



571206

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Criminal Justice (Siplin) recommended the following:

1           **Senate Substitute for Amendment (588724) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Section 397.755, Florida Statutes, is created to  
7 read:

8           397.755 Reentry program.—

9           (1) DEPARTMENT TO DEVELOP REENTRY PROGRAM.—The department  
10 shall develop and implement a reentry program for inmates.

11           (a) The reentry program shall provide a mechanism by which  
12 an eligible, nonviolent offender who has received a conditional



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13 split sentence and for whom the reentry program has been ordered  
14 as part of the sentence may be transferred into the community  
15 during the last year of his or her sentence.

16 (b) The reentry program must consist of two parts:

17 1. A prison-based treatment reentry program for substance  
18 abuse disorders for a minimum of 90 days; and

19 2. A community-based substance abuse aftercare treatment  
20 program and reentry program.

21 (c) The in-prison component may be operated in a secure  
22 area in or adjacent to an adult institution, a community  
23 residential center, or a work release center.

24 (2) ELIGIBILITY.-

25 (a) An inmate is eligible for placement in the reentry  
26 program if, whether related to the present conviction or a  
27 previous conviction, the inmate has not been convicted of, or  
28 pled guilty or nolo contendere to:

29 1. A capital, life, or first-degree felony;

30 2. A sexual offense listed in s. 943.0435(1)(a)1.a.(I);

31 3. A forcible felony offense that is specifically set forth  
32 in s. 776.08, except burglary under s. 810.02(4);

33 4. An offense for which the sentence was enhanced pursuant  
34 to s. 784.07 or s. 785.087;

35 5. A felony offense listed in s. 775.084(1)(c)1.;

36 6. Violation of ss. 827.03(1) or (2);

37 7. Violation of ss. 825.102(1) or (2);

38 8. Violation of s.843.01; or

39 9. Any offense in another jurisdiction which would be an  
40 offense described in subparagraphs 1.-7. if that offense had  
41 been committed in this state.



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42           10. The offender otherwise meets the criteria for placement  
43 as determined by the department.

44           (3) JUDICIAL ROLE IN THE REENTRY PROGRAM.—

45           (a) The sentencing court may, at its discretion and  
46 notwithstanding other sentencing laws, order the offender who  
47 satisfies the offense history requirements in subsection (2) to  
48 participate in the reentry program at the time of sentencing by  
49 imposing a conditional split sentence. The court shall consider  
50 any statement of the victim in making its decision.

51           (b) A conditional split sentence ordered pursuant to this  
52 section shall consist of a term of imprisonment, the last year  
53 of which is suspended and the offender placed on probation with  
54 specified terms and conditions. The offender cannot be placed on  
55 probation unless, with the approval of the department, he or she  
56 participates in and completes the in-prison treatment program.  
57 The offender must serve at least 85 percent of the incarceration  
58 component of the split sentence before being released to  
59 supervision. If the offender does not complete the in-prison  
60 treatment program, the last year of the sentence remains part of  
61 the term of imprisonment to be served while incarcerated. The  
62 offender must serve at least 85 percent of the total term of  
63 imprisonment.

64           (c) The probation order, as part of the original  
65 conditional split sentence, shall include:

66           1. The standard conditions of drug offender probation under  
67 s. 948.20;

68           2. The standard condition that the offender pay the cost of  
69 supervision and rehabilitation under s. 948.09, court costs, and  
70 finances, if the offender is able to do so;



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71           3. Any special conditions ordered by the court.

72           (d) The probation order must also authorize the transfer of  
73 the case to the drug court located in the county of the  
74 sentencing court upon the offender being released to  
75 supervision. If the drug court accepts the case in a written  
76 order, the drug court judge shall be deemed to be the sentencing  
77 judge for purposes of ensuring compliance with the probation  
78 order, revocation of the probation order, and resentencing the  
79 offender. The department is responsible for obtaining a written  
80 order from the drug court accepting jurisdiction over the case  
81 prior to the offender being released to supervision. If the  
82 county does not have a drug court, or if the drug court does not  
83 accept the case, the department will supervise the offender in  
84 accordance with the order of probation.

85           (e) If the offender violates the terms and conditions of  
86 the probation order while under supervision, the court may  
87 revoke the probation order and return the offender to prison to  
88 serve the suspended one-year of the sentence with credit only  
89 for any time incarcerated between the date of release to  
90 supervision and the date of resentencing. If the offender is  
91 returned to prison, the gain time earned prior to release to  
92 supervision is deemed forfeited pursuant to section 944.28(1),  
93 and the offender shall serve that time as well. This subsection  
94 does not deprive the offender of the right to earn additional  
95 gain-time, as provide by law, from the date of the offender's  
96 return to prison.

97           (4) THE ROLE OF THE DEPARTMENT IN THE REENTRY PROGRAM.—

98           (a) The department shall implement the reentry program to  
99 the fullest extent feasible within the terms of this section and



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100 available resources.

