

By the Committee on Criminal Justice; and Senator Brandes

591-02321-19

2019338c1

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 officer to report alleged violations to a
17 supervising probation office or the department's
18 emergency action center for disposition of
19 disciplinary charges as prescribed by the department
20 by rule; requiring an inmate participating in
21 supervised community release to remain eligible to
22 earn or lose gain-time, subject to certain
23 restrictions; prohibiting the inmate from being
24 counted in the population of the prison system;
25 prohibiting the inmate's approved community-based
26 housing location from being counted in the capacity
27 figures for the prison system; reenacting ss.
28 944.516(2), 945.092, and 946.503(2), F.S., relating to
29 money or other property received for personal use or

591-02321-19

2019338c1

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

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

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

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

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

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

591-02321-19

2019338c1

59 instrument to appropriately determine an inmate's ability to be
60 released pursuant to this paragraph.

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

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

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

591-02321-19

2019338c1

88 944.516 Money or other property received for personal use
89 or benefit of inmate; deposit; disposition of unclaimed trust
90 funds.—The Department of Corrections shall protect the financial
91 interest of the state with respect to claims which the state may
92 have against inmates in state institutions under its supervision
93 and control and shall administer money and other property
94 received for the personal benefit of such inmates. In carrying
95 out the provisions of this section, the department may delegate
96 any of its enumerated powers and duties affecting inmates of an
97 institution to the warden or regional director who shall
98 personally, or through designated employees of his or her
99 personal staff under his or her direct supervision, exercise
100 such powers or perform such duties.

101 (2) The department shall require documentation through an
102 accounting of receipts for expenditures by inmates placed on
103 extended limits of confinement pursuant to s. 945.091. However,
104 the department may allow such inmates an amount up to \$25 per
105 week which may not require documentation and which may be used
106 for discretionary needs. The \$25 per week may be increased by \$5
107 biennially, beginning in fiscal year 1985-1986, up to a total of
108 \$50.

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

113 945.092 Limits on work-release and minimum security custody
114 for persons who have committed the crime of escape.—A person who
115 has ever been convicted, regardless of adjudication, of the
116 offense of escape, as prohibited by s. 944.40 or its successor,

591-02321-19

2019338c1

117 or as prohibited by a similar law of another state, is not
118 eligible for any work-release program under s. 945.091 or for
119 confinement in minimum security conditions.

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

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

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

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