

Tab 1	SB 170 by Stewart (CO-INTRODUCERS) Perry; (Similar to H 00069) Time Limitation on the Prosecution of Sexual Battery Cases						
457266	A	S	RCS	CJ, Stewart	Delete L.32 - 33:	10/22	10:43 AM

Tab 2	SB 194 by Taddeo; Correctional Education Program						
355272	A	S	WD	CJ, Taddeo	Delete L.24 - 25:	10/22	09:40 AM
541310	D	S L	RCS	CJ, Taddeo	Delete everything after	10/22	10:43 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Perry, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, October 22, 2019
TIME: 9:00—10:30 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Perry, Chair; Senator Brandes, Vice Chair; Senators Bracy, Flores, and Pizzo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 170 Stewart (Similar H 69, H 199)	Time Limitation on the Prosecution of Sexual Battery Cases; Providing that a prosecution may be commenced at any time for specified sexual battery offenses against victims who were younger than a certain age at the time the offense was committed, etc. CJ 10/22/2019 Fav/CS ACJ AP	Fav/CS Yeas 5 Nays 0
2	SB 194 Taddeo	Correctional Education Program; Requiring the Correctional Education Program under the Department of Corrections to develop and implement a plan to provide classes and work programs that assist inmates in preparing for licensure to practice a profession regulated by the Department of Business and Professional Regulation; requiring that the plan ensure that inmates receive credits or licenses, as applicable, etc. CJ 10/22/2019 Fav/CS ACJ AP	Fav/CS Yeas 5 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 170

INTRODUCER: Criminal Justice Committee and Senators Stewart and Perry

SUBJECT: Time Limitation on the Prosecution of Sexual Battery Cases

DATE: October 22, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 170 provides that there is no time limitation for prosecuting sexual battery, contrary to s. 794.011, F.S., when the victim is younger than 18 years of age at the time of the offense, and the offense was committed on or after July 1, 2020. This bill creates a new exception to the general time limitation proscribed in s. 775.15, F.S.

Section 775.15, F.S., sets forth time limitations for the prosecution of crime. Prosecution is barred if it is not commenced within the time limitations provided in s. 775.15, F.S. The general time limitations for the prosecution of offenses are based upon the degree of offense. This section also provides exceptions to the general time limitations. There are multiple exceptions that apply to violations of s. 794.011, F.S.

This bill is effective July 1, 2020.

II. Present Situation:

Statute of Limitations

Historical Perspective

At common law, there was no time limitation under which a criminal charge was barred from prosecution. Time limitations for criminal prosecutions exist only as a creation of statute and are considered to be acts of grace by the State.¹

In *State v. Hickman*, the court stated:

The only purpose of a Statute limiting the time within which a criminal charge may be prosecuted is to protect every person from being interminably under the threat or cloud of possible criminal prosecution, which otherwise might be indefinitely delayed until the time when defense witnesses might die, disappear or otherwise become unavailable, judges would change office, or innumerable other time hazards might develop, which could conceivably defeat, or at least hamper, an otherwise good defense.²

Since the creation of statutes of limitation, courts have held that:

- Generally, the statute of limitation that was in effect when a crime was committed controls.³
- Statutes of limitation in criminal cases should be construed liberally in favor of the defendant.⁴
- The Legislature may apply time limitations retroactively without violating the ex post facto clause of the State Constitution⁵ if the Legislature makes the change before the prosecution is barred under the old statute and clearly demonstrates that the new statute applies to cases pending when the extension takes effect.⁶
- Courts have recently upheld extensions of time limitations for sexual battery when the amendment takes effect before the case was procedurally barred.⁷

¹ *State v. Hickman*, 189 So. 2d 254, 261-62 (Fla. 2d DCA 1966).

² *Id.*

³ *Beyer v. State*, 76 So.3d 1132, 1134 (Fla. 4th DCA 2012).

⁴ *Id.*

⁵ FLA. CONST. art. I, s. 10.

⁶ *Schargschwerdt v. Kanerek*, 553 So.2d 218, 220 (Fla. 4th DCA 1989), citing *Andrews v. State*, 392 So.2d 270 (Fla. 2d DCA 1980), rev. denied, 399 So.2d 114 (Fla. 1981); See also *United States v. Richardson*, 512 F. 2d 105, 106 (3rd Cir. 1975); *Smith v. State*, 213 So.3d 722, 1740 (Fla. 2017).

⁷ *Brown v. State*, 179 So. 3d 466, 468 (Fla. 4th DCA 2015) (The court affirmed the conviction for one count of sexual battery on a victim less than 16 years of age. The abuse occurred between May 1997 and July 1998. The abuse was reported November 15, 1999. The State brought charges against the defendant in 2011. The Statute of limitation in effect at the time of the offense would have barred prosecution in November 2003; however, the Legislature amended the statute of limitations in October 2003 to provide no time limitation for the offense for which the defendant was charged. Because the case was not barred at the time the amended statute of limitations went into effect, the court held that the statute of limitation was properly extended and did not violate the ex post facto clause).

