

By Senator Ring

29-00945A-13

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1                                   A bill to be entitled  
2           An act relating to offender reentry programs; creating  
3           s. 397.755, F.S.; directing the Department of  
4           Corrections to create a reentry program; providing  
5           eligibility criteria for the program; requiring a  
6           recommendation for reentry at the time of sentencing  
7           in order for the offender to participate in the  
8           program; clarifying that the sentencing court is not  
9           required to recommend reentry; requiring the  
10          department to place the offender into the in-prison  
11          treatment component at a specified time; directing the  
12          department to prepare a postrelease treatment plan;  
13          requiring that the offender be examined by the  
14          appropriate personnel in the case of medical or other  
15          problems; providing that an offender in the in-prison  
16          component is subject to the rules of conduct  
17          established by the department and may have sanctions  
18          imposed, including loss of privileges and protective  
19          confinement; providing requirements before  
20          transitioning the offender into the community;  
21          requiring the offender to abide by the order of  
22          supervision and the rules of the department; providing  
23          that violation of any condition or order may result in  
24          imposition of any authorized sentence by the court;  
25          providing that the offender's case will be transferred  
26          to drug court, if applicable; providing that the  
27          department is responsible for collecting the cost of  
28          supervision from the offender, including court costs  
29          and fines; authorizing the department to develop

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30 performance-based contracts to supply services to the  
31 program; permitting the department to establish a  
32 system of incentives in the program to promote  
33 participation in reentry programs; providing that the  
34 section does not confer any right to placement in the  
35 reentry program; directing the department to track  
36 recidivism and recommitment of offenders who have  
37 participated in the program; requiring an annual  
38 report to the Governor and Legislature; authorizing  
39 rulemaking; providing an effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Section 397.755, Florida Statutes, is created to  
44 read:

45 397.755 Offender reentry programs.—

46 (1) PROGRAM DEVELOPMENT.—The department shall develop and  
47 administer a reentry program for offenders. The program must  
48 provide a mechanism by which an eligible, nonviolent, low-risk  
49 offender who poses a minimal foreseeable risk to the public and  
50 for whom the reentry program has been ordered as part of his or  
51 her sentence may be transitioned into the community during the  
52 last year of the sentence. The reentry program must consist of  
53 an in-prison treatment component for substance abuse or mental  
54 health or co-occurring disorders for a minimum of 90 days and a  
55 community-based aftercare treatment program. The reentry program  
56 must be specifically designed to be intensive and may have a  
57 work-release component as part of the program. The in-prison  
58 treatment component may be operated in secure areas in or

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59 adjacent to an adult institution, a community residential  
60 facility, or a work-release center.

61 (2) ELIGIBILITY.—For the offender to participate in the  
62 reentry program, the sentencing court must order the reentry  
63 program and conditional drug offender probation at sentencing to  
64 alert the department of the offender's eligibility.

65 (a) An offender is eligible for admission to the program  
66 if:

67 1. The primary offense is a felony of the third degree or  
68 second degree for a purchase of a controlled substance;

69 2. The offender has never been convicted of:

70 a. A forcible felony as defined in s. 776.08;

71 b. An offense listed in s. 775.082(9)(a), without regard to  
72 prior incarceration or release;

73 c. An offense described in chapter 847 involving a minor or  
74 a depiction of a minor;

75 d. An offense described in chapter 827;

76 e. An offense described in s. 784.07, s. 784.074, s.

77 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085;

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

79 g. A capital felony or a felony of the first or second  
80 degree; or

81 h. An offense that requires a person to register as a  
82 sexual offender pursuant to s. 943.0435;

83 3. The offender is not the subject of a domestic violence  
84 injunction currently in force;

85 4. The offender is in need of substance abuse or mental  
86 health treatment services; and

87 5. The department has placed the offender in minimum or

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88 community custody status.

89 (b) Placement on drug offender probation shall be  
90 conditioned upon the offender's successful completion of the in-  
91 prison treatment component.

92 (3) ADMISSION INTO PROGRAM.—If an offender meets the  
93 criteria for program admission under subsection (2), the  
94 sentencing court may order the reentry program at the time of  
95 sentencing. Admission into the reentry program is not a right;  
96 accordingly, the sentencing court is not required to sentence an  
97 offender to the reentry program.

