

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

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

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Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

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BILL: CS/SB 370

INTRODUCER: Criminal and Civil Justice Appropriations Committee and Senator Joyner

SUBJECT: Community Corrections Assistance

DATE: April 7, 2010

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	<b>Favorable</b>
2.	Daniell	Maclure	JU	<b>Favorable</b>
3.	Butler	Sadberry	JA	<b>Fav/CS</b>
4.				
5.				
6.				

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

- |                              |  |   |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>                   | Technical amendments were recommended   |
|                              | <input type="checkbox"/>                   | Amendments were recommended             |
|                              | <input type="checkbox"/>                   | Significant amendments were recommended |

**I. Summary:**

This bill adds “rehabilitative community reentry programs” to the list of programs that are eligible for community corrections funds if the Legislature makes such an appropriation.

This bill substantially amends section 948.51, Florida Statutes.

**II. Present Situation:**

**Community Corrections Assistance**

Section 948.51, F.S., provides for community corrections assistance to counties and consortiums of counties through the distribution of funds administered by the Department of Corrections (department or DOC). It creates a framework for effectively disbursing funds to counties for the purpose of building and operating corrections and public safety programs. Generally, the stated legislative intent is to:

- Provide for more community-based sanctions in order to preserve the state prison system for the most dangerous offenders;

- Promote offender accountability to the community by requiring restitution and public service;
- Provide substance abuse prevention and treatment programs;
- Provide for alternative sanctions and pretrial intervention; and
- Require non-violent offenders to maintain employment.<sup>1</sup>

According to the department, no funds have been distributed through this funding mechanism in recent years.<sup>2</sup>

In order to enter into a community corrections partnership contract with the department, a county or consortium of counties must have established a public safety coordinating council pursuant to the provisions of s. 951.26, F.S.<sup>3</sup> In turn, the public safety coordinating council must develop and implement a public safety plan that is approved by the governing board of the county or counties and by the Secretary of Corrections in order to be eligible for community corrections funds. The plan must cover at least a five-year program and include specific information about the programs to be offered, the target population for the programs, measurable goals and objectives, and projected costs and sources of funds.<sup>4</sup>

Section 948.51(4), F.S., lists 10 types of programs, services, or facilities for which the secretary of the department may contract for the issuance of community corrections assistance funds to the counties if funds are appropriated by the Legislature. These include, but are not limited to:

1. Programs providing pretrial services.
2. Specialized divisions within the circuit or county court established for the purpose of hearing specific types of cases, such as drug cases or domestic violence cases.
3. Work camps.
4. Programs providing intensive probation supervision.
5. Military-style boot camps.
6. Work-release facilities.
7. Centers to which offenders report during the day.
8. Restitution centers.
9. Inpatient or outpatient programs for substance abuse treatment and counseling.
10. Vocational and educational programs.<sup>5</sup>

Funds may not be used for fixed capital outlay to construct, add to, renovate, or operate a secure juvenile detention facility; for the construction, addition, renovation, or operation of any state facility; or for state probation officer salaries.<sup>6</sup>

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<sup>1</sup> Section 948.51(1), F.S.

<sup>2</sup> Department of Corrections, *Senate Bill 370 – Community Corrections Consortiums* (Nov. 9, 2009) (on file with the Senate Committee on Judiciary).

<sup>3</sup> Section 948.51(2), F.S.

<sup>4</sup> The specific requirements are listed in s. 948.51(2)(a)-(g), F.S.

<sup>5</sup> Section 948.51(4)(b), F.S.

<sup>6</sup> Section 948.51(4)(e), F.S.

### **Juvenile Boot Camps<sup>7</sup>**

In 1990, s. 985.309, F.S.,<sup>8</sup> was created to authorize boot camp programs for juvenile offenders.<sup>9</sup> These boot camps were limited to juveniles between the ages of 14 and 18 who were adjudicated for a felony, with the exception of capital, life, or violent first-degree felonies. The juveniles were screened to ensure that only those juveniles who had psychological and medical profiles conducive to success in the program were admitted.

These boot camps were established to provide rehabilitation and educational and physical training. The boot camps were staffed by both sworn officers and non-sworn personnel who were certified as instructors by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement.

On January 6, 2006, Martin Lee Anderson died after an incident involving staff at the Bay County Boot Camp. Following a series of workshops, which found a lack of uniform rules regarding the use of force and the need for improved training and accountability at boot camps, the Legislature passed HB 293, which repealed s. 985.309, F.S.<sup>10</sup>

It is unclear whether the Legislature intended for juvenile boot camps to be funded through community corrections assistance funds under s. 948.51, F.S., as “military-style boot camps.”

### **Inmate Statistics and Policy Concerns<sup>11</sup>**

In Fiscal Year 2007-2008, 37,018 inmates were released from DOC facilities, and statistics indicate that more than 12,000 will be reincarcerated within three years.<sup>12</sup> With an average cost of approximately \$20,000 per year to incarcerate one inmate,<sup>13</sup> the state can expect to spend \$240 million to incarcerate these returnees for only one year. In the past decade, Florida policymakers have acknowledged the importance of re-entry services and post-release planning and transition, and various initiatives have been undertaken to improve an inmate’s post-release success. However, barriers to successful re-entry abound despite this commitment to address the

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<sup>7</sup> The information contained in this portion of the Present Situation section of this bill analysis is from the 2006 House of Representatives Staff Analysis for HB 5019 and s. 985.309, F.S. (2005). See Fiscal Council, The Florida House of Representatives, *HB 5019* (Mar. 30, 2006), available at <http://www.flsenate.gov/data/session/2006/House/bills/analysis/pdf/h5019.FC.pdf> (last visited Jan. 29, 2010).

