

By Senator Siplin

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

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

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

27           397.754 Duties and responsibilities of the Department of  
 28           Corrections.—The Department of Corrections shall:

29           (1) ~~To the fullest extent possible~~ Provide each inmate

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30 ~~inmates~~ upon arrival at a Department of Corrections reception  
31 center for initial processing with an assessment of substance  
32 abuse treatment service needs.

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

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

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

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

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

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

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59           (8) ~~The department shall~~ By rule set forth procedures with  
60 respect to individual dignity, nondiscriminatory services,  
61 quality services, communication for inmates who receive  
62 treatment for substance abuse, and confidentiality requirements  
63 in accordance with federal law.

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

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

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

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

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

84           1. Seek evaluation and enrollment in, and once enrolled  
85 maintain enrollment in until completion, a drug treatment and  
86 rehabilitation program that ~~which~~ is approved by the Department  
87 of Children and Family Services, unless it is deemed by the

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88 program that the person does not have a substance abuse problem.

89 The treatment and rehabilitation program may be specified by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143 944.473 Inmate substance abuse testing program.—

144 (2) SUBSTANCE ABUSE TREATMENT PROGRAMS.—

145 (a) An inmate who meets the criteria established by the

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

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

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

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

173 Section 4. This act shall take effect July 1, 2009.