

1 A bill to be entitled
2 An act relating to an inmate reentry program; creating
3 s. 397.755, F.S.; requiring the Department of
4 Corrections to administer a reentry program for
5 certain inmates with substance abuse, mental health,
6 or co-occurring disorders; establishing that the
7 reentry program consists of an in-prison treatment
8 program and a community-based aftercare treatment
9 program; requiring the sentencing court to issue a
10 recommendation for an inmate's participation in the
11 reentry program in a sentencing order; requiring the
12 department to consider inmates for admission to the
13 reentry program; providing factors for consideration;
14 providing eligibility criteria for participation in
15 the program; requiring the department to give written
16 notification of the inmate's admission into the
17 reentry program to the sentencing court and specified
18 persons; specifying that the department may refuse to
19 place an inmate in the reentry program for good cause;
20 requiring the department to develop a postrelease
21 treatment plan before an inmate completes in-prison
22 treatment; providing a procedure for an inmate who
23 appears to become unable to participate in the reentry
24 program; authorizing sanctions to be imposed on an
25 inmate who violates rules of conduct established by

26 | department rule; authorizing the department to place
27 | an inmate in the reentry program in an administrative
28 | or protective confinement; providing that an inmate
29 | shall be immediately transitioned into the community
30 | on drug offender-mental health probation following his
31 | or her completion of the in-prison treatment program;
32 | providing that an inmate in the reentry program who is
33 | on such probation is subject to the standard terms of
34 | probation and any special condition ordered by the
35 | sentencing court; requiring an inmate's case to be
36 | transferred to a drug court or mental health court if
37 | the sentencing county has such a court and is willing
38 | to accept the case; requiring the department to
39 | collect the cost of supervision from the inmate, as
40 | appropriate; requiring the inmate to comply with all
41 | conditions of his or her supervision and related court
42 | orders; specifying that a violation of such conditions
43 | or orders may result in revocation of supervision by
44 | the court and imposition of a sentence; requiring an
45 | inmate who is on probation as part of the reentry
46 | program to pay all appropriate costs of supervision to
47 | the department; requiring a financially able inmate to
48 | pay all costs of substance abuse or mental health
49 | treatment; authorizing the supervising court to impose
50 | additional conditions on the inmate, such as requiring

51 the payment of restitution, the payment of court costs
52 and fines, or community service; specifying that time
53 spent on probation as part of the reentry program is
54 considered in-custody time for purposes of calculating
55 gain-time; requiring the department to implement the
56 program, within available resources, to the fullest
57 extent possible; requiring the department to provide
58 special training to employees serving in the reentry
59 program; authorizing the department to develop and
60 enter into certain performance-based contracts to
61 supply services through the program; authorizing the
62 department to establish a system of incentives in the
63 program to promote participation in rehabilitative
64 programs and the orderly operation of institutions and
65 facilities; clarifying that this act does not confer
66 any right to placement in the reentry program or early
67 release; specifying that an inmate has no cause of
68 action for actions taken in the administration of the
69 reentry program; requiring the department to develop a
70 computerized system to track data on the recidivism
71 and recommitment of inmates who have participated in
72 the reentry program; requiring the department to
73 submit an annual report on such data to the Governor
74 and the Legislature by a specified date; requiring the
75 department to adopt rules; requiring the Office of

76 Program Policy Analysis and Government Accountability
77 to provide a report to the Legislature before a
78 specified date; providing an effective date.
79

80 Be It Enacted by the Legislature of the State of Florida:
81

82 Section 1. Section 397.755, Florida Statutes, is created
83 to read:

84 397.755 Reentry Program.—

85 (1) PROGRAM DEVELOPMENT.—The department shall administer a
86 reentry program by which an eligible, nonviolent, low-risk
87 inmate, who poses a minimal foreseeable risk to the public and
88 for whom the reentry program has been ordered as part of his or
89 her sentence, may be transitioned into the community during the
90 last 2 years of the sentence. The reentry program consists of at
91 least 90 days of participation in an in-prison treatment program
92 for substance abuse, mental health, or co-occurring disorders,
93 followed by a community-based aftercare treatment program. In-
94 prison treatment may be operated in secure areas within or
95 adjacent to an adult institution, a community residential
96 facility, or a work release center. The reentry program must be
97 intensive and may include a work-release component.

98 (2) ELIGIBILITY.—The sentencing court must include a
99 recommendation regarding an inmate's eligibility for
100 participation in the reentry program in the sentencing order for

101 purposes of department screening of incoming inmates to
102 determine their preliminary eligibility for the reentry program.
103 The department shall then consider the inmate for admission to
104 the reentry program. In considering the inmate's admission to
105 the reentry program, the department may consider an inmate's
106 criminal history, need for substance abuse or mental health
107 treatment, general rehabilitative interests, and potential risk
108 to the public. The department may consider comments of a victim
109 and its own operational needs.

110 (a) An inmate is ineligible for consideration for
111 admission to the program if:

112 1. The inmate was sentenced to a term of 10 years or more;

113 or

114 2. Whether related to the current term of incarceration or
115 a previous term of incarceration, the inmate was convicted of or
116 pled guilty or no contest to:

117 a. Any capital, life, or first degree felony;

118 b. Any second or third degree felony offense listed in s.
119 775.084(1)(c)1.;

120 c. Any offense listed in s. 784.07, s. 784.021, s. 827.03,
121 or s. 843.01 or any offense that makes a person subject to sex
122 offender registration under s. 943.0435;

123 d. Any offense for which the sentence was enhanced under
124 s. 775.087; or

125 e. Any offense in another jurisdiction that would be an

126 offense described in sub-subparagraphs a.-c., or that would have
127 been enhanced under s. 775.087, if that offense had been
128 committed in this state.

