

1 A bill to be entitled
2 An act relating to inmate reentry; amending s.
3 322.051, F.S.; waiving the fee for identification
4 cards issued to certain inmates; amending s. 382.0255,
5 F.S.; requiring a waiver of fees for certain inmates
6 receiving a copy of a birth certificate; amending s.
7 944.605, F.S.; requiring the Department of Corrections
8 to work with other agencies in acquiring necessary
9 documents for certain inmates to acquire an
10 identification card before release; providing
11 exceptions; requiring the department to provide
12 specified assistance to inmates born outside this
13 state; requiring a report; amending s. 944.803, F.S.;
14 authorizing the department to operate male and female
15 faith- and character-based institutions; creating s.
16 948.0125, F.S.; directing the department to establish
17 a reentry program for nonviolent offenders; providing
18 eligibility and participation requirements; providing
19 guidelines where the department shall terminate
20 inmate's participation in program; providing for
21 inmate to participate in drug offender probation upon
22 completion of in-prison reentry program; authorizing
23 use of postadjudicatory drug court for program
24 participant; authorizing the department to contract
25 for services; providing that no rights are conferred
26 upon inmates to participate in reentry program;
27 providing for reports and rulemaking authority;
28 providing an effective date.

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

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 s. 944.605(7).

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

382.0255 Fees.—

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

57 | before release pursuant to s. 944.605(7).

58 | Section 3. Subsection (7) is added to section 944.605,
59 | Florida Statutes, to read:

60 | 944.605 Inmate release; notification; identification
61 | card.—

62 | (7) (a) The department, working in conjunction with the
63 | Department of Health and the Department of Highway Safety and
64 | Motor Vehicles, shall provide every Florida-born inmate with a
65 | certified copy of their birth certificate and a state
66 | identification card before his or her release upon expiration of
67 | the inmate's sentence.

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

69 | 1. The department determines have a valid driver license
70 | or state identification card.

71 | 2. Have an active detainer, unless the department
72 | determines that cancellation of the detainer is likely or that
73 | the incarceration for which the detainer was issued will be less
74 | than 12 months in duration.

75 | 3. Are released due to an emergency release or a
76 | conditional medical release under s. 947.149.

77 | 4. Are not in the physical custody of the department at or
78 | within 180 days before release.

79 | 5. Are subject to sex offender residency restrictions, and
80 | who, upon release under such restrictions, do not have a
81 | qualifying address.

82 | (c) The department shall assist each inmate in applying
83 | for and obtaining a social security card before release if the
84 | inmate needs a social security card.

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85 (d) The department, for purposes of assisting the inmate
86 in obtaining a birth certificate, shall submit to the Department
87 of Health on all Florida-born inmates in its custody, the
88 department's inmate photo or digitized photo, and as provided by
89 the inmate his or her date of birth, full name at birth and any
90 subsequent legal name changes, city or county of birth, mother's
91 full name including her maiden surname, and father's full name.
92 Failure of the inmate to cooperate with the department in
93 providing this information may subject the inmate to
94 disciplinary action.

95 (e) For inmates born outside of this state, the department
96 shall assist the inmate in completing the necessary forms or
97 applications to obtain a social security card, driver license,
98 or state identification card. The department shall also provide
99 the inmate with the location and address of the appropriate
100 licensing authority the inmate will need to obtain a valid
101 identification card in proximity to the inmate's release
102 address.

103 (f) The department shall, as part of its annual report,
104 provide a report that identifies the number of inmates released
105 with and without identification cards, identifies any
106 impediments in the implementation of this subsection, and
107 provides recommendations to improve obtaining release documents
108 and identification cards for all inmates.

109 Section 4. Subsections (2) and (6) of section 944.803,
110 Florida Statutes, are amended to read:

111 944.803 Faith- and character-based programs.—

112 (2) It is the intent of the Legislature that the

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113 department expand the faith- and character-based initiative
114 through the use of faith- and character-based institutions. The
115 department is encouraged to phase out the faith-based and self
116 improvement dormitory programs and move toward the goal of only
117 implementing faith- and character-based institutions. The
118 department is also encouraged to dedicate and maintain faith-
119 and character-based institutions that serve both male and female
120 inmates at their respective institutions.

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

125 Section 5. Section 948.0125, Florida Statutes, is created
126 to read:

127 948.0125 Reentry program sentence.—

128 (1) PROGRAM DEVELOPMENT.—The department shall develop and
129 implement a reentry program for nonviolent drug offenders. The
130 program shall provide a mechanism by which an eligible,
131 nonviolent offender for whom the reentry program has been
132 ordered as part of his or her conditional split sentence by the
133 court may be transitioned into the community during the last
134 year of the sentence. The reentry program shall consist of a
135 prison-based substance abuse treatment program for a minimum of
136 180 days and a community-based aftercare treatment program. The
137 reentry program may include a work-release component.

138 (2) ELIGIBILITY.—For an offender to participate in the
139 reentry program, the court at the time of ordering a state
140 prison sentence must have imposed a conditional split sentence

141 whereby the offender is ordered into the department's reentry
142 program that consists of an in-prison treatment component, and
143 upon successful completion of the in-prison treatment, drug
144 offender probation. Entry into the department's reentry program
145 is subject to available funding and resources of the department.

146 (a) The sentencing court may order the offender into the
147 department's reentry program if the offender meets the following
148 criteria:

149 1. The offender's primary offense is a felony of the third
150 degree.

