

1 A bill to be entitled
2 An act relating to the sentencing of inmates; defining the
3 terms "department" and "nonviolent offender"; directing
4 the Department of Corrections to develop and administer a
5 reentry program for nonviolent offenders which is intended
6 to divert 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 service
10 in the program; providing that any portion of a sentence
11 before placement in the program does not count as progress
12 toward program completion; specifying eligibility criteria
13 for a nonviolent offender to be placed into the reentry
14 program; directing the department to notify the nonviolent
15 offender's sentencing court to obtain approval before the
16 nonviolent offender is placed into the reentry program;
17 requiring the department to notify the state attorney;
18 authorizing the state attorney to file objections to
19 placing the offender into the reentry program within a
20 specified period; requiring the sentencing court to notify
21 the department of the court's decision to approve or
22 disapprove the requested placement within a specified
23 period; providing that failure of the court to timely
24 notify the department of the court's decision constitutes
25 approval by the requested placement; requiring the
26 nonviolent offender to undergo an education assessment and
27 a full substance abuse assessment if admitted into the
28 reentry program; requiring the offender to be enrolled in

29 an adult education program in specified circumstances;
30 requiring that assessments of vocational skills and future
31 career education be provided to the offender; requiring
32 that certain reevaluation be made periodically; providing
33 that the nonviolent offender is subject to the
34 disciplinary rules of the department; specifying the
35 reasons for which the offender may be terminated from the
36 reentry program; requiring that the department submit a
37 report to the sentencing court at least 30 days before the
38 nonviolent offender is scheduled to complete the reentry
39 program; setting forth the issues to be addressed in the
40 report; requiring the sentencing court to issue an order
41 modifying the sentence imposed and place the nonviolent
42 offender on drug offender probation if the nonviolent
43 offender's performance is satisfactory; authorizing the
44 court to revoke probation and impose the original sentence
45 in specified circumstances; authorizing the court to
46 require the offender to complete a postadjudicatory drug
47 court program in specified circumstances; directing the
48 department to implement the reentry program using
49 available resources; requiring the department to submit an
50 annual report to the Governor and Legislature detailing
51 the extent of implementation of the reentry program and
52 outlining future goals and recommendations; authorizing
53 the department to enter into contracts with qualified
54 individuals, agencies, or corporations for services for
55 the reentry program; authorizing the department to impose
56 administrative or protective confinement as necessary;

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57 authorizing the department to establish a system of
58 incentives within the reentry program which the department
59 may use to promote participation in rehabilitative
60 programs and the orderly operation of institutions and
61 facilities; directing the department to develop a system
62 for tracking recidivism, including, but not limited to,
63 rearrests and recommitment of nonviolent offenders who
64 successfully complete the reentry program, and to report
65 on recidivism in its annual report of the program;
66 directing the department to adopt rules; providing an
67 effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Nonviolent offender reentry program.-

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

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

74 (b) "Nonviolent offender" means an offender who has:

75 1. Been convicted of a third-degree felony offense that is
76 not a forcible felony as defined in s. 776.08, Florida Statutes;
77 and

78 2. Not been convicted of any offense that requires a
79 person to register as a sexual offender pursuant to s. 943.0435,
80 Florida Statutes.

81 (2)(a) The department shall develop and administer a
82 reentry program for nonviolent offenders. The reentry program
83 must include prison-based substance abuse treatment, general
84 education development and adult basic education courses,

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85 vocational training, training in decisionmaking and personal
86 development, and other rehabilitation programs.

87 (b) The reentry program is intended to divert nonviolent
88 offenders from long periods of incarceration when a reduced
89 period of incarceration followed by participation in intensive
90 substance abuse treatment and rehabilitative programming could
91 produce the same deterrent effect, rehabilitate the offender,
92 and reduce recidivism.

93 (c) The nonviolent offender shall serve at least 120 days
94 in the reentry program. The offender may not count any portion
95 of his or her sentence served before placement in the reentry
96 program as progress toward program completion.

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

99 (3) (a) Upon receiving a potential reentry program
100 participant, the department shall screen the nonviolent offender
101 for eligibility criteria to participate in the reentry program.
102 In order to participate, a nonviolent offender must have served
103 at least one-half of his or her original sentence and must have
104 been identified as having a need for substance abuse treatment.
105 When screening a nonviolent offender, the department shall
106 consider the offender's criminal history and the possible
107 rehabilitative benefits that substance abuse treatment,
108 educational programming, vocational training, and other
109 rehabilitative programming might have on the offender.

110 (b)1. If a nonviolent offender meets the eligibility
111 criteria and space is available in the reentry program, the

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department shall request the sentencing court to approve the offender's participation in the reentry program.

2. This section does not create or confer any right to any nonviolent offender to placement in the reentry program or any right to placement or early release under supervision of any type. A nonviolent offender has no cause of action against the department, a court, or the state attorney related to the reentry program.

(c)1. The department shall notify the state attorney that the offender is being considered for placement in the reentry program. The notice must explain to the state attorney that a proposed reduced period of incarceration, followed by participation in substance abuse treatment and other rehabilitative programming, could produce the same deterrent effect otherwise expected from a lengthy incarceration.

