

FLO RIDA VO ICE

A PUBLICATION OF THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE

2018 Legislative Update

The 2018 Florida Legislative Session convened January 9, 2018, and, due to prolonged budget negotiations, Session was extended to March 11. A total of 3,250 bills were filed, of which 200 passed both chambers. The Session was impacted by Hurricanes Irma and Maria and the mass shooting at Stoneman Douglas High School in Parkland, Florida. The House and Senate reached agreement on an \$89 billion budget, and the Governor used his line-item authority to veto projects totaling \$64 million.



Senate & House Bills	Filed	Passed Both Chambers
Concurrent Resolutions	11	3
Resolutions (one chamber)	101	n/a
General Bills	1562	149
Local Bills	42	26
Joint Resolutions	28	1
Memorials	19	1
Appropriations Projects	1314	n/a
Other	173	20
Totals	3250	180

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

The economic effects of the 2018 hurricanes were evident in the months preceding the Session. In addition to economic forecasts showing falling state revenues, the budget would be strained by relief, rebuilding, and recovery efforts to address statewide damage associated with Hurricane Irma and an influx of residents from Puerto Rico left homeless or without power by Hurricane Maria.

Midway through Session, a gunman opened fire and killed 17 students and teachers at Stoneman Douglas High School. The Legislature immediately took steps to increase school safety by appropriating resources for additional school resource officers, expanded mental

health initiatives, training programs, and other related measures.

These emergency priorities strained the Legislature’s ability to maintain funding for recurring issues. Despite these fiscal constraints, the Legislature passed a record \$88.9 billion budget with broad bi-partisan support. The Governor and Legislature continued 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 2018-19 fiscal year. They also included \$1,457,309 for a Statewide Hurricane Disaster Prevention Program to purchase and install generators for Florida’s 42 certified domestic violence centers. These funds will draw \$4,371,927 in federal matching funds through a Victims of Crime Act grant, for a total of \$5,829,236 for the project.

Bills That Passed

Marriage of Minors (SB 140)

House Sponsors: Reps. F. White (Pensacola) and J. Nuñez (Miami) Senate Sponsor: Sen. L. Benacquisto (Fort Myers)

Purpose of Legislation:

This bill narrows the exception for marriage of minors to only 17-year olds with parental consent, and the age difference in the parties can be no more than two years.

Exploitation of Vulnerable Adults (HB 1059)

House Sponsor: Rep. C. Burton (Lakeland) Senate Sponsor: Sen. K. Passidomo (Naples)

Purpose of Legislation:

HB 1059 creates a separate cause of action for an injunction that prohibits further exploitation and freezes the assets of a vulnerable adult and of the person alleged to be exploiting them. The bill was amended to reflect that an injunction against exploitation of a vulnerable adult and the definition of exploitation focus on monetary and property exploitation, making this injunction an additional protection for a victim of domestic violence who is also a financially exploited vulnerable adult.

Pre-Arrest Diversion (SB 1392)

House Sponsor: Rep. L. Ahern (St. Petersburg) Senate Sponsor: Criminal Justice and Sen. Brandes (St. Petersburg)

Purpose of Legislation:

The bill expands current programs in Pinellas, Leon, and Broward Counties to utilize civil citations as part of an arrest diversion program. The intent is to reduce arrests for first-time offenders of non-violent misdemeanors. FCADV successfully advocated to exclude offenses involving domestic violence, stalking, and dating, repeat, or sexual violence from the programs.

Public Safety (SB 7026)

House Sponsor: Rep. J. Oliva (Hialeah) Senate Sponsor: Sen. B. Galvano (Bradenton)

Purpose of Legislation:

The bill promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level. Among other provisions, the bill:

- Requires a waiting period of three days (or until a background check is completed, whichever is longer) for all firearms purchases;
- Prohibits purchase of firearms by anyone under 21 years of age;
- Prohibits the import, transfer,

distribution, transportation, sale, or possession of bump stocks;

- Allows law enforcement to seek a risk protection order to temporarily prevent someone at high risk of harming themselves or others from accessing firearms; and
- Allocates supplemental funding to help school districts establish or expand comprehensive mental health programs and connect students and families with appropriate services.

