

By the Committee on Criminal Justice; and Senator Altman

591-03344-13

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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. 944.801, F.S.;  
14          requiring skills assessment and training; amending s.  
15          944.803, F.S.; authorizing the department to operate  
16          male and female faith- and character-based  
17          institutions; creating s. 948.0125, F.S.; directing  
18          the department to establish a reentry program for  
19          nonviolent offenders; providing eligibility and  
20          participation requirements; providing guidelines where  
21          the department shall terminate inmate's participation  
22          in program; providing for inmate to participate in  
23          drug offender probation upon completion of in-prison  
24          reentry program; authorizing use of postadjudicatory  
25          drug court for program participant; authorizing the  
26          department to contract for services; providing that no  
27          rights are conferred upon inmates to participate in  
28          reentry program; providing for reports and rulemaking  
29          authority; 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 before release pursuant to s. 944.605(7).

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

61 944.605 Inmate release; notification; identification 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 or  
70 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 for  
83 and obtaining a social security card before release if the  
84 inmate needs a social security card.

85 (d) The department, for purposes of assisting the inmate in  
86 obtaining a birth certificate, shall submit to the Department of  
87 Health on all Florida-born inmates in its custody, the

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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) By February 1, 2014, and annually thereafter, the  
104 department, in consultation with the Department of Highway  
105 Safety and Motor Vehicle and the Department of Health, shall  
106 provide a report to the Governor, the President of the Senate,  
107 and the Speaker of the House of Representatives that identifies  
108 the number of inmates released with and without identification  
109 cards, identifies any impediments in the implementation of this  
110 subsection, and provides recommendations to improve obtaining  
111 release documents and identification cards for all inmates.

112 Section 4. Section 944.801, Florida Statutes is amended to  
113 create a new paragraph (j):

114 (j) Ensure that every inmate within two years of his or her  
115 projected release date has access to skills assessment and  
116 training as defined by s. 445.06 and is offered the opportunity

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117 to complete the certificate program. The requirements of this  
118 paragraph are contingent upon and limited to the extent that  
119 funding is available and determination by the department that  
120 such access will not present a security, safety, or management  
121 risk.

122 Section 5. Subsections (2) and (6) of section 944.803,  
123 Florida Statutes, are amended to read:

124 944.803 Faith- and character-based programs.—

125 (2) It is the intent of the Legislature that the department  
126 expand the faith- and character-based initiative through the use  
127 of faith- and character-based institutions. The department is  
128 encouraged to phase out the faith-based and self improvement  
129 dormitory programs and move toward the goal of only implementing  
130 faith- and character-based institutions. The department is also  
131 encouraged to dedicate and maintain faith- and character-based  
132 institutions that serve both male and female inmates at their  
133 respective institutions.

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

138 Section 6. Section 948.0125, Florida Statutes, is created  
139 to read:

140 948.0125 Reentry program sentence.—

141 (1) PROGRAM DEVELOPMENT.—The department shall develop and  
142 implement a reentry program for nonviolent drug offenders. The  
143 program shall provide a mechanism by which an eligible,  
144 nonviolent offender for whom the reentry program has been  
145 ordered as part of his or her conditional split sentence by the

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146 court may be transitioned into the community during the last  
147 year of the sentence. The reentry program shall consist of a  
148 prison-based substance abuse treatment program for a minimum of  
149 180 days and a community-based aftercare treatment program. The  
150 reentry program may include a work-release component.

151 (2) ELIGIBILITY.—For an offender to participate in the  
152 reentry program, the court at the time of ordering a state  
153 prison sentence must have imposed a conditional split sentence  
154 whereby the offender is ordered into the department's reentry  
155 program that consists of an in-prison treatment component, and  
156 upon successful completion of the in-prison treatment, drug  
157 offender probation. Entry into the department's reentry program  
158 is subject to available funding and resources of the department.

159 (a) The sentencing court may order the offender into the  
160 department's reentry program if the offender meets the following  
161 criteria:

162 1. The offender's primary offense is a felony of the third  
163 degree.

164 2. The sentencing court, after requesting and reviewing a  
165 presentence investigation report prepared pursuant to s.  
166 921.231, has found that the offender has a substance abuse  
167 problem.

168 3. The offender has never been convicted of:

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

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

172 c. An offense described in chapter 847 involving a minor or  
173 a depiction of a minor.

174 d. An offense described in chapter 827.

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175 e. Any offense described in s. 784.07, s. 784.074, s.  
176 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085.

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

178 g. A capital felony or a felony of the first or second  
179 degree.

180 h. An offense that requires a person to register as a  
181 sexual offender pursuant to s. 943.0435.