129 (b) An inmate is eligible for consideration for admission
130 to the program if:

131 1. The inmate is not ineligible under paragraph (a).

132 2. The inmate is in need of substance abuse or mental
133 health treatment.

134 3. The reentry program is ordered as part of the inmate's
135 sentence.

136 4. The department has placed the inmate in minimum or
137 community custody status.

138 5. The inmate otherwise meets the criteria for placement
139 as determined by the department. The criteria shall include, but
140 are not limited to, consideration of the inmate's criminal
141 history, need for substance abuse or mental health treatment,
142 general rehabilitative interests, and potential risk to the
143 public and the operational needs of the department.

144 (3) ADMISSION INTO PROGRAM.—If an inmate meets the
145 criteria for program admission under subsection (2), the
146 department approves the inmate for entry into the program, and
147 space is available, the department shall give written
148 notification of the inmate's admission into the program to the
149 sentencing court, state attorney, counsel for the inmate, and
150 any victim of the crime committed by the inmate. The department

151 may refuse to place an inmate in the reentry program for good
152 cause.

153 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON
154 TREATMENT.—

155 (a) In-prison treatment shall begin upon an inmate's
156 admission into the program. Before the inmate completes the in-
157 prison treatment, the department shall evaluate the inmate's
158 needs and develop a postrelease treatment plan that includes
159 substance abuse or mental health aftercare services.

160 (b) If, after placement in the reentry program, an inmate
161 appears to be unable to participate due to medical or other
162 reasons, he or she must be examined by qualified medical
163 personnel or qualified nonmedical personnel appropriate for the
164 inmate's situation, as determined by the department. The
165 qualified personnel shall consult with the director of the
166 reentry program, and the director shall determine if the inmate
167 shall continue with treatment or if the inmate is discharged
168 from the program.

169 (c) An inmate in the reentry program is subject to the
170 rules of conduct established by the department and may have
171 sanctions imposed, including loss of privileges, restrictions,
172 disciplinary confinement, forfeiture of gain-time or the right
173 to earn gain-time in the future, alteration of release plans,
174 termination from the reentry program, or other program
175 modifications in keeping with the nature and gravity of the

176 program violation. The department may place an inmate in the
177 reentry program in administrative or protective confinement, as
178 necessary.

179 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—
180 Following completion of the in-prison treatment program, the
181 inmate shall be immediately transitioned into the community on
182 drug offender or mental health probation for the last 24 months
183 of his or her sentence.

184 (a) While in the community, the inmate shall be subject to
185 all standard terms of drug offender or mental health probation,
186 any special condition of supervision ordered by the sentencing
187 court, including participation in an aftercare substance abuse
188 or mental health program, residence in a postrelease
189 transitional residential halfway house, or any other appropriate
190 form of supervision or treatment.

191 (b) If the county in which sentencing occurred has a drug
192 court or mental health court and it is willing to accept the
193 case, the inmate's case shall be transferred to the drug court
194 or mental health court for supervision for the last 24 months of
195 his or her sentence. The drug court judge is deemed the
196 sentencing judge for purposes of ensuring compliance with this
197 section, and the department shall collect the cost of
198 supervision, as appropriate, from the inmate.

199 (c) An inmate on probation pursuant to this subsection
200 must comply with all conditions of the supervision and must

201 comply with all orders of the drug court or other supervising
202 court. Violation of any condition or order may result in
203 revocation of supervision by the court and imposition of any
204 sentence authorized under the law, with credit given for the
205 time already served in prison.

206 (d) While on probation pursuant to this subsection, the
207 inmate shall pay all appropriate costs of supervision to the
208 department. An inmate who is financially able to shall also pay
209 all costs of substance abuse or mental health treatment. The
210 court may impose on the inmate additional conditions requiring
211 payment of restitution, court costs, and fines; community
212 service; or compliance with other special conditions.

213 (e) Time spent on probation as part of the reentry program
214 shall be considered time in custody when calculating the 85
215 percent requirement under s. 944.275.

216 (6) DEPARTMENT DUTIES.—The department shall, within
217 available resources, implement the reentry program to the
218 fullest extent possible. The department shall provide a special
219 training program for staff members selected to serve in the
220 reentry program.

221 (7) CONTRACTORS.—The department may develop and enter into
222 performance-based contracts with qualified individuals,
223 agencies, or corporations to supply any or all services provided
224 through the reentry program. Such contract may not be entered
225 into or renewed unless it offers a substantial savings to the

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

230 (8) NO RIGHTS CONFERRED UPON INMATES.—This section does
231 not create or confer to any inmate any right to placement in the
232 reentry program or any right to placement or early release under
233 supervision of any type. An inmate has no cause of action
234 against the department, a court, the state attorney, or a victim
235 for any action taken related to the administration of the
236 reentry program.

237 (9) REPORTING.—The department shall develop a computerized
238 system to track data on the recidivism and recommitment of
239 inmates who have participated in the reentry program. On October
240 1, 2019, and on each October 1 thereafter, the department shall
241 submit an annual report of the results of the collected data to
242 the Governor, the President of the Senate, and the Speaker of
243 the House of Representatives.

244 (10) RULEMAKING.—The department shall adopt rules pursuant
245 to ss. 120.536(1) and 120.54 to administer this section.

246 Section 2. The Office of Program Policy Analysis and
247 Government Accountability shall review the reentry program under
248 s. 397.755, Florida Statutes, as created by this act, and report
249 its findings to the President of the Senate and the Speaker of
250 the House of Representatives before the commencement of the 2019

HB 1409

2018

251 | Regular Session of the Legislature.

252 | Section 3. This act shall take effect July 1, 2018.