBA Legislative Synopsis 1987 - 1992

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.

1987

CHAPTER 87-24 (CS/HB 253)

Concealed Weapons. Provides for state control of licensing to carry concealed firearms and weapons. Exempts police and correctional officers from licensing requirements and for a three-year period after retirement; from the \$125.00 fee and background checks.

CHAPTER 87-59 (HB 95)

Public Records. Retains public records exemption for internal affairs investigations. Helps protect law enforcement officers from unfair media coverage.

CHAPTER 87-99 (SB 145)

Municipal Pensions. Preserves the credit received by insurance companies for premium tax monies paid into the Insurance Regulatory Trust Fund--from which Chapter 185, Municipal Police Pension Plans, monies are derived. Without the credit preservation, it is highly probable the insurance companies would try to repeal provisions allowing premium tax monies to go to municipal police pension systems.

CHAPTER 87-147 (HB 1479)

Fleeing Felon. Conforms Florida's Fleeing Felon Law to the guidelines set forth in the Tennessee vs. Garner Supreme Court decision.

CHAPTER 87-149 (CS/HB 26)

Disability Retirement. Protects those under Florida Retirement System who take a disability retirement, return to work when sufficiently recovered from the disability, but at a later date must again go out on disability retirement. Insures that such employee's second disability retirement benefit will be no less than the first disability retirement benefit.

CHAPTER 87-233 (HB 1356)

Correctional Employees' Trust Fund. Fund established which may be used to construct training and recreational facilities for use by correctional employees.

CHAPTER 87-330 (SB 821)

Workers' Compensation. The P.B.A. was able to get a workers' compensation offset provision removed from the bill before it passed. The offset provision would have offset the benefits payable from a pension plan or other benefit (i.e., the State \$50,000 and \$20,000 death benefit, etc.) to an employee who was disabled or killed in the course of employment.

CHAPTER 87-368 (SB 283)

Murder of Law Enforcement Officer. Makes the murder of a law enforcement officer an aggravating factor which may be considered by a jury or the court in the imposition of the death penalty.

CHAPTER 87-373 (SB 399)

Health Insurance. Provides a health insurance subsidy for Florida Retirement System retirees.

CHAPTER 87-401 (SB 1202)

F.H.P. Overtime. Establishes "Law Enforcement Trust Fund" which derives funds from state or federal criminal proceedings, forfeiture proceedings, etc. The express intent of this fund is to provide overtime monies to members of the Florida Highway Patrol.

CHAPTER 87-534 (SB 24B)

Retirement. Provides retirees under the Florida Retirement System no less than a 3% cost of living raise per annum regardless of the Consumer Price Index.

CHAPTER 87-537 (HB 28B)

Firearms. Closes loophole in law which allowed open carrying of firearms and weapons.

1988

CHAPTER 88-50 (HB 36)

Driving Without License. Restores the criminal penalty to the offense of driving without a valid driver's license.

CHAPTER 88-51 (HB 323)

Criminal Justice Standards and Training Commission. Allows more flexibility in punishing law enforcement officers who are found guilty of moral character offenses. In cases where the offense is not serious enough for revocation of certification but some punishment is merited, it allows the Commission to suspend, reprimand, place on probation, or order to be retrained.

CHAPTER 88-82 (SB 101)

Alcohol levels. Authorizes the use of physical tests, including infrared light measuring devices, for testing to determine blood alcohol levels of those persons suspected of operating motor vehicles or vessels under the influence.

CHAPTER 88-133 (CS/SB 341)

Alcohol/Vessel Operation. Provides criminal and non-criminal violations of navigation rules. Requires persons suspected of operating a vessel under the influence of alcohol or drugs to take a breath or urine test.

CHAPTER 88-144 (CS/CS/SB 16)

Statewide Communications System. Creates a joint task force and trust fund within the Department of General Services to acquire and implement a statewide communications system to serve state and local law enforcement agencies through a mutual aid channel. Calls for a pilot program in Southeast Florida for a state law enforcement communications network.

CHAPTER 88-183 (CS/CS/SB 579)

Firearms. Clarifies the right of auxiliary police officers to carry a concealed firearm off-duty without a permit. Tightens up concealed firearms law by specifying that concealed firearms licenses do not extend to the carrying of small machine guns, or carrying concealed firearms inside the passenger terminal and sterile area of any airport (unless the firearm is encased for shipment as baggage), etc.

CHAPTER 88-238 (SB 150)

Special Risk Retirement. Increases the retirement accrual rate for special risk members of the Florida Retirement System. The increase is from 2% per year to 3% per year, with a five-year phase-in of the extra 1% per year benefit.

CHAPTER 88-263 (HB 203)

Florida Firefighters, Paramedics and Police Officers' Health Project. Project created at the University of Miami, focusing on stress, diseases, etc., which affect emergency service personnel.

CHAPTER 88-341 (HB 648)

Road Guard Inspection Special Officers. Granted authority to make arrests pursuant to 570.15, Florida Statutes, and all other laws pertaining to livestock, horticultural products, etc.

