

By the Committee on Criminal Justice and Senator Villalobos

307-1441C-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. 944.026, F.S.; requiring  
11          the department to designate a certain number of  
12          beds to be used for transition assistance;  
13          expanding the types of offenders who are  
14          eligible for nonsecure community-based  
15          residential drug treatment; amending s.  
16          944.473, F.S.; requiring certain inmates to  
17          participate in substance-abuse treatment;  
18          providing criteria for program participation;  
19          creating s. 944.4731, F.S.; creating the  
20          Addiction-Recovery Supervision Program Act;  
21          providing criteria for program participation;  
22          requiring the department to contract with  
23          faith-based groups and private organizations to  
24          operate substance-abuse-transition housing  
25          programs; providing program requirements;  
26          requiring prerelease screening; providing  
27          requirements for offenders who participate in  
28          the program; amending s. 944.702, F.S.;  
29          providing legislative intent with respect to  
30          support services for inmates who abuse  
31          substances; amending ss. 944.703, 944.704,

1 F.S., relating to transition assistance for  
2 inmates; requiring that inmates who abuse  
3 substances receive priority assistance;  
4 providing for transition-assistance specialists  
5 at institutions; amending ss. 944.705, 944.706,  
6 944.707, F.S.; authorizing the department to  
7 contract with faith-based service groups for  
8 release-assistance programs and postrelease  
9 services; amending s. 944.803, F.S.; providing  
10 additional requirements for faith-based  
11 programs for inmates; requiring the department  
12 to assign chaplains to certain community  
13 correctional centers; amending s. 945.091,  
14 F.S.; authorizing an inmate to participate in  
15 faith-based service groups; amending s. 948.08,  
16 F.S.; providing that specified offenders are  
17 eligible for certain pretrial intervention  
18 programs; amending s. 951.10, F.S.; clarifying  
19 provisions governing the leasing of prisoners;  
20 requiring the Department of Corrections to  
21 report to the Governor and the Legislature on  
22 the implementation of the act; requiring the  
23 Legislative Committee on Intergovernmental  
24 Relations to report to the Legislature on  
25 intervention and treatment strategies for  
26 persons convicted of prostitution; requiring  
27 inmates to complete a course on job readiness  
28 and life management before release; providing  
29 an appropriation; providing an effective date.  
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1           WHEREAS, the Task Force on Self-Inflicted Crimes, as  
2 created by chapter 2000-366, Laws of Florida, identified in  
3 its report issued January 18, 2001, a wide variety of  
4 potential legislative solutions for reducing the repetitious  
5 self-injurious behavior of prostitution and substance abuse,  
6 and

7           WHEREAS, those recommendations stemmed from the  
8 testimony from numerous individuals, substance-abuse experts,  
9 governmental officials, and private organizations throughout  
10 Florida, and

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

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

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

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

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1 they inject an element of moral challenge and spiritual  
2 renewal that government cannot duplicate, and

3 WHEREAS, a study required by chapter 97-78, Laws of  
4 Florida, to measure the effectiveness of faith-based programs  
5 in Florida's correctional facilities found a strong and  
6 beneficial correlation between faith-based programming and  
7 remaining crime-free and drug-free upon release, and

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

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

22 WHEREAS, the task force recommended that the  
23 Legislature fund faith-based substance-abuse-recovery programs  
24 and transition assistance for the secular purpose of reducing  
25 recidivism, and

26 WHEREAS, in an effort to transform lives and break the  
27 personally destructive and expensive recidivism cycle, Florida  
28 should increase the number of chaplains who strengthen  
29 volunteer participation; expand the pilot dormitory program  
30 started in November 1999; and implement a strong  
31 transition-assistance residential program that includes a

1 voluntary faith component that supports inmates as they  
2 reenter communities, NOW, THEREFORE,

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

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6 Section 1. Paragraph (c) of subsection (3) of section  
7 20.315, Florida Statutes, is amended to read:

8 20.315 Department of Corrections.--There is created a  
9 Department of Corrections.

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

23 (c) The secretary may appoint assistant secretaries,  
24 directors, or other such persons that he or she deems are  
25 necessary to accomplish the mission and goals of the  
26 department, including, but not limited to, the following areas  
27 of program responsibility:

28 1. Security and institutional operations, which shall  
29 provide inmate work programs, offender programs, security  
30 administration, emergency operations response, and operational  
31 oversight of the regions.

1           2. Health services, which shall be headed by a  
2 physician licensed under chapter 458 or an osteopathic  
3 physician licensed under chapter 459, or a professionally  
4 trained health care administrator with progressively  
5 responsible experience in health care administration. This  
6 individual shall be responsible for the delivery of health  
7 services to offenders within the system and shall have direct  
8 professional authority over such services.

9           3. Community corrections, which shall provide for  
10 coordination of community alternatives to incarceration and  
11 operational oversight of community corrections regions.

