

By Senator Simmons

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1                   A bill to be entitled  
2           An act relating to inmate reentry; amending s.  
3           322.051, F.S.; requiring the Department of Highway  
4           Safety and Motor Vehicles to waive the fee for  
5           identification cards issued to certain inmates;  
6           amending s. 382.0255, F.S.; requiring the Department  
7           of Health to waive fees for certain inmates receiving  
8           a copy of a birth certificate; amending s. 944.605,  
9           F.S.; requiring the Department of Corrections to work  
10          with other agencies to procure the necessary documents  
11          for certain inmates to acquire an identification card  
12          before release; providing exceptions; requiring the  
13          department to assist inmates born outside this state  
14          in obtaining identification cards; requiring the  
15          department to assist inmates in applying for a social  
16          security card; requiring a report; amending s.  
17          944.803, F.S.; encouraging the department to operate  
18          and maintain faith- and character-based institutions  
19          that serve both male and female inmates at their  
20          respective institutions; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (9) of section 322.051, Florida  
25           Statutes, is amended to read:

26           322.051 Identification cards.—

27           (9) Notwithstanding any other provision of this section or  
28           s. 322.21 ~~to the contrary~~, the department shall issue or renew a  
29           card at no charge to a person who presents satisfactory evidence

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30 ~~satisfactory~~ to the department that he or she is homeless as  
31 defined in s. 414.0252(7) or to an inmate receiving a card  
32 issued pursuant to s. 944.605(4).

33 Section 2. Subsection (3) of section 382.0255, Florida  
34 Statutes, is amended to read:

35 382.0255 Fees.—

36 (3) Fees shall be established by rule and. ~~However, until~~  
37 ~~rules are adopted, the fees assessed pursuant to this section~~  
38 ~~shall be the minimum fees cited. The fees established by rule~~  
39 ~~must be sufficient to meet the cost of providing the service.~~  
40 However, until rules are adopted, the fees assessed must be the  
41 minimum amount specified in this section.

42 (a) All fees shall be paid by the person requesting the  
43 record, are due and payable at the time services are requested,  
44 and are nonrefundable, except that, if ~~when~~ a search is  
45 conducted and no vital record is found, any fees paid for  
46 additional certified copies must ~~shall~~ be refunded.

47 (b) The department may waive all or part of the fees  
48 required under this section for any government entity.

49 (c) The department shall waive the fees for a certified  
50 copy of a birth certificate which is issued in order to allow an  
51 inmate to acquire a state identification card before release as  
52 provided under s. 944.605(4).

53 Section 3. Section 944.605, Florida Statutes, is amended to  
54 read:

55 944.605 Inmate release; notification; identification  
56 cards.—

57 (1) (a) Within 6 months before the release of an inmate from  
58 the custody of the department ~~of Corrections~~ or a private

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59 correctional facility by expiration of sentence under s.  
60 944.275, a any release program provided by law, or parole under  
61 chapter 947, or as soon as possible if the offender is released  
62 earlier than anticipated:7

63 1. The department shall provide notification of the ~~such~~  
64 anticipated release date ~~shall be made known by the department~~  
65 of Corrections to the chief judge of the circuit in which the  
66 offender was sentenced, the appropriate state attorney, the  
67 original arresting law enforcement agency, the Department of Law  
68 Enforcement, and the sheriff as chief law enforcement officer of  
69 the county in which the inmate plans to reside.

