

1 A bill to be entitled

2 An act relating to inmate reentry; providing  
3 definitions; directing the Department of Corrections  
4 to develop and administer a reentry program for  
5 nonviolent offenders which is intended to divert  
6 nonviolent offenders from long periods of  
7 incarceration; requiring that the program include  
8 intensive substance abuse treatment and rehabilitative  
9 programming; providing for the minimum length of  
10 service in the program; providing that any portion of  
11 a sentence before placement in the program does not  
12 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 court to screen and select eligible  
16 offenders for the program based on specified  
17 considerations; directing the department to notify the  
18 nonviolent offender's sentencing court to obtain  
19 approval before the nonviolent offender is placed into  
20 the reentry program; requiring the department to  
21 notify the state attorney; authorizing the state  
22 attorney to file objections to placing the offender  
23 into the reentry program within a specified period;  
24 requiring the sentencing court to notify the  
25 department of the court's decision to approve or  
26 disapprove the requested placement within a specified  
27 period; requiring the nonviolent offender to undergo  
28 an education assessment and a full substance abuse

29 | assessment if admitted into the reentry program;  
30 | requiring the offender to be enrolled in an adult  
31 | education program in specified circumstances;  
32 | requiring that assessments of vocational skills and  
33 | future career education be provided to the offender;  
34 | requiring that certain reevaluation be made  
35 | periodically; providing that the nonviolent offender  
36 | is subject to the disciplinary rules of the  
37 | department; specifying the reasons for which the  
38 | offender may be terminated from the reentry program;  
39 | requiring that the department submit a report to the  
40 | 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; providing a court may  
44 | schedule a hearing to consider any modifications to an  
45 | imposed sentence; requiring the sentencing court to  
46 | issue an order modifying the sentence imposed and  
47 | placing the nonviolent offender on drug offender  
48 | probation if the nonviolent offender's performance is  
49 | satisfactory; authorizing the court to revoke  
50 | probation and impose the original sentence in  
51 | specified circumstances; authorizing the court to  
52 | require the offender to complete a postadjudicatory  
53 | drug court program in specified circumstances;  
54 | directing the department to implement the reentry  
55 | program using available resources; requiring the  
56 | department to submit an annual report to the Governor

57 and Legislature detailing the extent of implementation  
58 of the reentry program, specifying information to be  
59 provided and outlining future goals and  
60 recommendations; authorizing the department to enter  
61 into contracts with qualified individuals, agencies,  
62 or corporations for services for the reentry program;  
63 authorizing the department to impose administrative or  
64 protective confinement as necessary; authorizing the  
65 department to establish a system of incentives within  
66 the reentry program which the department may use to  
67 promote participation in rehabilitative programs and  
68 the orderly operation of institutions and facilities;  
69 providing that the section does not create a right to  
70 placement in the reentry program or any right to  
71 placement or early release under supervision of any  
72 type; providing that the section does not create a  
73 cause of action related to the program; providing that  
74 specified provisions are not severable; directing the  
75 department to develop a system for tracking  
76 recidivism, including, but not limited to, rearrests  
77 and recommitment of nonviolent offenders who  
78 successfully complete the reentry program, and to  
79 report on recidivism in its annual report of the  
80 program; directing the department to adopt rules;  
81 providing an effective date.

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83 Be It Enacted by the Legislature of the State of Florida:  
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Section 1. Nonviolent offender reentry program.—

(1) As used in this section, the term:

(a) "Department" means the Department of Corrections.

(b) "Nonviolent offender" means an offender:

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

2. Who has never been convicted of a forcible felony as defined in s. 776.08, Florida Statutes;

3. Who has never been convicted of an offense listed in s. 775.082(9)(a)1.r., Florida Statutes, without regard to prior incarceration or release;

4. Who has never been convicted of an offense described in chapter 847, Florida Statutes, involving a minor or a depiction of a minor;

5. Who has never been convicted of an offense described in chapter 827, Florida Statutes;

6. Who has never been convicted of any offense described in s. 784.07, s. 784.074, s. 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085, Florida Statutes;

7. Who has never been convicted of any offense involving the possession or use of a firearm;

8. Who has never been convicted of a capital felony or a felony of the first or second degree;

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

10. Who is not the subject of a domestic violence injunction currently in force.

(2) (a) The department shall develop and administer a

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113 reentry program for nonviolent offenders. The reentry program  
114 must include prison-based substance abuse treatment, general  
115 education development and adult basic education courses,  
116 vocational training, training in decisionmaking and personal  
117 development, and other rehabilitation programs.

118 (b) The reentry program is intended to divert nonviolent  
119 offenders from long periods of incarceration when a reduced  
120 period of incarceration supplemented by participation in  
121 intensive substance abuse treatment and rehabilitative  
122 programming could produce the same deterrent effect, protect the  
123 public, rehabilitate the offender, and reduce recidivism.

124 (c) The nonviolent offender shall serve at least 6 months  
125 in the reentry program. The offender may not count any portion  
126 of his or her sentence served before placement in the reentry  
127 program as progress toward program completion.