Existing Provisions

Section 775.15, F.S., sets forth time limitations, also referred to as statutes of limitation, for the prosecution of crime. Prosecution is barred if it is not commenced within the time limitations provided in this section. The time limitation for prosecuting a criminal case begins to run on the day after the offense is committed, unless otherwise stated. An offense is deemed to have been committed when either every element of the offense has occurred or, if it plainly appears that the legislative purpose is to prohibit a continuing course of conduct, at the time when the course of conduct or the defendant's complicity therein is terminated.⁸

In part, s. 775.15, F.S., provides time limitations for initiating a criminal prosecution for a felony offense. The general provisions provide that there is:

- No time limitation for prosecuting a capital felony, a life felony, a felony resulting in death.⁹
- A 4-year time limitation for prosecuting a first degree felony.¹⁰
- A 3-year time limitation for prosecuting a second or third degree felony.¹¹

However, a number of exceptions to the time limitation provisions mentioned above exist. Many of these exceptions are specific to certain offenses or types of victims. Many of these exceptions apply to sexual battery, contrary to s. 794.011, F.S. These exceptions include:

- No time limitation for prosecuting:
 - A first or second degree felony sexual battery when the victim is under 18 years of age and he or she reports the crime to law enforcement within 72 hours provided the offense was not barred from prosecution on or before December 31, 1984;¹²
 - A first degree felony sexual battery when the victim is younger than 18 years of age provided the offense was not barred from prosecution on or before October 1, 2003;¹³
 - Any felony sexual battery when the victim is younger than 16 years of age provided the offense was not barred from prosecution on or before July 1, 2010;¹⁴
 - A first or second degree felony sexual battery when the victim is 16 years of age or older and reports the crime to law enforcement within 72 hours;¹⁵
- There is an eight-year time limitation on prosecuting a first or second degree felony sexual battery when the victim is 16 years of age or older at the time of the offense provided the offense was not barred from prosecution on or before July 1, 2015, except for:
 - A first or second degree felony sexual battery when the victim is 16 years of age or older and reports the crime to law enforcement within 72 hours; or
 - A first degree felony sexual battery when the victim is younger than 18 years of age provided the offense was not barred from prosecution on or before October 1, 2003.¹⁶

⁸ Section 775.15(3), F.S.

⁹ Section 775.15(1), F.S.

¹⁰ Section 775.15(2)(a), F.S. A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹¹ Section 775.15(2)(b), F.S. A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine and a third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹² Section 775.15(13)(a), F.S.

¹³ Section 775.15(13)(b), F.S.

¹⁴ Section 775.15(13)(c), F.S.

¹⁵ Section 775.15(14)(a), F.S.

¹⁶ Section 775.15(14)(b), F.S.

In addition to the time periods prescribed in this section, the prosecution for specific enumerated offenses,¹⁷ including sexual battery, may be prosecuted at any time after the date on which the offender's identity is established, or should have been established through the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence collected at the time of the original investigation. The DNA sample for these prosecutions must be available for testing by the accused.¹⁸

Another exception provides that the applicable period of limitation does not begin to run until the victim of a sexual battery or other specified offense reaches the age of 18 years or the violation is reported to a law enforcement or governmental agency, whichever occurs first. This provision only applies to a victim who was younger than 18 years of age at the time of the offense.¹⁹

III. Effect of Proposed Changes:

The bill provides that there is no time limitation for prosecuting offenses of sexual battery, contrary to s. 794.011, F.S., when the victim is younger than 18 years of age and the offense was committed on or after July 1, 2020. This creates a new exception to the general time limitations proscribed in s. 775.15, F.S.

This change is not retroactive and applies only to crimes committed on or after July 1, 2020.

The bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

It is possible that the requirements of the bill related to time limitations may result in local fund expenditures for housing offenders in county jail, or investigating future offenses that otherwise would have been barred from prosecution. However, because any such local funding resulting from the requirements of the bill will directly relate to the defense and prosecution of criminal offenses, under Article VII, subsection 18(d) of the Florida Constitution, it appears there is no unfunded mandate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ Section 775.15(16)(a), F.S., applies these provisions to the following offenses: aggravated battery or any felony battery offense under ch. 784, F.S.; kidnapping offenses under s. 787.01, F.S., or false imprisonment offenses under s. 787.02, F.S.; sexual battery offenses under ch. 794, F.S.; lewd or lascivious offenses under s. 800.04, F.S., s. 825.1025, F.S., or s. 847.0135(5), F.S.; burglary offenses under s. 810.02, F.S.; robbery offenses under s. 812.13, F.S., s. 812.131, F.S., or s. 812.135, F.S.; carjacking offenses under s. 812.133, F.S.; or aggravated child abuse under s. 827.03, F.S.

¹⁸ Section 775.15(16)(a), F.S.

¹⁹ Section 775.15(13)(a), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference has not heard the bill at this time. However, the bill creates a new exception to the time limitations for prosecuting sexual battery offenses against specified victims. The Department of Corrections may see a positive indeterminate prison bed impact for crimes committed on or after July 1, 2020, that would no longer have a time limitation for prosecution.

