



474904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

Senate Amendment (with title amendment)

Between lines 612 and 613
insert:

Section 2. Section 945.091, Florida Statutes, is amended to read:

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

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under



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13 prescribed conditions and following investigation, risk
14 assessment, and approval by the secretary, or the secretary's
15 designee, who shall maintain a written record of such action, to
16 leave the confines of that place unaccompanied by a custodial
17 agent for a prescribed period of time to:

18 (a) Visit, for a specified period, a specifically
19 designated place or places:

20 1. For the purpose of visiting a dying relative, attending
21 the funeral of a relative, or arranging for employment or for a
22 suitable residence for use when released;

23 2. To otherwise aid in the rehabilitation of the inmate and
24 his or her successful transition into the community; or

25 3. For another compelling reason consistent with the public
26 interest,

27
28 and return to the same or another institution or facility
29 designated by the department ~~Department of Corrections~~.

30 (b) Work at paid employment, participate in an education or
31 a training program, or voluntarily serve a public or nonprofit
32 agency or faith-based service group in the community, while
33 continuing as an inmate of the institution or facility in which
34 the inmate is confined, except during the hours of his or her
35 employment, education, training, or service and traveling
36 thereto and therefrom. An inmate may travel to and from his or
37 her place of employment, education, or training only by means of
38 walking, bicycling, or using public transportation or
39 transportation that is provided by a family member or employer.
40 Contingent upon specific appropriations, the department may
41 transport an inmate in a state-owned vehicle if the inmate is



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42 unable to obtain other means of travel to his or her place of
43 employment, education, or training.

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

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

64 (c) Participate in a residential or nonresidential
65 rehabilitative program operated by a public or private ~~nonprofit~~
66 agency, including faith-based service groups, with which the
67 department has contracted for the treatment of the ~~such~~ inmate.
68 Sections ~~The provisions of ss.~~ 216.311 and 287.057 ~~shall~~ apply
69 to all contracts between the department and any private entity
70 providing such services. The department shall require the ~~such~~



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71 agency to provide appropriate supervision of inmates
72 participating in the such program. The department is authorized
73 to terminate any inmate's participation in the program if the
74 such inmate fails to demonstrate satisfactory progress in the
75 program as established by departmental rules.

76 (d) Participate in a supervised reentry program in which
77 the inmate is housed in the community while working at paid
78 employment or participating in other programs that are approved
79 by the department. The inmate shall reside at a department-
80 approved residence while retaining status as an inmate in the
81 supervised reentry program.

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

85 2. An inmate may participate in the supervised reentry
86 program only after residing at a work release center for at
87 least 6 months.

88 3. Supervised reentry program participants must comply with
89 reporting, drug testing, and other requirements established by
90 the department.

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

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

97 6. The inmate must pay the department for the cost of his
98 or her supervision in accordance with rules set forth by the
99 department. The inmate shall also pay the cost of any treatment



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100 program in which he or she is participating.

101 7. An inmate is subject to the rules of conduct established
102 by the department and, after a violation, may have sanctions
103 imposed against him or her, including loss of privileges,
104 restrictions, disciplinary confinement, forfeiture of gain-time
105 or the right to earn gain-time in the future, and program
106 termination.

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

110 9. The department shall adopt rules for the operation of
111 the supervised reentry program.

112 (2) In order for participating inmates to acquire
113 meaningful work skills and develop an employment history, the
114 department is encouraged to approve an inmate's participation in
115 paid employment programs under paragraphs (1)(b)-(d) in such a
116 manner that the inmate moves into the community not less than 6
117 months before the expiration of the inmate's sentence.

118 (3)~~(2)~~ Each inmate who demonstrates college-level aptitudes
119 by satisfactory evidence of successful completion of college-
120 level academic coursework may be provided the opportunity to
121 participate in college-level academic programs that ~~which~~ may be
122 offered at community colleges or universities. The inmate is
123 personally responsible for the payment of all student fees
124 incurred.

