

April 1, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.504

RULE TITLE: Transition Assistance Program

PURPOSE AND EFFECT: To amend and clarify the Department's rule related to the transition assistance program.

SUMMARY: To comply with legislative changes to § 944.705, F.S., rulemaking is necessary to modify the Department's transition assistance program to establish a toll-free hotline for post-release community-based reentry service referrals, to expand the use of the Department's risk and needs assessment to provide inmates and offenders with community-specific reentry service provider referrals, to establish a registration process for organizations applying to the Department to provide reentry services, to provide for veteran-specific referrals, and to establish how the Department may contract with public or private organizations to establish transitional employment programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory cost associated with this rule that exceeds the criteria. Upon review of the proposed changes to the rule, the Department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09, 944.705, 944.706, 944.708 F.S.

LAW IMPLEMENTED: 20.315, 944.291, 944.701-.708, 944.611, 944.613, 944.7065 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED

AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.504 Transition Skills Assistance Program.

(1) All inmates being released from the Department of Corrections are eligible to participate in ~~for~~ the transition skills assistance program except for those inmates meeting the criteria for exemption in paragraph (3)(b) below. ~~those being released to a detainer, unless the department determines that cancellation of the detainer is likely, or that the incarceration for which the detainer was issued will be of short duration.~~

(2) The Department shall administer a Department-approved risk and needs assessment within 18 months of an inmate's scheduled release date to identify community-specific reentry service provider referrals. ~~The department shall conduct a needs assessment of all inmates eligible for the transition assistance program. The assessment shall evaluate the following post-release needs:~~

~~(a) Employment.~~

~~(b) Residence.~~

~~(c) Special needs.~~

~~1. Family counseling.~~

~~2. Substance abuse counseling.~~

~~3. Employment support programs.~~

~~4. Continuing treatment for an existing medical condition.~~

~~5. Other special needs.~~

~~(d) Other needs that will aid in a smooth transition back to society.~~

(3)(a) The Department ~~department~~ shall provide participation in a standardized transition skills release orientation program to every eligible inmate within six ~~6~~ months of prior ~~to~~ the inmate's scheduled release date. The transition skills release orientation program shall consist of pre-release or post-release instruction that includes:

1. through 3. No change.

4. Community reentry ~~re-entry~~ concerns.

5. Community reentry ~~re-entry~~ support.

6. Any other appropriate instruction to ~~promote~~ ensure the inmate's successful ~~reentry~~ re-entry into the community.

(b) The transition skills program ~~shall~~ will be provided to all ~~inmates~~, ~~inmates~~ and all inmates ~~shall~~ will be required to complete the ~~program~~ course prior to release except for the following:

1. No change.

2. Inmates who are not to be released from incarceration such as those released to detainers to other state or federal authorities where the inmate will be detained or incarcerated. However, pursuant to Section 944.703, F.S., the Department of ~~Corrections~~ shall determine whether cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be of short duration, in which case the inmate will not be exempt from the program. ~~duration.~~

3. through 6. No change.

(c) The classification officer shall review all inmates at the institution or facility who are within 180 days of release to verify completion of the transition skills program.

(d) The Institutional Classification Team (~~ICT~~) shall ensure that inmates required to participate in the transition skills program ~~mandated for the 100 Hour Transition Skills Program~~ are informed of this requirement ~~assignment~~ in accordance with classification procedures and that the consequences of refusing to participate ~~the refusal~~ are explained. The explanation shall include the following:

1. If eligible, the ~~The~~ inmate is required to participate in the ~~mandatory~~ transition skills program.

2. Disciplinary action in accordance with Chapter 33-601, F.A.C., ~~shall~~ will be imposed as a consequence of the inmate refusing to work or participate in mandatory programs.

3. In addition to disciplinary action, no eligible inmate ~~shall~~ will be eligible to participate in a work release center assignment or work release program if he or she refuses to participate in the ~~mandatory~~ transition skills program or refuses to complete ~~has not subsequently completed~~ the program.

4. Disciplinary action ~~shall~~ will also be taken if the inmate agrees to enter the ~~mandatory~~ transition skills program, ~~program~~ but is subsequently reassigned due to behavior problems or the inmate's unwillingness to actively participate in program activities and follow program rules as determined by transition services staff.

