



905990

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
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The Committee on Criminal Justice (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (9) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(9) Notwithstanding any other provision of this section or s. 322.21 to the contrary, the department shall issue or renew a card at no charge to a person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7) or to an inmate receiving a card issued pursuant to



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13 s. 944.605(7).

14 Section 2. Subsection (3) of section 382.0255, Florida
15 Statutes, is amended to read:

16 382.0255 Fees.—

17 (3) Fees shall be established by rule. However, until rules
18 are adopted, the fees assessed pursuant to this section shall be
19 the minimum fees cited. The fees established by rule must be
20 sufficient to meet the cost of providing the service. All fees
21 shall be paid by the person requesting the record, are due and
22 payable at the time services are requested, and are
23 nonrefundable, except that, when a search is conducted and no
24 vital record is found, any fees paid for additional certified
25 copies shall be refunded. The department may waive all or part
26 of the fees required under this section for any government
27 entity. The department shall waive all fees required under this
28 section for a certified copy of a birth certificate issued for
29 purposes of an inmate acquiring a state identification card
30 before release pursuant to s. 944.605(7).

31 Section 3. Subsection (7) is added to section 944.605,
32 Florida Statutes, to read:

33 944.605 Inmate release; notification; identification card.—

34 (7) (a) The department, working in conjunction with the
35 Department of Health and the Department of Highway Safety and
36 Motor Vehicles, shall provide every Florida-born inmate with a
37 certified copy of their birth certificate and a state
38 identification card before his or her release upon expiration of
39 the inmate's sentence.

40 (b) Paragraph (a) does not apply to inmates who:

41 1. The department determines have a valid driver license or



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42 state identification card.

43 2. Have an active detainer, unless the department
44 determines that cancellation of the detainer is likely or that
45 the incarceration for which the detainer was issued will be less
46 than 12 months in duration.

47 3. Are released due to an emergency release or a
48 conditional medical release under s. 947.149.

49 4. Are not in the physical custody of the department at or
50 within 180 days before release.

51 5. Are subject to sex offender residency restrictions, and
52 who, upon release under such restrictions, do not have a
53 qualifying address.

54 (c) The department shall assist each inmate in applying for
55 and obtaining a social security card before release if the
56 inmate needs a social security card.

57 (d) The department, for purposes of assisting the inmate in
58 obtaining a birth certificate, shall submit to the Department of
59 Health on all Florida-born inmates in its custody, the
60 department's inmate photo or digitized photo, and as provided by
61 the inmate his or her date of birth, full name at birth and any
62 subsequent legal name changes, city or county of birth, mother's
63 full name including her maiden surname, and father's full name.
64 Failure of the inmate to cooperate with the department in
65 providing this information may subject the inmate to
66 disciplinary action.

67 (e) For inmates born outside of this state, the department
68 shall assist the inmate in completing the necessary forms or
69 applications to obtain a social security card, driver license,
70 or state identification card. The department shall also provide



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71 the inmate with the location and address of the appropriate
72 licensing authority the inmate will need to obtain a valid
73 identification card in proximity to the inmate's release
74 address.

75 (f) By February 1, 2014, and annually thereafter, the
76 department, in consultation with the Department of Highway
77 Safety and Motor Vehicle and the Department of Health, shall
78 provide a report to the Governor, the President of the Senate,
79 and the Speaker of the House of Representatives that identifies
80 the number of inmates released with and without identification
81 cards, identifies any impediments in the implementation of this
82 subsection, and provides recommendations to improve obtaining
83 release documents and identification cards for all inmates.

84 Section 4. Section 944.801, Florida Statutes is amended to
85 create a new paragraph (j):

86 (j) Ensure that every inmate within two years of his or her
87 projected release date has access to skills assessment and
88 training as defined by s. 445.06 and is offered the opportunity
89 to complete the certificate program. The requirements of this
90 paragraph are contingent upon and limited to the extent that
91 funding is available and determination by the department that
92 such access will not present a security, safety, or management
93 risk.

94 Section 5. Subsections (2) and (6) of section 944.803,
95 Florida Statutes, are amended to read:

96 944.803 Faith- and character-based programs.—

97 (2) It is the intent of the Legislature that the department
98 expand the faith- and character-based initiative through the use
99 of faith- and character-based institutions. The department is



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100 encouraged to phase out the faith-based and self improvement
101 dormitory programs and move toward the goal of only implementing
102 faith- and character-based institutions. The department is also
103 encouraged to dedicate and maintain faith- and character-based
104 institutions that serve both male and female inmates at their
105 respective institutions.

