



CAPITOL REPORT

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By Matt Puckett, Deputy Executive Director
LEGISLATIVE ACTIVITY FOR THE SESSION ENDING MAY 8, 2009

State Employees Whacked by Legislature

No matter how history eventually views the 2009 Legislative Session, the aftermath is devastating for state employees. State employees earning over \$45,000 a year will receive a 2% salary reduction on July 1, 2009 unless **Governor Charlie Crist** uses his veto authority.

Legislative Appropriations for 2009-2010

State Employees earning an annual base rate of **\$45,000** or more per year will receive a reduction of **2%** effective July 1, 2009. However, in no instance will the employee's annual base rate of pay be reduced below \$45,000.

Example: an employee earning **\$45,400** as an annual base rate of pay will lose **\$400** instead of the full 2% (\$908).

The Governor is the last chance state employees have in this fight. The Legislature has officially signed off on the reduction, which unfairly targets employees who make \$45,000 a year and do not work for the University system.

Do not believe for one minute this salary reduction was the only course of action the Legislature could choose. On page 2, we are reprinting an article that sums up the largesse of member projects found in the conforming language of this year's budget. Our recommendation to Governor Crist is to veto each one of these projects and move the money to cover salaries.

What is not mentioned in the article, but absolutely should be, is the \$9 million dollars

handed over to the private prison industry for rebidding contracts. Talk about a corporate bailout. The state is slowly reducing the rapid construction of new prisons, which clearly cuts into the private prison industry's bottom line. So instead of holding tight and negotiating with the industry based on the dollars the state has, the Legislature robs from the rest of the criminal justice community and gives to corporate behemoths. Our recommendation to Governor Crist is another veto... although the language and money is so cleverly intertwined into the budget such a maneuver may prove impossible.

The Legislature agreed to a revised gambling compact with the Seminole Indian Tribe (see article on page 3). If the tribe agrees to the new compact provisions, the state will receive \$150 million per year. That new arrangement provides the Governor with an immediate \$150 million, which has been paid up front by the tribe and is sitting in an escrow account. More money we believe should be used to cover the salary reductions.

We should also keep the faith with Governor Crist. The Legislature did its best to make this salary reduction veto proof, but remember Governor Crist has wielded his veto pen a number of times before. The last time he used it to save 117 Correctional Probation Officers from layoffs.

This final Capitol Report is a recap of everything that happened directly affecting our membership during the 2009 session. Please take time to read through this issue and, as always, stay safe.

State is broke, but lawmakers find dollars for pet projects

By [Marc Caputo](#), Times/Herald Tallahassee Bureau

Published Wednesday, May 6, 2009

TALLAHASSEE — With a \$6 billion budget deficit, lawmakers had to cut back on programs that helped Alzheimer's patients and foster kids — but they still managed to fund a few pet projects at universities and even nicotine patches for smokers trying to kick the habit.

The special spending items stick out in the 408 pages of next year's \$66.5 billion proposed Florida budget in a year when rank-and-file legislators were told to not even try to insert hometown spending requests because there was no money.

Top legislators, however, slipped a few in for Florida International University and the University of South Florida. And they made sure to spend money in every section of the budget, so odd-sounding programs like "alligator marketing" get cash while senior-meal programs are cut.

The array of spending items is inevitable in a budget as large as Florida's. And it's nothing new that lawmakers try to bring more money back to their districts.

The Tallahassee nickname for hometown projects: "turkeys."

This year, there seem to be fewer turkeys than ever. And there's more public discussion over the budget than anyone in the Capitol seems to remember.

After a grand jury indicted then-House Speaker Ray Sansom over allegedly abusing the budget process, top lawmakers decided this year to have more public budget talks.

So, when Lake Wales Sen. J.D. Alexander wanted more money for the University of South Florida in Lakeland and Miami Rep. David Rivera sought more for FIU, the Republicans traded offers and counteroffers in public.

"We've done it all out in the open," said Alexander, who won \$5 million more for USF while Rivera secured an additional \$11 million for an FIU medical school.

