

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

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

57 | recommendations; authorizing the department to enter  
 58 | into contracts with qualified individuals, agencies,  
 59 | or corporations for services for the reentry program;  
 60 | authorizing the department to impose administrative or  
 61 | protective confinement as necessary; authorizing the  
 62 | department to establish a system of incentives within  
 63 | the reentry program which the department may use to  
 64 | promote participation in rehabilitative programs and  
 65 | the orderly operation of institutions and facilities;  
 66 | providing that the section does not create a right to  
 67 | placement in the reentry program or any right to  
 68 | placement or early release under supervision of any  
 69 | type; providing that the section does not create a  
 70 | cause of action related to the program; directing the  
 71 | department to develop a system for tracking  
 72 | recidivism, including, but not limited to, rearrests  
 73 | and recommitment of nonviolent offenders who  
 74 | successfully complete the reentry program, and to  
 75 | report on recidivism in its annual report of the  
 76 | program; directing the department to adopt rules;  
 77 | providing an effective date.

78 |  
 79 | Be It Enacted by the Legislature of the State of Florida:

- 80 |  
 81 | Section 1. Nonviolent offender reentry program.-  
 82 | (1) As used in this section, the term:  
 83 | (a) "Department" means the Department of Corrections.  
 84 | (b) "Nonviolent offender" means an offender who has:

85 1. Been convicted of a third-degree felony offense that is  
86 not a forcible felony as defined in s. 776.08, Florida Statutes;  
87 and

88 2. Not been convicted of any offense that requires a  
89 person to register as a sexual offender pursuant to s. 943.0435,  
90 Florida Statutes.

91 (2) (a) The department shall develop and administer a  
92 reentry program for nonviolent offenders. The reentry program  
93 must include prison-based substance abuse treatment, general  
94 education development and adult basic education courses,  
95 vocational training, training in decisionmaking and personal  
96 development, and other rehabilitation programs.

97 (b) The reentry program is intended to divert nonviolent  
98 offenders from long periods of incarceration when a reduced  
99 period of incarceration followed by participation in intensive  
100 substance abuse treatment and rehabilitative programming could  
101 produce the same deterrent effect, rehabilitate the offender,  
102 and reduce recidivism.

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

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

109 (3) (a) The department shall screen offenders committed to  
110 the department for eligibility criteria to participate in the  
111 reentry program. In order to be eligible, an offender must be a  
112 nonviolent offender, must have served at least one-half of his

113 or her original sentence, and must have been identified as  
114 having a need for substance abuse treatment. When selecting  
115 participants for the reentry program, the department shall  
116 consider the offender's criminal history and the possible  
117 rehabilitative benefits that substance abuse treatment,  
118 educational programming, vocational training, and other  
119 rehabilitative programming might have on the offender.

120 (b) If an offender meets the eligibility criteria, is  
121 selected by the department, and space is available in the  
122 reentry program, the department shall request the sentencing  
123 court to approve the offender's participation in the reentry  
124 program.

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

132 2. The notice must also state that the state attorney may  
133 notify the sentencing court in writing of any objection the  
134 state attorney might have if the nonviolent offender is placed  
135 in the reentry program. The state attorney must notify the  
136 sentencing court of his or her objections within 14 days after  
137 receiving the notice.

138 (d) The sentencing court shall notify the department in  
139 writing of the court's decision to approve or disapprove the  
140 requested placement of the nonviolent offender no later than 28

141 days after the court receives the department's request to place  
142 the offender in the reentry program. Failure to notify the  
143 department of the court's decision within the 28-day period  
144 constitutes approval to place the offender into the reentry  
145 program.

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

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

169        (b) The department may terminate an offender from the  
170 reentry program if:

171        1. The offender commits or threatens to commit a violent  
172 act;

173        2. The department determines that the offender is unable  
174 to participate in the reentry program due to the offender's  
175 medical condition;

176        3. The offender's sentence is modified or expires;

177        4. The department reassigns the offender's classification  
178 status; or

179        5. The department determines that removing the offender  
180 from the reentry program is in the best interest of the offender  
181 or the security of the institution.

182        (6) (a) The department shall submit a report to the court  
183 at least 30 days before the nonviolent offender is scheduled to  
184 complete the reentry program. The report must describe the  
185 offender's performance in the reentry program. If the  
186 performance is satisfactory, the court shall issue an order  
187 modifying the sentence imposed and place the offender on drug  
188 offender probation subject to the offender's successful  
189 completion of the remainder of the reentry program. The term of  
190 drug offender probation may include placement in a community  
191 residential or nonresidential substance abuse treatment facility  
192 under the jurisdiction of the department or the Department of  
193 Children and Family Services or any public or private entity  
194 providing such services. If the nonviolent offender violates the  
195 conditions of drug offender probation, the court may revoke  
196 probation and impose any sentence that it might have originally

CS/HB 177

2012

197 imposed.

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

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

215 (8) The department shall submit an annual report to the  
216 Governor, the President of the Senate, and the Speaker of the  
217 House of Representatives detailing the extent of implementation  
218 of the reentry program and outlining future goals and any  
219 recommendation the department has for future legislative action.

220 (9) The department may enter into performance-based  
221 contracts with qualified individuals, agencies, or corporations  
222 for the provision of any or all of the services for the reentry  
223 program.

224 (10) A nonviolent offender in the reentry program is



CS/HB 177

2012

225 subject to rules of conduct established by the department and  
226 may have sanctions imposed, including loss of privileges,  
227 restrictions, disciplinary confinement, alteration of release  
228 plans, or other program modifications in keeping with the nature  
229 and gravity of the program violation. Administrative or  
230 protective confinement, as necessary, may be imposed.

231 (11) This section does not create or confer any right to  
232 any inmate to placement in the reentry program or any right to  
233 placement or early release under supervision of any type. No  
234 inmate may have a cause of action under this section against the  
235 department, a court, or the state attorney related to the  
236 reentry program.

237 (12) The department may establish a system of incentives  
238 within the reentry program which the department may use to  
239 promote participation in rehabilitative programs and the orderly  
240 operation of institutions and facilities.

241 (13) The department shall develop a system for tracking  
242 recidivism, including, but not limited to, rearrests and  
243 recommitment of nonviolent offenders who successfully complete  
244 the reentry program, and shall report the recidivism rate in its  
245 annual report of the program.

246 (14) The department shall adopt rules pursuant to ss.  
247 120.536(1) and 120.54, Florida Statutes, to administer the  
248 reentry program.

249 Section 2. This act shall take effect October 1, 2012.