

By Senator Villalobos

37-695B-01

1                                   A bill to be entitled  
2           An act relating to criminal rehabilitation;  
3           amending s. 20.315, F.S.; redesignating the  
4           area of program services within the Department  
5           of Corrections as program, transition, and  
6           postrelease services; amending s. 397.333,  
7           F.S.; revising the qualifications for members  
8           appointed to the Statewide Drug Policy Advisory  
9           Council; providing additional duties of the  
10          council; amending s. 944.473, F.S.; requiring  
11          certain inmates to participate in  
12          substance-abuse treatment; providing criteria  
13          for program participation; creating s.  
14          944.4731, F.S.; creating the Addiction-Recovery  
15          Supervision Program Act; providing criteria for  
16          program participation; requiring the department  
17          to contract with faith-based groups and private  
18          organizations to operate  
19          substance-abuse-transition housing programs;  
20          providing program requirements; requiring  
21          prerelease screening; providing requirements  
22          for offenders who participate in the program;  
23          amending s. 944.702, F.S.; providing  
24          legislative intent with respect to support  
25          services for inmates who abuse substances;  
26          amending ss. 944.703, 944.704, F.S., relating  
27          to transition assistance for inmates; requiring  
28          that inmates who abuse substances receive  
29          priority assistance; providing for  
30          transition-assistance specialists at  
31          institutions; amending ss. 944.705, 944.706,

1 944.707, F.S.; authorizing the department to  
2 contract with faith-based service groups for  
3 release-assistance programs and postrelease  
4 services; amending s. 944.803, F.S.; providing  
5 additional requirements for faith-based  
6 programs for inmates; requiring the department  
7 to assign chaplains to certain community  
8 correctional centers; providing for inmates to  
9 be informed of the availability of certain  
10 faith-based housing programs; amending s.  
11 945.091, F.S.; authorizing an inmate to  
12 participate in faith-based service groups;  
13 amending s. 948.08, F.S.; providing that  
14 specified offenders are eligible for certain  
15 pretrial intervention programs; amending s.  
16 951.10, F.S.; clarifying provisions governing  
17 the leasing of prisoners; requiring the  
18 Department of Corrections to report to the  
19 Governor and the Legislature on the  
20 implementation of the act; requiring the  
21 Legislative Committee on Intergovernmental  
22 Relations to report to the Legislature on  
23 intervention and treatment strategies for  
24 persons convicted of prostitution; requiring  
25 inmates to complete a course on job readiness  
26 and life management before release; providing  
27 an appropriation; providing an effective date.

28  
29 WHEREAS, the Task Force on Self-Inflicted Crimes, as  
30 created by chapter 2000-366, Laws of Florida, identified in  
31 its report issued January 18, 2001, a wide variety of

1 potential legislative solutions for reducing the repetitious  
2 self-injurious behavior of prostitution and substance abuse,  
3 and

4 WHEREAS, those recommendations stemmed from the  
5 testimony from numerous individuals, substance-abuse experts,  
6 governmental officials, and private organizations throughout  
7 Florida, and

8 WHEREAS, a significant recommendation made by the task  
9 force was recognition that state government should not and  
10 cannot bear the sole burden of treating and helping those  
11 suffering from addictions and self-injurious behaviors, and

12 WHEREAS, the task force concluded that faith-based  
13 organizations are "armies of compassion" devoted to changing  
14 individuals' hearts and lives and can offer cost-effective  
15 substance-abuse treatment through the use of volunteers and  
16 other cost-saving measures, and

17 WHEREAS, the task force concluded that inmates with  
18 histories of substance abuse will most likely return to prison  
19 without transition assistance and postrelease supervision,  
20 coupled with treatment and job placement, and

21 WHEREAS, research has proven that "one-on-one" private  
22 and faith-based programming is often more effective than  
23 government programs in shaping and reclaiming lives because  
24 they are free to assert the essential connection between  
25 responsibility and human dignity; their approach is personal,  
26 not bureaucratic; their service is not primarily a function of  
27 professional background, but of individual commitment; and  
28 they inject an element of moral challenge and spiritual  
29 renewal that government cannot duplicate, and

30 WHEREAS, a study required by chapter 97-78, Laws of  
31 Florida, to measure the effectiveness of faith-based programs

1 in Florida's correctional facilities found a strong and  
2 beneficial correlation between faith-based programming and  
3 remaining crime-free and drug-free upon release, and

4 WHEREAS, the Department of Corrections employs 105  
5 prison chaplains who are responsible for addressing the  
6 religious and spiritual needs of over 71,000 inmates; for  
7 developing community linkages with churches, synagogues,  
8 mosques, and other faith-based institutions; and for  
9 recruiting and supervising volunteers who come into Florida's  
10 prisons to provide spiritual programs, mentoring activities,  
11 and other transitional skills, and

12 WHEREAS, the continued investment in the work of prison  
13 chaplains and their clerical staff is a critical factor for  
14 strengthening volunteer participation and support of  
15 faith-based programs in the prisons, as recognized by an  
16 academic study in 1997 entitled "The Report of Faith-Based  
17 Programs in Correctional Facilities," and

18 WHEREAS, the task force recommended that the  
19 Legislature fund faith-based substance-abuse-recovery programs  
20 and transitional assistance for the secular purpose of  
21 reducing recidivism, and

22 WHEREAS, in an effort to transform lives and break the  
23 personally destructive and expensive recidivism cycle, Florida  
24 should increase the number of chaplains who strengthen  
25 volunteer participation; expand the pilot dormitory program  
26 started in November, 1999; and implement a strong  
27 transitional-assistance residential program that includes a  
28 voluntary faith component that supports inmates as they  
29 reenter communities, NOW, THEREFORE,

30

31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Paragraph (c) of subsection (3) of section  
2 20.315, Florida Statutes, is amended to read:

3           20.315 Department of Corrections.--There is created a  
4 Department of Corrections.

