

By Senator Siplin

19-274-07

1 A bill to be entitled

2 An act relating to substance abuse treatment

3 programs; amending s. 397.754, F.S.; requiring

4 the Department of Corrections to assess the

5 needs of all inmates for substance abuse

6 treatment services; requiring the department to

7 provide inmates with individualized services;

8 requiring the department to provide training to

9 all employees providing substance abuse

10 treatment services to inmates; amending s.

11 775.16, F.S.; requiring a person under the

12 supervision of the department to participate in

13 and complete a substance abuse treatment and

14 rehabilitation program in order to be eligible

15 for employment by any agency of the state or to

16 apply for a license, permit, or certificate

17 required by any agency of the state to practice

18 an occupation, trade, profession, or business;

19 amending s. 944.473, F.S.; requiring each

20 inmate who meets the criteria to participate in

21 a substance abuse treatment program; providing

22 that an inmate has a right to receive substance

23 abuse treatment services from the department;

24 providing an effective date.

25

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

27

28 Section 1. Section 397.754, Florida Statutes, is

29 amended to read:

30 397.754 Duties and responsibilities of the Department

31 of Corrections.--The Department of Corrections shall:

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 treatment service needs.

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

15 (5) Provide inmates who have participated in substance
16 abuse treatment programs within 1 month of the date of their
17 final 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 to provide ~~for the provision of~~ treatment
23 services for inmates and ~~to~~ develop partnerships with other
24 state agencies, including, but not limited to, the Department
25 ~~Departments~~ of Children and Family Services, the Department of
26 Education, the Department of Community Affairs, and the
27 Department of Law Enforcement.

28 (7) ~~To the extent of available funding,~~ Provide
29 training to employees whose duties involve providing the
30 ~~provision of~~ inmate substance abuse treatment services.
31

1 (8) The department shall by rule set forth procedures
2 with respect to individual dignity, nondiscriminatory
3 services, quality services, communication for inmates who
4 receive treatment for substance abuse, and confidentiality
5 requirements in accordance with federal law.

6 Section 2. Section 775.16, Florida Statutes, is
7 amended to read:

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

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

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

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

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

1 substance abuse problem. The treatment and rehabilitation
2 program may be specified by:

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

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

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

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

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

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 sanction. If the person fails to comply with
24 provisions of these subparagraphs by either failing to
25 maintain treatment or by testing positive for drug use, the
26 department shall notify the licensing, permitting, or
27 certifying agency, which may refuse to reissue or reinstate
28 ~~the such~~ license, permit, or certification. The licensee,
29 permittee, or certificateholder under supervision must ~~may~~:

30 1. Seek evaluation and enrollment in, and once
31 enrolled maintain enrollment in until completion, a drug

1 treatment and rehabilitation program which is approved or
2 regulated by the Department of Children and Family Services,
3 unless it is deemed by the program that the person does not
4 have a substance abuse problem. The treatment and
5 rehabilitation program may be specified by:

6 a. The court, in the case of court-ordered supervisory
7 sanctions;

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

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

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

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

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

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

25 944.473 Inmate substance abuse testing program.--

26 (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

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

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

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

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

24 Section 4. This act shall take effect July 1, 2007.
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Requires the Department of Corrections to assess all inmates for substance abuse treatment needs. Requires the department to provide inmates with individualized services for their substance abuse treatment. Requires the department to provide training to all employees providing substance abuse treatment services to inmates. Requires a person under the supervision of the department to participate in and complete a substance abuse treatment and rehabilitation program in order to be eligible for employment by any agency of the state or to be eligible to apply for a license, permit, or certificate required by any agency of the state to participate in any occupation, trade, profession, or business. Requires each inmate who meets the criteria to participate in a substance abuse treatment program. Provides that an inmate has a right to receive substance abuse treatment services from the department.