

By Senator Dockery

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1 A bill to be entitled

2 An act relating to supervised reentry programs for
3 inmates; amending s. 945.091, F.S.; providing legislative
4 intent to encourage the Department of Corrections, to the
5 extent possible, to place inmates in the community to
6 perform paid employment for community work; providing that
7 an inmate may leave the confinement of prison to
8 participate in a supervised reentry program in which the
9 inmate is housed in the community while working at paid
10 employment or participating in such other programs that
11 are approved by the department; requiring the inmate to
12 live at a department-approved residence while
13 participating in the supervised reentry program;
14 specifying the conditions for participating in the
15 supervised reentry program; requiring the department to
16 adopt rules to operate the supervised reentry program;
17 providing legislative intent to encourage the department
18 to place inmates in paid employment in the community for
19 not less than 6 months before the inmate's sentence
20 expires; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 945.091, Florida Statutes, is amended to
25 read:

26 945.091 Extension of the limits of confinement; supervised
27 reentry; restitution by employed inmates.--

28 (1) The department may adopt rules permitting the extension
29 of the limits of the place of confinement of an inmate as to whom

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30 | there is reasonable cause to believe that the inmate will honor
31 | his or her trust by authorizing the inmate, under prescribed
32 | conditions and following investigation and approval by the
33 | secretary, or the secretary's designee, who shall maintain a
34 | written record of such action, to leave the confines of that
35 | place unaccompanied by a custodial agent for a prescribed period
36 | of time to:

37 | (a) Visit, for a specified period, a specifically
38 | designated place or places:

39 | 1. For the purpose of visiting a dying relative, attending
40 | the funeral of a relative, or arranging for employment or for a
41 | suitable residence for use when released;

42 | 2. To otherwise aid in the rehabilitation of the inmate and
43 | his or her successful transition into the community; or

44 | 3. For another compelling reason consistent with the public
45 | interest,

46 |
47 | and return to the same or another institution or facility
48 | designated by the department ~~Department of Corrections~~.

49 | (b) Work at paid employment, participate in an education or
50 | a training program, or voluntarily serve a public or nonprofit
51 | agency or faith-based service group in the community, while
52 | continuing as an inmate of the institution or facility in which
53 | the inmate is confined, except during the hours of his or her
54 | employment, education, training, or service and traveling thereto
55 | and there from. An inmate may travel to and from his or her place
56 | of employment, education, or training only by means of walking,
57 | bicycling, or using public transportation or transportation that
58 | is provided by a family member or employer. Contingent upon

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59 specific appropriations, the department may transport an inmate
60 in a state-owned vehicle if the inmate is unable to obtain other
61 means of travel to his or her place of employment, education, or
62 training.

63 1. An inmate may participate in paid employment only during
64 the last 36 months of his or her confinement, unless sooner
65 requested by the Parole Commission or the Control Release
66 Authority. To the extent possible, the department shall place
67 inmates in the community to perform paid employment.

68 2. While working at paid employment and residing in the
69 facility, an inmate may apply for placement at a contracted
70 substance abuse transition housing program. The transition
71 assistance specialist shall inform the inmate of program
72 availability and assess the inmate's need and suitability for
73 transition housing assistance. If an inmate is approved for
74 placement, the specialist shall assist the inmate. If an inmate
75 requests and is approved for placement in a contracted faith-
76 based substance abuse transition housing program, the specialist
77 must consult with the chaplain before the ~~prior to~~ such
78 placement. The department shall ensure that an inmate's faith
79 orientation, or lack thereof, will not be considered in
80 determining admission to a faith-based program and that the
81 program does not attempt to convert an inmate toward a particular
82 faith or religious preference.

83 (c) Participate in a residential or nonresidential
84 rehabilitative program operated by a public or private ~~nonprofit~~
85 agency, including faith-based service groups, with which the
86 department has contracted for the treatment of the ~~such~~ inmate.
87 Sections ~~The provisions of ss.~~ 216.311 and 287.057 ~~shall~~ apply to

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88 all contracts between the department and any private entity
89 providing the ~~such~~ services. The department shall require the
90 ~~such~~ agency to provide appropriate supervision of inmates
91 participating in the ~~such~~ program. The department is authorized
92 to terminate any inmate's participation in the program if the
93 ~~such~~ inmate fails to demonstrate satisfactory progress in the
94 program as established by departmental rules.

95 (d) Participate in a supervised reentry program in which
96 the inmate is housed in the community while working at paid
97 employment or participating in such other programs that are
98 approved by the department. The inmate shall reside at a
99 department-approved residence while retaining status as an inmate
100 in the supervised reentry program.

101 1. An inmate may participate in the supervised reentry
102 program only during the last 14 months of his or her confinement.

103 2. An inmate may participate in the supervised reentry
104 program only after residing at a work release center for at least
105 6 months.

106 3. Supervised reentry program participants must comply with
107 reporting, drug testing, and other requirements established by
108 the department.

