

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

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

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

27 945.091 Extension of the limits of confinement; supervised
28 reentry; restitution by employed inmates.—

29 (1) The department may adopt rules permitting the extension

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

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

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

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

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

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

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

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59 transportation that is provided by a family member or employer.
60 Contingent upon specific appropriations, the department may
61 transport an inmate in a state-owned vehicle if the inmate is
62 unable to obtain other means of travel to his or her place of
63 employment, education, or training.

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

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

84 (c) Participate in a residential or nonresidential
85 rehabilitative program operated by a public or private ~~nonprofit~~
86 agency, including faith-based service groups, with which the
87 department has contracted for the treatment of the ~~such~~ inmate.

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88 Sections ~~The provisions of ss. 216.311 and 287.057 shall apply~~
89 to all contracts between the department and any private entity
90 providing such services. The department shall require the ~~such~~
91 agency to provide appropriate supervision of inmates
92 participating in the ~~such~~ program. The department is authorized
93 to terminate any inmate's participation in the program if the
94 ~~such~~ inmate fails to demonstrate satisfactory progress in the
95 program as established by departmental rules.

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

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

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

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

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

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

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117 6. The inmate must pay the department for the cost of his
118 or her supervision in accordance with rules set forth by the
119 department. The inmate shall also pay the cost of any treatment
120 program in which he or she is participating.

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

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

130 9. The department shall adopt rules for the operation of
131 the supervised reentry program.

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

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

145 (4)~~(3)~~ The department may adopt regulations as to the

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

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

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

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

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175 record in detail the reasons therefor.

176 (b) An offender who is required to provide restitution or
177 reparation may petition the circuit court to amend the amount of
178 restitution or reparation required or to revise the schedule of
179 repayment established by the department or the Parole
180 Commission.

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

188 (9)~~(8)~~ (a) The department may ~~is authorized to~~ levy fines
189 only through disciplinary reports and only against inmates
190 placed on extended limits of confinement. Major and minor
191 infractions and their respective punishments for inmates placed
192 on extended limits of confinement shall be defined by the rules
193 of the department, provided that a ~~any~~ fine may ~~shall~~ not exceed
194 \$50 for each infraction deemed to be minor and \$100 for each
195 infraction deemed to be major. Such fines shall be deposited in
196 the General Revenue Fund, and a receipt shall be given to the
197 inmate.

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

203 (c) The department shall adopt ~~develop~~ rules defining the

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204 policies and procedures for the administering of such fines.

205 Section 2. This act shall take effect July 1, 2011.