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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



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:



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.