Not every issue was agonized over. Alexander inserted \$500,000 in the budget for Lake Wales charter schools with nary a peep. Nor was there any talk about the \$250,000 Rivera inserted for the FIU Democracy Conference.

Senate President Jeff Atwater made sure the caretakers of a girl who had been horribly abused in state care received money. And House Speaker Larry Cretul helped maintain money for a University of Florida dental program that Miami Rep. Juan Zapata had once attempted to strike from the budget.

Democratic Sen. Nan Rich of Weston acknowledged that Republican legislative leaders were more open than ever. But she said there's not much to celebrate when they cut \$1.6 million from a program helping kids age out of foster care. Legislators also trimmed a batch of programs helping seniors and Alzheimer's patients by \$2.75 million.

"It's tough to explain those cuts when we arguably have the money," Rich said.

A few intriguing items:

- \$400,000 to "prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida." Indeed, "publicize" might be the key word here.
- \$150,000 for alligator marketing.
- \$2 million to make a task force that will "develop legislative recommendations relating to stormwater management system design in the state."
- \$100,000 for racing animal medical research.
- \$706,000 for a hospitality education program.
- \$2 million for nicotine patches for smokers.
- \$1.1 million for a compulsive gambling-treatment program.

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Lawmakers reach gambling deal

By [Mary Ellen Klas](#), Times/Herald Tallahassee Bureau

Published Wednesday, May 6, 2009

TALLAHASSEE — The Seminole Tribe's Hard Rock casinos will keep their slot machines and card games. Florida's historic Hialeah Park racetrack will return. And racetracks around the state could seek bingo-style slot machines in the future.

Those are the major provisions of a last-minute compromise reached late Wednesday by House and Senate leaders.

If approved by the Seminole Tribe, the plan would bring the state a minimum of \$150 million in annual revenue sharing from the Seminole Tribe, and allow the state to use another \$150 million set aside by the tribe this year when its previous gambling agreement with the governor was voided by a court.

"This is a victory for the children of Florida and education," said Gov. Charlie Crist, who must now renegotiate a pact with the tribe under the new legislative guidelines, and then have it approved by lawmakers.

Will the Seminole Tribe accept it?

"There's a great possibility of that," he said.

The deal adopts most of the provisions sought by the anti-gambling House. It includes a plan to allow slot machines at Seminole casinos outside Miami-Dade and Broward — the tribe has seven reservations — and the exclusive right to blackjack and baccarat at its Hard Rock casinos in Hillsborough and Broward counties.

The gambling bill was the final piece of unfinished business in the Legislature's extended session. A vote on it will likely be held Friday, the final day of the overtime.

Legislators completed the \$66.5 billion budget Tuesday, leaving the gambling deal for the final hours. In the end, it came down to pragmatism and money.

Senate leaders for months had pushed for a wide expansion of gambling. By contrast, the more antigambling House wanted to expand gaming only to Hialeah race course, while stripping the Seminole Tribe of blackjack and house-banked card games it currently operates. The tribe has continued to operate the games won under the previous compact, even though the Florida Supreme Court invalidated the agreement last year.

Negotiations were tense throughout the day. At one point, House chief negotiator Bill Galvano of Bradenton declared that the Senate was "moving backwards" and abruptly walked out of gambling talks.

Eight hours later, the Senate capitulated. The House arrived at a "final offer" and presented it to lead Senate negotiator J.D. Alexander of Lake Wales, while Senate President Jeff Atwater, Republican Senate Leader Alex Diaz de la Portilla, Gov. Crist and the representatives of the Seminole Tribe watched.

Alexander briefly conferred with Atwater and announced they'd reached an agreement.

The deal no longer penalizes other dog and horse tracks and jai alai frontons across the state for seeking additional games including video lottery terminals, which are slot machine look-alikes.

Under the new plan, the tribe could not reduce its annual minimum \$150 million payments to the state even if competitors outside of Miami-Dade and Broward counties win legislative approval for additional games and also win local referendums.

