

FSA Legislative Report

May 21

2014

One of the Florida Sheriffs Association's primary roles and responsibilities is to support and monitor legislation that ensures public safety in Florida. During the 2014 Legislative session, FSA's legislative team actively worked with lawmakers to ensure that the bills that passed are in the best interest of Florida citizens' safety and Florida's law-enforcement officers.

**Florida Sheriffs
Association**

Executive Summary: The Florida Sheriffs Association was well prepared for the 2014 Florida legislative session. The sheriffs agreed upon the Association's priorities in August 2013 at the Legislative Summit. Workgroups, conference calls, and meetings with sheriffs' offices, stakeholders and other criminal justice partners provided the framework needed to ensure our priorities were in order for session.

Maintaining retirement benefits for the special risk class, reforming sexual offender and predator laws, and securing funding for E911 systems through prepaid wireless fees were just a few of the issues the Florida Sheriffs identified for the 2014 session.

Through teamwork – with Sheriffs, their staff, and our tireless advocates – FSA was successful in passing the sheriffs' priorities and fighting bills that diminished public safety. The success would not have been possible without the dedication of the many individuals committed to the FSA's legislative program. Thank you for all of your support and feedback, not only through session, but throughout the year.

The 2014 Session highlights:

E911 Prepaid Wireless Fees: A return priority from last year passed both chambers and allows for the collection of E911 prepaid wireless fees starting in January 2015.

Sexual Offender and Predators: Day one of the 60 day session began with the passing of comprehensive sexual offender and predator legislation, which provided sweeping changes in both the civil and criminal arenas. This included increased reporting requirements for transients, adding more vehicle information to the sex offender registration process, and ensuring that warrants are issued for all offenders who fail to register.

Prescription Drug Monitoring Program: Compromise was reached with legislators who wanted more security for the PDMP by requiring user agreements and making certain information non-discoverable in criminal cases. Additionally, efforts to require a court order to obtain information from the PDMP were defeated.

Carrying a Concealed Weapon without a Concealed Weapons Permit during Mandatory Evacuation: The legislature considered a bill that authorized the carrying of a concealed firearm without a concealed weapons permit during a mandatory evacuation. The measure failed after an amendment was adopted on the Senate floor to define for how long and to where a person without a permit could carry concealed. Florida law already allows law-abiding citizens to transport a firearm without a conceal carry permit as long as the firearm is securely encased and not readily accessible.

Gaming: The Senate began session with a proposal to expand gaming by allowing voters to decide the issue as an amendment to the Florida Constitutional. The Senate also proposed to allow resort style casinos, however this piece was absent from the House companion. Neither bill passed its chamber.

Trafficking in Prescription Drugs: With bi-partisan support in both the House and the Senate, this bill increased the minimum weight thresholds for trafficking in oxycodone and hydrocodone.

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Something New – Legislative Scorecard: For the first time, the Florida Sheriffs Association is tracking votes cast by members of the Florida legislature on the sheriffs’ priorities. Also included are other bills that were not deemed a priority prior to session, but after the bills were filed these items required additional attention to address the concerns raised by the sheriffs. The Legislative Scorecard displays the votes taken on the floor (final vote) when each bill was passed by both chambers, unless otherwise noted.

Florida Sheriffs Association Priorities

Issue: Retirement

Outcome: Failed. HB 7181 passed the House and died in the Senate; SB 1114 died in the Senate.

(HB 7181 by State Affairs Committee/ Rep. Boyd and SB 1114 by Community Affairs /Sen. Simpson)

HB 7178 made changes the Florida Retirement System (FRS), in addition to making substantial changes to local pension plans for firefighters and police officers. HB 7181 made the following changes to the FRS for members initially enrolled in the FRS on or after July 1, 2014:

- Changed the vesting period in the Pension Plan from 8 to 10 years;
- Mandated that new Elected Officers' Class and Senior Management Service Class members who have never previously enrolled in the FRS can only select the Investment Plan;
- Changed the default for members from the Pension Plan to the Investment Plan;
- Closed the Senior Management Service Optional Annuity Program to new members;
- Changed the out of service disability retirement vesting period from 8 to 10 years; and
- Lowered the employee's contribution rate from 3 percent to 2 percent for all members of the Investment Plan.

While not applicable to the FRS, the bill also changed how insurance premium tax revenues must be used in the funding of local firefighter and police officer pension benefits and required plans to create a defined contribution component.

Impact to Sheriffs: N/A

Effective: N/A

Issue: Upholding the Constitutional Office of the Sheriff

Outcome: Failed. Neither bill was heard in committee.

(HB 649 by Rep. Cummings and SB 816 by Sen. Bradley)

This bill ensures that locally-elected constitutional officers, such as sheriffs, remain accountable to their citizens and retain the management authority needed to carry out their responsibilities. The bill allows constitutional officers to decide issues that result in impasse relating to conditions of employment. Only issues that remain unresolved after a special hearing through the Public Employee Relations Commission would be resolved at the constitutional officer level.

