

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 203

Community Corrections Assistance to Counties or County

Consortiums

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

TIED BILLS:

IDEN./SIM. BILLS: CS/SB 370

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----|---|-------------------------|------------------|-----------------------|
| 1) | <u>Public Safety & Domestic Security Policy Committee</u> | <u>12 Y, 0 N</u> | <u>Krol</u> | <u>Cunningham</u> |
| 2) | <u>Criminal & Civil Justice Appropriations Committee</u> | <u>11 Y, 0 N, As CS</u> | <u>McAuliffe</u> | <u>Davis</u> |
| 3) | <u>Criminal & Civil Justice Policy Council</u> | <u>13 Y, 0 N, As CS</u> | <u>Krol</u> | <u>Havlicak</u> |
| 4) | <u></u> | <u></u> | <u></u> | <u></u> |
| 5) | <u></u> | <u></u> | <u></u> | <u></u> |

SUMMARY ANALYSIS

Section 948.51(4), F.S., lists ten types of programs, services, or facilities for which the Secretary of the Department of Corrections may contract for the issuance of community corrections assistance funds to the counties if funds are appropriated by the Legislature.

This bill adds “rehabilitative community reentry programs” to the list of programs that are specified as being eligible for community corrections funds. The bill provides a definition for the term, “rehabilitative community reentry programs.”

This bill does not have a fiscal impact on state or local government.

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 disbursing funds to counties for the purpose of building and operating corrections and public safety programs. The purposes of the community corrections funds are to:

- Provide community-based corrections programs within county-owned or county-contracted residential probation programs;
- Provide nonincarcerative diversionary programs, such as pretrial release programs for juvenile or adult offenders who would otherwise be housed in a county or state detention facility or a state correctional institute;
- Provide community-based drug treatment programs;
- Provide funds to enhance programs within county detention facilities; and
- Provide funds to enhance public safety and crime prevention programs.¹

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 five-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.

¹ Section 948.51(4)(a)1.-5., F.S.

- Military-style boot camps.
- Work-release facilities.
- 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.

The bill adds “rehabilitative community reentry programs” to the list of programs that are specified as being eligible for funding with community corrections funds. The bill defines the term “rehabilitative community reentry programs” as a program that provides “services which assist offenders in successfully reentering the community.” The services may include, but are not limited to, assistance with:

- Housing,
- Healthcare,
- Education,
- Substance abuse treatment, and
- Employment.

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, 2010.

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:

See “Fiscal Comments.”

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not have a fiscal impact on state or local government. Distribution of community assistance funds under s. 948.51, F.S., is subject to appropriation of funds, and the department does not currently receive funding under this section.

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:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 26, 2010, the Criminal & Civil Justice Appropriations Committee adopted an amendment that restores "military style boot camps" to the list of programs that are specified as being eligible for community corrections funds if an appropriation is made.

The bill was reported favorably as a Committee Substitute.

On April 12, 2010, the Criminal & Civil Justice Policy Council adopted an amendment that defines the term "rehabilitative community reentry programs."

The bill was reported favorably as a Council Substitute for the Committee Substitute. This analysis reflects the Council Substitute for the Committee Substitute.