

**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.)

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

BILL: CS/SB 1032

INTRODUCER: Criminal Justice Committee and Senator Altman

SUBJECT: Correctional Reentry Treatment Facilities

DATE: April 1, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Fav/CS</b>
2.			ACJ	
3.			AP	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 1032 requires the Department of Corrections to work with the Department of Health (DOH) and the Department of Highway Safety and Motor Vehicles (DHSMV) to ensure that every Florida-born inmate who leaves prison has a state identification card and a certified copy of their birth certificate at no cost to the inmate. Subject to funds, the bill also requires the department to ensure that every inmate within two years of release has access to completing the Florida Ready to Work Certification Program.

In the area of faith and character based programs, the bill encourages the department to maintain faith and character-based institutions for both male and female inmates. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith and character-based institutions.

Finally, the bill provides for a new type of conditional split sentence that can be imposed by a court on certain non-violent third degree felons who have a substance abuse problem. The conditional split sentence requires participation in an in-prison treatment program followed by drug offender probation. If the offender fails to complete the in-prison program, he or she forfeits

the opportunity to be on drug offender probation and must remain in prison for the period of time that would have otherwise been served on probation.

This bill creates section 948.0125 of the Florida Statutes. The bill substantially amends sections 322.051, 382.0255, 944.605, 944.801, and 944.803 of the Florida Statutes.

## II. Present Situation:

### Reentry Programs for Nonviolent Offenders

Inmates who enter prison often have shortcomings in one or more areas of education, employment skills, substance abuse-free living, and mental health that contributed to their current situation. For example, 24.6 percent of the inmates admitted to prison during Fiscal Year 2011-2012 had been convicted of a drug crime<sup>1</sup> and almost two-thirds of inmates who enter prison for any crime also have a substance abuse problem.<sup>2</sup> Unless addressed, these deficiencies are likely to contribute to re-offending and a return to prison.

In the past decade the executive and legislative branches of state government have acknowledged the importance of reentry services and post-release planning and transition. In May 2007, the Department of Corrections revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. The department's reported goal was to bring down the three-year post-release recidivism rate from 32 percent to 20 percent by 2012. The department reports that the three-year post-release recidivism rate for inmates released in 2008 was 27.6 percent.<sup>3</sup>

### Correctional Integrated Needs Assessment System<sup>4</sup>

The department assesses inmates and places them into programs using the Correctional Integrated Needs Assessment System (CINAS), which is based on the "Risk-Needs-Responsivity (RNR)" principle. The RNR principle refers to predicting which inmates have a higher probability of recidivating, and providing appropriate programming and services to higher risk inmates based on their level of need. The services would be focused on "criminogenic needs," which are factors associated with recidivism that can be changed such as lack of education, substance abuse, criminal thinking, and lack of marketable job skills. High risk offenders have multiple risk factors, and the department provides a range of services and interventions to target the specific crime producing characteristics.

The Recidivism Index (RI) is a component of CINAS developed by the department to give a score that is used to assess an inmate's program needs, determine the inmate's priority for

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<sup>1</sup> Fla. Dep't of Corrections, *Inmate Admissions*, [http://www.dc.state.fl.us/pub/annual/1112/stats/im\\_admis.html](http://www.dc.state.fl.us/pub/annual/1112/stats/im_admis.html) (last visited March 28, 2013).

<sup>2</sup> Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Corrections Rehabilitative Programs Effective, But Serve Only a Portion of the Eligible Population*, Report No. 07-14 (February 2007), p. 6.

<sup>3</sup> Department of Corrections, *Recidivism Rates Over Time*, <http://www.dc.state.fl.us/pub/recidivism/2013.html> (last visited on March 28, 2013).

<sup>4</sup> Information in this section is based upon the Department of Corrections' Analysis of Senate Bill 1032 (2013) and Analysis of Senate Bill 448 (2012).

intervention and services, and guide program placement. RI scores range from 1 to 5, with those in RI 1 the least likely to recidivate.