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

130 (3) The department shall screen offenders committed to the  
131 department for eligibility criteria to participate in the  
132 reentry program. In order to be eligible, an offender must be a  
133 nonviolent offender, must have served at least one-half of his  
134 or her original sentence, and must have been identified as  
135 having a need for substance abuse treatment.

136 (4) The department shall select eligible offenders for the  
137 reentry program. When selecting participants for the reentry  
138 program, the department shall be guided in its selection by its  
139 evaluation of the following considerations:

140 (a) The offender's history of disciplinary reports.

141 (b) The offender's criminal history, with particular  
142 scrutiny of any charges for offenses listed in paragraph (1)(b).

143 (c) The severity of the offender's addiction.

144 (d) The offender's history of criminal behavior related to  
145 substance abuse.

146 (e) Whether the offender has participated or requested to  
147 participate in a general education development or other  
148 educational, technical, work, vocational, or self-rehabilitation  
149 program.

150 (f) The results of any risk assessment of the offender.

151 (g) The outcome of all past participation of the offender  
152 in substance abuse treatment programs.

153 (h) The possible rehabilitative benefits that substance  
154 abuse treatment, educational programming, vocational training,  
155 and other rehabilitative programming might have on the offender.

156 (i) The likelihood that participation in the program will  
157 produce the same deterrent effect, protect the public, save  
158 government funds, and prevent or delay recidivism to an equal or  
159 greater extent than completion of the sentence previously  
160 imposed.

161 (5)(a) If an offender volunteers to participate in the  
162 reentry program, meets the eligibility criteria, is selected by  
163 the department based on the considerations in subsection (4),  
164 and space is available in the reentry program, the department  
165 may request the sentencing court to approve the offender's  
166 participation in the reentry program. The request shall be made  
167 in writing and shall include a brief summation of the  
168 department's evaluation under subsection (4) and a recital of

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169 the documents or other information upon which the evaluation is  
170 based. All documents may be delivered to the sentencing court  
171 electronically.

172 (b)1. The department shall notify the state attorney that  
173 the offender is being considered for placement in the reentry  
174 program. The notice must include a copy of all documents  
175 provided with the request to the court. The notice and all  
176 documents may be delivered to the state attorney electronically  
177 and may take the form of a copy of an electronic delivery to the  
178 sentencing court.

179 2. The notice must also state that the state attorney may  
180 notify the sentencing court in writing of any objection the  
181 state attorney might have if the nonviolent offender is placed  
182 in the reentry program. The state attorney must notify the  
183 sentencing court of his or her objections within 15 days after  
184 receiving the notice. Whether or not an objection is raised, the  
185 state attorney may provide to the sentencing court any  
186 information supplemental or contrary to the information provided  
187 by the department that may assist the court in its  
188 determination.

189 (c) When approving a nonviolent offender for participation  
190 in the reentry program, the sentencing court may consider any  
191 facts the court considers relevant, including, but not limited  
192 to, the criteria listed in subsection (4); the original  
193 sentencing report and any evidence admitted in a previous  
194 sentencing proceeding; the offender's record of arrests without  
195 conviction for crimes; any other evidence of allegations of  
196 unlawful conduct or the use of violence by the offender; the

197 offender's family ties, length of residence in the community,  
198 employment history, and mental condition; the likelihood that  
199 participation in the program will produce the same deterrent  
200 effect, rehabilitate the offender, and prevent or delay  
201 recidivism to an equal or greater extent than completion of the  
202 sentence previously imposed; and the likelihood that the  
203 offender will engage again in a criminal course of conduct.

204 (d) The sentencing court shall notify the department in  
205 writing of the court's decision to approve or disapprove the  
206 requested placement of the nonviolent offender within 30 days  
207 after the court receives the department's request to place the  
208 offender in the reentry program. If the court approves, the  
209 notification shall list the factors upon which the court relied  
210 in approving the placement.

211 (6) After the nonviolent offender is admitted into the  
212 reentry program, he or she shall undergo a full substance abuse  
213 assessment to determine his or her substance abuse treatment  
214 needs. The offender shall also have an educational assessment,  
215 which shall be accomplished using the Test of Adult Basic  
216 Education or any other testing instrument approved by the  
217 Department of Education. Each offender who has not obtained a  
218 high school diploma shall be enrolled in an adult education  
219 program designed to aid the offender in improving his or her  
220 academic skills and earn a high school diploma. Further  
221 assessments of the offender's vocational skills and future  
222 career education shall be provided to the offender as needed. A  
223 periodic reevaluation shall be made in order to assess the  
224 progress of each offender.



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225 (7) (a) If a nonviolent offender in the reentry program  
226 becomes unmanageable, the department may revoke the offender's  
227 gain-time and place the offender in disciplinary confinement in  
228 accordance with department rule. Except as provided in paragraph  
229 (b), the offender shall be readmitted to the reentry program  
230 after completing the ordered discipline. Any period during which  
231 the offender is unable to participate in the reentry program  
232 shall be excluded from the specified time requirements in the  
233 reentry program.

