

1 A bill to be entitled
2 An act relating to inmate re-entry to the workforce;
3 amending s. 944.012, F.S.; revising an agency reference;
4 amending s. 944.024, F.S.; requiring that an offender's
5 postsentence intake include a vocational assessment;
6 amending s. 944.705, F.S.; requiring the Department of
7 Corrections to include specified information in a release
8 orientation program; creating s. 944.7055, F.S.;
9 authorizing the Department of Corrections to issue
10 photographic identification cards to all inmates
11 immediately prior to release; requiring acceptance of such
12 cards by state agencies; prohibiting specified offenses
13 relating to such cards; providing penalties; requiring the
14 department to assist inmates in obtaining specified
15 documents prior to release; amending s. 944.707, F.S.;
16 requiring the department to develop partnerships with the
17 Florida Community College System to secure vocational
18 training and potential financial aid for releasees;
19 amending s. 944.708, F.S.; revising provisions concerning
20 rulemaking; amending s. 944.801, F.S.; requiring the
21 department to select vocational training programs in
22 conjunction with specified information from the Agency for
23 Workforce Innovation; requiring the department to develop
24 a plan to identify which inmates have education levels
25 below ninth grade levels for specified purposes; requiring
26 the department to include certain inmates in specified
27 reading programs; providing legislative intent concerning
28 disqualification of ex-offenders from occupations;

29 requiring state agencies and regulatory boards to submit
 30 to legislative officers and committees a report that
 31 states current restrictions on the employment of ex-
 32 offenders and possible alternatives that are compatible
 33 with protecting public safety; directing the Department of
 34 Corrections to study and prepare a report and
 35 recommendations concerning work-release programs;
 36 providing an effective date.

37

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

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40 Section 1. Subsection (5) of section 944.012, Florida
 41 Statutes, is amended to read:

42 944.012 Legislative intent.--The Legislature hereby finds
 43 and declares that:

44 (5) In order to make the correctional system an efficient
 45 and effective mechanism, the various agencies involved in the
 46 correctional process must coordinate their efforts. Where
 47 possible, interagency offices should be physically located
 48 within major institutions and should include representatives of
 49 the Agency for Workforce Innovation ~~Florida State Employment~~
 50 ~~Service~~, the vocational rehabilitation programs of the
 51 Department of Education, and the Parole Commission. Duplicative
 52 and unnecessary methods of evaluating offenders must be
 53 eliminated and areas of responsibility consolidated in order to
 54 more economically use ~~utilize~~ present scarce resources.

55 Section 2. Subsection (5) of section 944.024, Florida
 56 Statutes, is amended to read:

57 944.024 Adult intake and evaluation.--The state system of
58 adult intake and evaluation shall include:

59 (5) The performance of postsentence intake by the
60 department. Each offender's postsentence intake shall include a
61 vocational assessment to identify appropriate placement in
62 vocational programming as early as possible. Any physical
63 facility established by the department for the intake and
64 evaluation process prior to the offender's entry into the
65 correctional system shall provide for specific office and work
66 areas for the staff of the commission. The purpose of such a
67 physical center shall be to combine in one place as many of the
68 rehabilitation-related functions as possible, including pretrial
69 and posttrial evaluation, parole and probation services,
70 vocational rehabilitation services, family assistance services
71 of the Department of Children and Family Services, and all other
72 rehabilitative and correctional services dealing with the
73 offender.

74 Section 3. Subsection (7) is added to section 944.705,
75 Florida Statutes, to read:

76 944.705 Release orientation program.--

77 (7) The department shall provide inmates and potential
78 employers with information concerning federal bonding and tax
79 credits for former inmates.

80 Section 4. Section 944.7055, Florida Statutes, is created
81 to read:

82 944.7055 Identification cards.--

83 (1) (a) The department may issue photographic
84 identification cards to all inmates immediately prior to

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85 release. Such cards must be accepted by state agencies as a
86 valid form of identification.

