

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1037 Community Corrections Assistance to Counties or County

Consortiums

**SPONSOR(S):** Criminal & Civil Justice Policy Council; Reed

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1862

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Public Safety & Domestic Security Policy Committee	6 Y, 1 N	Krol	Kramer
2)	Criminal & Civil Justice Policy Council	11 Y, 0 N, As CS	Krol	Havlicak
3)	Criminal & Civil Justice Appropriations Committee			
4)	Full Appropriations Council on General Government & Health Care			
5)				

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**SUMMARY ANALYSIS**

This bill removes “military style boot camps” and adds “rehabilitative community reentry programs” to the list of programs that are specified as being eligible for community corrections funds if an appropriation is made.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

Section 948.51, F.S., provides for community corrections assistance to counties and consortiums of counties through the distribution of funds administered by the Department of Corrections (department). It creates a framework for effectively disbursing funds to counties for the purpose of building operating corrections and public safety programs. Generally, the stated legislative intent is that the section will:

- Provide for more community-based sanctions in order to preserve the state prison system for the most dangerous offenders;
- Promote offender accountability to the community by requiring restitution and public service;
- Provide substance abuse prevention and treatment programs;
- Provide for alternative sanctions and pretrial intervention; and
- Require non-violent offenders to maintain employment.<sup>1</sup>

No funds have been distributed through this funding mechanism in recent years.

In order to enter into a community corrections partnership contract with the department, a county or consortium of counties must have established a public safety coordinating council under the provisions of s. 951.26, F.S. In turn, the public safety coordinating council must develop a public safety plan that is approved by the governing board of the county or counties and by the Secretary of Corrections in order to be eligible for community corrections funds. The plan must cover at least a 5-year program and include specific information about the programs to be offered, the target population for the programs, measurable goals and objectives, and projected costs and sources of funds. Section 948.51(4), F.S., lists ten types of programs, services, or facilities for which the Secretary may contract for the issuance of community corrections assistance funds to the counties if funds are appropriated by the Legislature.

Eligibility for funding is not restricted to the items on the list, which are:

- Programs providing pretrial services.
- Specialized divisions within the circuit or county court established for the purpose of hearing specific types of cases, such as drug cases or domestic violence cases.
- Work camps.
- Programs providing intensive probation supervision.
- Military-style boot camps.
- Work-release facilities.

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<sup>1</sup> Section 948.51(4)(a)1.-5., F.S.

- Centers to which offenders report during the day.
- Restitution centers.
- Inpatient or outpatient programs for substance abuse treatment and counseling.
- Vocational and educational programs.

Funds may not be used for fixed capital outlay to construct, add to, renovate, or operate a secure juvenile detention facility; for construction, addition to, renovation, or operation of any state facility; or for state probation officer salaries.

Congress passed the Second Chance Act (Public Law 110-199) in an attempt to help inmates safely and successfully transition back into the community. The Act adds numerous grants and opportunities for extending re-entry efforts at the state and local levels. It provides for community and faith-based organizations to deliver mentoring and transitional services to inmates returning to the community. It will also help connect inmates to mental health and substance abuse treatment, expand job training and placement services, and facilitate transitional housing and case management services. The department has two grants funded under the Second Chance Act: the 2006 Prisoner Reentry Initiative (Targeting Lifetime Success) in Broward, Palm Beach, and Dade Counties, and the 2007 Prisoner Reentry Initiative (Bridges to Success) in Duval County. However, neither of these grants is funded through the community corrections assistance fund mechanism in s. 948.51, F.S.

HB 1037 adds “rehabilitative community reentry programs” to the list of programs that are specified as being eligible for funding with community corrections funds. However, the term “rehabilitative community reentry programs” is not defined in the bill.

The bill also removes “military style boot camps” from the list of programs eligible for funding with community corrections funds.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 948.51, F.S., relating to community corrections assistance to counties or county consortiums.

Section 2. Provides an effective date of July 1, 2009.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

See “Fiscal Comments.”

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

Distribution of community assistance funds under s. 948.51, F.S., is subject to appropriation of funds.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On April 6, 2009, the Criminal and Civil Justice Policy Council adopted an amendment that removes "military style boot camps" from the list of programs that are specified as being eligible for community corrections funds if an appropriation is made.