<sup>8</sup> Formerly s. 39.057, F.S.

<sup>9</sup> Chapter 90-208, s. 5, Laws of Fla.

<sup>10</sup> Chapter 2006-62, s. 5, Laws of Fla.

<sup>11</sup> Much of the information contained in this portion and subsequent portions of the Present Situation section of this bill analysis is restated from an issue brief by the Committee on Criminal Justice of the Florida Senate. See Comm. on Criminal Justice, The Florida Senate, *Breaking the Cycle of Crime: The Department of Corrections and Re-entry Programming* (Issue Brief 2009-313) (Oct. 2008), available at [http://www.flsenate.gov/data/Publications/2009/Senate/reports/interim\\_reports/pdf/2009-313cj.pdf](http://www.flsenate.gov/data/Publications/2009/Senate/reports/interim_reports/pdf/2009-313cj.pdf) (last visited Jan. 25, 2010). Statistical data has been updated.

<sup>12</sup> Florida Dep’t of Corrections, *Recidivism Reduction Strategic Plan, Fiscal Year 2009-2014*, 3 (June 2009), available at <http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf> (last visited Jan. 25, 2010).

<sup>13</sup> The average per diem cost for all DOC facilities, except private facilities, is \$52. An additional \$3.54 in direct and indirect costs is not included in that amount. Florida Dep’t of Corrections, *Budget Summary (Fiscal Year 2008-2009)*, <http://www.dc.state.fl.us/pub/annual/0809/budget.html> (last visited Jan. 25, 2010).

problem. Furthermore, programs and services have been adversely affected by recent budget reductions and budget reallocations.

Among the major issues that relate to an inmate's successful re-entry into society are his or her ability to find employment and housing, to overcome substance abuse problems, and to obtain treatment for mental health problems.

### **Programs and Services**

In May 2007, DOC revised its mission statement to include assisting offenders with re-entry into society in order to reduce recidivism and to lower crime rates. Successfully reaching the department's goal of reducing recidivism from its current 32 percent rate to a 20 percent rate by 2012 could avoid \$85 million of costs annually to the correctional system. There would be additional cost savings to law enforcement agencies and the court system, and both financial and social benefits for those citizens who would not become victims of crime.

The department has established the Re-entry Advisory Council to address issues of offender re-entry and to assist in the formation of a statewide strategy to reduce recidivism within the correctional system. The council includes selected state agency heads, community leaders, and legislators. Its mission and overarching goal is "to develop a 5-year Re-Entry Strategic Plan to improve public safety, maximize existing resources and develop new resources by creating interdisciplinary approaches that support prisoners' successful re-integration into the community with a reduction in recidivism, and to align the Florida Department of Corrections to meet the Second Chance Act requirements."<sup>14</sup> The strategic plan was completed in June 2009.<sup>15</sup>

### **Federal Second Chance Act<sup>16</sup>**

Congress passed the Second Chance Act in an attempt to help inmates make a safe and successful transition back into the community. The Act adds numerous grants and opportunities for extending re-entry efforts at the state and local levels. It provides for community and faith-based organizations to deliver mentoring and transitional services to inmates returning to the community. It will also help connect inmates to mental health and substance abuse treatment, expand job training and placement services, and facilitate transitional housing and case management services.

The department has received two federal grants under the Federal Second Chance Act: the 2006 Prisoner Re-entry Initiative (Targeting Lifetime Success), which operated in Broward, Palm Beach, and Miami-Dade counties until its expiration, and the 2007 Prisoner Re-entry Initiative (Bridges to Success), which is still operational in Duval County. Neither of these grants was funded through the community corrections assistance funding mechanism in s. 948.51, F.S.

In August 2009, the department was awarded a Second Chance Act grant to partner with the City of Jacksonville in operating the Offenders About to Reenter Society (OARS) program. The

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<sup>14</sup> Florida Dep't of Corrections, *Re-Entry Program at Florida Department of Corrections*, <http://www.dc.state.fl.us/orginfo/reentry> (last visited Jan. 25, 2010).

<sup>15</sup> *Recidivism Reduction Strategic Plan*, *supra* note 12, at 1.

<sup>16</sup> Pub. Law No. 110-199, H.R. 1593, 110th Cong. (April 9, 2008).

OARS program provides pre-release and post-release re-entry services for inmates who are returning to Duval County.<sup>17</sup>

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

This bill adds “rehabilitative community reentry programs” to the list of programs that are eligible to receive community correction funds from the Department of Corrections under s. 948.51(4), F.S. The programs, services, and facilities that are currently entitled to community correction dollars under the statute are considered re-entry related, such as substance abuse and vocational and education programs. It appears that incorporating “rehabilitative community reentry programs” among these items would embrace additional service areas, including mental health counseling and housing assistance; however, the bill does not provide a definition for “rehabilitative community reentry programs.”

This bill provides an effective date of July 1, 2010.

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

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

Pursuant to s. 948.51(7), F.S., community corrections assistance funds must be authorized by the General Appropriations Act. Additionally, s. 948.51(4)(b), F.S., provides that the Department of Corrections (department or DOC) may fund the statutorily designated programs, services, or facilities, but funding is permissive and not mandatory. Accordingly, it appears that this bill would not have a significant impact on

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<sup>17</sup> Conversation between Senate professional staff of the Committee on Criminal Justice and Dep’t of Corrections.

the department because it does not currently receive funding from the Legislature for such programs.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**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 and Civil Justice Appropriations on April 6, 2010:**

Restores current law to include military-style boot camps in the list of programs, services, and facilities that may be funded under community corrections assistance to counties or county consortiums.

**B. Amendments:**

None.

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

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<sup>18</sup> *Senate Bill 370 – Community Corrections Consortiums, supra* note 2.