The two requirements are large hurdles. "It'll probably put us out of business," said Ken Plante, a lobbyist for Tampa Bay Downs.

Mary Ellen Klas can be reached at meklas@MiamiHerald.com.

Agreement highlights

- The Seminole Tribe's Hard Rock casinos near Hollywood and Tampa keep their slot machines and card games in return for a minimum \$150 million annual payment to the state for 15 years.
- Historic Hialeah Park racetrack would reopen with card rooms and quarter horse racing.
- The tribe now can offer no-limit poker at all seven of its reservations but it may operate blackjack, chemin de fer and baccarat only in Broward and Hillsborough counties.
- Horse and dog tracks around the state would be able to offer no-limit poker. They will not get video lottery terminals, or VLTs, which are bingo-style slot machines, unless they get legislative approval and pass a voter referendum.
- The tribe may reduce its payments to the state only if blackjack and other Class III games are authorized in the state and their net win drops below \$1.37 billion.
- Gov. Charlie Crist has until Aug. 31 to negotiate a deal with the tribe, and it must be approved by the Legislature.

Law Enforcement and Correctional Officer's Bill of Rights

One of the biggest triumphs for the Florida PBA this session was the passage of **SB 624**, which updated the types of witness statements available to an officer who is the subject of an internal affairs investigation. It was quite a significant victory, because it was so heavily contested by the **Florida Sheriffs' Association**. In fact, the sheriffs pulled one of the bigger stunts of the session by revoking their official endorsement of compromise legislation one day prior to a key floor vote in the Florida Senate. This astonishing reversal shows a complete lack of integrity by a group of so-called law enforcement professionals. Is there really any wonder as to why the PBA continues to push for reform in the internal affairs process? These untrustworthy sheriffs are the reason such laws must exist.

The way this whole situation played itself out can be used as an excellent teaching tool for all of our bargaining units in sheriffs' offices around the state. **First Rule**, *you can not trust these guys*. **Second Rule**, *no good deed goes unpunished*. **Final Rule** to remember, *sheriffs, at their core, are just politicians with a badge and a gun*. Keep those rules in mind when dealing with them and you will never be surprised or disappointed.

Obviously, a little background on what happened in negotiations is in need of explanation.

The PBA and Florida Sheriffs' Association did not agree on the merits or need for this legislation. From our perspective, the updates to technology were vital to maintaining the equity in the internal affairs process. We also strongly believe the current remedy procedure of injunctive relief by a circuit judge is toothless in redressing a bill of rights violation. So we set out to change it.

The Florida Sheriffs' Association agreed that providing the technological updates were acceptable, but changing the remedy procedure was not necessary.

The sticking point was finding a balance in the remedy procedure that provides meaning relief to an aggrieved officer, but did not take away an administrator's authority and ability to discipline an officer for violating a policy. Following several serious negotiation sessions, an agreement meeting these criteria was reached. The language (provided later in this article) is a direct result of negotiations between the Florida PBA and **Sheriff John Rutherford of Jacksonville** who, at the time, was the Legislative Director for the Florida Sheriffs' Association. After Sheriff Rutherford reached an agreement with us on the language, he polled the FSA's Legislative Advisory Board and then signed off on behalf of the association to the bills. Things appeared to have worked themselves out, but along came *the rules* outlined above.

First Rule: At the very next committee meeting, Sheriff Rutherford testified that the Florida Sheriffs' Association had agreed to changes in the compromised legislation and that, collectively, the association now supported the bill. However, **Senator Ronda Storms** raised the question that "Her Sheriff" David Gee, who is also the sheriff of Hillsborough County, did not inform her of this change in position. It was our first clue that things were not what they appeared to be. *Maybe hard feelings developed with many of the thinner skinned sheriffs that could never quite be erased with the compromise.*

Second Rule: At the next committee meeting, Sheriff Rutherford was absent, but **FSA Lobbyist Frank Messersmith** testified on the sheriffs' behalf in support of the legislation. Sheriff David Gee had two of his command staff in the audience along with a captain from Orange County, each of whom testified in opposition to the bill throwing Sheriff Rutherford under the bus and lying about our motives for the legislation. We had just been double crossed. Sheriff Rutherford would later resign his position in the association to protest the backstabbing.

