

Committee Substitute for
Committee Substitute for Senate Bill No. 912

An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring pre-release screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management

before release; providing an appropriation; providing an effective date.

WHEREAS, the Task Force on Self-Inflicted Crimes, as created by chapter 2000-366, Laws of Florida, identified in its report issued January 18, 2001, a wide variety of potential legislative solutions for reducing the repetitious self-injurious behavior of prostitution and substance abuse, and

WHEREAS, those recommendations stemmed from the testimony from numerous individuals, substance-abuse experts, governmental officials, and private organizations throughout Florida, and

WHEREAS, a significant recommendation made by the task force was recognition that state government should not and cannot bear the sole burden of treating and helping those suffering from addictions and self-injurious behaviors, and

WHEREAS, the task force concluded that faith-based organizations are "armies of compassion" devoted to changing individuals' hearts and lives and can offer cost-effective substance-abuse treatment through the use of volunteers and other cost-saving measures, and

WHEREAS, the task force concluded that inmates with histories of substance abuse will most likely return to prison without transition assistance and postrelease supervision, coupled with treatment and job placement, and

WHEREAS, research has proven that "one-on-one" private and faith-based programming is often more effective than government programs in shaping and reclaiming lives because they are free to assert the essential connection between responsibility and human dignity; their approach is personal, not bureaucratic; their service is not primarily a function of professional background, but of individual commitment; and they inject an element of moral challenge and spiritual renewal that government cannot duplicate, and

WHEREAS, a study required by chapter 97-78, Laws of Florida, to measure the effectiveness of faith-based programs in Florida's correctional facilities found a strong and beneficial correlation between faith-based programming and remaining crime-free and drug-free upon release, and

WHEREAS, the Department of Corrections employs 105 prison chaplains who are responsible for addressing the religious and spiritual needs of over 71,000 inmates; for developing community linkages with churches, synagogues, mosques, and other faith-based institutions; and for recruiting and supervising volunteers who come into Florida's prisons to provide spiritual programs, mentoring activities, and other transitional skills, and

WHEREAS, the continued investment in the work of prison chaplains and their clerical staff is a critical factor for strengthening volunteer participation and support of faith-based programs in the prisons, as recognized by an academic study in 1997 entitled "The Report of Faith-Based Programs in Correctional Facilities," and

WHEREAS, the task force recommended that the Legislature fund faith-based substance-abuse-recovery programs and transition assistance for the secular purpose of reducing recidivism, and

WHEREAS, in an effort to transform lives and break the personally destructive and expensive recidivism cycle, Florida should increase the number of chaplains who strengthen volunteer participation; expand the pilot dormitory program started in November 1999; and implement a strong transition-assistance residential program that includes a voluntary faith component that supports inmates as they reenter communities, NOW, THEREFORE,

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

Section 1. Paragraph (c) of subsection (3) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(3) SECRETARY OF CORRECTIONS.—The head of the Department of Corrections is the Secretary of Corrections. The secretary is appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. The secretary is responsible for planning, coordinating, and managing the corrections system of the state. The secretary shall ensure that the programs and services of the department are administered in accordance with state and federal laws, rules, and regulations, with established program standards, and consistent with legislative intent. The secretary shall identify the need for and recommend funding for the secure and efficient operation of the state correctional system.

(c) The secretary may appoint assistant secretaries, directors, or other such persons that he or she deems are necessary to accomplish the mission and goals of the department, including, but not limited to, the following areas of program responsibility:

1. Security and institutional operations, which shall provide inmate work programs, offender programs, security administration, emergency operations response, and operational oversight of the regions.

2. Health services, which shall be headed by a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459, or a professionally trained health care administrator with progressively responsible experience in health care administration. This individual shall be responsible for the delivery of health services to offenders within the system and shall have direct professional authority over such services.

3. Community corrections, which shall provide for coordination of community alternatives to incarceration and operational oversight of community corrections regions.

4. Administrative services, which shall provide budget and accounting services within the department, including the construction and maintenance of correctional institutions, human resource management, research, planning and evaluation, and technology.

5. Program, transition, and postrelease services, which shall provide for the direct management and supervision of all departmental programs, including the coordination and delivery of education and job training to the offenders in the custody of the department. In addition, this program shall provide for the direct management and supervision of all programs that furnish transition assistance to inmates who are or have recently been in the custody of the department, including the coordination, facilitation, and contract management of prerelease and postrelease transition services provided by governmental and private providers, including faith-based service groups.

Section 2. Subsections (1) and (3) of section 397.333, Florida Statutes, are amended to read:

397.333 Statewide Drug Policy Advisory Council.—

(1)(a) The Statewide Drug Policy Advisory Council is created within the Executive Office of the Governor. The director of the Office of Drug Control shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting shall be a nonvoting, ex officio member of the advisory council. The Office of Drug Control and the Office of Planning and Budgeting shall provide staff support for the advisory council.

