

2016 Legislative Briefing

As a result of the passage of legislation in 2014, the 2016 Florida Legislative Session convened two months early. On January 12th the Legislature gavelled in the 118th Regular Session and adjourned *sine die* on March 11th. Florida’s 160 member Legislature (120-House of Representatives and 40-Senate) filed a total of 1,814 bills. Of the proposed legislation, 279 or 15.4 percent, passed both the House

and Senate. The number of bills filed, and ultimately passed, reflects a slight increase from the previous two years. A total of three bills were vetoed by Governor Rick Scott. On March 17th, Governor Scott rendered his decisions on the General Appropriations Act (GAA) and vetoed 256.1 million dollars of funding projects included in the 2016-17 budget.

SENATE AND HOUSE BILLS	FILED	PASSED BOTH CHAMBERS
Concurrent Resolutions	5	2
Resolutions (one Chamber)	98	n/a
General Bills	1,580	245
Local Bills	58	27
Joint Resolutions	43	3
Memorials	30	2
Totals	1,814	279

This update summarizes key pieces of legislation that may impact survivors of domestic violence, their children, Florida’s certified domestic violence centers and partnering agencies and allies.

Appropriations News

Though the state’s revenue projection reflected a surplus, Florida’s growing population and multiple funding needs required the Legislature to render difficult funding decisions. Ultimately, the Legislature passed a historic 82.3 billion dollar GAA; representing a 4.8 percent increase from the current year’s budget. And, for the first time in recent history, the budget passed with only one no vote recorded between the two chambers. The Governor and Legislature continue to illustrate their commitment to prioritizing the safety of domestic violence survivors and their children by ensuring that Florida’s certified domestic violence centers and statewide domestic violence programs are level funded for the 2016-17 fiscal year.



Bills That Passed

Electronic Monitoring Devices (HB 75/SB 954)

Primary House Sponsors: Rep. V. Torres (Orlando), CoSponsor(s): Plakon, Stark, Watson (C)

Primary Senate Sponsor: Sen. D. Simmons (Longwood)

Purpose of Legislation:

Currently it is a third degree felony for a person to intentionally alter, tamper with, damage, or destroy any electronic monitoring device pursuant to an order of the court or order by the Commission on Offender Review. The bill adds felony conditions upon a person who requests, authorizes, or solicits another person to engage in the same act of damaging or tampering with an electronic monitoring device. Additionally, the bill clarifies that the Department of Corrections may electronically monitor offenders sentenced to community control upon an order by the court. The bill was approved by the Governor and will take effect on October 1, 2016.

Law Enforcement Officer Body Cameras (HB 93/SB 418)

Primary House Sponsor: Rep. S. Jones (Westpark) and A. Williams (Tallahassee), CoSponsor(s): Baxley, Berman, Campbell, Clarke-Reed, Combee, Cortes (J), DuBose, Fullwood, Harrell, Jones (M), Lee Jr., Murphy, Narain, Pafford, Pilon, Powell, Rouson, Slosberg, Torres, Van Zant, Watson (B), Watson (C)

Primary Senate Sponsor: Sen. C. Smith (Ft. Lauderdale), CoSponsor(s): Evers, Gibson, Thompson

Purpose of Legislation:

The bill requires law enforcement agencies that permit the use of body cameras to establish policies and procedures specific to proper use, maintenance and storage of cameras and data. The bill also requires law enforcement personnel to be trained on the policies and procedures related to the release of any recorded information. However, the bill does not change the public records exemption that passed last year. The bill was approved by the Governor and was effective on March 24, 2016.

Violations of an Injunction for Protection (HB 101/SB 380)

Primary House Sponsor: Rep. J. Rodriguez (Miami), CoSponsor(s): Campbell, Harrell,

Jacobs, Slosberg, Stafford

Primary Senate Sponsor: Sen. J. Abruzzo (Wellington), CoSponsor: Diaz de la Portilla

Purpose of Legislation:

The legislation provides enhanced penalties for the third or subsequent violation of an Injunction for Protection against domestic, dating, sexual or repeat violence against the same victim. Currently, violating an Injunction for Protection is a first degree misdemeanor, regardless of the number of times a person is convicted. The bill increases the penalty for the third and subsequent violations, against the same victim, to a third degree felony. The bill was approved by the Governor and will take effect on October 1, 2016.

