2014 Legislative Session Highlights

Florida Department of Law Enforcement
Legislators approved a record $77 billion budget and adjourned the 2014 session on May 2nd.

FDLE received $16.5 million in new revenue and 59 full time positions for crime prevention systems, training, and expanding cyber-crime capabilities. This funding allows FDLE to begin replacement of Florida’s aging Computerized Criminal History system, stabilize the Criminal Justice Standards and Training Trust Fund, and address the growing threat of malicious cyber-attacks against Florida businesses and citizens.

The budget also includes a five percent pay increase for certain sworn members. There were no increases to employee health insurance premiums, prescription drug copayments or retirement contributions.

In early April, legislators approved and Governor Scott signed into law four bills revising Florida’s sexual predator laws. They also passed legislation that legalizes a non-euphoric form of medicinal marijuana that has been used to treat brain seizures among children with intractable epilepsy. And again this Legislative Session, FDLE worked with Attorney General Bondi to pass a bill that adds new synthetic cannabinoids to Schedule I of Florida’s controlled substances.

With the passage of House Bill 7073, the Legislature created a new state technology agency within the Department of Management Services. The bill codifies the procedures and protocol established by the Cyber Intelligence Group for processing information related to suspected or confirmed IT security threats. The bill also appropriated funding for 2 full time positions to handle additional IT security duties in FDLE’s Cybercrime Office.

FDLE provided assistance with numerous pieces of legislation which directly impact the department. Please see the following pages for information about substantive, funding and personnel issues.
**BILLS OF INTEREST**

**Controlled Substances – CS/HB 697**
The bill adds four new synthetic cannabinoids and two new synthetic phenethylamines to Schedule I of Florida’s controlled substances schedules. Under this law, criminal penalties apply to the possession, sale, manufacture, and delivery of these synthetic substances. The bill also adds three substances to the list of substances covered under the phenethylamines trafficking statute. These substances are currently Schedule I controlled substances that are most commonly found in the street drug “Molly.”

If approved by the Governor, these provisions take effect upon becoming law.

**Involuntary Civil Commitment of Sexually Violent Predators – CS/CS/SB 522**
The bill makes various changes to laws relating to the assessment of sexual offenders for civil commitment as a sexually violent predator. Under the bill:

These provisions take effect July 1, 2014.

*Approved by Governor 4-1-14, Chapter No. 2014-2.*

**Sexually Violent Predators – CS/SB 524**
Under the bill, an offender will be recommended for civil commitment if at least two multidisciplinary team members determine that the offender is, by definition, a sexually violent predator. The bill also requires public and private colleges and universities to inform students and employees about FDLE’s sexual offender and predator web site and the toll-free number.

These provisions take effect July 1, 2014.

*Approved by Governor 4-1-14, Chapter No. 2014-3.*

**Sexual Offenses – CS/CS/CS/SB 526**
The bill increases the length of sentences for certain adult-on-minor sexual offenses and also prohibits incentive gain-time for offenders convicted of certain sexual offenses. The legislation suspends post-release supervision of offenders while in DCF custody as part of the civil commitment process and requires the court to order community supervision after release from prison for certain sexual offenses.

These provisions take effect October 1, 2014.

*Approved by Governor 4-1-14, Chapter No. 2014-4.*

**Sex Offenses - CS/CS/SB 528**
The bill makes numerous changes to Florida’s sexual predator and sexual offender laws including:

- Creates a process for informing the FDLE and applicable law enforcement agencies when a registrant whose name is legally changed fails to meet requirements for obtaining a replacement driver license or identification card.
- Revises information that must be reported by a registrant relating to vehicles the registrant owns and vehicles owned by a person who resides with the registrant.
- Prohibits FDLE from posting information regarding vehicles owned by a person who is not a registrant on the department’s Internet public registry of sexual predators and sexual offenders.
- Modifies requirements for petitioning for the removal of registration requirements for registrants and clarifies the period that must elapse before a petition can be filed by a sexual offender.

These provisions take effect October 1, 2014.

*Approved by Governor 4-1-14, Chapter No. 2014-5.*
**Information Technology Governance – HB 7073**
The bill creates the Agency for State Technology (AST) within the Department of Management Services (DMS) and establishes an executive director of the agency who serves as the state’s chief information officer and is appointed by the Governor and confirmed by the Senate. The bill defines the duties and responsibilities of the AST.