87 (b)1. It is unlawful for any person to:

88 a. Knowingly have in his or her possession or to display
89 any blank, forged, stolen, fictitious, counterfeit, or
90 unlawfully issued department identification card for a released
91 inmate, or any instrument in the similitude of a department
92 identification card for a released inmate, unless possession by
93 such person has been duly authorized by the department; or

94 b. Knowingly sell, manufacture, or deliver, or knowingly
95 offer to sell, manufacture, or deliver, a blank, forged, stolen,
96 fictitious, counterfeit, or unlawfully issued department
97 identification card for a released inmate, or an instrument in
98 the similitude of a department identification card for a
99 released inmate, unless that person is authorized to do so by
100 the department.

101 2. It is unlawful for any person to barter, trade, sell,
102 or give away any department identification card for a released
103 inmate, or to perpetrate a conspiracy to barter, trade, sell, or
104 give away any such identification card, unless such person has
105 been duly authorized to issue the identification card by the
106 department.

107 3. It is unlawful for any person to agree to supply or to
108 aid in supplying any person with a department identification
109 card for a released inmate by any means whatsoever not in
110 accordance with the provisions of this chapter.

111 4. It is unlawful for any person to have in his or her
112 possession a department identification card for a released

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113 inmate upon which the date of birth or any other data has been
114 altered.

115 5. Any person who violates any of the provisions of this
116 paragraph commits a felony of the third degree, punishable as
117 provided in s. 775.082, s. 775.083, or s. 775.084.

118 (2) A violation of this section may be investigated by any
119 law enforcement agency.

120 (3) Prior to release, the department shall assist inmates
121 in obtaining identification cards issued under s. 322.051 and
122 social security cards.

123 Section 5. Section 944.707, Florida Statutes, is amended
124 to read:

125 944.707 Postrelease special services; job placement
126 services.--

127 (1) The department shall generate and provide to every
128 releasee, identified by the prerelease needs assessment,
129 prerelease preparation and support services such as, but not
130 limited to, substance abuse counseling, family counseling, and
131 employment support programs. The department may select and
132 contract or partner with public or private organizations,
133 including faith-based service groups, for the provision of these
134 ~~basic support~~ services. When selecting a partner or provider,
135 the department shall consider faith-based service groups on an
136 equal basis with other private organizations. ~~Provider~~ Selection
137 criteria include, but are not limited to:

138 (a) The depth and scope of services provided.

139 (b) The geographic area to be served.

140 (c) The number of inmates to be served and the cost of
 141 services per inmate.

142 (d) The individual partner's or provider's record of
 143 success in the provision of inmate services.

144 (2) The department, with the assistance of the State
 145 Office on Homelessness, shall maintain and regularly update a
 146 comprehensive directory of support services offered by private
 147 organizations and faith-based service groups for the purpose of
 148 assisting transition assistance specialists and chaplains in
 149 making individualized placements and referrals.

150 (3) The department shall develop partnerships with the
 151 Florida Community College System to secure vocational training
 152 and potential financial aid for releasees.

153 Section 6. Section 944.708, Florida Statutes, is amended
 154 to read:

155 944.708 Rules.--The Department of Corrections and the
 156 Agency for Workforce Innovation may adopt rules pursuant to ss.
 157 120.536(1) and 120.54 ~~Department of Labor and Employment~~
 158 ~~Security shall promulgate rules~~ to implement the provisions of
 159 ss. 944.701-944.707.

160 Section 7. Subsection (3) of section 944.801, Florida
 161 Statutes, is amended to read:

162 944.801 Education for state prisoners.--

163 (3) The responsibilities of the Correctional Education
 164 Program shall be to:

165 (a) Develop guidelines for collecting education-related
 166 information during the inmate reception process and for
 167 disseminating such information to the classification staff of

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168 the department ~~of Corrections~~. The information collected shall
169 include the inmate's areas of educational or vocational
170 interest, vocational skills, and level of education.

171 (b) Monitor and assess all inmate education program
172 services and report the results of such evaluation in the annual
173 report of activities.

