

By Senator Brandes

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1 A bill to be entitled
2 An act relating to extension of confinement; amending
3 s. 945.091, F.S.; authorizing the Department of
4 Corrections to extend the limits of confinement to
5 allow an inmate to participate in supervised community
6 release, subject to certain requirements, as
7 prescribed by the department by rule; requiring the
8 department to administer a risk assessment instrument
9 to appropriately determine an inmate's ability to be
10 released; authorizing the department to terminate the
11 inmate's supervised community release and return him
12 or her to the same or another institution under
13 certain circumstances; authorizing a law enforcement
14 or probation officer to arrest an inmate without a
15 warrant under certain circumstances; requiring the law
16 enforcement or probation officer to report alleged
17 violations to a correctional officer for disposition
18 of disciplinary charges as prescribed by the
19 department by rule; requiring an inmate participating
20 in supervised community release to remain eligible to
21 earn or lose gain-time, subject to certain
22 restrictions; prohibiting the inmate from being
23 counted in the population of the prison system;
24 prohibiting the inmate's approved community-based
25 housing location from being counted in the capacity
26 figures for the prison system; reenacting ss.
27 944.516(2), 945.092, and 946.503(2), F.S., relating to
28 money or other property received for personal use or
29 benefit of an inmate, limits on work-release and

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30 minimum security custody for persons who have
31 committed the crime of escape, and definitions to be
32 used with respect to correctional work programs,
33 respectively, to incorporate the amendment made to s.
34 945.091, F.S., in references thereto; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. Paragraph (d) is added to subsection (1) of
40 section 945.091, Florida Statutes, to read:

41 945.091 Extension of the limits of confinement; restitution
42 by employed inmates.—

43 (1) The department may adopt rules permitting the extension
44 of the limits of the place of confinement of an inmate as to
45 whom there is reasonable cause to believe that the inmate will
46 honor his or her trust by authorizing the inmate, under
47 prescribed conditions and following investigation and approval
48 by the secretary, or the secretary's designee, who shall
49 maintain a written record of such action, to leave the confines
50 of that place unaccompanied by a custodial agent for a
51 prescribed period of time to:

52 (d) Participate in supervised community release as
53 prescribed by the department by rule. The inmate's participation
54 may begin 180 days before his or her provisional or tentative
55 release date. Such supervised community release must include
56 active electronic monitoring and community control as defined in
57 s. 948.001. The department must administer a risk assessment
58 instrument to appropriately determine an inmate's ability to be

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59 released pursuant to this paragraph.

60 1. If a participating inmate fails to comply with the
61 conditions prescribed by the department by rule for supervised
62 community release, the department may terminate the inmate's
63 supervised community release and return him or her to the same
64 or another institution designated by the department. A law
65 enforcement officer or a probation officer may arrest the inmate
66 without a warrant in accordance with s. 948.06, if there are
67 reasonable grounds to believe he or she has violated the terms
68 and conditions of supervised community release. The law
69 enforcement officer or probation officer must report the
70 inmate's alleged violations to a correctional officer for
71 disposition of disciplinary charges as prescribed by the
72 department by rule.

73 2. An inmate participating in supervised community release
74 under this paragraph remains eligible to earn or lose gain-time
75 in accordance with s. 944.275 and department rule, but may not
76 receive gain-time or other sentence credit in an amount that
77 would cause his or her sentence to expire, end, or terminate, or
78 that would result in his or her release before serving a minimum
79 of 85 percent of the sentence imposed. The inmate may not be
80 counted in the population of the prison system, and the inmate's
81 approved community-based housing location may not be counted in
82 the capacity figures for the prison system.

83 Section 2. For the purpose of incorporating the amendment
84 made by this act to section 945.091, Florida Statutes, in a
85 reference thereto, subsection (2) of section 944.516, Florida
86 Statutes, is reenacted to read:

87 944.516 Money or other property received for personal use

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88 or benefit of inmate; deposit; disposition of unclaimed trust
89 funds.—The Department of Corrections shall protect the financial
90 interest of the state with respect to claims which the state may
91 have against inmates in state institutions under its supervision
92 and control and shall administer money and other property
93 received for the personal benefit of such inmates. In carrying
94 out the provisions of this section, the department may delegate
95 any of its enumerated powers and duties affecting inmates of an
96 institution to the warden or regional director who shall
97 personally, or through designated employees of his or her
98 personal staff under his or her direct supervision, exercise
99 such powers or perform such duties.

100 (2) The department shall require documentation through an
101 accounting of receipts for expenditures by inmates placed on
102 extended limits of confinement pursuant to s. 945.091. However,
103 the department may allow such inmates an amount up to \$25 per
104 week which may not require documentation and which may be used
105 for discretionary needs. The \$25 per week may be increased by \$5
106 biennially, beginning in fiscal year 1985-1986, up to a total of
107 \$50.

108 Section 3. For the purpose of incorporating the amendment
109 made by this act to section 945.091, Florida Statutes, in a
110 reference thereto, section 945.092, Florida Statutes, is
111 reenacted to read:

112 945.092 Limits on work-release and minimum security custody
113 for persons who have committed the crime of escape.—A person who
114 has ever been convicted, regardless of adjudication, of the
115 offense of escape, as prohibited by s. 944.40 or its successor,
116 or as prohibited by a similar law of another state, is not

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117 eligible for any work-release program under s. 945.091 or for
118 confinement in minimum security conditions.

119 Section 4. For the purpose of incorporating the amendment
120 made by this act to section 945.091, Florida Statutes, in a
121 reference thereto, subsection (2) of section 946.503, Florida
122 Statutes, is reenacted to read:

123 946.503 Definitions to be used with respect to correctional
124 work programs.—As used in this part, the term:

125 (2) "Correctional work program" means any program presently
126 a part of the prison industries program operated by the
127 department or any other correctional work program carried on at
128 any state correctional facility presently or in the future, but
129 the term does not include any program authorized by s. 945.091
130 or s. 946.40.

131 Section 5. This act shall take effect October 1, 2019.