12           4. Administrative services, which shall provide budget  
13 and accounting services within the department, including the  
14 construction and maintenance of correctional institutions,  
15 human resource management, research, planning and evaluation,  
16 and technology.

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

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

31           397.333 Statewide Drug Policy Advisory Council.--

1           (1)(a) The Statewide Drug Policy Advisory Council is  
2 created within the Executive Office of the Governor. The  
3 director of the Office of Drug Control shall be a nonvoting,  
4 ex officio member of the advisory council and shall act as  
5 chairperson. The director of the Office of Planning and  
6 Budgeting shall be a nonvoting, ex officio member of the  
7 advisory council. The Office of Drug Control and the Office of  
8 Planning and Budgeting shall provide staff support for the  
9 advisory council.

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

- 12           1. The Attorney General, or his or her designee.
- 13           2. The executive director of the Department of Law  
14 Enforcement, or his or her designee.
- 15           3. The Secretary of Children and Family Services, or  
16 his or her designee.
- 17           4. The Secretary of Health, or his or her designee.
- 18           5. The Secretary of Corrections, or his or her  
19 designee.
- 20           6. The Secretary of Juvenile Justice, or his or her  
21 designee.
- 22           7. The Commissioner of Education, or his or her  
23 designee.
- 24           8. The executive director of the Department of Highway  
25 Safety and Motor Vehicles, or his or her designee.
- 26           9. The Adjutant General of the state as the Chief of  
27 the Department of Military Affairs, or his or her designee.

28           (c) In addition, the Governor shall appoint 11 members  
29 of the public to serve on the advisory council. Of the 11  
30 appointed members, one members must have professional or  
31 occupational expertise in drug enforcement, one member must

1 have professional or occupational expertise in substance abuse  
2 prevention, ~~and~~ one member must have professional or  
3 occupational expertise in substance abuse treatment, and two  
4 members must have professional or occupational expertise in  
5 faith-based substance-abuse-treatment services. The remainder  
6 of the members appointed should have professional or  
7 occupational expertise in, or be generally knowledgeable  
8 about, issues that relate to drug enforcement and substance  
9 abuse programs and services. The members appointed by the  
10 Governor must, to the extent possible, equitably represent all  
11 geographic areas of the state.

12 (d) The President of the Senate shall appoint a member  
13 of the Senate to the advisory council and the Speaker of the  
14 House of Representatives shall appoint a member of the House  
15 of Representatives to the advisory council.

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

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

25 (3) The advisory council shall:

26 (a) Conduct a comprehensive analysis of the problem of  
27 substance abuse in this state and make recommendations to the  
28 Governor and Legislature for developing and implementing a  
29 state drug control strategy. The advisory council shall  
30 determine the most effective means of establishing clear and  
31 meaningful lines of communication between the advisory council



1 and the public and private sectors in order to ensure that the  
2 process of developing and implementing the state drug control  
3 strategy has afforded a broad spectrum of the public and  
4 private sectors an opportunity to comment and make  
5 recommendations.

6 (b) Review and make recommendations to the Governor  
7 and Legislature on funding substance abuse programs and  
8 services, consistent with the state drug control strategy, as  
9 developed. The council may recommend the creation of a  
10 separate appropriations category for funding services  
11 delivered or procured by state agencies and may recommend the  
12 use of performance-based contracting as provided in s.  
13 414.065.

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

21 (d) Review the drug control strategies and programs  
22 of, and efforts by, other states and the Federal Government  
23 and compile the relevant research.

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

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

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

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

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

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1           (j) Examine the extent to which all state programs  
2 that involve substance-abuse treatment can include a  
3 meaningful work component, and identify any change in the law  
4 which would remove barriers to or enhance the work component  
5 for a substance-abuse-treatment program.

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

9           Section 3. Section 944.026, Florida Statutes, is  
10 amended to read:

11           944.026 Community-based facilities and programs.--

12           (1) In addition to those facilities and services  
13 described elsewhere in this chapter, the department shall  
14 develop, provide, or contract for a statewide system of  
15 community-based facilities, services, and programs dealing  
16 with the rehabilitation of offenders, which shall include, but  
17 not be limited to:

18           (a) A system of community correctional centers to be  
19 used for reintegration of the offender back into the  
20 community, located at various places throughout the state as  
21 provided in s. 944.033.

22           (b) Community-based residential drug treatment  
23 facilities ~~that~~ which include:

24           1. Nonsecure facilities, whereby probationers and drug  
25 offender probationers who have violated their terms or  
26 conditions, or persons placed on community control whose  
27 presumptive sentence exceeds 22 months, may be required to  
28 reside while working, receiving treatment, or attending  
29 school, and whereby inmates may be placed who are nearing  
30 their date of release from a correctional institution or a  
31 community correctional center, who are in need of placement in

1 a substance-abuse-transition housing program, and who are  
2 considered eligible for such placement by the department; and

3 2. Secure facilities which provide for limited access  
4 for the duration of the program for persons who have violated  
5 their conditions of probation, drug offender probation, or  
6 community control, and whose presumptive sentence exceeds 22  
7 months.