(b) The following state officials shall be appointed to serve on the advisory council:

1. The Attorney General, or his or her designee.
2. The executive director of the Department of Law Enforcement, or his or her designee.
3. The Secretary of Children and Family Services, or his or her designee.
4. The Secretary of Health, or his or her designee.
5. The Secretary of Corrections, or his or her designee.
6. The Secretary of Juvenile Justice, or his or her designee.
7. The Commissioner of Education, or his or her designee.
8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.

(c) In addition, the Governor shall appoint 11 members of the public to serve on the advisory council. Of the 11 appointed members, one members must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance abuse prevention, ~~and~~ one member must have professional or occupational expertise in substance abuse treatment, and two members must have pro-

professional or occupational expertise in faith-based substance-abuse-treatment services. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

(d) The President of the Senate shall appoint a member of the Senate to the advisory council and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to the advisory council.

(e) The Chief Justice of the Supreme Court shall appoint a member of the judiciary to the advisory council.

(f) Members appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice shall be appointed to terms of 4 years each. However, for the purpose of providing staggered terms, of the Governor's initial appointments, five members shall be appointed to 2-year terms and six members shall be appointed to 4-year terms.

(3) The advisory council shall:

(a) Conduct a comprehensive analysis of the problem of substance abuse in this state and make recommendations to the Governor and Legislature for developing and implementing a state drug control strategy. The advisory council shall determine the most effective means of establishing clear and meaningful lines of communication between the advisory council and the public and private sectors in order to ensure that the process of developing and implementing the state drug control strategy has afforded a broad spectrum of the public and private sectors an opportunity to comment and make recommendations.

(b) Review and make recommendations to the Governor and Legislature on funding substance abuse programs and services, consistent with the state drug control strategy, as developed. The council may recommend the creation of a separate appropriations category for funding services delivered or procured by state agencies and may recommend the use of performance-based contracting as provided in s. 414.065.

(c) Review various substance abuse programs and recommend, where needed, measures that are sufficient to determine program outcomes. The council shall review different methodologies for evaluating programs and determine whether programs within different agencies have common outcomes. The methodologies shall be consistent with those established under s. 216.0166.

(d) Review the drug control strategies and programs of, and efforts by, other states and the Federal Government and compile the relevant research.

(e) Recommend to the Governor and Legislature applied research projects that would use research capabilities within the state, including, but not limited to, the resources of the State University System, for the purpose of

achieving improved outcomes and making better-informed strategic budgetary decisions.

(f) Recommend to the Governor and Legislature changes in law which would remove barriers to or enhance the implementation of the state drug control strategy.

(g) Make recommendations to the Governor and the Legislature on the need for public information campaigns to be conducted in the state to limit substance abuse.

(h) Ensure that there is a coordinated, integrated, and multidisciplinary response to the substance abuse problem in this state, with special attention given to creating partnerships within and between the public and private sectors, and to the coordinated, supported, and integrated delivery of multi-system services for substance abusers, including a multiagency team approach to service delivery.

(i) Assist communities and families in pooling their knowledge and experiences with respect to the problem of substance abuse. Forums for exchanging ideas, experiences, and practical information, as well as instruction, should be considered. For communities, such instruction may involve issues of funding, staffing, training, and neighborhood and parental involvement, and instruction on other issues. For families, such instruction may involve practical strategies for addressing family substance abuse; improving cognitive, communication, and decisionmaking skills; providing parents with techniques for resolving conflicts, communicating, and cultivating meaningful relationships with their children and establishing guidelines for their children; educating families about drug-free programs and activities in which they may serve as participants and planners; and other programs of similar instruction. To maximize the effectiveness of such forums, multiple agencies should participate.

(j) Examine the extent to which all state programs that involve substance-abuse treatment can include a meaningful work component, and identify any change in the law which would remove barriers to or enhance the work component for a substance-abuse-treatment program.

(k) Recommend to the Governor and the Legislature ways to expand and fund drug courts, which have proven effective in the state's drug-control strategy.

Section 3. Section 944.026, Florida Statutes, is amended to read:

944.026 Community-based facilities and programs.—

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide, or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but not be limited to:

(a) A system of community correctional centers to be used for reintegration of the offender back into the community, located at various places throughout the state as provided in s. 944.033.