(e) If an eligible inmate refuses to participate after program enrollment, the refusal shall be documented in the Offender Based Information System (~~OBIS~~).

1. The inmate shall be required to sign Form DC5-415, Refusal of Mandatory 100-Hour Transition Skills Program. Form DC5-415 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is 11-18-03.

2. If the inmate refuses to sign Form DC5-415, the refusal shall be noted on the ~~referral~~ form and witnessed by two staff members.

3. If the inmate refuses to participate and later recants, the inmate shall be allowed to request to participate by completing an Inmate Request, Form DC6-236, and submitting it to his or her ~~the~~ classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C.

(f) As part of the transition skills ~~release-orientation~~ program, any inmate claiming to be a victim of domestic violence as defined in Section 741.28 ~~741.30~~, F.S., shall be informed of the domestic violence center nearest his or her established residence. Upon release, the inmate shall be referred to the designated center.

(g) The Department ~~department~~ is authorized to contract with public or private entities for the provision of all or part of the components of the transition skills ~~release-orientation~~ program.

(4) Inmates being released shall be identified and screened by a designated officer prior to release. The screening shall consist of the following:

(a) Review of the inmate's risk and needs assessment to update or identify the inmate's ~~record to determine~~ eligibility and post-release needs;

(b) Discussion with the inmate about participation ~~to determine interest in participating~~ in the transition assistance program if eligible;

(c) Review of visiting records to determine whether the inmate's visitors could provide post-release residential or employment assistance;

~~(d) A needs assessment as outlined in subsection (2) above;~~

~~(d)(e)~~ Verification from ~~with~~ any authority having an active detainer on the inmate that the detainer is likely to ~~may~~ be cancelled or that incarceration resulting from the detainer will be of short duration; and

~~(e)(f)~~ Any other steps necessary to make a reasonable judgment as to post-release needs ~~eligibility~~.

(5) The following community resource contacts and available identification documents shall be provided to each inmate prior to release:

(a) A toll-free number that released inmates may call to obtain post-release resources and referrals for community-based reentry services.

(b) A weblink to a comprehensive community resource directory, organized by county, which includes contact information and a description of services offered for each provider listed in the directory, including existing portals of entry.

~~(c) A~~ At the time of the release of an inmate, designated staff shall inform the inmate of the post-release community resource and provide other appropriate referral information. This information shall include the identity of the releasee, the post-release community resource, the release assistance officer, the referral location, a social security card or other valid I.D., ~~I.D.~~ and any other information that would be of value in assisting the smooth transition of the releasee into society.

(d) The releasee shall be informed that the use of his or her social security card is a means of establishing employment eligibility for prospective employers in accordance with the Federal Immigration Reform and Control Act. The use of the card for this purpose is voluntary, and the inmate may refuse to disclose his or her social security number.

(6) Post-release transportation ~~Transportation~~ for inmates ~~released under this program~~ shall be provided by the most economical common carrier and which shall be paid for by a non-negotiable travel voucher, or by private transportation which shall be provided by a family member, approved Type "B" furlough sponsor, or citizen volunteer whose purpose is to immediately transport the inmate to a designated location. Releasees shall be escorted to the common carrier terminal by a ~~Department~~ department employee who shall remain with the releasee until he or she departs on the authorized transportation. The releasee shall be ~~instructed~~ informed to proceed immediately to the appropriate office of or to call telephone the designated community resource liaison.

(7) No change.

(8) The ~~Department~~ department is authorized to enter into contracts with the Agency for Workforce Innovation for the provision of job placement. The ~~Department~~ department is authorized to enter into contracts with the Department of Children and Family Services, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services for releasees. The Department will provide an application process on the Department's public website to allow nonprofit faith-based or professional businesses, or civic or community organizations to apply for registration with the Department to provide inmate

reentry services.

Rulemaking Authority 944.09, 944.705, 944.706, 944.708 FS. Law Implemented 20.315, 944.291, 944.701-.708, 944.611, 944.613, 944.7065 FS. History—New 1-19-85, Formerly 33-7.08, Amended 11-8-86, 5-18-87, 4-19-89, 5-21-92, 1-5-93, 11-16-97, Formerly 33-7.008, Amended 11-18-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Comerford, Assistant Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2019