

1                   A bill to be entitled  
2           An act relating to the sentencing of inmates; defining the  
3           terms "department" and "nonviolent offender"; directing  
4           the Department of Corrections to develop and administer a  
5           reentry program for nonviolent offenders which is intended  
6           to divert nonviolent offenders from long periods of  
7           incarceration; requiring that the program include  
8           intensive substance abuse treatment and rehabilitative  
9           programming; providing for the minimum length of service  
10          in the program; providing that any portion of a sentence  
11          before placement in the program does not count as progress  
12          toward program completion; specifying eligibility criteria  
13          for a nonviolent offender to be placed into the reentry  
14          program; directing the department to notify the nonviolent  
15          offender's sentencing court to obtain approval before the  
16          nonviolent offender is placed into the reentry program;  
17          requiring the department to notify the state attorney;  
18          authorizing the state attorney to file objections to  
19          placing the offender into the reentry program within a  
20          specified period; requiring the sentencing court to notify  
21          the department of the court's decision to approve or  
22          disapprove the requested placement within a specified  
23          period; providing that failure of the court to timely  
24          notify the department of the court's decision constitutes  
25          approval by the requested placement; requiring the  
26          nonviolent offender to undergo an education assessment and  
27          a full substance abuse assessment if admitted into the  
28          reentry program; requiring the offender to be enrolled in

29 | an adult education program in specified circumstances;  
30 | requiring that assessments of vocational skills and future  
31 | career education be provided to the offender; requiring  
32 | that certain reevaluation be made periodically; providing  
33 | that the nonviolent offender is subject to the  
34 | disciplinary rules of the department; specifying the  
35 | reasons for which the offender may be terminated from the  
36 | reentry program; requiring that the department submit a  
37 | report to the sentencing court at least 30 days before the  
38 | nonviolent offender is scheduled to complete the reentry  
39 | program; setting forth the issues to be addressed in the  
40 | report; requiring the sentencing court to issue an order  
41 | modifying the sentence imposed and place the nonviolent  
42 | offender on drug offender probation if the nonviolent  
43 | offender's performance is satisfactory; authorizing the  
44 | court to revoke probation and impose the original sentence  
45 | in specified circumstances; authorizing the court to  
46 | require the offender to complete a postadjudicatory drug  
47 | court program in specified circumstances; directing the  
48 | department to implement the reentry program using  
49 | available resources; requiring the department to submit an  
50 | annual report to the Governor and Legislature detailing  
51 | the extent of implementation of the reentry program and  
52 | outlining future goals and recommendations; authorizing  
53 | the department to enter into contracts with qualified  
54 | individuals, agencies, or corporations for services for  
55 | the reentry program; authorizing the department to impose  
56 | administrative or protective confinement as necessary;

57 | authorizing the department to establish a system of  
 58 | incentives within the reentry program which the department  
 59 | may use to promote participation in rehabilitative  
 60 | programs and the orderly operation of institutions and  
 61 | facilities; directing the department to develop a system  
 62 | for tracking recidivism, including, but not limited to,  
 63 | rearrests and recommitment of nonviolent offenders who  
 64 | successfully complete the reentry program, and to report  
 65 | on recidivism in its annual report of the program;  
 66 | directing the department to adopt rules; providing an  
 67 | effective date.

68 |

69 | Be It Enacted by the Legislature of the State of Florida:

70 |

71 | Section 1. Nonviolent offender reentry program.-

72 | (1) As used in this section, the term:

73 | (a) "Department" means the Department of Corrections.

74 | (b) "Nonviolent offender" means an offender who has:

75 | 1. Been convicted of a third-degree felony offense that is  
 76 | not a forcible felony as defined in s. 776.08, Florida Statutes;  
 77 | and

78 | 2. Not been convicted of any offense that requires a  
 79 | person to register as a sexual offender pursuant to s. 943.0435,  
 80 | Florida Statutes.

81 | (2) (a) The department shall develop and administer a  
 82 | reentry program for nonviolent offenders. The reentry program  
 83 | must include prison-based substance abuse treatment, general  
 84 | education development and adult basic education courses,

85 vocational training, training in decisionmaking and personal  
86 development, and other rehabilitation programs.

87 (b) The reentry program is intended to divert nonviolent  
88 offenders from long periods of incarceration when a reduced  
89 period of incarceration followed by participation in intensive  
90 substance abuse treatment and rehabilitative programming could  
91 produce the same deterrent effect, rehabilitate the offender,  
92 and reduce recidivism.

93 (c) The nonviolent offender shall serve at least 120 days  
94 in the reentry program. The offender may not count any portion  
95 of his or her sentence served before placement in the reentry  
96 program as progress toward program completion.

97 (d) A reentry program may be operated in a secure area in  
98 or adjacent to an adult institution.

99 (3) (a) Upon receiving a potential reentry program  
100 participant, the department shall screen the nonviolent offender  
101 for eligibility criteria to participate in the reentry program.  
102 In order to participate, a nonviolent offender must have served  
103 at least one-half of his or her original sentence and must have  
104 been identified as having a need for substance abuse treatment.  
105 When screening a nonviolent offender, the department shall  
106 consider the offender's criminal history and the possible  
107 rehabilitative benefits that substance abuse treatment,  
108 educational programming, vocational training, and other  
109 rehabilitative programming might have on the offender.

110 (b)1. If a nonviolent offender meets the eligibility  
111 criteria and space is available in the reentry program, the

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112 department shall request the sentencing court to approve the  
113 offender's participation in the reentry program.

114 2. This section does not create or confer any right to any  
115 nonviolent offender to placement in the reentry program or any  
116 right to placement or early release under supervision of any  
117 type. A nonviolent offender has no cause of action against the  
118 department, a court, or the state attorney related to the  
119 reentry program.