(b) Community-based residential drug treatment facilities ~~that~~ which include:

1. Nonsecure facilities, whereby probationers and drug offender probationers who have violated their terms or conditions, or persons placed on community control whose presumptive sentence exceeds 22 months, may be required to reside while working, receiving treatment, or attending school, and whereby inmates may be placed who are nearing their date of release from a correctional institution or a community correctional center, who are in need of placement in a substance-abuse-transition housing program, and who are considered eligible for such placement by the department; and

2. Secure facilities which provide for limited access for the duration of the program for persons who have violated their conditions of probation, drug offender probation, or community control, and whose presumptive sentence exceeds 22 months.

(c) A system of probation and restitution centers throughout the state whereby probationers, drug offender probationers, and community controllees who have violated their terms or conditions, and whose presumptive sentence exceeds 22 months, may be required to reside while working, receiving treatment, or attending school, or for persons on probation, drug offender probation, or community control who may be required to attend outpatient substance abuse counseling and whereby inmates may be placed who are nearing their date of release from a correctional institution or a community correctional center, who are in need of placement in a substance-abuse-transition housing program, and who are considered eligible for such placement by the department. The purpose of these facilities and services is to provide the court with an alternative to committing offenders to more secure state correctional institutions and to assist in the supervision of probationers, drug offender probationers, and community controllees and to provide the department transitional-housing beds to assist inmates released into the community.

(2) By January 1, 2002, and notwithstanding any other law, the department shall ensure that at least 400 of its contracted beds in nonsecure community-based residential substance-abuse-treatment facilities authorized under subparagraph (1)(b)1. or probation and restitution centers authorized under paragraph (1)(c) are designated for transition assistance for inmates who are nearing their date of release from a correctional institution or a community correctional center. These designated beds shall be provided by private organizations that do not have a faith component and that are under contract with the department. In making placement decisions, the department and the contract providers shall give priority consideration to those inmates who are nearing their date of release and who are to be placed in some form of postrelease community supervision. However, if an inmate whose sentence expires upon his or her release from a correctional institution or a community correction center and for whom community supervision is not required demonstrates the need for or interest in and suitability for transition-housing assistance, as determined by the department, the inmate is eligible to be considered for placement in transition housing. A right to substance-abuse-program services is not stated, intended, or otherwise implied by this subsection.

(3)(2)(a) The department shall develop and implement procedures to diagnose offenders prior to sentencing, for the purpose of recommending to the sentencing court suitable candidates for placement in a community-based residential drug treatment facility or probation and restitution center as provided in this section. The department shall also develop and implement procedures to properly identify inmates prior to release who demonstrate the need for or interest in and suitability for placement in a community-based substance-abuse-transition housing program as provided in this section and pursuant to ss. 944.704 and 944.4731.

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified offenders as provided in s. 948.08.

Section 4. Subsection (2) of section 944.473, Florida Statutes, is amended to read:

944.473 Inmate substance abuse testing program.—

(2) SUBSTANCE ABUSE TREATMENT PROGRAMS.—

(a) An inmate who meets the criteria established by the department shall participate in substance-abuse-program services when such services are available. A right to substance-abuse-program services is not stated, intended, or otherwise implied by this chapter.

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

1. The presence of a diagnosed psychoactive substance dependence or use disorder;

2. The severity of the addiction;

3. A history of criminal behavior related to substance abuse;

4. A recommendation by a sentencing authority for substance-abuse-program services;

5. Unsuccessful participation in community-based substance-abuse services;

6. Sentencing by a drug court or drug division; and

7. Other classification or program criteria that the department finds will ensure security and optimal program placement.

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

~~department shall place the inmate in a substance abuse treatment program, if available and appropriate.~~

Section 5. Section 944.4731, Florida Statutes, is created to read:

944.4731 Addiction-Recovery Supervision Program.—

(1) This section may be cited as the “Addiction-Recovery Supervision Program Act.”

(2)(a) Any offender released from a state correctional facility who is convicted of a crime committed on or after July 1, 2001, must be given addiction-recovery supervision if the offender has:

1. A history of substance-abuse or addiction;
2. Participated in any drug treatment;
3. No current or previous convictions for a violent offense;
4. No current or previous convictions for drug trafficking or for the unlawful sale of a controlled substance;
5. No current or previous convictions for a property offense, except for a conviction for:
 - a. Passing worthless checks, forgery, uttering, or counterfeiting;
 - b. Third-degree felony grand theft, excluding a theft relating to firearms;
or
 - c. Third-degree felony burglary of an unoccupied structure or conveyance; and
6. No current or previous conviction for a traffic offense involving injury or death.