CHAPTER 88-345 (HB 755)

Health Insurance. Offers state employees an opportunity to save money by paying for health and life insurance premiums with tax free salary dollars. Allows pre-tax premium payments to be made before federal social security and income taxes are deducted (thus allowing employees to pay less social security and income tax).

CHAPTERS 88-373 and 88-381 (HB 1397 and HB 1653)

Assault/Battery. Extends coverage of assault/battery of a law enforcement officer and resisting statutes to those officers not previously covered. Enhances penalties for committing the following crimes against a law enforcement

officer: aggravated assault, aggravated battery and attempted murder. Also extends statewide felony arrest powers to all police officers employed by the State of Florida as such.

CHAPTER 88-382 (HB 1497)

Corrections Counselors. Addresses a "glitch" in the retirement of Correctional Counselors who served from 1970 to 1978; allows the time to be counted as special risk service for time service requirement, and allows affected people to retire after 25 continuous years of service regardless of age.

CHAPTER 88-443 (SB 630)

Career Service. Provides a limited career service system for Polk County deputy sheriffs.

CHAPTER 88-839 (HB 642)

False Personation. Provides stronger penalties for falsely personating a police officer.

SB 359

Death Benefits. Would have codified P.B.A. contract benefits for survivors of state police and correctional officers killed in the line of duty and expanded law enforcement retirement awards from state police officers, exclusively, to all state and local police and correctional officers. (Note: SB 359 was vetoed by Governor Martinez.)

HB 25

F.H.P. Would have mandated that Florida Highway Patrol Troopers be in a separate and distinct bargaining unit. Would have created divisiveness and infighting among state law enforcement officers and thus hurt their collective bargaining efforts. Defeated.

HJR 1211

Constitutional Amendment. Joint resolution which, if made a part of the State Constitution, would have severely limited the legislature's ability to pass state mandates on local governments without providing a means to pay for the program or benefit. As originally drafted, would have severely jeopardized passage and/or retention of 3% Special Risk Retirement. P.B.A. was able to get an amendment on the resolution which would exempt pensions. Fortunately, the resolution failed to pass in the Senate.

HB 1679

Discovery Depositions. Concurrent Resolution calling for the Florida Supreme Court to study Florida's criminal discovery deposition rule and make recommendations for possible changes. Passed the Senate and House; filed with the Office of the Secretary of State.

1989

CHAPTER 89-22 (CS/HB 123)

Death Benefits. Codifies P.B.A./State of Florida law enforcement and corrections contracts with respect to death benefits, etc., for surviving spouses and children of law enforcement officers unlawfully and intentionally killed in the line of duty. Provides survivor health insurance benefits, burial benefits, and allows retirement awards (i.e., guns, badge, uniform) to be given to retired officers.

CHAPTER 89-42 (CS/HB 1409)

State Insurance Fraud Investigators. Allows such investigators to carry firearms and puts them under the Criminal Justice Standards and Training Commission.

CHAPTER 89-50 (HB 931)

PERC/mini-PERC. Gives the Florida Public Employees Relations Commission (PERC) authority to review mini-PERC (i.e., Pensacola's mini-PERC) activities and assume jurisdiction of cases where an investigation reveals that the local mini-PERC did not function properly.

CHAPTER 89-100 (CS/HB 25)

Minimum Mandatory Sentencing. Established minimum mandatory sentencing of offenders who injure or attempt to injure law enforcement officers.

CHAPTER 89-220 (SB 243)

3% Special Risk. Corrects a glitch in the 3%, special risk legislation passed in 1988. Without the change, special risk employees would have lost part of their 3% benefit.

CHAPTER 89-223 (SB 407)

Bill of Rights. Expands Police and Corrections Bill of Rights to include correctional probation officers. Also allows accused officers access to any written statements made by complainants and witnesses prior to interrogation.

CHAPTER 89-271 (SB 116)

Traffic accident reports. P.B.A. was able to fight off language proposed by Florida Highway Patrol administration which would have reversed an appellate court decision and allowed the statement of a law enforcement officer involved in a traffic accident to be used against the officer for disciplinary reasons. Under law in effect at the time of FHP's proposed amendment, citizens involved in traffic accidents could make a statement to the investigating officer, and the statement would remain privileged information, not to be used against the citizen at a later time. FHP's proposed amendment would have created a different standard of treatment for law enforcement officers.

CHAPTER 89-289 (CS/SB 896)

Leave Time. Provides that state-employed police, correctional, and correctional probation officers who are maliciously or intentionally injured on the job (and are eligible for workers' compensation) shall be carried in full pay status rather than being required to utilize sick, annual or other leave. **NOTE:** In 1990 P.B.A. got this provision of law expanded to include local police and corrections officers.

CHAPTER 89-364 (SB 1534)

Salary. Provides a \$3,000 per year pay raise for all police officers in the P.B.A. State Law Enforcement Officers Bargaining Unit.

CHAPTER 89-492 (HB 1278)

Collective Bargaining. Gives Escambia County deputies the right to engage in collective bargaining and brings them under the Police Officers' Bill of Rights.