Final Rule: The sheriffs, led by David Gee, officially reversed course on their association’s endorsement on the Sunday before the Monday Senate floor vote. They used the standard, “I’m an elected sheriff and if I say it’s no good than it must be no good.” It worked on 14 Senators.

Yeas - 24			Nays - 14			Not Voting - 2		
VA	VO	MEMBER	VA	VO	MEMBER	VA	VO	MEMBER
-	Y	Alexander	-	Y	Fasano	-	Y	Peaden
-	N	Altman	-	N	Gaetz	-	Y	Pruitt
-	Y	Aronberg	-	Y	Garcia	-	Y	Rich
-	-	Atwater	-	Y	Gardiner	-	N	Richter
-	Y	Baker	-	Y	Gelber	-	Y	Ring
-	N	Bennett	-	Y	Haridopolos	-	N	Siplin
-	Y	Bullard	-	EX	Hill	-	Y	Smith
-	N	Constantine	-	N	Jones	-	Y	Sobel
-	Y	Crist	-	Y	Joyner	-	N	Storms
-	N	Dean	-	Y	Justice	-	Y	Villalobos
-	N	Detert	-	Y	King	-	N	Wilson
-	Y	Deutch	-	N	Lawson	-	Y	Wise
-	Y	Diaz de la Portilla	-	Y	Lynn			
-	N	Dockery	-	N	Oelrich			
Presiding: Villalobos			President: Jeff Atwater					
'VA'=Vote After Roll Call			'VO'=Chamber Vote					

In the end, the Senate passed the bill overwhelmingly and the House passed it unanimously. It is now on its way to **Governor Charlie Crist**. We are sure the sheriffs will ask him for a veto and we plan to outline to him our support for this legislation.

New Provisions of the Bill: SB 624 by Senator Mike Fasano and Representative Paige Kreegel will update the types of witness statements the subject officer can review to include new technology like audio recordings, video recordings, and GPS locator information related to the incident under investigation.

The legislation also provides an improved process that a subject officer may use to address an intentional violation of his or her rights by an investigator.

- The new procedure requires the subject officer to notify the investigator of alleged violation.
- If the investigator fails to correct the violation, the subject officer can stop the investigation and request, in writing, that the agency head cure the violation.
- If the agency head does not cure the violation, the officer can request the agency head to empanel a **Compliance Review Panel** to review the alleged violation by the investigator.
- The three-member **Compliance Review Panel** shall then make a determination of whether or not the allegation was an intentional violation.
- A sustained allegation by the panel requires that the agency head then investigate the investigator for an intentional violation of the law.

Nothing changes the outcome of the original investigation of the subject officer. The new procedure only determines whether an intentional violation of the officer’s rights was committed and that it will be investigated.

Special thanks to **Senator Mike Fasano, Representative Paige Kreegel, Representative Will Weatherford, Legislative Aide Greg Giordano and Legislative Aide Zac Burch** for helping us with this legislation.

More on the Bill of Rights Controversy

On the next two pages, we have provided an editorial by the Tampa Tribune that basically outlines the sheriffs' objections to our legislation, along with our response and the response of Senator Mike Fasano. It is typical of this management friendly dimwit of an editor to sully law enforcement officers and parrot the sheriff, so do not think the tone of this missive is due to anything other than a basic disdain for officers in general.

Bill stacks deck in favor of bad cops

The Tampa Tribune

Published: May 4, 2009

When law enforcement agencies can't fire bad cops, it's the public that pays the price.

Arrogant officers can be rude or even abusive with little fear of consequence. Incompetent and lazy officers are free to waste tax dollars while ruining the morale and effectiveness of police and sheriff departments.

But none of that mattered to state lawmakers.

Led by Sen. Mike Fasano of Pasco, they passed a rotten bill that will make it extremely difficult to discipline misbehaving officers.

