

2017 Legislative Update

On March 7th the Legislature gavelled in the 119th Regular Session; however, due to complicated budget negotiations, the 2017 Session was extended beyond the usual 60 days adjourning *sine die* on May 8th. Florida's 160 member Legislature filed a total of 3,052 bills. Of the proposed legislation, 249 or only 8.2 percent passed both the House and Senate. The number of bills filed this year reached an historic high as a result of new rules requiring legislators to file bills related to local appropriation projects.

The Legislature approved and sent Governor Rick Scott an 82.9 billion dollar General Appropriations Act (GAA) bill. On June 2nd, Governor Scott signed the spending plan while simultaneously vetoing 410 million dollars in local appropriations projects and funding specified for Florida's K-12 public school system. To address education and tourism funding, the Governor called a Special Session for June 7th – 9th where the legislature successfully finalized budget and policy issues related to the fiscal year 2017-18 GAA.

SENATE AND HOUSE BILLS	FILED	PASSED BOTH CHAMBERS
Concurrent Resolutions	13	5
Resolutions (one Chamber)	89	n/a
General Bills	1,606	203
Local Bills	70	38
Joint Resolutions	43	2
Memorials	21	1
Appropriations Projects	1,210	n/a
Totals	3,052	249

This update summarizes key 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 slight surplus, Florida's growing population and multiple funding needs required the Legislature to render difficult funding decisions. 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 received an additional **3 million dollars** to address unmet needs of domestic violence centers, and survivors and their children.



STATE BUDGET

Bills That Passed

Self-defense Immunity (SB 128)

Primary House Sponsors: Rep. B. Payne (Palatka) and J. Fischer (Jacksonville),
CoSponsor(s): Albritton, Altman, Brodeur, Burgess, Byrd, Caldwell, Clemons (C), Combee, Cortes (B), Cummings, Donalds, Drake, Eagle, Eisnagle, Fant, Fine, Gonzalez, Grall, Grant (J), Grant (M), Gruters, Hahnfeldt, Harrell, Ingoglia, Ingram, Killebrew, Leek, Massullo, Jr., McClain, Metz, Miller (A), Pigman, Ponder, Raburn, Raulerson, Renner, Rommel, Roth, Santiago, Stevenson, Stone, White, Williamson, Yarborough

Primary Senate Sponsor: Sen. R. Bradley (Orange Park),
CoSponsor(s): Baxley, Bean, Benacquisto, Brandes, Broxson, Mayfield, Simpson, Steube

Purpose of Legislation:

The bill shifts the burden of proof from the defendant asserting stand your ground immunity to the State. Once a criminal defendant raises a prima facie case of self-defense immunity, the State is required to overcome the asserted immunity by the clear and convincing evidence standard. The bill was approved by the Governor and took effect on May 9, 2017.

Public Records/Protective Injunction Petitions (HB 239)

Primary House Sponsor: Rep. L. Lee, Jr. (Ft. Pierce),
CoSponsor(s): Cortes (B), McGhee, Mercado, Plakon

Primary Senate Sponsor: Sen. B. Powell (West Palm Beach),
CoSponsor(s): Bracy Torres, Jr.

Purpose of Legislation:

The bill exempts from public record requirements a petition for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking or cyberstalking when the petition is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim, lack of jurisdiction, or is dismissed based on insufficiency of the petition without an injunction being issued. The bill was approved by the Governor and will take effect on July 1, 2017.

Human Trafficking (SB 852)

Primary House Sponsor: Rep. J. Nunez (Miami),
CoSponsor(s): Ahern, Albritton, Avila, Berman, Cortes (B), Diaz (J), Diaz (M), Jacobs, Metz, Slosberg, Spano, Sullivan, Watson (C)

Primary Senate Sponsor: Sen. R. Garcia (Hialeah),
CoSponsor(s): Benacquisto, Braynon, Campbell, Flores, Hukill, Latvala, Torres, Jr.

Purpose of Legislation:

The bill requires the Department of Children and Families (DCF) or a sheriff's office to conduct a multidisciplinary staffing related to child victims of commercial sexual exploitation, to develop a service plan that will determine and address service and placement needs, and requires additional and specific follow up. Additionally, the legislation requires licensed or certified nurses to take a two-hour human trafficking course as part of continuing education requirements. The bill was approved by the Governor and will take effect on October 1, 2017.

