

By Senator Altman

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1                                   A bill to be entitled  
2       An act relating to correctional reentry treatment  
3       facilities; amending s. 944.02, F.S.; defining the  
4       term "correctional reentry treatment facility";  
5       amending s. 944.024, F.S.; requiring the Department of  
6       Corrections to screen adults for eligibility for  
7       reentry treatment services; creating s. 944.0280,  
8       F.S.; providing a short title; creating s. 944.0281,  
9       F.S.; requiring the department to establish one or  
10      more correctional reentry treatment facilities to be  
11      operated by private providers who have experience  
12      providing substance abuse, behavioral health,  
13      educational, vocational, and other transitional  
14      services to offenders; requiring a correctional  
15      reentry treatment facility to meet standards for  
16      minimum custody offenders; authorizing private  
17      providers who operate a correctional reentry treatment  
18      facility to subcontract with the department or other  
19      private providers to furnish security services and  
20      other professional services; requiring a correctional  
21      reentry treatment facility to provide necessary  
22      working space to department staff; creating s.  
23      944.0282, F.S.; specifying eligibility criteria for  
24      participation in the reentry treatment program;  
25      providing legislative intent; creating s. 944.0283,  
26      F.S.; specifying program elements of the reentry  
27      treatment facility; authorizing priority consideration  
28      for providers that are Florida-based nonprofit  
29      organizations with certain qualifications; creating s.

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30 944.0284, F.S.; providing that eligible offenders may  
31 be admitted into a correctional reentry treatment  
32 facility upon recommendation of the sentencing court  
33 or upon determination by the department that an  
34 eligible offender is appropriate for admission to a  
35 correctional reentry treatment facility; prohibiting  
36 certain offenders from being admitted into a  
37 correction reentry treatment facility; providing that  
38 the department may place offenders if there are  
39 vacancies remaining after placement of offenders  
40 recommended by the courts; requiring the department to  
41 provide a court with information on program  
42 availability upon request; creating s. 944.0285, F.S.;  
43 specifying that the department may transfer an  
44 offender from a correctional reentry treatment  
45 facility under certain circumstances; creating s.  
46 944.0286, F.S.; requiring the department to maintain a  
47 waiting list under certain circumstances; establishing  
48 priorities for admission from the waiting list;  
49 requiring the department to develop additional  
50 criteria to assign priority for the waiting list;  
51 creating s. 944.0287, F.S.; requiring the department  
52 to track recidivism of offenders who have participated  
53 in correctional reentry treatment facility programs;  
54 requiring the department to report to the Governor and  
55 the Legislature; creating s. 944.0288, F.S.; providing  
56 that the act does not create or confer any right to  
57 any offender to placement in a correctional reentry  
58 treatment facility; amending s. 945.091, F.S.;

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59 requiring the department to require offenders working  
60 at paid employment to use a portion of the employment  
61 proceeds equal to the amount of the voucher provided  
62 for a government-issued photo identification card plus  
63 the actual cost charged by the issuer for any other  
64 necessary document; providing for the deposit of funds  
65 collected into the General Revenue Fund; creating s.  
66 945.0915, F.S.; requiring the department to assist  
67 offenders to obtain the proper documents in order that  
68 an offender might participate in paid employment;  
69 amending s. 784.078, F.S.; conforming a cross-  
70 reference; providing an effective date.

71  
72 Be It Enacted by the Legislature of the State of Florida:

73  
74 Section 1. Present subsections (2) through (8) of section  
75 944.02, Florida Statutes, are redesignated as subsections (3)  
76 through (9), respectively, and a new subsection (2) is added to  
77 that subsection, to read:

78 944.02 Definitions.—The following words and phrases used in  
79 this chapter shall, unless the context clearly indicates  
80 otherwise, have the following meanings:

81 (2) "Correctional reentry treatment facility" means a  
82 minimum custody state correctional facility established for the  
83 purpose of providing substance abuse, behavioral health,  
84 educational, vocational, and other transitional services to  
85 state offenders who are within 36 months of release pursuant to  
86 s. 944.0281 or who are sentenced to 36 months or less.

87 Section 2. Subsection (4) of section 944.024, Florida

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88 Statutes, is amended to read:

89 944.024 Adult intake and evaluation.—The state system of  
90 adult intake and evaluation shall include:

91 (4) The provision of diagnostic, evaluation, and  
92 classification services at the presentence stage to assist the  
93 court and the department in planning programs for rehabilitation  
94 of convicted offenders. This provision shall include the  
95 identification of offenders who are eligible for a correctional  
96 reentry treatment facility.