The department reports that CINAS allows it to develop and implement programs that increase the likelihood of successful reentry. It also reports that use of the RI and CINAS “avoids focusing resources on individuals ill-equipped to handle specific behavior problems, and ensures the most appropriate treatment-setting possible is being assigned, based on an inmate’s characteristics.” As a general rule, the closer an inmate’s RI score is to either end of the range, the less likely the inmate is to benefit from recidivism reduction programs. The department focuses reentry programming on inmates with RI scores of 3 or 4 based on the assumption that R1 and R2 inmates have a relatively low likelihood of recidivating even without programming, and that programming is not likely to reduce the high likelihood that R5 inmates will recidivate.

It is department policy to administer CINAS assessment to an inmate when he or she is received at the initial parent institution unless the inmate has a death sentence or a life sentence. The inmate will not receive another CINAS assessment if his or her forecasted release date is 48 months or less. Otherwise, the policy is to give the inmate a secondary CINAS at 42 months from the forecasted release date. After the inmate’s final assessment, inmates who are targeted for programs are required to meet with the classification officer every 6 months. The stated purpose of these meetings is to monitor the inmate’s progress or enrollment status and for the classification officer to motivate the inmate toward completing programs.

The department reports that the percentage of inmates in each RI score category is currently as follows for the total inmate population and for those who are in minimum custody status:<sup>5</sup>

<b>Recidivism Index Scores for CINAS-Assessed Inmates</b>		
<i>RI Score</i>	<i>Percentage of Assessed Inmates (Total Population)</i>	<i>Percentage of Assessed Inmates (Minimum Custody)</i>
1 (lowest risk)	14%	40%
2 (low risk)	14%	26%
3 (low-medium risk)	14%	17%
4 (medium-high risk)	36%	14%
5 (highest risk)	22%	2%

According to department policy, inmates with RI scores of 3 and 4 are ranked for placement in core programs if they have an identified need for a specific core program and are within 36 months of release. By policy, they are enrolled in programs based on their priority ranking number, which is itself based on a three-part weighted formula that considers the inmates: (1) program score; (2) current release date; and (3) core program-specific equalization score that is designed to move inmates more in need ahead of others.

The department reports that it focuses on the following core programs in its reentry programming:<sup>6</sup>

<sup>5</sup> Department of Corrections 2013 Bill Analysis of Senate Bill 1032, p. 2.

- Faith and Character/Purposeful Living Units Serve
- United States Department of Labor apprenticeships
- Vocational training
- Thinking for a Change
- 100 Hour Transition<sup>7</sup>
- Veteran's units
- Education
- Substance abuse

### **Workskills Assessment and Certification**

The Florida Ready to Work Certification Program is set out in s. 445.06, F.S., and is administered by the Department of Economic Opportunity. Participants in the program take placement tests to determine whether they need training or study in the areas of Applied Mathematics, Reading for Information, and Locating Information. The participant receives training in areas in which improvement is needed, and then takes an assessment test in each of the skill areas. Depending on the results of the assessment tests, the participant can receive a bronze, silver, or gold credential signifying his or her workplace readiness. The department currently offers the certification program to a small percentage of the inmate population as part of its reentry programming when funds are available.

### **Reentry Facilities**

The department has dedicated certain facilities throughout the state to function as reentry facilities. These facilities house inmates who are within 36 months of release and who have been assigned to the facility based upon their RI score and programming needs. To the extent possible, considering other inmate and institutional needs, inmates are placed in reentry facilities in the area in which they live in order to foster support from family, friends, and community volunteers. Reentry facility staff and community volunteers are charged with helping inmates with housing, employment, and other needs in preparation for release.<sup>8</sup> There are currently three operational reentry facilities. These are:

- Baker Correctional Institution in Baker County (1,332 inmates)
- Sago Palm Reentry Center in Palm Beach County (384 inmates)
- Polk Correctional Institution in Polk County (1,393 inmates)

In addition to the operating programs, three new reentry facilities have been built but never opened due to budget constraints. These are:

- Baker Reentry Facility in Baker County (432 inmates)

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<sup>6</sup> Department of Corrections Reentry Core programs, <http://www.dc.state.fl.us/reentry/programs.shtml> (last visited on March 26, 2013).