Evidence Collected in Sexual Assault Investigations (HB 179/SB 636)

Primary House Sponsor: Rep. J. Adkins (Fernandina Beach), CoSponsor(s): Ahern, Antone, Artiles, Baxley, Berman, Boyd, Brodeur, Burgess, Burton, Caldwell, Campbell, Clarke-Reed, Combee, Cortes (B), Costello, Dudley, Eagle, Edwards, Eisnagle, Fant, Fitzenhagen, Gaetz (M), Geller, Gonzalez, Grant, Hager, Harrell, Harrison, Hill, Ingoglia, Jacobs, Jenne, Jones (M), Kerner, Latvala (C), Magar, McBurney, Metz, Moraitis, Moskowitz, Murphy, Nuñez, Passidomo, Perry, Peters, Pilon, Plasencia, Porter, Raburn, Raschein, Raulerson, Ray, Rehwinkel Vasilinda, Renner, Rooney, Slosberg, Smith (J), Spano, Steube, Stevenson, Sullivan, Taylor, Torres, Van Zant, Watson (C), Wood

Primary Senate Sponsor: Sen. L. Benacquisto (Ft. Myers), CoSponsor(s): Bradley, Evers, Flores, Gibson, Joyner

Purpose of Legislation:

The bill requires that a sexual offense evidence kit, or other DNA evidence (if a kit is not collected), must be submitted to the statewide criminal analysis laboratory system for forensic testing within 30 days after the receipt of evidence by a law enforcement agency if a report of the sexual offense is made to the agency; or, a request to test evidence is made by the victim or a specified representative of the victim. The bill further requires that the victim or the victim's representative be informed of the purpose for, and right to demand testing of such evidence, and that testing must be completed within 120 days. The bill was approved by the Governor and will take effect on July 1, 2016.

Bill Vetoed

Alimony (HB 455)/Family Law (SB 668)

Primary House Sponsor: Rep. C. Burton (Lakeland), CoSponsor(s): Hager, Hill

Primary Senate Sponsor: Sen. K. Stargel (Lakeland)

Purpose of Legislation:

In addition to revising the alimony and alimony calculations, the bill included a requirement that when establishing a parenting plan and time-sharing schedule, the court (after October 1, 2016) begin with a "premise" that a child spend approximately equal amounts of time with each parent. Additionally, the bill removed the language in current law that specified there is no presumption for or against the father or mother of a child or for or against any specific time-sharing schedule. FCADV supported the Governor's decision as a direct result of the language included in his veto message below. Considering the unique circumstances of a family is especially important when there is domestic violence in the home, a premise/presumption of 50-50 time-sharing places a substantial evidentiary burden on a survivor of domestic violence to prove a negative, i.e. to show why 50-50 time-sharing is not in the best interest of the child. Many survivors do not have attorneys in divorce actions, and because they are proceeding *pro se*, may not have the ability to present the necessary evidence to overcome this premise. As a result if the bill had become law, a judge may have to award 50-50 time-sharing even when it is not in the best interest of the child to do so.

Governor Rick Scott in his veto message stated: "This bill's proposed revisions to Florida's alimony and child custody laws have evoked passionate reactions from thousands of Floridians because divorce affects families in many different ways. The one constant though is that when a divorce involves a minor child, the needs of the child must come before all others. Current law directs a judge to consider the needs and interests of the children first when determining a parenting plan and time-sharing schedule. This bill has the potential to up-end that policy in favor of putting the wants of a parent before the child's best interest by creating a premise of equal time-sharing. Our judges must consider each family's unique situation and abilities and put the best interests of the child above all else."

Bills That Did Not Pass

Child Welfare (HB 599/SB 7018)

Primary House Sponsor: Rep. N. Combee (Auburndale) and G. Harrell (Stuart),
CoSponsor(s): Campbell, Eagle, Eisnaugle, Geller, Perry, Pilon, Pritchett, Rooney

Primary Senate Sponsor: Children, Families and Elder Affairs. **CoSponsor:** Detert

Purpose of Legislation:

The bills revised multiple components of the child welfare statutes to ensure that the array of placements and services were adequate for the needs of children placed within the system. They required DCF, in collaboration with certain stakeholders, to develop a continuum of care that must include a complete range of placement options, programs, and services for children served by, or at risk of being served by, the dependency system. The bills created a new section of law that requires an initial assessment whenever a child was determined to need an out-of-home placement to aid in guiding the child into the least restrictive placement and help determine any needed services.