97 Section 3. Section 944.0280, Florida Statutes, is created  
98 to read:

99 944.0280 Short title.—Sections 944.0281-944.0288 may be  
100 cited as the "Correctional Reentry Treatment Act."

101 Section 4. Section 944.0281, Florida Statutes, is created  
102 to read:

103 944.0281 Correctional reentry treatment facility.—

104 (1) Subject to available appropriations, the department  
105 shall establish one or more correctional reentry treatment  
106 facilities to be operated by providers that have experience  
107 providing substance abuse, behavioral health, educational,  
108 vocational, and other transitional services to offenders  
109 pursuant to the competitive procurement requirements of s.  
110 287.057.

111 (2) In selecting providers for correctional reentry  
112 treatment facilities, the department shall give priority  
113 consideration to Florida-based nonprofit organizations that have  
114 direct experience in providing behavioral health and substance  
115 abuse treatment, vocational and work release, and educational  
116 and other transitional reentry services to offenders in this

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117 state.

118 (3) A correctional reentry treatment facility must meet the  
119 standards for offenders who are classified as minimum custody.

120 (4) A private provider that operates a correctional reentry  
121 treatment facility may subcontract with the department,  
122 educational institutions, government entities, or other  
123 providers to furnish security services, educational services,  
124 vocational services, and other professional services.

125 (5) A correctional reentry treatment facility must provide  
126 working space to department staff necessary to perform ongoing  
127 classification services.

128 Section 5. Section 944.0282, Florida Statutes, is created  
129 to read:

130 944.0282 Eligibility and target population.-

131 (1) Eligibility for placement in a correctional reentry  
132 treatment facility is limited to an offender who is in the final  
133 36 months of his or her expected prison commitment or is  
134 sentenced to 36 months or less, and who meets the following  
135 additional criteria:

136 (a) The offender has been determined by the department to  
137 be in need of services provided by the correctional reentry  
138 treatment facility.

139 (b) The offender has been classified as appropriate for  
140 minimum custody.

141 (c) The offender has been committed for a nonviolent third-  
142 degree felony or a second-degree felony involving the purchase  
143 of a controlled substance.

144 (d) The offender is not the subject of an active injunction  
145 for domestic violence.

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146 (e) The offender has never been convicted of any of the  
147 following offenses or a substantially similar offense in another  
148 jurisdiction:

149 1. A forcible felony as defined in s. 776.08.

150 2. An offense listed in s. 775.082(9)(a)1., without regard  
151 to prior incarceration or release.

152 3. An offense described in chapter 847, involving a minor  
153 or a depiction of a minor.

154 4. An offense described in chapter 827.

155 5. An offense described in s. 784.07, s. 784.074, s.  
156 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085.

157 6. An offense involving the possession or use of a firearm  
158 or other weapon.

159 7. A capital felony or a felony of the first or second  
160 degree except as provided in paragraph (c).

161 8. An offense that requires a person to register as a  
162 sexual offender pursuant to s. 943.0435.

163 (2) In addition to the eligibility criteria enumerated in  
164 subsection (1), it is the intent of the Legislature that an  
165 offender who is sentenced for a drug-related offense or whose  
166 substance abuse is a factor that leads to commission of the  
167 offense be given priority for consideration for placement in a  
168 correctional reentry treatment facility.

169 Section 6. Section 944.0283, Florida Statutes, is created  
170 to read:

171 944.0283 Program requirements.—Services provided to an  
172 offender who is placed in a correctional reentry treatment  
173 facility shall be based on the offender's needs assessments. A  
174 correctional reentry treatment facility shall offer the

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175 following services in order to address the individual offender's  
176 needs:

177 (1) Needs assessments, including psychosocial, educational,  
178 vocational, employability, social skills, and behavioral  
179 assessments.

180 (2) Individualized service and treatment plans to be  
181 developed for each offender based on the results of needs  
182 assessments conducted in paragraph (a) and other relevant  
183 information.

184 (3) Expedited intake and classification to be performed by  
185 department staff in cooperation with the private provider that  
186 operates the correctional reentry treatment facility. The  
187 department may rely upon information developed by private  
188 providers conducting offender needs assessments, as appropriate,  
189 in performing the expedited intake and classification function.