<sup>7</sup> This program is mandated by s. 944.7065, F.S., for inmates who are within 12 months of release.

<sup>8</sup> In addition to other programming, the department provides the 100-Hour Transition Training Program required by s. 944.7065, F.S., for inmates who are within 12 months of their release.

- Everglades Reentry Facility in Dade County (432 inmates)
- Gadsden Reentry Facility in Gadsden County (432 inmates)<sup>9</sup>

The operating reentry facilities each have a “portal of entry” in the community. This portal of entry is the designated release site for state, federal, and local jail inmates who are released to a particular county. The purpose of the portal of entry is to connect the released offender with needed services that have been identified during release planning and to help them with administrative requirements. Among other things, these services may include:

- Access to a clothing closet
- Food or meal vouchers
- Medical/disability assistance
- Assistance with employment
- Assistance with obtaining housing
- Mentoring
- Life skill training
- Felony registration
- Contact with community corrections staff if on community supervision

The portals of entry are cooperative efforts that involve the department, local law enforcement agencies, social service agencies, faith communities, and community volunteers.

### **Community Work Release Centers**

Work release is a transition program through which the department selects inmates to work at paid employment in the community while they serve the remainder of their sentence.<sup>10</sup> The department is statutorily authorized to place an inmate in work release programs during the last 36 months of his or her sentence, but has limited that time to 14 months by rule. Inmates who are on work release have jobs in the community, but live at a non-secure correctional facility. Work release inmates are required to pay room and board and victim restitution, and to contribute to savings. The program is designed to give inmates a chance to enhance employment skills and to re-establish ties with family and the community prior to release.

As of June 30, 2012, the department had 20 state-run work release centers with a total population of 1962 inmates, and 13 contracted work release centers with a total of 1558 inmates.<sup>11</sup> In December 2012, the department issued a Request for Proposals (RFP) for operation by private providers of six work release centers that are currently operated by the department. The RFP contemplated that the work release centers would begin transitioning to operation by the selected providers by April 1, 2013, but the RFP process has been temporarily suspended.<sup>12</sup>

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<sup>9</sup> It is anticipated that Gadsden Reentry Facility will receive funding to begin operations during the next fiscal year. *See* “Prison officials offer tour of shuttered inmate re-entry center,” March 26, 2013, at <http://www.tampabay.com/blogs/the-buzz-florida-politics/prison-officials-offer-tour-of-shuttered-inmate-re-entry-center/2111327> (last visited March 27, 2013).

<sup>10</sup> Work release is authorized by s. 945.091, F.S.

<sup>11</sup> “Summary of Florida State Correctional Facilities,” <http://www.dc.state.fl.us/pub/annual/1112/facil.html> (last visited on March 27, 2012).

<sup>12</sup> The RFP and additional information are available at [http://myflorida.com/apps/vbs/vbs\\_www.ad.view\\_ad?advertisement\\_key\\_num=105925](http://myflorida.com/apps/vbs/vbs_www.ad.view_ad?advertisement_key_num=105925) (last visited on March 28, 2013).

### Faith- and Character-based Programs

In 1999, the department opened its first faith-based dormitory in cooperation with Kairos Horizon at Tomoka Correctional Institution. Several other faith-based dormitories were opened around the state beginning in 2000. In 2001, the Legislature required the department to have six additional faith-based dormitory programs fully operational by June 1, 2002.<sup>13</sup> In 2003, Lawtey Correctional Institution became the first faith-based institution. The department currently has faith and character-based programs at 11 institutions:<sup>14</sup>

<b>Faith and Character Based Residential Facilities</b>		
<b>Location</b>	<b>Capacity</b>	<b>Gender</b>
<i><b>Dormitories</b></i>		
Tomoka C.I.	290	Male
Polk C.I.	128	Male
Lowell RC.	344	Female
Gulf – Annex	128	Male
Everglades C.I.	128	Male
Lancaster C.I.	62	Youthful offenders
Union C.I.	96	Male over 50
Hernando CI	181	Female
<i><b>Total Dormitories</b></i>	<b>1357</b>	
<i><b>Prisons</b></i>		
Lawtey C.I.	835	Male
Wakulla C.I.	1,711	Male
Wakulla Annex	1532	Male
<i><b>Total Prison</b></i>	<b>4078</b>	
<b>TOTAL CAPACITY</b>	<b>5435</b>	