The bill provides an exemption for impasse involving wages, in which case, the county commission would be responsible for resolving impasses.

Impact to Sheriffs: N/A

Effective: N/A

Issue: E911 Prepaid Wireless Fees

Outcome: Passed.

(HB 175 by Rep. Steube and SB 294 by Sen. Hays)

Beginning July 1, 2013, state law requires collection of the fee from the sale of prepaid wireless service but does not specify a methodology. According to the 2012 Annual Report of the E911 Board, the suspension of collections from prepaid wireless service has resulted in a continual loss of E911 fee revenues each year since 2007, including a loss of \$13.6 million in 2012.

Specifically, the bill:

- Provides a mechanism for collection of the E911 fee on prepaid wireless services by retailers at the point of sale beginning November 1, 2014, and establishes a new category in the E911 Trust Fund for revenues derived from this fee.
- Sets the E911 fee at \$0.40 per month and applies this fee to prepaid wireless service for each retail transaction.
- Lowers the existing E911 fee to \$0.40 and allows the Board, after June 1, 2015, to adjust the rate under this cap by a two-thirds vote of the total number of all Board members.
- Expands the list of authorized county expenditures for which E911 system funds may be used.
- Modifies the percentage of funds to be distributed to counties, such that counties will receive 96 percent of the moneys in the wireline category, 76 percent of the moneys in the wireless category, and 61 percent of the moneys in the new prepaid wireless category.
- Provides that 35 percent of the moneys in the new prepaid wireless category will be retained by the Board to provide E911 grants to counties for the purpose of upgrading and replacing E911 systems, developing and maintaining statewide 911 routing and mapping systems, and developing and maintaining Next-Generation 911 services and equipment.
- Reduces the percentage of funds available for distribution to wireless providers from 30 percent to 20 percent.

Impact on Sheriffs: Provides additional funding to sheriffs' offices to upgrade and replace E911 systems.

Effective: January 1, 2015.

Issue: Sexual Offenders and Predators

Outcome: Signed by the Governor on April 2, 2014 as Chapter Law No. 2014-2, 2014-3, 2014-4, and 2014-5.

(HB 7019 by Rep. Hutson and SB 522 by Sen. Grimsley / HB 7021 by Healthy Families Subcommittee and SB 524 by Sen. Sobel / HB 7027 by Rep. Gaetz and SB 526 by Sen. Bradley / HB 7025 by Rep. Eagle and SB 528 by Sen. Evers)

These bills make many changes to the civil and criminal laws related to sexual offenders and predators. The bills allow the multidisciplinary team to confer with law enforcement, including tolling provisions, and give prosecutors discretion to make referrals to the Sexually Violent Predator Program for offenders leaving jail. The Florida Sheriffs advocated for these issues, which passed in SB 528:

- Requires transient sexual offenders and predators to report any changes in residence within 48 hours to a sheriff's office and update the sheriff's office monthly with a list of his or her most recent transient

resident addresses. The bill also creates a third degree felony for those offenders or predators who fail to report every 30 days.

- Expands the authority to issue a warrant for failure to register to the jurisdiction that a sexual offender or predator declares they are returning to upon release – even if the jurisdiction is not the location from which the offender or predator was sentenced to prison.
- Allows sheriffs' offices to conduct address verification checks for sexual offenders and predators who are under the supervision of the Department of Corrections.
- Requires that any changes in a sexual offender or predator's vehicle or driver related information required by statute, or vehicle procurement or loss be reported to the sheriff's office within 48 hours.

In addition, SB 522 requires jails to provide notification within 180 days to the Department of Children and Families Multidisciplinary Team and the State Attorney when a sexually violent predator (SVP) comes into custody. If the SVP is confined to less than 180 days, the notification must be sent as soon as practicable. The notification must include:

- Name and identifying characteristics;
- Information regarding the anticipated future residence or supervision after release of the SVP;
- The offense and criminal history;
- Mental health, mental status, and medical records; and
- Documentation of institutional or supervision adjustment and any treatment received.

Impact on Sheriffs: Sheriffs' offices may see additional sexual offenders and predators reporting change in registration information. Jails will be required to provide notice to DCF and State Attorneys when a SVP comes into custody.

Effective: July 1, 2014 (SB 522) and October 1, 2014 (SB 528)

Issue: Prescription Drug Monitoring Program & Public Record Exemption

Outcome: Passed.

(HB 7177 by State Affairs Committee and SB 866 by Sen. Bean)

HB 7177 saves the public record exemption for personal identifying information in the PDMP, which was set to expire on October 2, 2014. The bill modifies the conditions for releasing confidential and exempt records:

- Assistant Attorneys General prosecuting prescription Medicaid fraud cases may only disclose relevant information to law enforcement agencies, courts or prosecutors;
- Department of Health's health care regulatory boards may only disclose relevant information to a law enforcement agency;
- Law enforcement agencies may disclose only relevant information to other law enforcement agencies, courts, or prosecutors; and
- State Attorneys may release information that is directly related to a criminal case during discovery; additional unrelated information can only be released pursuant to a court order.