Additionally, the bill may result in a positive indeterminate fiscal impact to the courts, State Attorneys, and Public Defenders due to removing the time limitations for crimes committed on or after July 1, 2020.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 775.15 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on October 22, 2019:

The committee substitute ensures that the proposed time limitations will not be applied retroactively and will only apply to crimes committed on or after July 1, 2020.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



457266

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/22/2019	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Stewart) recommended the following:

Senate Amendment

Delete lines 32 - 33
and insert:
to an offense that is committed on or after July 1, 2020.

By Senator Stewart

13-00034-20

2020170__

1 A bill to be entitled
 2 An act relating to the time limitation on the
 3 prosecution of sexual battery cases; amending s.
 4 775.15, F.S.; providing that a prosecution may be
 5 commenced at any time for specified sexual battery
 6 offenses against victims who were younger than a
 7 certain age at the time the offense was committed;
 8 providing applicability; providing an effective date.
 9

10 Be It Enacted by the Legislature of the State of Florida:
 11

12 Section 1. Subsection (20) is added to section 775.15,
 13 Florida Statutes, and subsection (2) of that section is
 14 republished, to read:

15 775.15 Time limitations; general time limitations;
 16 exceptions.—

17 (2) Except as otherwise provided in this section,
 18 prosecutions for other offenses are subject to the following
 19 periods of limitation:

20 (a) A prosecution for a felony of the first degree must be
 21 commenced within 4 years after it is committed.

22 (b) A prosecution for any other felony must be commenced
 23 within 3 years after it is committed.

24 (c) A prosecution for a misdemeanor of the first degree
 25 must be commenced within 2 years after it is committed.

26 (d) A prosecution for a misdemeanor of the second degree or
 27 a noncriminal violation must be commenced within 1 year after it
 28 is committed.

29 (20) If a victim was younger than 18 years of age at the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

13-00034-20

2020170__

30 time the offense was committed, a prosecution for a violation of
 31 s. 794.011 may be commenced at any time. This subsection applies
 32 to an offense that is not otherwise barred from prosecution on
 33 or before July 1, 2020.

34 Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10-22-19

Meeting Date

170

Bill Number (if applicable)

Topic Statute of Limitations / Domestic Violence

Amendment Barcode (if applicable)

Name Barbara DeRose

Job Title MS

Address 625 E Brewster St

Phone 257-4280

Street

Tallahassee

City

State

Zip

Email barbaraderose1@johnd

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL NOW

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10.22.19

Meeting Date

170

Bill Number (if applicable)

Topic Prosecution of Sexual Battery Cases

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10-22-19
Meeting Date

DB 170
Bill Number (if applicable)

Topic SEX BATTERY TIME LIMITATIONS

Amendment Barcode (if applicable)

Name BILL CERVORE

Job Title STATE ATTY - 8 CIR

Address 120 W UNIVERSITY AVE

Phone 352-314-2886

Street

Gainesville FL 32601

Email cervorew@x08.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA PROSECUTING ATTORNEYS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/2019

Meeting Date

SB 170

Bill Number (if applicable)

Topic Criminal statute of limitations for sexually violent offenses

Amendment Barcode (if applicable)

Name Rena Romano

Job Title Speaking Coach

Address Rena Romano AND Associates, LLC, PO Box 271127

Phone (813) 614-3720

Street

Tampa

FL

33688

Email rena@renaromano.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing N/A

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/2019

Meeting Date

SB 170

Bill Number (if applicable)

Topic Criminal statute of limitations for sexually violent offenses

Amendment Barcode (if applicable)

Name Camille Cooper

Job Title Vice President, Public Policy

Address 1220 L St. NW, Suite 500

Phone 202-516-7657

Street

Washington DC

DC

20005

Email camillec@rainn.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Rape, Abuse & Incest National Network (RAINN)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/2019

SB 170

Meeting Date

Bill Number (if applicable)

Topic Criminal statute of limitations for sexually violent offenses

Amendment Barcode (if applicable)

Name Danielle Sullivan

Job Title Sexual assault survivor

Address 687 Mourning Dove Circle

Phone 407-340-5104

Street

Lake Mary

FL

32746

Email dnllsllvn@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing N/A

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 194

INTRODUCER: Criminal Justice Committee and Senator Taddeo

SUBJECT: Correctional Education Program

DATE: October 22, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wagoner	Jones	CJ	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 194 requires the Correctional Education Program (CEP) under the Department of Corrections (DOC) to develop and implement a plan, in coordination with the Department of Business and Professional Regulation (DBPR) or the applicable board, to ensure that inmates who take classes which meet the necessary curriculum requirements for a profession regulated by the DBPR or the applicable board receive credit towards licensure requirements for the successful completion of those classes.

The bill is effective July 1, 2020.