8 (c) A system of probation and restitution centers  
9 throughout the state whereby probationers, drug offender  
10 probationers, and community controllees who have violated  
11 their terms or conditions, and whose presumptive sentence  
12 exceeds 22 months, may be required to reside while working,  
13 receiving treatment, or attending school, or for persons on  
14 probation, drug offender probation, or community control who  
15 may be required to attend outpatient substance abuse  
16 counseling. The purpose of these facilities and services is  
17 to provide the court with an alternative to committing  
18 offenders to more secure state correctional institutions and  
19 to assist in the supervision of probationers, drug offender  
20 probationers, and community controllees.

21 (2) By January 1, 2002, and notwithstanding any other  
22 law, the department shall ensure that at least 400 of its  
23 contracted nonsecure community-based residential  
24 substance-abuse-treatment beds authorized under subparagraph  
25 (1)(b)1. are designated for transition assistance for inmates  
26 who are nearing their date of release from a correctional  
27 institution or a community correctional center. These  
28 designated beds shall be provided by private organizations  
29 that do not have a faith component and that are under contract  
30 with the department. In making placement decisions, the  
31 department and the contract providers shall give priority

1 consideration to those inmates who are nearing their date of  
2 release and who are to be placed in some form of postrelease  
3 community supervision. However, if an inmate whose sentence  
4 expires upon his or her release from a correctional  
5 institution or a community correction center and for whom  
6 community supervision is not required demonstrates the need  
7 for or interest in and suitability for transition-housing  
8 assistance, as determined by the department, the inmate is  
9 eligible to be considered for placement in transition housing.  
10 A right to substance-abuse-program services is not stated,  
11 intended, or otherwise implied by this subsection.

12 (3)(2)(a) The department shall develop and implement  
13 procedures to diagnose offenders prior to sentencing, for the  
14 purpose of recommending to the sentencing court suitable  
15 candidates for placement in a community-based residential drug  
16 treatment facility or probation and restitution center as  
17 provided in this section. The department shall also develop  
18 and implement procedures to properly identify inmates prior to  
19 release who demonstrate the need for or interest in and  
20 suitability for placement in a community-based  
21 substance-abuse-transition housing program as provided in this  
22 section and pursuant to ss. 944.704 and 944.4731.

23 (b) Pretrial intervention programs in appropriate  
24 counties to provide early counseling and supervision services  
25 to specified offenders as provided in s. 948.08.

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

28 944.473 Inmate substance abuse testing program.--

29 (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

30 (a) An inmate who meets the criteria established by  
31 the department shall participate in substance-abuse-program

1 services when such services are available. A right to  
2 substance-abuse-program services is not stated, intended, or  
3 otherwise implied by this chapter.

4 (b) Upon arrival at a department's reception center  
5 for initial processing, each inmate shall be screened and  
6 assessed to determine if the inmate meets the department's  
7 criteria for mandated participation in a substance-abuse  
8 program. Criteria for mandated substance-abuse-program  
9 services shall be based on:

10 1. The presence of a diagnosed psychoactive substance  
11 dependence or use disorder;

12 2. The severity of the addiction;

13 3. A history of criminal behavior related to substance  
14 abuse;

15 4. A recommendation by a sentencing authority for  
16 substance-abuse-program services;

17 5. Unsuccessful participation in community-based  
18 substance-abuse services;

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

20 7. Other classification or program criteria that the  
21 department finds will ensure security and optimal program  
22 placement.

23 (c) When selecting contract providers to administer  
24 substance-abuse-treatment programs, the department shall make  
25 every effort to consider qualified faith-based service groups  
26 on an equal basis with other private organizations.~~ff~~  
27 ~~substance abuse treatment is requested by an inmate, the~~  
28 ~~department shall place the inmate in a substance abuse~~  
29 ~~treatment program, if available and appropriate.~~

30 Section 5. Section 944.4731, Florida Statutes, is  
31 created to read:

1           944.4731 Addiction-Recovery Supervision Program.--  
2           (1) This section may be cited as the  
3 "Addiction-Recovery Supervision Program Act."  
4           (2)(a) Any offender who is convicted of a crime  
5 committed on or after July 1, 2001, must be given  
6 addiction-recovery supervision if the offender has:  
7           1. A history of substance-abuse or addiction;  
8           2. Participated in any drug treatment;  
9           3. No current or previous convictions for a violent  
10 offense;  
11           4. No current or previous convictions for drug  
12 trafficking or for the unlawful sale of a controlled  
13 substance;  
14           5. No current or previous convictions for a property  
15 offense, except for a conviction for:  
16           a. Passing worthless checks, forgery, uttering, or  
17 counterfeiting;  
18           b. Third-degree felony grand theft, excluding a theft  
19 relating to firearms; or  
20           c. Third-degree felony burglary of an unoccupied  
21 structure or conveyance; and  
22           6. No current or previous conviction for a traffic  
23 offense involving injury or death.  
24           (b) An offender released under addiction-recovery  
25 supervision shall be subject to specified terms and  
26 conditions, including payment of the costs of supervision  
27 under s. 948.09 and any other court-ordered payments, such as  
28 child support and restitution. If an offender has received a  
29 term of probation or community control to be served after  
30 release from incarceration, the period of probation or  
31 community control may not be substituted for