Child Welfare (HB 1121)

Primary House Sponsor: Rep. C. Stevenson (St. Augustine),
CoSponsor(s): Gruters, Peters, Silvers

Primary Senate Sponsor: Sen. R. Garcia (Hialeah),
CoSponsor: Campbell

Purpose of Legislation:

The bill makes numerous changes to multiple statutes related to the welfare of children. Specifically, the legislation changes the procedures the dependency court and DCF use to identify and locate prospective parents. In cases where domestic violence is a factor, DCF must use reasonable efforts and a diligent search to locate a perpetrator to implement their separate safety plan. The bill changes the process DCF and the courts use to access and order services for substance-exposed newborns and creates a pilot project for shared family care residential services. The bill further requires an assessment to determine the best out-of-home placement that meets the needs of a child and requires DCF to develop a statewide accountability system for providers of residential group home care and a workgroup to better determine foster home quality. The bill was approved by the Governor and will take effect on July 1, 2017.

Domestic Violence (HB 1385)

Primary House Sponsor: Rep. J. Nunez (Miami),
CoSponsor(s): Abruzzo, Avila, Diaz (J), Fant, Raschein

Primary Senate Sponsor: Sen. R. Garcia (Hialeah)

Purpose of Legislation:

The bill adds the requirement that an individual must complete a court ordered batterers' intervention program as a condition of probation and increases the minimum terms of imprisonment for a person adjudicated guilty of domestic violence as follows: 10 days for first offense, 15 days for second offense, and 20 days for a third or subsequent offense. Additionally if the crime of domestic violence is committed in front of a child under 16 who is a family or household member, the minimum terms are as follows: 15 days, 20 days, and 30 days. The bill further addresses conflicting court decisions by indicating that attorney's fees may not be awarded to either party for a proceeding related to a domestic violence injunction. The bill was approved by the Governor and will take effect on October 1, 2017.

Public Records/Injunction for Protection Against Domestic Violence, Repeat Violence, Sexual Violence and Dating Violence (HB 7087)

Primary House Sponsor: Oversight, Transparency and Administration Subcommittee, Davis (Jacksonville),
CoSponsor: Daniels

Primary Senate Sponsor: Judiciary Committee

Purpose of Legislation:

In 2011, the Legislature required the Florida Association of Court Clerks and Comptrollers, subject to available funding, to develop an automated process by which a petitioner may request notification that a respondent was served with a protective injunction against domestic violence, repeat violence, dating violence, or sexual violence. Current law provides that a petitioner may request that their home, work or cell phone number, home and work addresses, electronic mail addresses or other electronic means of identification held by the clerk and law enforcement's agencies be confidential and exempt from public record requirements. The bill retains the public records exemptions for personal identifying and location information of a petitioner who requests such. The bill was approved by the Governor and will take effect on October 1, 2017.

Bills That Did Not Pass

Elder Abuse Fatality Review Teams (HB 703/SB 518)

Primary House Sponsor: Rep. B. Watson (Miami Gardens), CoSponsor(s): Cortes (J), Davis

Primary Senate Sponsor: Sen. A. Gibson (Jacksonville)

Purpose of Legislation:

The bills would have authorized the establishment of elder abuse fatality review teams to review fatal and near-fatal incidents of elder abuse. The language in the bills substantially mirrored statutory language creating local domestic violence fatality review teams.

Victims of Human Trafficking (HB 1165/SB 972)

Primary House Sponsor: Rep. R. Spano (Riverview), CoSponsor(s): Albritton, Antone, Asencio, Brown, Burgess, Burton, Combee, Cortes (B), Cortes (J), Daniels, Diamond, Fischer, Hager, Jacquet, Leek, Massullo, Jr., McClain, Miller (A), Miller (M), Peters, Plakon, Slosberg, Sprows, Stevenson, Sullivan, Watson (C), White, Williams, Yarborough

Primary Senate Sponsor: Sen. R. Bracy (Ocoee)

Purpose of Legislation:

The bills would have created a civil cause of action by victims of human trafficking against the trafficker or facilitator of human trafficking and would have allowed for the recovery of actual and punitive damages for such victimization.