120 (c)1. The department shall notify the state attorney that  
121 the offender is being considered for placement in the reentry  
122 program. The notice must explain to the state attorney that a  
123 proposed reduced period of incarceration, followed by  
124 participation in substance abuse treatment and other  
125 rehabilitative programming, could produce the same deterrent  
126 effect otherwise expected from a lengthy incarceration.

127 2. The notice must also state that the state attorney may  
128 notify the sentencing court in writing of any objection the  
129 state attorney might have if the nonviolent offender is placed  
130 in the reentry program. The state attorney must notify the  
131 sentencing court of his or her objections within 14 days after  
132 receiving the notice.

133 (d) The sentencing court shall notify the department in  
134 writing of the court's decision to approve or disapprove the  
135 requested placement of the nonviolent offender no later than 28  
136 days after the court receives the department's request to place  
137 the offender in the reentry program. Failure to notify the  
138 department of the court's decision within the 28-day period

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139 constitutes approval to place the offender into the reentry  
140 program.

141 (4) After the nonviolent offender is admitted into the  
142 reentry program, he or she shall undergo a full substance abuse  
143 assessment to determine his or her substance abuse treatment  
144 needs. The offender shall also have an educational assessment,  
145 which shall be accomplished using the Test of Adult Basic  
146 Education or any other testing instrument approved by the  
147 Department of Education. Each offender who has not obtained a  
148 high school diploma shall be enrolled in an adult education  
149 program designed to aid the offender in improving his or her  
150 academic skills and earn a high school diploma. Further  
151 assessments of the offender's vocational skills and future  
152 career education shall be provided to the offender as needed. A  
153 periodic reevaluation shall be made in order to assess the  
154 progress of each offender.

155 (5) (a) If a nonviolent offender in the reentry program  
156 becomes unmanageable, the department may revoke the offender's  
157 gain-time and place the offender in disciplinary confinement in  
158 accordance with department rule. Except as provided in paragraph  
159 (b), the offender shall be readmitted to the reentry program  
160 after completing the ordered discipline. Any period of time  
161 during which the offender is unable to participate in the  
162 reentry program shall be excluded from the specified time  
163 requirements in the reentry program.

164 (b) The department may terminate an offender from the  
165 reentry program if:

- 166        1. The offender commits or threatens to commit a violent  
167 act;
- 168        2. The department determines that the offender is unable  
169 to participate in the reentry program due to the offender's  
170 medical condition;
- 171        3. The offender's sentence is modified or expires;
- 172        4. The department reassigns the offender's classification  
173 status; or
- 174        5. The department determines that removing the offender  
175 from the reentry program is in the best interest of the offender  
176 or the security of the institution.
- 177        (6) (a) The department shall submit a report to the court  
178 at least 30 days before the nonviolent offender is scheduled to  
179 complete the reentry program. The report must describe the  
180 offender's performance in the reentry program. If the  
181 performance is satisfactory, the court shall issue an order  
182 modifying the sentence imposed and place the offender on drug  
183 offender probation subject to the offender's successful  
184 completion of the remainder of the reentry program. The term of  
185 drug offender probation may include placement in a community  
186 residential or nonresidential substance abuse treatment facility  
187 under the jurisdiction of the department or the Department of  
188 Children and Family Services or any public or private entity  
189 providing such services. If the nonviolent offender violates the  
190 conditions of drug offender probation, the court may revoke  
191 probation and impose any sentence that it might have originally  
192 imposed.

193        (b) If an offender being released pursuant to paragraph  
194 (a) intends to reside in a county that has established a  
195 postadjudicatory drug court program as described in s. 397.334,  
196 Florida Statutes, the sentencing court may require the offender  
197 to successfully complete the postadjudicatory drug court program  
198 as a condition of drug offender probation. The original  
199 sentencing court shall relinquish jurisdiction of the offender's  
200 case to the postadjudicatory drug court program until the  
201 offender is no longer active in the program, the case is  
202 returned to the sentencing court due to the offender's  
203 termination from the program for failure to comply with the  
204 terms thereof, or the offender's sentence is completed. If  
205 transferred to a postadjudicatory drug court program, the  
206 offender shall comply with all conditions and orders of the  
207 program.

208        (7) The department shall implement the reentry program to  
209 the fullest extent feasible within available resources.

210        (8) The department shall submit an annual report to the  
211 Governor, the President of the Senate, and the Speaker of the  
212 House of Representatives detailing the extent of implementation  
213 of the reentry program and outlining future goals and any  
214 recommendation the department has for future legislative action.

215        (9) The department may enter into performance-based  
216 contracts with qualified individuals, agencies, or corporations  
217 for the provision of any or all of the services for the reentry  
218 program.

219        (10) A nonviolent offender in the reentry program is  
220 subject to rules of conduct established by the department and



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221 may have sanctions imposed, including loss of privileges,  
222 restrictions, disciplinary confinement, alteration of release  
223 plans, or other program modifications in keeping with the nature  
224 and gravity of the program violation. Administrative or  
225 protective confinement, as necessary, may be imposed.

226 (11) The department may establish a system of incentives  
227 within the reentry program which the department may use to  
228 promote participation in rehabilitative programs and the orderly  
229 operation of institutions and facilities.

230 (12) The department shall develop a system for tracking  
231 recidivism, including, but not limited to, rearrests and  
232 recommitment of nonviolent offenders who successfully complete  
233 the reentry program, and shall report the recidivism rate in its  
234 annual report of the program.

235 (13) The department shall adopt rules pursuant to ss.  
236 120.536(1) and 120.54, Florida Statutes, to administer the  
237 reentry program.

238 Section 2. This act shall take effect October 1, 2011.