1 addiction-recovery supervision and shall follow the term of  
2 addiction-recovery supervision. A panel of not fewer than two  
3 parole commissioners shall establish the terms and conditions  
4 of supervision, and the terms and conditions must be included  
5 in the supervision order. In setting the terms and conditions  
6 of supervision, the parole commission shall weigh heavily the  
7 program requirements, including, but not limited to, work at  
8 paid employment while participating in treatment and traveling  
9 restrictions. The commission shall also determine whether an  
10 offender violates the terms and conditions of supervision and  
11 whether a violation warrants revocation of addiction-recovery  
12 supervision. The parole commission shall review the offender's  
13 record for the purpose of establishing the terms and  
14 conditions of supervision. The parole commission may impose  
15 any special conditions it considers warranted from its review  
16 of the record. The length of supervision may not exceed the  
17 maximum penalty imposed by the court.

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

23 (3)(a) Each fiscal year, and contingent upon funding,  
24 the department shall enter into contracts with multiple  
25 providers who are private organizations, including faith-based  
26 service groups, to operate substance-abuse-transition housing  
27 programs, including providers that:

28 1. Provide postrelease housing, programming,  
29 treatment, and other transitional services;

30 2. Emphasize job placement and gainful employment for  
31 program participants;



1           3. Provide a curriculum related to substance-abuse  
2 treatment which uses a cognitive-behavior model or 12-step  
3 model of addiction recovery;

4           4. Provide for a length of stay of not more than 12  
5 months; and

6           5. Use community volunteers in operating the program  
7 to the greatest extent possible.

8           (b) The department shall allow providers to use  
9 innovative approaches to treatment and shall authorize a high  
10 level of flexibility in operating a program. The department  
11 shall ensure that an offender's faith orientation, or lack  
12 thereof, will not be considered in determining admission to a  
13 faith-based program and that the program does not attempt to  
14 convert an offender toward a particular faith or religious  
15 preference.

16           (4) When facilitating job placement for an offender  
17 under this program, the provider shall make every effort to  
18 secure suitable employment that provides adequate wages, a  
19 potential for advancement, and a likelihood of stable and  
20 long-term employment. To measure the success of postrelease  
21 job placement, the department shall, as part of its annual  
22 report, track for 1 year offenders who successfully complete  
23 the program and shall determine their employment status.

24           (5) Each contract entered into under this section for  
25 operating a substance-abuse-transition housing program must  
26 invite innovation, minimize bureaucracy, and permit the  
27 private organization or faith-based provider to petition the  
28 department to waive any rule, policy, or procedure that is  
29 inconsistent with the mission of the private organization or  
30 faith-based provider.

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1           (6) Six months before an offender is released, the  
2 chaplain and transition-assistance specialist at the  
3 institution where the offender is incarcerated shall initiate  
4 the prerelease screening process in addition to the basic  
5 release orientation required under s. 944.705.

6           (a) The transition-assistance specialist and the  
7 chaplain shall provide a list of contracted private providers,  
8 including faith-based providers, to the offender and  
9 facilitate the application process. The transition-assistance  
10 specialist shall inform the offender of program availability  
11 and assess the offender's need and suitability for  
12 substance-abuse-transition housing assistance. If an offender  
13 is approved for placement, the specialist shall assist the  
14 offender and coordinate the release of the offender with the  
15 selected program. If an offender requests and is approved for  
16 placement in a contracted faith-based  
17 substance-abuse-transition housing program, the specialist  
18 must consult with the chaplain prior to such placement. A  
19 right to substance-abuse-program services is not stated,  
20 intended, or otherwise implied by this section.

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

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

29           (a) Adhere to all conditions of supervision enforced  
30 by the commission and the program provider. Failure to comply  
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1 with such rules or conditions may result in revocation of  
2 supervision.

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

6 (c) Participate in a cognitive-behavior model or  
7 12-step model of recovery.

8 (8) The commission may adopt rules pursuant to ss.  
9 120.536(1) and 120.54 as necessary for administering this  
10 section.

11 Section 6. Section 944.702, Florida Statutes, is  
12 amended to read:

13 944.702 Legislative intent.--It is the intent of the  
14 Legislature to provide persons released from incarceration  
15 from the Department of Corrections with certain fundamental  
16 resources in the areas of employment, life skills training,  
17 job placement, and access to as many support services as  
18 possible in order to appreciably increase the likelihood of  
19 the inmate's successful reentry into free society. The  
20 Legislature intends that these support services include  
21 faith-based service groups on an equal basis with other  
22 private organizations.

