



211666

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) is added to, and paragraph (b) of
subsection (1) of section 945.091, Florida Statutes, is amended,
to read:

945.091 Extension of the limits of confinement; restitution
by employed inmates.—

(1) The department may adopt rules permitting the extension



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11 of the limits of the place of confinement of an inmate as to
12 whom there is reasonable cause to believe that the inmate will
13 honor his or her trust by authorizing the inmate, under
14 prescribed conditions and following investigation and approval
15 by the secretary, or the secretary's designee, who shall
16 maintain a written record of such action, to leave the confines
17 of that place unaccompanied by a custodial agent for a
18 prescribed period of time to:

19 (b) Work at paid employment, participate in an education or
20 a training program, or voluntarily serve a public or nonprofit
21 agency or faith-based service group in the community, while
22 continuing as an inmate of the institution or facility in which
23 the inmate is confined, except during the hours of his or her
24 employment, education, training, or service and traveling
25 thereto and therefrom. An inmate may travel to and from his or
26 her place of employment, education, or training only by means of
27 walking, bicycling, or using public transportation or
28 transportation that is provided by a family member or employer.
29 Contingent upon specific appropriations, the department may
30 transport an inmate in a state-owned vehicle if the inmate is
31 unable to obtain other means of travel to his or her place of
32 employment, education, or training.

33 1. An inmate may participate in paid employment only during
34 the last 36 months of his or her confinement, unless sooner
35 requested by the Florida Commission on Offender Review or the
36 Control Release Authority.

37 2. An inmate who may not otherwise be approved for release
38 under this paragraph due to a higher custody level or other risk
39 factor may be released and placed on an electronic monitoring



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40 device. The department must administer a risk assessment tool to
41 appropriately determine such inmate's ability to be released
42 with electronic monitoring for work, educational, or training
43 purposes.

44 32. While working at paid employment and residing in the
45 facility, an inmate may apply for placement at a contracted
46 substance abuse transition housing program. The transition
47 assistance specialist shall inform the inmate of program
48 availability and assess the inmate's need and suitability for
49 transition housing assistance. If an inmate is approved for
50 placement, the specialist shall assist the inmate. If an inmate
51 requests and is approved for placement in a contracted faith-
52 based substance abuse transition housing program, the specialist
53 must consult with the chaplain before such placement. The
54 department shall ensure that an inmate's faith orientation, or
55 lack thereof, will not be considered in determining admission to
56 a faith-based program and that the program does not attempt to
57 convert an inmate toward a particular faith or religious
58 preference.

59 (d) Participate in supervised community release as
60 prescribed by the department by rule. The inmate's participation
61 may begin 90 days before his or her provisional or tentative
62 release date. Such supervised community release must include
63 electronic monitoring and community control as defined in s.
64 948.001. The department must administer a risk assessment tool
65 to appropriately determine an inmate's ability to be released
66 pursuant to this paragraph.

67 1. If a participating inmate fails to comply with the
68 conditions prescribed by the department by rule for supervised



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69 community release, the department may terminate the inmate's
70 supervised community release and return him or her to the same
71 or another institution designated by the department. A law
72 enforcement officer or a probation officer may arrest the inmate
73 without a warrant in accordance with s. 948.06, if there are
74 reasonable grounds to believe he or she has violated the terms
75 and conditions of supervised community release. The law
76 enforcement officer or probation officer must report the
77 inmate's alleged violations to a correctional officer for
78 disposition of disciplinary charges as prescribed by the
79 department by rule.

80 2. Inmates participating in supervised community release
81 under this paragraph remain eligible to earn or lose gain-time
82 as prescribed by law and department rule, but may not be counted
83 in the population of the prison system, and the inmate's
84 approved community-based housing location may not be counted in
85 the capacity figures for the prison system.

86 Section 2. Section 948.33, Florida Statutes, is created to
87 read:

88 948.33 Prosecution for violation of probation and community
89 control arrest warrants of state prisoners.—A prisoner in a
90 state prison in this state who has an unserved violation of
91 probation or an unserved violation of community control warrant
92 for his or her arrest may file a state prisoner's notice of
93 unserved warrant in the circuit court of the judicial circuit in
94 which the unserved warrant was issued. The prisoner must also
95 serve notice on the state attorney of that circuit. The circuit
96 court shall schedule the notice for a status hearing within 90
97 days after receipt of the notice. The state prisoner may not be



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98 transported to the status hearing. At the status hearing, the
99 state attorney shall inform the court as to whether there is an
100 unserved violation of probation warrant or an unserved violation
101 of community control warrant for the arrest of the state
102 prisoner. If a warrant for either violation exists, the court
103 must enter an order within 30 days after the status hearing for
104 the transport of the state prisoner to the county jail of the
105 county that issued the warrant for prosecution of the violation,
106 and the court shall send the order to the county sheriff for
107 execution.

108 Section 3. This act shall take effect October 1, 2018.

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause
113 and insert:

114 A bill to be entitled
115 An act relating to state inmates; amending s. 945.091,
116 F.S.; authorizing the Department of Corrections to
117 extend the limits of confinement to allow an inmate
118 that may not otherwise qualify for work release to be
119 released on electronic monitoring; requires the
120 department to utilize a risk assessment tool to
121 determine appropriateness for release on electronic
122 monitoring; authorizing the department to extend the
123 limits of confinement to allow an inmate to
124 participate in supervised community release, subject
125 to certain requirements, as prescribed by the
126 department by rule; requires the department to utilize



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127 a risk assessment tool to determine appropriateness
128 for release on electronic monitoring; authorizing the
129 department to terminate an inmate's participation
130 under certain circumstances; authorizing a law
131 enforcement or a probation officer to arrest an inmate
132 without warrant in accordance with authority granted
133 in s. 948.06, F.S.; requiring the law enforcement or
134 probation officer to report the alleged violations to
135 a correctional officer for disposition of disciplinary
136 charges as prescribed by the department by rule;
137 providing that participating inmates remain eligible
138 to earn or lose gain-time; providing that such inmates
139 may not be counted in the population of the prison
140 system and that their approved community-based housing
141 location may not be counted in the capacity figures
142 for the prison system; creating s. 948.33, F.S.;

143 authorizing a prisoner in a state prison who has an
144 unserved violation of probation or an unserved
145 violation of community control warrant to file a
146 notice of unserved warrant in the circuit court where
147 the warrant was issued; requiring the prisoner to
148 serve notice on the state attorney; requiring the
149 circuit court to schedule a status hearing within a
150 certain time after receiving notice; specifying
151 procedures and requirements for the status hearing;
152 providing for prosecution of the violation; requiring
153 the court to send the order to the county sheriff;
154 providing an effective date.