Finally, this bill provided that only information gained from the PDMP that is relevant to a specific defendant will be released by the State Attorney. Any other PDMP information that may be part of a case file, but not relevant to a specific defendant will only be released by court order.

Impact to Sheriffs: These additional safeguards will decrease outside access to the information obtained from the PDMP, ensuring that only investigatory agencies can have access to the requests returned from the PDMP program administrator.

Effective: October 1, 2014

Issue: Prescription Drug Monitoring Program

Outcome: Failed.

(HB 7113 by Health Innovation Subcommittee/Rep. Brodeur and SB 862 by Health Policy Committee/Sen. Bean)

The bill funds the Prescription Drug Monitoring Program (PDMP) with up to \$500,000 annually from revenue collected from pharmacists in the Medical Quality Assurance Trust Fund.

The bill also creates the following minimum requirements for user agreements in order to access the PDMP:

- Agencies must enter into User Agreements with the Department of Health (DOH).
- Agency administrators must provide attestations that requests for information are in compliance with law.
- Regular audits of the access and dissemination of PDMP records by the agency's Internal Affairs, Professional Compliance or similar units.
- Agencies must provide status updates of investigations semi-annually.

Finally, this bill provided that only information gained from the PDMP that is relevant to a specific defendant will be released by the State Attorney. Any other PDMP information that may be part of a case file, but not relevant to a specific defendant can only be released by court order. (While this did not pass in HB 7113, it did pass in HB 7177.)

Impact to Sheriffs: N/A

Effective: N/A

Issue: Restricting Law Enforcement Access to Information

Outcome: Passed.

(HB 7005 by Rep. Davis and SB 1272 by Senate Transportation Committee)

HB 7005 is a large transportation package that includes the creation of a retention schedule for data collected through Automatic License Plate Readers (ALPR). The Department of State and the Department of Law Enforcement must establish a maximum retention schedule for records containing images and data generated through the use of an ALPR system. HB 7005 passed both chambers without any additional restrictions to law enforcement.

Impact to Sheriffs: Agencies in possession of ALPR records will be required to expunge records in compliance with the schedule that is to be developed.

Effective: July 1, 2014

Prevention & Youth Services

Issue: Keeping I.D. Safe (KIDS) Act

Outcome: Passed.

(HB 151 by Rep. Fitzenhagen and SB 242 by Sen. Detert)

The bill enables parents or guardians to create and freeze credit files for their children, preventing thieves from using a child's name and credit-worthy information to establish a line of defense in the fight against identity theft. The KIDS Act requires consumer reporting agencies to establish a record for a minor upon request in order to institute a security freeze.

Impact to Sheriffs: N/A

Effective: N/A

Issue: School Safety

Outcome: Failed. HB 753 passed the House and died in Senate messages; SB 968 died in committee.

(HB 753 by Rep. Steube and SB 968 by Sen. Hays)

The bill allows a school board to create a school safety designee program for employees or volunteers who can carry a concealed firearm or weapon on school campuses. Designees must be current or former law enforcement, military or reserve officers, have departed the respective entity in good standing, and hold a concealed weapons license. Each designee must coordinate with its local responding law enforcement agency to develop best practices, which include developing an easy way to identify designees in a case of emergency.

During an emergency in which law enforcement responds, the designee will be under the direction of the assigned school resource officer or any responding law enforcement officers. Training for the designee will be created by the Florida Criminal Justice Standards and Training Commission and administered by Criminal Justice Training Centers. Required training would likely include elements from the School Resource Officer training, crisis intervention team training and lock down drills.

The bill requires a school's first responder law enforcement agency to assist in developing best practices for active shooter training. Law enforcement is invited to examine a school's campus once every three years to provide insight on structural safety issues.

Impact to Sheriffs: N/A

Effective: N/A

Issue: Crisis Stabilization Units

Outcome: Failed. Died in House Messages.

(SB 1726 by Children, Families, and Elder Affairs)

The initial bill created a new funding model for crisis stabilization units, switching from an annual allocation model to a per diem reimbursement. However, a compromise was reached that amended the bill to require the Department of Children and Families (DCF) to collect utilization data from all public and receiving facilities that receive public dollars.

Impact to Sheriffs: N/A

Effective: N/A

Public Safety

Issue: Threatened Use of Force

Outcome: Passed.

(HB 89 by Rep. Combee and SB 448 by Sen. Evers)

This bill specifies that any justifications in statute related to the use of deadly force now apply to the threatened use of deadly force. The bill does not change this standard or legal precedent related to “use of deadly force.” Threatened use of deadly force includes displaying or brandishing a weapon, not the discharge of a firearm.

