

By Senator Siplin

19-02479-08

20081334__

1 A bill to be entitled

2 An act relating to substance abuse treatment programs;
3 amending s. 397.754, F.S.; requiring the Department of
4 Corrections to assess the needs of all inmates for
5 substance abuse treatment services; requiring the
6 department to provide inmates with individualized
7 services; requiring the department to provide training to
8 all employees providing substance abuse treatment services
9 to inmates; amending s. 775.16, F.S.; requiring a person
10 under the supervision of the department to participate in
11 and complete a substance abuse treatment and
12 rehabilitation program in order to be eligible for
13 employment by any agency of the state or to apply for a
14 license, permit, or certificate required by any agency of
15 the state to practice an occupation, trade, profession, or
16 business; amending s. 944.473, F.S.; requiring each inmate
17 who meets the criteria to participate in a substance abuse
18 treatment program; providing that an inmate has a right to
19 receive substance abuse treatment services from the
20 department; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 397.754, Florida Statutes, is amended to
25 read:

26 397.754 Duties and responsibilities of the Department of
27 Corrections.--The Department of Corrections shall:

28 (1) ~~To the fullest extent possible~~ Provide all inmates upon
29 arrival at a Department of Corrections reception center for

19-02479-08

20081334__

30 initial processing with an assessment of substance abuse
31 treatment service needs.

32 (2) Provide inmates who are admitted to inmate substance
33 abuse treatment services with an individualized treatment plan
34 which is developed on the basis of assessed need for services and
35 which includes measurable goals and specifies the types of
36 services needed to meet those goals.

37 (3) ~~To the fullest extent possible~~ Provide inmates with
38 individualized services.

39 (4) Develop and maintain systematic methods of research,
40 evaluation, and monitoring of the appropriateness and quality of
41 substance abuse treatment programs.

42 (5) Provide inmates who have participated in substance
43 abuse treatment programs within 1 month of the date of their
44 final release from the correctional facility in which they are
45 incarcerated with information regarding options for continuing
46 substance abuse services in the community and with referrals for
47 such services as appropriate or upon the inmate's request.

48 (6) In cooperation with other agencies, ~~actively seek to~~
49 enhance resources to provide ~~for the provision of~~ treatment
50 services for inmates and ~~to~~ develop partnerships with other state
51 agencies, including, but not limited to, the Department
52 ~~Departments~~ of Children and Family Services, the Department of
53 Education, the Department of Community Affairs, and the
54 Department of Law Enforcement.

55 (7) ~~To the extent of available funding,~~ Provide training to
56 employees whose duties involve providing ~~the provision of~~ inmate
57 substance abuse treatment services.

58 (8) ~~The department shall~~ By rule set forth procedures with

19-02479-08

20081334__

59 | respect to individual dignity, nondiscriminatory services,
60 | quality services, communication for inmates who receive treatment
61 | for substance abuse, and confidentiality requirements in
62 | accordance with federal law.

63 | Section 2. Section 775.16, Florida Statutes, is amended to
64 | read:

65 | 775.16 Drug offenses; additional penalties.--In addition to
66 | any other penalty provided by law, a person who has been
67 | convicted of sale of or trafficking in, or conspiracy to sell or
68 | traffic in, a controlled substance under chapter 893, if the ~~such~~
69 | offense is a felony, or who has been convicted of an offense
70 | under the laws of any state or country which, if committed in
71 | this state, would constitute the felony of selling or trafficking
72 | in, or conspiracy to sell or traffic in, a controlled substance
73 | under chapter 893, is:

74 | (1) Disqualified from applying for employment by any agency
75 | of the state, unless:

76 | (a) The person has completed all sentences of imprisonment
77 | or supervisory sanctions imposed by the court, by the Parole
78 | Commission, or by law; or

79 | (b) The person has complied with the conditions of
80 | subparagraphs 1. and 2. which shall be monitored by the
81 | Department of Corrections while the person is under any
82 | supervisory sanctions. The person under supervision must ~~may~~:

83 | 1. Seek evaluation and enrollment in, and once enrolled
84 | maintain enrollment in until completion, a drug treatment and
85 | rehabilitation program that ~~which~~ is approved by the Department
86 | of Children and Family Services, unless it is deemed by the
87 | program that the person does not have a substance abuse problem.