(b) An offender released under addiction-recovery supervision shall be subject to specified terms and conditions, including payment of the costs of supervision under s. 948.09 and any other court-ordered payments, such as child support and restitution. If an offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control may not be substituted for addiction-recovery supervision and shall follow the term of addiction-recovery supervision. A panel of not fewer than two parole commissioners shall establish the terms and conditions of supervision, and the terms and conditions must be included in the supervision order. In setting the terms and conditions of supervision, the parole commission shall weigh heavily the program requirements, including, but not limited to, work at paid employment while participating in treatment and traveling restrictions. The commission shall also determine whether an offender violates the terms and conditions of supervision and whether a violation warrants revocation of addiction-recovery supervision pursuant to s. 947.141. The parole commission shall review the offender’s record for the purpose of establishing the terms and

conditions of supervision. The parole commission may impose any special conditions it considers warranted from its review of the record. The length of supervision may not exceed the maximum penalty imposed by the court.

(c) The Legislature finds that offenders released from state prison into the community who meet the criteria for participating in the addiction-recovery supervision program possess the greatest potential for successful substance-abuse recovery through treatment and transition assistance.

(3)(a) Each fiscal year, and contingent upon funding, the department shall enter into contracts with multiple providers who are private organizations, including faith-based service groups, to operate substance-abuse-transition housing programs, including providers that:

1. Provide postrelease housing, programming, treatment, and other transitional services;

2. Emphasize job placement and gainful employment for program participants;

3. Provide a curriculum related to substance-abuse treatment which uses a cognitive-behavior model or 12-step model of addiction recovery;

4. Provide for a length of stay of not more than 12 months; and

5. Use community volunteers in operating the program to the greatest extent possible.

(b) The department shall allow providers to use innovative approaches to treatment and shall authorize a high level of flexibility in operating a program. The department shall ensure that an offender's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an offender toward a particular faith or religious preference.

(4) When facilitating job placement for an offender under this program, the provider shall make every effort to secure suitable employment that provides adequate wages, a potential for advancement, and a likelihood of stable and long-term employment. To measure the success of postrelease job placement, the department shall, as part of its annual report, track for 1 year offenders who successfully complete the program and shall determine their employment status.

(5) Each contract entered into under this section for operating a substance-abuse-transition housing program must invite innovation, minimize bureaucracy, and permit the private organization or faith-based provider to petition the department to waive any rule, policy, or procedure that is inconsistent with the mission of the private organization or faith-based provider.

(6) Six months before an offender is released, the chaplain and transition-assistance specialist at the institution where the offender is incarcerated shall initiate the prerelease screening process in addition to the basic release orientation required under s. 944.705.

(a) The transition-assistance specialist and the chaplain shall provide a list of contracted private providers, including faith-based providers, to the offender and facilitate the application process. The transition-assistance specialist shall inform the offender of program availability and assess the offender's need and suitability for substance-abuse-transition housing assistance. If an offender is approved for placement, the specialist shall assist the offender and coordinate the release of the offender with the selected program. If an offender requests and is approved for placement in a contracted faith-based substance-abuse-transition housing program, the specialist must consult with the chaplain prior to such placement. A right to substance-abuse-program services is not stated, intended, or otherwise implied by this section.

(b) If an offender has participated in a faith-based program while incarcerated or housed at a community correctional center and the same or a similar faith-based provider offers a contracted substance-abuse-transition housing program, the department shall make every attempt to maintain this continuum of care.

(7) While participating in a substance-abuse-transition housing program, an offender shall:

(a) Adhere to all conditions of supervision enforced by the commission and the program provider. Failure to comply with such rules or conditions may result in revocation of supervision pursuant to s. 947.141.

(b) Pay fees to defray program costs, costs of supervision required under s. 948.09, and any restitution or obligations for child support.

(c) Participate in a cognitive-behavior model or 12-step model of recovery.

(8) The commission may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary for administering this section.

Section 6. Section 944.702, Florida Statutes, is amended to read:

944.702 Legislative intent.—It is the intent of the Legislature to provide persons released from incarceration from the Department of Corrections with certain fundamental resources in the areas of employment, life skills training, job placement, and access to as many support services as possible in order to appreciably increase the likelihood of the inmate's successful reentry into free society. The Legislature intends that these support services include faith-based service groups on an equal basis with other private organizations.

Section 7. Section 944.703, Florida Statutes, is amended to read:

944.703 Eligible inmates.—Sections 944.701-944.708 apply to all inmates released from the custody of the department. However, priority should be given to substance-addicted inmates to help break the cycle of drug abuse, prostitution, and other self-injurious criminal behavior that causes harm to families and communities. Those inmates with a detainer

are eligible if the department determines that cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be of short duration. The department shall confirm the detainer with the originating authority prior to release.

Section 8. Section 944.7031, Florida Statutes, is created to read:

944.7031 Eligible inmates released from private correctional facilities.—

(1) It is the intent of the Legislature that state inmates nearing release from a private correctional facility managed under chapter 957 are eligible for assistance under ss. 944.701-944.708, and all laws that provide for or mandate transition-assistance services to inmates nearing release also apply to inmates who reside in private correctional facilities.