190 (4) Educational instruction, including adult basic  
191 education and social skills training.

192 (5) Behavioral health services, which must include medical  
193 and psychological intervention, treatment, and support services  
194 and prevention interventions for diagnosed mental illnesses, for  
195 substance abuse disorders, and for co-occurring disorders, to  
196 promote individual recovery, improved health, and functioning.

197 (6) Vocational and prevocational training.

198 (7) Behavioral services, which include, as appropriate,  
199 victim awareness, anger management, and criminal thinking  
200 remediation.

201 (8) Basic life skills training, which must include, but  
202 need not be limited to, family development and personal  
203 budgeting.

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204       (9) Transitional services and development of skills  
205 necessary for successful reentry.

206       Section 7. Section 944.0284, Florida Statutes, is created  
207 to read:

208       944.0284 Admissions process.—

209       (1) An eligible offender, as provided under s. 944.0282,  
210 may be admitted into a correctional reentry treatment facility  
211 upon recommendation of the sentencing court or upon  
212 determination by the department that the eligible offender is  
213 appropriate for admission to a correctional reentry treatment  
214 facility. The department shall provide an expedited reception  
215 and classification process for an offender who is recommended by  
216 the court for admission into a correctional reentry treatment  
217 facility in order to verify eligibility and to assess the  
218 appropriateness of admission to a correctional reentry treatment  
219 facility.

220       (2) The court shall consider any original charge, if  
221 different from the offense for which the offender is being  
222 sentenced, along with information provided by the arresting law  
223 enforcement agency, the defense attorney, and the state attorney  
224 in determining whether to recommend that an offender be admitted  
225 to a correctional reentry treatment facility.

226       (3) An offender who is determined to have medical or  
227 psychiatric needs or other needs that the correctional reentry  
228 treatment facility cannot meet or who is determined to be  
229 otherwise inappropriate for placement in a correctional reentry  
230 treatment facility may not be admitted to a correctional reentry  
231 treatment facility.

232       (4) If there are vacancies after placement of offenders



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233 recommended by the courts, the department may admit other  
234 eligible offenders, as provided under s. 944.0282, to a  
235 correctional reentry treatment facility.

236 (5) Upon request of any court, the department shall provide  
237 information on the current and projected availability of beds in  
238 each correctional reentry treatment facility.

239 Section 8. Section 944.0285, Florida Statutes, is created  
240 to read:

241 944.0285 Transfers.—

242 (1) The department shall transfer an offender from a  
243 correctional reentry treatment facility in the following  
244 circumstances:

245 (a) The offender is unable or unwilling to comply with  
246 program requirements.

247 (b) The offender develops serious medical conditions or  
248 other conditions that the facility cannot appropriately treat.

249 (c) The offender exhibits disruptive behaviors that  
250 compromise the safety of staff or other offenders at the  
251 facility or that create disruptions that prevent other offenders  
252 from benefitting from the program.

253 (d) The department determines for any reason that continued  
254 placement is not in the best interests of the offender or other  
255 offenders assigned to the facility.

256 (e) The department determines that transfer is necessary to  
257 the population management of the facility.

258 (2) An offender who is determined to be inappropriate for  
259 placement at a correctional reentry treatment facility during  
260 the expedited intake and classification process may be  
261 reconsidered at a later date.

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262 (3) An offender who is placed in a correctional reentry  
263 treatment facility may be released to a work-release center if  
264 the offender is otherwise eligible for work release.

265 Section 9. Section 944.0286, Florida Statutes, is created  
266 to read:

267 944.0286 Department to maintain waiting list.—If there is  
268 greater demand for correctional reentry treatment facility beds  
269 than are available, the department shall maintain a waiting  
270 list. From the waiting list, priority for admission to a  
271 correctional reentry treatment facility shall be first assigned  
272 to offenders who have been recommended by a court for admission  
273 to a correctional reentry treatment facility. The department  
274 shall develop additional criteria to assign priority for  
275 placement from the waiting list as vacancies occur. Such  
276 criteria must use information generated through an offender's  
277 needs assessments and must include the need for substance abuse  
278 and behavioral health treatment, probability of successful  
279 program completion, disciplinary record, acuity of need, and  
280 length of time spent on the waiting list. The waiting list shall  
281 be periodically updated and must be available upon request to  
282 any court and providers under contract with the department to  
283 provide correctional reentry treatment facility services.

