

HB 7121

2013

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

57 | before release pursuant to s. 944.605(7).

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

60 | 944.605 Inmate release; notification; identification  
61 | 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  
70 | or 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  
83 | for and obtaining a social security card before release if the  
84 | inmate needs a social security card.

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85 (d) The department, for purposes of assisting the inmate  
86 in obtaining a birth certificate, shall submit to the Department  
87 of Health on all Florida-born inmates in its custody, the  
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. Subsections (2) and (6) of section 944.803,

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113 Florida Statutes, are amended to read:

114 944.803 Faith- and character-based programs.—

115 (2) It is the intent of the Legislature that the  
116 department expand the faith- and character-based initiative  
117 through the use of faith- and character-based institutions. The  
118 department is encouraged to phase out the faith-based and self  
119 improvement dormitory programs and move toward the goal of only  
120 implementing faith- and character-based institutions. The  
121 department is also encouraged to dedicate and maintain faith-  
122 and character-based institutions that serve both male and female  
123 inmates at their respective institutions.

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

128 Section 5. Section 948.0125, Florida Statutes, is created  
129 to read:

130 948.0125 Reentry program sentence.—

131 (1) PROGRAM DEVELOPMENT.—The department shall develop and  
132 implement a reentry program for nonviolent drug offenders. The  
133 program shall provide a mechanism by which an eligible,  
134 nonviolent offender for whom the reentry program has been  
135 ordered as part of his or her conditional split sentence by the  
136 court may be transitioned into the community during the last  
137 year of the sentence. The reentry program shall consist of a  
138 prison-based substance abuse treatment program for a minimum of  
139 180 days and a community-based aftercare treatment program. The  
140 reentry program may include a work-release component.

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141        (2) ELIGIBILITY.—For an offender to participate in the  
142 reentry program, the court at the time of ordering a state  
143 prison sentence must have imposed a conditional split sentence  
144 whereby the offender is ordered into the department's reentry  
145 program that consists of an in-prison treatment component, and  
146 upon successful completion of the in-prison treatment, drug  
147 offender probation. Entry into the department's reentry program  
148 is subject to available funding and resources of the department.

149        (a) The sentencing court may order the offender into the  
150 department's reentry program if the offender meets the following  
151 criteria:

152            1. The offender's primary offense is a felony of the third  
153 degree.

154            2. The sentencing court, after requesting and reviewing a  
155 presentence investigation report prepared pursuant to s.  
156 921.231, has found that the offender has a substance abuse  
157 problem.

158            3. The offender has never been convicted of:

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

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

162            c. An offense described in chapter 847 involving a minor  
163 or a depiction of a minor.

164            d. An offense described in chapter 827.

165            e. Any offense described in s. 784.07, s. 784.074, s.  
166 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085.

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

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169 g. A capital felony or a felony of the first or second  
170 degree.

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

173 i. An offense that includes as an element of that offense  
174 the sale of a controlled substance.

175 j. An offense in another jurisdiction that would be an  
176 offense described in this subparagraph if that offense had been  
177 committed in this state.

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

181 (3) ADMISSION AND PARTICIPATION IN THE REENTRY PROGRAM.—If  
182 an offender meets the eligibility criteria under subsection (2),  
183 the sentencing court may order the reentry program at the time  
184 of sentencing. Admission into the reentry program, and an  
185 offender's continued participation in the program, is not a  
186 right. Accordingly, a sentencing court is not required to  
187 sentence an offender to the reentry program and an offender,  
188 based upon conduct in prison, may lose eligibility to continue  
189 participating in the reentry program.

190 (4) PROCEDURE UPON ADMISSION TO PROGRAM; IN-PRISON  
191 TREATMENT.—If the sentencing court orders the offender into the  
192 reentry program, the department shall, subject to available  
193 funding and resources, place the offender into the in-prison  
194 treatment component not more than 9 months before the end of the  
195 offender's incarceration portion of the split sentence,  
196 including any gain time accrued.

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

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

213 (c) The department shall terminate an offender from the  
214 reentry program if:

215 1. The offender commits a violent act;

216 2. The department determines that the offender is unable  
217 to participate in the reentry program due to the offender's  
218 medical condition;

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

220 4. The department reassigns the offender's classification  
221 status; or

222 5. The department determines that removing the offender  
223 from the reentry program is in the best interest of the offender  
224 or the security of the institution.



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225 (d) An offender must serve at least 85 percent of the  
226 incarceration portion of the conditional split sentence before  
227 being released to drug offender probation. If the offender does  
228 not successfully complete the in-prison treatment component of  
229 the reentry program, the drug offender probation portion of the  
230 conditional split sentence becomes a term of imprisonment to be  
231 served while incarcerated. The offender must then serve at least  
232 85 percent of the total term of imprisonment.

233 (5) PROCEDURE UPON COMPLETION OF IN-PRISON TREATMENT.—  
234 Following successful completion of the in-prison treatment  
235 component, the offender shall be transitioned into the community  
236 to serve the drug offender probation portion of the offender's  
237 conditional split sentence.

238 (a) While in the community, the offender shall be subject  
239 to all standard terms of probation under s. 948.03, and of drug  
240 offender probation under s. 948.20, a special condition of  
241 supervision ordered by the sentencing court, including  
242 participation in an aftercare substance abuse program, residence  
243 in a postrelease transitional residential halfway house, or  
244 other appropriate form of supervision or treatment.

245 (b) Violation of a condition or order may result in  
246 revocation of supervision by the court and imposition of a  
247 sentence that is authorized by law, subject to time served in  
248 prison.

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

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253 transferred to the drug court for supervision for the probation  
254 portion of the offender's split sentence. The drug court judge  
255 shall be deemed the sentencing judge for purposes of ensuring  
256 compliance with this section.

257 (d) While on drug offender probation, the department shall  
258 collect from the offender the cost of supervision as provided  
259 for in s. 948.09. An offender who is financially able shall also  
260 pay all costs of his or her drug rehabilitation, including drug  
261 testing fees. The sentencing judge may impose on the offender  
262 additional conditions requiring payment of court costs and  
263 finances, public service, and compliance with other court-ordered  
264 special conditions.

265 (6) CONTRACTORS.—The department may develop and enter into  
266 performance-based contracts with qualified individuals,  
267 agencies, or corporations to supply any or all services provided  
268 in the reentry program. The department may establish incentives  
269 within the reentry program to promote participation by private-  
270 sector employers in the rehabilitative reentry programs and the  
271 orderly operation of institutions and facilities.

272 (7) NO RIGHTS CONFERRED UPON OFFENDERS.—This section does  
273 not create or confer a right to an offender to placement in the  
274 reentry program or a right to placement or early-release under  
275 supervision of any type. An offender does not have a cause of  
276 action against the department, a court, the state attorney, or a  
277 victim related to placement in or continued participation in the  
278 reentry program.

279 (8) REPORTING.—The department shall, as part of its annual  
280 report, provide a detailed account of the department's

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281 implementation of the reentry program, the number of offenders  
282 sentenced to the program, the number of inmates who successfully  
283 complete the in-prison portion of the program, the number of  
284 inmates who successfully complete the drug offender probation,  
285 and recidivism numbers for inmates who have participated in the  
286 reentry program.

287 (9) RULEMAKING.—The department may adopt rules to  
288 implement this section.

289 Section 6. This act shall take effect July 1, 2013.