Additionally, the bill codifies the procedures and protocol established by the Cyber Intelligence Group regarding the handling of suspected or confirmed information technology (IT) security threats or incidents at the state data center and specifically clarifies the duties and responsibilities of the FDLE Cybercrime Office to include:

- Monitoring IT resources and collecting and analyzing potential threats regarding potential cyber-security incidents.
- Investigating violations of state law pertaining to suspected or confirmed cyber-security incidents and assisting in their response and recovery.
- Providing security awareness training and information to state agency employees.

The bill requires the information security manager to report directly to the agency head for purposes of carrying out his/her IT security duties and clarifies the eligible recipients of IT security audits, policies and procedures, and risk assessments.

The bill appropriates $144,870 in recurring general revenue funds and $7,546 in nonrecurring general revenue funds and 2 full-time equivalent positions and associated salary rate of $93,120 to the FDLE for purposes of implementing additional IT security duties of the Cybercrime Office.

If approved by the Governor, these provisions take effect July 1, 2014, except as otherwise provided.

**Low-THC Cannabis - CS/CS/SB 1030**
The bill establishes the compassionate use registry within the Department of Health (DOH) and requires registration of physicians who order the use of low-THC (tetrahydrocannabinol) cannabis and patients that are authorized to use low-THC cannabis under limited circumstances. The registry must be made available to law enforcement agencies and dispensing organizations to verify the patient is authorized to use low-THC cannabis and to record the low-THC dispensed.

A dispensing organization must employ a medical director who is a physician and successfully completes a course encompassing appropriate safety procedures and knowledge of low-THC cannabis. The bill provides for a total of five dispensing organizations in specified regions of the state. All owners and managers of a dispensing organization must undergo a state and national criminal history record check. Criminal misdemeanor penalties are created for a physician who orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from a qualifying condition and for any person who fraudulently represents himself or herself as having a qualifying condition for the purpose of obtaining an order for low-THC cannabis.

If approved by the Governor, these provisions take effect upon becoming law.

**Florida Law Enforcement Officers' Hall of Fame – CS/CS/CS/HB 41**
The bill establishes the “Florida Law Enforcement Officers' Hall of Fame” and requires the Department of Management Services to set aside an appropriate public area for the Hall of Fame on the Plaza Level of the Capitol Building, and to consult with FDLE in developing the design and theme of the area. FDLE must annually accept recommendations for nominees from law enforcement organizations, establish criteria and time periods for accepting and selecting recommendations and submit nominations to the Governor and Cabinet. The bill provides an appropriation of $63,142 in recurring general revenue funds to FDLE to implement the provisions of the bill.

If approved by the Governor, these provisions take effect October 1, 2014.
Sentencing for Controlled Substance Violations – CS/SB 360
The bill increases the minimum weight threshold for trafficking in oxycodone and hydrocodone under Section 893.135, F.S. The current minimum weight threshold for trafficking in either drug is 4 grams. The bill increases the threshold for oxycodone to 7 grams and the threshold for hydrocodone to 14 grams. The bill provides specified weight thresholds and minimum mandatory sentence lengths for each weight threshold.

If approved by the Governor, these provisions take effect July 1, 2014.

Personal Identification Information Theft - CS/CS/HB 409
The bill revises the definition of exploitation of an elderly person or disabled adult (vulnerable adult), enhances penalties for stealing the personal identification information of persons 60 years of age or older and decreases the property threshold values for exploitation of vulnerable adults offenses. It establishes the Identity Theft and Fraud Grant Program within FDLE to award grants to support local law enforcement agencies in the investigation and enforcement of personal identification information theft and fraud.

If approved by the Governor, these provisions take effect October 1, 2014.

Charities - CS/CS/HB 629
The bill updates the Solicitation of Contributions Act to provide increased oversight by the Department of Agriculture and Consumer Services (DACS) of charitable organizations and sponsors, professional fundraising consultants, and professional solicitors. It requires professional solicitors to undergo a state and national criminal history record check and for the fingerprints to be retained at FDLE and the Federal Bureau of Investigation (FBI).

If approved by the Governor, these provisions take effect July 1, 2014.

