

By Senator Joyner

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

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

39
40 Be It Enacted by the Legislature of the State of Florida:

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

44 944.012 Legislative intent.—The Legislature hereby finds
45 and declares that:

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

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

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59 944.024 Adult intake and evaluation.—The state system of
60 adult intake and evaluation shall include:

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

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

78 944.705 Release orientation program.—

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

82 Section 4. Section 944.7055, Florida Statutes, is created
83 to read:

84 944.7055 Identification cards.—

85 (1) (a) The department may issue photographic identification
86 cards to all inmates immediately prior to release. Such cards
87 must be accepted by state agencies as a valid form of

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88 identification.

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

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

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

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

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

113 4. It is unlawful for any person to have in his or her
114 possession a department identification card for a released
115 inmate upon which the date of birth or any other data has been
116 altered.

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

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

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

125 Section 5. Section 944.707, Florida Statutes, is amended to
126 read:

127 944.707 Postrelease special services; job placement
128 services.—

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

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

141 (b) The geographic area to be served.

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

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

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

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

155 Section 6. Section 944.708, Florida Statutes, is amended to
156 read:

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

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

164 944.801 Education for state prisoners.—

165 (3) The responsibilities of the Correctional Education
166 Program shall be to:

167 (a) Develop guidelines for collecting education-related
168 information during the inmate reception process and for
169 disseminating such information to the classification staff of
170 the department ~~of Corrections~~. The information collected shall
171 include the inmate's areas of educational or vocational
172 interest, vocational skills, and level of education.

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

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175 report of activities.

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

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

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

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

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

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204 education activities required by paragraph (f).

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

221 (i) Ensure that every inmate who has 2 years or more
222 remaining to serve on his or her sentence at the time that he or
223 she is received at an institution and who lacks basic and
224 functional literacy skills as defined in s. 1004.02 attends not
225 fewer than 150 hours of sequential instruction in a correctional
226 adult basic education program. The basic and functional literacy
227 level of an inmate shall be determined by the average composite
228 test score obtained on a test approved for this purpose by the
229 State Board of Education.

230 1. Upon completion of the 150 hours of instruction, the
231 inmate shall be retested and, if a composite test score of
232 functional literacy is not attained, the department is

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233 authorized to require the inmate to remain in the instructional
234 program.

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

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

240 a. Is serving a life sentence or is under sentence of
241 death.

242 b. Is specifically exempted for security or health reasons.

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

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

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

249 4. The department ~~of Corrections~~ shall provide classes to
250 accommodate those inmates assigned to correctional or public
251 work programs after normal working hours. The department shall
252 develop a plan to provide academic and vocational classes on a
253 more frequent basis and at times that accommodate the increasing
254 number of inmates with work assignments, to the extent that
255 resources permit.

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

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262 work.

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

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

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

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

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

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

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

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291 continuing to support the goal of public safety.

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

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

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

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

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

317 (e) Proposed statutory amendments that would reduce
318 barriers to employment, render the remaining barriers optimally
319 consistent among jobs that have very similar characteristics and

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320 require nearly identical degrees of trustworthiness and
321 responsibility, and improve the clarity of requirements
322 applicable to an ex-offender who seeks employment with a state
323 agency or in an occupation regulated by a state board.

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

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

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

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

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

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