

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 1638

INTRODUCER: Criminal Justice Committee

SUBJECT: Community Reentry Programs

DATE: March 4, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sumner	Cannon		<b>CJ SPB 7030 as Introduced</b>

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**I. Summary:**

SB 1638 requires the Department of Corrections (Department) to develop an operational plan to implement a vocational work-release pilot program in Santa Rosa, Escambia, Walton, and Okaloosa counties. The bill requires that inmates who are within 36 months of their release date be considered for participation in the program based upon a risk assessment.

**II. Present Situation:**

**Community Work Release**

The statutory authority for the Department of Corrections to offer a work release program is found in s. 945.091, F.S., entitled “Extension of the limits of confinement; restitution by employed inmates.” Section 945.091(1)(b), F.S., specifically provides for the Department to adopt rules permitting the extension of the limits of confinement with the approval of the secretary or secretary’s designee to leave the confines of the facility unaccompanied by a custodial agent for a proscribed period of time to:

- work at paid employment;
- participate in an education or training program; or
- voluntarily serve a public or nonprofit agency or faith –based service group in the community.

An inmate may participate in paid employment only during the last 36 months of confinement unless requested sooner by the Parole Commission or the Control Release Authority.<sup>1</sup> Inmates may also apply for placement at a contracted substance abuse transition housing program while working at paid employment and residing at a facility. An inmate may also request placement in a faith-based substance abuse transition housing program after the transition specialist consults with the chaplain prior to such placement.<sup>2</sup>

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<sup>1</sup> s. 945.091(1)(b)1., F.S.

<sup>2</sup> s. 945.091(1)(b)2., F.S.

**Community Release Programs**

There are several categories of community release programs:

- Center Work Assignment (CWA) – inmate is assigned to a work release center to serve in a support capacity
- Community Release Program – program allowing inmates to work at paid employment or a center work assignment or to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a work release center, contract community work release facility, or other contract community facility
- Community Work Release (CWR) – community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined
- Community Study Release – allows inmates to attend an education or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined
- Community Volunteer Service – allows inmates housed at a work release center or contract facility to voluntarily work with a governmental or nonprofit agency in the community<sup>3</sup>

Within the four northwest Florida counties affected by the bill, the Department reports that 1,450 inmates were admitted and 1,380 were released during Fiscal Year 2012-2013. The Department reports that this group of inmates could reasonably be assumed to have ties to the geographical area. According to the Department, an independent review of each case would be required to determine eligibility for the program in order to eliminate duplication between admissions and releases.

<b>FY 12-13 Admissions &amp; Releases for Counties included in Proposed Vocational Work Release Program</b>		
<b>County</b>	<b>Admissions<sup>4</sup></b>	<b>Releases<sup>5</sup></b>
Santa Rosa	217	219
Escambia	785	793
Walton	95	79
Okaloosa	353	289
<b>Total</b>	<b>1,450</b>	<b>1,380</b>

Based upon the January 31, 2014 status file, the following information from the Department’s Bureau of Research and Data Analysis reflects:

<sup>3</sup> Rule 33-601.602, F.A.C.

<sup>4</sup> Florida Department of Corrections 2012-2013 Agency Statistics-  
[http://www.dc.state.fl.us/pub/annual/1213/stats/ia\\_county\\_commitment.html](http://www.dc.state.fl.us/pub/annual/1213/stats/ia_county_commitment.html) (last viewed 2/7/14).

<sup>5</sup> Florida Department of Corrections 2012-2013 Agency Statistics-  
[http://www.dc.state.fl.us/pub/annual/1213/stats/ir\\_county.html](http://www.dc.state.fl.us/pub/annual/1213/stats/ir_county.html) (last viewed 2/7/14).

- 255 inmates (221 male; 34 female) meet the basic criteria required for the proposed program – minimum custody, no murder charges/sex offenses, returning to or convicted out of the four county implementation area, and have between 37 months<sup>6</sup> and 14 months left to serve on their sentence.
- The number of eligible inmates may be further reduced when considering other required needs.

### **Eligibility Requirements to Participate in Community Release Programs**

To meet the eligibility requirements to participate in a community release program an inmate must:

- Be in community custody in accordance with Rule 33-601.210, F.A.C., or have a recommendation for community custody currently under review.
- Be in Department custody for 60 days prior to placement in paid employment.
- For inmates with non-advanceable dates, the inmate must be within:
  - 28 months of his earliest release date for the transition program, or
  - 19 months of his earliest release date for CWA, or
  - 14 months of his earliest release date for CWR.
- For inmates who do not have non-advanceable dates, the inmate must be within:
  - 36 months of his earliest release date for the transition program, or
  - 28 months of his earliest release date for CWA, or
  - 19 months of his earliest release date for CWR.<sup>7</sup>

### **Ineligibility for Community Release**

An inmate is ineligible for a community release program if he or she has:

- A current or prior conviction for a sex offense;
- Been found guilty on any disciplinary report for escape or attempted escape within the last five years;
- A current or prior conviction for escape;
- Been terminated from CWR, CWA, or a transition program for disciplinary reasons during the inmates current commitment;
- Been committed to or incarcerated in a state or federal correctional facility four or more times;
- Been found guilty of any disciplinary report in the 60 days prior to placement;
- Refused to complete or has an unsatisfactory removal from a substance abuse program
- A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer; or

A misdemeanor detainer for child support.<sup>8</sup>

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<sup>6</sup> 37 months based on the method inmates are selected for the transition centers which is most similar to the program described in the bill.

<sup>7</sup> Rule 33-601.602(2)(b), F.A.C.

<sup>8</sup> Rule 33-601.602(2)(a), F.A.C.

### III. Effect of Proposed Changes:

The bill directs the department to develop an operational plan to implement a vocational work-release pilot program for the 2015 -2016 fiscal year in Santa Rosa, Escambia, Walton, and Okaloosa Counties.

The bill requires that the program be designed to provide residential care, custody, control, and on-the-job vocational training or certification to eligible inmates. Vocational training or certification include housing assistance, money management training, employment assistance, vocational education, life skills training, and substance abuse education or treatment.

The bill requires the department to consider all inmates who are within 36 months of their release date for participation in the program. Selection must be based on a risk assessment process that includes, but is not limited to, whether:

- The inmate has potential for rehabilitation and has the need for on-the- job vocational training.
- The inmate can be placed in the geographic area where he or she is from, or has family or identified friends, and intends to reside in the area upon release from custody.

The operational plan for the program must describe and document:

- Resources needed for the program including but not limited to:
  - Specific buildings
  - Grounds
  - Property that must be obtained for or redesignated as vocational work release;
- Placement of facilities and services in specific areas to maximize the opportunity for inmates to be located near where they plan to live;
- Additional staff or changes to staff qualifications;
- Types of contracts the program intends to use for private providers;
- Security Staffing plan;
- Programming plan;
- Proposed budget;
- Process and method for selecting inmate participation and screening; and
- Changes in the law which are necessary to implement the program.

The bill requires the Department to submit a status report on the program by February 15, 2015, to the Governor, the President of the Senate and the Speaker of the House. The report must document the projected number of inmates to be served by the pilot program in the 2015-2016 fiscal year and the funding needed to implement the operational plan.

The bill has an effective date of July 1, 2014.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill provides for the department to develop a plan that could ultimately have a fiscal impact, but does not authorize implementation of the plan.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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