While known throughout session as the “Warning Shot” bill, the bill as passed does not authorize a person to fire a warning shot any differently than the standard in the law today. The bill gives judges discretion during the sentencing phase if a person is convicted of aggravated assault in a self-defense case in certain circumstances. If the court rejects a person’s self-defense claim when the defendant was convicted of aggravated assault, the judge may depart from sentencing the person to a minimum mandatory 10-20-Life sentence if:

- The defendant had a good faith believe that the aggravated assault was justifiable pursuant to chapter 776;
- The aggravated assault was not committed in the course of committing another criminal offense;
- The defendant does not pose a threat to public safety; and
- The totality of the circumstances does not justify the imposition of the sentence.

Impact on Sheriffs: Sheriffs may choose to educate citizens that warning shots are not permitted despite the media reports.

Effective: Upon becoming a law.

Issue: Concealed Carry without a Permit during Mandatory Evacuation

Outcome: Failed. HB 209 and SB 296 died on the Senate floor.

(HB 209 by Rep. Fitzenhagen and SB 296 by Sen. Brandes)

The bill allows a person to carry a concealed firearm without a concealed weapons permit during a mandatory evacuation, if he or she is otherwise lawfully allowed to carry a firearm. The person is required to be in the act of evacuating, but that term was not defined in statute. HB 209 also extended the ability to conceal carry without a concealed weapons permit when an emergency is declared by a local authority during a affrays, riots, routs or unlawful assemblies.

Parameters on when and where a person would be allowed to conceal carry without a concealed weapons permit were amended onto SB 296:

- Within the first 24 hours of the emergency evacuation notice; and
 - One reaches the geographical boundaries of the evacuation zone and can safely comply with the law; or
 - One reaches a location within the geographical limits of the evacuation zone and can safely store the firearm in a secured container.

Most importantly, Florida law already authorizes citizens without a concealed weapons permit to take their weapons with them during a mandatory evacuation, or any other time, as long as they are properly transported – securely encased and not readily accessible. Florida law also provides options for public and private transportation, in the event a person had to evacuate on public transportation during a declared state of emergency.

Impact on Sheriffs: N/A

Effective: N/A

Issue: Prescription Drug Trafficking

Outcome: Passed.

(HB 99 by Rep. Edwards and SB 360 by Sen. Bradley)

This legislation separated hydrocodone and oxycodone from the other opioid drug trafficking statutes, and increases the amount of each drug needed to trigger each associated minimum mandatory sentences. The bill also adds an extra trier level with a minimum mandatory of 15 years.

Drug Trafficking Minimum Mandatory Sentence	Weight of Hydrocodone	Weight of Oxycodone
3 years	14g but less than 28g	7g but less than 14g
7 years	28g but less than 50g	14g but less than 25g
15 years	50g but less than 200g	25g but less than 100g
25 years	200g but less than 30kg	100g but less than 30kg
Life	30kg or more	30kg or more

Impact on Sheriffs: A person arrested with hydrocodone or oxycodone would need to have more of each drug to be arrested for drug trafficking.

Effective: July 1, 2014

Issue: Synthetic Drugs

Outcome: Passed.

(HB 697 by Rep. Ingram and SB 780 Sen. Bradley)

This bill adds the four synthetic cannabinoids temporarily scheduled by the Attorney General's emergency rule from October 9, 2013, and the two phenethylamines now scheduled in federal law to the Florida controlled substance schedule as Schedule I drugs. The bill also adds three new phenethylamines, types of "Molly," to the list of substances included in the "trafficking in phenethylamines" statute.

Synthetic cannabinoids, or synthetic marijuana, produces mind-altering, psychoactive effects and is often marketed to children. Phenethylamines are psychoactive drugs with stimulant effects. The criminal penalties relating to the possession, sale, manufacture, and delivery of controlled substances now apply to these synthetic substances.

Impact on Sheriffs: A person can be arrested and charged with various drug offenses related to the named synthetic cannabinoids and phenethylamines.

Effective: July 1, 2014

Issue: Charlotte's Web: Low-THC Marijuana

Outcome: Passed.

(HB 843 by Rep. Gaetz and SB 1030 by Sen. Bradley)

The bill authorizes a Florida licensed physician to order low-THC cannabis to treat cancer, seizures, or severe and persistent muscle spasms, or alleviate symptoms of such condition and when no alternative treatment options exist. The idea was generated after the CNN special "Weed" featured Charlotte, a five year old girl, whose seizures were stopped by a strand of marijuana named after her: "Charlotte's Web." While this is not the only strand of marijuana, the bill requires the strand to contain higher percent (8%) of cannabidiol, a non-psychoactive ingredient recognized for reducing seizures in certain patients, and low percent (.8%) of tetrahydrocannabinol (THC), the psychoactive ingredient that produces a "high." The bill prohibits the drug from being smoked, but does authorize the use of a vaporizer.

Before being treated with low-THC cannabis the patient must be a permanent resident of the state and the physician must:

- Determine the risks in light of the benefits to the patient;
- Take eight hours of education and pass an exam on the use of low THC marijuana and laws relating to marijuana;
- Register as a physician who can order low-THC cannabis with the Compassionate Use Registry;
- Maintain a treatment plan and submit the plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis on patients; and
- Obtain voluntary informed consent of the patient or the patient's legal guardian regarding treatment with low-THC cannabis.