OPPAGA’s 2009 review of faith and character-based programs found that institution-wide programs had a positive effect on inmate institutional adjustment and security, and a positive but modest effect on reducing recidivism. Dormitory-based programs also had a positive effect on institutional adjustment and security, but had no effect on recidivism.<sup>15</sup>

### Drug Offender Probation

Section 948.20, F.S., requires the department have a drug offender probation program that emphasizes a combination of treatment and intensive community supervision approaches and provides for supervision of offenders in accordance with a specific treatment plan. The program can use graduated sanctions when offenders violate program requirements by actions such as

<sup>13</sup> Section 13, Chapter 2001-110, Laws of Florida.

<sup>14</sup> “Faith- and Character-Based Residential Programs,” <http://www.dc.state.fl.us/oth/faith/index.html> (last visited on April 2, 2013).

<sup>15</sup> OPPAGA Report No. 09-38 (October 2009), “Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest,” pp. 3-6.

testing positive on drug tests, missing treatment sessions, or failing to report to court. These sanctions can include mandatory community service, extended probation, or jail stays. Probationers in this program are subject to probation revocation if they violate any conditions of their probation. This can result in an imposition of any sentence that may have originally been imposed before the offender was placed on probation.<sup>16</sup> In FY 2011-2012, 9,898 offenders were admitted to drug offender probation. This constituted 11.8 percent of all offenders who were placed on community supervision as part of their original sentence.<sup>17</sup>

### **Identification Cards and Social Security Cards**

Inmates are issued an identification card during the reception process and are required to display it at all times while incarcerated. This serves the department's need to account for each inmate while incarcerated. The inmate may retain the identification card for use when released from prison. However, the inmate identification card has limited usefulness outside the prison setting, carries an inherent stigma, and is not always accepted as identification. Any other identification card that the inmate had when incarcerated, such as a driver's license or social security card, is returned to them upon release. However, many inmates do not bring identification with them when they enter prison, and identification left with someone else is often either lost or expired by the time they are released. Without proper identification and documentation upon release, inmates may be unable to acquire public assistance, legitimate transportation or employment, and housing.<sup>18</sup>

Section 322.051, F.S., provides for issuance of an official state identification card by the DHSMV. Issuance of a state identification card requires presentation of documentation that is sufficient to prove the applicant's identity in accordance with the state statute and the federal REAL ID Act. Many released inmates do not have this required documentation, and very few have it available while they are incarcerated.

The department reports that it works in cooperation with DHSMV and the Department of Health's Bureau of Vital Statistics to obtain identification cards for inmates prior to release.<sup>19</sup> The department obtains birth certificates from the DOH and works with DHSMV for dispatch of the FLOWmobile (Florida Licensing On Wheels vehicle) to department facilities. In 2011 and 2012, a total of 30 visits were made, with 1100 identification cards issued to inmates.<sup>20</sup>

In addition to its efforts to obtain identification cards, the department has a Memorandum of Understanding with the Social Security Administration to expedite the process for inmates to obtain replacement Social Security cards.<sup>21</sup>

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<sup>16</sup> Section 948.06(2)(e), F.S.

<sup>17</sup> "2011-2012 Agency Statistics, Community Supervision Admissions," [http://www.dc.state.fl.us/pub/annual/1112/stats/csa\\_month.html](http://www.dc.state.fl.us/pub/annual/1112/stats/csa_month.html) (last visited on April 2, 2013).

<sup>18</sup> See Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Department of Corrections Should Maximize Use of Best Practice in Inmate Rehabilitation Efforts*, Report No. 09-44 (December 2009), pages 5-6.

<sup>19</sup> Department of Corrections Analysis of Senate Bill 1032 (2013), p. 9.

<sup>20</sup> House of Representatives Staff Analysis of PCB JDC 13-01 (now HB 7121), p. 3.