5           (3) SECRETARY OF CORRECTIONS.--The head of the  
6 Department of Corrections is the Secretary of Corrections.  
7 The secretary is appointed by the Governor, subject to  
8 confirmation by the Senate, and shall serve at the pleasure of  
9 the Governor. The secretary is responsible for planning,  
10 coordinating, and managing the corrections system of the  
11 state. The secretary shall ensure that the programs and  
12 services of the department are administered in accordance with  
13 state and federal laws, rules, and regulations, with  
14 established program standards, and consistent with legislative  
15 intent. The secretary shall identify the need for and  
16 recommend funding for the secure and efficient operation of  
17 the state correctional system.

18           (c) The secretary may appoint assistant secretaries,  
19 directors, or other such persons that he or she deems are  
20 necessary to accomplish the mission and goals of the  
21 department, including, but not limited to, the following areas  
22 of program responsibility:

23           1. Security and institutional operations, which shall  
24 provide inmate work programs, offender programs, security  
25 administration, emergency operations response, and operational  
26 oversight of the regions.

27           2. Health services, which shall be headed by a  
28 physician licensed under chapter 458 or an osteopathic  
29 physician licensed under chapter 459, or a professionally  
30 trained health care administrator with progressively  
31 responsible experience in health care administration. This

1 individual shall be responsible for the delivery of health  
2 services to offenders within the system and shall have direct  
3 professional authority over such services.

4 3. Community corrections, which shall provide for  
5 coordination of community alternatives to incarceration and  
6 operational oversight of community corrections regions.

7 4. Administrative services, which shall provide budget  
8 and accounting services within the department, including the  
9 construction and maintenance of correctional institutions,  
10 human resource management, research, planning and evaluation,  
11 and technology.

12 5. Program, transition, and postrelease services,  
13 which shall provide for the direct management and supervision  
14 of all departmental programs, including the coordination and  
15 delivery of education and job training to the offenders in the  
16 custody of the department. In addition, this program shall  
17 provide for the direct management and supervision of all  
18 programs that furnish transition assistance to inmates who are  
19 or have recently been in the custody of the department,  
20 including the coordination, facilitation, and contract  
21 management of prerelease and postrelease transition services  
22 provided by governmental and private providers, including  
23 faith-based service groups.

24 Section 2. Subsections (1) and (3) of section 397.333,  
25 Florida Statutes, are amended to read:

26 397.333 Statewide Drug Policy Advisory Council.--

27 (1)(a) The Statewide Drug Policy Advisory Council is  
28 created within the Executive Office of the Governor. The  
29 director of the Office of Drug Control shall be a nonvoting,  
30 ex officio member of the advisory council and shall act as  
31 chairperson. The director of the Office of Planning and

1 Budgeting shall be a nonvoting, ex officio member of the  
2 advisory council. The Office of Drug Control and the Office of  
3 Planning and Budgeting shall provide staff support for the  
4 advisory council.

5 (b) The following state officials shall be appointed  
6 to serve on the advisory council:

7 1. The Attorney General, or his or her designee.

8 2. The executive director of the Department of Law  
9 Enforcement, or his or her designee.

10 3. The Secretary of Children and Family Services, or  
11 his or her designee.

12 4. The Secretary of Health, or his or her designee.

13 5. The Secretary of Corrections, or his or her  
14 designee.

15 6. The Secretary of Juvenile Justice, or his or her  
16 designee.

17 7. The Commissioner of Education, or his or her  
18 designee.

19 8. The executive director of the Department of Highway  
20 Safety and Motor Vehicles, or his or her designee.

21 9. The Adjutant General of the state as the Chief of  
22 the Department of Military Affairs, or his or her designee.

23 (c) In addition, the Governor shall appoint 11 members  
24 of the public to serve on the advisory council. Of the 11  
25 appointed members, one members must have professional or  
26 occupational expertise in drug enforcement, one member must  
27 have professional or occupational expertise in substance abuse  
28 prevention, ~~and~~ one member must have professional or  
29 occupational expertise in substance abuse treatment, and two  
30 members must have professional or occupational expertise in  
31 faith-based substance-abuse-treatment services. The remainder

1 of the members appointed should have professional or  
2 occupational expertise in, or be generally knowledgeable  
3 about, issues that relate to drug enforcement and substance  
4 abuse programs and services. The members appointed by the  
5 Governor must, to the extent possible, equitably represent all  
6 geographic areas of the state.

7 (d) The President of the Senate shall appoint a member  
8 of the Senate to the advisory council and the Speaker of the  
9 House of Representatives shall appoint a member of the House  
10 of Representatives to the advisory council.

11 (e) The Chief Justice of the Supreme Court shall  
12 appoint a member of the judiciary to the advisory council.

13 (f) Members appointed by the Governor, the President  
14 of the Senate, the Speaker of the House of Representatives,  
15 and the Chief Justice shall be appointed to terms of 4 years  
16 each. However, for the purpose of providing staggered terms,  
17 of the Governor's initial appointments, five members shall be  
18 appointed to 2-year terms and six members shall be appointed  
19 to 4-year terms.

20 (3) The advisory council shall:

21 (a) Conduct a comprehensive analysis of the problem of  
22 substance abuse in this state and make recommendations to the  
23 Governor and Legislature for developing and implementing a  
24 state drug control strategy. The advisory council shall  
25 determine the most effective means of establishing clear and  
26 meaningful lines of communication between the advisory council  
27 and the public and private sectors in order to ensure that the  
28 process of developing and implementing the state drug control  
29 strategy has afforded a broad spectrum of the public and  
30 private sectors an opportunity to comment and make  
31 recommendations.