106 (6) Within faith- and character-based institutions of the
107 state correctional system, peer-to-peer programming shall be
108 offered ~~allowed~~, such as Alcoholics Anonymous, literacy
109 instruction, and other activities, ~~when appropriate~~.

110 Section 6. Section 948.0125, Florida Statutes, is created
111 to read:

112 948.0125 Reentry program sentence.-

113 (1) PROGRAM DEVELOPMENT.-The department shall develop and
114 implement a reentry program for nonviolent drug offenders. The
115 program shall provide a mechanism by which an eligible,
116 nonviolent offender for whom the reentry program has been
117 ordered as part of his or her conditional split sentence by the
118 court may be transitioned into the community during the last
119 year of the sentence. The reentry program shall consist of a
120 prison-based substance abuse treatment program for a minimum of
121 180 days and a community-based aftercare treatment program. The
122 reentry program may include a work-release component.

123 (2) ELIGIBILITY.-For an offender to participate in the
124 reentry program, the court at the time of ordering a state
125 prison sentence must have imposed a conditional split sentence
126 whereby the offender is ordered into the department's reentry
127 program that consists of an in-prison treatment component, and
128 upon successful completion of the in-prison treatment, drug



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129 offender probation. Entry into the department's reentry program
130 is subject to available funding and resources of the department.

131 (a) The sentencing court may order the offender into the
132 department's reentry program if the offender meets the following
133 criteria:

134 1. The offender's primary offense is a felony of the third
135 degree.

136 2. The sentencing court, after requesting and reviewing a
137 presentence investigation report prepared pursuant to s.
138 921.231, has found that the offender has a substance abuse
139 problem.

140 3. The offender has never been convicted of:

141 a. A forcible felony as defined in s. 776.08.

142 b. An offense listed in s. 775.082(9)(a)1.r. without regard
143 to prior incarceration or release.

144 c. An offense described in chapter 847 involving a minor or
145 a depiction of a minor.

146 d. An offense described in chapter 827.

147 e. Any offense described in s. 784.07, s. 784.074, s.
148 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085.

149 f. An offense involving the possession or use of a firearm.

150 g. A capital felony or a felony of the first or second
151 degree.

152 h. An offense that requires a person to register as a
153 sexual offender pursuant to s. 943.0435.

154 i. An offense that includes as an element of that offense
155 the sale of a controlled substance.

156 j. An offense in another jurisdiction that would be an
157 offense described in this subparagraph if that offense had been



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158 committed in this state.

159 (b) Placement on drug offender probation shall be
160 conditioned upon the offender's successful completion of the in-
161 prison treatment component of the program.

162 (3) ADMISSION AND PARTICIPATION IN THE REENTRY PROGRAM.—If
163 an offender meets the eligibility criteria under subsection (2),
164 the sentencing court may order the reentry program at the time
165 of sentencing. Admission into the reentry program, and an
166 offender's continued participation in the program, is not a
167 right. Accordingly, a sentencing court is not required to
168 sentence an offender to the reentry program and an offender,
169 based upon conduct in prison, may lose eligibility to continue
170 participating in the reentry program.

171 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON
172 TREATMENT.—If the sentencing court orders the offender into the
173 reentry program, the department shall, subject to available
174 funding and resources, place the offender into the in-prison
175 treatment component not more than 9 months before the end of the
176 offender's incarceration portion of the split sentence,
177 including any gain time accrued.

178 (a) Before the offender completes the in-prison treatment
179 component, the department shall evaluate the offender's needs
180 for community placement and develop a postrelease treatment plan
181 that includes substance abuse aftercare services.

182 (b) An offender in the in-prison component of the reentry
183 program is subject to the rules of conduct established by the
184 department and may have sanctions imposed, including loss of
185 privileges, restrictions, disciplinary confinement, forfeiture
186 of gain-time or the right to earn gain-time in the future,



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187 alteration of release plans, termination from the reentry
188 program, or other program modifications in keeping with the
189 nature and gravity of the program violation. The department may
190 place an offender in the reentry program in an administrative or
191 protective confinement, as necessary. Except as provided in
192 paragraph (c), the offender shall be readmitted to the reentry
193 program after completing the ordered discipline.

194 (c) The department shall terminate an offender from the
195 reentry program if:

196 1. The offender commits a violent act;

197 2. The department determines that the offender is unable to
198 participate in the reentry program due to the offender's medical
199 condition;

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

201 4. The department reassigns the offender's classification
202 status; or

203 5. The department determines that removing the offender
204 from the reentry program is in the best interest of the offender
205 or the security of the institution.

