



Florida Police Benevolent Association, Inc.



CAPITOL REPORT

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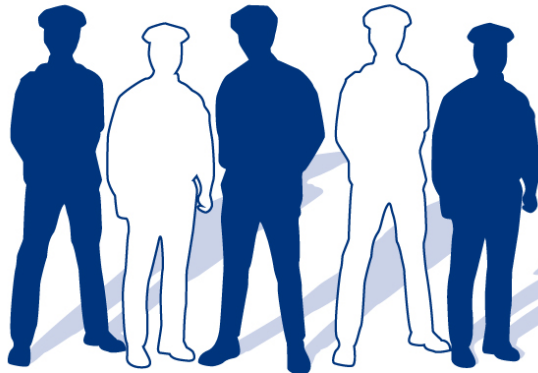
By Matt Puckett, Deputy Executive Director
LEGISLATIVE ACTIVITY FOR THE WEEK ENDING MARCH 20, 2009

LAYOFFS, FURLOUGHS AND PAY CUTS LEGISLATURE LOOKS AT DOOMSDAY SCENARIO

Two weeks ago, 300 hundred State Officers joined us on the steps of the Old Capitol to sound the alarm about layoffs within departments and agencies. After losing **66 Correctional Probation Officers** to cuts from the January Special Session, we knew talk of more layoffs, furloughs and pay cuts would dominate the Regular Session. We also knew that if we did not make our concerns heard early, we would get overshadowed by the severe proposals to reduce education and health care funding. Members of both professions were in Tallahassee this week protesting those funding cuts.

It is absolutely true that no one in law enforcement and corrections wants to be seen as protesters. Our members are proud professionals and do not enjoy publicly pleading for their jobs. However, they are also bold enough to do what is right for the profession and if that means standing up for public safety officers then that's what they will do. Over the next 6 weeks, everyone must keep the pressure on the Legislature to hold public safety harmless. Call or write your local legislator and remind him or her of what's at stake.

The Ranks Are Thinning...



NO CUTS TO PUBLIC SAFETY!

STATE HOLDS BACK \$800M

By [Steve Bousquet](#), Marc Caputo and Patricia Mazzei, Times/Herald Tallahassee Bureau

Published Thursday, March 19, 2009

TALLAHASSEE — As Florida's finances continue to unravel, Gov. Charlie Crist froze 15 percent of state spending on Thursday for the rest of this budget year.

The effect is to hold back about \$800 million that already cash-strapped agencies were expecting to pay their bills for the rest of the budget year ending June 30. State Education Commissioner Eric Smith told school districts that they will continue to get all of their money through early May.

Crist's budget office called the move "precautionary" and said the withheld money could still be released as federal economic stimulus checks arrive. But it was the latest instance of Crist's optimism-fueled approach running headlong into Florida's economic reality.

Schools and state agencies have already had 4 percent of their money cut, and plans are being drawn up for much deeper cuts next year.

"This budget, we're just in total dysfunction," said Sen. Dan Gelber, D-Miami Beach. "We cannot do across-the-board cuts. It means we're not prioritizing education and health care over everything else."

Republicans praised Crist for the move and said they were confident Florida would get all of the stimulus money. About \$817 million in federal money is already available.

Crist's holdback announcement had been rumored for at least two days, and it was announced two hours after he suggested that no such move was being considered. It capped a day in which state senators began drawing up a hypothetical doomsday budget for next year.

The Senate has begun what it calls an "exercise" in which all agencies are asked to plan for cuts of from 10 to 20 percent in next year's budget. What senators heard Thursday was a long list of horror stories: a 20,000 wait list for early childhood education, 70 state trooper layoffs, early-inmate releases and elimination of payments for eyeglasses, dentures and hearing aids to nearly 60,000 poor elderly adults.

"These cuts are somewhere in between malfeasance and malpractice," said Sen. Durell Peaden, R-Crestview, who oversees health care spending.

Corrections Secretary Walt McNeil said he would consider releasing inmates, closing prisons or taking other steps that could end up being challenged as unconstitutional.

Hearing that, Sen. Frederica Wilson, D-Miami, said: "We're going to have serious safety consequences of safety, recidivism and riots."

By next Friday, senators will roll out their first formal budget proposals that are expected to reflect cuts in all areas. The Senate might also propose new increases in fees and taxes, including tax hikes on cigarettes and alcohol and expanding gambling. Lawmakers are also considering pay cuts to more than 100,000 state workers.

Republican Sen. Thad Altman of Melbourne said the tough-cuts budget is partly being done to make the case for possible tax increases.

"The consensus up here is, before we start looking at new revenue, we need to have a reality at hand about what cuts are taking place," Altman said. "We need to get a clear picture of the impact of the cuts."

As the latest bad budget news travels downstate, it will cause a chain reaction of more bad news. On Thursday, Brad King, the state attorney for a five-county district that includes Hernando, warned employees of possible two-week unpaid furloughs to absorb the holdback.

