

By Senator Rich

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1 A bill to be entitled
2 An act relating to inmate services; creating s.
3 397.755, F.S.; requiring that the Department of
4 Corrections create a reentry program to provide a
5 mechanism by which an eligible, nonviolent, and low-
6 risk inmate who poses a minimal foreseeable risk to
7 the public may be transferred into the community
8 through a transitional process; requiring that the
9 program consist of a prison-based treatment reentry
10 program and a community-based aftercare treatment and
11 reentry program; providing preliminary eligibility
12 criteria for the reentry program; requiring a
13 recommendation for reentry at the time of sentencing;
14 directing the department to prepare a postrelease
15 treatment plan; requiring that the department notify
16 the judge before transferring the inmate into the
17 community; requiring the inmate to abide by the order
18 of supervision and the rules of the department;
19 directing the department to provide special training
20 to employees working in the reentry program;
21 authorizing the department to develop performance-
22 based contracts to supply services to the reentry
23 program; permitting the department to establish a
24 system of incentives to promote participation by
25 private-sector employers in rehabilitative reentry
26 programs; providing that the act does not confer any
27 right to placement in the reentry program; directing
28 the department to track recidivism and recommitment of
29 inmates who have participated in the reentry program;

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30 requiring a report to the Governor and Legislature;
31 requiring a review and report by the Office of Program
32 Policy Analysis and Government Accountability;
33 authorizing rulemaking; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

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

39 397.755 Reentry program.—

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

42 (a) The reentry program shall provide a mechanism by which
43 an eligible, nonviolent, and low-risk inmate who poses a minimal
44 foreseeable risk to the public and for whom the reentry program
45 has been ordered as part of his or her sentence may be
46 transferred into the community during the last year of his or
47 her sentence.

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

49 1. A prison-based treatment reentry program for substance
50 abuse, mental health, or co-occurring disorders for a minimum of
51 90 days; and

52 2. A community-based aftercare treatment and reentry
53 program.

54 (c) The reentry program must be specifically designed to be
55 intensive and may have a work-release component as part of its
56 treatment program.

57 (d) The in-prison component may be operated in a secure
58 area in or adjacent to an adult institution, a community

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59 residential center, or a work release center.

60 (2) PRELIMINARY ELIGIBILITY.—

61 (a) The sentencing court shall order the inmate to
62 participate in the reentry program at the time of sentencing in
63 order for the inmate to be preliminarily eligible to participate
64 in the reentry program.

65 (b) Thereafter, the department shall screen the inmate for
66 eligibility for the reentry program. When determining
67 eligibility, the department shall consider the inmate's criminal
68 history, need for mental health treatment or substance abuse
69 treatment or both, and general rehabilitative interests, and the
70 potential risk that the inmate presents to the public. The
71 department may also consider the operational needs of the
72 department and the comments and statements of the inmate's
73 victim.

74 (c) An inmate is ineligible for participation in the
75 reentry program if:

76 1. The inmate was sentenced to a term of incarceration of
77 10 years or more; or

78 2. Whether related to the present term of incarceration or
79 a previous term of incarceration, the inmate has been convicted
80 of, or pled guilty or nolo contendere to:

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

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

84 c. Any offense listed in s. 784.07, s. 784.021, s. 827.03,
85 or s. 843.01, or any offense for which a person is subject to
86 registration as a sex offender under s. 943.0435;

87 d. Any offense for which the sentence was enhanced pursuant

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88 to s. 775.087; or

89 e. Any offense in another jurisdiction which would be an
90 offense described in sub-subparagraphs a.-c., or which would
91 have been enhanced pursuant s. 775.087 if that offense had been
92 committed in this state.

93 (d) An inmate is eligible for placement in the reentry
94 program if:

95 1. The inmate is not ineligible under paragraph (c).

96 2. The inmate is in need of mental health treatment or
97 substance abuse treatment or both.

98 3. The inmate has been ordered to participate in the
99 reentry program.

100 4. The department has placed the inmate in minimum-custody
101 or community-custody status.

102 5. Space is available in the program.

103 6. The inmate otherwise meets the criteria for placement as
104 determined by the department.

105 (3) ADMISSION INTO REENTRY PROGRAM.—

106 (a) If an inmate meets the criteria for admission to the
107 reentry program, the department shall approve or reject the
108 inmate's entry into the reentry program. The department shall
109 give written notice to the sentencing court, state attorney,
110 counsel for the inmate, and any victim of the inmate if the
111 inmate is admitted into the reentry program.

112 (b) Admission into the reentry program is not a right;
113 accordingly, the department may refuse to place an inmate in the
114 reentry program.