109 4. An inmate who fails to abide by the conditions set forth
110 in the supervised reentry program is subject to removal from the
111 program and to disciplinary action.

112 5. An inmate in the supervised reentry program may travel
113 to and from his or her department-approved activities only by
114 means of transportation approved by the department.

115 6. The inmate must pay the department for the cost of his
116 or her supervision in accordance with rules set forth by the

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117 department. The inmate shall also pay the cost of any treatment
118 program in which he or she is participating.

119 7. An inmate is subject to the rules of conduct established
120 by the department and, after a violation, may have sanctions
121 imposed against him or her, including loss of privileges,
122 restrictions, disciplinary confinement, forfeiture of gain-time
123 or the right to earn gain-time in the future, as well as program
124 termination.

125 8. An inmate participating in the supervised reentry
126 program may not be included in the bed count for purposes of
127 determining total capacity as defined in s. 944.023(1)(b).

128 9. The department shall adopt rules for the operation of
129 the supervised reentry program.

130 (2) In order for participating inmates to acquire
131 meaningful work skills and develop an employment history, the
132 department is encouraged to approve an inmate's participation in
133 paid employment programs under paragraphs (1)(b) through (d) in
134 such a manner that the inmate moves into the community not less
135 than 6 months before the expiration of the inmate's sentence.

136 (3)~~(2)~~ Each inmate who demonstrates college-level aptitudes
137 by satisfactory evidence of successful completion of college-
138 level academic coursework may be provided the opportunity to
139 participate in college-level academic programs which may be
140 offered at community colleges or universities. The inmate is
141 personally responsible for the payment of all student fees
142 incurred.

143 (4)~~(3)~~ The department may adopt regulations as to the
144 eligibility of inmates for the extension of confinement, the
145 disbursement of any earnings of these inmates, or the entering

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146 into of agreements between itself and any city or county or
147 federal agency for the housing of these inmates in a local place
148 of confinement. However, a ~~ne~~ person convicted of sexual battery
149 pursuant to s. 794.011 is not eligible for any extension of the
150 limits of confinement under this section.

151 (5)~~(4)~~ The willful failure of an inmate to remain within
152 the extended limits of his or her confinement or to return within
153 the time prescribed to the place of confinement designated by the
154 department is ~~shall be~~ deemed as an escape from the custody of
155 the department and is ~~shall be~~ punishable as prescribed by law.

156 (6)~~(5)~~ ~~The provisions of~~ This section does ~~shall~~ not ~~be~~
157 ~~deemed to~~ authorize any inmate who has been convicted of any
158 murder, manslaughter, sexual battery, robbery, arson, aggravated
159 assault, aggravated battery, kidnapping, escape, breaking and
160 entering with intent to commit a felony, or aircraft piracy, or
161 any attempt to commit the aforementioned crimes, to attend any
162 classes at any state community college or any university which is
163 a part of the State University System.

164 (7)~~(6)~~(a) The department shall require inmates working at
165 paid employment as provided in paragraph (1) (b) or paragraph
166 (1) (d) to use a portion of the employment proceeds to provide
167 restitution to the aggrieved party for the damage or loss caused
168 by the offense of the inmate, in an amount to be determined by
169 the department, unless the department finds clear and compelling
170 reasons not to order such restitution. If restitution or partial
171 restitution is not ordered, the department shall state on the
172 record in detail the reasons therefor.

173 (b) An offender who is required to provide restitution or
174 reparation may petition the circuit court to amend the amount of

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175 restitution or reparation required or to revise the schedule of
176 repayment established by the department or the Parole Commission.

177 (8)~~(7)~~ The department shall document and account for all
178 forms for disciplinary reports for inmates placed on extended
179 limits of confinement, which shall include, but not be limited
180 to, all violations of rules of conduct, the rule or rules
181 violated, the nature of punishment administered, the authority
182 ordering the ~~such~~ punishment, and the duration of time during
183 which the inmate was subjected to confinement.

184 (9)~~(8)~~(a) The department may ~~is authorized to~~ levy fines
185 only through disciplinary reports and only against inmates placed
186 on extended limits of confinement. Major and minor infractions
187 and their respective punishments for inmates placed on extended
188 limits of confinement shall be defined by the rules of the
189 department, provided that a ~~any~~ fine may ~~shall~~ not exceed \$50 for
190 each infraction deemed to be minor and \$100 for each infraction
191 deemed to be major. Such fines shall be deposited in the General
192 Revenue Fund, and a receipt shall be given to the inmate.

193 (b) When the chief correctional officer determines that a
194 fine would be an appropriate punishment for a violation of the
195 rules of the department, both the determination of guilt and the
196 amount of the fine shall be determined by the disciplinary
197 committee pursuant to the method prescribed in s. 944.28(2)(c).

198 (c) The department shall adopt ~~develop~~ rules defining the
199 policies and procedures for the administering of such fines.

200 Section 2. This act shall take effect July 1, 2008.