

# LEGISLATIVE BRIEFING

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A PUBLICATION OF THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE

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2015 Legislative Wrap Up

## 2015 Legislative Briefing

The 2015 Legislative Session officially ended on Friday, May 1<sup>st</sup> at 11:59 PM without the formal motion to Sine Die, generally made jointly by the House and Senate, or the ceremonial drop of the handkerchief. For the first time in recent history, the House adjourned on Tuesday of the final week of the Legislative Session. The Senate convened and conducted business for an additional day but did not “officially” Sine Die; thus, Session ended after the constitutionally required 60 days.

The Legislature was unable to achieve consensus related to producing the General Appropriations Act and other required budget bills during the regular session. Therefore, a Special Legislative Session was convened on June 1, 2015 to produce the General Appropriations Act for the 2015-2016 state fiscal year. While the Governor is constitutionally provided 15 days to act on the budget once it is officially received, he is expected to act quickly to ensure a finalized budget is in place by July 1<sup>st</sup>, the beginning of the 2015-2016 fiscal year.

We are pleased to report that the Florida Legislature continued to prioritize the needs of domestic violence survivors and their children. The following update is provided to summarize new laws that may impact Florida’s 42 certified domestic violence centers and the domestic violence survivors and their children they serve.

This Session continued to reflect the trend where fewer bills were filed, ultimately resulting in fewer pieces of legislation that passed both the House and Senate. Out of the 1,754 bills filed a total of 231, or 13.2 percent, passed both chambers, the fewest filed and passed since at least 2001.

Senate and House bills	Filed	Passed both Chambers
Concurrent Resolutions	8	2
Resolutions (one Chamber)	133	n/a
General Bills	1,498	188
Local Bills	76	39
Joint Resolutions	19	0
Memorials	20	2
Totals	1,754	231

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## Appropriations News

Though the state’s revenue projection reflected a surplus of approximately a billion dollars, there was a significant reduction in federal funding in health care that impacted the Low Income Pool causing the Legislature to render difficult funding decisions during the Special Session. However, the Florida Legislature continued to prioritize the needs of Florida’s 42 certified domestic violence centers during their negotiation process.

We are pleased to report that the Legislature included an additional 2 million dollars in recurring funding to expand the highly successful Statewide Child Protection Investigation (CPI) Project. FCADV’s CPI Projects are a collaborative effort between the Coalition, the Office of the Attorney General, Department of Children and Families, local certified domestic violence centers, community-based care agencies, and criminal justice system partners to provide an optimal coordinated community response to families experiencing the co-occurrence of domestic violence and child abuse. The CPI Project utilizes a comprehensive approach that focuses on keeping the child safely in the home with the non-offending parent while holding the perpetrator of domestic violence responsible for the abuse to the family. This is accomplished through formal partnerships where domestic violence advocates are co-located within CPI Units to provide expert consultation to child protection staff, and case management services to families that support permanency, safety, and the well-being of children. This immediate intervention, sometimes within hours of a child abuse report, helps to stabilize the crisis and increase safety in the home. We are grateful to the Legislature for recognizing the merits and return on investment of this life-saving program that will now be available statewide! Please see *Special Appreciation* on page four that recognizes several specific Legislators for their advocacy and leadership with securing funding for this life-saving program.

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# Bills That Passed

## Sexual Offenses (HB 133)

**Primary House Sponsor: Rep. R. Plasencia,** CoSponsor(s): Adkins, Albritton, Broxson, Burgess, Burton, Combee, Cortes (B), Cortes (J), Costello, DuBose, Eisnaugle, Harrell, Hill, Jacobs, Latvala, Lee Jr., Mayfield, Metz, Moskowitz, Pafford, Plakon, Raschein, Rehwinkel Vasilinda, Rodríguez (J), Rooney, Sullivan, Torres, Van Zant

**Primary Senate Sponsor: Sen. D. Soto,** CoSponsor: Abruzzo

**Purpose of Legislation:** Currently the statute of limitations governing prosecutions of felony sexual battery offenses is four years. The bill extends the statute of limitations for prosecuting those offenses to eight years. The legislation also revises penalties associated with a minor's first violation of sexting by requiring that the minor either sign a citation to appear before the juvenile court; or, in lieu of a court appearance, the minor may complete community service, pay a fine, or participate in a cyber-safety program within a specified timeframe. The bill was approved by the Governor and will take effect on July 1, 2015.