1           (b) Review and make recommendations to the Governor  
2 and Legislature on funding substance abuse programs and  
3 services, consistent with the state drug control strategy, as  
4 developed. The council may recommend the creation of a  
5 separate appropriations category for funding services  
6 delivered or procured by state agencies and may recommend the  
7 use of performance-based contracting as provided in s.  
8 414.065.

9           (c) Review various substance abuse programs and  
10 recommend, where needed, measures that are sufficient to  
11 determine program outcomes. The council shall review different  
12 methodologies for evaluating programs and determine whether  
13 programs within different agencies have common outcomes. The  
14 methodologies shall be consistent with those established under  
15 s. 216.0166.

16           (d) Review the drug control strategies and programs  
17 of, and efforts by, other states and the Federal Government  
18 and compile the relevant research.

19           (e) Recommend to the Governor and Legislature applied  
20 research projects that would use research capabilities within  
21 the state, including, but not limited to, the resources of the  
22 State University System, for the purpose of achieving improved  
23 outcomes and making better-informed strategic budgetary  
24 decisions.

25           (f) Recommend to the Governor and Legislature changes  
26 in law which would remove barriers to or enhance the  
27 implementation of the state drug control strategy.

28           (g) Make recommendations to the Governor and the  
29 Legislature on the need for public information campaigns to be  
30 conducted in the state to limit substance abuse.

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1           (h) Ensure that there is a coordinated, integrated,  
2 and multidisciplinary response to the substance abuse problem  
3 in this state, with special attention given to creating  
4 partnerships within and between the public and private  
5 sectors, and to the coordinated, supported, and integrated  
6 delivery of multiple-system services for substance abusers,  
7 including a multiagency team approach to service delivery.

8           (i) Assist communities and families in pooling their  
9 knowledge and experiences with respect to the problem of  
10 substance abuse. Forums for exchanging ideas, experiences, and  
11 practical information, as well as instruction, should be  
12 considered. For communities, such instruction may involve  
13 issues of funding, staffing, training, and neighborhood and  
14 parental involvement, and instruction on other issues. For  
15 families, such instruction may involve practical strategies  
16 for addressing family substance abuse; improving cognitive,  
17 communication, and decisionmaking skills; providing parents  
18 with techniques for resolving conflicts, communicating, and  
19 cultivating meaningful relationships with their children and  
20 establishing guidelines for their children; educating families  
21 about drug-free programs and activities in which they may  
22 serve as participants and planners; and other programs of  
23 similar instruction. To maximize the effectiveness of such  
24 forums, multiple agencies should participate.

25           (j) Examine the extent to which all state programs  
26 that involve substance-abuse treatment can include a  
27 meaningful work component, and identify any change in the law  
28 which would remove barriers to or enhance the work component  
29 for a substance-abuse-treatment program.

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1           (k) Recommend to the Governor and the Legislature ways  
2 to expand and fund drug courts, which have proven effective in  
3 the state's drug-control strategy.

4           Section 3. Subsection (2) of section 944.473, Florida  
5 Statutes, is amended to read:

6           944.473 Inmate substance abuse testing program.--

7           (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

8           (a) An inmate who meets the criteria established by  
9 the department shall participate in substance-abuse-program  
10 services when such services are available. A right to  
11 substance-abuse-program services is not stated, intended, or  
12 otherwise implied by this chapter.

13           (b) Upon arrival at a department's reception center  
14 for initial processing, each inmate shall be screened and  
15 assessed to determine if the inmate meets the department's  
16 criteria for mandated participation in a substance-abuse  
17 program. Criteria for mandated substance-abuse-program  
18 services shall be based on:

19           1. The presence of a diagnosed psychoactive substance  
20 dependence or use disorder;

21           2. The severity of the addiction;

22           3. A history of criminal behavior related to substance  
23 abuse;

24           4. A recommendation by a sentencing authority for  
25 substance-abuse-program services;

26           5. Unsuccessful participation in community-based  
27 substance-abuse services;

28           6. Sentencing by a drug court or drug division; and

29           7. Other classification or program criteria that the  
30 department finds will ensure security and optimal program  
31 placement.

1           (c) When selecting contract providers to administer  
2 substance-abuse-treatment programs, the department shall make  
3 every effort to consider qualified faith-based service groups  
4 on an equal basis with other private, nonprofit organizations.  
5 ~~if substance abuse treatment is requested by an inmate, the~~  
6 ~~department shall place the inmate in a substance abuse~~  
7 ~~treatment program, if available and appropriate.~~

8           Section 4. Section 944.4731, Florida Statutes, is  
9 created to read:

10           944.4731 Addiction-Recovery Supervision Program.--

11           (1) This section may be cited as the  
12 "Addiction-Recovery Supervision Program Act."

13           (2)(a) Any offender who is convicted of a crime  
14 committed on or after July 1, 2001, must be given  
15 addiction-recovery supervision if the offender has:

16           1. A history of substance-abuse or addiction;  
17           2. Participated in drug treatment;  
18           3. No current or previous convictions for a violent  
19 offense;

20           4. No current or previous conviction for a property  
21 offense, except for a conviction for:

22           a. Passing worthless checks, forgery, uttering, or  
23 counterfeiting;

24           b. Third-degree felony grand theft, excluding a theft  
25 relating to firearms; or

26           c. Third-degree felony burglary of an unoccupied  
27 structure or conveyance; and

28           5. No current or previous conviction for a traffic  
29 offense involving injury or death.

