

## PBA Legislative Synopsis 1993 - 1998

### 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.

## **1993**

### **CHAPTER 93-19 (HB 89)**

Bill of Rights. Extends Police Bill of Rights coverage to all Florida deputy sheriffs.

### **CHAPTER 93-86 (SB 1086)**

Sales Tax on Off-Duty Work. Codifies and expands a Department of Revenue administrative rule which provides that officers working off-duty, in uniform and in their jurisdiction, are not subject to state sales tax collection.

### **CHAPTER 93-193 (SB 42)**

Retirement and Death Benefits. Transfers Bureau of Municipal Police Officers' and Firefighters' Retirement Funds to the Division of Retirement, Department of Management Services. Reinstates death benefits for certain spouses and children of law enforcement officers killed in the line of duty (when FRS death benefits had been discontinued because the spouse had re-married).

### **CHAPTER 93-149 (SB 124)**

Death Benefits. Extends state-mandated death benefits to auxiliary and part-time law enforcement and corrections officers. Clarifies certain death benefits for correctional probation officers and allows commemorative awards (i.e. officer's service revolver) to be given to the families of state and local officers slain in the line of duty.

### **CHAPTER 93-252 (CS/HB 1235)**

Criminal Justice Standards and Training Commission. Adds two rank-and-file police officers to membership in Criminal Justice Standards Training Commission.

### **CHAPTER 93-404 (SB 42-B)**

Public Records Law Exemption. Insures that correctional and correctional probation officers are covered under the exemption which provides confidentiality of information (home address, telephone numbers, children's school, etc.) on law enforcement officers and their families. Adds social security numbers to the list of confidential information not to be given out.

DOT officers/Traffic Enforcement. Clarifies that DOT officers do have the authority to write traffic citations to persons in private vehicles.

## **1994**

### **CHAPTER 94-81** (SB 26)

Florida Highway Patrol - Retirement. Deletes a provision of law providing for mandatory retirement at age 62 for members of the Division of the Florida Highway Patrol, DHSMV.

### **CHAPTER 94-139** (CS/HB 413)

Per Diem and Mileage - State Employees. Increases the standard mileage allowance for using a privately owned vehicle for state travel to 25 cents per mile for fiscal year 1994-95 and, thereafter, to 29 cents per mile.

### **CHAPTER 94-143** (CS/HB 1165)

Deputy Sheriffs; Career Service. Protects deputies from political or discriminatory terminations. P.B.A. added an amendment which protects current local career service laws and local laws providing for collective bargaining.

### **CHAPTER 94-171** (CS/HB 665)

Survivors of LEOs Killed in Line-of-Duty. Provides that any political subdivision which employs a full-time police or correctional officer or firefighter who is killed in the line-of-duty as the result of an act of violence inflicted by another person while the officer or firefighter is engaged in the performance of his duties, shall pay health insurance coverage for the officer's or firefighter's spouse and children for a defined period. Revises provisions of law relating to firefighters' and police officers' beneficiary provisions to eliminate remarriage penalties and to reinstate death benefits to surviving spouses under described circumstances.

### **CHAPTER 94-276** (SB 1618)

Fleeing/Eluding Law Enforcement Officer. Provides for enhanced penalty to be imposed against the operator of a vehicle for the offense of fleeing or attempting to elude a law enforcement officer.

### **CHAPTER 94-277** (CS/SB 1756)

Ethics/Public Officers & Employees. Amends various provisions of the code of ethics for public officers and employees. Revises provisions relating to conflicting employment or contractual relationships to modify applicability with respect to collective bargaining situations; prohibits appointment, employment, promotion or advancement of any individual if made by a collegial body of which a relative of the individual is a member.

### **CHAPTER 94-287** (CS/CS/SB 200)

Solicitation of Funds. Defines the term "department" as used in the act to mean the Department of Agriculture and Consumer Services; requires the department to report violations of the act to the proper prosecuting authorities, and provides additional regulations on law enforcement organizations and disclosure requirements.

CHAPTER 94-290 (CS/SB 234)

C.P.O. Surcharge/Training and Equipment. Requires felony offenders to pay a \$2 monthly surcharge on costs of community supervision programs and authorizes the Department of Corrections to use the surcharge moneys to pay for CPOs' training and equipment.

CHAPTER 94-306 (CS/CS/SB 1318)

University Police. Revises numerous provisions of state law governing highway safety, accident reporting, and drivers' licenses. Provides for expansion of traffic authority of university police to area *on or about* the university.

CHAPTER 94-330 (CS/HB 173)

Motor Vehicle Registration/Renewal. Provides for staggered renewal dates for renewal of motor vehicle registrations for certain short-term rentals. Also contains a Pinellas County P.B.A. amendment clarifying use of traffic infraction officers in off-duty jobs.

CHAPTER 94-357 (HB 2221)

Salary - Law Enforcement Bargaining Unit. Provides a one-step wage increase and \$100 per month competitive pay increase in base pay for all classifications in the law enforcement bargaining unit. Also, provides a 4% wage adjustment in base pay for classifications outside the bargaining unit.

Salary - Security Services Bargaining Unit. Provides that COs and CPOs through the rank of major be slotted into a new step pay plan based upon his/her salary, with a guaranteed of 4% in base salary.