II. Present Situation:

Programming Offered to Inmates in the Custody of the DOC

Programming; Overview

Chapter 944, F.S., requires the DOC to provide a variety of services and programming to inmates committed to the custody of the DOC, including:

- Substance abuse treatment programs;¹

¹ Section 944.473(2), F.S., requires each inmate to be assessed to determine if he or she qualifies to receive mandated substance-abuse treatment while incarcerated. The DOC provides four levels of inmate substance abuse programming, including intensive outpatient, residential therapeutic community, program centers, and work release centers. In FY 2017-18, a total of 10,844 inmates participated in some form of substance abuse treatment. See The DOC, Annual Report Fiscal Year

- Transitional services;²
- Educational and vocational programs;³
- Entrepreneurship education services;⁴ and
- Faith- and character-based programs.⁵

Career and technical education programs vary by facility. These programs include, but are not limited to, cosmetology, culinary arts, electricity, landscaping, plumbing technology, cabinetmaking, and air conditioning, refrigeration, and heating technology.⁶

These services and programs provide inmates with skills and tools to assist with an inmate's successful transition into the community upon release. These services are not offered at all prisons, therefore, services that an inmate needs to best provide rehabilitative programming are paramount to placement decisions.⁷

Education for State Prisoners

Section 944.801(1), F.S., establishes the CEP under the DOC, which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC. The duties of the CEP, in part, include:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to the classification staff of the DOC.⁸
- Approving educational programs of the appropriate levels and types in the correctional institutions and developing procedures for the admission of inmate students into such programs.⁹
- Entering into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out the CEP duties.¹⁰

2017-18, p. 45, available at http://www.dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf (last visited October 14, 2019) (hereinafter cited as "Annual Report").

² Sections 944.701-944.708, F.S.

³ Section 944.801, F.S. In FY 2017-18, the DOC had 16,630 inmates participating in academic educational programs and 6,328 in career and technical programs. Annual Report, at p. 33.

⁴ Section 944.801(5), F.S., authorizes the CEP to develop a Prison Entrepreneurship Program (PEP). The PEP must include at least 180 days of in-prison education with curriculum that includes a component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and post-release continuing education services. Transitional and postrelease continuing educational services may be offered to graduate student inmates on a voluntary basis and are not a requirement for completion of the program.

⁵ Section 944.803, F.S., encourages the DOC to operate faith- and character-based facilities, which emphasize the importance of personal responsibility, meaningful work, education, substance abuse treatment, and peer support.

⁶ See Annual Report, at pp. 38-40, for a comprehensive list of programs by institution.

⁷ Annual Report, at p. 33.

⁸ Section 944.801(3)(a), F.S., also provides that the information collected must include the inmate's areas of educational or vocational interest, vocational skills, and level of education.

⁹ Section 944.801(3)(d), F.S.

¹⁰ Section 944.801(3)(e), F.S.

- Ensuring that such local agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education (DOE) standards.¹¹
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses.¹²

Reentry and Transitional Services

The DOC is required to provide a wide range of transitional services. These services are offered in areas such as employment, life skills training, and job placement. These services are provided for the purpose of increasing the likelihood of the inmate's successful reentry into society, thereby reducing recidivism.¹³

Section 944.704, F.S., requires the DOC to provide a transition assistance specialist at each of its major prison institutions to assist an inmate with specified assistance, including, in part, obtaining job placement information, such as job assignment credentialing or industry certifications for which the inmate is eligible.¹⁴ Section 944.705(5), F.S., requires the DOC to conduct a needs assessment of every inmate to determine what services are needed upon release.

Section 944.705, F.S., requires the DOC to establish a standard release orientation program available to every eligible inmate.¹⁵ Release orientation must include instruction addressing:

- Employment skills;
- Money management skills;
- Personal development and planning;
- Special needs;
- Community reentry concerns;
- Community reentry support; and
- Any other appropriate instruction to ensure the inmate's successful reentry into the community.¹⁶

To provide these services, the DOC may contract with outside public or private entities, including faith-based service groups and educational institutions.¹⁷ The DOC may contract with

¹¹ *Id.*

¹² Section 944.801(3)(g), F.S.

¹³ *See* ss. 944.701-708, F.S.

¹⁴ Section 944.704, F.S., further provides that correctional officers and correctional probation officers are prohibited from serving in the role of the transition assistance specialist.

¹⁵ Sections 944.703 and 944.7031, F.S., provide that all inmates released from the custody of the DOC or private correctional facilities are eligible to receive transition services. However, the DOC is instructed to give priority for these services to substance-addicted inmates. Additionally, inmates released from private correctional facilities should be informed of and provided with the same level of transition assistance services as provided by the DOC for an inmate in a state correctional facility.

¹⁶ Section 944.705(2), F.S.