Supporters were more concerned with pandering to the politically powerful police unions than with safeguarding the public.

This is typical.

Lawmakers frequently attack local governments for overspending, but they eagerly approve union-backed requests, such as pension enhancements, that drive up local taxpayers' costs.

The latest measure amends the "Law Enforcement Officers' Bill of Rights," which already grants officers extraordinary rights.

Thanks to past union lobbying efforts, during disciplinary investigations the accused officer must be informed of all the names of accusers.

The accused must be provided witness statements before being interviewed by internal

affairs, which allows the officer to fashion a response to the accusers.

The new measure requires that officers under investigation be given not just the testimony but also all other evidence, including video and audio recordings, and GPS information prior to the interrogation.

This change was proposed after a Tampa Police Department case in which officers were accused of billing for hours they didn't work.

The department used GPS, surveillance and other methods to track the officers. Three retired; another was fired.

The outcome might have been different had the officers been given plenty of time to review the damaging material before ever being questioned by internal affairs.

As if this change wasn't enough to stack the deck in favor of miscreants, the legislation also gives the accused officer the option of seeking the appointment of a review panel if he thinks investigators have violated his rights.

If criminals were allowed such leniency, few bad guys would go to prison.

And if this measure becomes law, fewer bad cops will be sent packing. The result will be less efficient and responsive law enforcement.

As Tampa Police Chief Stephen Hogue told Tribune reporters: "It's a bad bill. Good cops don't need it and bad cops don't deserve it."

If Gov. Charlie Crist cares about the integrity of law enforcement in Florida, he'll veto this stinker.

In response to the editorial: “Bill stacks deck in favor of bad cops”

As usual, this paper sides with the management version of every argument. It is not surprising, but it would be nice if at least once before you write an opinion that you actually talk to the other side for comment.

First, this bill does not allow a so-called bad officer accused of wrongdoing to get out of trouble. Truth is, bad officers will have less room to contrive a story when the evidence is plain as day. This new legislation will also wind up saving taxpayers money, because it will reduce the time spent on these types of interviews. Basically, show the evidence up front and a bad officer has no room to move. Why waste the time and money playing games? SB 624 has nothing to do with letting guilty officers go free . . . but has everything to do with treating officers fairly. By the way, the Florida Legislature voted overwhelmingly in favor of this thoroughly vetted legislation.

Let's talk about taxpayer waste a little more though. This legislation was actually a compromise agreement reached by Sheriff John Rutherford (on behalf of the the Florida Sheriff's Association) and the Florida Police Benevolent Association. At the time, Sheriff John Rutherford of

Jacksonville was the Legislative Director for the Florida Sheriffs' Association; he has since resigned that position in protest to the dishonorable actions by sheriffs like Hillsborough County Sheriff David Gee. Unfortunately, for the taxpayers of Hillsborough, your sheriff spent taxpayer money lobbying against this measure even after his association agreed to the compromise. He employed two fulltime staff members to work against the interest of the lobbyists he already pays for through the Sheriffs' Association. Talk about a waste of time and money. Worse yet, he led the charge to embarrass the Sheriffs' Association at the end of session by distorting the intent of the compromised legislation, curiously, much like this editorial has done.

He's a major reason why officers need a bill of rights, and we are proud to work for the rank and file officer... even when it's not popular with a management friendly newspaper, or a sheriff with no integrity.

John Rivera
President
Florida Police Benevolent Association

Re: Bill stacks deck in favor of bad cops (May 4, 2009)

Dear Editor:

Your editorial regarding the Police Officers Bill of Rights legislation that I sponsored has got it all wrong. You paint this bill as legislation to “protect bad cops” when it is nothing more than giving all police officers the right to keep up with the advance of technology when they are involved in administrative investigations. The editorial is incorrect in many details, including when a review panel can be appointed. Ultimately that is a decision made by the sheriff or the chief of police, not the officer under investigation.

