

THIS WEEK IN THE FLORIDA SENATE
JANUARY 23 - 27, 2017

Excellence in Higher Education Legislation Passes First Senate Committee

Senate Bill 2, the Florida Excellence in Higher Education Act, and Senate Bill 4, Faculty Recruitment, both passed the Senate Committee on Education with unanimous approval. By increasing need and merit-based financial assistance for university students and requiring universities to create flexible tuition policies, we can improve Florida's 4-year graduation rate which means cost savings for students and their families.



Together with policy enhancements and funding investments that support university efforts to recruit and retain renowned faculty, improve facilities, and enhance professional schools; this legislation will elevate the national reputation of Florida's state universities, and further increase the return on investment for students, parents, and taxpayers.

Senate Bills 2 and 4 are key components of the Senate's Excellence in Higher Education Agenda for the 2017 Legislative Session. Senate Bill 2 promotes on-time graduation by expanding student financial assistance and support, establishing tuition and fee incentives, streamlining 2+2 articulation, and strengthening mechanisms that keep colleges and universities accountable to Florida taxpayers. Senate Bill 4 expands policy and funding tools universities can leverage to recruit and retain the very best faculty, enhance professional and graduate schools, and improve aging infrastructure and research laboratories.

Comprehensive Gaming Legislation Passes First Senate Committee

The Senate Committee on Regulated Industries passed Senate Bill 8, Gaming, which seeks to finalize a comprehensive, statewide approach that respects the interests of the Seminole Tribe of Florida, other business owners who operated gaming facilities, and the authority of local voters. Gaming is a multi-billion-dollar industry and similar to any other industry in Florida, the goal of this bill is to make sure our laws provide an environment of both certainty and reliability that allows private entities to make educated business decisions about the jobs families rely on. In turn, all Florida families can make informed decisions about the communities in which they live and work.

Legislation to Protect Right to Self-Defense Advances

The Senate Committee on Judiciary passed Senate Bill 128, Self-defense Immunity. The bill protects the right of self-defense for all Floridians by correcting a misinterpretation of the "Stand Your Ground" law in the 2015 *Bretherick vs. State* Florida Supreme Court decision. Senate Bill 128 clarifies the government, not the accused, has the burden of proof in a "Stand Your Ground" immunity hearing. In a 5-2 decision, the Florida Supreme Court ruled otherwise.

SB 128 changes the burden of proof and who must bear it during pretrial hearings to evaluate a defendant's claim of immunity based on a justifiable use of force. Current law provides a defendant a right of immunity from criminal prosecution and civil action if he or she is justified in using force. Although the procedures to claim immunity are not specified by statute, the Florida Supreme Court has determined that defendants must prove by a preponderance of the evidence the entitlement to the immunity at a pretrial hearing. The bill places the burden of proof on the state and requires the state to overcome the immunity claim by offering evidence meeting the standard of beyond a reasonable doubt.

Legislation to Decriminalize Youth Passes First Senate Committee

The Senate Committee on Criminal Justice passed Senate Bill 196, Juvenile Civil Citation and Similar Diversion Programs, which requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a diversion program, when the juvenile admits to committing certain first-time misdemeanor offenses including: possession of alcoholic beverages, criminal mischief, trespass, and disorderly conduct, among others.

All too often, youth today are arrested and charged for criminal acts that were once considered childhood mistakes, and a lack of judgement and maturity. Senate Bill 196 will instead help our youth to learn positively from their mistakes, rather than being put into the juvenile justice system, which then creates a criminal record that could potentially follow them for the rest of their lives.

The legislation also specifies that the option of the issuance of a civil citation or referral to a similar diversion program does not apply to a juvenile who is alleged to have committed, currently charged with, has plead guilty to, or has been convicted of a felony, or a misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.