174 (c) Develop complete and reliable statistics on the
175 educational histories, the city or intracity ~~city/intracity~~ area
176 and school district where the inmate was domiciled prior to
177 incarceration, the participation in state educational and
178 training programs, and the occupations of inmates confined to
179 state correctional facilities. The compiled statistics shall be
180 summarized and analyzed in the annual report of correctional
181 educational activities required by paragraph (f).

182 (d) Approve educational programs of the appropriate levels
183 and types in the correctional institutions and develop
184 procedures for the admission of inmate students thereto.

185 (e) Enter into agreements with public or private school
186 districts, entities, community colleges, junior colleges,
187 colleges, or universities as may be deemed appropriate for the
188 purpose of carrying out its duties and responsibilities and
189 ensure that agreements require minimum performance standards and
190 standards for measurable objectives, in accordance with
191 established Department of Education standards.

192 (f) Report annual activities to the Secretary of
193 Corrections, the Commissioner of Education, the Governor, and
194 the Legislature.

195 (g) Develop and maintain complete and reliable statistics
 196 on the number of general educational development (GED)
 197 certificates and vocational certificates issued by each
 198 institution in each skill area, the change in inmate literacy
 199 levels, and the number of inmate admissions to and withdrawals
 200 from education courses. The compiled statistics shall be
 201 summarized and analyzed in the annual report of correctional
 202 education activities required by paragraph (f).

203 (h) Develop a written procedure for selecting programs to
 204 add to or delete from the vocational curriculum. The procedure
 205 shall include and correlate with the Agency for Workforce
 206 Innovation labor market studies that ~~labor market analyses which~~
 207 demonstrate the projected demand for certain occupations and the
 208 projected supply of potential employees. In conducting these
 209 analyses, the department shall evaluate the feasibility of
 210 adding vocational education programs that ~~which~~ have been
 211 identified by the Agency for Workforce Innovation ~~the Department~~
 212 ~~of Labor and Employment Security or a regional coordinating~~
 213 ~~council~~ as being in undersupply in this state. The department
 214 shall periodically reevaluate the vocational education programs
 215 in major institutions to determine which of the programs support
 216 and provide relevant skills to inmates who could be assigned to
 217 a correctional work program that is operated as a Prison
 218 Industry Enhancement Program.

219 (i) Ensure that every inmate who has 2 years or more
 220 remaining to serve on his or her sentence at the time that he or
 221 she is received at an institution and who lacks basic and
 222 functional literacy skills as defined in s. 1004.02 attends not

223 fewer than 150 hours of sequential instruction in a correctional
 224 adult basic education program. The basic and functional literacy
 225 level of an inmate shall be determined by the average composite
 226 test score obtained on a test approved for this purpose by the
 227 State Board of Education.

228 1. Upon completion of the 150 hours of instruction, the
 229 inmate shall be retested and, if a composite test score of
 230 functional literacy is not attained, the department is
 231 authorized to require the inmate to remain in the instructional
 232 program.

233 2. Highest priority of inmate participation shall be
 234 focused on youthful offenders and those inmates nearing release
 235 from the correctional system.

236 3. An inmate shall be required to attend the 150 hours of
 237 adult basic education instruction unless such inmate:

238 a. Is serving a life sentence or is under sentence of
 239 death.

240 b. Is specifically exempted for security or health
 241 reasons.

242 c. Is housed at a community correctional center, road
 243 prison, work camp, or vocational center.

244 d. Attains a functional literacy level after attendance in
 245 fewer than 150 hours of adult basic education instruction.

246 e. Is unable to enter such instruction because of
 247 insufficient facilities, staff, or classroom capacity.

248 4. The department ~~of Corrections~~ shall provide classes to
 249 accommodate those inmates assigned to correctional or public
 250 work programs after normal working hours. The department shall

251 | develop a plan to provide academic and vocational classes on a
 252 | more frequent basis and at times that accommodate the increasing
 253 | number of inmates with work assignments, to the extent that
 254 | resources permit.