23 Section 7. Section 944.703, Florida Statutes, is  
24 amended to read:

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

1 determines that cancellation of the detainer is likely or that  
2 the incarceration for which the detainer was issued will be of  
3 short duration. The department shall confirm the detainer  
4 with the originating authority prior to release.

5 Section 8. Section 944.704, Florida Statutes, is  
6 amended to read:

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

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

15 (2) Assisting in the development of each inmate's  
16 postrelease plan.

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

20 (4) Facilitating placement in a private  
21 transition-housing program, if requested by any eligible  
22 inmate. If an inmate who is nearing his or her date of release  
23 requests placement in a contracted substance-abuse-transition  
24 housing program, the transition-assistance specialist shall  
25 inform the inmate of program availability and assess the  
26 inmate's need and suitability for transition-housing  
27 assistance. If an inmate is approved for placement, the  
28 specialist shall assist the inmate and coordinate the release  
29 of the inmate with the selected program. If an inmate requests  
30 and is approved for placement in a contracted faith-based  
31 substance-abuse-transition housing program, the specialist

1 must consult with the chaplain prior to such placement. In  
2 selecting inmates who are nearing their date of release for  
3 placement in a faith-based program, the department shall  
4 ensure that an inmate's faith orientation, or lack thereof,  
5 will not be considered in determining admission to the program  
6 and that the program does not attempt to convert an inmate  
7 toward a particular faith or religious preference.

8 (5)~~(4)~~ Providing a photo identification card to all  
9 inmates prior to their release.

10  
11 The transition-assistance specialist may not be a correctional  
12 officer or correctional probation officer as defined in s.  
13 943.10.

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

17 944.705 Release orientation program.--

18 (1) The department shall provide participation in a  
19 standardized release orientation program to every eligible  
20 inmate.

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

23 (a) Employment skills.

24 (b) Money management skills.

25 (c) Personal development and planning.

26 (d) Special needs.

27 (e) Community reentry concerns.

28 (f) Community reentry support.

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

31

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

5           Section 10. Section 944.706, Florida Statutes, is  
6 amended to read:

7           944.706 Basic release assistance.--

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

11           (2) The department may ~~is authorized to~~ contract with  
12 the Department of Children and Family Services, the Salvation  
13 Army, and other public or private organizations, including  
14 faith-based service groups, for the provision of basic support  
15 services for releasees. ~~The department shall contract with~~  
16 ~~the Department of Labor and Employment Security for the~~  
17 ~~provision of releasee job placement.~~

18           (3) The department shall adopt ~~promulgate~~ rules for  
19 the development, implementation, and termination of transition  
20 assistance.

21           Section 11. Section 944.707, Florida Statutes, is  
22 amended to read:

23           944.707 Postrelease special services; job placement  
24 services.--

25           (1) The department shall ~~attempt to~~ generate and  
26 provide to every releasee, identified by the prerelease needs  
27 assessment, support services such as, but not limited to,  
28 substance abuse counseling, family counseling, and employment  
29 support programs. The department may ~~is authorized to~~ select  
30 and contract with public or private organizations, including  
31 faith-based service groups, for the provision of these basic

1 support services. When selecting a provider, the department  
2 shall consider faith-based service groups on an equal basis  
3 with other private organizations. Provider selection criteria  
4 include, but are not limited to:

- 5 (a) The depth and scope of services provided.
- 6 (b) The geographic area to be served.
- 7 (c) The number of inmates to be served and the cost of  
8 services per inmate.
- 9 (d) The individual provider's record of success in the  
10 provision of inmate services.

11 (2) The department, with the assistance of the State  
12 Office on Homelessness, shall maintain and regularly update a  
13 comprehensive directory of support services offered by private  
14 organizations and faith-based service groups for the purpose  
15 of assisting transition-assistance specialists and chaplains  
16 in making individualized placements and referrals.~~The~~  
17 ~~following items shall be provided to the Department of Labor~~  
18 ~~and Employment Security job service office located nearest to~~  
19 ~~the inmate's intended residence:~~

- 20 ~~(a) The job placement information obtained at release~~  
21 ~~orientation.~~
- 22 ~~(b) Referral information for the needed basic support~~  
23 ~~service providers.~~
- 24 ~~(3)(a) The Department of Labor and Employment Security~~  
25 ~~shall assign job service staff exclusively dedicated to~~  
26 ~~releasee services at those offices identified by the~~  
27 ~~Department of Corrections as having a high number of releasee~~  
28 ~~contacts. Those offices having a fewer number of releasee~~  
29 ~~contacts shall have designated staff assigned to assist~~  
30 ~~releasees. The Department of Labor and Employment Security~~  
31 ~~shall provide appropriate training for staff assigned to~~

1 ~~assist releasees. Staff assigned to assist releasees shall~~  
2 ~~use job placement information obtained at each releasee's~~  
3 ~~release orientation to attempt to secure suitable employment~~  
4 ~~for the releasee prior to the releasee's arrival. Staff~~  
5 ~~assigned to assist releasees shall act to maximize releasee~~  
6 ~~placement opportunities in the job service office service~~  
7 ~~area.~~

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

11 Section 12. Section 944.803, Florida Statutes, is  
12 amended to read:

13 944.803 Faith-based programs for inmates.--

14 (1) The Legislature finds and declares that  
15 faith-based programs offered in state and private correctional  
16 institutions and facilities have the potential to facilitate  
17 inmate institutional adjustment, help inmates assume personal  
18 responsibility, and reduce recidivism.

