

By Senator Brandes

24-01180-18

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1 A bill to be entitled
2 An act relating to an inmate reentry program; creating
3 s. 397.755, F.S.; requiring the Department of
4 Corrections to administer a reentry program for
5 certain inmates with substance abuse, mental health,
6 or co-occurring disorders; establishing that the
7 reentry program consists of an in-prison treatment
8 program and a community-based aftercare treatment
9 program; requiring the sentencing court to issue a
10 recommendation for an inmate's participation in the
11 reentry program in a sentencing order; requiring the
12 department to consider inmates for admission to the
13 reentry program; providing factors for consideration;
14 providing eligibility criteria for participation in
15 the program; requiring the department to give written
16 notification of the inmate's admission into the
17 reentry program to the sentencing court and specified
18 persons; specifying that the department may refuse to
19 place an inmate in the reentry program for good cause;
20 requiring the department to develop a postrelease
21 treatment plan before an inmate completes in-prison
22 treatment; providing a procedure for an inmate who
23 appears to become unable to participate in the reentry
24 program; authorizing sanctions to be imposed on an
25 inmate who violates rules of conduct established by
26 department rule; authorizing the department to place
27 an inmate in the reentry program in an administrative
28 or protective confinement; providing that an inmate
29 shall be immediately transitioned into the community

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30 on drug offender-mental health probation following his
31 or her completion of the in-prison treatment program;
32 providing that an inmate in the reentry program who is
33 on such probation is subject to the standard terms of
34 probation and any special condition ordered by the
35 sentencing court; requiring an inmate's case to be
36 transferred to a drug court or mental health court if
37 the sentencing county has such a court and is willing
38 to accept the case; requiring the department to
39 collect the cost of supervision from the inmate, as
40 appropriate; requiring the inmate to comply with all
41 conditions of his or her supervision and related court
42 orders; specifying that a violation of such conditions
43 or orders may result in revocation of supervision by
44 the court and imposition of a sentence; requiring an
45 inmate who is on probation as part of the reentry
46 program to pay all appropriate costs of supervision to
47 the department; requiring a financially able inmate to
48 pay all costs of substance abuse or mental health
49 treatment; authorizing the supervising court to impose
50 additional conditions on the inmate, such as requiring
51 the payment of restitution, the payment of court costs
52 and fines, or community service; specifying that time
53 spent on probation as part of the reentry program is
54 considered in-custody time for purposes of calculating
55 gain-time; requiring the department to implement the
56 program, within available resources, to the fullest
57 extent possible; requiring the department to provide
58 special training to employees serving in the reentry

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59 program; authorizing the department to develop and
60 enter into certain performance-based contracts to
61 supply services through the program; authorizing the
62 department to establish a system of incentives in the
63 program to promote participation in rehabilitative
64 programs and the orderly operation of institutions and
65 facilities; clarifying that this act does not confer
66 any right to placement in the reentry program or early
67 release; specifying that an inmate has no cause of
68 action for actions taken in the administration of the
69 reentry program; requiring the department to develop a
70 computerized system to track data on the recidivism
71 and recommitment of inmates who have participated in
72 the reentry program; requiring the department to
73 submit an annual report on such data to the Governor
74 and the Legislature by a specified date; requiring the
75 department to adopt rules; requiring the Office of
76 Program Policy Analysis and Government Accountability
77 to provide a report to the Legislature before a
78 specified date; providing an effective date.

79

80 Be It Enacted by the Legislature of the State of Florida:

81

82 Section 1. Section 397.755, Florida Statutes, is created to
83 read:

84 397.755 Reentry program.-

85 (1) PROGRAM DEVELOPMENT.-The department shall administer a
86 reentry program by which an eligible, nonviolent, low-risk
87 inmate, who poses a minimal foreseeable risk to the public and

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88 for whom the reentry program has been ordered as part of his or
89 her sentence, may be transitioned into the community during the
90 last 2 years of the sentence. The reentry program consists of at
91 least 90 days of participation in an in-prison treatment program
92 for substance abuse, mental health, or co-occurring disorders,
93 followed by a community-based aftercare treatment program. In-
94 prison treatment may be operated in secure areas within or
95 adjacent to an adult institution, a community residential
96 facility, or a work release center. The reentry program must be
97 intensive and may include a work-release component.

98 (2) ELIGIBILITY.—The sentencing court must include a
99 recommendation for an inmate's participation in the reentry
100 program in the sentencing order to alert the department as to
101 such inmate's preliminary eligibility when it screens incoming
102 inmates to determine their preliminary eligibility for the
103 reentry program. The department shall then consider the inmate
104 for admission to the reentry program. In considering the
105 inmate's admission to the reentry program, the department may
106 consider an inmate's criminal history, need for substance abuse
107 or mental health treatment, general rehabilitative interests,
108 and potential risk to the public. The department may consider
109 comments of a victim and its own operational needs.

110 (a) An inmate is ineligible for consideration for admission
111 to the program if:

112 1. The inmate was sentenced to a term of 10 years or more;
113 2. Whether related to the current term of incarceration, or
114 a previous term of incarceration, the inmate was convicted of or
115 pled guilty or no contest to:

116 a. Any capital, life, or first degree felony;

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117 b. Any second degree or third degree felony offense listed
118 in s. 775.084(1)(c)1.;

119 c. Any offense listed in s. 784.07, s. 784.021, s. 827.03,
120 or s. 843.01 or any offense that makes a person subject to sex
121 offender registration under s. 943.0435;

122 d. Any offense for which the sentence was enhanced under s.
123 775.087; or

124 e. Any offense in another jurisdiction which would be an
125 offense described in sub-subparagraphs a.-c., or which would
126 have been enhanced under s. 775.087, if that offense had been
127 committed in this state.

