

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.