115 (4) PROCEDURE UPON ADMISSION TO REENTRY PROGRAM; IN-PRISON
116 TREATMENT.—If the inmate is admitted into the reentry program,

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117 the department shall commence the in-prison treatment component.

118 (a) Before the inmate completes the in-prison treatment
119 component, the department shall evaluate the inmate's needs for
120 community placement and develop a postrelease treatment plan
121 that includes mental health aftercare services or substance
122 abuse aftercare services or both.

123 (b) If at any time after placement in the reentry program,
124 the inmate appears unable to participate due to medical or other
125 causes, he or she shall be examined by qualified medical
126 personnel or qualified nonmedical personnel appropriate for the
127 inmate's situation, as determined by the department. The
128 qualified personnel shall consult with the director of the
129 reentry program, and the director shall determine if the inmate
130 may continue with treatment or if the inmate must be discharged
131 from the reentry program.

132 (c) An inmate in the reentry program is subject to the
133 rules of conduct established by the department and may have
134 sanctions imposed, including loss of privileges, restrictions,
135 disciplinary confinement, forfeiture of gain-time or the right
136 to earn gain-time in the future, alteration of release plans,
137 termination from the reentry program, or other reentry program
138 modifications in keeping with the nature and gravity of the
139 reentry program violation. The department may place an inmate in
140 the reentry program in an administrative or protective
141 confinement, as necessary.

142 (5) PROCEDURE UPON COMPLETION OF THE IN-PRISON TREATMENT
143 COMPONENT.—Following completion of the in-prison treatment
144 component, the inmate shall be transferred into the community on
145 drug offender probation or mental health probation for the last

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146 12 months of his or her sentence.

147 (a) While in the community, the inmate is subject to all
148 standard terms of drug offender probation, any special
149 conditions of supervision ordered by the court, including
150 participation in an aftercare mental health or substance abuse
151 reentry program, residence in a postrelease transitional
152 residential halfway house, or any other appropriate form of
153 supervision or treatment. Violation of any condition or order
154 may result in revocation of supervision by the court and
155 imposition of any sentence that is authorized by law, subject to
156 time served in prison.

157 (b) If there is a drug court in the sentencing county and
158 if the drug court accepts the case, the inmate's case shall be
159 transferred to the drug court for supervision for the last 12
160 months of his or her sentence. The drug court judge shall be
161 deemed the sentencing judge for purposes of ensuring compliance
162 with this section, and the department shall be responsible for
163 collecting the cost of supervision, as appropriate, from the
164 inmate.

165 (c) While on drug offender probation or mental health
166 probation, the inmate shall pay the cost of supervision to the
167 department, as appropriate. An inmate who is financially able
168 shall also pay all costs of his or her drug rehabilitation or
169 mental health treatment. The court may impose on the inmate
170 additional conditions requiring payment of restitution, court
171 costs, and fines; public service; and compliance with other
172 special conditions.

173 (d) Time spent on drug offender probation or mental health
174 probation as part of the reentry program shall be considered in-

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175 custody time in calculating gain-time for the inmate.

176 (6) DUTIES OF THE DEPARTMENT.—The department shall
177 implement the reentry program to the fullest extent feasible
178 within the terms of this section and available resources. The
179 department shall provide a special training reentry program for
180 staff members who are selected to serve in the reentry program.

181 (7) CONTRACTORS.—The department may develop and enter into
182 performance-based contracts with qualified individuals,
183 agencies, or corporations to supply any or all services provided
184 in the reentry program. However, a contract may not be executed
185 or renewed unless the contract offers a substantial savings to
186 the department. The department may establish a system of
187 incentives in order to promote participation by private-sector
188 employers in the rehabilitative reentry programs and the orderly
189 operation of institutions and facilities.

190 (8) NO RIGHTS CONFERRED UPON INMATES.—This section does not
191 create or confer any right to an inmate to placement in the
192 reentry program or any right to placement or early release under
193 supervision of any type. An inmate does not have a cause of
194 action against the department, a court, the state attorney, or a
195 victim related to the reentry program.

196 (9) REPORTING.—

197 (a) The department shall develop a computerized system to
198 track recidivism and recommitment of inmates who have
199 participated in the reentry program. Beginning October 1, 2011,
200 and on October 1 of each succeeding year, the department shall
201 submit an annual report of the results of the collected data to
202 the Governor, the President of the Senate, and the Speaker of
203 the House of Representatives.

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204 (b) The Office of Program Policy Analysis and Government
205 Accountability shall review the reentry program and report its
206 findings to the President of the Senate and the Speaker of the
207 House of Representatives before the commencement of the 2011
208 legislative session.

209 (10) RULEMAKING.—The department may adopt rules to
210 administer the reentry program.

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