

By the Committee on Criminal Justice; and 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 of 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 act 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 act does not create a cause
70 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:

85 1. Whose primary offense is a felony of the third degree;

86 2. Who has never been convicted of a forcible felony as

87 defined in s. 776.08, Florida Statutes;

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88 3. Who has never been convicted of any offense that
89 requires a person to register as a sexual offender pursuant to
90 s. 943.0435, Florida Statutes; and

91 4. Who is not sentenced as a habitual felony offender
92 pursuant to s. 775.084(1), Florida Statutes.

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

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

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

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

111 (3) (a) The department shall screen offenders committed to
112 the department for eligibility to participate in the reentry
113 program. In order to be eligible, an offender must be a
114 nonviolent offender, must have served at least one-half of his
115 or her original sentence, and must have been identified as
116 having a need for substance abuse treatment. When selecting

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117 participants for the reentry program, the department shall
118 consider the offender's criminal history and the possible
119 rehabilitative benefits that substance abuse treatment,
120 educational programming, vocational training, and other
121 rehabilitative programming might have on the offender.

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

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

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

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

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146 constitutes approval to place the offender into the reentry
147 program.

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

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

171 (b) The department may terminate an offender from the
172 reentry program if:

173 1. The offender commits or threatens to commit a violent
174 act;

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

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

179 4. The department reassigns the offender's classification
180 status; or

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

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

200 (b) If an offender being released pursuant to paragraph (a)
201 intends to reside in a county that has established a
202 postadjudicatory drug court program as described in s. 397.334,
203 Florida Statutes, the sentencing court may require the offender

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

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

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

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

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

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

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

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

248 (14) The department shall adopt rules pursuant to ss.
249 120.536(1) and 120.54, Florida Statutes, to administer the
250 reentry program.

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