

HB 1587

2010

1                   A bill to be entitled  
2           An act relating to inmate reentry; creating s. 397.755,  
3           F.S.; directing the Department of Corrections to create a  
4           reentry program; providing eligibility criteria for the  
5           program; requiring a recommendation for reentry at the  
6           time of sentencing; directing the department to prepare a  
7           postrelease treatment plan; requiring the department to  
8           notify the judge and other specified parties upon  
9           admission of an inmate into the program; providing  
10          requirements before transitioning the inmate into the  
11          community; requiring the inmate to abide by the order of  
12          supervision and the rules of the department; directing the  
13          department to provide special training to employees  
14          working in the program; authorizing the department to  
15          develop performance-based contracts to supply services to  
16          the program; permitting the department to establish a  
17          system of incentives in the program to promote  
18          participation in rehabilitative programs; providing that  
19          the section does not confer any right to placement in the  
20          reentry program; directing the department to track  
21          recidivism and recommitment of inmates who have  
22          participated in the program; requiring an annual report to  
23          the Governor and Legislature; authorizing rulemaking;  
24          requiring a review and report by the Office of Program  
25          Policy Analysis and Government Accountability; providing  
26          an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29  
30 Section 1. Section 397.755, Florida Statutes, is created  
31 to read:

32 397.755 Reentry program.—

33 (1) PROGRAM DEVELOPMENT.—The department shall develop and  
34 implement a reentry program for inmates. The program shall  
35 provide a mechanism by which an eligible, nonviolent, low-risk  
36 inmate who poses a minimal foreseeable risk to the public and  
37 for whom the reentry program has been ordered as part of his or  
38 her sentence may be transitioned into the community during the  
39 last year of the sentence. The reentry program shall consist of  
40 a prison-based treatment program for substance abuse or mental  
41 health or co-occurring disorders for a minimum of 90 days and a  
42 community-based aftercare treatment program. The reentry program  
43 must be specifically designed to be intensive and may have a  
44 work-release component as part of the program. The in-prison  
45 component may be operated in secure areas in or adjacent to an  
46 adult institution, a community residential facility, or a work  
47 release center.

48 (2) ELIGIBILITY.—The sentencing court must include an  
49 order for the reentry program at sentencing to alert the  
50 department as to this inmate's preliminary eligibility when it  
51 screens incoming inmates to determine their preliminary  
52 eligibility for the reentry program. The department shall then  
53 consider the inmate for admission to the reentry program. When  
54 considering the inmate's admission to the reentry program, the  
55 department may consider an inmate's criminal history, need for  
56 substance abuse or mental health treatment, general

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57 rehabilitative interests, and potential risk to the public. The  
58 department may also consider its operational needs and the  
59 victim's comments.

60 (a) An inmate is ineligible for consideration for  
61 admission to the program if:

62 1. The inmate was sentenced to a term of 10 years or more;

63 2. Whether related to the current term of incarceration,  
64 or a previous term of incarceration, the inmate was convicted of  
65 or pled guilty or no contest to:

66 a. Any capital, life, or first degree felony;

67 b. Any second or third degree felony offense listed in s.  
68 775.084(1)(c)1.;

69 c. Any offense listed in s. 784.07, s. 784.021, s. 827.03,  
70 or s. 843.01 or any offense that makes a person subject to sex  
71 offender registration under s. 943.0435;

72 d. Any offense for which the sentence was enhanced under  
73 s. 775.087; or

74 e. Any offense in another jurisdiction that would be an  
75 offense described in sub-subparagraphs a.-c., or that would have  
76 been enhanced under s. 775.087, if that offense had been  
77 committed in this state.

78 (b) An inmate is eligible for consideration for admission  
79 to the program if:

80 1. The inmate is not ineligible under paragraph (a).

81 2. The inmate is in need of substance abuse or mental  
82 health.

83 3. The reentry program is ordered as part of the inmate's  
84 sentence.

85        4. The department has placed the inmate in minimum or  
86 community custody status.

87        5. The inmate otherwise meets the criteria for placement  
88 as determined by the department. The criteria shall include, but  
89 is not limited to, consideration of the inmate's criminal  
90 history, need for substance abuse or mental health treatment,  
91 general rehabilitative interests, and potential risk to the  
92 public and the operational needs of the department.

93        (3) ADMISSION INTO PROGRAM.—If an inmate meets the  
94 criteria for program admission under subsection (2), the  
95 department approves the inmate for entry into the program, and  
96 space is available, the department shall give written  
97 notification to the sentencing court, state attorney, counsel  
98 for the inmate, and any victim of the inmate's admission into  
99 the program. Admission into the program is not a right, it is a  
100 matter of grace; accordingly, the department may refuse to place  
101 the inmate in the reentry program.

