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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

397.755 Reentry program.—

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

(a) The reentry program shall provide a mechanism by which an eligible, nonviolent, and low-risk offender who poses a



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

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

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

20 2. A community-based substance abuse aftercare treatment
21 program.

22
23 The in-prison component may be operated in a secure area located
24 in or adjacent to an adult institution, a community residential
25 center, or a work release center.

26 (2) ELIGIBILITY.—

27 (a) An offender is eligible for placement in the reentry
28 program if:

29 1. The offender is a nonviolent felony offender amenable to
30 substance abuse treatment. As used in this subparagraph, the
31 term "nonviolent felony" means a third-degree felony violation
32 under chapter 810 or any other felony offense that is not a
33 forcible felony as defined in s. 776.08;

34 2. Whether related to the present or a previous conviction,
35 the offender has not been convicted of, or pled guilty or nolo
36 contendere to:

37 a. Any capital, life, or first-degree felony;

38 b. Any second-degree or third-degree felony offense listed
39 in s. 775.084(1)(c)1.;

40 c. Any offense listed in s. 784.07, s. 784.021, s. 827.03,
41 or s. 843.01, or any offense for which a person is subject to



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42 registration as a sex offender under s. 943.0435;

43 d. Any offense for which the sentence was enhanced pursuant
44 to s. 775.087; or

45 e. Any offense in another jurisdiction which would be an
46 offense described in sub-subparagraphs a.-c., or which would
47 have been enhanced pursuant s. 775.087, if that offense had been
48 committed in this state; and

49 3. The offender otherwise meets the criteria for placement
50 as determined by the department.

51 (b) The department shall screen the offender for
52 eligibility for the reentry program. When determining
53 eligibility, the department shall consider the criminal history
54 of the offender, the need for substance abuse treatment, general
55 rehabilitative interests, and the potential risk that the
56 offender presents to the public. The department may also
57 consider the operational needs of the department and the
58 comments and statements of the victim of the offender. The
59 department shall report on the offender's eligibility for the
60 reentry program in the department's presentence investigation
61 report issued to the court pursuant to s. 921.231.

62 (3) ADMISSION INTO REENTRY PROGRAM.—

63 (a) The sentencing court may order the offender to
64 participate in the reentry program at the time of sentencing if
65 the department has identified the offender eligible for the
66 reentry program in its presentence investigation report.

67 (b) Admission into the reentry program is not a right;
68 accordingly, the sentencing court is not required to sentence an
69 offender to the reentry program even though the department finds
70 the offender eligible in its presentence investigation report.



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71 (4) PROCEDURE UPON ADMISSION TO REENTRY PROGRAM; IN-PRISON
72 TREATMENT.—

73 (a) If the sentencing court orders the offender into the
74 reentry program, the department shall:

75 1. Review the offender's eligibility for the reentry
76 program, including whether the offender works diligently,
77 participates in training, uses time constructively, or otherwise
78 engages in positive activities. However, an offender may not be
79 transferred into the community before serving a minimum of 85
80 percent of the sentence imposed.

81 2. Place the offender into a prison-based treatment program
82 for substance abuse disorders for a minimum of 90 days.

83 3. Evaluate the offender's needs for community placement
84 and develop a postrelease treatment plan that includes substance
85 abuse aftercare services.

86 (b) If, at any time after placement in the reentry program,
87 the offender appears unable to participate due to medical or
88 other causes, he or she shall be examined by qualified medical
89 personnel or nonmedical personnel appropriate for the offender's
90 situation, as determined by the department. The qualified
91 examiner shall consult with the director of the reentry program,
92 and the director shall determine if the offender should continue
93 with treatment or if the department will recommend to the
94 sentencing court that the offender be discharged from the
95 reentry program.

96 (c) An offender in the reentry program is subject to the
97 rules of conduct established by the department and may have
98 sanctions imposed, including loss of privileges, restrictions,
99 disciplinary confinement, forfeiture of gain-time, or other



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100 reentry program modifications in keeping with the nature and
101 gravity of the violation. The department may place an offender
102 in the reentry program in administrative or protective
103 confinement, as necessary.