19 (2) It is the intent of the Legislature that the  
20 Department of Corrections and the private vendors operating  
21 private correctional facilities shall continuously:

22 (a) Measure recidivism rates for inmates who have  
23 participated in religious programs;

24 (b) Increase the number of volunteers who minister to  
25 inmates from various faith-based institutions in the  
26 community;

27 (c) Develop community linkages with churches,  
28 synagogues, mosques, and other faith-based institutions to  
29 assist inmates in their release back into the community; and

30 (d) Fund through the use of inmate welfare trust funds  
31 pursuant to s. 945.215 an adequate number of chaplains and



1 support staff to operate faith-based programs in correctional  
2 institutions.

3 (3) By March 1, 2002, the department must have at  
4 least six faith-based dormitory programs fully operational  
5 within existing correctional institutions. These six programs  
6 shall be similar to and in addition to the current faith-based  
7 pilot program. The six new programs shall be a joint effort  
8 with the department and faith-based service groups within the  
9 community. The department shall ensure that an inmate's faith  
10 orientation, or lack thereof, will not be considered in  
11 determining admission to a faith-based program and that the  
12 program does not attempt to convert an inmate toward a  
13 particular faith or religious preference. The programs shall  
14 operate 24 hours a day within the existing correctional  
15 facilities. The programs must emphasize the importance of  
16 personal responsibility, meaningful work, education,  
17 substance-abuse treatment, and peer support. Participation in  
18 the faith-based dormitory program shall be voluntary. However,  
19 at least 80 percent of the inmates participating in this  
20 program must be within 36 months of release. Assignment to  
21 these programs shall be based on evaluation and the length of  
22 time the inmate is projected to be assigned to that particular  
23 institution. In evaluating an inmate for this program,  
24 priority shall be given to inmates who have shown an  
25 indication for substance abuse. A right to  
26 substance-abuse-program services is not stated, intended, or  
27 otherwise implied by this subsection. The department may not  
28 remove an inmate once assigned to the program except for the  
29 purposes of population management, for inmate conduct that may  
30 subject the inmate to disciplinary confinement or loss of  
31 gain-time, for physical or mental health concerns, or for

1 security or safety concerns. To support the programming  
2 component, the department shall assign a chaplain and a  
3 full-time clerical support person dedicated to each dormitory  
4 to implement and monitor the program and to strengthen  
5 volunteer participation and support. By January 1, 2004, the  
6 department shall submit an evaluation report to the Governor,  
7 the President of the Senate, and the Speaker of the House of  
8 Representatives on the faith-based dormitory program. The  
9 report must contain the findings from an extensive and  
10 scientifically sound evaluation of the program, including at  
11 least a longitudinal followup of the inmates who have  
12 successfully completed the program compared to other similar  
13 inmates who have not participated and an opinion survey of the  
14 faith-based service providers.

15 (4) Effective July 1, 2001, the Department of  
16 Corrections shall assign chaplains to community correctional  
17 centers authorized pursuant to s. 945.091(1)(b). These  
18 chaplains shall strengthen volunteer participation by  
19 recruiting volunteers in the community to assist inmates in  
20 transition, and, if requested by the inmate, placement in a  
21 mentoring program or at a contracted  
22 substance-abuse-transition housing program. When placing an  
23 inmate in a contracted program, the chaplain shall work with  
24 the institutional transition-assistance specialist in an  
25 effort to successfully place the released inmate.

26 (5) The department shall ensure that any faith  
27 component of any program authorized in this chapter is offered  
28 on a voluntary basis and, an offender's faith orientation, or  
29 lack thereof, will not be considered in determining admission  
30 to a faith-based program and that the program does not attempt  
31

1 to convert an offender toward a particular faith or religious  
2 preference.

3 (6) The department shall ensure that state funds are  
4 not expended for the purpose of furthering religious  
5 indoctrination, but rather, that state funds are expended for  
6 purposes of furthering the secular goals of criminal  
7 rehabilitation, the successful reintegration of offenders into  
8 the community, and the reduction of recidivism.

9 Section 13. Subsection (1) of section 945.091, Florida  
10 Statutes, is amended to read:

11 945.091 Extension of the limits of confinement;  
12 restitution by employed inmates.--

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

23 (a) Visit, for a specified period, a specifically  
24 designated place or places:

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

28 2. To otherwise aid in the rehabilitation of the  
29 inmate and his or her successful transition into the  
30 community; or

31

1           3. For another compelling reason consistent with the  
2 public interest,

3  
4 and return to the same or another institution or facility  
5 designated by the Department of Corrections.