The greater story, and the untold one in your editorial, is the appalling action taken by the Florida Sheriffs Association as the bill neared passage. The version of SB 624 which passed both the Florida Senate and the Florida House of Representatives was a compromise product that was agreed to by the Florida Sheriff's Association, the Florida Police Chief's Association and Florida Police Benevolent Association.

At the last moment, literally the day before the bill faced final passage out of the Florida Senate, the Florida Sherriff's Association and Florida Police Chiefs Association reneged on their agreement and came out in opposition to the legislation. The Florida Sheriffs Association held an impromptu phone conference right

before the bill passed the Senate and then decided to reverse its previously expressed support of the bill. Ironically the bill was crafted with language that the Association proposed in the first place. The legislative director of the Florida Sheriff's Association, Sheriff John Rutherford of the Jacksonville Sheriff's Office, was intimately involved in the negotiations surrounding this bill. Upon learning that his own association backed out of the agreement it had struck with all parties, this individual of integrity resigned his position with the association. I applaud him for standing up and doing the right thing.

It is my opinion that those sheriffs who withdrew their support, none of whom ever came and expressed their personal objections to me, at the every last moment are the very people from whom the rank and file police officers need to be protected. Not only did the Association send a message that the good men and women on the streets are not worthy of additional protections, the Association sent a message that it can't be trusted to keep its word. This is something that should be remembered come election day.

Yours truly,

Mike Fasano
State Senator, District 11

Sheriffs without Integrity

It has long been the practice of the Florida Police Benevolent Association's lobbying team to work out our differences with our counterparts in the **Florida Sheriffs' Association**, when possible, on legislation important to the profession of law enforcement. However far apart our two associations are on a particular issue, at some point we either agree, or agree to disagree. All that has changed and, trust this, it will be a long time before it gets back to past practice.

There are obvious signs of an internal strain within the Florida Sheriffs' Association. A power grab by the new school versus the old school is happening right before our eyes. It started, unfortunately, with the arrest of their chairman on federal stealing, bribery and wire fraud charges. That setback opened the door to an old school sheriff, **Bill Farmer**, who is perhaps not completely capable of riding herd over the association, or maybe he's just unwilling. Regardless, there is clearly a vacuum at the top of Florida Sheriffs' food chain and the sheriffs in places like Hillsborough and Orange Counties are doing their level best to exploit it for all it is worth.

Sheriff David Gee of Hillsborough County is truly the face of power within the association. Although he feigns to be a behind the scenes man, in reality, he is simply starving to take over the chairmanship. Through distortions and outright backstabbing, he managed to publicly bring the Sheriffs' Association to its knees over the PBA's Bill of Rights Legislation long after it was quite silly, do so.

Sheriff Gee is by no means a new foe to our membership either. We have stood up to his personal brand of intimidation on multiple occasions. One thing we have learned is that there is really nothing all that extraordinary about him, he's just your basic ruthless bully who doesn't care who he takes down on his way up. In this clash, he resorted to sully the reputation of **Sheriff John Rutherford** of Jacksonville. Sheriff Rutherford, in a show of supreme integrity, resigned his position as Legislative Director for the Florida Sheriffs' Association in protest to the actions by Sheriff Gee and others.

Gee took things a step further by using his newly crowned cheerleader **Senator Ronda Storms** to pitch a very public temper tantrum on his behalf during debate over the Bill of Rights on the floor of the Senate. Honestly, there have been worse arguments made in the history of legislative debate, but perhaps this can go down as one of the more shallow speeches given during the modern era. It took the phrase, "We Don't Want It" to another level.

Clearly, this is the beginning of a long fight between the PBA and the leaders of the new school in the Florida Sheriffs' Association. If this year is any indication, integrity is not going to be a characteristic embodied by the new flock.

Double Dipper Legislation Will End the Abuse and Protect Your Pension

Senator Mike Fasano and **Representative Rob Schenck** finally put a stop to the abusers who game Florida's reemployment laws. After Governor Crist signs **HB 479**, the landscape for abuse in the Florida Retirement System will be altered drastically. Contrary to arguments made by the Florida Sheriffs' Association (go figure), this legislation does not throw the baby out with the bath water. Actually, it will provide the kind of reform the Florida PBA has been pushing for since 2005.