(2) To assist an inmate nearing release from a private correctional facility, the department and the transition-assistance specialist shall coordinate with a designated staff person at each private correctional facility to ensure that a state inmate released from the private correctional facility is informed of and provided with the same level of transition-assistance services that are provided by the department for an inmate in a state correctional facility. Any inmate released from a private correctional facility shall also have equal access to placement consideration in a contracted substance-abuse-transition housing program, including those programs that have a faith-based component.

Section 9. Section 944.704, Florida Statutes, is amended to read:

944.704 Staff who provide transition assistance; duties.—The department shall provide a transition-assistance specialist ~~transition-assistance officer~~ at each of the major institutions whose duties include, but are not limited to:

(1) Coordinating delivery of transition-assistance ~~transition-assistance~~ program services at the institution and at the community correctional centers authorized pursuant to s. 945.091(1)(b).

(2) Assisting in the development of each inmate's postrelease plan.

(3) Obtaining job placement information ~~for transmittal to the Department of Labor and Employment Security.~~

(4) Facilitating placement in a private transition-housing program, if requested by any eligible inmate. If an inmate who is nearing his or her date of release requests placement in a contracted substance-abuse-transition housing program, the transition-assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition-housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate and coordinate the release of the inmate with the selected program. If an inmate requests and is approved for placement in a contracted faith-based substance-abuse-transition housing program, the specialist must consult with the chaplain prior to such placement. In selecting inmates who are nearing their date of release for place-

ment in a faith-based program, the department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to the program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(5)(4) Providing a photo identification card to all inmates prior to their release.

The transition-assistance specialist may not be a correctional officer or correctional probation officer as defined in s. 943.10.

Section 10. Subsections (1) and (2) of section 944.705, Florida Statutes, are reenacted, and subsection (5) of that section is amended to read:

944.705 Release orientation program.—

(1) The department shall provide participation in a standardized release orientation program to every eligible inmate.

(2) The release orientation program instruction must include, but is not limited to:

- (a) Employment skills.
- (b) Money management skills.
- (c) Personal development and planning.
- (d) Special needs.
- (e) Community reentry concerns.
- (f) Community reentry support.
- (g) Any other appropriate instruction to ensure the inmate's successful reentry into the community.

(5) The department may ~~is authorized to~~ contract with public or private entities, including faith-based service groups, for the provision of all or part of the services pursuant to this section.

Section 11. Section 944.706, Florida Statutes, is amended to read:

944.706 Basic release assistance.—

(1) Any inmate who is being released is eligible for transition assistance. Those inmates released to a detainer are eligible pursuant to s. 944.703.

(2) The department may ~~is authorized to~~ contract with the Department of Children and Family Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services for releasees. ~~The department shall contract with the Department of Labor and Employment Security for the provision of releasee job placement.~~

(3) The department shall adopt promulgate rules for the development, implementation, and termination of transition assistance.

Section 12. Section 944.707, Florida Statutes, is amended to read:

944.707 Postrelease special services; job placement services.—

(1) The department shall ~~attempt to~~ generate and provide to every releasee, identified by the prerelease needs assessment, support services such as, but not limited to, substance abuse counseling, family counseling, and employment support programs. The department ~~may be authorized to~~ select and contract with public or private organizations, including faith-based service groups, for the provision of these basic support services. When selecting a provider, the department shall consider faith-based service groups on an equal basis with other private organizations. Provider selection criteria include, but are not limited to:

- (a) The depth and scope of services provided.
- (b) The geographic area to be served.
- (c) The number of inmates to be served and the cost of services per inmate.
- (d) The individual provider's record of success in the provision of inmate services.

(2) The department, with the assistance of the State Office on Homelessness, shall maintain and regularly update a comprehensive directory of support services offered by private organizations and faith-based service groups for the purpose of assisting transition-assistance specialists and chaplains in making individualized placements and referrals. The following items shall be provided to the Department of Labor and Employment Security job service office located nearest to the inmate's intended residence:

- ~~(a) The job placement information obtained at release orientation.~~
- ~~(b) Referral information for the needed basic support service providers.~~

~~(3)(a) The Department of Labor and Employment Security shall assign job service staff exclusively dedicated to releasee services at those offices identified by the Department of Corrections as having a high number of releasee contacts. Those offices having a fewer number of releasee contacts shall have designated staff assigned to assist releasees. The Department of Labor and Employment Security shall provide appropriate training for staff assigned to assist releasees. Staff assigned to assist releasees shall use job placement information obtained at each releasee's release orientation to attempt to secure suitable employment for the releasee prior to the releasee's arrival. Staff assigned to assist releasees shall act to maximize releasee placement opportunities in the job service office service area.~~

~~(b) The Department of Labor and Employment Security shall provide to the Department of Corrections data relating to inmate placement, tracking, and market needs.~~

Section 13. Section 944.803, Florida Statutes, is amended to read:

944.803 Faith-based programs for inmates.—

(1) The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and reduce recidivism.