70 2. The department or the state attorney, whichever is  
71 appropriate, shall provide notification of the anticipated  
72 release date ~~In addition, unless otherwise requested by the~~  
73 ~~victim, the victim's parent or guardian if the victim is a~~  
74 ~~minor, the lawful representative of the victim or of the~~  
75 ~~victim's parent or guardian if the victim is a minor, or the~~  
76 ~~victim's next of kin in the case of a homicide, if the state~~  
77 ~~attorney or the department of Corrections, whichever is~~  
78 ~~appropriate, shall notify such person within 6 months before the~~  
79 ~~inmate's release, or as soon as possible if the offender is~~  
80 ~~released earlier than anticipated, when the name and address of~~  
81 ~~such victim, or the name and address of the parent, guardian,~~  
82 ~~next of kin, or lawful representative of the victim has been~~  
83 ~~furnished to the agency. The state attorney shall provide the~~  
84 ~~latest address documented for the victim, or for the victim's~~  
85 ~~parent, guardian, next of kin, or lawful representative, as~~  
86 ~~applicable, to the sheriff with the other documents required by~~  
87 ~~law for the delivery of inmates to those agencies for service of~~

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88 sentence.

89 (b) Upon request, within 30 days after an inmate is  
90 approved for community work release, the department shall notify  
91 the state attorney, the victim, the victim's parent or guardian  
92 if the victim is a minor, the victim's next of kin in the case  
93 of a homicide, or the lawful representative of the victim or of  
94 the victim's parent or guardian if the victim is a minor ~~shall~~  
95 ~~be notified~~ that the inmate has been approved for community work  
96 release.

97 (c) At least 10 days before the anticipated date of work  
98 release, the department shall notify in writing the county law  
99 enforcement agency in the county in this state in which the  
100 inmate is scheduled to be released.

101 (d) This section does not imply any repeal or modification  
102 of any provision of law relating to notification of victims.

103 (2) Within 60 days before the anticipated release of an  
104 inmate under subsection (1), a digitized photograph of the  
105 inmate to be released shall be made by the department ~~of~~  
106 ~~Corrections~~ or a private correctional facility, whichever has  
107 custody of the inmate. If a private correctional facility makes  
108 the digitized photograph, the ~~this~~ photograph shall be provided  
109 to the department ~~of Corrections~~. ~~Additionally,~~ The digitized  
110 photograph, whether made by the department ~~of Corrections~~ or a  
111 private correctional facility, shall be placed in the inmate's  
112 file.

113 (a) The department ~~of Corrections~~ shall make the digitized  
114 photograph available electronically to the Department of Law  
115 Enforcement as soon as the ~~digitized~~ photograph is in the  
116 department's database. The digitized photograph ~~and~~ must be in a

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117 format that is compatible with the requirements of the Florida  
118 Crime Information Center. The department shall provide a copy of  
119 the digitized photograph to a local law enforcement agency upon  
120 request.

121 (b) An inmate who refuses to submit to the taking of a  
122 digitized photograph commits a felony of the third degree,  
123 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

124 (3) (a) If an inmate is to be released after having served  
125 one or more sentences for a conviction of robbery, sexual  
126 battery, home-invasion robbery, or carjacking, or if an inmate  
127 to be released has a prior conviction in this state or in  
128 another jurisdiction for robbery, sexual battery, home-invasion  
129 robbery, or carjacking or similar offense which is noted,~~in~~  
130 ~~this state or in another jurisdiction, and if such prior~~  
131 ~~conviction information is contained~~ in department records,  
132 within 6 months before the discharge of the inmate from the  
133 custody of the department the department shall release to the  
134 sheriff of the county in which the inmate plans to reside, and,  
135 if the inmate plans to reside within a municipality, to the  
136 chief of police of that municipality, the following information,  
137 which must include, but need not be limited to:

- 138 1. Name.
- 139 2. Social security number.
- 140 3. Date of birth.
- 141 4. Race.
- 142 5. Sex.
- 143 6. Height.
- 144 7. Weight.
- 145 8. Hair and eye color.

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- 146 9. Tattoos or other identifying marks.  
147 10. Fingerprints.  
148 11. A digitized photograph as provided under ~~in~~ subsection  
149 (2).

151 ~~The department shall release the information specified in this~~  
152 ~~paragraph within 6 months prior to the discharge of the inmate~~  
153 ~~from the custody of the department.~~

154 (b) The department may electronically submit the  
155 information specified ~~listed~~ in paragraph (a) to the sheriff of  
156 the county in which the inmate plans to reside, and, if the  
157 inmate plans to reside within a municipality, to the chief of  
158 police of that municipality.