125 (4)~~(3)~~ The department may adopt regulations as to the
126 eligibility of inmates for the extension of confinement, the
127 disbursement of any earnings of these inmates, or the entering
128 into of agreements between itself and any city or county or



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129 federal agency for the housing of these inmates in a local place
130 of confinement. However, a ~~ne~~ person convicted of sexual battery
131 pursuant to s. 794.011 is not eligible for any extension of the
132 limits of confinement under this section.

133 (5)~~(4)~~ The willful failure of an inmate to remain within
134 the extended limits of his or her confinement or to return
135 within the time prescribed to the place of confinement
136 designated by the department is ~~shall be deemed as~~ an escape
137 from the custody of the department and is ~~shall be~~ punishable as
138 prescribed by law.

139 (6)~~(5)~~ ~~The provisions of~~ This section does ~~shall~~ not ~~be~~
140 ~~deemed to~~ authorize any inmate who has been convicted of any
141 murder, manslaughter, sexual battery, robbery, arson, aggravated
142 assault, aggravated battery, kidnapping, escape, breaking and
143 entering with intent to commit a felony, or aircraft piracy, or
144 any attempt to commit the aforementioned crimes, to attend any
145 classes at any state community college or any university that
146 ~~which~~ is a part of the State University System.

147 (7)~~(6)~~ (a) The department shall require inmates working at
148 paid employment as provided in paragraph (1) (b) or paragraph
149 (1) (d) to use a portion of the employment proceeds to provide
150 restitution to the aggrieved party for the damage or loss caused
151 by the offense of the inmate, in an amount to be determined by
152 the department, unless the department finds clear and compelling
153 reasons not to order such restitution. If restitution or partial
154 restitution is not ordered, the department shall state on the
155 record in detail the reasons therefor.

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



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158 restitution or reparation required or to revise the schedule of
159 repayment established by the department or the Parole
160 Commission.

161 (8)~~(7)~~ The department shall document and account for all
162 forms for disciplinary reports for inmates placed on extended
163 limits of confinement, which shall include, but are not ~~be~~
164 limited to, all violations of rules of conduct, the rule or
165 rules violated, the nature of punishment administered, the
166 authority ordering such punishment, and the duration of time
167 during which the inmate was subjected to confinement.

168 (9)~~(8)~~(a) The department may ~~is authorized to~~ levy fines
169 only through disciplinary reports and only against inmates
170 placed on extended limits of confinement. Major and minor
171 infractions and their respective punishments for inmates placed
172 on extended limits of confinement shall be defined by the rules
173 of the department, provided that a ~~any~~ fine may ~~shall~~ not exceed
174 \$50 for each infraction deemed to be minor and \$100 for each
175 infraction deemed to be major. Such fines shall be deposited in
176 the General Revenue Fund, and a receipt shall be given to the
177 inmate.

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

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

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186 ===== T I T L E A M E N D M E N T =====



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187 And the title is amended as follows:

188 Delete lines 2 - 5

189 and insert:

190 An act relating to criminal justice; amending s.
191 893.135, F.S.; removing all references to imposing
192 mandatory minimum sentences for defendants convicted
193 of trafficking in controlled substances; amending s.
194 945.091, F.S.; providing legislative intent to
195 encourage the Department of Corrections, to the extent
196 possible, to place inmates in the community to perform
197 paid employment for community work; providing that an
198 inmate may leave the confinement of prison to
199 participate in a supervised reentry program in which
200 the inmate is housed in the community while working at
201 paid employment or participating in other programs
202 that are approved by the department; requiring the
203 inmate to live at a department-approved residence
204 while participating in the supervised reentry program;
205 specifying the conditions for participating in the
206 supervised reentry program; requiring that the
207 department adopt rules to operate the supervised
208 reentry program; providing legislative intent to
209 encourage the department to place inmates in paid
210 employment in the community for not less than 6 months
211 before the inmate's sentence expires; defining the