(2) It is the intent of the Legislature that the Department of Corrections and the private vendors operating private correctional facilities shall continuously:

(a) Measure recidivism rates for inmates who have participated in religious programs;

(b) Increase the number of volunteers who minister to inmates from various faith-based institutions in the community;

(c) Develop community linkages with churches, synagogues, mosques, and other faith-based institutions to assist inmates in their release back into the community; and

(d) Fund through the use of inmate welfare trust funds pursuant to s. 945.215 an adequate number of chaplains and support staff to operate faith-based programs in correctional institutions.

(3) By March 1, 2002, the department must have at least three additional faith-based dormitory programs fully operational and by June 1, 2002, the department must have at least three more faith-based dormitory programs fully operational, for a total of six new programs fully operational by June 1, 2002. These six programs shall be similar to and in addition to the current faith-based pilot program. The six new programs shall be a joint effort with the department and faith-based service groups within the community. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference. The programs shall operate 24 hours a day within the existing correctional facilities. The programs must emphasize the importance of personal responsibility, meaningful work, education, substance-abuse treatment, and peer support. Participation in the faith-based dormitory program shall be voluntary. However, at least 80 percent of the inmates participating in this program must be within 36 months of release. Assignment to these programs shall be based on evaluation and the length of time the inmate is projected to be assigned to that particular institution. In evaluating an inmate for this program, priority shall be given to inmates who have shown an indication for substance abuse. A right to substance-abuse-program services is not stated, intended, or otherwise implied by this subsection. The department may not remove an inmate once assigned to the program except for the purposes of population management, for inmate conduct that may subject the inmate to disciplinary confinement or loss of gain-time, for physical or mental health concerns, or for security or safety concerns. To support the programming component, the department

shall assign a chaplain and a full-time clerical support person dedicated to each dormitory to implement and monitor the program and to strengthen volunteer participation and support. By January 1, 2004, the department shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the faith-based dormitory program. The report must contain the findings from an extensive and scientifically sound evaluation of the program, including at least a longitudinal followup of the inmates who have successfully completed the program compared to other similar inmates who have not participated and an opinion survey of the faith-based service providers.

(4) Effective October 1, 2001, the Department of Corrections shall assign chaplains to community correctional centers authorized pursuant to s. 945.091(1)(b). These chaplains shall strengthen volunteer participation by recruiting volunteers in the community to assist inmates in transition, and, if requested by the inmate, placement in a mentoring program or at a contracted substance-abuse-transition housing program. When placing an inmate in a contracted program, the chaplain shall work with the institutional transition-assistance specialist in an effort to successfully place the released inmate.

(5) The department shall ensure that any faith component of any program authorized in this chapter is offered on a voluntary basis and, an offender's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an offender toward a particular faith or religious preference.

(6) The department shall ensure that state funds are not expended for the purpose of furthering religious indoctrination, but rather, that state funds are expended for purposes of furthering the secular goals of criminal rehabilitation, the successful reintegration of offenders into the community, and the reduction of recidivism.

Section 14. Subsection (1) of section 945.091, Florida Statutes, is amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(1) ~~The department may be authorized to adopt rules regulations~~ permitted the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(a) Visit, for a specified period, a specifically designated place or places:

1. For the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released;

2. To otherwise aid in the rehabilitation of the inmate and his or her successful transition into the community; or
3. For another compelling reason consistent with the public interest,

and return to the same or another institution or facility designated by the Department of Corrections.

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or faith-based service group in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom.

1. An inmate may participate in paid employment only during the last 36 months of his or her confinement, unless sooner requested by the Parole Commission or the Control Release Authority.

2. While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance-abuse-transition housing program. The transition-assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition-housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance-abuse-transition housing program, the specialist must consult with the chaplain prior to such placement. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(c) Participate in a residential or nonresidential rehabilitative program operated by a public or private, nonprofit agency, including faith-based service groups, with which the department has contracted for the treatment of such inmate. The provisions of ss. 216.311 and 287.057 shall apply to all contracts between the department and any private entity providing such services. The department shall require such agency to provide appropriate supervision of inmates participating in such program. The department is authorized to terminate any inmate's participation in the program if such inmate fails to demonstrate satisfactory progress in the program as established by departmental rules.

Section 15. Subsections (1), (2), (3), (4), and (6) of section 947.141, Florida Statutes, are amended to read:

947.141 Violations of conditional release, control release, or conditional medical release or addiction-recovery supervision.—

(1) If a member of the commission or a duly authorized representative of the commission has reasonable grounds to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, ~~or~~ s. 947.149, or s. 944.4731 has violated the terms and conditions of the release in a material

respect, such member or representative may cause a warrant to be issued for the arrest of the releasee; if the offender was found to be a sexual predator, the warrant must be issued.

