

# From Your Deputy Executive Director



*Matt  
Puckett*

## A Challenging Session

The 2009 Legislative Session is over. Legislators worked an extra week to reach an agreement on the budget for the 2009-2010 Fiscal Year, but considering the challenges they faced in crafting a balanced budget, it is a welcomed feat that they were able to finish during the month of May. Aside from dealing with the budget crisis, this Legislature will be remembered for passing the least amount of bills in the modern era. To claim credit for passing any kind of legislation this year was in and of itself a major accomplishment.

Fortunately, legislation sponsored by the Florida PBA made it through the system this year. We were able to pass reforms to the Law Enforcement Officers Bill of Rights, Local Pensions and the Florida Retirement System. However, we did not succeed in extending the DROP, or creating a trust fund to provide salary enhancements for state law enforcement, correctional and correctional probation officers. Worse, the Legislature signed off on salary reduction to salary employees earning \$45,000 or more a year.

However, **Governor Charlie Crist**, citing it as an unprudent act against hardworking state employees, vetoed the pay reduction to state employees.

Governor Crist exercised his line item veto authority to reverse the pay cuts to state employees. The Governor sided with the appeals from the PBA and others by striking the salary reductions which unjustifiably targeted state employees who earned over \$45,000 a year and who did not work for the state university system. Once again, the Governor demonstrated his belief in protecting the people by removing another bad policy that balanced the budget on the backs of state employees (many of you will remember the Governor vetoed position reductions that targeted 117 Correctional Probation Officers following the January Special Session).

We are grateful to have such a strong friend of law enforcement like Governor Charlie Crist. **PBA President John Rivera** and **Executive Director David Murrell** each made a case to veto the cuts to the Governor and he assured them he would do what he could to make it right. As we like to say around the PBA, the Governor "Gets It." If you are reading this and you do not understand what the "It" is... well, that's because you're someone who "Doesn't Get It."

A list of PBA Legislative Accomplishment from 2009:

### **SB 624 – 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 updates the types



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

of witness statements available to an officer who is the subject of an internal affairs investigation and provides a meaningful remedy to blatant violations to the subject officer's rights.

From our perspective, the updates to technology are 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.

**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. If the agency investigation sustains the allegation, the sustained allegation will be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position.

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. Effective date: July 1, 2009.

**Editor's Note:** See editorials for and against legislation on page 14.

### **HB 479 – 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.



*Representative Rob Schenck with PBA folks.*

Under the new law, employees who retire from an FRS employer after July 1, 2010 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

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



*Representative Paige Kreegel and PBA Executive Director David Murrell testifying in favor of the LEO Bill of Rights.*



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

**NOTE: The Florida Police Benevolent Association has its Official Florida Police Benevolent Association Facebook Group. The group is our attempt to diversify how we communicate with our membership, potential members and the public. If you are a member of Facebook please stop by and check us out at:**

[www.facebook.com](http://www.facebook.com)

**facebook**

*A teenager was always asking his father if he could borrow the family car.*

*Pushed to the limit, the father asked his son why he thought God Almighty had given him two feet.*

*Without hesitation, the son replied, "That's easy. One's for the brake and one's for the accelerator!"*