

By Senator Bracy

11-00864-17

20171220__

1 A bill to be entitled
2 An act relating to work release for nonviolent and
3 low-risk offenders; amending s. 945.091, F.S.;
4 requiring, rather than authorizing, the Department of
5 Corrections to adopt rules to allow inmates who are
6 incarcerated for nonviolent offenses and who are
7 considered low-risk offenders to participate in,
8 unaccompanied by a custodial agent and for a
9 prescribed time, work at paid employment, to
10 participate in an education or a training program, or
11 to voluntarily serve a public or nonprofit agency or
12 faith-based service group in the community; amending
13 ss. 944.704 and 945.0913, F.S.; conforming cross-
14 references; reenacting ss. 944.516(2), 945.092, and
15 946.503(2), F.S., relating to money or other property
16 received for personal use by or benefit of an inmate,
17 limits on work-release and minimum security custody
18 for persons who have committed the crime of escape,
19 and the definition of the term "correctional work
20 program," respectively, to incorporate the amendment
21 made to s. 945.091, F.S., in references thereto;
22 providing an effective date.

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

25
26 Section 1. Subsection (1) of section 945.091, Florida
27 Statutes, is amended, present subsections (2) through (8) of
28 that section are redesignated as subsections (3) through (9),
29 respectively, a new subsection (2) is added to that section, and

11-00864-17

20171220__

30 paragraph (a) of present subsection (6) of that section is
31 amended, to read:

32 945.091 Extension of the limits of confinement; restitution
33 by employed inmates.—

34 (1) The department may adopt rules allowing ~~permitting~~ the
35 extension of the limits of the place of confinement of an inmate
36 if ~~as to whom~~ there is reasonable cause to believe that the
37 inmate will honor his or her trust by authorizing the inmate,
38 under prescribed conditions and following investigation and
39 approval by the secretary, or the secretary's designee, who
40 shall maintain a written record of such action, to leave the
41 confines of that place unaccompanied by a custodial agent for a
42 prescribed ~~period of~~ time to:

43 (a) Visit, for a specified period, a specifically
44 designated place or places:

45 1. For the purpose of visiting a dying relative, attending
46 the funeral of a relative, or arranging for employment or for a
47 suitable residence for use when released;

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

50 3. For another compelling reason consistent with the public
51 interest,

52
53 and return to the same or another institution or facility
54 designated by the Department of Corrections.

55 ~~(b) Work at paid employment, participate in an education or~~
56 ~~a training program, or voluntarily serve a public or nonprofit~~
57 ~~agency or faith-based service group in the community, while~~
58 ~~continuing as an inmate of the institution or facility in which~~

11-00864-17

20171220__

59 ~~the inmate is confined, except during the hours of his or her~~
60 ~~employment, education, training, or service and traveling~~
61 ~~thereto and therefrom. An inmate may travel to and from his or~~
62 ~~her place of employment, education, or training only by means of~~
63 ~~walking, bicycling, or using public transportation or~~
64 ~~transportation that is provided by a family member or employer.~~
65 ~~Contingent upon specific appropriations, the department may~~
66 ~~transport an inmate in a state-owned vehicle if the inmate is~~
67 ~~unable to obtain other means of travel to his or her place of~~
68 ~~employment, education, or training.~~

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

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

11-00864-17

20171220__

88 (b) ~~(e)~~ Participate in a residential or nonresidential
89 rehabilitative program operated by a public or private nonprofit
90 agency, including faith-based service groups, with which the
91 department has contracted for the treatment of such inmate. The
92 provisions of ss. 216.311 and 287.057 shall apply to all
93 contracts between the department and any private entity
94 providing such services. The department shall require such
95 agency to provide appropriate supervision of inmates
96 participating in such program. The department is authorized to
97 terminate any inmate's participation in the program if such
98 inmate fails to demonstrate satisfactory progress in the program
99 as established by departmental rules.

100 (2) The department must adopt rules allowing the extension
101 of the limits of the place of confinement of an inmate if there
102 is reasonable cause to believe that the inmate will honor his or
103 her trust by authorizing an inmate who is incarcerated for a
104 nonviolent offense and who is considered a low-risk offender to
105 leave the confines of that place unaccompanied by a custodial
106 agent for a prescribed time to work at paid employment,
107 participate in an education or a training program, or
108 voluntarily serve a public or nonprofit agency or faith-based
109 service group in the community, while continuing as an inmate of
110 the institution or facility in which the inmate is confined,
111 except during the hours of his or her employment, education,
112 training, or service and traveling thereto and therefrom. An
113 inmate may travel to and from his or her place of employment,
114 education, training, or service only by means of walking,
115 bicycling, or using public transportation or transportation that
116 is provided by a family member or employer. Contingent upon

11-00864-17

20171220__

117 specific appropriations, the department may transport an inmate
118 in a state-owned vehicle if the inmate is unable to obtain other
119 means of travel to his or her place of employment, education,
120 training, or service.