(2) Upon the arrest on a felony charge of an offender who is on release supervision under s. 947.1405, s. 947.146, ~~or s. 947.149~~, or s. 944.4731, the offender must be detained without bond until the initial appearance of the offender at which a judicial determination of probable cause is made. If the magistrate determines that there was no probable cause for the arrest, the offender may be released. If the magistrate determines that there was probable cause for the arrest, such determination also constitutes reasonable grounds to believe that the offender violated the conditions of the release. Within 24 hours after the magistrate's finding of probable cause, the detention facility administrator or designee shall notify the commission and the department of the finding and transmit to each a facsimile copy of the probable cause affidavit or the sworn offense report upon which the magistrate's probable cause determination is based. The offender must continue to be detained without bond for a period not exceeding 72 hours excluding weekends and holidays after the date of the probable cause determination, pending a decision by the commission whether to issue a warrant charging the offender with violation of the conditions of release. Upon the issuance of the commission's warrant, the offender must continue to be held in custody pending a revocation hearing held in accordance with this section.

(3) Within 45 days after notice to the Parole Commission of the arrest of a releasee charged with a violation of the terms and conditions of conditional release, control release, ~~or conditional medical release~~, or addiction-recovery supervision, the releasee must be afforded a hearing conducted by a commissioner or a duly authorized representative thereof. If the releasee elects to proceed with a hearing, the releasee must be informed orally and in writing of the following:

- (a) The alleged violation with which the releasee is charged.
- (b) The releasee's right to be represented by counsel.
- (c) The releasee's right to be heard in person.
- (d) The releasee's right to secure, present, and compel the attendance of witnesses relevant to the proceeding.
- (e) The releasee's right to produce documents on the releasee's own behalf.
- (f) The releasee's right of access to all evidence used against the releasee and to confront and cross-examine adverse witnesses.
- (g) The releasee's right to waive the hearing.

(4) Within a reasonable time following the hearing, the commissioner or the commissioner's duly authorized representative who conducted the hearing shall make findings of fact in regard to the alleged violation. A panel of no fewer than two commissioners shall enter an order determining whether

the charge of violation of conditional release, control release, ~~or conditional medical release, or addiction-recovery supervision~~ has been sustained based upon the findings of fact presented by the hearing commissioner or authorized representative. By such order, the panel may revoke conditional release, control release, ~~or conditional medical release, or addiction-recovery supervision~~ and thereby return the releasee to prison to serve the sentence imposed, reinstate the original order granting the release, or enter such other order as it considers proper. Effective for inmates whose offenses were committed on or after July 1, 1995, the panel may order the placement of a releasee, upon a finding of violation pursuant to this subsection, into a local detention facility as a condition of supervision.

(6) Whenever a conditional release, control release, ~~or conditional medical release, or addiction-recovery supervision~~ is revoked by a panel of no fewer than two commissioners and the releasee is ordered to be returned to prison, the releasee, by reason of the misconduct, shall be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of release. However, if a conditional medical release is revoked due to the improved medical or physical condition of the releasee, the releasee shall not forfeit gain-time accrued before the date of conditional medical release. This subsection does not deprive the prisoner of the right to gain-time or commutation of time for good conduct, as provided by law, from the date of return to prison.

Section 16. Paragraph (a) of subsection (6) and subsection (7) of section 948.08, Florida Statutes, are amended to read:

948.08 Pretrial intervention program.—

(6)(a) Notwithstanding any provision of this section, a person who is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony nor been admitted to a felony pretrial program referred to in this section, is eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time prior to trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled sub-

stances, the court shall deny the defendant's admission into a pretrial intervention program.

(7) The chief judge in each circuit may appoint an advisory committee for the pretrial intervention program composed of the chief judge or his or her designee, who shall serve as chair; the state attorney, the public defender, and the program administrator, or their designees; and such other persons as the chair deems appropriate. The advisory committee may not designate any defendant eligible for a pretrial intervention program for any offense that is not listed under paragraph (6)(a) without the state attorney's recommendation and approval. The committee may also include persons representing any other agencies to which persons released to the pretrial intervention program may be referred.

Section 17. Section 951.10, Florida Statutes, is amended to read:

951.10 Leasing prisoners to work for private interests prohibited.—~~No County prisoners may not shall be leased to work for any private interests. This section does not prohibit county inmates from working in nonprofit and private-sector jobs pursuant to s. 951.24(2) and consistent with federal law.~~

Section 18. By March 1, 2002, the Department of Corrections shall submit a comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on its progress in implementing this act. In its comprehensive report the department shall:

(1) Identify the number of beds needed for substance-abuse-transition housing for the 2002-2003, 2003-2004, and 2004-2005 fiscal years, and shall evaluate the impact of designating nonsecure, community-based residential beds for postrelease transition services.