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

13           1. An inmate may participate in paid employment only  
14 during the last 36 months of his or her confinement, unless  
15 sooner requested by the Parole Commission or the Control  
16 Release Authority.

17           2. While working at paid employment and residing in  
18 the facility, an inmate may apply for placement at a  
19 contracted substance-abuse-transition housing program. The  
20 transition-assistance specialist shall inform the inmate of  
21 program availability and assess the inmate's need and  
22 suitability for transition-housing assistance. If an inmate is  
23 approved for placement, the specialist shall assist the  
24 inmate. If an inmate requests and is approved for placement in  
25 a contracted faith-based substance-abuse-transition housing  
26 program, the specialist must consult with the chaplain prior  
27 to such placement. The department shall ensure that an  
28 inmate's faith orientation, or lack thereof, will not be  
29 considered in determining admission to a faith-based program  
30 and that the program does not attempt to convert an inmate  
31 toward a particular faith or religious preference.

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

13           Section 14. Paragraph (a) of subsection (6) and  
14 subsection (7) of section 948.08, Florida Statutes, are  
15 amended to read:

16           948.08 Pretrial intervention program.--

17           (6)(a) On the recommendation and approval of the state  
18 attorney ~~Notwithstanding any provision of this section~~, a  
19 person who is charged with a felony of the second or third  
20 degree for purchase or possession of a controlled substance  
21 under chapter 893; who has not been charged with a crime  
22 involving violence, including, but not limited to, murder,  
23 sexual battery, robbery, carjacking, home-invasion robbery, or  
24 any other crime involving violence; and who has not  
25 previously been convicted of a felony nor been admitted to a  
26 pretrial program referred to in this section, is eligible for  
27 admission into a pretrial substance abuse education and  
28 treatment intervention program approved by the chief judge of  
29 the circuit, for a period of not less than 1 year in duration,  
30 upon motion of either party or the court's own motion, except:  
31

1           1. If a defendant was previously offered admission to  
2 a pretrial substance abuse education and treatment  
3 intervention program at any time prior to trial and the  
4 defendant rejected that offer on the record, then the court or  
5 the state attorney may deny the defendant's admission to such  
6 a program.

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

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

26           Section 15. Section 951.10, Florida Statutes, is  
27 amended to read:

28           951.10 Leasing prisoners to work for private interests  
29 prohibited.--~~No~~ County prisoners may not ~~shall~~ be leased to  
30 work for any private interests. This section does not prohibit  
31

1 county inmates from working in nonprofit and private-sector  
2 jobs pursuant to s. 951.24(2) and consistent with federal law.

3 Section 16. By March 1, 2002, the Department of  
4 Corrections shall submit a comprehensive report to the  
5 Governor, the President of the Senate, and the Speaker of the  
6 House of Representatives on its progress in implementing this  
7 act. In its comprehensive report the department shall:

8 (1) Identify the number of beds needed for  
9 substance-abuse-transition housing for the 2002-2003,  
10 2003-2004, and 2004-2005 fiscal years, and shall evaluate the  
11 impact of designating nonsecure, community-based residential  
12 beds for postrelease transition services.

13 (2) Provide a 5-year plan for and the amount of funds  
14 needed for expanding the number of faith-based dormitory  
15 programs and expanding the number of chaplain-assisted  
16 community correctional centers.

17 (3) Project the number and fiscal impact of the  
18 anticipated admissions to the Addiction-Recovery Supervision  
19 Program over the next 5 years.

20 (4) Describe and evaluate new prerelease and  
21 postrelease transition services provided by the department,  
22 including the effectiveness of the newly created bureau, the  
23 transition-assistance specialists at each institution, the  
24 chaplain positions, and the expansion of comprehensive  
25 transition courses.

26 Section 17. By March 1, 2002, the Legislative  
27 Committee on Intergovernmental Relations shall submit a  
28 detailed report to the Legislature on the feasibility of  
29 providing effective intervention and treatment strategies for  
30 persons convicted of prostitution and detained in county  
31

1 detention facilities. In compiling this study, the committee  
2 shall:

3 (1) Identify and describe successful intervention and  
4 treatment strategies in state county detention facilities and  
5 other jurisdictions.

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

9 (3) Determine the number of prostitutes being held in  
10 county detention facilities, their length of stay, and their  
11 frequency of incarceration.

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

14 (5) Consider the implications of enhancing the  
15 criminal penalty for prostitution from a misdemeanor to a  
16 third-degree felony for a third or subsequent prostitution  
17 offense with respect to the availability of treatment and  
18 rehabilitation programs.

19 (6) Recommend any changes to substantive law and any  
20 funding that is necessary to help persons convicted of  
21 prostitution to avoid repeated incarceration in county  
22 detention facilities and to successfully return to the  
23 community.