¹⁷ Section 944.705(6) and (10), F.S.

public or private entities to establish transitional employment programs that provide employment opportunities for released inmates.¹⁸

Occupational Licensing

Licensure, Generally

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.¹⁹ The DBPR has twelve divisions that are tasked with the licensure and general regulation of several professions and businesses in Florida.²⁰ Fifteen boards²¹ and programs exist within the Division of Professions,²² two boards exist within the Division of Real Estate,²³ and one board exists in the Division of Certified Public Accounting.²⁴

The DBPR may regulate professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”²⁵ The DBPR or any board is prohibited from creating a regulation that has an unreasonable effect on job creation or job retention, or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.²⁶

Sections 455.203 and 455.213, F.S., establish the DBPR’s general licensing authority, including its authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.²⁷ When a person is authorized to engage in a profession or occupation in Florida regulated by the DBPR, the DBPR issues a “permit, registration, certificate, or license” to the licensee.²⁸ If any person is engaged in

¹⁸ Section 944.705(11), F.S.

¹⁹ See ss. 455.01(6) and 455.203, F.S.

²⁰ See s. 20.165, F.S., creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.

²¹ Section 455.01(1), F.S., defines “board” to mean any board or commission, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the DBPR, including the Florida Real Estate Commission. However, for purposes of ss. 455.201-455.245, F.S., “board” means only a board, or other statutorily created entity to the extent such entity is authorized to exercise regulatory or rulemaking functions, within the Division of Certified Public Accounting, the Division of Professions, or the Division of Real Estate.

²² See s. 20.165(4)(a), F.S., for the establishment of specified boards and programs, which are noted with the implementing statutes.

²³ See s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.

²⁴ See s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

²⁵ Section 455.201(2), F.S. Regulation is required when the potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result; the public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and less restrictive means of regulation are not available.

²⁶ Section 455.201(4)(b), F.S.

²⁷ Section 455.219(1), F.S.

²⁸ Section 455.01(4) and (5), F.S.

the unlicensed practice of a profession regulated by the DBPR, the DBPR may issue a cease and desist notice, as well as seek an issuance of an injunction, administrative fines, and citations.²⁹

Denial of Licensure and Criminal History

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.³⁰

Further, the DBPR or a pertinent regulatory board is authorized to deny an application for licensure based on the grounds set forth in s. 455.227(1), F.S., or in the profession's practice act,³¹ including denying a licensure application for any person who was:

. . . convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.³²

Chapter 2019-167, ss. 17 and 20, L.O.F., modified s. 455.213(3), F.S., to provide that a conviction, or any other adjudication, for a crime more than 5 years before the date an application for licensure is received by the applicable board may not be used as grounds for denial of licensure for the following professions:

- A barber under ch. 476, F.S.;
- A cosmetologist or cosmetology specialist under ch. 477, F.S.;
- Any of the construction professions under ch. 489, F.S.;³³ or
- Any other profession for which the DBPR issues a license, provided the profession is offered to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.

²⁹ Section 455.228(1), F.S.

³⁰ Section 112.011(1)(b) and (c), F.S. *See also*, e.g., *State ex rel. Sbordy v. Rowlett*, 138 Fla. 330 (1939), holding that “the preservation of the public health is one of the duties of sovereignty and in a conflict between the right of a citizen to follow a profession and the right of a sovereignty to guard the health and welfare, it logically follows that the rights of the citizen to pursue his profession must yield to the power of the State to prescribe such restrictions and regulations as shall fully protect the people from ignorance, incapacity, deception, and fraud.” Additionally, notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.

³¹ Section 455.227(2), F.S.

³² Section 455.227(1)(c), F.S.

³³ Section 455.213(3)(a)3., F.S., lists construction professions under ch. 489, F.S.: air-conditioning contractor; electrical contractor; plumbing contractor; pollutant storage systems contractor; roofing contractor; sheet metal contractor; solar contractor; swimming pool and spa contractor; underground utility and excavation contractor; or other specialty contractors.

The applicable board may consider the criminal history of an applicant for licensure of any of the construction professions under ch. 489, F.S, if such criminal history has been found to relate to good moral character.³⁴

In addition, s. 455.213(3), F.S., provides that a person may apply for a license before his or her lawful release from confinement or supervision. The DBPR may not charge an additional fee for being confined or under supervision. The applicable board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision. The DOC and the pertinent regulatory board must make accommodations, such as allowing an applicant to appear by teleconference, to facilitate the appearance of an applicant at a board meeting or agency hearing concerning his or her application.

III. Effect of Proposed Changes:

The bill amends s. 944.801, F.S., requiring the CEP under the DOC to develop and implement a plan, in coordination with the DBPR or the applicable board, to ensure that inmates who take classes which meet the necessary curriculum requirements for a profession regulated by the DPBR or the applicable board receive credit towards licensure requirements for the successful completion of those courses.

The bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

³⁴ Section 455.213(3)(b)2., F.S. Section 489.511, F.S., provides certification requirements for electrical or alarm system contracting, and defines "good moral character" as "a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation."

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOC has not yet updated the Agency Legislative Bill Analysis. However, because the bill does not expand classes or work programs managed by the DOC, the fiscal impact is expected to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 944.801 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on October 22, 2019:

The committee substitute requires the CEP under the DOC to develop and implement a plan, in coordination with the DBPR or the applicable board, to ensure that inmates who take classes which meet the necessary curriculum requirements for a profession regulated by the DPBR or the applicable board receive credit towards licensure requirements for the successful completion of those courses.