30           (b) An offender released under addiction-recovery  
31 supervision shall be subject to specified terms and

1 conditions, including payment of the costs of supervision  
2 under s. 948.09 and any other court-ordered payments, such as  
3 child support and restitution. If an offender has received a  
4 term of probation or community control to be served after  
5 release from incarceration, the period of probation or  
6 community control may not be substituted for  
7 addiction-recovery supervision. A panel of not fewer than two  
8 parole commissioners shall establish the terms and conditions  
9 of supervision. In setting the terms and conditions of  
10 supervision, the parole commission shall weigh heavily the  
11 program requirements, including, but not limited to, work at  
12 paid employment while participating in treatment and traveling  
13 restrictions. The commission shall also determine whether an  
14 offender violates the terms and conditions of supervision and  
15 whether a violation warrants revocation of addiction-recovery  
16 supervision. The parole commission shall review the offender's  
17 record for the purpose of establishing the terms and  
18 conditions of supervision. The parole commission may impose  
19 any special conditions it considers warranted from its review  
20 of the record.

21 (c) The Legislature finds that offenders released from  
22 state prison into the community who meet the criteria for  
23 participating in the addiction-recovery supervision program  
24 possess the greatest potential for successful substance-abuse  
25 recovery through treatment and transition assistance.

26 (3) Any offender who meets the criteria in subsection  
27 (2) and who is nearing his or her date of release into the  
28 community shall be informed by the department of any available  
29 contracted substance-abuse-transition housing programs,  
30 including those programs operated by faith-based service  
31 groups. If the offender wishes to be placed in a program, the

1 department shall, to the fullest extent possible, facilitate  
2 the placement.

3 (4)(a) Each fiscal year, and contingent upon funding,  
4 the department shall enter into contracts with multiple  
5 providers who are private nonprofit organizations, including  
6 faith-based service groups, to operate  
7 substance-abuse-transition housing programs, including  
8 providers that:

9 1. Provide postrelease housing, programming,  
10 treatment, and other transitional services;

11 2. Emphasize job placement and gainful employment for  
12 program participants;

13 3. Provide a curriculum related to substance-abuse  
14 treatment which uses a 12-step model of addiction recovery;

15 4. Require a minimum length of stay of 6 months and a  
16 maximum length of stay of 12 months; and

17 5. Use community volunteers in operating the program  
18 to the greatest extent possible.

19 (b) The department shall allow providers to use  
20 innovative approaches to treatment and shall authorize a high  
21 level of flexibility in operating a program. If the contracted  
22 provider is a faith-based service group, the department shall  
23 ensure that the faith component applies to all faith groups  
24 and that the provider does not attempt to convert an offender  
25 toward a particular religious preference.

26 (5) When facilitating job placement for an offender  
27 under this program, the provider shall make every effort to  
28 secure suitable employment that provides adequate wages, a  
29 potential for advancement, and a likelihood of stable and  
30 long-term employment. To measure the success of postrelease  
31 job placement, the department shall, as part of its annual

1 report, track for 1 year offenders who successfully complete  
2 the program and shall determine their employment status.

3 (6) Each contract entered into under this section for  
4 operating a substance-abuse-transition housing program must  
5 invite innovation, minimize bureaucracy, and permit the  
6 nonprofit organization or faith-based provider to petition the  
7 department to waive any rule, policy, or procedure that is  
8 inconsistent with the mission of the nonprofit organization or  
9 faith-based provider.

10 (7) Six months before an offender is released, the  
11 chaplain and transition-assistance specialist at the  
12 institution where the offender is incarcerated shall initiate  
13 the prerelease screening process, in addition to the basic  
14 release orientation required under s. 944.705.

15 (a) The transition-assistance specialist and the  
16 chaplain shall provide a list of contracted nonprofit and  
17 faith-based providers and other private, nonprofit  
18 organizations to the offender, assist the offender in  
19 selecting a program, and facilitate the application process.

20 (b) If an offender participated in a faith-based  
21 program while incarcerated or housed at a community  
22 correctional center and the same or similar faith-based  
23 provider offers a contracted substance-abuse-transition  
24 housing program, the department shall make every attempt to  
25 maintain this continuum of care.

26 (8) While participating in a  
27 substance-abuse-transition housing program, an offender shall:

28 (a) Adhere to all conditions of supervision enforced  
29 by the correctional probation officer and the program  
30 provider. Failure to comply with such rules or conditions will  
31 result in revocation of supervision.

1           (b) Pay fees to defray program costs, costs of  
2 supervision required under s. 948.09, and any restitution or  
3 obligations for child support.

4           (c) Participate in a 12-step model of recovery, as  
5 prescribed by the program provider.

6           Section 5. Section 944.702, Florida Statutes, is  
7 amended to read:

8           944.702 Legislative intent.--It is the intent of the  
9 Legislature to provide persons released from incarceration  
10 from the Department of Corrections with certain fundamental  
11 resources in the areas of employment, life skills training,  
12 job placement, and access to as many support services as  
13 possible in order to appreciably increase the likelihood of  
14 the inmate's successful reentry into free society. The  
15 Legislature intends that these support services include  
16 faith-based service groups on an equal basis with other  
17 private, nonprofit organizations. The Legislature finds that  
18 releasing substance-abusing inmates in particular into the  
19 community without effectively addressing their addictions is  
20 tantamount to ensuring future crime.

21           Section 6. Section 944.703, Florida Statutes, is  
22 amended to read:

23           944.703 Eligible inmates.--Sections 944.701-944.708  
24 apply to all inmates released from the custody of the  
25 department. However, priority should be given to  
26 substance-addicted inmates to help break the cycle of drug  
27 abuse, prostitution, and other self-injurious criminal  
28 behavior that causes harm to families and communities. Those  
29 inmates with a detainer are eligible if the department  
30 determines that cancellation of the detainer is likely or that  
31 the incarceration for which the detainer was issued will be of



1 short duration. The department shall confirm the detainer  
2 with the originating authority prior to release.