24 Section 18. In an effort to ensure that inmates  
25 released from the Department of Corrections successfully  
26 reenter the community, beginning December 1, 2002, each inmate  
27 released from incarceration by the department must complete a  
28 100-hour comprehensive transition course that covers job  
29 readiness and life-management skills. This requirement does  
30 not apply to inmates released in an emergency situation.

31



1           Section 19. (1) The sum of \$5,206,697 is appropriated  
2 from the General Revenue Fund to the Department of Corrections  
3 for the 2001-2002 fiscal year to implement the provisions of  
4 this act for the secular purpose of reducing recidivism  
5 through successful reintegration of released inmates into the  
6 community.

7           (2) The appropriation shall fund a chaplain for at  
8 least 10 community correctional centers authorized under  
9 section 945.091(1)(b), Florida Statutes. The chaplains shall  
10 assist inmates in transition, strengthen participation of  
11 community volunteers, and serve as a liaison with community  
12 leaders. Using nonrecurring funds from the appropriation, the  
13 department may erect adjacent structures or alter the physical  
14 design of a community correctional center as is necessary to  
15 accommodate the program needs and other unique requirements of  
16 the chaplain.

17           (3)(a) This appropriation shall also be used to fund  
18 60 transition-assistance specialists and to expand the  
19 100-hour comprehensive transition course at each correctional  
20 institution. The transition-assistance specialists shall  
21 assist all inmates released from the custody of the department  
22 who are eligible for the transition-assistance program.

23           (b) The appropriation shall also be used to fund six  
24 additional faith-based dormitories similar to the current  
25 faith-based pilot program operating at Tomoka Correctional  
26 Institution. Using nonrecurring funds from the appropriation,  
27 the department shall alter the physical design at selected  
28 dormitories as necessary to accommodate program needs and  
29 other unique requirements of the program described in section  
30 944.803, Florida Statutes. Recurring funds from this  
31 appropriation shall fund six chaplain positions, six

1 accompanying clerical-support positions, and the purchase of  
2 miscellaneous secular supplies that are necessary to operate  
3 the program.

4 (c) Finally, this appropriation shall also fund, for  
5 the 2001-2002 fiscal year, the nonrecurring start-up and  
6 recurring per diem costs for 400 substance-abuse-transition  
7 housing beds. The 400 substance-abuse-transition housing beds  
8 shall be provided by faith-based service groups under contract  
9 with the department. The new beds and services funded by this  
10 appropriation shall be in addition to the minimum 400 required  
11 beds designated as transition-housing beds under section  
12 944.026(2), Florida Statutes, which are under contract with  
13 private organizations not offering a faith component. Funds  
14 from the appropriation shall be used for paying nonrecurring  
15 start-up costs to ensure the proper selection and training of  
16 staff and for expenses that relate to preparing the facilities  
17 for occupancy.

18 (d) The department shall ensure that the number of  
19 transition-housing beds provided by private organizations with  
20 a faith component does not exceed the number of  
21 transition-housing beds provided by private organizations  
22 without a faith component, so that an eligible offender has  
23 equal access to either type of transition bed.

24 (e) The department shall ensure that state funds are  
25 not expended for the sole purpose of furthering religious  
26 indoctrination, but rather that state funds are expended for  
27 purposes of furthering the secular goals of criminal  
28 rehabilitation, the successful reintegration of offenders into  
29 the community, and the reduction of recidivism.

30 Section 20. This act shall take effect July 1, 2001.

31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 912

- 4 - Removes the designation and naming of the 10 specific  
5 work release centers that will have assigned chaplains.  
6 - Designates at least 400 of the contracted non-secure  
7 drug treatment beds as post-release transition  
8 assistance housing.  
9 - Requires the department to ensure that the number of  
10 transition-housing beds provided by private  
11 organizations with a faith component not exceed the  
12 number of transition housing beds provided by private  
13 organizations without a faith component.  
14 - Requires at least 80 percent of the participants in the  
15 faith-based dormitory program to be within 36 months of  
16 release. (The original bill required all participants to  
17 be within 36 months of release.)  
18 - Permits the department to remove an inmate from the  
19 faith-based dormitory program for mental and physical  
20 health concerns in addition to the other circumstances  
21 enumerated in the original bill.  
22 - Eliminates the minimum length of stay required in the  
23 original bill for the contracted faith-based  
24 substance-abuse transition-housing program.  
25 - Permits the treatment models employed at the  
26 substance-abuse transition-housing program to be either  
27 a 12-step model or a cognitive behavior model. (The  
28 original bill only provided for a 12-step model of  
29 recovery.)  
30 - Modifies the appropriation authorized from the General  
31 Revenue Fund.  
- Specifies funding for 400 contracted substance-abuse  
transition-housing beds rather than 500 authorized in  
the original bill.  
- Corrects an inadvertent drafting omission in the  
criteria for program participation.  
- Clarifies language directing the department to ensure  
that admission into a faith-based program is not  
determined by an offender's faith orientation or lack  
thereof.