

PBA Legislative Synopsis 1999 - 2003

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.

1999

CHAPTER 99-1 (CS/HB 261)

Municipal Police and Firefighters Pension Reform. Once again, PBA (working in conjunction with Professional Firefighters of Florida) was able to get municipal police pension reform passed by the Legislature. This measure ensures that state tax dollars sent to cities for police pensions is used properly and that certain minimum benefits is provided for. The bill was signed by the Governor and became law.

CHAPTER 99-392 (HB 1883)

Heart Bill. For many years, PBA has pursued the so-called "Heart Bill" for its law enforcement and corrections members. This statutory provision – in effect for firefighters since 1974 – provides that any condition or impairment of health caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty. PBA was able to achieve this worthy goal for state law enforcement and corrections officers.

2000

CHAPTER 2000-169 (HB 2393)

FRS Omnibus Pension Bill. Creates and revises numerous provisions relating to the Florida Retirement System. Effective July 1, 2000, except as otherwise provided:

- Special Risk Buy Back. In 1978, the Legislature lowered the Special Risk yearly accrual rate from 3 per cent a year to 2 per cent a year. In 1988, PBA led the successful fight to have the 3 per cent restored---with the five-year phase-in which resulted in Special Risk members again receiving the full 3 per cent accrual starting January 1, 1993. However, this major change was not retroactive and the percentages lost from 1978 through 1992 were never regained. Now, thanks to passage of HB 2393 the lost amount will be restored for those who are still active members of the retirement system.
- Special Risk for CPOs. Provides that community based CPOs receive Special Risk coverage, effective January 1, 2001.
- Six Year Vesting. The current general 10-year vesting will be changed to 6 year vesting, effective July 1, 2001.
- Defined Contribution Plan. Officially dubbed the "Public Employee Optional Retirement Program" (PEORP), this program will allow new and current employees to choose employee-directed investments rather than the traditional defined benefit approach of the FRS.

CHAPTER 2000-167 (SB 94)

FRS Disability Minimum. Increases the minimum in-line-of-duty disability from 42% to 65% for members of the Special Risk class.

CHAPTER 2000-184 (HB 937)

Law Enforcement & Correctional Officers' Bill of Rights. Provides that officers will be able to see all statements, whether written, tape-recorded, or video taped, prior to the interrogation and possibly provide a criminal penalty for those who, with corrupt intent, violate an officer's rights under certain conditions.

2001

CHAPTER 2001-43 (SB 466)

State Career Service Protections. PBA, working with the Governor, House Leaders and Senate Leaders, was able to save job protections for correctional officers, correctional probation officers, institutional security specialists, and law enforcement officers. Following are basic provisions of the legislation:

- Special Risk supervisors and rank-in-file employees remain in Career Service and are not transferred to Select Exempt Service where there is no job protection (Non-Special Risk supervisors were transferred to Select Exempt).
- Requires "Just Cause" for all discipline with the burden of proof remaining on the agency to prove the charges against the employee.
- In Career Service cases involving only corrections and law enforcement appeals, PERC can reduce the penalty imposed by an agency. Regular state employees lost this protection.
- Seniority and bumping rights are retained in layoff situations only for corrections and law enforcement officers. Regular employees lost these rights.
- Allows all Career Service employees to sell back 24 hours of leave time each December.

CHAPTER 2001-168 (SB 770)

Portal-to-Portal Workers' Compensation Coverage. After a four year lobbying effort by PBA, this legislation was finally passed. With regards to workers' compensation coverage, it provides that state and local law

enforcement officers are acting in the course of employment while engaged in assigned work schedules or going to or coming from work in an official law enforcement vehicle and suffer compensable injuries.

CHAPTER 2001-235 (CS/SB 2)

Special Risk Buy-Back. PBA, working in concert with the FOP, Florida Sheriff's Association, and Professional Firefighters, was successful in passing legislation to extend the Special Risk Buy-Back to those in DROP and those who had already retired prior to last year's landmark legislation. (See Chapter 2000-169 for more details.)

2002

CHAPTER 2002-194 (SB 108)

Heart and Lung Legislation. Extends "Heart Bill" protection to local police officers, deputies, and correctional officers. (See Chapter 99-392, which is previously listed in this Legislative Synopsis.)

CHAPTER 2002-191 (HB 1357)

Death Benefits. Doubles existing death benefits (maximum \$150,000) for officers killed in the line of duty. Indexes the increased amounts to annual inflation rate, so the amount will go up every year. Allows surviving children and spouse to attend college (through post graduate school) tuition free.

CHAPTER 2002-268 (SB 560)

Correctional Officer Safety. Allows the Department of Corrections to purchase recreational and video equipment as a means to keep inmates occupied and, therefore, increase officer safety.

CHAPTER 2002-20 (HB 261)

P.B.A. Heart Tag. Creates a P.B.A. specialty vehicle license tag which will be sold to the public, the proceeds being put in P.B.A.'s "Heart Fund" and used to support P.B.A. members who suffer catastrophic, in-line-of-duty disabilities and to the survivors of officers killed in the line of duty under certain circumstances.

2003

CHAPTER 2003-149 (SB 1856)

Police/Corrections Bill of Rights. Allows officers to sue individuals in civil court if complainants lodge false complaints. Also allows the attorney or representatives of the officer to review all statements, written or video taped, made against the officer prior to any disciplinary proceeding.