2. The notice must also state that the state attorney may notify the sentencing court in writing of any objection the state attorney might have if the nonviolent offender is placed in the reentry program. The state attorney must notify the sentencing court of his or her objections within 14 days after receiving the notice.

(d) The sentencing court shall notify the department in writing of the court's decision to approve or disapprove the requested placement of the nonviolent offender no later than 28 days after the court receives the department's request to place the offender in the reentry program. Failure to notify the department of the court's decision within the 28-day period

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139 constitutes approval to place the offender into the reentry
140 program.

141 (4) After the nonviolent offender is admitted into the
142 reentry program, he or she shall undergo a full substance abuse
143 assessment to determine his or her substance abuse treatment
144 needs. The offender shall also have an educational assessment,
145 which shall be accomplished using the Test of Adult Basic
146 Education or any other testing instrument approved by the
147 Department of Education. Each offender who has not obtained a
148 high school diploma shall be enrolled in an adult education
149 program designed to aid the offender in improving his or her
150 academic skills and earn a high school diploma. Further
151 assessments of the offender's vocational skills and future
152 career education shall be provided to the offender as needed. A
153 periodic reevaluation shall be made in order to assess the
154 progress of each offender.

155 (5) (a) If a nonviolent offender in the reentry program
156 becomes unmanageable, the department may revoke the offender's
157 gain-time and place the offender in disciplinary confinement in
158 accordance with department rule. Except as provided in paragraph
159 (b), the offender shall be readmitted to the reentry program
160 after completing the ordered discipline. Any period of time
161 during which the offender is unable to participate in the
162 reentry program shall be excluded from the specified time
163 requirements in the reentry program.

164 (b) The department may terminate an offender from the
165 reentry program if:

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166 1. The offender commits or threatens to commit a violent
167 act;

168 2. The department determines that the offender is unable
169 to participate in the reentry program due to the offender's
170 medical condition;

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

172 4. The department reassigns the offender's classification
173 status; or

174 5. The department determines that removing the offender
175 from the reentry program is in the best interest of the offender
176 or the security of the institution.

177 (6)(a) The department shall submit a report to the court
178 at least 30 days before the nonviolent offender is scheduled to
179 complete the reentry program. The report must describe the
180 offender's performance in the reentry program. If the
181 performance is satisfactory, the court shall issue an order
182 modifying the sentence imposed and place the offender on drug
183 offender probation subject to the offender's successful
184 completion of the remainder of the reentry program. The term of
185 drug offender probation may include placement in a community
186 residential or nonresidential substance abuse treatment facility
187 under the jurisdiction of the department or the Department of
188 Children and Family Services or any public or private entity
189 providing such services. If the nonviolent offender violates the
190 conditions of drug offender probation, the court may revoke
191 probation and impose any sentence that it might have originally
192 imposed.

193 (b) If an offender being released pursuant to paragraph
194 (a) intends to reside in a county that has established a
195 postadjudicatory drug court program as described in s. 397.334,
196 Florida Statutes, the sentencing court may require the offender
197 to successfully complete the postadjudicatory drug court program
198 as a condition of drug offender probation. The original
199 sentencing court shall relinquish jurisdiction of the offender's
200 case to the postadjudicatory drug court program until the
201 offender is no longer active in the program, the case is
202 returned to the sentencing court due to the offender's
203 termination from the program for failure to comply with the
204 terms thereof, or the offender's sentence is completed. If
205 transferred to a postadjudicatory drug court program, the
206 offender shall comply with all conditions and orders of the
207 program.

208 (7) The department shall implement the reentry program to
209 the fullest extent feasible within available resources.

210 (8) The department shall submit an annual report to the
211 Governor, the President of the Senate, and the Speaker of the
212 House of Representatives detailing the extent of implementation
213 of the reentry program and outlining future goals and any
214 recommendation the department has for future legislative action.

215 (9) The department may enter into performance-based
216 contracts with qualified individuals, agencies, or corporations
217 for the provision of any or all of the services for the reentry
218 program.

219 (10) A nonviolent offender in the reentry program is
220 subject to rules of conduct established by the department and

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221 may have sanctions imposed, including loss of privileges,
222 restrictions, disciplinary confinement, alteration of release
223 plans, or other program modifications in keeping with the nature
224 and gravity of the program violation. Administrative or
225 protective confinement, as necessary, may be imposed.

226 (11) The department may establish a system of incentives
227 within the reentry program which the department may use to
228 promote participation in rehabilitative programs and the orderly
229 operation of institutions and facilities.

230 (12) The department shall develop a system for tracking
231 recidivism, including, but not limited to, rearrests and
232 recommitment of nonviolent offenders who successfully complete
233 the reentry program, and shall report the recidivism rate in its
234 annual report of the program.

235 (13) The department shall adopt rules pursuant to ss.
236 120.536(1) and 120.54, Florida Statutes, to administer the
237 reentry program.

238 Section 2. This act shall take effect October 1, 2011.