Changes to the System:

Under the new law, employees who retire from an FRS employer will be prohibited from reemployment with an FRS employer for a period of six months. After the six month prohibition, the employee may return to FRS employment and receive both a pension payment along with a salary. This removes from current law the suspension of pension benefits and salary payments for reemployed employees for a period of 11 months. However, a FRS retiree who is rehired will not be reenrolled in the Florida Retirement System.

Rumors that Need Clarifying:

- Nothing in this legislation will prevent a retiree from seeking elected office.
- Nothing in this legislation will prevent a retiree from seeking reemployment. It only extends the period you must stay out of FRS employment for five additional months. Current law prohibits a retiree's reemployment for a period of 30 days, followed by a suspension of pension benefits for 11 additional months.
- The prohibition on reenrollment into the FRS does not prevent a reemployed retiree from increasing the years of service towards the Health Insurance Subsidy. Current law provides a retiree health insurance subsidy of \$5 per year of service for up to 30 years.
- A member of the defined contribution system will also not be penalized under this legislation if he or she leaves the money in the state system when transferring in or out of FRS employment. Example: A state law enforcement officer enrolled in the defined contribution plan may leave FRS employment for any period of time and then return to a FRS employer later in the officer's career without being considered officially retired from FRS as long as the officer does not roll the money out of the state system. However, the officer will be considered retired under the new law if he or she rolls the money out at anytime. If that occurs, the officer will not be permitted to reenroll in the FRS.

This legislation is long overdue. Sheriffs, State Attorneys and University Presidents have created a racket out of "gaming the system." These hi-jinks have placed your pension in jeopardy. The PBA has been an active supporter of reform to prevent a collapse of the FRS. These reasonable changes should stop the abuse and get the system out of the headlines.

Changes to Municipal Pensions for Police and Firefighters

SB 538 by **Senator Carey Baker** and **Representative Ed Hooper** provides some much needed reform to municipal pension plans. The reform effort was led by the **Florida Professional Firefighters** with assistance from the **Division of Retirement, PBA** and **FOP**. Here are the changes pertaining to municipal police:

Revises definitions for purposes of determining prior service credit to include credit for past federal, state and other county service as long as the service is recognized by the Criminal Justice Standards & Training Commission.

Authorizes terms of office for boards of trustees of pension & retirement trust funds to be revised under certain circumstances to extend from two to four year terms.

Increases to 25 percent of trust fund assets that board of trustees may invest in foreign securities.

Authorizes retirees to change designation of joint annuitant or beneficiary up to two times without approval of board or prior joint annuitant or beneficiary.

Revises fund distribution procedures with respect to plan termination. This section will allow retirees to receive the assets from a terminated plan without having to sue the municipality.

Despite being a cleanup bill, the Florida League of Cities along with Senator Mike Bennett, took it as an opportunity to rewrite how a city can use premium taxes to pay for local police and firefighter benefits. Many of you will remember, this issue was the first bill former **Governor Jeb Bush** signed into law. The League has been trying its best to change course and go back to the days when this money was used as a slush fund instead for its intended purpose. In the end, they failed miserably.

Disputed Workers' Comp Bill Passes

By BRENT KALLESTAD
THE ASSOCIATED PRESS

Published: Friday, May 1, 2009 at 12:01 a.m.

TALLAHASSEE | A bill that would negate a Florida Supreme Court ruling and restore a cap on attorneys' fees in workers' compensation cases is headed for the desk of Gov. Charlie Crist after being passed Friday by the Senate.

The bill (HB 903) passed on a 22-16 vote, effectively trumping the high court's decision in October that struck down the cap on lawyer fees.

The justices ruled attorneys should be paid reasonably for representing injured workers

The Supreme Court decision was in the case of a nurse who was injured lifting a patient at a nursing home.

Her lawyer helped her win \$3,344 in lost wages and medical expenses after her initial claim was denied.

The law, though, limited his fee to about \$8 an hour, while the insurance company's lawyers were paid about \$150 an hour.