19-02479-08

20081334__

88 The treatment and rehabilitation program may be specified by:

89 a. The court, in the case of court-ordered supervisory
90 sanctions;

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

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

95 2. Submit to periodic urine drug testing under ~~pursuant to~~
96 procedures prescribed by the Department of Corrections. If the
97 person is indigent, the costs shall be paid by the Department of
98 Corrections.

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

103 (a) The person has completed all sentences of imprisonment
104 or supervisory sanctions imposed by the court, by the Parole
105 Commission, or by law;

106 (b) The person has complied with the conditions of
107 subparagraphs 1. and 2. which shall be monitored by the
108 Department of Corrections while the person is under any
109 supervisory sanction. If the person fails to comply with
110 provisions of these subparagraphs by either failing to maintain
111 treatment or by testing positive for drug use, the department
112 shall notify the licensing, permitting, or certifying agency,
113 which may refuse to reissue or reinstate the ~~such~~ license,
114 permit, or certification. The licensee, permittee, or
115 certificateholder under supervision must ~~may~~:

116 1. Seek evaluation and enrollment in, and once enrolled

19-02479-08

20081334__

117 | maintain enrollment in until completion, a drug treatment and
118 | rehabilitation program which is approved or regulated by the
119 | Department of Children and Family Services, unless it is deemed
120 | by the program that the person does not have a substance abuse
121 | problem. The treatment and rehabilitation program may be
122 | specified by:

123 | a. The court, in the case of court-ordered supervisory
124 | sanctions;

125 | b. The Parole Commission, in the case of parole, control
126 | release, or conditional release; or

127 | c. The Department of Corrections, in the case of
128 | imprisonment or any other supervision required by law.

129 | 2. Submit to periodic urine drug testing under ~~pursuant to~~
130 | procedures prescribed by the Department of Corrections. If the
131 | person is indigent, the costs shall be paid by the Department of
132 | Corrections; or

133 | (c) The person has successfully completed an appropriate
134 | program under the Correctional Education Program.

135 |

136 | ~~The provisions of~~ This section does ~~de~~ not apply to any of the
137 | taxes, fees, or permits regulated, controlled, or administered by
138 | the Department of Revenue in accordance with ~~the provisions of~~ s.
139 | 213.05.

140 | Section 3. Subsection (2) of section 944.473, Florida
141 | Statutes, is amended to read:

142 | 944.473 Inmate substance abuse testing program.--

143 | (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.--

144 | (a) An inmate who meets the criteria established by the
145 | department shall participate in substance abuse treatment program

19-02479-08

20081334__

146 services ~~when such services are available~~. A right to substance
147 abuse treatment program services is explicitly not stated,
148 ~~intended, or otherwise implied~~ by this chapter.

149 (b) Upon arrival at a department's reception center for
150 initial processing, each inmate shall be screened and assessed to
151 determine if the inmate meets the department's criteria for
152 mandated participation in a substance-abuse treatment program.
153 Criteria for mandated substance abuse treatment program services
154 shall be based on:

- 155 1. The presence of a diagnosed psychoactive substance
156 dependence or use disorder;
- 157 2. The severity of the addiction;
- 158 3. A history of criminal behavior related to substance
159 abuse;
- 160 4. A recommendation by a sentencing authority for substance
161 abuse treatment program services;
- 162 5. Unsuccessful participation in community-based substance
163 abuse treatment services;
- 164 6. Sentencing by a drug court or drug division; and
- 165 7. Other classification or program criteria that the
166 department finds will ensure security and optimal program
167 placement.

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

172 Section 4. This act shall take effect July 1, 2008.