128 (b) An inmate is eligible for consideration for admission
129 to the program if:

130 1. The inmate is not ineligible under paragraph (a).

131 2. The inmate is in need of substance abuse or mental
132 health treatment.

133 3. The reentry program is ordered as part of the inmate's
134 sentence.

135 4. The department has placed the inmate in minimum or
136 community custody status.

137 5. The inmate otherwise meets the criteria for placement as
138 determined by the department. The criteria shall include, but is
139 not limited to, consideration of the inmate's criminal history,
140 need for substance abuse or mental health treatment, general
141 rehabilitative interests, and potential risk to the public and
142 the operational needs of the department.

143 (3) ADMISSION INTO PROGRAM.—If an inmate meets the criteria
144 for program admission under subsection (2), the department
145 approves the inmate for entry into the program, and space is

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146 available, the department shall give written notification of the
147 inmate's admission into the program to the sentencing court,
148 state attorney, counsel for the inmate, and any victim of the
149 crime committed by the inmate. The department may refuse to
150 place an inmate in the reentry program for good cause, in its
151 discretion.

152 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON
153 TREATMENT.—

154 (a) In-prison treatment shall begin upon an inmate's
155 admission into the program. Before the inmate completes the in-
156 prison treatment, the department shall evaluate the inmate's
157 needs and develop a postrelease treatment plan that includes
158 substance abuse or mental health aftercare services.

159 (b) If, after placement in the reentry program, an inmate
160 appears to be unable to participate due to medical or other
161 reasons, he or she must be examined by qualified medical
162 personnel or qualified nonmedical personnel appropriate for the
163 inmate's situation, as determined by the department. The
164 qualified personnel shall consult with the director of the
165 reentry program, and the director shall determine if the inmate
166 shall continue with treatment or if the inmate is discharged
167 from the program.

168 (c) An inmate in the reentry program is subject to the
169 rules of conduct established by the department and may have
170 sanctions imposed, including loss of privileges, restrictions,
171 disciplinary confinement, forfeiture of gain-time or the right
172 to earn gain-time in the future, alteration of release plans,
173 termination from the reentry program, or other program
174 modifications in keeping with the nature and gravity of the

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175 program violation. The department may place an inmate in the
176 reentry program in an administrative or protective confinement,
177 as necessary.

178 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—
179 Following completion of the in-prison treatment program, the
180 inmate shall be immediately transitioned into the community on
181 drug offender-mental health probation for the last 24 months of
182 his or her sentence.

183 (a) While in the community, the inmate shall be subject to
184 all standard terms of drug offender or mental health probation,
185 any special condition of supervision ordered by the sentencing
186 court, including participation in an aftercare substance abuse
187 or mental health program, residence in a postrelease
188 transitional residential halfway house, or any other appropriate
189 form of supervision or treatment.

190 (b) If the county in which sentencing occurred has a drug
191 court or mental health court and it is willing to accept the
192 case, the inmate's case shall be transferred to the drug court
193 or mental health court for supervision for the last 24 months of
194 his or her sentence. The drug court judge is deemed the
195 sentencing judge for purposes of ensuring compliance with this
196 section, and the department shall collect the cost of
197 supervision, as appropriate, from the inmate.

198 (c) An inmate on probation pursuant to this subsection must
199 comply with all conditions of the supervision and must comply
200 with all orders of the drug court or other supervising court.
201 Violation of any condition or order may result in revocation of
202 supervision by the court and imposition of any sentence
203 authorized under the law, with credit given for the time already

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204 served in prison.

205 (d) While on probation pursuant to this subsection, the
206 inmate shall pay all appropriate costs of supervision to the
207 department. An inmate who is financially able to shall also pay
208 all costs of substance abuse or mental health treatment. The
209 court may impose on the inmate additional conditions requiring
210 payment of restitution, court costs, and fines; community
211 service; or compliance with other special conditions.

212 (e) Time spent on probation as part of the reentry program
213 shall be considered in-custody time in calculating the 85
214 percent requirement of s. 944.275.

215 (6) DEPARTMENT DUTIES.—The department shall, within
216 available resources, implement the reentry program to the
217 fullest extent possible. The department shall provide a special
218 training program for staff members selected to serve in the
219 reentry program.

220 (7) CONTRACTORS.—The department may develop and enter into
221 performance-based contracts with qualified individuals,
222 agencies, or corporations to supply any or all services provided
223 through the reentry program. Such contract may not be entered
224 into or renewed unless it offers a substantial savings to the
225 department. The department may establish a system of incentives
226 within the reentry program to promote participation in
227 rehabilitative programs and the orderly operation of
228 institutions and facilities.

229 (8) NO RIGHTS CONFERRED UPON INMATES.—This section does not
230 create or confer upon any inmate any right to placement in the
231 reentry program or any right to placement or early release under
232 supervision of any type. An inmate has no cause of action

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233 against the department, a court, the state attorney, or a victim
234 for any action taken related to the administration of the
235 reentry program.

236 (9) REPORTING.—The department shall develop a computerized
237 system to track data on the recidivism and recommitment of
238 inmates who have participated in the reentry program. On October
239 1, 2019, and on each October 1 thereafter, the department shall
240 submit an annual report of the results of the collected data to
241 the Governor, the President of the Senate, and the Speaker of
242 the House of Representatives.

243 (10) RULEMAKING.—The department shall adopt rules pursuant
244 to ss. 120.536(1) and 120.54 to administer this section.

245 Section 2. The Office of Program Policy Analysis and
246 Government Accountability shall review the reentry program under
247 s. 397.755, Florida Statutes, as created by this act, and report
248 its findings to the President of the Senate and the Speaker of
249 the House of Representatives before the commencement of the 2019
250 legislative session.

251 Section 3. This act shall take effect July 1, 2018.