The bill establishes the Florida Sheriffs Marshal Program. A school district's participation in the program is at the discretion of that district. School personnel who voluntarily participate in and complete the Marshal Program, as recommended by the school district, are designated as special deputy sheriffs. Eligibility and participation requirements must, at a minimum, include:

- A school district may sponsor and recommend school faculty and staff as candidates for voluntary participation
- To be considered, a candidate must be licensed to carry a concealed weapon
- The sheriff may approve a candidate after screening, to include criminal background checks, drug testing, and psychological evaluation

Special deputies under the program:

- must complete professional training requirements to be eligible to carry a concealed firearm on a campus;
- may not act in any law enforcement capacity outside of an active assailant incident on campus;
- may carry on campus (in safety holsters) concealed firearms approved by the sheriff and specifically purchased and issued for the sole purpose of the program;
- must complete 132 total hours of comprehensive firearm safety and proficiency training and achieve an 85-percent pass rate; and
- successfully complete at least 12 hours of a certified, nationally-recognized diversity training program.

The bill creates a process for law enforcement to petition a court for a temporary ex parte risk protection order and a final risk protection order to temporarily prevent a person from accessing firearms when there is clear and convincing evidence that the respondent poses a significant danger of injury to himself or herself or others by having access to a firearm.

Among the considerations for an order is whether the respondent has been convicted of, had adjudication withheld on, or pled nolo contendere in this or any other state to domestic violence. FCADV plans to confer with the Florida Sheriffs Association and other law enforcement partners as to how these new risk protection orders may supplement a final injunction for protection to ensure firearm surrender by respondents in domestic, dating, and sexual violence and stalking injunction cases.

Bills That Did Not Pass

Federal Immigration Enforcement (HB 9/SB 308)

House Sponsor: Rep. L. Metz (Yalaha) Senate Sponsor: Sen. A. Bean (Fernandina Beach)

Purpose of Legislation:

The bill would have required state and local governments and law enforcement agencies to support and cooperate with federal immigration enforcement.

Elder Abuse Fatality Review Teams (HB 259/SB 422)

House Sponsor: Rep. B. Watson (Miami Gardens) Senate Sponsor: Sen. A. Gibson (Jacksonville)

Purpose of Legislation:

This legislation would have created an elder abuse fatality review team (EA-FRT) in each judicial circuit to review closed cases where the death of an elderly person was alleged or found to have been related to abuse or neglect. The bills included procedures to create an EA-FRT and obtain relevant records. In its reviews, an EA-FRT would have considered the surrounding circumstances and events leading up to fatal incidents, identified any gaps in support and service delivery, and made recommendations for systemic improvements to prevent elder abuse and deaths.

Family Self-Sufficiency (HB 693/SB 1160)

House Sponsor: Rep. F. White (Pensacola) Senate Sponsor: Sen. G. Steube (Sarasota)

Purpose of Legislation:

Among other provisions, the legislation would have created pilot programs at three or more Regional Workforce Boards to increase employment and earned income for Temporary Cash Assistance recipients with significant barriers to employment, including survivors of domestic violence, while reducing their reliance on public assistance. FCADV advocated for referral to and consultation with the local certified

domestic violence center to ensure individual employment plans for survivors of domestic violence would not place the survivor at further risk of physical or emotional abuse.

Government Accountability (HB 11/SB 354)

House Sponsor: Rep. L. Metz (Yalaha) Senate Sponsor: Sen. K. Stargel (Lakeland)

Purpose of Legislation:

Among other provisions, the bills would have required an audit conducted by an independent certified public accountant to determine whether an entity's annual financial report were in agreement with the entity's audited financial statements.

Instruction on Human Trafficking (HB 1439)

House Sponsor: Rep. M. Miller (Winter Park)

Purpose of Legislation:

The bill would have removed the continuing education requirement for health professionals relating to domestic violence and replaced it with a similar requirement for human trafficking.

Public Safety (HB 7089, originally filed as PCB JDC 18-03; SB 1218)

House Sponsor: Judiciary Committee Senate Sponsor: Criminal Justice and Brandes (St. Petersburg)

Purpose of Legislation:

Among other provisions, the bills addressed a decision by the Florida Supreme Court to make clear in statute that attorney fees may not be awarded to defendants for injunctions for protection in cases involving stalking or dating, repeat, or sexual violence.

Sexual Harassment (HB 1233/SB 1628)

House Sponsor: Rep. K. Jacobs (Plantation) Senate Sponsor: Sen. L. Book (Coconut Creek)

Purpose of Legislation:

This legislation would have created the Task Force on the Prevention of Sexual Harassment and Misconduct to study sexual harassment in Florida's government and make recommendations involving the complaint processes, investigations, victim support and assistance, training, and the actions other states have taken to reduce harassment and protect victims' rights.