98 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON  
99 TREATMENT.—If the sentencing court orders the offender into the  
100 reentry program, the department shall place the offender into  
101 the in-prison treatment component no later than 120 days before  
102 the beginning of the last year of the offender's sentence,  
103 including any gain-time accrued.

104 (a) Before the offender completes the in-prison treatment  
105 component, the department shall evaluate the offender's needs  
106 for community placement and develop a postrelease treatment plan  
107 that includes aftercare substance abuse or mental health  
108 services.

109 (b) If, at any time after placement in the reentry program,  
110 the offender appears unable to participate due to medical or  
111 other causes, he or she must be examined by qualified medical  
112 personnel or qualified nonmedical personnel appropriate for the  
113 offender's situation, as determined by the department. The  
114 qualified personnel shall consult with the director of the  
115 reentry program, and the director shall determine if the  
116 offender may continue with treatment or be discharged from the

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117 reentry program.

118 (c) An offender in the in-prison treatment component of the  
119 reentry program is subject to the rules of conduct established  
120 by the department and may have sanctions imposed, including loss  
121 of privileges, restrictions, disciplinary confinement,  
122 forfeiture of gain-time or the right to earn gain-time in the  
123 future, alteration of release plans, termination from the  
124 reentry program, and other program modifications, in keeping  
125 with the nature and gravity of the program violation. The  
126 department may place an offender in the reentry program in an  
127 administrative or protective confinement, as necessary.

128 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—  
129 Following successful completion of the in-prison treatment  
130 component, the offender shall be transitioned into the community  
131 on drug offender probation for the last year of his or her  
132 sentence.

133 (a) While in the community, the offender is subject to all  
134 standard terms of drug offender probation under s. 948.20, any  
135 special conditions of supervision ordered by the sentencing  
136 court, including participation in an aftercare substance abuse  
137 or mental health program, residence in a postrelease  
138 transitional halfway house, or any other appropriate form of  
139 supervision or treatment.

140 (b) Violation of any condition or order may result in  
141 revocation or supervision by the court and imposition of any  
142 sentence that is authorized by law, subject to time served in  
143 prison.

144 (c) If there is a drug court in the county of the  
145 sentencing court, or the county to which the offender returns,

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146 and the drug court is willing to accept the case, the offender's  
147 case shall be transferred to the drug court for supervision for  
148 the last year of his or her sentence. The drug court judge shall  
149 be deemed the sentencing judge for purposes of ensuring  
150 compliance with this section.

151 (d) While on drug offender probation, the department shall  
152 collect from the offender the cost of supervision as provided in  
153 s. 948.09. An offender who is financially able shall also pay  
154 all costs of his or her drug rehabilitation. The sentencing  
155 judge may impose on the offender additional conditions requiring  
156 payment of courts costs and fines, public service, and  
157 compliance with other court-ordered special conditions.

158 (6) DEPARTMENT DUTIES.—The department shall, within  
159 available resources, administer the reentry program to the  
160 fullest extent feasible within the provisions of this section.

161 (7) CONTRACTORS.—The department may develop and enter into  
162 performance-based contracts with qualified individuals,  
163 agencies, or corporations to supply any services provided in the  
164 reentry program. However, a contract may not be executed or  
165 renewed unless the contract offers substantial savings to the  
166 department. The department may establish a system of incentives  
167 within the reentry program to promote participation by private  
168 sector employers in the reentry programs and in the orderly  
169 operation of institutions and facilities.

170 (8) NO RIGHTS CONFERRED UPON OFFENDERS.—This section does  
171 not create or confer any right to any offender to placement in  
172 the reentry program or any right to early release under  
173 supervision of any type. An offender does not have a cause of  
174 action against the department, a court, the state attorney, or a

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175 victim related to the reentry program.

176 (9) REPORTING.—The department shall develop a computerized  
177 system to track recidivism and recommitment of offenders who  
178 have participated in the reentry program. Beginning October 1,  
179 2014, and no later than October 1 of each year thereafter, the  
180 department shall submit an annual report of the results of the  
181 collected data to the Governor, the President of the Senate, and  
182 the Speaker of the House of Representatives.

183 (10) RULEMAKING.—The department may adopt rules pursuant to  
184 ss. 120.536(1) and 120.54 to administer the provisions of this  
185 section.

186 Section 2. This act shall take effect July 1, 2013.