255 | 5. If an inmate attends and actively participates in the
 256 | 150 hours of instruction, the department ~~of Corrections~~ may
 257 | grant a one-time award of up to 6 additional days of incentive
 258 | gain-time, which must be credited and applied as provided by
 259 | law. Active participation means, at a minimum, that the inmate
 260 | is attentive, responsive, cooperative, and completes assigned
 261 | work.

262 | (j) Recommend the award of additional incentive gain-time
 263 | for inmates who receive a general educational development
 264 | certificate or a vocational certificate.

265 | (k) Ensure that all education staff are certified in
 266 | accordance with the Department of Education standards.

267 | (l) Develop a plan to identify which inmates have
 268 | education levels below the ninth grade requirement so that they
 269 | can participate in GED programs.

270 | (m) In addition to or in conjunction with s. 944.024 and
 271 | paragraph (i), include within the department's Reading
 272 | Initiative or any successor reading program inmates having Test
 273 | of Adult Basic Education scores of seventh grade or lower.

274 | (n)~~(l)~~ Develop goals and objectives relating to all phases
 275 | of the correctional education program.

276 | Section 8. Restrictions on the employment of ex-offenders;
 277 | legislative intent; state agency reporting requirements.--

278 | (1) The Legislature declares that it is the policy of this

279 state to provide to prospective employees a clear statement of
280 which crimes would disqualify ex-offenders from which
281 occupations. It is the intent of the Legislature to make
282 opportunities for employment available to ex-offenders so that
283 they will be less likely to revert to criminal behavior, insofar
284 as the employment of such persons does not place the safety of
285 the public at risk. The Legislature further declares that state
286 agencies should clearly state all restrictions on employment
287 which are imposed by agencies or boards that regulate
288 professions and occupations and should make an effort to
289 establish that each restriction is as limited as possible while
290 continuing to support the goal of public safety.

291 (2) Each state agency, including, but not limited to,
292 professional and occupational regulatory boards, shall, by
293 December 31, 2009, submit to the President of the Senate, the
294 Speaker of the House of Representatives, and the chairs of the
295 appropriate legislative committees a report that includes:

296 (a) A list of all laws, rules, policies, and practices
297 that are followed by the agency or imposed by the board and that
298 disqualify from employment persons who have been convicted of a
299 crime but who have completed any incarceration and restitution
300 to which they have been sentenced for such crime.

301 (b) The conclusions resulting from a review of these laws,
302 rules, policies, and practices which the agency has conducted,
303 including, for each law, rule, policy, and practice,
304 documentation of whether it is clearly stated in writing and is
305 readily available to prospective employees and a statement of
306 any less restrictive way to protect the safety of the public

307 while simultaneously providing employment opportunities for ex-
308 offenders.

309 (c) If the restriction is based on a standard of good
310 moral character, crimes or acts of moral turpitude, or crimes
311 related to a specific occupation and proposed alternative
312 wording of laws, rules, and policies which more precisely
313 describes that basis for denial of employment.

314 (d) Proposed ways of removing barriers to the employment
315 of ex-offenders which are not mandated by statute.

316 (e) Proposed statutory amendments that would reduce
317 barriers to employment, render the remaining barriers optimally
318 consistent among jobs that have very similar characteristics and
319 require nearly identical degrees of trustworthiness and
320 responsibility, and improve the clarity of requirements
321 applicable to an ex-offender who seeks employment with a state
322 agency or in an occupation regulated by a state board.

323 Section 9. The Department of Corrections is directed to
324 study and prepare a report and recommendations for the Governor,
325 the President of the Senate, and the Speaker of the House of
326 Representatives by December 1, 2009, concerning the following:

327 (1) A review of work-release program eligibility criteria.
328 The department shall consider modifications to such criteria so
329 that more inmates have the opportunity to participate in work-
330 release programs.

331 (2) An increase in the number of available work-release
332 program beds to accommodate the number of eligible inmates.

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333 (3) The establishment of work-release centers in
334 communities in which the greatest number of ex-offenders return
335 home.

336

337 The report shall also include any specific recommendations for
338 any necessary statutory changes.

339 Section 10. This act shall take effect July 1, 2009.