3 Section 7. Section 944.704, Florida Statutes, is  
4 amended to read:

5 944.704 Staff who provide transition assistance;  
6 duties.--The department shall provide a transition-assistance  
7 specialist ~~transition assistance officer~~ at each of the major  
8 institutions whose duties include, but are not limited to:

9 (1) Coordinating delivery of transition-assistance  
10 ~~transition assistance~~ program services at the institution and  
11 at the community correctional centers authorized pursuant to  
12 s. 945.091(1)(b).

13 (2) Assisting in the development of each inmate's  
14 postrelease plan.

15 (3) Obtaining job placement information ~~for~~  
16 ~~transmittal to the Department of Labor and Employment~~  
17 ~~Security.~~

18 (4) Facilitating placement in a private, nonprofit  
19 transitional housing program, if requested by any eligible  
20 inmate. If an inmate is considering being placed in a  
21 contracted faith-based substance-abuse-transitional housing  
22 program as described in s. 944.803 or s. 944.4731, the  
23 transition-assistance specialist shall consult and coordinate  
24 with the appropriate chaplain. If an inmate seeks placement in  
25 a contracted program, the transition-assistance specialist and  
26 chaplain shall assist the inmate in the application process  
27 and facilitate placement in such program. In making such  
28 placement, the department shall ensure that the faith  
29 component applies to all faith groups and does not attempt to  
30 convert an inmate toward a particular religious preference.

31

1           (5)~~(4)~~ Providing a photo identification card to all  
2 inmates prior to their release.

3  
4           The transition-assistance specialist may not be a correctional  
5 officer or correctional probation officer as defined in s.  
6 943.10.

7           Section 8. Subsections (1) and (2) of section 944.705,  
8 Florida Statutes, are reenacted, and subsection (5) of that  
9 section is amended to read:

10           944.705 Release orientation program.--

11           (1) The department shall provide participation in a  
12 standardized release orientation program to every eligible  
13 inmate.

14           (2) The release orientation program instruction must  
15 include, but is not limited to:

16           (a) Employment skills.

17           (b) Money management skills.

18           (c) Personal development and planning.

19           (d) Special needs.

20           (e) Community reentry concerns.

21           (f) Community reentry support.

22           (g) Any other appropriate instruction to ensure the  
23 inmate's successful reentry into the community.

24           (5) The department may ~~is authorized to~~ contract with  
25 public or private entities, including faith-based service  
26 groups, for the provision of all or part of the services  
27 pursuant to this section.

28           Section 9. Section 944.706, Florida Statutes, is  
29 amended to read:

30           944.706 Basic release assistance.--

31

1           (1) Any inmate who is being released is eligible for  
2 transition assistance. Those inmates released to a detainer  
3 are eligible pursuant to s. 944.703.

4           (2) The department may ~~is authorized to~~ contract with  
5 the Department of Children and Family Services, the Salvation  
6 Army, and other public or private organizations, including  
7 faith-based service groups, for the provision of basic support  
8 services for releasees. ~~The department shall contract with~~  
9 ~~the Department of Labor and Employment Security for the~~  
10 ~~provision of releasee job placement.~~

11           (3) The department shall adopt ~~promulgate~~ rules for  
12 the development, implementation, and termination of transition  
13 assistance.

14           Section 10. Section 944.707, Florida Statutes, is  
15 amended to read:

16           944.707 Postrelease special services; job placement  
17 services.--

18           (1) The department shall ~~attempt to~~ generate and  
19 provide to every releasee, identified by the prerelease needs  
20 assessment, support services such as, but not limited to,  
21 substance abuse counseling, family counseling, and employment  
22 support programs. The department may ~~is authorized to~~ select  
23 and contract with public or private organizations, including  
24 faith-based service groups, for the provision of these basic  
25 support services. When selecting a provider, the department  
26 shall consider faith-based service groups on an equal basis  
27 with other private, nonprofit organizations. Provider  
28 selection criteria include, but are not limited to:

29           (a) The depth and scope of services provided.

30           (b) The geographic area to be served.

31

1 (c) The number of inmates to be served and the cost of  
2 services per inmate.

3 (d) The individual provider's record of success in the  
4 provision of inmate services.

5 (2) The department shall maintain and regularly update  
6 a comprehensive directory of support services offered by  
7 private, nonprofit organizations and faith-based service  
8 groups for the purpose of assisting transition-assistance  
9 specialists and chaplains in making individualized placements  
10 and referrals.~~The following items shall be provided to the~~  
11 ~~Department of Labor and Employment Security job service office~~  
12 ~~located nearest to the inmate's intended residence:~~

13 (a) ~~The job placement information obtained at release~~  
14 ~~orientation.~~

15 (b) ~~Referral information for the needed basic support~~  
16 ~~service providers.~~

17 (3)(a) ~~The Department of Labor and Employment Security~~  
18 ~~shall assign job service staff exclusively dedicated to~~  
19 ~~releasee services at those offices identified by the~~  
20 ~~Department of Corrections as having a high number of releasee~~  
21 ~~contacts. Those offices having a fewer number of releasee~~  
22 ~~contacts shall have designated staff assigned to assist~~  
23 ~~releasees. The Department of Labor and Employment Security~~  
24 ~~shall provide appropriate training for staff assigned to~~  
25 ~~assist releasees. Staff assigned to assist releasees shall~~  
26 ~~use job placement information obtained at each releasee's~~  
27 ~~release orientation to attempt to secure suitable employment~~  
28 ~~for the releasee prior to the releasee's arrival. Staff~~  
29 ~~assigned to assist releasees shall act to maximize releasee~~  
30 ~~placement opportunities in the job service office service~~  
31 ~~area.~~

1           ~~(b) The Department of Labor and Employment Security~~  
2 ~~shall provide to the Department of Corrections data relating~~  
3 ~~to inmate placement, tracking, and market needs.~~

4           Section 11. Section 944.803, Florida Statutes, is  
5 amended to read:

6           944.803 Faith-based programs for inmates.--

7           (1) The Legislature finds and declares that  
8 faith-based programs offered in state and private correctional  
9 institutions and facilities have the potential to facilitate  
10 inmate institutional adjustment, help inmates assume personal  
11 responsibility, and reduce recidivism.