The new legislation passed Friday was hailed by business groups who said it saves small business owners from higher workers' compensation rates.

Trial lawyers, however, argued the bill prevents injured workers from having the representation needed to fight insurers that refuse to pay doctor bills.

"This version of the bill is greatly unfair to Florida's injured workers and first responders," said Florida Justice Association spokeswoman Jacqui Sisto, adding the constitutionality of the measure would likely be challenged again.

But a business group director disputed that.

"Without this legislation and without the fee schedule, small business owners would have been paying hundreds of millions of dollars in workers' compensation insurance," said Bill Herrle, executive director of the National Federal of Independent Business/Florida.

"The savings can be invested where they belong, back into the economy - not in the hands of insurance companies."

Insurance Commissioner Kevin McCarty signed off on a 6.4 percent increase on workers' compensation rates in January that took effect April 1, which was estimated to cost Florida business owners \$170 million.



PBA Lobbyists Don Teems testifies against the cap to attorney fees in the Workers' Compensation Legislation.

PBA requests Governor Crist veto this unfair Legislation.

(See next page for Press Release)

PBA SEEKS VETO OF HOUSE BILL 903 (FLORES) WHICH ADVERSELY IMPACTS MEMBERS RIGHTS TO WORKERS COMPENSATION BENEFITS

The PBA has been outspoken and consistent in opposing **HB 903** through the course of this legislative session. In an unfortunate last minute procedural maneuver, the Bill passed through the Senate and is now on the way to the Governor for signature. Since the opportunity for reasonable compromise is now behind us, we are asking Governor Crist to veto this unfair and unconstitutional legislation.

Throughout the course of the session the Legislature has been misinformed about the need to control and bring down insurance rates. In reality workers' compensation rates are down nearly 60% since 2003 and there is no pressing need for additional reform. Not only is this measure unnecessary, in addition to being unfair and unconstitutional, but it will have a sweeping negative impact on PBA members who are injured or killed in the line of duty. As a consequence, we must continue our fight to derail this Bill.

HB 903 is unfair and unconstitutional for the following reasons:

1. It perpetuates an unconstitutional impairment of the rights of individual PBA members, who are injured in the line of duty, to contract with attorneys ;
2. It perpetuates an unconstitutional impairment of the rights of the PBA as an organization to hire attorneys to represent members injured in the line of duty;
3. It blocks access to courts for PBA members injured in the line of duty by arbitrarily and unreasonably restricting payment of attorneys' fees when workers' compensation benefits are wrongfully denied;
4. It creates an uneven playing field by allowing insurance companies freedom to spend any amount defending a wrongfully denied claim while severely limiting the amount of fees an injured PBA member can recover;
5. It encourages bad claims handling practices by eliminating penalties for same and will result in claims being unfairly and unreasonably denied;
6. It perpetuates an inherently flawed rate making process that essentially allows insurance companies to pass on attorneys' fees in wrongfully denied claims to Florida employers.

Law enforcement professionals must constantly deal with dangerous and potentially life threatening work conditions. They should not be forced to navigate a one sided and clearly unfair workers' compensation system when they are injured in the line of duty. Since HB 903 will result in both an unfair and unconstitutional system, the PBA is asking Governor Crist to veto this Bill.

Please contact Governor Crist and join us in voicing opposition to this legislation.



Senator Mike Fasano defending the Bill of Rights on the Senate Floor. The bill passed 24-14.



Representative Paige Kreegel and the Florida PBA celebrating the passage of the Bill of Rights (116 – 0) on the House Floor.



Appropriations Chairman Representative Marcello Llorente talks about the salary reduction with State Chapter Presidents.



Senator Charlie Justice (right) is lobbied, one last time, by PBA lobbyists Gary Bradford and David Murrell prior to the Senate floor vote on the Bill of Rights.



PBA lines the hall to the Senate chamber to catch every Senator before the vote on the Bill of Rights.



Senator Mike Fasano (center) with the PBA following final passage of the Bill of Rights.