

PBA Legislative Synopsis 2004 - 2007

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.

2004

CHAPTER 2004-38 (SB 226)

Law Enforcement Officer's Fair Defense Act. Mandates that the state and local governments pay the legal costs of officers who are charged, either civilly or criminally, as a result of certain types of action taken while in the line of duty and then are subsequently exonerated of the charges. There is a cap of \$100,000 per episode, and the officer must have been operating within policy.

CHAPTER 2004-289 (SB 1792)

Criminal Justice Standards and Training Commission (CJS&TC). Revises the CJS&TC membership by placing another rank and file member on the commission; provides for the inspection and copying of certain records; tolls certain time limitations; authorizes an officer, or officer's attorney, who is under investigation to review certain documents.

CHAPTER 2004-21 (HB 251)

Municipal Police and Firefighter Pensions. A joint PBA/Professional Firefighter project, it ensures that the millions of dollars in insurance premium taxes collected to enhance police and fire pensions be used exactly for that reason. Forces cities to use extra premium tax dollars coming in for extra benefits.

CHAPTER 2004-14 (SB 118)

Officer Cheryl Seiden Act. This Dade County PBA inspired legislation, precludes State Attorneys from having secret agreements with criminals which would prevent law enforcement officers from fighting the parole of such incarcerated criminals.

2005

CHAPTER 2005-100 (SB 656)

The Deputy James Weaver Act. This legislation has two functions: 1) it places a 180 day limit on the duration of an internal affairs investigation; 2) it increases the death benefit for traffic incidents to surviving family members from \$50,000 to \$100,000 and allows the spouse and children to take advantage of the tuition benefits available from the state.

CHAPTER 2005-103 (SB 738)

Criminal Justice Standards and Training Commission. This legislation creates a six member panel, represented by the major law enforcement officer associations in the state, to approve and submit a list of six officers to the Governor for any appointment to fill a rank and file vacancy on the CJS&TC. At least one of the six officers must not be in a collective bargaining unit. The panel will consist of three representatives from the largest association, two from the second largest and one from the association that represents the largest number of state law enforcement officers. PBA, by virtue of its size, will have the largest role in determining who represents the rank and file on the CJS&TC.

2006

CHAPTER 2006-41 (SB 428)

State Employees' Reimbursement for Travel Expenses. This legislation increased the amount of reimbursement the state will pay for state employee travel expenses. The reimbursement per mile for the use of a private vehicle for official state business was raised from .29 cents to .445 cents per mile. The legislation also increased per diem for lodging \$80, breakfast \$6, lunch \$11, and dinner \$19. This was the first increase in over a decade.

CHAPTER 2006-298 (SB 214)

Uniform Dart Firing Stun Gun Training & Use. This PBA legislation sets a minimum standard for both the training and use of a dart firing stun gun. An officer can only deploy the weapon if the person under arrest or in a custodial situation escalates his or her resistance from passive to active physical resistance, the person must have the apparent ability to physically threaten the officer or others, or is attempting to escape or flee. The Criminal Justice Standards & Training Commission will establish the training standards and each officer required to carry a dart firing stun gun will receive a minimum of four hours of training with the weapon prior to use along with an annual one hour refresher course.

2007

CHAPTER 2007-42 (HB 73)

Fla. Highway Patrol Sergeant Nicholas Sottile Act. This PBA legislation restructures the State Law Enforcement Officers (SLEO) bargaining unit to allow a SLEO agency with 1,200 or more officers to separate from the SLEO unit and form its own bargaining unit. The act was named in honor of Sergeant Nicholas Sottile, a veteran Highway Patrol Officer, killed in the line of duty on January 12, 2007.

CHAPTER 2007-110 (HB 123)

Law Enforcement & Correctional Officers Bill of Rights. This legislation demonstrates what can be accomplished when the PBA works with the FOP to help strengthen the Bill of Rights. The bill as originally crafted by FOP dealt strictly with the requirement, when possible, that the subject of an internal affairs investigation be interviewed last in order for the subject to see all statements used in the investigation, but the FOP permitted the PBA to tack on an amendment imposing that certain political subdivisions must forward an administrative complaint against an officer to the officer's employing agency within business five days. The Police Chiefs' and Florida Sheriffs' Associations added a third amendment expanding the tolling periods of the Weaver Act (see CHAPTER 2005-100) during a Governor's declared State of Emergency.

CHAPTER 2007-118 (HB 723)

Law Enforcement & Correctional Officers Bill of Rights. This PBA legislation was aptly labeled the "Tell the Truth Bill." It requires that the investigator, prior to completing a summary report of an internal affairs investigation, must sign a sworn statement declaring, under penalty of perjury, that all statements contained in the summary are true and that the investigator did not violate any part LEO Bill of Rights. The legislation also puts in statute that the officer under investigation must tell the truth during the investigation and may be subject to perjury charges for any untruthful statements.

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