206 (d) An offender must serve at least 85 percent of the
207 incarceration portion of the conditional split sentence before
208 being released to drug offender probation. If the offender does
209 not successfully complete the in-prison treatment component of
210 the reentry program, the drug offender probation portion of the
211 conditional split sentence becomes a term of imprisonment to be
212 served while incarcerated. The offender must then serve at least
213 85 percent of the total term of imprisonment.

214 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.-
215 Following successful completion of the in-prison treatment



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216 component, the offender shall be transitioned into the community
217 to serve the drug offender probation portion of the offender's
218 conditional split sentence.

219 (a) While in the community, the offender shall be subject
220 to all standard terms of probation under s. 948.03, and of drug
221 offender probation under s. 948.20, a special condition of
222 supervision ordered by the sentencing court, including
223 participation in an aftercare substance abuse program, residence
224 in a postrelease transitional residential halfway house, or
225 other appropriate form of supervision or treatment.

226 (b) Violation of a condition or order may result in
227 revocation of supervision by the court and imposition of a
228 sentence that is authorized by law, subject to time served in
229 prison.

230 (c) If there is a postadjudicatory drug court program as
231 described in s. 397.334 in the county of the sentencing court,
232 or the county to which the offender returns, and the drug court
233 is willing to accept the case, the offender's case shall be
234 transferred to the drug court for supervision for the probation
235 portion of the offender's split sentence. The drug court judge
236 shall be deemed the sentencing judge for purposes of ensuring
237 compliance with this section.

238 (d) While on drug offender probation, the department shall
239 collect from the offender the cost of supervision as provided
240 for in s. 948.09. An offender who is financially able shall also
241 pay all costs of his or her drug rehabilitation, including drug
242 testing fees. The sentencing judge may impose on the offender
243 additional conditions requiring payment of court costs and
244 finances, public service, and compliance with other court-ordered



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245 special conditions.

246 (6) CONTRACTORS.—The department may develop and enter into
247 performance-based contracts with qualified individuals,
248 agencies, or corporations to supply any or all services provided
249 in the reentry program. The department may establish incentives
250 within the reentry program to promote participation by private-
251 sector employers in the rehabilitative reentry programs and the
252 orderly operation of institutions and facilities.

253 (7) NO RIGHTS CONFERRED UPON OFFENDERS.—This section does
254 not create or confer a right to an offender to placement in the
255 reentry program or a right to placement or early-release under
256 supervision of any type. An offender does not have a cause of
257 action against the department, a court, the state attorney, or a
258 victim related to placement in or continued participation in the
259 reentry program.

260 (8) REPORTING.—The department shall, as part of its annual
261 report, provide a detailed account of the department's
262 implementation of the reentry program, the number of offenders
263 sentenced to the program, the number of inmates who successfully
264 complete the in-prison portion of the program, the number of
265 inmates who successfully complete the drug offender probation,
266 and recidivism numbers for inmates who have participated in the
267 reentry program.

268 (9) RULEMAKING.—The department may adopt rules to implement
269 this section.

270 Section 7. This act shall take effect July 1, 2013

271
272 ===== T I T L E A M E N D M E N T =====

273 And the title is amended as follows:



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274 Delete everything before the enacting clause
275 and insert:

276 A bill to be entitled
277 An act relating to inmate reentry; amending s.
278 322.051, F.S.; waiving the fee for identification
279 cards issued to certain inmates; amending s. 382.0255,
280 F.S.; requiring a waiver of fees for certain inmates
281 receiving a copy of a birth certificate; amending s.
282 944.605, F.S.; requiring the Department of Corrections
283 to work with other agencies in acquiring necessary
284 documents for certain inmates to acquire an
285 identification card before release; providing
286 exceptions; requiring the department to provide
287 specified assistance to inmates born outside this
288 state; requiring a report; amending s. 944.801, F.S.;
289 requiring skills assessment and training; amending s.
290 944.803, F.S.; authorizing the department to operate
291 male and female faith- and character-based
292 institutions; creating s. 948.0125, F.S.; directing
293 the department to establish a reentry program for
294 nonviolent offenders; providing eligibility and
295 participation requirements; providing guidelines where
296 the department shall terminate inmate's participation
297 in program; providing for inmate to participate in
298 drug offender probation upon completion of in-prison
299 reentry program; authorizing use of postadjudicatory
300 drug court for program participant; authorizing the
301 department to contract for services; providing that no
302 rights are conferred upon inmates to participate in



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reentry program; providing for reports and rulemaking
authority; providing an effective date.