Special Appreciation

Each year we recognize key legislators who prioritize the needs of domestic violence survivors and their children through inclusion of critical funding and passage of prudent public policy. This year these include: House Speaker Richard Corcoran; Representative Carlos Trujillo, House Appropriations Chair; Representative Jason Brodeur, Health Care Appropriations Chair; Senate President Joe Negron; Senator Rob Bradley, Appropriations Committee Chair; and Senators Kelli Stargel and Anitere Flores in the Appropriations Subcommittee on Health Care.

Representative Larry Ahearn amended HB 1197 to exclude domestic violence offenses from pre-arrest diversion programs, and while HB 6936 did not pass, Representative Frank White's willingness to amend his bill to consider the unique challenges and safety concerns relating to domestic violence is greatly appreciated.

House Speaker pro tempore Jeanette Nuñez was instrumental in advancing two key legislative items to benefit FCADV's mission to serve survivors of domestic violence and their children. Speaker Nuñez and Senator Lizbeth Benacquisto sponsored legislation in their respective chambers to end child marriage in Florida. There is a documented connection between marriage of minors and domestic abuse. SB 140 eliminates marriage under 17 years of age.

Speaker Nuñez, President Joe Negron, and Senator Denise Grimsley championed the Statewide Hurricane Disaster Prevention Program to purchase and install generators for Florida's 42 certified domestic violence centers. It is crucial that survivors and their children be able to remain in confidentially-located centers during hurricanes, and not be exposed to potential violence by evacuating to publically-located storm shelters. This need was highlighted during Hurricane Irma, as the entire Florida peninsula was in the path of the storm. Speaker Nuñez chaired a select committee on Hurricane Response and Preparedness, and included this project on the committee's list of recommendations.

Finally, this is the last Regular Legislative Session for Senator Grimsley, who will leave the Senate and seek the office of Commissioner of Agriculture. Over her 16-year legislative career, Senator Grimsley was a fierce champion in the fight against domestic violence. She persistently fought for critical legislation, advocated for increased funding for Florida's certified domestic violence centers, and ensured that survivors and their children were at the forefront of any major policy initiative. The citizens of Florida owe Senator Grimsley a tremendous debt of gratitude for her work on their behalf.

In addition to these legislators, Florida Attorney General Pam Bondi was directly involved in helping advance the Statewide

Hurricane Disaster Program through the Legislature. Throughout her term in office, General Bondi has been a passionate guardian and advocate for survivors and domestic violence and their children.

Key Executive and Legislative Staff

Each Legislative Session, FCADV interfaces with many dedicated executive and legislative staff who go above and beyond the call of duty to assist with legislative and appropriations issues by answering a 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; Tom Hamby, House Policy Director; Tim Sadberry in the Senate Appropriations Subcommittee on Criminal and Civil Justice; Phil Williams in the Senate Appropriations Subcommittee on Health & Human Services; Whitney Hall in the House Judiciary Committee; Eired Eddy, Legislative Assistant to Representative Larry Ahearn; Anna Higgs, Legislative Assistant to Representative Frank White; Marty Mielke, Legislative Assistant to Senator Denise Grimsley; and Emery Gainey and Andrew Faye in the Office of the Attorney General.



425 Office Plaza Drive
Tallahassee, FL 32301

Phone: (859) 425-2749
Fax: (850) 425-3091
Hotline: 1-800-500-1119

Non-Profit
Organization
U.S. Postage
PAID
Tallahassee, FL
Permit No. 664

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
- Attorney General Pam Bondi Pam.Bondi@myfloridalegal.com
- Senate President Joe Negron..... negron.joe@flsenate.gov
- Senator Denise Grimsley grimsley.denise@flsenate.gov
- Senator Rob Bradley bradley.rob@flsenate.gov
- Senator Lizbeth Benacquisto benacquisto.lizbeth@flsenate.gov
- Senator Kelli Stargel stargel.kelli@flsenate.gov
- Senator Anitere Flores..... flores.anitere@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.@myfloridahouse.gov
- Representative Larry Ahearn larry.ahearn@myfloridahouse.gov
- Representative Frank White frank.white@myfloridahouse.gov

For more information regarding the 2018 Legislative Session, please call FCADV at 850/425-2749
Contacts: Tiffany Carr, President/CEO • Scott Howell, Vice President of Internal & External Affairs
Sponsored by FCADV and the State of Florida, Department of Children and Families