12           (2) It is the intent of the Legislature that the  
13 Department of Corrections and the private vendors operating  
14 private correctional facilities shall continuously:

15           (a) Measure recidivism rates for inmates who have  
16 participated in religious programs;

17           (b) Increase the number of volunteers who minister to  
18 inmates from various faith-based institutions in the  
19 community;

20           (c) Develop community linkages with churches,  
21 synagogues, mosques, and other faith-based institutions to  
22 assist inmates in their release back into the community and  
23 shall facilitate, when available, the placement of appropriate  
24 releasees in contracted faith-based,  
25 substance-abuse-transition housing programs; and

26           (d) Fund through the use of inmate welfare trust funds  
27 pursuant to s. 945.215 an adequate number of chaplains and  
28 support staff to operate faith-based programs in correctional  
29 institutions.

30           (3) By March 1, 2002, the department must have at  
31 least six faith-based dormitory programs fully operational

1 within existing correctional institutions. These six programs  
2 shall be similar to and in addition to the pilot program  
3 operating at Tomoka Correctional Institution. The six new  
4 programs shall be a joint effort with the department and  
5 faith-based service groups within the community. The  
6 department shall ensure that the faith component of these  
7 programs applies to all faith groups and does not attempt to  
8 convert an inmate toward a particular religious preference.  
9 The programs shall operate 24 hours a day within the existing  
10 correctional facilities. The programs must emphasize the  
11 importance of personal responsibility, meaningful work,  
12 education, substance-abuse treatment, and peer support.  
13 Participation is voluntary, but will be restricted to those  
14 inmates who will be released within 36 months. Assignment to  
15 these programs shall be based on evaluation and the length of  
16 time the inmate is projected to be assigned to that particular  
17 institution. In evaluating an inmate for this program,  
18 priority shall be given to inmates who have shown an  
19 indication for substance abuse. The department may not remove  
20 an inmate once assigned to the program except for the purposes  
21 of population management, for inmate conduct that may subject  
22 the inmate to disciplinary confinement or loss of gain-time,  
23 or for security or safety concerns. To support the programming  
24 component, the department shall assign a chaplain and a  
25 full-time clerical support person dedicated to each dormitory  
26 to implement and monitor the program and to strengthen  
27 volunteer participation and support. By January 1, 2004, the  
28 department shall submit an evaluation report to the Governor,  
29 the President of the Senate, and the Speaker of the House of  
30 Representatives on the faith-based dormitory program. The  
31 report must contain the findings from an extensive and

1 scientifically sound evaluation of the program, including at  
2 least a longitudinal followup of the inmates who successfully  
3 completed the program compared to other similar inmates who  
4 did not participate and an opinion survey of the faith-based  
5 service providers.

6 (4) Effective July 1, 2001, the Department of  
7 Corrections shall assign chaplains to specified community  
8 correctional centers authorized pursuant to s. 945.091(1)(b).  
9 These chaplains shall strengthen volunteer participation by  
10 recruiting volunteers in the community to assist inmates in  
11 transition, and, if requested by the inmate, placement in a  
12 mentoring program or at a contracted faith-based  
13 substance-abuse-transitional housing program. When placing an  
14 inmate in a contracted program, the chaplain shall work with  
15 the institutional transition-assistance specialist in an  
16 effort to successfully place the released inmate.

17 (5) In the case of an inmate who is not eligible for  
18 placement in a community correctional center authorized  
19 pursuant to s. 945.091(1)(b) and who is nearing release, the  
20 transition-assistance specialist shall inform the inmate of  
21 the availability of placement in a contracted faith-based  
22 substance-abuse-transitional housing program upon release. If  
23 the inmate requests such consideration, the  
24 transition-assistance specialist, along with the institutional  
25 chaplain, must assist in the placement.

26 (6) In the case of an inmate who is placed at a  
27 community correctional center authorized pursuant to s.  
28 945.091(1)(b) and who is nearing release, the  
29 transition-assistance specialist shall inform the inmate of  
30 the availability of placement in a contracted faith-based  
31 substance-abuse-transitional housing program upon release. If

1 the inmate requests such consideration, the  
2 transition-assistance specialist, along with the appropriate  
3 chaplain, must assist in the placement.

4 (7) The department shall ensure that any faith  
5 component of any program authorized in this chapter is offered  
6 on a voluntary basis and applies to all faith groups and that  
7 the program does not attempt to convert an inmate toward a  
8 particular religious preference.

9 (8) The department shall ensure that state funds are  
10 not expended for the sole purpose of furthering religious  
11 indoctrination, but rather, that state funds are expended for  
12 purposes of furthering the secular goals of criminal  
13 rehabilitation, the successful reintegration of offenders into  
14 the community, and the reduction of recidivism.