CHAPTER 89-526 (HB 9-A)

Correctional Probation Officers. Allowed to detain individuals under the Baker Act and puts institutional (classification) officers under the Criminal Justice Standards and Training Commission.

CHAPTER 89-531 (SB 12-B)

Correctional Officers. Calls for a plan reflecting parity of pay between state correctional officers and law enforcement officers.

HB 947

Florida Retirement Commission. Would have abolished Commission which was created as a means to allow employees in Florida Retirement System (FRS) the right to appeal adverse employee decisions made by FRS administrators. P.B.A. opposed, and the bill was defeated.

SB 995

Pension Benefits. Would have limited pension benefits for Special Risk members of the Florida Retirement System. P.B.A. opposed the bill, and it was defeated.

1990

CHAPTER 90-138 (CS/HB 147)

Death Benefits. Increases benefits and provides additional educational benefits to children of law enforcement officers killed on-duty while the officers are responding to an emergency or while engaged in pursuit.

CHAPTER 90-177 (CH/HB 2331)

Ticket Writing Power. Reinstates the power of Florida Marine Patrol and Game and Fish officers to write citations for traffic infractions.

CHAPTER 90-201 (CS/HB 3809)

Leave Time. Allows local law enforcement officers who, while acting within the course of employment, are maliciously and intentionally injured to be carried in a full-pay status rather than being required to use sick, annual or other leave.

CHAPTER 90-274 (SB 3056)

Health Insurance. Laid groundwork for a health insurance subsidy for police officers retiring from municipal retirement plans. Increased the health insurance subsidy for Florida Retirement System retirees to a maximum of \$90 per month.

CHAPTER 90-308 (CS/HB 1915)

"Fireman's Rule." Abolishes "Fireman's Rule," making properly identified law enforcement officers invitees rather than licensees when on property of another and responding for a call for service. Makes it easier for officers to sue in cases of negligence by property owners.

CHAPTER 90-337 (HB 3711)

Privatization. Bans privatization of felony probation work.

CHAPTER 90-344 (CH/HB 1023)

AIDS/Sexually Transmissible Diseases. Authorizes injured law enforcement officers to obtain results of tests for certain sexually transmissible diseases when the officer is injured by a person believed to have one of these diseases.

CHAPTER 90-364 (HB 3657)

Off-Duty Work. Renews exemption under Chapter 493, Florida Statutes, which allows law enforcement officers to do off-duty security work without having to be licensed through, and work for, a private security firm.

1991

CHAPTER 91-54 (HB 755)

Capitol Police. Changes the name of police officers working for the Department of General Services to "Capitol Police" and expands their investigative authority.

CHAPTER 91-174 (SB 1188)

Off-Duty Work/Deputy Sheriffs. Allows sheriffs to operate off-duty employment programs for deputies. Provides that if a deputy suffers a workers' compensation injury while enforcing a state law on his off-duty job, his rate of workers' compensation will be based on his deputy pay, not on his off-duty employment pay.

CHAPTER 91-24 (HB 883)

Waiting Period/Firearms. Implements constitutional amendment passed by Florida voters in fall 1990. Provides mandatory three-day waiting period (excluding weekends and legal holidays) between the purchase and delivery at retail of any handgun(s).

CHAPTER 91-280 (HB 2275)

CPO Arrest Powers. Gives correctional probation officers authority to arrest criminals released by the Control Release Authority if those criminals violate the terms of their release.

HB 359

CPOs/Firearms. Legislation would have allowed qualified CPOs the option of carrying concealed firearms on-duty and off-duty. **NOTE:** Vetoed by the Governor.

1992

CHAPTER 92-18 (HB 223)

Ticket quotas. Outlaws traffic ticket quotas for Florida Highway Patrol, Marine Patrol, Game and Fish Commission and University Police Departments.

CHAPTER 92-183 (CS/HB 271)

CPO Firearms. Exempts correctional probation officers from concealed weapons permit law and thus allows CPOs to carry a concealed firearm off-duty. A corollary agreement with Department of Corrections allows CPOs, through changes in departmental administrative rules, to carry concealed firearms while on duty.

CHAPTER 92-51 (HB 187)

Health Insurance Subsidies. Allows municipal police and fire pension plans to set up a health insurance subsidy for police and fire retirees.

CHAPTER 92-131 (SB 2108)

Pensions. Deletes prohibition of pension contributions on salary incentive monies received by police, correctional and correctional probation officers under Florida Retirement System. When funding is provided, will allow such officers to receive higher pension payments as the result of the inclusion of salary incentive monies in the computation of pension payments.

CHAPTER 92-131 (SB 2108)

Criminal Justice Standards and Training Commission (CJS&TC). Mandates that CJS&TC membership must include at least one police and one correctional officer who are not above the rank of sergeant.

CHAPTER 92-183 (CS/HB 1817)

Firearms. Exempts all law enforcement officers from the \$10 fee for a criminal history check charged citizens who are purchasing a firearm from a gun dealer.

July 2007