The bill creates a first degree misdemeanor penalty for any physician that orders low-THC cannabis without a reasonable belief that the patient is suffering from cancer or seizures, and for any person who fraudulently represents that he or she is suffering from either of the medical conditions outlined in statute.

The bill also establishes a regulatory scheme through the Department of Health (DOH). DOH must create and maintain a Compassionate Use Registry and make it available to law enforcement. DOH must monitor physician registration and ordering of low-THC cannabis for practices that would facilitate unlawful diversion or misuse and take disciplinary actions as needed. Finally, DOH must approve five dispensing organizations across the state. Each dispensing organization must meet the following requirements:

- Be operated by a nurseryman and have been operated by a nursery in this state for at least 30 continuous years.
- Maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
- A reasonably located infrastructure to dispense low-THC cannabis to registered patients statewide or regionally as determined by DOH.
- Financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond.
- All owners and managers have been fingerprinted and have successfully passed a level 2 background screening.
- Employment of a medical director who is a licensed physician to supervise the activities of the dispensing organization.

Impact to Sheriffs: N/A

Effective: Upon becoming a law

Issue: [Stand Your Ground: Neighborhood Watches](#)

Outcome: Failed.

(HB 33 by Rep. Antone and SB 130 by Sen. Simmons / Sen. Smith)

The bill requires the county sheriff or municipal police department to issue reasonable guidelines for participants in neighborhood crime watch programs. The guidelines must include a prohibition against the program participant, while on patrol, confronting or attempting to apprehend a person suspected of improper or unlawful activity. The bill carves out an exception in the guidelines for program participants to act under circumstances in which a reasonable person would be permitted, authorized, or expected to assist another person. The guidelines may include any additional content the sheriff or municipal police department deem appropriate.

Impact to Sheriffs: N/A

Effective: N/A

Law Enforcement

Issue: Protections for Victims of Crime

Outcome: Failed. HB 659 died on the House Calendar. SB 920 died in its final committee.

(HB 659 by Rep. Mayfield and SB 920 by Sen. Dean)

The bill allows a temporary injunction against stalking, cyberstalking, or sexual repeat, dating, or domestic violence to remain effective until a final injunction is served.

The bill allows law enforcement to arrest a person for violating an injunction related to child abuse, stalking, or sexual or repeat violence without a warrant. This change provides equal safeguards for a person no matter what type of injunction protects them and keeps law enforcement safe from wrongful arrest charges.

Finally, the bill provides that a no contact order is effective immediately as a condition of pretrial release.

Impact to Sheriffs: N/A

Effective: N/A

Issue: Service of Process

Outcome: Passed.

(HB 627 by Rep. Pilon and SB 620 by Sen. Detert)

This bill reduces the costs associated with the service of process through streamlining statutes. This legislation creates the following efficiencies related to the service of process for Sheriffs' Offices:

- Allows Sheriffs' Offices to collect \$40 for each writ or summon served.
- Clarifies that a deputy can serve a business owner if he or she is temporarily out of the office on the second attempt.
- Creates a civil fine for employers who try to prevent service on an individual in a private area designated by an employer.
- Provides Sheriffs' Offices with specific direction in how to pay multiple lienholders and protects the Sheriff in the event of a wrongful levy or payout.

Impact to Sheriffs: Allows Sheriffs' Offices to charge \$40 per process served. Sheriffs are not liable for damages for any wrongful distribution of funds when serving a writ of execution.

Effective: July 1, 2014

Issue: Offenses against Vulnerable Persons

Outcome: Passed.

(HB 409 by Rep. Passidomo. SB 588 by Sen. Richter)

This bill provides additional protections to vulnerable adults (elderly persons and disabled adults) who are exposed to instances of exploitation.

Specifically, the bill:

- Removes the requirement that a person use deception or intimidation to obtain or use a vulnerable adult's funds, assets, or property.
- Specifies that unauthorized appropriation occurs when a vulnerable adult does not receive reasonably equivalent financial value in goods or services or when specified fiduciaries violate specified duties;
- Decreases the property threshold values for criminal exploitation of vulnerable adults;
- Creates a presumption that certain gift transfers made during the giver's lifetime could be a result of exploitation;
- Requires the court in specified cases to return the vulnerable adult's property before trial if the court makes certain findings;
- Adds out of court statements by a vulnerable adult to the hearsay exception and makes them admissible in certain circumstances; and
- Creates the Identity Theft and Fraud Grant Program to award grants to support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud.

The bill also makes it a second degree felony for a person, including a person in the relationship of parent or legal guardian, to willfully and without authorization use the personal identification of the following individuals:

- Persons 60 years of age or older;
- Disabled adults;
- Public servants;
- Veterans;
- First responders;
- Individuals employed by the State of Florida; or
- Individuals employed by the Federal Government.