15 Section 12. Subsection (1) of section 945.091, Florida  
16 Statutes, is amended to read:

17 945.091 Extension of the limits of confinement;  
18 restitution by employed inmates.--

19 (1) The department may ~~is authorized to~~ adopt rules  
20 ~~regulations~~ permitting the extension of the limits of the  
21 place of confinement of an inmate as to whom there is  
22 reasonable cause to believe that the inmate will honor his or  
23 her trust by authorizing the inmate, under prescribed  
24 conditions and following investigation and approval by the  
25 secretary, or the secretary's designee, who shall maintain a  
26 written record of such action, to leave the confines of that  
27 place unaccompanied by a custodial agent for a prescribed  
28 period of time to:

29 (a) Visit, for a specified period, a specifically  
30 designated place or places:

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1           1. For the purpose of visiting a dying relative,  
2 attending the funeral of a relative, or arranging for  
3 employment or for a suitable residence for use when released;

4           2. To otherwise aid in the rehabilitation of the  
5 inmate and his or her successful transition into the  
6 community; or

7           3. For another compelling reason consistent with the  
8 public interest,

9  
10 and return to the same or another institution or facility  
11 designated by the Department of Corrections.

12           (b) Work at paid employment, participate in an  
13 education or a training program, or voluntarily serve a public  
14 or nonprofit agency or faith-based service group in the  
15 community, while continuing as an inmate of the institution or  
16 facility in which the inmate is confined, except during the  
17 hours of his or her employment, education, training, or  
18 service and traveling thereto and therefrom.

19           1. An inmate may participate in paid employment only  
20 during the last 36 months of his or her confinement, unless  
21 sooner requested by the Parole Commission or the Control  
22 Release Authority.

23           2. While working at paid employment and residing in  
24 the facility, and inmate may work with the chaplain, if  
25 available, to apply for placement at a contracted faith-based  
26 substance-abuse-transitional housing program. The department  
27 shall ensure that the faith component of this program applies  
28 to all faith groups and that the program does not attempt to  
29 convert an inmate toward a particular religious preference.

30           (c) Participate in a residential or nonresidential  
31 rehabilitative program operated by a public or private;

1 nonprofit agency, including faith-based service groups, with  
2 which the department has contracted for the treatment of such  
3 inmate. The provisions of ss. 216.311 and 287.057 shall apply  
4 to all contracts between the department and any private entity  
5 providing such services. The department shall require such  
6 agency to provide appropriate supervision of inmates  
7 participating in such program. The department is authorized  
8 to terminate any inmate's participation in the program if such  
9 inmate fails to demonstrate satisfactory progress in the  
10 program as established by departmental rules.

11 Section 13. Paragraph (a) of subsection (6) and  
12 subsection (7) of section 948.08, Florida Statutes, are  
13 amended to read:

14 948.08 Pretrial intervention program.--

15 (6)(a) On the recommendation and approval of the state  
16 attorney ~~Notwithstanding any provision of this section~~, a  
17 person who is charged with a felony of the second or third  
18 degree for purchase or possession of a controlled substance  
19 under chapter 893; who has not been charged with a crime  
20 involving violence, including, but not limited to, murder,  
21 sexual battery, robbery, carjacking, home-invasion robbery, or  
22 any other crime involving violence; and who has not  
23 previously been convicted of a felony nor been admitted to a  
24 pretrial program referred to in this section, is eligible for  
25 admission into a pretrial substance abuse education and  
26 treatment intervention program approved by the chief judge of  
27 the circuit, for a period of not less than 1 year in duration,  
28 upon motion of either party or the court's own motion, except:

29 1. If a defendant was previously offered admission to  
30 a pretrial substance abuse education and treatment  
31 intervention program at any time prior to trial and the

1 defendant rejected that offer on the record, then the court or  
2 the state attorney may deny the defendant's admission to such  
3 a program.

4           2. If the state attorney believes that the facts and  
5 circumstances of the case suggest the defendant's involvement  
6 in the dealing and selling of controlled substances, the court  
7 shall hold a preadmission hearing. If the state attorney  
8 establishes, by a preponderance of the evidence at such  
9 hearing, that the defendant was involved in the dealing or  
10 selling of controlled substances, the court shall deny the  
11 defendant's admission into a pretrial intervention program.

12           (7) The chief judge in each circuit may appoint an  
13 advisory committee for the pretrial intervention program  
14 composed of the chief judge or his or her designee, who shall  
15 serve as chair; the state attorney, the public defender, and  
16 the program administrator, or their designees; and such other  
17 persons as the chair deems appropriate. The advisory committee  
18 may not designate any defendant eligible for a pretrial  
19 intervention program without the state attorney's  
20 recommendation and approval.The committee may also include  
21 persons representing any other agencies to which persons  
22 released to the pretrial intervention program may be referred.

23           Section 14. Section 951.10, Florida Statutes, is  
24 amended to read:

25           951.10 Leasing prisoners to work for private interests  
26 prohibited.--~~No~~ County prisoners may not ~~shall~~ be leased to  
27 work for any private interests. This section does not prohibit  
28 county inmates from working in nonprofit and private-sector  
29 jobs pursuant to s. 951.24(2) and consistent with federal law.

30           Section 15. By March 1, 2002, the Department of  
31 Corrections shall submit a comprehensive report to the

1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives on its progress in implementing this  
3 act. In its comprehensive report the department shall:

4 (1) Identify the number of beds needed for  
5 substance-abuse-transitional housing for the 2002-2003 and  
6 2003-2005 fiscal years.

7 (2) Provide a 5-year plan for and the amount of funds  
8 needed to expand the number of faith-based dormitory programs  
9 and expand the number of chaplain-assisted community  
10 correctional centers.

11 (3) Project the number and fiscal impact of the  
12 anticipated admissions to the Addiction-Recovery Supervision  
13 Program over the next 5 years.

