

By the Committee on Budget Subcommittee on Criminal and Civil Justice Appropriations; and Senators Dockery and Joyner

604-04496-11

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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 an
18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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

24 945.091 Extension of the limits of confinement; supervised
25 reentry; restitution by employed inmates.-

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

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30 prescribed conditions and following investigation, risk
31 assessment, and approval by the secretary, or the secretary's
32 designee, who shall maintain a written record of such action, to
33 leave the confines of that place unaccompanied by a custodial
34 agent for a prescribed period of time to:

35 (a) Visit, for a specified period, a specifically
36 designated place or places:

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

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

42 3. For another compelling reason consistent with the public
43 interest,

44
45 and return to the same or another institution or facility
46 designated by the department ~~Department of Corrections~~.

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

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

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

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

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

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88 agency to provide appropriate supervision of inmates
89 participating in the ~~such~~ program. The department is authorized
90 to terminate any inmate's participation in the program if the
91 ~~such~~ inmate fails to demonstrate satisfactory progress in the
92 program as established by departmental rules.

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

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

102 2. Supervised reentry program participants must comply with
103 reporting, drug testing, and other requirements established by
104 the department.

105 3. An inmate in the supervised reentry program may travel
106 to and from his or her department-approved activities only by
107 means of transportation approved by the department.

108 4. The inmate must pay the department for the cost of his
109 or her supervision in accordance with rules set forth by the
110 department. The inmate shall also pay the cost of any treatment
111 program in which he or she is participating.

112 5. An inmate participating in the supervised reentry
113 program may not be included in the bed count for purposes of
114 determining total capacity as defined in s. 944.023(1).

115 6. The department shall adopt rules for the operation of
116 the supervised reentry program.

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

124 (3) The department may adopt regulations as to the
125 eligibility of inmates for the extension of confinement, the
126 disbursement of any earnings of these inmates, or the entering
127 into of agreements between itself and any city or county or
128 federal agency for the housing of these inmates in a local place
129 of confinement. However, a ~~no~~ person convicted of sexual battery
130 pursuant to s. 794.011 is not eligible for any extension of the
131 limits of confinement under this section.

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

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

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

155 (b) An offender who is required to provide restitution or
156 reparation may petition the circuit court to amend the amount of
157 restitution or reparation required or to revise the schedule of
158 repayment established by the department or the Parole
159 Commission.

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

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

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175 the General Revenue Fund, and a receipt shall be given to the
176 inmate.

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

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

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