(2) Provide a 5-year plan for and the amount of funds needed for expanding the number of faith-based dormitory programs and expanding the number of chaplain-assisted community correctional centers.

(3) Project the number and fiscal impact of the anticipated admissions to the Addiction-Recovery Supervision Program over the next 5 years.

(4) Describe and evaluate new prerelease and postrelease transition services provided by the department, including the effectiveness of the newly created bureau, the transition-assistance specialists at each institution, the chaplain positions, and the expansion of comprehensive transition courses.

Section 19. By March 1, 2002, the Legislative Committee on Intergovernmental Relations shall submit a detailed report to the Legislature on the feasibility of providing effective intervention and treatment strategies for persons convicted of prostitution and detained in county detention facilities. In compiling this study, the committee shall:

(1) Identify and describe successful intervention and treatment strategies in state county detention facilities and other jurisdictions.

(2) Survey each county detention facility in the state to determine what policies and practices are in place to address persons convicted of prostitution.

(3) Determine the number of prostitutes being held in county detention facilities, their length of stay, and their frequency of incarceration.

(4) Examine relevant scientific studies documenting any correlation between prostitution and substance abuse.

(5) Consider the implications of enhancing the criminal penalty for prostitution from a misdemeanor to a third-degree felony for a third or subsequent prostitution offense with respect to the availability of treatment and rehabilitation programs.

(6) Recommend any changes to substantive law and any funding that is necessary to help persons convicted of prostitution to avoid repeated incarceration in county detention facilities and to successfully return to the community.

Section 20. In an effort to ensure that inmates released from the Department of Corrections successfully reenter the community, beginning December 1, 2002, each inmate released from incarceration by the department must complete a 100-hour comprehensive transition course that covers job readiness and life-management skills. This requirement does not apply to inmates released in an emergency situation.

Section 21. (1) The sum of \$5,005,514 is appropriated from the General Revenue Fund to the Department of Corrections for the 2001-2002 fiscal year to implement the provisions of this act for the secular purpose of reducing recidivism through successful reintegration of released inmates into the community.

(2) The appropriation shall fund a chaplain for at least 10 community correctional centers authorized under section 945.091(1)(b), Florida Statutes. The chaplains shall assist inmates in transition, strengthen participation of community volunteers, and serve as a liaison with community leaders. Using nonrecurring funds from the appropriation, the department may erect adjacent structures or alter the physical design of a community correctional center as is necessary to accommodate the program needs and other unique requirements of the chaplain.

(3)(a) This appropriation shall also be used to fund 52 transition-assistance specialists, six new Bureau of Transition positions to monitor, oversee, and provide support to transition assistance programs, and to expand the 100-hour comprehensive transition course at each correctional institution. The transition-assistance specialists shall assist all inmates released from the custody of the department who are eligible for the transition-assistance program.

(b) The appropriation shall also be used to fund six additional faith-based dormitories similar to the current faith-based pilot program operating at Tomoka Correctional Institution. Using nonrecurring funds from the appropriation, the department shall alter the physical design at selected dormitories as necessary to accommodate program needs and other unique requirements of the program described in section 944.803, Florida Statutes. Recurring funds from this appropriation shall fund six chaplain positions, six

accompanying clerical-support positions, and the purchase of miscellaneous secular supplies that are necessary to operate the program.

(c) Finally, this appropriation shall also fund, for the 2001-2002 fiscal year, the nonrecurring start-up and recurring per diem costs for 400 substance-abuse-transition housing beds. The 400 substance-abuse-transition housing beds shall be provided by faith-based service groups under contract with the department. The new beds and services funded by this appropriation shall be in addition to the minimum 400 required beds designated as transition-housing beds under section 944.026(1)(c) and (2), Florida Statutes, which may be under contract with private organizations not offering a faith component. Funds from the appropriation may be used for paying nonrecurring start-up costs to ensure the proper selection and training of staff and for expenses that relate to preparing the facilities for occupancy.

(d) The department shall ensure that the number of transition-housing beds provided by private organizations with a faith component does not exceed the number of transition-housing beds provided by private organizations without a faith component, so that an eligible offender has equal access to either type of transition bed.

(e) The department shall ensure that state funds are not expended for the sole purpose of furthering religious indoctrination, but rather that state funds are expended for purposes of furthering the secular goals of criminal rehabilitation, the successful reintegration of offenders into the community, and the reduction of recidivism.

Section 22. This act shall take effect July 1, 2001.

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.