## Tracking Devices or Tracking Applications (HB 197)

**Primary House Sponsor: Rep. L. Metz,** CoSponsor(s): Albritton, Artiles, Dudley, Watson (C)

**Primary Senate Sponsor: Sen. D. Hukill**

**Purpose of Legislation:** Florida law does not currently prohibit a person from installing a tracking device or application on another person's property without their consent; the bill will, for the first time, criminalize this action. Additionally, the legislation prescribes that a violation of this prohibition may result in a second degree misdemeanor. There are some exceptions related to law enforcement, parents and legal guardians, caregivers of an elderly or disabled adult, and legitimate business purposes. The bill was approved by the Governor and will take effect on October 1, 2015. *Specific application for survivors of domestic violence:* It will be a violation of law for a batterer to install or hide a GPS tracking device on a survivor's phone or car without her consent.

## Public Records-Audio or Video Recordings (SB 248)

**Primary Senate Sponsor: Senator C. Smith,** CoSponsor(s): Soto, Stargel, Thompson

**Purpose of Legislation:** The bill creates a public records exemption for an audio or video recording made by law enforcement in the course of their official duties if: it is taken within the interior of a private residence; it is taken on the property of a facility that offers health care, mental health care, or social services; or, it is taken at a place where a person recorded or depicted in the recording has a reasonable expectation of privacy. The bill provides specific circumstance in which a law enforcement agency *may* disclose a confidential and exempt body camera recording, and additional circumstances in which the agency *must* disclose the recording. The bill was approved by the Governor and will take effect on July 1, 2015.

*Specific application for survivors of domestic violence:* Prior to this legislation there were no public records exemptions or guidance provided to law enforcement agencies specific to the use of body cameras and the disclosure of the recordings made by such. By making a body camera audio and/or video recording confidential and exempt from disclosure under the circumstances prescribed, domestic violence survivors have a level of protection that a video recorded encounter or interview with a police officer will not easily be acquired by the public.

## No Contact Order (SB 342)

**Primary House Sponsor: Rep. H. Raschein,** CoSponsor(s): Baxley, Harrell, Miller, Torres

**Primary Senate Sponsor: Sen. D. Simmons**

**Purpose of Legislation:** Under current law, when a person is

arrested and charged with a crime, they are brought before the court to determine bail and any other pretrial release conditions. In criminal cases, a No Contact Order is standard as a condition of release. The legislation clarifies that once a No Contact Order has been ordered by the court, it will be effective immediately. Additionally, the bill defines conditions of a No Contact Order to ensure consistent statewide interpretation. This will make clear for the perpetrator, the victim, law enforcement and the judiciary baseline conditions of No Contact Orders. The court may modify the conditions and/or impose additional conditions at the time of the order or when appropriate. The bill was approved by the Governor and will take effect on October 1, 2015.

*Specific application for survivors of domestic violence:* The new law specifically authorizes the court to impose conditions in the No Contact Order that will better protect survivors of domestic violence, such as prohibiting: communicating orally or in written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person named in the order, unless the order specifically allows indirect contact through a third party; having physical or violent contact with the victim or other named person on his or her property; being within 500 feet of the victim's or other named person's residence, even if the defendant and the victim or other named person share the residence; being within 500 feet of the victim's or other named person's vehicle, place of employment, or a specified place frequented regularly by such person. It also makes clear that an order of no contact is effective immediately and enforceable for the duration of pretrial release or until modified by the court.

## Human Trafficking (HB 465)

**Primary House Sponsor: Rep. R. Spano and Rep. D Kerner,** CoSponsor(s): Albritton, Artiles, Campbell, Clarke-Reed, Dudley, Edwards, Hager, Harrell, Hill, Mayfield, Metz, Murphy, Nuñez, Perry, Pilon, Rehwinkel Vasilinda, Torres, Watson (C), Williams

**Primary Senate Sponsor: Sen. A. Flores**

**Purpose of Legislation:** The bill increases the criminal penalties for soliciting, inducing, enticing, or procuring another to commit prostitution. Additionally, the legislation requires a judge to sentence a person convicted of solicitation to 10 days in jail if it is their second or subsequent conviction for solicitation. The bill requires the court to order a person convicted of solicitation to perform 100 hours of community service and complete an educational program about the negative effects of prostitution and human trafficking, and authorizes a judge to impound or immobilize the car of a person convicted of solicitation for up to 60 days. Additionally, the bill authorizes any court in the circuit in which a victim of human trafficking was arrested to grant a human trafficking expunction, as long as the court has jurisdiction over the class of offense or offenses sought to be expunged, and allows an advocate to be present with a victim of human trafficking during any human trafficking expunction court proceeding. The bill was approved by the Governor and will take effect on October 1, 2015.