14 (4) Describe and evaluate the activities and  
15 coordination efforts of the Assistant Secretary for Program,  
16 Transition, and Postrelease Services; the  
17 transitional-assistance specialists at each institution; the  
18 chaplain positions, and the expansion of comprehensive  
19 transition courses.

20 Section 16. By March 1, 2002, the Legislative  
21 Committee on Intergovernmental Relations shall submit a  
22 detailed report to the Legislature on the feasibility of  
23 providing effective intervention and treatment strategies for  
24 persons convicted of prostitution and detained in county  
25 detention facilities. In compiling this study, the committee  
26 shall:

27 (1) Identify and describe successful intervention and  
28 treatment strategies in state county detention facilities and  
29 other jurisdictions.

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1           (2) Survey each county detention facility in the state  
2 to determine what policies and practices are in place to  
3 address persons convicted of prostitution.

4           (3) Determine the number of prostitutes being held in  
5 county detention facilities, their length of stay, and their  
6 frequency of incarceration.

7           (4) Examine relevant scientific studies documenting  
8 any correlation between prostitution and substance abuse.

9           (5) Consider the implications of enhancing the  
10 criminal penalty for prostitution from a misdemeanor to a  
11 third-degree felony for a third or subsequent prostitution  
12 offense with respect to the availability of treatment and  
13 rehabilitation programs.

14           (6) Recommend any changes to substantive law and any  
15 funding that is necessary to assist persons convicted of  
16 prostitution from repeated incarceration in county detention  
17 facilities in successfully returning to the community.

18           Section 17. In an effort to ensure that inmates  
19 released from the Department of Corrections successfully  
20 reenter the community, beginning December 1, 2002, each inmate  
21 released from incarceration by the department must complete a  
22 100-hour comprehensive transition course that covers job  
23 readiness and life-management skills.

24           Section 18. (1) The sum of \$5,073,000 is appropriated  
25 from the General Revenue Fund to the Department of Corrections  
26 for the 2001-2002 fiscal year to implement the provisions of  
27 this act for the secular purpose of reducing recidivism  
28 through successful reintegration of released inmates into the  
29 community. The appropriation shall fund a chaplain at each of  
30 the following community correctional centers authorized under  
31 section 945.091(1)(b), Florida Statutes:

- 1           (a) Panama City.  
2           (b) Pensacola.  
3           (c) Ft. Lauderdale.  
4           (d) Bartow.  
5           (e) Daytona Beach.  
6           (f) Orlando.  
7           (g) Palm Beach.  
8           (h) Ft. Pierce.  
9           (i) Pinellas.  
10          (j) Pembroke Pines.  
11          (2) The chaplains shall assist inmates in transition,  
12 strengthen participation of community volunteers, and serve as  
13 a liaison with community leaders. A chaplain shall, if  
14 requested, facilitate the placement of an inmate in a  
15 mentoring program or in a contracted faith-based  
16 substance-abuse-transitional housing program and perform other  
17 duties specified in this act. Using nonrecurring funds from  
18 the appropriation, the department may erect adjacent  
19 structures or alter the physical design of a community  
20 correctional center as is necessary to accommodate the program  
21 needs and other unique requirements of the chaplain.  
22          (3)(a) This appropriation shall also be used to fund  
23 60 transition-assistance specialists and to expand the  
24 100-hour comprehensive transition course at each correctional  
25 institution. The transition-assistance specialists shall  
26 assist all inmates released from the custody of the department  
27 who are eligible for the transition-assistance program.  
28          (b) The appropriation shall also be used to fund six  
29 additional faith-based dormitories. Using nonrecurring funds  
30 from the appropriation, the department shall alter the  
31 physical design at selected dormitories as necessary to

1 accommodate program needs and other unique requirements of the  
2 program described in section 944.803, Florida Statutes.  
3 Recurring funds from this appropriation shall fund six  
4 chaplain positions, six accompanying clerical-support  
5 positions, and the purchase of miscellaneous supplies that are  
6 necessary to operate the program.

7 (c) Finally, this appropriation shall also fund, for  
8 the 2001-2002 fiscal year, the nonrecurring start-up and  
9 recurring per diem costs for 500 substance-abuse and  
10 transitional-housing beds. The 500 substance-abuse and  
11 transitional-housing beds shall be provided by faith-based  
12 service groups under contract with the department. The new  
13 beds and services shall be in addition to similar services  
14 offered by other private, nonprofit organizations that do not  
15 have a faith component and that are currently under contract  
16 with the department. Funds from the appropriation shall be  
17 used for paying nonrecurring start-up costs to ensure the  
18 proper selection and training of staff and for expenses that  
19 relate to preparing the facilities for occupancy.

20 (d) The department shall ensure that state funds are  
21 not expended for the sole purpose of furthering religious  
22 indoctrination, but rather, that state funds are expended for  
23 purposes of furthering the secular goals of criminal  
24 rehabilitation, the successful reintegration of offenders into  
25 the community, and the reduction of recidivism.

26 Section 19. This act shall take effect July 1, 2001.  
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SENATE SUMMARY

Renames the area of program services within the Department of Corrections as "program, transition, and postrelease services." Provides additional qualifications for members and revises the duties of the Statewide Drug Policy Advisory Council. Revises eligibility requirements for substance-abuse treatment provided by the Department of Corrections. Creates the Addiction-Recovery Supervision Program Act. Requires that the department contract with faith-based groups and private organizations to operate certain substance-abuse treatment and transition programs for inmates following release from incarceration. Revises various requirements for substance-abuse treatment provided for inmates. Requires that the department assign chaplains to certain community correctional centers. (See bill for details.)