B. Amendments:

None.



355272

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
10/22/2019	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Taddeo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 25
and insert:
receive credit for successful completion. The department shall coordinate with the applicable board or the Department of Business and Professional Regulation to ensure the classes and work programs satisfy the relevant licensure requirements as determined by other applicable law.

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355272

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete lines 9 - 10

14 and insert:

15 requiring the Correctional Education Program under the
16 department to coordinate with the applicable boards or
17 Department of Business and Professional Regulation to
18 ensure certain requirements are met; providing an



541310

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/22/2019	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Taddeo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (m) is added to subsection (3) of
section 944.801, Florida Statutes, to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education
Program shall be to:

(m) Develop and implement a plan, in coordination with the



541310

11 Department of Business and Professional Regulation or the
12 applicable board, to ensure that inmates at an institution who
13 take classes which meet the necessary curriculum requirements as
14 determined by applicable law for a profession regulated by the
15 Department of Business and Professional Regulation or the
16 applicable board will receive credit towards licensure
17 requirements for the successful completion of those classes.

18 Section 2. This act shall take effect July 1, 2020.

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22 and insert:

23 A bill to be entitled

24 An act relating to Correctional Education Program;
25 amending 944.801, F.S.; requiring the Correctional
26 Education Program under the Department of Corrections
27 to develop and implement a plan, in coordination with
28 the Department of Business and Professional Regulation
29 or the applicable board, to ensure an inmate receives
30 credit for towards licensure if certain criteria is
31 met; providing an effective date.

By Senator Taddeo

40-00289A-20

2020194__

1 A bill to be entitled
2 An act relating to the Correctional Education Program;
3 amending s. 944.801, F.S.; requiring the Correctional
4 Education Program under the Department of Corrections
5 to develop and implement a plan to provide classes and
6 work programs that assist inmates in preparing for
7 licensure to practice a profession regulated by the
8 Department of Business and Professional Regulation;
9 requiring that the plan ensure that inmates receive
10 credits or licenses, as applicable; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (m) is added to subsection (3) of
16 section 944.801, Florida Statutes, to read:

17 944.801 Education for state prisoners.—

18 (3) The responsibilities of the Correctional Education
19 Program shall be to:

20 (m) Develop and implement a plan to provide classes and
21 work programs that assist inmates in preparing for licensure to
22 practice a profession regulated by the Department of Business
23 and Professional Regulation. The plan must ensure that inmates
24 receive credit for successful completion of classes or, if all
25 requirements are met, a license.

26 Section 2. This act shall take effect July 1, 2020.



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Corrections

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 194
BILL TITLE:	Correctional Education Program
BILL SPONSOR:	Senator Taddeo
EFFECTIVE DATE:	July 1, 2020

<u>COMMITTEES OF REFERENCE</u>
1) Criminal Justice
2) Appropriations Subcommittee on Criminal and Civil Justice
3) Appropriations
4)
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>

<u>SIMILAR BILLS</u>	
BILL NUMBER:	
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
No.

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	October 18, 2019
LEAD AGENCY ANALYST:	Pat Mahoney and Jennifer Rechichi
ADDITIONAL ANALYST(S):	Jamie Newberry and Sibyle Walker
LEGAL ANALYST:	Kyle Magee
FISCAL ANALYST:	Greg Holcomb

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This is an act amending s. 944.801, F.S., Education for State Prisoners, requiring the Florida Department of Corrections' (FDC or Department) Correctional Education Program develop and implement classes and work programs that provide credits and/or licenses, as applicable, that assist inmates with job readiness for licensed professions regulated by the Department of Business and Professional Regulation (DBPR).

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

The Department recognizes the importance of providing inmates with opportunities for completion of post-secondary education and training in high-demand occupational fields with the result of securing lasting, meaningful employment that supports self-sufficiency. Completion of training and education programs should often lead to the award of certification or licensure; however, criminal histories play a strong role in determination of eligibility.

The Department receives limited funding for the provision of career and technical education. This includes the legislative appropriation and supplemental funds through the Department of Education (DOE) Carl D. Perkins grant. The Department employs Full-Time Equivalent (FTE) career and technical education teachers and contracts with community colleges and technical schools for the provision of instruction and issues vocational certificates and/or industry-recognized certifications to program completers. Currently, the Department has 1,791 vocational training seats for the entire inmate population. With an average current inmate population of 95,000, the number of career and technical seats available at a given time represents less than 2% of the inmate population. State inmates currently have limited opportunity to participate in the following programs that require state certification or licensure:

- Commercial Driving, Class A and B General Knowledge Test: \$75.00 each (Department of Highway Safety and Motor Vehicles)
- Wastewater and Water Distribution System Operator application and exam: \$20.00 Per Exam (Department of Environmental Protection)
- Cosmetology application and exam: Department of Business and Professional Regulation)
 - Written Clinical: \$45.75
 - Written Theory: \$45.75
- Barber application and exam: (Department of Business and Professional Regulation)
 - Barbers: \$140.50
 - Barbers- Restricted: \$140.50
- Certified Nursing Assistant: \$140.00 (Department of Health)

Currently, 49 state-operated institutions offer 33 trade areas that are diversified into 98 career and technical education programs throughout the Department:

- Air Conditioning, Refrigeration, and Heating Technician
- Administrative Office Specialist
- Advanced Manufacturing
- Automotive Collision Technician
- Automotive Customer Service Advisor
- Barbering
- Brick and Block Masonry
- Building Construction Technology
- Building Trade Construction Design Technician
- Business Computer Programming
- Cabinetmaking
- Carpentry
- Commercial Class "B" Driving
- Cosmetology
- Drafting
- Electrical
- Energy Technician
- Entrepreneurship
- Environmental Services
- Equine Care Technology
- Graphic Communications and Printing Technician

- Heating, Ventilation, and Air Conditioning (HVAC)
- Landscape and Turf Management
- Marketing Management and Entrepreneurship Principals
- Marine Services Technologies
- Nursery Management
- Plumbing
- Professional Culinary Arts and Hospitality
- Technology Support Services
- Wastewater Treatment Technologies
- Water Treatment Technologies
- Web Development
- Welding Technology

The Department's career and technical education (CTE) programs are aligned with the Florida Department of Education (DOE) curriculum frameworks and performance standards, and the development of these programs relies on the labor market analyses of the United States Department of Labor, the Florida Department of Education, and the Florida Department of Economic Opportunity (DEO) to evaluate program need, implementation, and viability. In addition to the opportunity to complete the State of Florida General Education Development diploma and a variety of CTE certifications, separately or concurrently, the Department offers eight job assignment credentialing (JAC) programs:

- Beekeeper Training Program
- Canine Obedience Training Program
- Construction Worker Program
- Food Service Program
- Farm Worker Program
- Horticulture Program
- Office Computer Software Program
- Warehousing Program

Each of the job assignment credentialing programs is facilitated by a subject matter expert, and has a standard set of competencies that set expectations for program completion as outlined in the Florida Department of Economic Opportunity's, Dictionary of Occupational Titles. Enrollment in CTE programs and job assignment credentialing programs is voluntary; however, to ensure priority placement, the Department does review enrollment criteria such as, but not limited to current academic level, forecasted release date, and ensures that criminal history is not within the scope of the specific professional trade area or job credentialing program of request.

Although increasingly expanding, these existing JAC programs are currently operated in 30 state-operated institutions which offer job-related instruction and industry-recognized certifications, i.e., National Center for Construction Education and Research certification (NCCER), and the Occupational Safety and Health Administration 10-Hour General Industry certification (OSHA-10), designed to improve the employability of the State's workforce. Projected FY 2018-19 FDC data indicates the Department will confer 3,496 industry-recognized certifications, and 1,654 career and technical education (CTE) certificates.

To supplement and enhance workforce development and employability skills within the Department's academic and career and technical education course offerings, as well as establishing guidelines for the participation of all inmates in need of transitional life skills, the Department, in accordance with 944.7065, F.S., developed the Compass 100 Program. The Compass 100 Program is the 100-hour comprehensive transition/life skills curriculum that is provided statewide. In 2017, the Department integrated the job readiness and life management skills comprehensive transition course outlined in 944.7065 F.S. into academic and career and technical education programs. Inclusion of this coursework meets the Florida Department of Education standards for college and career readiness, provides workforce skills training and ensures that all inmate students develop employability documents to facilitate their success as returning citizens.

The Department holds active agreements and contracts with community providers, universities, and colleges, to provide credits and credentials leading to licensure within existing training courses in several state-operated institutions; however, funding limitations may impact progress toward enhanced development, expansion, and replication.

2. EFFECT OF THE BILL:

(Lines 20-25) The added language grants authority for the Department's Correctional Education Program to develop and implement classes and work programs that provide credits and/or licenses, as applicable, that assist inmates with job readiness for licensed professions regulated by DBPR; however, deficient fiscal, infrastructural, and staffing considerations may present challenges to programmatic expansion and enhancement.

Management of such an expansion with existing resources will be problematic for the Department without adequate funding. To develop qualitative and quantitative workforce development services that include transferrable credits and

licensure, and to ensure proper statewide implementation and management for an expansion of this magnitude, the Department will require contractual funding to procure staff and resources, to include development, implementation, provision of services, expected fidelity of training, and multiple state agency collaboration. The estimated fiscal impact is estimated at \$200,000 per location. A general estimate of \$100,000 is projected for instructional costs per program. Infrastructure modifications and program start-up, to include materials and equipment, can cost up to \$100,000 per program, depending upon the trade.