Impact to Sheriffs: Lessens the requirements needed to charge a person with exploitation of an elderly person or a disabled adult.

Effective: October 1, 2014

Issue: [Traveling Across County Lines to Commit a Burglary](#)

Outcome: **Passed.**

(HB 427 by Rep. McBurney and SB 550 by Sen. Hukill)

This bill increases the felony degree and rank of a burglary offense if:

- The offense is committed with the intent to commit burglary in a county in which they do not live in;
and
- The purpose of the travel is to thwart law enforcement in tracking the stolen items.

Burglary offenses range from a third to first degree felony depending on the circumstances of the crime. If the criteria in this bill are met, a second degree felony would be reclassified as a first degree felony, in addition to increasing the sentencing rank of the offense. Increasing the rank of the offense can result in increased prison time.

Impact to Sheriffs: Determination of a person's county of residence could result in an increased penalty if he or she traveled across county lines to commit burglary.

Effective: October 1, 2014

Issue: [Vehicle Crash Reports](#)

Outcome: **Passed.**

(HB 863 by Rep. Kerner and SB 876 by Sen. Galvano)

Easy access to crash reports en mass contributes to criminals illegally soliciting crash victims. Current law requires a person who requests a crash report during the 60 day period that the reports are kept confidential and exempt from public record to provide the following to the state or local agency in possession of the report:

- A valid driver license or other photographic identification;
- Proof of status or identification that demonstrates his or her qualifications to access that information;
and
- A written sworn statement that information from a confidential and exempt crash report will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party.

The bill requires a person to file a written sworn statement for *each* crash report he or she requests during the report's 60 day confidential and exempt period.

Impact to Sheriffs: A written sworn statement must be collected from any person requesting a Florida Traffic Crash Report within the 60 day confidential and exempt period for *each* requested report.

Effective: July 1, 2014

- Provide for injury reporting at greyhound tracks or kennels; and
 - Require a greyhound racing facility operating a cardroom to conduct a full schedule of live races (instead of 90 percent of the number of races in the prior year).
- SB 7054 created a public record exemption for proprietary confidential business information submitted in an application for licensure or renewal related to destination casino resorts.

Like SB 7052, HB 1383 also consolidated all gaming statutes into ch. 551, F.S., and made similar changes, but did not allow for destination casino resorts.

Impact to Sheriffs: N/A

Effective: N/A

Issue: Amusement Machines

Outcome: Failed. HB 945 died in Gaming. SB 668 died in Commerce and Tourism.

(HB 945 by Rep. Albritton and SB 668 by Sen. Stargel)

This bill expands the definition of “amusement games or machines” to:

- Defines amusement machines as those activated by insertion of currency, cards, coupons, but excludes video poker games or other games or devices that may be construed as gambling under Florida law;
- Increases the maximum value of merchandise payouts or prizes; and
- Increases the types of facilities that can operate amusement machines to include bowling centers, hotels, and restaurants.

Impact to Sheriffs: N/A

Effective: N/A

Administration

Issue: Retirement Contribution Rates

Outcome: Passed.

(HB 5005 by Rep. McKeel and SB 2506 by Governmental Oversight and Accountability)

This legislation sets the retirement contribution rates for the normal cost, unfunded actuarial liability (UAL) rates, health insurance subsidy, and the Deferred Retirement Option Program (DROP).

The rates for state fiscal year 2014-2015 are:

Membership Class	Effective July 1, 2014				
	Normal Cost	UAL Rate	Admin	HIS	Total
Regular	3.53%	2.54%	0.04%	1.26%	7.37%
Special Risk	11.01%	7.51%	0.04%	1.26%	19.82%
Special Risk Admin Support	4.18%	36.59%	0.04%	1.26%	42.07%
Elected Officers-County Officers	8.36%	33.58%	0.04%	1.26%	43.24%
Senior Management	4.80%	15.04%	0.04%	1.26%	21.14%
DROP	4.30%	6.72%	N/A	1.26%	12.28%

Impact to Sheriffs: Each Sheriff's Office must pay the total contribution rate to fund the retirement benefits of employees and retirees.

Effective: July 1, 2014

Issue: Governmental Ethics

Outcome: Passed.

(SB 846 by Sen. Latvala)

Last session, the Legislature passed a bill to require sheriffs to complete 4 hours of ethics training annually. SB 846 creates additional requirements to that ethics training. Completion of the ethics must be recorded on the statement of financial interest each year. If an officer fails to certify completion of the ethics training he or she would not be permitted to "cure" the error or omission if a complaint is filed regarding the failure.

For sheriffs assuming office on or before March 31, he or she must complete the annual training on or before December 31 of the year in which the term began. After March 31, the sheriff is not required to complete the ethics training for the calendar year in which he or she assumes office.

The bill also requires an electronic copy of a financial disclosure to be forwarded to the Ethics Commission for an incumbent sheriff who is qualifying for the same office or a candidate who holds another office subject to the filing requirement.