Residential Tenancies (HB 1423/SB 1274)

Primary House Sponsor: Rep. K. Jenne (Hollywood), CoSponsor(s): Baez, Jacobs

Primary Senate Sponsor: Sen. J. Rodriguez (Miami)

Purpose of Legislation:

The bills would have prohibited a landlord from evicting a tenant or terminating a residential rental agreement because the tenant or the tenant's minor child is a victim of actual or threatened domestic violence, dating violence, sexual violence or stalking

Special Appreciation

Key Legislators

Each year it is important that we recognize the key legislators who consistently prioritize the needs of domestic violence survivors and their children through inclusion of critical funding and passage of prudent public policy. Many of the names are familiar as they represent consistent leaders in legislative advocacy for survivors of domestic violence, their children, and Florida's 42 certified domestic violence centers.

Speaker of the House Richard Corcoran, Representative Carlos Trujillo, Chair of the full House Appropriations Committee, and **Representative Jason Brodeur**, Chair of the Health Care Appropriations Subcommittee along with **Senator Jack Latvala** Chair of the Senate's full Appropriations Committee, **Senator Denise Grimsley**, **Senator Kelli Stargel**, and **Senator Wilton Simpson** were instrumental with ensuring additional funding was provided for unmet needs of domestic violence shelters, and survivors and their children. These individuals deserve applause for recognizing the tremendous need and proactively advocating for additional resources for domestic violence survivors and their children.

We also want to thank **Senator Rene Garcia** and **Representative Jeanette Nunez** for sponsoring and passing legislation to increase penalties for convictions of domestic violence and ensuring that attorney's fees are prohibited in domestic violence injunction proceedings. Additionally, both Senator

Garcia and Representative Nunez passed legislation to further strengthen human trafficking laws. While their bills did not pass, thank you to **Representative Ross Spano** and **Senator Randolph Bracy** for their efforts to create a civil cause of action for survivors of human trafficking.

Finally, thank you to **Senators Denise Grimsley** and **Dana Young** for their long-term, consistent support of funding and critical public policy on behalf of survivors and their children.

Key Executive and Legislative Staff

Each Legislative Session, FCADV interfaces with many dedicated executive and legislative staff that goes above and beyond the call of duty to assist with legislative and appropriations issues and answering our myriad of questions. 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** and **Billy Fontaine** in the House Health Care Appropriations Subcommittee, **Carol Preston** in the Senate Children, Families and Elder Affairs Committee, **AJ D'Amico**, Legislative Assistant to Senator Rene Garcia, **Marty Mielke**, Legislative Assistant to Senator Denise Grimsley and **Matthew Floyd**, Legislative Assistant to Senator Dana Young.

Thank each of you for your support, kindness, and patience during the 2017 Legislative and Special Sessions. We look forward to working with you next year and beyond!



425 Office Plaza Drive
 Tallahassee, FL 32301
 Phone: (859) 425-2749
 Fax: (850) 425-3091
 Hotline: 1-800-500-1119

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

Governor Rick Scott..... www.flgov.com/contact-gov-scott/email-the-governor/

Senate

- Senator Rene Garcia..... garcia.rene@flsenate.gov
- Senator Denise Grimsley grimsley.denise@flsenate.gov
- Senator Jack Latvala..... latvala.jack@flsenate.gov
- Senator Wilton Simpson simpson.wilton@flsenate.gov
- Senator Kelli Stargel..... stargel.kelli@flsenate.gov
- Senator Dana Young young.dana@flsenate.gov

House

- Speaker Richard Corcoran..... richard.corcoran@myfloridahouse.gov
- Representative Jason Brodeur jason.brodeur@myfloridahouse.gov
- Representative Jeanette Nunez..... jeanette.nunez@myfloridahouse.gov
- Representative Carlos Trujillo..... carlos.trujillo@myfloridahouse.gov

For more information regarding the 2017 Legislative Session, please call FCADV at 850/425-2749
 Contacts: Tiffany Carr, President/CEO • Leisa Wiseman, Director Communications and Government Affairs