## Public Records Exemption/Human Trafficking Victims (HB 467)

**Primary House Sponsor: Rep. R. Spano,** CoSponsor(s): Albritton, Artiles, Harrell, Hill, Mayfield, Murphy, Nuñez, Perry, Pilon, Rehwinkel Vasilinda, Watson (C)

**Primary Senate Sponsor: Sen. A. Flores**

**Purpose of Legislation:** The bill is specifically linked to the above legislation and expands the types of criminal intelligence and criminal investigative information that are considered confidential and exempt from public records requirements to include: any information that reveals the identity of a person under 18 who is the victim of a crime of human trafficking for labor or services;

any information that may reveal the identity of a person who is the victim of a crime of human trafficking for commercial sexual activity; and a photograph, videotape, or image of any part of the body of a victim of a crime of human trafficking involving commercial sexual activity. The bill also makes the criminal intelligence and criminal investigative information referenced above confidential and exempt from public records requirements under the section providing expunction for human trafficking victims. The bill authorizes release of the confidential and exempt information by a law enforcement agency in certain instances and provides for retroactive application of the public records exemptions. The bill was approved by the Governor and will take effect on October 1, 2015.

#### **Public Records Exemption/Residential Facilities Serving Victims of Sexual Exploitation (HB 469)**

**Primary House Sponsor: Rep. R. Spano**, CoSponsor(s): Albritton, Artiles, Campbell, Harrell, Hill, Mayfield, Murphy, Nuñez, Perry, Pilon, Rehwinkel Vasilinda

**Primary Senate Sponsor: Sen. A. Flores**

**Purpose of Legislation:** This bill creates public record exemptions for information about the location of safe houses, safe foster homes, other residential facilities serving child victims of sexual exploitation, and residential facilities serving adult victims of human trafficking involving commercial sexual activity. The bill provides that the information regarding the location of these facilities that is held by an agency is confidential and exempt from public record requirements. The legislation does permit the information to be provided to any agency in order to maintain health and safety standards and to address emergency situations. The bill was approved by the Governor and will take effect on October 1, 2015.

#### **Sexual Cyberharassment (SB 538)**

**Primary House Sponsor: Rep. T. Goodson**, CoSponsor(s): Dudley, Harrell, Jenne, Slosberg, Stevenson

**Primary Senate Sponsor: Sen. D. Simmons**, CoSponsor: Soto

**Purpose of Legislation:** The bill makes it a first degree misdemeanor for a person to willfully and maliciously sexually cyberharass another person; and defines sexual cyberharassment as publishing a sexually explicit image of a person that contains or conveys personal identifying information of the person depicted to an internet website without consent, with the intent of causing substantial emotional distress. The bill further allows law enforcement to arrest a person without a warrant in circumstances where there is probable cause to believe the person has committed sexual cyberharassment. The bill was approved by the Governor and will take effect on October 1, 2015.

#### **Law Enforcement Officer Body Cameras (HB 57/SB 7080)**

**Primary House Sponsors: Rep. S. Jones and Rep. A. Williams**, CoSponsor(s): Campbell, Jones (M), Lee Jr. (L), McGhee, Renner, Van Zant, Watson (B)

**Primary Senate Sponsor: Criminal Justice Committee**

**Purpose of Legislation:** The bills would have required that law enforcement agencies that permit the use of body cameras develop policies and procedures regarding their use, maintenance, and storage of recorded data, as well as provide training to personnel who use the cameras.

#### **Violations of an Injunction for Protection (HB 443/SB 804)**

**Primary House Sponsor: Rep. J. Rodriguez**, CoSponsor: Berman

**Primary Senate Sponsor: Sen. J. Abruzzo**

**Purpose of Legislation:** Currently, violating an injunction for protection is a first degree misdemeanor, regardless of the number of times a person is convicted. The legislation would have increased the penalty for a third or subsequent violation of an injunction to a third degree felony.

#### **Intercepting and Recording Oral Communications (HB 7001)**

**Primary House Sponsor: Rep. C. Trujillo and Rep. J. Moskowitz**, CoSponsor: Albritton

**Primary Senate Sponsor: Sen. L. Benacquisto**, CoSponsor: Simpson

**Purpose of Legislation:** In most cases, current Florida law makes it a third degree felony for a person to intentionally intercept (or record) an oral communication unless all parties consent to the recording. The bill creates an exception making it lawful for a child under 18 to intercept and record a communication if the child believes that recording will capture a statement that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force of violence against the child. The bill was approved by the Governor and will take effect on July 1, 2015.