234 (b) The department may terminate an offender from the  
235 reentry program if:

236 1. The offender commits or threatens to commit a violent  
237 act;

238 2. The department determines that the offender is unable  
239 to participate in the reentry program due to the offender's  
240 medical condition;

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

242 4. The department reassigns the offender's classification  
243 status; or

244 5. The department determines that removing the offender  
245 from the reentry program is in the best interest of the offender  
246 or the security of the institution.

247 (8) (a) The department shall submit a report to the  
248 sentencing court at least 30 days before the nonviolent offender  
249 is scheduled to complete the reentry program. The report must  
250 describe the offender's performance in the reentry program and  
251 certify whether the performance is satisfactory. The court may  
252 schedule a hearing to consider any modification to the imposed

253 sentence. Notwithstanding the eligibility criteria contained in  
254 s. 948.20, Florida Statutes, if the offender's performance is  
255 satisfactory to the department and the court, the court shall  
256 issue an order modifying the sentence imposed and placing the  
257 offender on drug offender probation as described in s.  
258 948.20(2), Florida Statutes, subject to the department's  
259 certification of the offender's successful completion of the  
260 remainder of the reentry program. The term of drug offender  
261 probation must not be less than the remainder of time that the  
262 offender would have served in prison, but for participating in  
263 the program. A condition of drug offender probation may include  
264 electronic monitoring or placement in a community residential or  
265 nonresidential licensed substance abuse treatment facility under  
266 the jurisdiction of the department or the Department of Children  
267 and Families or any public or private entity providing such  
268 services. The order shall include findings that the offender's  
269 performance is satisfactory, that the requirements for  
270 resentencing under this section are satisfied, and that the  
271 public safety will not be compromised. If the nonviolent  
272 offender violates the conditions of drug offender probation, the  
273 court may revoke probation and impose any sentence that it might  
274 have originally imposed. An offender may not be released from  
275 the custody of the department under this section except pursuant  
276 to a judicial order modifying his or her sentence.

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

281 to successfully complete the postadjudicatory drug court program  
282 as a condition of drug offender probation. The original  
283 sentencing court shall relinquish jurisdiction of the offender's  
284 case to the postadjudicatory drug court program until the  
285 offender is no longer active in the program, the case is  
286 returned to the sentencing court due to the offender's  
287 termination from the program for failure to comply with the  
288 terms thereof, or the offender's sentence is completed. If  
289 transferred to a postadjudicatory drug court program, the  
290 offender shall comply with all conditions and orders of the  
291 program.

292 (9) The department shall implement the reentry program to  
293 the fullest extent feasible within available resources.

294 (10) The department shall submit an annual report to the  
295 Governor, the President of the Senate, and the Speaker of the  
296 House of Representatives detailing the extent of implementation  
297 of the reentry program, the number of participants selected,  
298 approved, and who have successfully completed the program, a  
299 reasonable estimate or description of the additional public  
300 costs incurred and any public funds saved with respect to each  
301 participant, a brief description of each sentence modification,  
302 and a brief description of the subsequent criminal history, if  
303 any, of each participant following any modification of sentence  
304 under this section. The report shall also outline future goals  
305 and any recommendation the department has for future legislative  
306 action.

307 (11) The department may enter into performance-based  
308 contracts with qualified individuals, agencies, or corporations

309 for the provision of any or all of the services for the reentry  
310 program provided that an offender may not be released from the  
311 custody of the department under this section except pursuant to  
312 a judicial order modifying a sentence.

313 (12) A nonviolent offender in the reentry program is  
314 subject to rules of conduct established by the department and  
315 may have sanctions imposed, including loss of privileges,  
316 restrictions, disciplinary confinement, alteration of release  
317 plans, or other program modifications in keeping with the nature  
318 and gravity of the program violation. Administrative or  
319 protective confinement, as necessary, may be imposed.

320 (13) This section does not create or confer any right to  
321 any inmate to placement in the reentry program or any right to  
322 placement or early release under supervision of any type. An  
323 inmate does not have a cause of action under this section  
324 against the department, a court, or the state attorney related  
325 to the reentry program. This subsection is not severable from  
326 the remaining provisions of this section. If this subsection is  
327 determined by any state or federal court to be not fully  
328 enforceable, this section shall stand repealed in its entirety.

329 (14) The department may establish a system of incentives  
330 within the reentry program which the department may use to  
331 promote participation in rehabilitative programs and the orderly  
332 operation of institutions and facilities.

333 (15) The department shall develop a system for tracking  
334 recidivism, including, but not limited to, rearrests and  
335 recommitment of nonviolent offenders who successfully complete  
336 the reentry program, and shall report the recidivism rate in its

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337 annual report of the program.

338 (16) The department shall adopt rules pursuant to ss.  
339 120.536(1) and 120.54, Florida Statutes, as are necessary to  
340 administer the reentry program.

341 Section 2. This act shall take effect October 1, 2013.