The growing problem facing Crist and legislators is that stimulus money will patch only about half of the state's current budget deficit of about \$6 billion, and the money may not arrive as soon as hoped. Crist's budget director, Jerry McDaniel, said it's taking longer than expected to get a federal waiver that will release education stimulus money to Florida because the state is spending less on education than it did three years ago. He said the holdback should not endanger the waiver request.

Ever since state economists and budget analysts forecast an estimated \$3 billion budget hole next year, Crist has steadfastly dodged the question of whether he would support higher taxes or fees. "I would prefer that we not," Crist said Thursday. As for any more cuts, "I want to make sure that they're compassionate, that they're fair, that they do take

care of the most vulnerable among us, that we try to hold education harmless," he said.

"You might want to ask him where he's going to get the cuts from," said the Senate budget chief, Republican J.D. Alexander of Winter Haven. "There's no free ride."

Thursday's developments underscored how Crist hates to be the bearer of bad news. His budget director issued the holdback news as an e-mail after the governor had held two public events with the media present, including one hailing the state's stimulus Web site, www.flarecovery.com.

As he left a meeting at noon with film industry officials who want more state money for incentives, Crist was asked whether he was planning to order "additional holdbacks, maybe of as much as 15 percent." His answer: "Not that I've been briefed on."

Times/Herald staff writers Shannon Colavecchio, David DeCamp, John Frank, Breanne Gilpatrick, Amy Hollyfield, Alex Leary and Donna Winchester contributed to this report. Steve Bousquet can be reached at bousquet@sptimes.com or (850) 224-7263.

PBA Legislative Activity for the Week

This week can be summed up as a series of false starts. The House **Public Safety & Domestic Security Policy Committee** scheduled **HB 1107** by **Representative Paige Kreegel** for a hearing on Tuesday morning. Developments over the weekend suggested our legislation would be met with opposition from the **Florida Sheriffs' Association, Florida Police Chiefs' Association and Florida Department of Law Enforcement**. Admittedly, there were portions in the remedy section of the bill that needed some retooling, but the basic premise was to provide more teeth to the Bill of Rights to prevent blatant abuse by IA investigators, or the agencies. The contentiousness of the hearing certainly didn't disappoint any causal observer looking for a good debate.

Representative Sandy Adams took the lead during the committee in addressing a couple of issues contained in the legislation. She offered two handwritten amendments that our sponsor and the PBA agreed with completely. These two changes removed controversial segments of the bill that conceivably could have left investigations in a continuous open state. Both amendments were accepted and things moved right along until public testimony began. The sheriffs, chiefs and attorneys from FDLE made elaborate arguments about the legislation, but their major point was this legislation would protect bad cops. **PBA Executive Director David Murrell** made the counter argument for our side (the Good Guys).



PBA Executive Director David Murrell

The combativeness of the hearing caused the bill to be postponed until Thursday to give everyone time to work on the remedy portion. PBA lobbyists and lobbyists from the chiefs' and sheriffs' associations met through out the day, but failed to reach full agreement. Our sponsor moved forward with the following language which we feel adequately addresses the issue:

“Alternatively, an officer entitled to the protections of this part may petition the circuit court for a review of any alleged material violation of this part. Upon a showing by preponderance of the evidence that an agency or personnel acting on behalf of the agency has engaged in an intentional, material violation of this part, the court shall have the authority to fashion a remedy including, but not limited to, a reversal of the disciplinary action.”

Following day long negotiations, the bill was reschedule for Thursday, but received another delay when presentations previously scheduled for the meeting caused more time constraints.

So after two false starts, we are rescheduled for Tuesday, March 24th.

PBA Legislative Agenda

Law Enforcement Officers' Bill of Rights



SB 624 by Senator Mike Fasano

Referred to:

Community Affairs;
Governmental Oversight and Accountability;
Judiciary;
Criminal and Civil Justice Appropriations



HB 1107 by Representative Paige Kreegel

Referred to:

Public Safety & Domestic Security Policy Committee;
Governmental Affairs Policy Committee;
Criminal & Civil Justice Policy Council;
Government Accountability Act Council

**On the Public Safety & Domestic Security Policy Committee agenda
Tuesday, March 24th in HOB 404.**

Synopsis: Currently, an officer who is the subject of a non-criminal investigation can review the complaint and all witness statements prior to the beginning of the investigative interview. This legislation will expand the types of evidence the subject officer can review to include new technology like audio recordings, video recordings, and GPS locator information related to the incident under investigation along with all other subject officer statements. The officer's representative or counsel will also be able to review this information. Finally, the officer will be able to seek remedies from the circuit court if an agency is found to have failed to comply with disciplinary procedures.

