

By Senator Bogdanoff

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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

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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,

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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

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88 2. Not been convicted of any offense that requires a person
89 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) Upon receiving a potential reentry program
110 participant, the department shall screen the nonviolent offender
111 for eligibility criteria to participate in the reentry program.
112 In order to participate, a nonviolent offender must have served
113 at least one-half of his or her original sentence and must have
114 been identified as having a need for substance abuse treatment.
115 When screening a nonviolent offender, the department shall
116 consider the offender's criminal history and the possible

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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 a nonviolent offender meets the eligibility criteria
121 and space is available in the reentry program, the department
122 shall request the sentencing court to approve the offender's
123 participation in the reentry program.

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

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

137 (d) The sentencing court shall notify the department in
138 writing of the court's decision to approve or disapprove the
139 requested placement of the nonviolent offender no later than 28
140 days after the court receives the department's request to place
141 the offender in the reentry program. Failure to notify the
142 department of the court's decision within the 28-day period
143 constitutes approval to place the offender into the reentry
144 program.

145 (4) After the nonviolent offender is admitted into the

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

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

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

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

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

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

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

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

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

197 (b) If an offender being released pursuant to paragraph (a)
198 intends to reside in a county that has established a
199 postadjudicatory drug court program as described in s. 397.334,
200 Florida Statutes, the sentencing court may require the offender
201 to successfully complete the postadjudicatory drug court program
202 as a condition of drug offender probation. The original
203 sentencing court shall relinquish jurisdiction of the offender's

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204 case to the postadjudicatory drug court program until the
205 offender is no longer active in the program, the case is
206 returned to the sentencing court due to the offender's
207 termination from the program for failure to comply with the
208 terms thereof, or the offender's sentence is completed. If
209 transferred to a postadjudicatory drug court program, the
210 offender shall comply with all conditions and orders of the
211 program.

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

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

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

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

230 (11) This section does not create or confer any right to
231 any inmate to placement in the reentry program or any right to
232 placement or early release under supervision of any type. No

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233 inmate may have a cause of action under this section against the
234 department, a court, or the state attorney related to the
235 reentry program.

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

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

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

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