101 (b) The department shall establish the criteria for  
102 offenders to participate in the reentry program.

103 (c) If an offender receives a conditional split sentence  
104 under subsection (3), the department shall:

105 1. Determine the offender's eligibility to participate in  
106 the reentry program. The department shall consider the inmate's  
107 criminal history, need for substance abuse treatment, general  
108 rehabilitative interests, and the potential risk that the  
109 offender presents to the public. The department may also  
110 consider the operational needs of the department.

111 2. Obtain the offender's written consent to participate in  
112 the program and agreement to accept the responsibilities of  
113 participating in the program and the consequences of not  
114 completing the program. There is no right to participate in the  
115 reentry program. Offenders in the reentry program are subject to  
116 the same rules of conduct as are other offenders.

117 3. Place the offender in a prison-based treatment program  
118 for substance abuse disorders for a minimum of 90 days.

119 4. Evaluate the offender's needs for community placement  
120 and develop a postrelease treatment plan that includes substance  
121 abuse aftercare services and reentry services, in accordance  
122 with the terms and conditions of the probation order.

123 5. Determine whether the offender has successfully  
124 completed the in-prison treatment program.

125 6. If the offender has successfully completed the in-prison  
126 treatment program, release the offender to serve the last year  
127 of the conditional split sentence on probation, in accordance  
128 with the terms and conditions of the probation order.



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129           (5) CONTRACTORS.—The department may develop and enter into  
130 performance-based contracts with qualified individuals,  
131 agencies, or corporations to supply any or all services provided  
132 in the reentry program. However, a contract may not be executed  
133 or renewed unless the contract offers a substantial savings to  
134 the department. The department may establish a system of  
135 incentives in order to promote participation by private-sector  
136 employers in the rehabilitative reentry programs and the orderly  
137 operation of institutions and facilities.

138           (6) REPORTING.—

139           (a) The department shall develop a computerized system to  
140 track recidivism and recommitment of inmates who have  
141 participated in the reentry program. Beginning October 1, 2013,  
142 and on October 1 of each succeeding year, the department shall  
143 submit an annual report of the results of the collected data to  
144 the Governor, the President of the Senate, and the Speaker of  
145 the House of Representatives.

146           (b) The Office of Program Policy Analysis and Government  
147 Accountability shall review the reentry program and report its  
148 findings to the President of the Senate and the Speaker of the  
149 House of Representatives before the commencement of the 2013  
150 legislative session.

151           (7) RULEMAKING.—The department may adopt rules pursuant to  
152 s. 120.536(1) and s. 120.54 to implement the provisions of this  
153 section.

154           Section 2. This act shall take effect July 1, 2010.

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156 ===== T I T L E   A M E N D M E N T =====

157 And the title is amended as follows:



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158 Delete everything before the enacting clause  
159 and insert:

160 A bill to be entitled  
161 An act relating to inmate services; creating s.  
162 397.755, F.S.; requiring that the Department of  
163 Corrections to develop and implement a reentry program  
164 to provide a mechanism by which an eligible,  
165 nonviolent offender who has received a conditional  
166 split sentence may be transferred into the community  
167 through a transitional process; requiring that the  
168 program consist of a prison-based treatment reentry  
169 program for substance abuse disorders and a community-  
170 based substance abuse aftercare treatment and reentry  
171 program; providing eligibility criteria for the  
172 reentry program; permitting the sentencing judge to  
173 sentence an offender who meets the eligibility  
174 requirements to a conditional split sentence;  
175 providing for the last year of the prison sentence to  
176 be suspended and for the offender to serve the last  
177 year on drug offender probation; requiring that the  
178 offender must serve at least 85 percent of the  
179 incarcerative portion of the sentence; providing for  
180 terms and conditions of probation; providing that an  
181 offender who does not complete the in-prison treatment  
182 program to remain incarcerated; requiring the  
183 probation order to authorize transfer of the  
184 offender's case to the drug court in the county where  
185 he or she is sentenced; requiring a written order  
186 documenting acceptance of the offender by the drug



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187 court; providing that the drug court judge be deemed  
188 to be the sentencing judge; providing for revocation  
189 of supervision if the offender violates the terms and  
190 conditions of probation; providing for return of an  
191 offender whose probation is revoked to lose  
192 accumulated gain time and to return to prison to  
193 complete the sentence; requiring the department to  
194 establish criteria for participation in the reentry  
195 program; providing the department's responsibilities;  
196 directing the department to prepare a postrelease  
197 treatment plan; authorizing the department to develop  
198 performance-based contracts to supply services to the  
199 reentry program; permitting the department to  
200 establish a system of incentives to promote  
201 participation by private-sector employers in  
202 rehabilitative reentry programs; directing the  
203 department to track recidivism and recommitment of  
204 inmates who have participated in the reentry program;  
205 requiring a report to the Governor and Legislature;  
206 requiring a review and report by the Office of Program  
207 Policy Analysis and Government Accountability;  
208 authorizing rulemaking; providing an effective date.