Consumer Collection Practices – CS/CS/HB 413
The bill enhances the Office of Financial Regulation’s registration, investigative, examination, and enforcement authority over consumer collection agencies; and subjects registrants to certain reporting requirements. It requires “control persons” of consumer collection agencies to undergo state and federal criminal background checks and for the fingerprints to be retained at FDLE and the FBI.

If approved by the Governor, these provisions take effect October 1, 2014.

Department of Agriculture and Consumer Services (DACS) – CS/CS/HB 7051
The bill adds the Bureau of License Issuance within the Division of Licensing to the list of agencies that have access to sealed criminal history records for the purposes of determining eligibility of an applicant for a concealed weapon license. The bill provides an appropriation of $35,735 to FDLE from DACS Division of Licensing Trust Fund to make programming changes to implement the provisions of the bill.

If approved by the Governor, the provision pertaining to sealing records takes effect January 1, 2015.

Division of Insurance Agents & Agency Services – CS/CS/HB 633
The bill provides the Department of Financial Services, Division of Insurance access to sealed and expunged criminal history records on persons seeking licensure as an insurance agent or insurance agency.

If approved by the Governor, the provisions take effect July 1, 2014, unless as otherwise provided.

Guardianship – CS/HB 635
The bill requires nonprofessional guardians to undergo a state and national criminal history record check through FDLE. Additionally, the bill provides the Clerks of Court access to sealed and expunged criminal history records on persons seeking to be appointed as a guardian.

If approved by the Governor, these provisions take effect July 1, 2014.
Licensed Massage Therapists - CS/HB 1065
The bill makes several revisions to Chapter 480 governing the practice of massage in Florida. It requires applicants for licensure as a massage therapist and individuals with ownership in or management responsibilities for a massage establishment to undergo a state and national criminal history record check and for the fingerprints to be retained at FDLE and FBI.

If approved by the Governor, these provisions take effect July 1, 2014.

Citizen Support and Direct-Support Organizations – CS/SB 1194
The bill requires citizen support organizations (CSOs) and direct support organizations (DSOs) to annually report to their related agencies on the topics of organization and mission. Agencies are required to make the reported information available on agency websites, make annual recommendations to the Legislature and Governor, and terminate the contracts of organizations not in compliance with the reporting requirements. The bill provides repeal dates for existing CSOs and DSOs, unless the organization is reviewed and reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Transportation and Motor Vehicles - CS/CS/HB 7005
The bill makes a number of changes to transportation laws administered by the Florida Department of Transportation and to motor vehicle laws administered by the Department of Highway Safety & Motor Vehicles. Of interest to FDLE, the bill requires the Department of State, in consultation with the Department of Law Enforcement, to establish a retention schedule for records generated through the use of an automated license plate recognition system.

If approved by the Governor, these provisions take effect July 1, 2014.

Athletic Coaches for Youth Athletic Teams - CS/SB 358
The bill clarifies the definition of “athletic coach” to include coaches, assistant coaches, and referees. Additionally, the bill requires independent sanctioning authorities to conduct state only criminal history record checks for each current and prospective athletic coach and prohibits the authority from delegating this responsibility to individual teams.

If approved by the Governor, these provisions take effect July 1, 2014.

Human Trafficking – CS/CS/CS/HB 989
The bill amends a variety of statutes that currently provide protections to victims of sexual offenses, to extend those protections to victims of human trafficking.

If approved by the Governor, these provisions take effect October 1, 2014.

CS/CS/HB 7141 - Human Trafficking
The bill changes statutory requirements for safe houses, establishes standards for residential treatment of sexually exploited children, and makes administrative changes to the requirements for DCF and community-based care lead agencies related to sexually exploited children. Provides for DCF to provide training to local law enforcement officers to identify and obtain appropriate services for sexually exploited children. The bill creates the Statewide Council on Human Trafficking within the Department of Legal Affairs and includes the FDLE executive director (or his designee) as a member of the council. The Council must submit an annual report to the Legislature.

If approved by the Governor, these provisions take effect July 1, 2014.