<sup>21</sup> Department of Corrections Analysis of Senate Bill 2616 (2009), p. 3.

The inmate must pay \$9 to obtain a Florida birth certificate and \$25 to obtain an identification card. The cost and difficulty of obtaining an out-of-state birth certificate varies from state to state.

### **III. Effect of Proposed Changes:**

#### **Identification Cards**

The bill requires the department to provide every Florida-born inmate with a certified copy of their birth certificate and a state identification card before release from prison. To obtain a birth certificate, the department must submit a photo and specified personal information of all Florida-born inmates in its custody to DOH. An inmate's failure to cooperate in providing the required information may result in disciplinary action. The department is also required to assist all inmates with obtaining a social security card before release if needed.

The bill requires the department to assist inmates born outside of Florida with completing forms needed to apply for a social security card, drivers license, or state identification card. The department must also provide the inmate with the address of the appropriate agency near his or her expected release address where an identification card can be obtained.

The bill amends s. 382.0255, F.S., to require DOH to waive all fees for an inmate to acquire a certified copy of his or her birth certification through the new process created in the bill. It also amends s. 322.051, F.S., to require DHSMV to issue a state identification for no charge to an inmate who obtains the card through the new process created in the bill.

The department is not required to provide a birth certificate and state identification card to an inmate who:

- Already has a valid driver license or state identification card;
- Has an active detainer, unless cancellation of the detainer is likely or if the incarceration for which the detainer was issued will be for less than twelve months;
- Is released due to emergency release or conditional medical release;
- Is not in the department's physical custody at or within 180 days before release; or
- Is subject to sex offender residency restrictions and does not have a qualifying address.

The bill requires the department to make an annual report that identifies the number of inmates who are released with or without identification cards as well as any impediments to implementation of the identification card program, and recommends any needed improvements.

#### **Skills Assessment Certificate**

The bill requires the department to ensure that every inmate who is within two years of his or her projected release has access to skills assessment and training and is offered the opportunity to complete the Florida Ready to Work Certification Program. However, this requirement is subject to funding and the department's determination that access to the program will not present a security, safety, or management risk.



### **Faith and Character-Based Programs**

The bill amends s. 944.803, F.S., to encourage the department to maintain faith and character-based institutions to serve both male and female inmates. Currently there are no faith and character based institutions for females. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith and character-based institutions.

### **Reentry Program**

The bill creates a reentry program for nonviolent drug offenders. It requires the sentencing judge to order a “conditional” split sentence, with an incarcerative sentence followed by drug offender probation. The offender must be placed in a prison-based substance abuse treatment program within nine months of the end of the offender’s scheduled release from the incarcerative portion of the sentence. The offender must participate in the program for a minimum of 180 days and successfully complete the program before beginning drug offender probation. If the offender does not successfully complete the in-prison reentry program, the probationary portion of the conditional split sentence becomes a term of imprisonment, and the inmate must serve at least 85 percent of the total term.

While split sentences in which an offender is sentenced to incarceration followed by probation are common, the “conditional” split sentence created by the bill appears to be unique. In essence, the offender can violate probation before it starts by not completing the in-prison reentry program. If this happens, the pre-determined punishment is to serve the time that would have been spent on probation in prison. Unlike a probation violation, though, there is no provision for a due process hearing before a judge and the offender can be removed from the program through circumstances that are not his or her fault.

To be eligible for the program, an offender’s primary offense must be a 3rd degree felony. In addition, the sentencing court must determine that the offender has a substance abuse problem after reviewing a presentence investigation report prepared at its request. Finally, the offender must have never been convicted of any of the following Florida offenses (or a substantially similar offense in another jurisdiction):

- A forcible felony as defined in s. 776.08, F.S.<sup>22</sup>
- An offense listed in the definition of “prison releasee reoffender” in s. 775.082(9)(a)1.r., F.S., regardless of whether the inmate had been previously imprisoned.<sup>23</sup>
- An offense listed in ch. 847, F.S., involving a minor or a depiction of a minor.
- An offense described in ch. 827, F.S.<sup>24</sup>

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<sup>22</sup> The offenses included within the definition of “forcible felony” are treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

<sup>23</sup> These offenses are: committing a felony while carrying a concealed weapon (s. 790.07, F.S.); lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age (s. 800.04, F.S.); child abuse or neglect (s. 827.03, F.S.); sexual performance by a child (s. 827.071, F.S.); and lewd and lascivious exhibition by computer transmission (s. 847.0135, F.S.).