Additionally, please note:

One potential concern though is that while the bill requires the Department to ensure that inmates receive a professional license if all requirements are met, it does not specify whether the inmate or the Department is responsible for paying the licensing fees. Pursuant to Procedure 502.001(1), these fees are already paid for by the Department in limited instances for inmates who have completed the water and/or wastewater treatment or cosmetology programs. Issues may arise however, if the intent of the bill is for the Department to pay these licensing fees as a matter of course without additional funding to do so.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	
Opponents and summary of position:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	49 State-Operated Institutions x \$200,00 per location = \$9,800,000
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	N/A
Expenditures:	N/A
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	The technology impact is indeterminate at this time.
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FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y N

If yes, describe the anticipated impact including any fiscal impact.	
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ADDITIONAL COMMENTS

N/A.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	N/A.
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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

SB 194

Bill Number (if applicable)

Topic CORRECTIONS

Amendment Barcode (if applicable)

Name CARLOS J. MARTINEZ

Job Title PUBLIC DEFENDER, 11th JUDICIAL CIRCUIT

Address 1320 NW 14th STREET

Phone 305-545-1900

Street

MIAMI

City

FL

State

33125

Zip

Email cmartinez@pdmiami.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PUBLIC DEFENDER ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/22/19

Meeting Date

94

Bill Number (if applicable)

Topic Correctional Education Program

Amendment Barcode (if applicable)

Name Phillip Swerman

Job Title Policy Director

Address 200 W. College Ave. Street

Phone

Tallahassee City

FL State

32301 Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10.22.19

Meeting Date

194

Bill Number (if applicable)

Topic Correctional Education Program

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title CEO

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email barney@barneybishop.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 10/22/2019 9:01:49 AM

Ends: 10/22/2019 9:40:05 AM

Length: 00:38:17

9:01:47 AM Meeting called to order by Chair Perry
9:01:51 AM Roll call by Administrative Assistant Sue Arnold
9:01:58 AM Quorum present
9:02:04 AM Comments from Chair Perry
9:02:54 AM Introduction of Tab 1, SB 170 by Chair Perry
9:03:11 AM Explanation of SB 170, Time Limitation on the Prosecution of Sexual Battery Cases by Senator Stewart
9:05:00 AM Comments from Chair Perry
9:05:18 AM Explanation of Amendment Barcode No. 457266 by Senator Stewart
9:06:07 AM Comments from Chair Perry
9:06:16 AM Closure waived on Amendment
9:06:21 AM Amendment Barcode No. 457266 adopted
9:06:31 AM Speaker Danielle Sullivan in support of the bill
9:12:16 AM Speaker Camille Cooper, Vice President, Public Policy, Rape, Abuse & Incest National Network (RAINN)
9:18:04 AM Question from Senator Pizzo
9:18:14 AM Response from Ms. Cooper
9:18:32 AM Follow-up question from Senator Pizzo
9:18:39 AM Response from Ms. Cooper
9:20:21 AM Comment from Senator Pizzo
9:21:18 AM Speaker Rena Romano, Speaking Coach, Tampa, FL
9:29:32 AM Barney Bishop, CEO, Florida Smart Justice Alliance waives in support
9:29:41 AM Bill Cervone, State Attorney, 8th Circuit, Florida Prosecuting Attorneys Association waives in support
9:29:49 AM Barbara DeVane, FL-NOW waives in support
9:30:01 AM Senator Flores in debate
9:31:15 AM Comments from Chair Perry
9:31:28 AM Senator Stewart speaking on closure of bill
9:32:27 AM Roll call by Administrative Assistant Sue Arnold on CS/SB 170
9:32:39 AM CS/SB 170 reported favorably
9:32:47 AM Introduction of Tab 2, SB 194 by Chair Perry
9:33:02 AM Introduction of Delete-All Amendment by Chair Perry
9:33:12 AM Explanation of Delete-All Amendment by Senator Taddeo
9:33:42 AM Introduction of Late-filed Amendment Barcode No. 541310 by Chair Perry
9:33:53 AM Explanation of Amendment by Senator Taddeo
9:35:37 AM Comments from Chair Perry
9:35:42 AM Question from Senator Bracy
9:35:50 AM Response from Senator Taddeo
9:36:35 AM Follow-up question from Senator Bracy
9:36:42 AM Response from Senator Taddeo
9:37:24 AM Closure waived on Amendment
9:37:30 AM Amendment Barcode No. 541310 adopted
9:37:34 AM Barney Bishop, CEO Florida Smart Justice Alliance waives in support
9:37:42 AM Phillip Suderman, Policy Director, Americans for Prosperity waives in support
9:37:54 AM Carlos Martinez, Public Defender, 11th Judicial Circuit, Florida Public Defender Association waives in support
9:38:05 AM Senator Pizzo in debate
9:39:07 AM Senator Taddeo in closure of the bill
9:39:23 AM Roll call by Administrative Assistant Sue Arnold on CS/SB 194
9:39:32 AM CS/SB 194 reported favorably
9:39:41 AM Comments from Chair Perry
9:39:45 AM Senator Pizzo moves to adjourn, meeting adjourned