159 (4) The department, in conjunction with the Department of  
160 Health and the Department of Highway Safety and Motor Vehicles,  
161 shall provide each inmate who is in the custody of the  
162 department and who was born in this state with a certified copy  
163 of his or her birth certificate and a state identification card  
164 before his or her release.

165 (a) In order to obtain a copy of the inmate's certified  
166 birth certificate, the department shall submit all of the  
167 following to the Department of Health:

168 1. A copy of the inmate's photograph or digitized  
169 photograph.

170 2. The inmate's date of birth, full name at birth, and any  
171 subsequent legal name changes.

172 3. The municipality or county where the inmate was born.

173 4. The inmate's mother's full name, including her maiden  
174 surname.

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175 5. The inmate's father's full name.

176 (b) An inmate who does not cooperate in providing the  
177 photograph or information required under paragraph (a) may be  
178 subject to disciplinary action.

179 (c) This subsection does not apply to an inmate who:

180 1. The department determines has a valid driver license or  
181 state identification card;

182 2. Has an active detainer, unless the department determines  
183 that cancellation of the detainer is likely or that the  
184 incarceration for which the detainer was issued will be less  
185 than 12 months in duration;

186 3. Is released due to an emergency release or a conditional  
187 medical release under s. 947.149;

188 4. Is not in the physical custody of the department at or  
189 within 180 days before release; or

190 5. Is subject to sex offender residency restrictions upon  
191 release and does not have a qualifying address.

192 (5) The department shall assist each inmate in the custody  
193 of the department who was born outside of this state to obtain  
194 and complete the necessary forms or applications in order to  
195 receive a birth certificate, driver license, or other  
196 identification card issued by the appropriate state.

197 (6) The department shall assist each inmate in the custody  
198 of the department who needs a social security card to apply for  
199 and obtain a social security card before release from  
200 incarceration.

201 (7) In its annual report, the department shall identify the  
202 number of inmates released with and without identification cards  
203 during the previous year. The report must identify any

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204 impediment to implementing subsections (4)-(6) and provide  
 205 recommendations that facilitate obtaining release documents and  
 206 identification cards for all inmates.

207 ~~(4) An inmate who refuses to submit to the taking of a~~  
 208 ~~digitized photograph commits a felony of the third degree,~~  
 209 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

210 ~~(5) The department shall, at least 10 days before the~~  
 211 ~~anticipated date of release on work release of an inmate, notify~~  
 212 ~~in writing the county law enforcement agency in the county in~~  
 213 ~~this state in which the inmate is scheduled to be released.~~

214 ~~(6) Upon request of the victim, the personal representative~~  
 215 ~~of the victim, or the state attorney, the department shall~~  
 216 ~~notify the requesting person when an inmate has been approved~~  
 217 ~~for community work release within 30 days after the date of~~  
 218 ~~approval.~~

219 Section 4. Subsections (2) and (6) of section 944.803,  
 220 Florida Statutes, are amended to read:

221 944.803 Faith- and character-based programs.—

222 (2) It is the intent of the Legislature that the department  
 223 expand the faith- and character-based initiative through the use  
 224 of faith- and character-based institutions. The department is  
 225 encouraged to phase out ~~the~~ faith-based and self-improvement  
 226 ~~self improvement~~ dormitory programs and move toward the goal of  
 227 implementing and maintaining only implementing faith- and  
 228 character-based institutions for male and female inmates.

229 (6) Within faith- and character-based institutions of the  
 230 state correctional system, peer-to-peer programming shall be  
 231 offered ~~allowed~~, such as Alcoholics Anonymous and,  
 232 literacy instruction, ~~and other activities, when appropriate.~~



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Section 5. This act shall take effect July 1, 2014.