- An offense described in ss. 784.07, 784.074, 784.075, 784.076, 784.08, 784.083, or 784.085. F.S. (all of which are within the definition of a forcible felony).
- An offense involving the possession or use of a firearm.
- A capital or first degree felony.
- An offense that requires registration as a sexual offender pursuant to s. 943.0435, F.S.<sup>25</sup>
- An offense that includes sale of a controlled substance as an element of the offense.

The department can discipline inmates in the reentry program, and must terminate an inmate from the reentry program if any of the following occur:

- The inmate commits a violent act.
- The inmate is unable to participate due to a medical condition.
- The sentence is modified or expires.
- The department changes the inmates' classification status.
- The department determines that it is in the best interests of the offender or the security of the institution to remove the offender from the program.

Before completing in-prison treatment, the department evaluates the offender's needs and prepares a post-release treatment plan including substance abuse aftercare services. Upon release, the offender is on drug offender probation and is subject to the conditions of such probation pursuant to s. 948.20, F.S., the standard conditions of probation pursuant to s. 948.03, F.S., and any special conditions of probation required by the sentencing court. Special terms of probations could include participation in an aftercare substance abuse program, residence in a postrelease transitional residential halfway house, or other appropriate supervision or treatment. If the offender is found by the court to have willfully violated a material condition of probation, he or she can be sentenced to any punishment that was authorized at the time of original sentencing.

To the extent possible, the offender is required to pay all costs of services, treatment, and supervision that he or she receives as part of drug offender probation.

If there is a post-adjudicatory drug court program as described in s. 397.334, F.S., in the county where the offender was sentenced or intends to reside, the case may be transferred to that court for supervision if accepted by the court that administers the program.

The bill specifically states that it does not create a right for any offender to be placed in the program or to placement or early release of any type. No offender can have a cause of action

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<sup>24</sup> The offenses in ch. 827, F.S., that are not disqualifying under a previous item are contributing to the delinquency or dependency of a child (s. 827.04, F.S.), non-support of dependents (s. 827.06, F.S.), and misuse of child support money (s. 827.08, F.S.).

<sup>25</sup> The offenses that require registration as a sexual offender and that are not disqualifying under a previous item are: luring and enticing a child (s. 787.025, F.S.); unlawful sexual activity with certain minors (s. 794.05, F.S.); procuring person under the age of 18 for the purposes of prostitution (s. 796.03, F.S.); selling or buying of minors into sex trafficking or prostitution (s. 796.035, F.S.); lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person (s. 825.1025, F.S.); and sexual misconduct by a Department of Juvenile Justice employee or provider with a juvenile offender (s. 985.701, F.S.).

against the department, a court, the state attorney, or the victim related to placement or continued participation in the reentry program.

The bill permits the department to enter into performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the services for the reentry program.

The department is required to include information concerning the reentry program in its annual report. The required information includes a detailed account of the department's implementation of the reentry program, the number of offenders sentenced to the program, the number of inmates who successfully complete the in-prison segment, the number of inmates who successfully complete drug offender probation, and recidivism numbers for inmates who have participated in the reentry program.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill is subject to challenge as a violation of due process because it does not provide for a due process hearing in order to determine whether an inmate should be removed from the in-prison reentry program and the consequences of removal from the program. Removal from the program automatically results in conversion of the probation portion of the sentence into incarceration for the length of time that the offender was scheduled to be on probation.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have any fiscal impact on the private sector except to the extent that any private service providers are selected by the department and benefit from funds received for their services.