102        (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON  
103 TREATMENT.—If the reentry program is ordered by the sentencing  
104 court, the department shall commence an in-prison treatment  
105 component. Before the inmate completes the in-prison treatment  
106 component, the department shall evaluate the inmate's needs and  
107 develop a postrelease treatment plan that includes substance  
108 abuse or mental health aftercare services. If, after placement  
109 in the reentry program, the inmate appears unable to participate  
110 due to medical or other reasons, he or she must be examined by  
111 qualified medical personnel or qualified nonmedical personnel  
112 appropriate for the inmate's situation, as determined by the

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113 department. The qualified personnel shall consult with the  
114 director of the reentry program, and the director shall  
115 determine if the inmate may continue with treatment or if the  
116 inmate must be discharged from the program. An inmate in the  
117 reentry program is subject to the rules of conduct established  
118 by the department and may have sanctions imposed, including loss  
119 of privileges, restrictions, disciplinary confinement,  
120 forfeiture of gain-time or the right to earn gain-time in the  
121 future, alteration of release plans, termination from the  
122 reentry program, or other program modifications in keeping with  
123 the nature and gravity of the program violation. The department  
124 may place an inmate in the reentry program in an administrative  
125 or protective confinement, as necessary.

126 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—  
127 Following completion of the in-prison treatment component, the  
128 inmate shall be transitioned into the community on drug  
129 offender-mental health probation for the last 12 months of his  
130 or her sentence.

131 (a) While in the community, the inmate shall be subject to  
132 all standard terms of drug offender probation, any special  
133 conditions of supervision ordered by the sentencing court,  
134 including participation in an aftercare substance abuse or  
135 mental health program, residence in a postrelease transitional  
136 residential halfway house, or any other appropriate form of  
137 supervision or treatment.

138 (b) If the county in which sentencing occurred has a drug  
139 court and it is willing to accept the case, the inmate's case  
140 shall be transferred to the drug court for supervision for the

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141 last 12 months of his or her sentence. The drug court judge  
142 shall be deemed the sentencing judge for purposes of ensuring  
143 compliance with this section, and the department shall be  
144 responsible for collecting the cost of supervision, as  
145 appropriate, from the inmate.

146 (c) An inmate on probation under this section must comply  
147 with all conditions of supervision imposed and must comply with  
148 all orders of the drug court or other supervising court.  
149 Violation of any condition or order may result in revocation of  
150 supervision by the court and imposition of any sentence  
151 authorized under the law, subject to time served in prison.

152 (d) While on probation under this section, the inmate  
153 shall pay all appropriate costs of supervision to the  
154 department. An inmate who is financially able to shall also pay  
155 all costs of substance abuse or mental health treatment. The  
156 court may impose on the inmate additional conditions requiring  
157 payment of restitution, court costs, and fines; community  
158 service; and compliance with other special conditions.

159 (e) Time spent on probation under this section as part of  
160 the reentry program shall be considered in-custody time in  
161 calculating the 85 percent requirement of s. 944.275.

162 (6) DEPARTMENT DUTIES.—The department shall implement the  
163 reentry program to the fullest extent feasible within this  
164 section and available resources. The department shall provide a  
165 special training program for staff members selected to serve in  
166 the reentry program.

167 (7) CONTRACTORS.—The department may develop and enter into  
168 performance-based contracts with qualified individuals,

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169 agencies, or corporations to supply any or all services provided  
170 in the reentry program. However, a contract may not be entered  
171 into or renewed unless the contract offers a substantial savings  
172 to the department. The department may establish a system of  
173 incentives within the reentry program to promote participation  
174 in rehabilitative programs and the orderly operation of  
175 institutions and facilities.

176 (8) NO RIGHTS CONFERRED UPON INMATES.—This section does  
177 not create or confer any right to any inmate to placement in the  
178 reentry program or any right to placement or early release under  
179 supervision of any type. No inmate shall have a cause of action  
180 against the department, a court, the state attorney, or a victim  
181 related to the reentry program.

182 (9) REPORTING.—The department shall develop a computerized  
183 system to track recidivism and recommitment of inmates who have  
184 participated in the reentry program. On October 1, 2011, and on  
185 each October 1 thereafter, the department shall submit an annual  
186 report of the results of the collected data to the Governor, the  
187 President of the Senate, and the Speaker of the House of  
188 Representatives.

189 (10) RULEMAKING.—The department may adopt rules pursuant  
190 to ss. 120.536(1) and 120.54 to implement its duties under this  
191 section and to administer the reentry program.

192 Section 2. The Office of Program Policy Analysis and  
193 Government Accountability shall review the reentry program under  
194 s. 397.755, Florida Statutes, as created by this act, and report  
195 its findings to the President of the Senate and the Speaker of

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196 | the House of Representatives before the commencement of the 2011  
197 | legislative session.

198 |       Section 3. This act shall take effect July 1, 2010.