121 (a) An inmate may participate in paid employment only
122 during the last 36 months of his or her confinement, unless
123 authorized to do so sooner by the Florida Commission on Offender
124 Review or the Control Release Authority.

125 (b) While working at paid employment and residing in the
126 institution or facility, an inmate may apply for placement at a
127 contracted substance abuse transition housing program. The
128 transition assistance specialist shall inform the inmate of
129 program availability and assess the inmate's need and
130 suitability for transition housing assistance. If an inmate is
131 approved for placement, the specialist shall assist the inmate.
132 If an inmate requests and is approved for placement in a
133 contracted faith-based substance abuse transition housing
134 program, the specialist must consult with the chaplain before
135 such placement. The department shall ensure that an inmate's
136 faith orientation, or lack thereof, is not considered in
137 determining admission to a faith-based program and that the
138 program does not attempt to convert an inmate toward a
139 particular faith or religious preference.

140 (7)~~(6)~~(a) The department shall require inmates working at
141 paid employment as provided in subsection (2) ~~paragraph (1)(b)~~
142 to use a portion of the employment proceeds to provide
143 restitution to the aggrieved party for the damage or loss caused
144 by the offense of the inmate, in an amount to be determined by
145 the department, unless the department finds clear and compelling

11-00864-17

20171220__

146 reasons not to order such restitution. If restitution or partial
147 restitution is not ordered, the department shall state on the
148 record in detail the reasons therefor.

149 Section 2. Subsection (1) of section 944.704, Florida
150 Statutes, is amended to read:

151 944.704 Staff who provide transition assistance; duties.—
152 The department shall provide a transition assistance specialist
153 at each of the major institutions whose duties include, but are
154 not limited to:

155 (1) Coordinating delivery of transition assistance program
156 services at the institution and at the community correctional
157 centers authorized pursuant to s. 945.091 ~~s. 945.091(1)(b)~~.

158
159 The transition assistance specialist may not be a correctional
160 officer or correctional probation officer as defined in s.
161 943.10.

162 Section 3. Section 945.0913, Florida Statutes, is amended
163 to read:

164 945.0913 Inmates prohibited from driving state-owned
165 vehicles to transport inmates in a work-release program.—An
166 inmate may not drive a state-owned vehicle for the purpose of
167 transporting inmates who are participating in a work-release
168 program authorized in s. 945.091 ~~s. 945.091(1)(b)~~.

169 Section 4. For the purpose of incorporating the amendment
170 made by this act to section 945.091, Florida Statutes, in a
171 reference thereto, subsection (2) of section 944.516, Florida
172 Statutes, is reenacted to read:

173 944.516 Money or other property received for personal use
174 or benefit of inmate; deposit; disposition of unclaimed trust

11-00864-17

20171220__

175 funds.—The Department of Corrections shall protect the financial
176 interest of the state with respect to claims which the state may
177 have against inmates in state institutions under its supervision
178 and control and shall administer money and other property
179 received for the personal benefit of such inmates. In carrying
180 out the provisions of this section, the department may delegate
181 any of its enumerated powers and duties affecting inmates of an
182 institution to the warden or regional director who shall
183 personally, or through designated employees of his or her
184 personal staff under his or her direct supervision, exercise
185 such powers or perform such duties.

186 (2) The department shall require documentation through an
187 accounting of receipts for expenditures by inmates placed on
188 extended limits of confinement pursuant to s. 945.091. However,
189 the department may allow such inmates an amount up to \$25 per
190 week which may not require documentation and which may be used
191 for discretionary needs. The \$25 per week may be increased by \$5
192 biennially, beginning in fiscal year 1985-1986, up to a total of
193 \$50.

194 Section 5. For the purpose of incorporating the amendment
195 made by this act to section 945.091, Florida Statutes, in a
196 reference thereto, section 945.092, Florida Statutes, is
197 reenacted to read:

198 945.092 Limits on work-release and minimum security custody
199 for persons who have committed the crime of escape.—A person who
200 has ever been convicted, regardless of adjudication, of the
201 offense of escape, as prohibited by s. 944.40 or its successor,
202 or as prohibited by a similar law of another state, is not
203 eligible for any work-release program under s. 945.091 or for

11-00864-17

20171220__

204 confinement in minimum security conditions.

205 Section 6. For the purpose of incorporating the amendment
206 made by this act to section 945.091, Florida Statutes, in a
207 reference thereto, subsection (2) of section 946.503, Florida
208 Statutes, is reenacted to read:

209 946.503 Definitions to be used with respect to correctional
210 work programs.—As used in this part, the term:

211 (2) "Correctional work program" means any program presently
212 a part of the prison industries program operated by the
213 department or any other correctional work program carried on at
214 any state correctional facility presently or in the future, but
215 the term does not include any program authorized by s. 945.091
216 or s. 946.40.

217 Section 7. This act shall take effect July 1, 2017.