182 i. An offense that includes as an element of that offense  
183 the sale of a controlled substance.

184 j. An offense in another jurisdiction that would be an  
185 offense described in this subparagraph if that offense had been  
186 committed in this state.

187 (b) Placement on drug offender probation shall be  
188 conditioned upon the offender's successful completion of the in-  
189 prison treatment component of the program.

190 (3) ADMISSION AND PARTICIPATION IN THE REENTRY PROGRAM.—If  
191 an offender meets the eligibility criteria under subsection (2),  
192 the sentencing court may order the reentry program at the time  
193 of sentencing. Admission into the reentry program, and an  
194 offender's continued participation in the program, is not a  
195 right. Accordingly, a sentencing court is not required to  
196 sentence an offender to the reentry program and an offender,  
197 based upon conduct in prison, may lose eligibility to continue  
198 participating in the reentry program.

199 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON  
200 TREATMENT.—If the sentencing court orders the offender into the  
201 reentry program, the department shall, subject to available  
202 funding and resources, place the offender into the in-prison  
203 treatment component not more than 9 months before the end of the

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204 offender's incarceration portion of the split sentence,  
205 including any gain time accrued.

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

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

222 (c) The department shall terminate an offender from the  
223 reentry program if:

224 1. The offender commits a violent act;

225 2. The department determines that the offender is unable to  
226 participate in the reentry program due to the offender's medical  
227 condition;

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

229 4. The department reassigns the offender's classification  
230 status; or

231 5. The department determines that removing the offender  
232 from the reentry program is in the best interest of the offender

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233 or the security of the institution.

234 (d) An offender must serve at least 85 percent of the  
235 incarceration portion of the conditional split sentence before  
236 being released to drug offender probation. If the offender does  
237 not successfully complete the in-prison treatment component of  
238 the reentry program, the drug offender probation portion of the  
239 conditional split sentence becomes a term of imprisonment to be  
240 served while incarcerated. The offender must then serve at least  
241 85 percent of the total term of imprisonment.

242 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—  
243 Following successful completion of the in-prison treatment  
244 component, the offender shall be transitioned into the community  
245 to serve the drug offender probation portion of the offender's  
246 conditional split sentence.

247 (a) While in the community, the offender shall be subject  
248 to all standard terms of probation under s. 948.03, and of drug  
249 offender probation under s. 948.20, a special condition of  
250 supervision ordered by the sentencing court, including  
251 participation in an aftercare substance abuse program, residence  
252 in a postrelease transitional residential halfway house, or  
253 other appropriate form of supervision or treatment.

254 (b) Violation of a condition or order may result in  
255 revocation of supervision by the court and imposition of a  
256 sentence that is authorized by law, subject to time served in  
257 prison.

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

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262 transferred to the drug court for supervision for the probation  
263 portion of the offender's split sentence. The drug court judge  
264 shall be deemed the sentencing judge for purposes of ensuring  
265 compliance with this section.

266 (d) While on drug offender probation, the department shall  
267 collect from the offender the cost of supervision as provided  
268 for in s. 948.09. An offender who is financially able shall also  
269 pay all costs of his or her drug rehabilitation, including drug  
270 testing fees. The sentencing judge may impose on the offender  
271 additional conditions requiring payment of court costs and  
272 finances, public service, and compliance with other court-ordered  
273 special conditions.

274 (6) CONTRACTORS.—The department may develop and enter into  
275 performance-based contracts with qualified individuals,  
276 agencies, or corporations to supply any or all services provided  
277 in the reentry program. The department may establish incentives  
278 within the reentry program to promote participation by private-  
279 sector employers in the rehabilitative reentry programs and the  
280 orderly operation of institutions and facilities.

281 (7) NO RIGHTS CONFERRED UPON OFFENDERS.—This section does  
282 not create or confer a right to an offender to placement in the  
283 reentry program or a right to placement or early-release under  
284 supervision of any type. An offender does not have a cause of  
285 action against the department, a court, the state attorney, or a  
286 victim related to placement in or continued participation in the  
287 reentry program.

288 (8) REPORTING.—The department shall, as part of its annual  
289 report, provide a detailed account of the department's  
290 implementation of the reentry program, the number of offenders

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291 sentenced to the program, the number of inmates who successfully  
292 complete the in-prison portion of the program, the number of  
293 inmates who successfully complete the drug offender probation,  
294 and recidivism numbers for inmates who have participated in the  
295 reentry program.

296 (9) RULEMAKING.—The department may adopt rules to implement  
297 this section.

298 Section 7. This act shall take effect July 1, 2013.