Open Government Sunset Review Act/Prescription Drug Monitoring Program – HB 7177
The bill reenacts the public record exemption for certain information held by the DOH pursuant to the Prescription Drug Monitoring Program. In addition, the bill requires a law enforcement agency to enter into a user agreement with the DOH before the law enforcement agency can receive confidential and
exempt information. The bill also provides that the Attorney General or a law enforcement agency may only share confidential and exempt information with a state attorney in response to a discovery demand and clarifies that the Attorney General, law enforcement agency, or health care regulatory board may only disclose to a criminal justice or law enforcement agency information that is relevant to a specific investigation or an identified active investigation prompting the request.

If approved by the Governor, these provisions take effect October 1, 2014.

**Inspectors General – CS/CS/HB 1385**
The bill modifies how agency inspectors general are appointed, supervised, and removed. For state agencies under the jurisdiction of the Governor, agency inspectors general are to be appointed and removed (only for cause) by the Chief Inspector General; are to report to the Chief Inspector General; and may hire and fire their staff independently of the agency.

For state agencies under the jurisdiction of the Cabinet or the Governor and Cabinet, the inspectors general are to be appointed and removed by agency heads.

If approved by the Governor, these provisions take effect July 1, 2014.

**State Contracting – HB 953**
The bill requires agencies to consider the prior relevant experience of a vendor when evaluating responses to a request for proposal or invitation to negotiate.

If approved by the Governor, these provisions take effect July 1, 2014.

**Threatened Use of Force – CS/CS/HB 89**
Chapter 776 sets forth the instances in which a person may use force in self-defense. The bill specifies that the justifications in that chapter apply to threatened uses of force as well as actual uses of force.

If approved by the Governor, the bill is effective upon becoming a law.

**Computer Crimes – CS/CS/CS/HB 641**
The bill creates new computer-related offenses and expands the application of various existing computer-related crimes to include electronic devices. It broadens and creates additional exceptions to computer-related offenses for persons who act pursuant to a search warrant, an exception to a search warrant, or who perform authorized security operations of a government or business.

If approved by the Governor, these provisions take effect October 1, 2014.

**Renaming the Parole Commission – SB 1636**
The bill changes the name of the Parole Commission to the Florida Commission on Offender Review to more accurately reflect the roles of the commission.

If approved by the Governor, these provisions take effect July 1, 2014.

**Legislative Session Dates – CS/HB 9**
The bill provides that the 2016 Regular Session of the Legislature will convene on Tuesday, January 12, 2016.

If approved by the Governor, these provisions take effect upon becoming law.
NEW FUNDING

**Biometric ID System Upgrade - $1,880,000 Operating Trust Fund**
The Biometric Identification System (BIS) became fully operational in 2009 and is almost performing at full capacity. Last year, the Legislature approved the department’s 3-Phase Plan to upgrade. This year’s funding provides for the last phase (Phase 3) of the upgrade: new generation 10-print matchers; additional storage capacity; modify Biometric ID system workflow; modify Falcon system workflow; and upgrade Livescan stations.

**Additional Spending Authority for Deferred Payment Contracts - $335,400 Operating Trust Fund**
The 2013 Legislature authorized FDLE to implement Phase 1 of the Biometric Identification System Upgrade project, which involved acquisition of new MorphoTrak matchers and other components at a cost of $2.65 million. To reduce the financial impact on the state and spread out costs, FDLE will finance this procurement over a four-year period.

**Crime Laboratory Equipment Maintenance - $880,000 General Revenue**
Each of the six FDLE crime laboratories use scientific instruments that must be properly maintained and calibrated to ensure accuracy and reliability and comply with American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) standards. This $880,000 increase in funds will allow FDLE to keep pace with the rising cost of maintaining this critical equipment.

**Criminal Justice Standards and Training Trust Fund Solvency - $3,900,000 General Revenue**
During the last three fiscal years, FDLE has internally imposed a 30 percent reduction to the CJSTTF operating budget due to insufficient cash in the fund. A $3.9M cash infusion into the fund will help maintain solvency until revenue into the fund is once again able to support the operating budget.

**Firearms Purchase Program New Workload - $1,134,206 Operating Trust Fund, 18 FTEs**
The Firearm Purchase Program (FPP) workload has increased 236 percent since 1995. Eighteen new positions are funded to keep up with the increased workload.

**Firearm Purchase Program Workload Continuation - $1,049,169 Operating Trust Fund, 18 FTEs**
The continued high demand for firearms background checks calls for a stable, committed staff in the FPP unit. Eighteen current OPS positions will be converted into permanent FTE positions.