DROP Expansion



SB 1072 by Senator Carey Baker

Referred to:

~~Criminal Justice~~; **PASSED 6-0 on Wednesday, March 11th**

Community Affairs;

Governmental Oversight and Accountability;

Policy & Steering Committee on Ways and Means



HB 605 by Representative Will Snyder

Referred to:

Governmental Affairs Policy Committee;

Economic Development & Community Affairs Policy Council;

Government Operations Appropriations Committee;

Full Appropriations Council on General Government & Health Care

Synopsis: This legislation will allow an officer to extend his or her DROP date by up to an additional 36 months. It also prohibits an officer who terminates following DROP participation from being reemployed by the same employer from which the officer retired. There are two exceptions to the reemployment provision: 1) a retiree can be elected, or appointed by the Governor or cabinet to an office; 2) a retiree may be retained by the same employing agency in a part-time or auxiliary position if the retiree receives no more than \$ 1 per calendar year for services rendered directly for the employing agency.

Changes to the SB 1072: During the Senate Criminal Justice Committee, Senator Ted Deutch offered an amendment on behalf of Senator Carey Baker, which changed the reemployment prohibition to only apply to officers who extend beyond the original 60 month period.

Firefighters and Municipal Police Officers Retirement Plans



SB 538 by Senator Carey Baker

Referred to:

~~Community Affairs~~; **PASSED 10-0 on Tuesday, March 10th**
Governmental Oversight and Accountability;
 General Government Appropriations;
 Policy & Steering Committee on Ways and Means



HB 5 by Representative Ed Hooper

Referred to:

~~Governmental Affairs Policy Committee~~; **PASSED 11-0 on Wednesday,**
March 11th
Economic Development & Community Affairs Policy Council;
 Finance & Tax Council;
 Government Operations Appropriations Committee; Full Appropriations
 Council on General Government & Healthcare

Synopsis: This legislation is a joint effort with the Florida Professional Firefighters with assistance from the Division of Retirement. It seeks to clarify and make a number of changes to local pension plans. Here are the changes pertaining to municipal police:

Revises definitions for purposes of determining prior service credit to include credit for past federal, state and other county service as long as the service is recognized by the Criminal Justice Standards & Training Commission.

Authorizes terms of office for boards of trustees of pension & retirement trust funds to be revised under certain circumstances to extend from two to four year terms.

Increases to 25 percentage of trust fund assets that board of trustees may invest in foreign securities.

Provides that specified municipalities are eligible to receive premium taxes

Authorizes a municipality receiving police protection services to enact ordinance levying premium tax.

Authorizes retirees to change designation of joint annuitant or beneficiary up to two times without approval of board or prior joint annuitant or beneficiary.

Revises fund distribution procedures with respect to plan termination. This section will allow retirees to receive the assets from a terminated plan without having to sue the municipality.

Changes:

SB 538 was amended to prevent investments with companies and countries that have been linked to terrorists organizations. It also was amended to place a two year moratorium on the use of extra premium tax monies for extra benefits in local underfunded pension plans.

HB 5 was amended to prevent investments with companies and countries that have been linked to terrorists organizations.

State Officers Trust Fund



SB 2238 by Senator Dave Aronberg
 Referred to:
Community Affairs;
 Criminal Justice;
 Government Oversight & Accountability;
 Policy & Steering Committee on Ways & Means



HB 1195 by Representative Julio Robaina
 Referred to:
Public Safety & Domestic Security Policy Committee;
 Criminal & Civil Justice Policy Council;
 Finance & Tax Council;
 Full Appropriations Council on General Government & Health Care

**On the Public Safety & Domestic Security Policy Committee agenda
 Tuesday, March 24th in HOB 404.**

Synopsis: This legislation will create revenue by increasing certain fees to be used as supplemental salary increases for state law enforcement, correctional and correctional probation officers. The funds raised will be deposited into the Criminal Justice Standards & Training Trust Fund for the exclusive purpose of salary supplements.

Special Risk Upgrade



SB 1572 by Senator Ted Deutch

Referred to:
~~Community Affairs~~; **PASSED 7-3 on Tuesday, March 10th**
Governmental Oversight and Accountability;
 Policy & Steering Committee on Ways and Means



HB 673 by Representative Carl Domino

Referred to:
Governmental Affairs Policy Committee;
 Military & Local Affairs Policy Committee;
 Economic Development & Community Affairs Policy Council; Finance & Tax
 Council

Synopsis: Currently, when an officer purchases a Special Risk accrual rate credit upgrade for past service, the accrual credit is capped at 2% instead of 3%. This legislation will change the statute to reflect the 3% accrual rate for Special Risk service. We are working closely with the Florida Professional Firefighters on this issue.

With reference to other legislation, the Board of Directors gives authorization to the Director of Legislative Services to support legislation favorable to the membership or oppose legislation harmful to the membership.

Photos by Ken Kopczynski



Representative JC Planas (right), PBA Executive Director David Murrell (center) and SCO President Jim Baiardi (left) discuss rescheduling HB 1107.



Representative Sandy Adams (center) discusses possible changes to HB 1107 with PBA lobbyists and Sheriff John Rutherford of Jacksonville.



Representative Paige Kreegel and PBA Executive Director David Murrell present HB 1107 to the Public Safety & Domestic Security Policy Committee.



Representative Will Snyder (left) and Executive Director David Murrell speak just prior to the hearing about the amendments to HB 1107.