

1 (1) ~~To the fullest extent possible~~ Provide all inmates
2 upon arrival at a Department of Corrections reception center
3 for initial processing with an assessment of substance abuse
4 service needs.

5 (2) Provide inmates who are admitted to inmate
6 substance abuse services with an individualized treatment plan
7 which is developed on the basis of assessed need for services
8 and which includes measurable goals and specifies the types of
9 services needed to meet those goals.

10 (3) ~~To the fullest extent possible~~ Provide inmates
11 with individualized services.

12 (4) Develop and maintain systematic methods of
13 research, evaluation, and monitoring of the appropriateness
14 and quality of substance abuse programs.

15 (5) Provide inmates who have participated in substance
16 abuse programs within 1 month of the date of their final
17 release from the correctional facility in which they are
18 incarcerated with information regarding options for continuing
19 substance abuse services in the community and with referrals
20 for such services as appropriate or upon the inmate's request.

21 (6) In cooperation with other agencies, ~~actively seek~~
22 ~~to~~ enhance resources for the provision of treatment services
23 for inmates and ~~to~~ develop partnerships with other state
24 agencies, including but not limited to the Departments of
25 Children and Family Services, Education, Community Affairs,
26 and Law Enforcement.

27 (7) ~~To the extent of available funding,~~ Provide
28 training to employees whose duties involve providing the
29 ~~provision of~~ inmate substance abuse services.

30 (8) The department shall by rule set forth procedures
31 with respect to individual dignity, nondiscriminatory

1 services, quality services, communication for inmates who
2 receive treatment for substance abuse, and confidentiality
3 requirements in accordance with federal law.

4 Section 2. Section 775.16, Florida Statutes, is
5 amended to read:

6 775.16 Drug offenses; additional penalties.--In
7 addition to any other penalty provided by law, a person who
8 has been convicted of sale of or trafficking in, or conspiracy
9 to sell or traffic in, a controlled substance under chapter
10 893, if ~~the~~ such offense is a felony, or who has been
11 convicted of an offense under the laws of any state or country
12 which, if committed in this state, would constitute the felony
13 of selling or trafficking in, or conspiracy to sell or traffic
14 in, a controlled substance under chapter 893, is:

15 (1) Disqualified from applying for employment by any
16 agency of the state, unless:

17 (a) The person has completed all sentences of
18 imprisonment or supervisory sanctions imposed by the court, by
19 the Parole Commission, or by law; or

20 (b) The person has complied with the conditions of
21 subparagraphs 1. and 2. which shall be monitored by the
22 Department of Corrections while the person is under any
23 supervisory sanctions. The person under supervision must ~~may~~:

24 1. Seek evaluation and enrollment in, and once
25 enrolled maintain enrollment in until completion, a drug
26 treatment and rehabilitation program that ~~which~~ is approved by
27 the Department of Children and Family Services, unless it is
28 deemed by the program that the person does not have a
29 substance abuse problem. The treatment and rehabilitation
30 program may be specified by:
31

1 a. The court, in the case of court-ordered supervisory
2 sanctions;

3 b. The Parole Commission, in the case of parole,
4 control release, or conditional release; or

5 c. The Department of Corrections, in the case of
6 imprisonment or any other supervision required by law.

7 2. Submit to periodic urine drug testing under
8 ~~pursuant to~~ procedures prescribed by the Department of
9 Corrections. If the person is indigent, the costs shall be
10 paid by the Department of Corrections.

11 (2) Disqualified from applying for a license, permit,
12 or certificate required by any agency of the state to
13 practice, pursue, or engage in any occupation, trade,
14 vocation, profession, or business, unless:

15 (a) The person has completed all sentences of
16 imprisonment or supervisory sanctions imposed by the court, by
17 the Parole Commission, or by law;

18 (b) The person has complied with the conditions of
19 subparagraphs 1. and 2. which shall be monitored by the
20 Department of Corrections while the person is under any
21 supervisory sanction. If the person fails to comply with
22 provisions of these subparagraphs by either failing to
23 maintain treatment or by testing positive for drug use, the
24 department shall notify the licensing, permitting, or
25 certifying agency, which may refuse to reissue or reinstate
26 ~~the such~~ license, permit, or certification. The licensee,
27 permittee, or certificateholder under supervision must ~~may~~:

28 1. Seek evaluation and enrollment in, and once
29 enrolled maintain enrollment in until completion, a drug
30 treatment and rehabilitation program which is approved or
31 regulated by the Department of Children and Family Services,

1 unless it is deemed by the program that the person does not
2 have a substance abuse problem. The treatment and
3 rehabilitation program may be specified by:

4 a. The court, in the case of court-ordered supervisory
5 sanctions;

6 b. The Parole Commission, in the case of parole,
7 control release, or conditional release; or

8 c. The Department of Corrections, in the case of
9 imprisonment or any other supervision required by law.

10 2. Submit to periodic urine drug testing under
11 ~~pursuant to~~ procedures prescribed by the Department of
12 Corrections. If the person is indigent, the costs shall be
13 paid by the Department of Corrections; or

14 (c) The person has successfully completed an
15 appropriate program under the Correctional Education Program.

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17 The provisions of this section do not apply to any of the
18 taxes, fees, or permits regulated, controlled, or administered
19 by the Department of Revenue in accordance with ~~the provisions~~
20 ~~of~~ s. 213.05.

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

23 944.473 Inmate substance abuse testing program.--

24 (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

25 (a) An inmate who meets the criteria established by
26 the department shall participate in substance abuse program
27 services ~~when such services are available~~. A right to
28 substance abuse program services is explicitly not stated,
29 ~~intended, or otherwise implied~~ by this chapter.

30 (b) Upon arrival at a department's reception center
31 for initial processing, each inmate shall be screened and

1 assessed to determine if the inmate meets the department's
2 criteria for mandated participation in a substance-abuse
3 program. Criteria for mandated substance abuse program
4 services shall be based on:

- 5 1. The presence of a diagnosed psychoactive substance
6 dependence or use disorder;
- 7 2. The severity of the addiction;
- 8 3. A history of criminal behavior related to substance
9 abuse;
- 10 4. A recommendation by a sentencing authority for
11 substance abuse program services;
- 12 5. Unsuccessful participation in community-based
13 substance abuse services;
- 14 6. Sentencing by a drug court or drug division; and
- 15 7. Other classification or program criteria that the
16 department finds will ensure security and optimal program
17 placement.

18 (c) When selecting contract providers to administer
19 substance abuse treatment programs, the department shall make
20 every effort to consider qualified faith-based service groups
21 on an equal basis with other private organizations.

22 Section 4. This act shall take effect July 1, 2005.
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SENATE SUMMARY

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3 Requires the Department of Corrections to assess all
4 inmates for substance abuse needs. Requires the
5 department to provide inmates with individualized
6 services for their substance abuse needs. Requires the
7 department to provide training to all employees providing
8 substance abuse services to inmates. Requires a person
9 under the supervision of the department to participate in
10 and complete a substance abuse treatment and
11 rehabilitation program to be eligible for employment by
12 any agency of the state or to be eligible to apply for a
13 license, permit, or certificate required by any agency of
14 the state to participate in any occupation, trade,
15 profession, or business. Requires each inmate who meets
16 the criteria to participate in a substance abuse
17 treatment program. Provides that an inmate has a right to
18 receive substance abuse services from the department.
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