**1995**

CHAPTER 95-141 (SB 576)

Traffic Citations/DOA Officers. Allows the Department of Agriculture law enforcement officers to issue traffic tickets for vehicles illegally passing an inspection station.

CHAPTER 95-169 (SB 654)

Deputy Sheriffs/Clothing Allowance. Allows non-charter sheriffs' departments to provide a clothing allowance for plainclothes deputies.

CHAPTER 95-182 (CS/SB 168)

Evelyn Gort Career Criminal Act. Provides enhanced penalties for career criminals who commit specified crimes.

CHAPTER 95-202 (CS/SB 232)

FHP Auxiliary/Reimbursement. Provides a procedure to reimburse FHP auxiliary officers a one-time payment of \$250 for expense incurred in becoming an auxiliary officer (i.e. training, purchase of firearm, etc.).

CHAPTER 95-218 (SB 888)

Collective Bargaining. Provides for the negotiation of the impact of a financial urgency upon the modification of a collective bargaining agreement. Will force local governmental agencies to come back to the negotiating table when a contract is underfunded.

CHAPTER 95-277 (SB 16)

Salary Incentive Payments/FRS Pension. An amendment addressing salary incentive payments was put on SB 16 (Hospital Opt-Out of FRS) which will allow salary incentive payments received by FRS Special Risk members to be used in computation of FRS retirement benefits.

CHAPTER 95-283 (CS/SB 2944)

Omnibus Corrections Bill. Contains numerous provisions which aid correctional and correctional probation officers and changes current state mandated death benefits for law enforcement officers, correctional officers, and correctional probation officers by removing a requirement that death must occur within one (1) year after injury in order for survivors to receive the \$25,000 (accidental death) or \$75,000 (unlawful and intentionally killed) benefit provided for in s. 112.19, F.S.

CHAPTER 95-285 (CS/HB 67)

Presumption/Communicable Diseases. Covers firefighters, law enforcement officers and correctional officers by creating a presumption that certain communicable diseases (hepatitis, meningitis, and tuberculosis) contracted by such public safety officers are suffered in the line of duty.

CHAPTER 95-318 (CS/HB 229)

Jeffery Tackett Bill. Requires specified municipal law enforcement agencies to establish means to communicate with other law enforcement agencies and to request assistance. Also, clarifies the right of off-duty officers to carry a concealed firearm under an exemption provided for in the concealed firearm licensure law.

CHAPTER 95-346 (HB 2421)

Arrest Powers/ABT Officers. Expands the arrest powers of state Alcoholic Beverages & Tobacco law enforcement officers.

CHAPTER 95-408 (CS/HBs 491 & 791)

Criminal Justice Standards & Training Commission. This legislation will set a statute of limitations and end double jeopardy on disciplinary cases coming before CJS&TC.

## **1996**

### CHAPTER 96-198 (CS/CS/SB 126)

Alu-O'Hara Public Safety Act. Allows full-time law enforcement, correctional, or correctional probation officers who suffer a catastrophic injury (as defined by Workers' Compensation) to receive full payment for their health insurance if the officer became injured when responding to an emergency, fresh pursuit, or because of an unlawful act by another. Free coverage is also to be provided for the spouse and for dependent children up to the age of 25. This legislation also deletes a provision in s. 112.181, F.S. (the Presumption/Communicable Diseases Law), which required in the case of hepatitis infection that serum be banked for future testing.

### CHAPTER 96-424 (HB 2715)

Salary – Law Enforcement and Board of Regents Bargaining Units. The first time since 1987 that PBA's State Law Enforcement and Board of Regents Collective Bargaining Units got both the across-the-board and one-step wage increase (approximately 7.5%).

Salary – Security Services Bargaining Unit. The first time ever that the Cos and CPOs got an across-the-board raise *plus* a step increase (approximately 7.5%).

## **1997**

### CHAPTER 97-62 (CS/SB 378)

Pension Protection/Interlocal Agreement. Under current law, municipal governments may contract with a county sheriff's office for police protection and the pension rights of officers in an existing municipal agency are protected. With this bill, one municipality will be able to provide police services for another municipality for another municipality. The legislation sponsors accepted a PBA authored amendment which makes it crystal clear that the pension rights of an officer in an agency being absorbed will be protected.

### CHAPTER 97-154 (CS/HB 663)

Deferred Retirement Option Program. Creates the Deferred Retirement Option Program within the Florida Retirement System under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, together with interest compounded monthly, for the specified period of the DROP participation.

### HB 729 and SB 1878

Taxpayer Protection Act. Pushed by the Florida League of Cities, this legislation as originally proposed would have prevented the Legislature from mandating employee benefits on local government (i.e., municipal pension reforms, return of Special Risk to 3% accrual, Alu-O'Hara Act) unless the state provided funding for the benefits. PBA opposed the bill and it was defeated.

## **1998**

### **CHAPTER 98-18 (CS/CS/HB 3131)**

Deferred Retirement Option Program Improvements. Amends §121.091 to authorize active members of the Florida Retirement System who are otherwise ineligible to participate in the Deferred Retirement Option Program to participate for up to 3 years if they meet specified criteria.

### **CHAPTER 98-413 (CS/CS/HB 3491)**

Florida Retirement System/Health Insurance. Raised health insurance subsidy for FRS from a maximum \$90 per month to \$150 per month. PBA worked with the bill sponsors in support of the legislation which will provide much needed relief to retirees.