**C. Government Sector Impact:**

It does not appear the bill would require the Department of Health, the Department of Highway Safety and Motor Vehicles, or the judicial system to incur additional costs. The Department of Corrections would incur an additional cost if it provided access to the Florida Ready to Work Certification Program for all inmates who are within two years of their release date. This cost would be for training and education and the assessment tests, which cost \$12 per inmate. The department indicates that it spent \$24,000 on grant money in Fiscal Year 2011-2012, and that 1187 certificates were earned by inmates.

The bill will have an indeterminate negative fiscal impact on state revenues due to the waiver of the fee for a state identification card<sup>26</sup> and the waiver of the charge for a certified copy of a Florida birth certificate<sup>27</sup>. DOC estimates that an average of approximately 14,500 Florida-born inmates will be released annually for the next five years. The following table indicates the maximum amount of revenue that could potentially be lost as a result of the waiver of fees for issuing an identification card and a social security card to Florida-born inmates. However, the actual amount of lost revenue is expected to be much less for several reasons, including: (1) many inmates will not receive one or both documents because of the exclusions included in the bill and the logistical difficulties in getting inmates to a DHSMV facility or having an on-site FLOWmobile visit; (2) many inmates would not have obtained either or both documents on their own initiative either before or after release, so the agencies would not have otherwise received fees from those inmates; and (3) many inmates who receive a state identification card will obtain a driver’s license after release, so the agencies will still receive fees from them.

<b>Maximum Revenue Loss for Issue of Birth Certificates and Identification Cards to all Florida-born Inmates at No Cost (Assumes Issue to Every Released Inmate)</b>			
<b>Fiscal Year</b>	<b>Florida –born inmate releases (based on CJEC projections)</b>	<b>Maximum lost revenue for issue of birth certificates (\$9)*</b>	<b>Maximum lost revenue for issue of identification cards (\$25)*</b>
<b>2013-2014</b>	14,821	\$133,389	\$370,525
<b>2014-2015</b>	14,604	\$131,436	\$365,100
<b>2015-2016</b>	14,646	\$131,814	\$366,150
<b>2016-2017</b>	14,754	\$132,786	\$368,850
<b>2017-2018</b>	14,945	\$134,586	\$373,625

\* These amounts are based upon issue to every Florida-born inmate. As noted above, the actual amount of lost revenue is expected to be significantly less.

**VI. Technical Deficiencies:**

On line 249, it appears that the word “as” should be inserted before “a special condition.”

<sup>26</sup> Section 322.21(f), F.S., directs that the \$25 fee for issuing a state identification card goes to the General Revenue Fund. For renewals, \$6 of the fee goes to the Highway Safety Operating Trust Fund and \$19 to the General Revenue Fund.

<sup>27</sup> Section 382.0255(4), F.S., provides that fees charged for issuing a copy of a birth certificate are deposited into a DOH trust fund.

On line 200, modification of the offender's sentence is a cause for mandatory removal from the in-prison reentry program. It is recommended that this be amended to require or allow removal if the sentence is modified to be outside the range of program eligibility requirements.

On lines 201 – 201, another cause for mandatory removal from the in-prison reentry program is reassignment of the offender's custody status. It is recommended that this be amended to require or allow removal if the offender's custody status is reassigned outside the range of program eligibility requirements.

On line 249, it appears that the word "as" should be inserted before "a special condition."

## **VII. Related Issues:**

None.

## **VIII. Additional Information:**

### **A. Committee Substitute – Statement of Substantial Changes:** (Summarizing differences between the Committee Substitute and the prior version of the bill.)

#### **CS by Criminal Justice on April 1, 2013:**

- Requires the department to provide every Florida-born inmate with a state identification card and a certified copy of his or her birth certificate, with some exceptions.
- Requires the department to provide every inmate who is within two years of release access to the Florida Ready to Work Certification Program.
- Requires the department to use peer-to-peer programs at faith and character based institutions.
- Deletes provisions relating to the creation of Correctional Reentry Treatment Facilities.
- Creates a conditional split sentence of incarceration with reentry programming followed by drug offender probation for certain non-violent third degree felons who are determined by the court to have substance abuse issues.

### **B. Amendments:**

None.