#### **Child Welfare (SB 7078)**

**Primary House Sponsor: Children, Families & Seniors Subcommittee and Rep. G. Harrell**

**Primary Senate Sponsor: Children, Families & Elder Affairs**

**Purpose of Legislation:** The bill addresses issues related to the child welfare system to provide clarity and enhance the provisions created in last year's child welfare reform legislation (SB 1666). The bill clarifies the roles of the state and local Child Abuse Death Review committees, including adding a representative from a certified domestic violence center to the local committees. FCADV is, and continues to be, included as a specified member of the State Child Abuse Death Review Committee. The bill includes a section that requires nonprofit membership organizations affiliated with national organizations which do not provide child care, but provide activities that contribute to development of character, sportsmanship, education or culture to minors, which are not for profit, charge a nominal annual membership fee and are certified by their national associations, to meet level 2 background screening requirements for employees who meet the definition of child care personnel as defined in 402.302 F.S. The bill was approved by the Governor and will take effect on July 1, 2015.

*Specific application for certified domestic violence centers:* The legislation specifically requires that a certified domestic violence center be represented on local death review committees. Additionally, if a center meets the requirements above specific to nonprofit membership organizations, their employees are required to meet level 2 background screening requirements.

## **Bills That Did Not Pass**

#### **Family Law (HB 943/SB 1248)**

**Primary House Sponsor: Rep. C. Burton and Rep. R. Workman**, CoSponsor(S): Costello, Eisnagle, Gaetz

**Primary Senate Sponsor: Sen. K. Stargel**

**Purpose of Legislation:** The bill would have made a number of changes in regard to alimony and alimony calculations. The Senate bill created a presumption that approximately equal time-sharing (visitation) is in the best interest of a child. The House bill did not include the presumption language, but included more general language related to time-sharing.

#### **Electronic Monitoring Devices (HB 1037/SB 1286)**

**Primary House Sponsor: Rep. V. Torres and Rep. S. Plakon**

**Primary Senate Sponsor: Sen. D. Simmons**

**Purpose of Legislation:** The bill would have made it a third degree felony for a person to, or to request or solicit another person to, knowingly and without authority, remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device that is being used or worn pursuant to a court order or an order of the Commission on Offender Review.



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## Special Appreciation

### Legislators

It is important that we take time each year to recognize and say thank you to key legislators who consistently work to prioritize the needs of survivors of domestic violence and their children through their funding decisions and their work to pass prudent public policy. Speaker Pro Tempore Matt Hudson continues on our list of superstars, as Chair of the House Health Care Appropriations Committee, he along with Representative 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 were instrumental in securing the additional 2 million dollars for the statewide expansion of the CPI Project. While in a new role, Senator Denise Grimsley continues to impact both public policy and funding decisions for survivors and their children. She is a true leader and words cannot express our continued thanks for all of her efforts.

We also want to recognize and thank Senator David Simmons and Representative Holly Raschein for their work to pass the No Contact Order bill, this important legislation will enhance the safety of survivors of domestic violence. Thank you as well to Senator Joseph Abruzzo and Representative Jose Rodriguez for their support in filing legislation that would have increased penalties for multiple violations of injunctions for protection, and to Senator Simmons and Representative Victor Torres for their work to create penalties for removing, or solicit another person to remove, destroy or circumvent the operation of electronic monitoring devices. While these bills did not pass, we are committed to working with the sponsors next year on similar legislation to ensure these protections are in place. Thank you as well to Representative Dana Young for her consistent support of sound public policy on behalf of survivors and their children.

### Key Executive and Legislative Staff

Each Legislative Session we have the opportunity to work with many incredible and 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, Marty Mielke, Legislative Assistant to Senator Denise Grimsley, Diane Suddes, Legislative Assistant to Senator David Simmons, Shreya Kuntawala, Legislative Assistant to Senator Joseph Abruzzo, Kate DeLoach, Legislative Assistant to Representative Holly Raschein, and Sydney Ridley, Legislative Assistant to Representative Dana Young.

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

Governor Rick Scott:	<a href="http://www.flgov.com/contact-gov-scott/email-the-governor/">www.flgov.com/contact-gov-scott/email-the-governor/</a>
<b>Senate:</b>	
Senator Joseph Abruzzo	<a href="mailto:abruzzo.joseph@flsenate.gov">abruzzo.joseph@flsenate.gov</a>
Senator Rene Garcia:	<a href="mailto:garcia.rene@flsenate.gov">garcia.rene@flsenate.gov</a>
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For more information regarding the 2015 Legislative Session, please call FCADV at 850/425-2749  
 Contacts: Tiffany Carr, President/CEO  
 Leisa Wiseman, Director Communications and Government Affairs

## Together We Can End Domestic Violence

The Florida Coalition Against Domestic Violence is a grassroots nonprofit organization whose membership is comprised of individuals, centers, and advocacy groups sharing the goal of eliminating domestic violence.