Impact to Sheriffs: Sheriffs must certify on statements of financial interest completion of the required annual 4-hours ethics training.

Effective: July 1, 2014

Jails, Corrections & Re-Entry

Issue: Mugshots

Outcome: Failed. HB 265 died in Judiciary. SB 298 died on the Senate Calendar.

(HB 265 by Rep. Trujillo and SB 298 by Sen. Soto)

HB 265 prohibits the publishing by a county or municipal detention facility of a photograph of an arrestee who is not yet convicted of a crime. This bill does not apply to arrest booking photos if a sheriff or police chief believes the publication of the photos is necessary to protect public safety.

SB 298 prohibits a person who publishes an arrest booking photograph from soliciting or accepting fees or other consideration to remove, correct, or modify the photograph of an arrestee. This bill does not apply to any state, regional, county, local, or municipal governmental entity of the state.

Impact to Sheriffs: N/A

Effective: N/A

Legislative Scorecard

This year, the Florida Sheriffs Association is publishing a Legislative Scorecard. The votes listed here are the FSA's priorities or issues that deserved much attention during session. These votes include final floor votes, unless otherwise noted. Please take note of the following items:

- **Retirement:** HB 7181 was passed only by the House of Representatives. Although the Senate took up SB 1114, the Senate did not take a final floor vote on the bill and did not take up any other retirement legislation. For this reason, no retirement bill is listed on the Senate Scorecard.
- **Concealed Carry without a Permit during a Mandatory Evacuation:** While HB 209 and SB 296 were not priorities of the Sheriffs, the implications for public safety and how the law would be interpreted caused FSA to actively work to improve the legislation. The House scorecard is a vote on the concealed carry of a weapon without a concealed weapons permit during times of mandatory evacuation and during a local emergency for an affray, riot, rout or civil unrest. The Senate scorecard reflects the votes for an amendment that FSA pushed for which was adopted. This amendment provided guidance to citizens and to law enforcement as to when, for how long, and to where they could conceal carry during a mandatory evacuation without a permit.

2014 House of Representatives Legislative Scorecard

Representative	Retirement (HB 7181) E 911	(HB 175) Sex Offender & Predator Registration (SB 528)	Prescription Drug Monitoring Program (HB 7177)	Concealed Carry without a Permit during Mandatory Evacuation and Riot (HB 209)*
Adkins	Y	Y	Y	Y
Ahern	Y	Y	Y	Y
Albritton	Y	Y	Y	Y
Antone	N	Y	Y	N
Artiles	Y	Y	Y	Y
Baxley	Y	Y	Y	Y
Berman	N	Y	Y	N
Beshears	Y	Y	Y	Y
Bileca	Y	Y	Y	-
Boyd	Y	Y	Y	Y
Bracy	N	Y	Y	N
Brodeur	Y	Y	Y	Y
Broxson	Y	Y	Y	Y
Caldwell	Y	Y	Y	Y
Campbell	N	Y	Y	N
Castor Dentel	N	Y	Y	N
Clarke-Reed	Y	Y	Y	N
Clelland	N	Y	Y	N
Coley	Y	Y	Y	Y
Combee	Y	Y	Y	Y
Corcoran	Y	Y	Y	Y
Crisafulli	Y	Y	Y	Y
Cruz	N	Y	Y	N
Cummings	Y	Y	Y	Y
Danish	N	Y	Y	-
Davis	Y	-	Y	Y
Diaz (J)	Y	Y	Y	Y
Diaz (M)	Y	Y	Y	Y
Dudley	N	Y	Y	N
Eagle	Y	Y	Y	Y
Edwards	N	Y	Y	N
Eisnaugle	Y	-	-	Y
Fitzenhagen	Y	Y	Y	Y
Fresen	Y	Y	Y	Y
Fullwood	N	Y	Y	N
Gaetz (M)	Y	Y	Y	Y
Gibbons	N	-	Y	N
Gonzalez	Y	Y	Y	Y
Goodson	Y	Y	Y	Y
Grant	Y	Y	Y	Y

