

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 Judiciary Committee

BILL: SB 1862
 INTRODUCER: Senator Joyner
 SUBJECT: Community Corrections Assistance
 DATE: March 24, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Favorable
2.	Gizzi	Maclure	JU	Favorable
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill adds “rehabilitative community reentry programs” to the list of programs that are specified as being eligible for community corrections funds if an appropriation is made.

This bill substantially amends section 948.51, Florida Statutes.

II. Present Situation:

Florida Law Relating to Community Correction 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 that the section will:

- 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.¹

¹ Section 948.51(1), F.S.

According to the Department of Corrections, no funds have been distributed through this funding mechanism in recent years.²

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 under the provisions of s. 951.26, F.S.³ In turn, the public safety coordinating council must develop 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.⁴

Section 948.51(4), F.S., lists 10 types of programs, services, or facilities for which the Secretary 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:

- Programs providing pretrial services.
- 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.
- Work camps.
- Programs providing intensive probation supervision.
- Military-style boot camps.
- Work-release facilities.
- Centers to which offenders report during the day.
- Restitution centers.
- Inpatient or outpatient programs for substance abuse treatment and counseling.
- Vocational and educational programs.⁵

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

² E-mail from Katie Cunningham, Legislative Affairs Director, Florida Department of Corrections, to Sonya Pridgen, Legislative Assistant for Senator Joyner (March 16, 2009) (on file with the Senate Committee on Judiciary).

³ Section 948.51(2), F.S.

⁴ For additional requirements, see s. 948.51(2)(a)-(g), F.S.

⁵ Section 948.51(4)(b), F.S.

⁶ Section 948.51(4)(e), F.S.

Inmate Statistics and Policy Concerns⁷

In Fiscal Year 2006-2007, 35,337 inmates were released from the DOC facilities, and statistics indicate that more than 11,000 will be reincarcerated within three years. With an average cost of \$19,300 per year to incarcerate one inmate, the state can expect to spend \$212 million to incarcerate these returnees for only one year. In the past decade, Florida policymakers have acknowledged the importance of reentry 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 reentry abound despite this commitment to address the problem. Furthermore, programs and services have been adversely impacted by recent budget reductions and budget reallocations.

Among the major issues that relate to an inmate's successful reentry 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 reentry 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 Reentry Advisory Council to address issues of offender reentry 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. In addition to developing ideas for initiatives to affect successful reentry, the council also satisfies one criterion for Florida to be eligible for federal funding through the federal Second Chance Act of 2007 (Public Law 110-199).⁸

Federal Second Chance Act

Congress passed the Second Chance Act in an attempt to help inmates safely and successfully transition back into the community. The Act adds numerous grants and opportunities for extending reentry 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 two grants funded under the Second Chance Act: the

⁷ The information contained in this portion and the 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, Fla. Senate, *Breaking the Cycle of Crime: The Department of Corrections and Re-entry Programming* (Interim Project Report 2009-313) (Oct. 2008), available at http://www.flsenate.gov/data/Publications/2009/Senate/reports/interim_reports/pdf/2009-313cj.pdf (last visited on March 19, 2009).

⁸ Pub. Law. No. 110-199 (HR 1593), April 9, 2008.

2006 Prisoner Reentry Initiative (Targeting Lifetime Success) in Broward, Palm Beach, and Dade Counties, and the 2007 Prisoner Reentry Initiative (Bridges to Success) in Duval County. Neither of these grants is funded through the community corrections assistance funding mechanism in s. 948.51, F.S.

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 include items that are considered reentry related, such as substance abuse and vocational and education programs. Incorporating “rehabilitative community reentry programs” among these items would embrace additional service areas, including mental health counseling and housing assistance.⁹

This bill provides an effective date of July 1, 2009.

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:

Distribution of community corrections assistance funds under s. 948.51, F.S., is subject to appropriation of funds.¹⁰

⁹ Vicki Lopez Luis, Chairman, *Governor's Ex-Offender Tax Force: Final Report to the Governor*, 19-23 (Nov 2006).

¹⁰ Section 948.51(7), F.S.

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.)

None.

B. Amendments:

None.

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