151 2. The sentencing court, after requesting and reviewing a
152 presentence investigation report prepared pursuant to s.
153 921.231, has found that the offender has a substance abuse
154 problem.

155 3. The offender has never been convicted of:

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

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

159 c. An offense described in chapter 847 involving a minor
160 or a depiction of a minor.

161 d. An offense described in chapter 827.

162 e. Any offense described in s. 784.07, s. 784.074, s.
163 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085.

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

166 g. A capital felony or a felony of the first or second
167 degree.

168 h. An offense that requires a person to register as a

169 sexual offender pursuant to s. 943.0435.

170 i. An offense that includes as an element of that offense
171 the sale of a controlled substance.

172 j. An offense in another jurisdiction that would be an
173 offense described in this subparagraph if that offense had been
174 committed in this state.

175 (b) The sentencing court, in evaluating an offender's
176 eligibility for the reentry program, may consider the offender's
177 prior arrest record.

178 (c) Placement on drug offender probation shall be
179 conditioned upon the offender's successful completion of the in-
180 prison treatment component of the program.

181 (3) ADMISSION AND PARTICIPATION IN THE REENTRY PROGRAM.—If
182 an offender meets the eligibility criteria under subsection (2),
183 the sentencing court may order the reentry program at the time
184 of sentencing. Admission into the reentry program, and an
185 offender's continued participation in the program, is not a
186 right. Accordingly, a sentencing court is not required to
187 sentence an offender to the reentry program and an offender,
188 based upon conduct in prison, may lose eligibility to continue
189 participating in the reentry program.

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

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

201 (b) An offender in the in-prison component of the reentry
202 program is subject to the rules of conduct established by the
203 department and may have sanctions imposed, including loss of
204 privileges, restrictions, disciplinary confinement, forfeiture
205 of gain-time or the right to earn gain-time in the future,
206 alteration of release plans, termination from the reentry
207 program, or other program modifications in keeping with the
208 nature and gravity of the program violation. The department may
209 place an offender in the reentry program in an administrative or
210 protective confinement, as necessary. Except as provided in
211 paragraph (c), the offender shall be readmitted to the reentry
212 program after completing the ordered discipline.

213 (c) The department shall terminate an offender from the
214 reentry program if:

215 1. The offender commits a violent act;

216 2. The department determines that the offender is unable
217 to participate in the reentry program due to the offender's
218 medical condition;

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

220 4. The department reassigns the offender's classification
221 status; or

222 5. The department determines that removing the offender
223 from the reentry program is in the best interest of the offender
224 or the security of the institution.

225 (d) An offender must serve at least 85 percent of the
226 incarceration portion of the conditional split sentence before
227 being released to drug offender probation. If the offender does
228 not successfully complete the in-prison treatment component of
229 the reentry program, the drug offender probation portion of the
230 conditional split sentence becomes a term of imprisonment to be
231 served while incarcerated. The offender must then serve at least
232 85 percent of the total term of imprisonment.

233 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—
234 Following successful completion of the in-prison treatment
235 component, the offender shall be transitioned into the community
236 to serve the drug offender probation portion of the offender's
237 conditional split sentence.

238 (a) While in the community, the offender shall be subject
239 to all standard terms of probation under s. 948.03, and of drug
240 offender probation under s. 948.20, a special condition of
241 supervision ordered by the sentencing court, including
242 participation in an aftercare substance abuse program, residence
243 in a postrelease transitional residential halfway house, or
244 other appropriate form of supervision or treatment.

245 (b) Violation of a condition or order may result in
246 revocation of supervision by the court and imposition of a
247 sentence that is authorized by law, subject to time served in
248 prison.

249 (c) If there is a postadjudicatory drug court program as
250 described in s. 397.334 in the county of the sentencing court,
251 or the county to which the offender returns, and the drug court
252 is willing to accept the case, the offender's case shall be

253 transferred to the drug court for supervision for the probation
254 portion of the offender's split sentence. The drug court judge
255 shall be deemed the sentencing judge for purposes of ensuring
256 compliance with this section.

257 (d) While on drug offender probation, the department shall
258 collect from the offender the cost of supervision as provided
259 for in s. 948.09. An offender who is financially able shall also
260 pay all costs of his or her drug rehabilitation, including drug
261 testing fees. The sentencing judge may impose on the offender
262 additional conditions requiring payment of court costs and
263 finances, public service, and compliance with other court-ordered
264 special conditions.

265 (6) CONTRACTORS.—The department may develop and enter into
266 performance-based contracts with qualified individuals,
267 agencies, or corporations to supply any or all services provided
268 in the reentry program. The department may establish incentives
269 within the reentry program to promote participation by private-
270 sector employers in the rehabilitative reentry programs and the
271 orderly operation of institutions and facilities.

272 (7) NO RIGHTS CONFERRED UPON OFFENDERS.—This section does
273 not create or confer a right to an offender to placement in the
274 reentry program or a right to placement or early-release under
275 supervision of any type. An offender does not have a cause of
276 action against the department, a court, the state attorney, or a
277 victim related to placement in or continued participation in the
278 reentry program.

279 (8) REPORTING.—The department shall, as part of its annual
280 report, provide a detailed account of the department's

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281 implementation of the reentry program, the number of offenders
282 sentenced to the program, the number of inmates who successfully
283 complete the in-prison portion of the program, the number of
284 inmates who successfully complete the drug offender probation,
285 and recidivism numbers for inmates who have participated in the
286 reentry program.

287 (9) RULEMAKING.—The department may adopt rules to
288 implement this section.

289 Section 6. This act shall take effect July 1, 2013.