2014 House of Representatives Legislative Scorecard

Representative	Retirement (HB 7181) E 911	(HB 175) Sex Offender & Predator Registration (SB 528)	Prescription Drug Monitoring Program (HB 7177)	Concealed Carry without a Permit during Mandatory Evacuation and Riot (HB 209)*
Hager	Y	Y	-	Y
Harrell	Y	Y	Y	Y
Hill	Y	Y	Y	Y
Holder	Y	Y	Y	Y
Hood	-	Y	Y	Y
Hooper	Y	Y	Y	Y
Hudson	Y	Y	Y	Y
Hutson	Y	Y	Y	Y
Ingram	Y	Y	Y	Y
Jones (M)	N	Y	Y	N
Jones (S)	N	-	Y	N
Kerner	N	Y	Y	N
La Rosa	Y	Y	Y	Y
Lee Jr. (L)	N	Y	Y	N
Magar	Y	Y	Y	Y
Mayfield	Y	Y	Y	Y
McBurney	Y	Y	Y	Y
McGhee	N	Y	Y	N
McKeel	-	Y	Y	Y
Metz	Y	Y	Y	Y
Moraitis	Y	Y	Y	Y
Moskowitz	N	Y	Y	N
Murphy	N	Y	Y	Y
Nelson	Y	Y	Y	Y
Núñez	Y	Y	Y	Y
O'Toole	Y	Y	Y	Y
Oliva	Y	Y	Y	Y
Pafford	N	Y	Y	N
Passidomo	Y	Y	Y	Y
Patronis	Y	Y	Y	Y
Perry	Y	Y	Y	Y
Peters	Y	Y	Y	-
Pigman	Y	Y	Y	Y
Pilon	Y	Y	Y	Y
Porter	Y	Y	Y	-
Powell	N	Y	Y	N
Pritchett	N	Y	Y	-
Raburn	Y	Y	Y	-
Rader	N	Y	Y	N
Rangel	N	Y	Y	N

2014 House of Representatives Legislative Scorecard

Representative	Retirement (HB 7181) E 911	(HB 175) Sex Offender & Predator Registration (SB 528)	Prescription Drug Monitoring Program (HB 7177)	Concealed Carry without a Permit during Mandatory Evacuation and Riot (HB 209)*
Raulerson	Y	Y	Y	Y
Ray	Y	Y	Y	Y
Reed	N	Y	Y	N
Rehwinkel Vasilinda	N	Y	Y	Y
Renuart	Y	Y	Y	Y
Richardson	N	Y	Y	N
Roberson	Y	Y	Y	Y
Rodrigues (R)	Y	Y	Y	Y
Rodríguez (J)	N	Y	Y	N
Rogers	N	Y	Y	N
Rooney	Y	Y	Y	Y
Rouson	N	Y	Y	N
Santiago	Y	Y	Y	Y
Saunders	N	Y	Y	Y
Schenck	Y	Y	Y	Y
Schwartz	N	Y	Y	N
Slosberg	N	Y	Y	N
Smith (J)	Y	Y	Y	Y
Spano	Y	Y	Y	Y
Stafford	N	Y	Y	N
Stark	N	Y	Y	Y
Steube	Y	Y	Y	Y
Stewart	N	Y	Y	Y
Stone	Y	Y	Y	Y
Taylor	N	Y	Y	N
Thurston	N	Y	Y	N
Tobia	Y	Y	Y	Y
Torres	N	Y	Y	N
Trujillo	Y	Y	Y	Y
Van Zant	Y	Y	Y	Y
Waldman	N	Y	Y	-
Watson (B)	N	Y	Y	N
Watson (C)	N	Y	Y	N
Weatherford	Y	Y	Y	Y
Williams	N	Y	Y	N
Wood	Y	Y	Y	Y
Workman	Y	Y	Y	Y
Young	Y	Y	Y	Y
Zimmermann	N	Y	Y	Y

2014 Senate Legislative Scorecard

Senator	E 911 (HB 175)	Sex Offender & Predator Registration (SB 528)	Prescription Drug Monitoring Program (HB 7177)	Concealed Carry without a Permit during Mandatory Evacuation (Amendment to SB 296)*
Abruzzo	Y	Y	Y	Y
Altman	Y	Y	Y	N
Bean	Y	Y	Y	N
Benacquisto	Y	Y	Y	N
Bradley	Y	Y	Y	N
Brandes	Y	Y	Y	N
Braynon	Y	Y	Y	Y
Bullard	Y	-	Y	Y
Clemens	Y	Y	Y	Y
Dean	Y	Y	Y	Y
Detert	Y	Y	Y	Y
Diaz de la Portilla	Y	Y	Y	Y
Evers	Y	Y	Y	N
Flores	Y	Y	Y	-
Gaetz (D)	Y	Y	Y	N
Galvano	Y	Y	Y	N
Garcia	Y	Y	Y	Y
Gardiner	Y	Y	Y	N
Gibson	Y	Y	Y	Y
Grimsley	Y	Y	Y	Y
Hays	Y	Y	Y	Y
Hukill	Y	Y	Y	EX
Joyner	Y	Y	Y	Y
Latvala	Y	Y	Y	Y
Lee (T)	Y	Y	Y	N
Legg	Y	Y	Y	Y
Margolis	Y	Y	Y	Y
Montford	Y	Y	Y	Y
Negron	-	Y	Y	N
Richter	Y	Y	Y	Y
Ring	Y	Y	Y	Y
Sachs	Y	Y	Y	Y
Simmons	Y	Y	Y	N
Simpson	Y	Y	Y	N
Smith (C)	Y	Y	Y	Y
Sobel	Y	Y	Y	Y
Soto	Y	Y	Y	Y
Stargel	Y	Y	Y	N
Thompson	Y	Y	Y	Y
Thrasher	Y	Y	Y	N