

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Criminal and Civil Justice Appropriations Committee

BILL: CS/SB 1544

INTRODUCER: Criminal Justice Committee and Senator Argenziano

SUBJECT: Department of Corrections

DATE: April 4, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Fav/CS
2.	Butler	Sadberry	JA	Favorable
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill creates the Ex-Offender Task Force for the purpose of studying and making recommendations concerning disqualifications from employment that are based upon criminal records. The task force is also to study and recommend solutions for the problem of providing inmates with a Social Security card and a driver’s license or state identification card prior to release from prison.

The task force will be comprised of 14 members, including agency heads, a parole commissioner, and others who have an interest or involvement in re-entry of offenders into the community. Administrative support is to be provided by the Department of Corrections. The task force ends on July 1, 2009.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

The Governor’s Ex-Offender Task Force was created by Executive Order 05-28 on February 7, 2005. Its purpose was to “help improve the effectiveness of the State of Florida in facilitating the re-entry of ex-offenders into their communities so as to reduce the incidence of recidivism.” The task force was to identify barriers to re-entry and to provide recommendations for reform, as well as ways to implement and measure the success of the reforms. The task force issued its final report in November 2006 and a supplemental report in January 2007, and it expired in February 2007.

The task force found that almost ninety percent of persons in Florida prisons will be released, and that a quarter of those will be reincarcerated within three years. The task force also found successful re-entry of released inmates into the community is hampered by barriers to obtaining

employment. One recommendation for aiding re-entry was for the Department of Corrections to assist inmates being released from prison in obtaining Social Security cards and state identification cards or driver licenses. This seems on the surface to be an easy task, but is complicated by lack of access to proper documentation (such as a birth certificate) and more stringent federal and state requirements due to national security concerns.

The task force found that a particularly significant barrier to gaining employment was the existence of state laws, rules, and policies that prohibit employment in certain occupations solely because the person was convicted of a felony. Executive Order 06-89, issued on April 25, 2006, noted that the task force had found that employment restrictions based upon criminal record may affect more than one-third of Florida's 7.9 million non-farm jobs, including state and local government jobs, jobs in state-licensed, regulated and funded entities, and jobs requiring state certification. The Executive Order required executive agencies to provide the task force with an inventory of all employment restrictions for any positions in any way connected to the agency by employment, contract, regulation, licensure, funding, or similar relationships.

In its January 2007 report relating to Executive Order 06-89, the task force recommended a statutory prohibition against requiring restoration of civil rights as a condition for employment. It also recommended that standards such as "good moral character" and "moral turpitude" not be applied. Instead, the task force recommended use of the background screening requirements in ch. 435, F.S., for employment or licensure of persons who deal with vulnerable populations. For other occupations, it recommended amendment of the statutes to list disqualifying offenses that are related to particular occupational groups.

III. Effect of Proposed Changes:

The bill creates the Ex-Offender Task Force with the mission of studying restrictions or disqualification from employment because of a criminal record in any occupation that is under the jurisdiction of a state agency. It must identify all such disqualifications and provide detailed information such as the basis for the qualification and any criteria for relief in individual cases. The task force is required to recommend policy reforms and changes to reduce the adverse effects of disqualifications without compromising public safety. In addition, the task force must provide any proposed rule or legislation that would be necessary for implementing its recommendations.

The task force will include the following 14 members who are appointed by the governor unless noted:

- The secretaries of the Department of Corrections and the Department of Business and Professional Regulation, and the directors of the Department of Highway Safety and Motor Vehicles and the Agency for Workforce Innovation, or their designees;
- A Parole Commissioner, or a designee of the Parole Commission;
- A senator and a representative, appointed by their respective presiding officer;
- A representative of the board of directors of PRIDE (Prison Rehabilitative Industries and Diversified Enterprises, Inc.);
- The chairman of the former Ex-Offender Task Force;

- A correctional probation officer, appointed by the secretary of the Department of Corrections;
- A local law enforcement official or officer;
- A member of a community organization concerned about ex-offender issues;
- A member of the business community with an interest in ex-offender issues; and
- An ex-offender who has successfully transitioned back into his or her community.

The members must serve without pay but are entitled to reimbursement for travel and per diem. Staff support is to be provided by the Department of Corrections within existing appropriations.

The governor must make his appointments by August 1, 2007, and the appointments should represent geographic, ethnic and gender diversity. The first meeting of the task force must be held by September 15, 2007, when a chairman would be selected by majority vote. The task force must submit a preliminary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2008, and the final report by January 1, 2009.

The task force will be abolished on July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Corrections may incur costs associated with payment of per diem and travel expenses for task force members if the parent agencies of task force members do not reimburse members for these travel expenses.

The Department of Corrections may incur costs associated with its role in providing administrative support for the task force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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