They also required an in-depth assessment to be completed for each child placed in out-of-home care to supplement the initial assessment and further determine service and placement needs. Further, the bills created permanency teams that are required to review out-of-home placements for certain children who historically faced barriers to permanency, and outlined the intervention services to be provided by the lead agencies.

Public Records/Protective Injunction Protections (HB 679/SB 1436)

Primary House Sponsor: Rep. L. Lee (Ft. Pierce)

Primary Senate Sponsor: Sen. O. Braynon (Miami Gardens)

Purpose of Legislation:

The bills created a public records exemption to provide that a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a

hearing or at an *ex parte* hearing due to failure to state a claim, lack of jurisdiction, or any reason having to do with the sufficiency of the petition itself without an injunction being issued, is confidential and exempt.

Injunctions for Protection against Domestic Violence (HB 781/SB 988)

Primary House Sponsor: Rep. G. Harrell (Stuart)

Primary Senate Sponsor: Sen. J. Ring (Margate)

Purpose of Legislation:

The bills established a protective injunction electronic filing pilot program within the Office of State Courts Administrator designed to provide petitioners additional options for filing injunctions electronically and establishing opportunities for petitioners to testify at final injunction hearings by video teleconference.

Special Appreciation

Key Legislators

Each year it is important that we recognize the key legislators who consistently work to prioritize the needs of domestic violence survivors and their children through inclusion of critical funding and passage of prudent public policy. You will recognize many of the names, as they represent true leaders in legislative advocacy for survivors of domestic violence, their children, and Florida's certified domestic violence centers. Speaker Pro Tempore Matt Hudson, as Chair of the House Health Care Appropriations Subcommittee, along with Speaker Designate Richard Corcoran, Chair of the full House Appropriations Committee, and Senator Rene Garcia, Chair of the Senate's Appropriations Subcommittee on Health and Human Services ensured funding remained constant for domestic violence shelter, services and programs.

We also want to thank Senator Joseph Abruzzo and Representative Jose Rodriguez for sponsoring legislation to increase penalties for multiple violations of injunctions for protection; and, Senator David Simmons and Representative Victor Torres for their work to clarify penalties for tampering with, or soliciting another to tamper with, electronic monitoring devices. These new laws will enhance the safety of survivors of domestic violence and assist with holding the perpetrators of violence accountable. Thank you as well to Senator Simmons and Senator Nancy Detert for ensuring critical confidentiality requirements were included in housing and mental health and substance abuse legislation; and, to Representative Charles McBurney for addressing several policy issues that could be detrimental to survivors of domestic violence. While their bills did not pass, thank you

to Representative Gayle Harrell and Senator Jeremy Ring for their efforts to create a pilot project for electronic filing for injunctions for protection. Their work established a renewed effort to provide electronic filing options for injunctions. Finally, thank you to Senator Denise Grimsley and Representative Dana Young for your long-term consistent support of funding and sound public policy on behalf of survivors and their children.

Key Executive and Legislative Staff

Each Legislative Session we work with many dedicated executive and legislative staff who go above and beyond the call of duty to assist us with legislative and appropriations issues. We sincerely appreciate their time, commitment and patience! To the following individuals, we extend a special thank you: JoAnne Leznoff in the House Appropriations Committee, Eric Pridgeon in the House Health Care Appropriations Subcommittee, Scarlet Pigott in the Senate Appropriations Subcommittee on Health and Human Services, Carol Preston in the Senate Children, Families and Elder Affairs Committee, Hilary Brazzell in the House Children, Families and Seniors Subcommittee, Randy Havlicak and Tina White in the House Judiciary Committee, Marty Mielke, Legislative Assistant to Senator Denise Grimsley, Diane Suddes, Legislative Assistant to Senator David Simmons, Shreya Kuntawala, Legislative Assistant to Senator Joseph Abruzzo, Karen Sweeney, Legislative Assistant to Representative Gayle Harrell, Richard Pra, Legislative Assistant to Representative Charles McBurney, and Sydney Ridley, Legislative Assistant to Representative Dana Young.



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The following email addresses are provided if you would like to personally express your appreciation:

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Thank each of you for your support, kindness, and patience during the 2016 Legislative and Special Sessions. We look forward to working with you next year and beyond!

For more information regarding the 2016 Legislative Session, please call FCADV at 850/425-2749
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