104 (5) PROCEDURE UPON COMPLETION OF THE IN-PRISON TREATMENT
105 COMPONENT.—Following completion of the in-prison treatment
106 component, the offender shall be transferred into the community
107 on drug offender probation for the last 12 months of his or her
108 sentence.

109 (a) While in the community, the offender is subject to all
110 standard terms of drug offender probation under s. 948.20, any
111 special conditions of supervision ordered by the court,
112 including participation in an aftercare substance abuse program,
113 residence in a postrelease transitional residential halfway
114 house, or any other appropriate form of supervision or
115 treatment. Violation of any condition or order may result in
116 revocation of supervision by the court and imposition of any
117 sentence that is authorized by law, subject to time served in
118 prison.

119 (b) If there is a drug court in the county of the
120 sentencing court and if the drug court accepts the case, the
121 offender's case shall be transferred to the drug court for
122 supervision for the last 12 months of his or her sentence. The
123 drug court judge shall be deemed the sentencing judge for
124 purposes of ensuring compliance with this section.

125 (c) While on drug offender probation, the department shall
126 collect from the offender the costs of supervision as provided
127 for in s. 948.09. An offender who is financially able shall also
128 pay all costs of his or her drug rehabilitation. The sentencing



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129 judge may impose on the offender additional conditions requiring
130 payment of court costs and fines, public service, and compliance
131 with other court-ordered special conditions.

132 (6) DUTIES OF THE DEPARTMENT.—The department shall
133 implement the reentry program to the fullest extent feasible
134 within the terms of this section and available resources.

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

144 (8) NO RIGHTS CONFERRED UPON INMATES.—This section does not
145 create or confer any right to an offender to placement in the
146 reentry program or any right to placement or early release under
147 supervision of any type. An offender does not have a cause of
148 action against the department, a court, the state attorney, or a
149 victim related to the reentry program.

150 (9) REPORTING.—The department shall develop a computerized
151 system to track recidivism and recommitment of offenders who
152 have participated in the reentry program. Beginning October 1,
153 2013, and on October 1 of each succeeding year, the department
154 shall submit an annual report of the results of the collected
155 data to the Governor, the President of the Senate, and the
156 Speaker of the House of Representatives.

157 (10) RULEMAKING.—The department may adopt rules pursuant to



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158 ss. 120.536(1) and 120.54 to implement the provisions of this
159 section.

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

161
162 ===== T I T L E A M E N D M E N T =====

163 And the title is amended as follows:

164
165 Delete everything before the enacting clause
166 and insert:

167 A bill to be entitled
168 An act relating to inmate services; creating s.
169 397.755, F.S.; requiring the Department of Corrections
170 to create a reentry program to provide a mechanism by
171 which an eligible, nonviolent, and low-risk inmate who
172 poses a minimal foreseeable risk to the public may be
173 transferred into the community through a transitional
174 process; requiring the program to consist of a prison-
175 based treatment reentry program and a community-based
176 aftercare treatment and reentry program; providing
177 preliminary eligibility criteria for the reentry
178 program; requiring a recommendation for reentry at the
179 time of sentencing; directing the department to
180 prepare a postrelease treatment plan; requiring the
181 department to notify the judge before transferring the
182 inmate into the community; requiring the inmate to
183 abide by the order of supervision and the rules of the
184 department; directing the department to provide
185 special training to employees working in the reentry
186 program; authorizing the department to develop



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187 performance-based contracts to supply services to the
188 reentry program; permitting the department to
189 establish a system of incentives to promote
190 participation by private-sector employers in
191 rehabilitative reentry programs; providing that the
192 creation of the program does not confer any right to
193 placement in the reentry program; directing the
194 department to track recidivism and recommitment of
195 inmates who have participated in the reentry program;
196 requiring a report to the Governor and Legislature;
197 requiring a review and report by the Office of Program
198 Policy Analysis and Government Accountability;
199 authorizing the department to adopt rules; providing
200 an effective date.