

By the Committee on Criminal Justice; and 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 develop and implement a reentry program to  
5           provide a mechanism by which an eligible, nonviolent  
6           offender who has received a conditional split sentence  
7           may be transferred into the community through a  
8           transitional process; requiring that the program  
9           consist of a prison-based treatment reentry program  
10          for substance abuse disorders and a community-based  
11          substance abuse aftercare treatment and reentry  
12          program; providing eligibility criteria for the  
13          reentry program; permitting the sentencing judge to  
14          sentence an offender who meets the eligibility  
15          requirements to a conditional split sentence;  
16          providing for the last year of the prison sentence to  
17          be suspended and for the offender to serve the last  
18          year on drug offender probation; requiring that the  
19          offender must serve at least 85 percent of the  
20          incarcerative portion of the sentence; providing for  
21          terms and conditions of probation; providing that an  
22          offender who does not complete the in-prison treatment  
23          program to remain incarcerated; requiring the  
24          probation order to authorize transfer of the  
25          offender's case to the drug court in the county where  
26          the offender is sentenced; requiring a written order  
27          documenting acceptance of the offender by the drug  
28          court; providing that the drug court judge is deemed  
29          to be the sentencing judge; providing for revocation

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30 of supervision if the offender violates the terms and  
31 conditions of probation; providing for an offender  
32 whose probation is revoked to lose accumulated gain  
33 time and to return to prison to complete the sentence;  
34 requiring the department to establish criteria for  
35 participation in the reentry program; providing the  
36 department's responsibilities; directing the  
37 department to prepare a postrelease treatment plan;  
38 authorizing the department to develop performance-  
39 based contracts to supply services to the reentry  
40 program; permitting the department to establish a  
41 system of incentives to promote participation by  
42 private-sector employers in rehabilitative reentry  
43 programs; directing the department to track recidivism  
44 and recommitment of inmates who have participated in  
45 the reentry program; requiring a report to the  
46 Governor and Legislature; requiring a review and  
47 report by the Office of Program Policy Analysis and  
48 Government Accountability; authorizing rulemaking;  
49 providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 397.755, Florida Statutes, is created to  
54 read:

55 397.755 Reentry program.—

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

58 (a) The reentry program shall provide a mechanism by which

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59 an eligible, nonviolent offender who has received a conditional  
60 split sentence and for whom the reentry program has been ordered  
61 as part of the sentence may be transferred into the community  
62 during the last year of his or her sentence.

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

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

66 2. A community-based substance abuse aftercare treatment  
67 program and reentry program.

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

71 (2) ELIGIBILITY.—

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

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

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

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

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

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

83 6. Violation of s. 827.03(1) or (2);

84 7. Violation of s. 825.102(1) or (2);

85 8. Violation of s. 843.01;

86 9. Any offense in another jurisdiction which would be an  
87 offense described in subparagraphs 1.-8. if that offense had

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88 been committed in this state; or

89 10. The offender otherwise meets the criteria for placement  
90 as determined by the department.

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

92 (a) The sentencing court may, at its discretion and  
93 notwithstanding other sentencing laws, order the offender who  
94 satisfies the offense history requirements in subsection (2) to  
95 participate in the reentry program at the time of sentencing by  
96 imposing a conditional split sentence. The court shall consider  
97 any statement of the victim in making its decision.

98 (b) A conditional split sentence ordered pursuant to this  
99 section shall consist of a term of imprisonment, the last year  
100 of which is suspended and the offender placed on probation with  
101 specified terms and conditions. The offender may not be placed  
102 on probation unless, with the approval of the department, he or  
103 she participates in and completes the in-prison treatment  
104 program. The offender must serve at least 85 percent of the  
105 incarceration component of the split sentence before being  
106 released to supervision. If the offender does not complete the  
107 in-prison treatment program, the last year of the sentence  
108 remains part of the term of imprisonment to be served while  
109 incarcerated. The offender must serve at least 85 percent of the  
110 total term of imprisonment.

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

113 1. The standard conditions of drug offender probation under  
114 s. 948.20;

115 2. The standard condition that the offender pay the cost of  
116 supervision and rehabilitation under s. 948.09, court costs, and

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117 finer, if the offender is able to do so; and

118 3. Any special conditions ordered by the court.

119 (d) The probation order must also authorize the transfer of  
120 the case to the drug court located in the county of the  
121 sentencing court upon the offender being released to  
122 supervision. If the drug court accepts the case in a written  
123 order, the drug court judge shall be deemed to be the sentencing  
124 judge for purposes of ensuring compliance with the probation  
125 order, revocation of the probation order, and resentencing the  
126 offender. The department is responsible for obtaining a written  
127 order from the drug court accepting jurisdiction over the case  
128 prior to the offender being released to supervision. If the  
129 county does not have a drug court, or if the drug court does not  
130 accept the case, the department shall supervise the offender in  
131 accordance with the order of probation.

132 (e) If the offender violates the terms and conditions of  
133 the probation order while under supervision, the court may  
134 revoke the probation order and return the offender to prison to  
135 serve the suspended 1 year of the sentence with credit only for  
136 any time incarcerated between the date of release to supervision  
137 and the date of resentencing. If the offender is returned to  
138 prison, the gain-time earned prior to release to supervision is  
139 deemed forfeited pursuant to s. 944.28(1), and the offender  
140 shall serve that time as well. This subsection does not deprive  
141 the offender of the right to earn additional gain-time, as  
142 provide by law, from the date of the offender's return to  
143 prison.

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

145 (a) The department shall implement the reentry program to

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146 the fullest extent feasible within the terms of this section and  
147 available resources.

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

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

152 1. Determine the offender's eligibility to participate in  
153 the reentry program. The department shall consider the inmate's  
154 criminal history, need for substance abuse treatment, general  
155 rehabilitative interests, and the potential risk that the  
156 offender presents to the public. The department may also  
157 consider the operational needs of the department.

158 2. Obtain the offender's written consent to participate in  
159 the program and agreement to accept the responsibilities of  
160 participating in the program and the consequences of not  
161 completing the program. There is no right to participate in the  
162 reentry program. Offenders in the reentry program are subject to  
163 the same rules of conduct as are other offenders.

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

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

170 5. Determine whether the offender has successfully  
171 completed the in-prison treatment program.

172 6. If the offender has successfully completed the in-prison  
173 treatment program, release the offender to serve the last year  
174 of the conditional split sentence on probation, in accordance

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175 with the terms and conditions of the probation order.

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

185 (6) REPORTING.—

186 (a) The department shall develop a computerized system to  
187 track recidivism and recommitment of inmates who have  
188 participated in the reentry program. Beginning October 1, 2013,  
189 and on October 1 of each succeeding year, the department shall  
190 submit an annual report of the results of the collected data to  
191 the Governor, the President of the Senate, and the Speaker of  
192 the House of Representatives.

193 (b) The Office of Program Policy Analysis and Government  
194 Accountability shall review the reentry program and report its  
195 findings to the President of the Senate and the Speaker of the  
196 House of Representatives before the commencement of the 2013  
197 legislative session.

198 (7) RULEMAKING.—The department may adopt rules pursuant to  
199 ss. 120.536(1) and 120.54 to implement the provisions of this  
200 section.

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