**Improve Government Accountability and Support for Law Enforcement Operations - $702,036 Operating Trust Fund, 11 FTEs**
The state’s implementation of additional transparency requirements and improved government accountability has outpaced current staffing levels in FDLE’s Office of General Counsel, General Services, Financial Management and Human Resources. Funding includes 11 FTE positions to address the increased complexity of state accounting, reporting, and payment processing; will fill the need for a centralized area within the agency to maintain contracts, grants and agreements now subject to additional accountability requirements; and to comply with scheduled implementation for full utilization of invoice payments through MyFlorida MarketPlace.

**Expand Cyber Crime Capacity and Capability - $925,056 General Revenue, 9 FTEs**
The growing need for expertise to investigate malicious cyber-attacks against Florida’s citizens, small businesses and government and the inability of the FBI to investigate most of these cases establishes a clear need for state assistance in addressing this growing threat. Funding adds seven Special Agent and two analyst positions to meet the increasing demand. *(Two analysts are the same positions provided to FDLE under an appropriation in HB 7073).*

**Support Critical Information Systems - $1,598,000 Operating Trust Fund**
The Office of Information Technology Services (ITS) delivers services that enable FDLE and Florida law enforcement agencies to carry out their missions. While the number and complexity of information systems have increased, staff to support these systems has decreased. This new funding will provide for
nine contract employees to support critical information systems such as the Firearms Eligibility System, Missing and Endangered Persons Information System, and the Sex Offender / Predator Registry.

**Federal Fingerprint Retention Program Participation - $374,485 Operating Trust Fund, 3 FTEs**
FDLE currently provides a service to alert Florida licensing and employing agencies if a new criminal record is created or an arrest is added to the criminal history record of one of their licensees or employees if the arrest occurs in Florida. The FBI is launching a similar program to provide a notification if another state reports an arrest or addition to the criminal history record. Three new FTE positions and one full-time contract position are funded to ensure training, coordination, verification and management of the system as Florida begins participation in the new federal program.

**Replace Computerized Criminal History System - $2,873,237 Operating Trust Fund**
The Computerized Criminal History (CCH) system is the state’s central repository for criminal history records and was created in the early 1970’s. This funding permits FDLE to commence a competitive procurement process for a commercial computerized criminal history system that can be customized for FDLE’s business processes.

**PERSONNEL ISSUES**

**Law Enforcement Salaries**
Funds were appropriated for a competitive pay adjustment of 5.0 percent of each law enforcement employee’s base rate of pay on June 30, 2014. “Law enforcement employee” means unit sworn officers of the Law Enforcement, Florida Highway Patrol, and Special Agent bargaining units, and non-unit sworn officers in the following class codes: 8522 (Law Enforcement Lieutenant); 8525 and 8632 (Law Enforcement Captain); 8526, 8626 and 8630 (Law Enforcement Major); 8584 (Special Agent Supervisor); 8590 (Inspector); 8593 (Security Agent); and 8596 (Security Agent Supervisor).

**Employee Contributions**
There were no increases to employee health insurance premiums, prescription drug copayments or retirement contributions.

**NEW STATE FINANCIAL ASSISTANCE**

**Human Trafficking Technology Pilot - $500,000 non-recurring General Revenue**
Grant provided to the Metropolitan Bureau of Investigation for the purchase of technology to use database tools to make trafficking investigations more efficient by gathering intelligence through online classified ads.

**City of Miami Gardens Crime Watch - $500,000 non-recurring General Revenue**
Grant provided to the Citizens’ Crime Watch Program in the City of Miami Gardens.

**Anti-synthetic Designer Drug Initiative - $47,000 non-recurring General Revenue**
Grant provided to support an anti-synthetic designer drug initiative to combat the selling and manufacturing of these drugs in the City of Ft. Lauderdale.

**Violence Intervention Pro-Active Enforcement Response Team Pilot - $100,000 non-recurring General Revenue**
Grant provided to the Broward County Sheriff’s Office for enhancement of its Violence Intervention Pro-Active Enforcement Response Team (V.I.P.E.R.). This pilot program will implement new intelligence-led policing approaches through additional staff, equipment, and analytical resources to specifically target activities of known violent felons.