284 Section 10. Section 944.0287, Florida Statutes, is created  
285 to read:

286 944.0287 Reporting requirements.—The department shall  
287 collect data, in a manner that allows for comparison of outcomes  
288 by correctional reentry treatment facility, to track recidivism  
289 of offenders who have participated in correctional reentry  
290 treatment facility programs. As used in this section, the term

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291 "recidivism" is defined as recommitment to prison within 3 years  
292 following release. The department shall include the data in the  
293 annual recidivism report and shall provide the report to the  
294 Governor, the President of the Senate, and the Speaker of the  
295 House of Representatives by October 1, 2014. In addition, the  
296 department may track such other data that the department deems  
297 necessary for future program evaluations.

298 Section 11. Section 944.0288, Florida Statutes, is created  
299 to read:

300 944.0288 No rights conferred or created.—Sections 944.0281-  
301 944.0287 do not create or confer any right to any offender to  
302 placement in a correctional reentry treatment facility. An  
303 offender does not have a cause of action against the department,  
304 a court, the state attorney, or a victim, which is related to  
305 placement at a correctional reentry treatment facility.

306 Section 12. Subsection (6) of section 945.091, Florida  
307 Statutes, is amended to read:

308 945.091 Extension of the limits of confinement; restitution  
309 by employed inmates.—

310 (6) (a) The department shall require offenders ~~inmates~~  
311 working at paid employment as provided in paragraph (1) (b) to  
312 use a portion of the employment proceeds to provide restitution  
313 to the aggrieved party for the damage or loss caused by the  
314 offense of the offender ~~inmate~~, in an amount to be determined by  
315 the department, unless the department finds clear and compelling  
316 reasons not to order such restitution. If restitution or partial  
317 restitution is not ordered, the department shall state on the  
318 record in detail the reasons therefor.

319 (b) An offender who is required to provide restitution or

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320 reparation may petition the circuit court to amend the amount of  
321 restitution or reparation required or to revise the schedule of  
322 repayment established by the department or the Parole  
323 Commission.

324 (c) The department shall require an offender working at  
325 paid employment as provided in paragraph (1)(b) to use a portion  
326 of the employment proceeds equal to the amount of the voucher  
327 provided for a government-issued photo identification card plus  
328 the actual cost charged by the issuer for any other necessary  
329 document required to obtain the identification card. As a  
330 condition of being allowed to work at paid employment, the  
331 offender must agree to allow for the use of employment proceeds  
332 as required in this paragraph. All such proceeds collected shall  
333 be deposited into the General Revenue Fund.

334 Section 13. Section 945.0915, Florida Statutes, is created  
335 to read:

336 945.0915 The department shall determine whether each  
337 offender has the necessary documentation to receive a  
338 government-issued photo identification card. If an offender does  
339 not possess the necessary documentation, the department shall,  
340 under an agreement with the Bureau of Vital Statistics and other  
341 entities as necessary, attempt to obtain a birth certificate, a  
342 social security card, and any other necessary document on behalf  
343 of the offender. Upon release, the department shall provide to  
344 the offender the documents gathered pursuant to this section,  
345 along with detailed instructions on how to obtain a government-  
346 issued photo identification card. In addition, the department  
347 shall give to the offender a voucher equal to the actual cost  
348 charged by the Department of Highway Safety and Motor Vehicles

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349 or its agents pursuant to s. 322.051 or s. 322.135. The voucher  
350 may be exchanged only for a government-issued photo  
351 identification card.

352 Section 14. Subsection (1) of section 784.078, Florida  
353 Statutes, is amended to read:

354 784.078 Battery of facility employee by throwing, tossing,  
355 or expelling certain fluids or materials.—

356 (1) As used in this section, the term "facility" means a  
357 state correctional institution defined in s. 944.02 ~~s.~~  
358 ~~944.02(6)~~; a private correctional facility defined in s. 944.710  
359 or under chapter 957; a county, municipal, or regional jail or  
360 other detention facility of local government under chapter 950  
361 or chapter 951; or a secure facility operated and maintained by  
362 the Department of Corrections or the Department of Juvenile  
363 Justice.

364 Section 15. This act shall take effect July 1, 2013.