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LEGISLATIVE ACTION

Senate

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House

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The Committee on Criminal Justice (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (d) is added to, and paragraph (b) of  
subsection (1) of section 945.091, Florida Statutes, is amended,  
to read:

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

(1) The department may adopt rules permitting the extension



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11 of the limits of the place of confinement of an inmate as to  
12 whom there is reasonable cause to believe that the inmate will  
13 honor his or her trust by authorizing the inmate, under  
14 prescribed conditions and following investigation and approval  
15 by the secretary, or the secretary's designee, who shall  
16 maintain a written record of such action, to leave the confines  
17 of that place unaccompanied by a custodial agent for a  
18 prescribed period of time to:

19 (b) Work at paid employment, participate in an education or  
20 a training program, or voluntarily serve a public or nonprofit  
21 agency or faith-based service group in the community, while  
22 continuing as an inmate of the institution or facility in which  
23 the inmate is confined, except during the hours of his or her  
24 employment, education, training, or service and traveling  
25 thereto and therefrom. An inmate may travel to and from his or  
26 her place of employment, education, or training only by means of  
27 walking, bicycling, or using public transportation or  
28 transportation that is provided by a family member or employer.  
29 Contingent upon specific appropriations, the department may  
30 transport an inmate in a state-owned vehicle if the inmate is  
31 unable to obtain other means of travel to his or her place of  
32 employment, education, or training.

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

37 2. An inmate who may not otherwise be approved for release  
38 under this paragraph due to a higher custody level or other risk  
39 factor may be released and placed on an electronic monitoring



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40 device. The department must administer a risk assessment tool to  
41 appropriately determine such inmate's ability to be released  
42 with electronic monitoring for work, educational, or training  
43 purposes.

44 32. While working at paid employment and residing in the  
45 facility, an inmate may apply for placement at a contracted  
46 substance abuse transition housing program. The transition  
47 assistance specialist shall inform the inmate of program  
48 availability and assess the inmate's need and suitability for  
49 transition housing assistance. If an inmate is approved for  
50 placement, the specialist shall assist the inmate. If an inmate  
51 requests and is approved for placement in a contracted faith-  
52 based substance abuse transition housing program, the specialist  
53 must consult with the chaplain before such placement. The  
54 department shall ensure that an inmate's faith orientation, or  
55 lack thereof, will not be considered in determining admission to  
56 a faith-based program and that the program does not attempt to  
57 convert an inmate toward a particular faith or religious  
58 preference.

59 (d) Participate in supervised community release as  
60 prescribed by the department by rule. The inmate's participation  
61 may begin 90 days before his or her provisional or tentative  
62 release date. Such supervised community release must include  
63 electronic monitoring and community control as defined in s.  
64 948.001. The department must administer a risk assessment tool  
65 to appropriately determine an inmate's ability to be released  
66 pursuant to this paragraph.

67 1. If a participating inmate fails to comply with the  
68 conditions prescribed by the department by rule for supervised



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69 community release, the department may terminate the inmate's  
70 supervised community release and return him or her to the same  
71 or another institution designated by the department. A law  
72 enforcement officer or a probation officer may arrest the inmate  
73 without a warrant in accordance with s. 948.06, if there are  
74 reasonable grounds to believe he or she has violated the terms  
75 and conditions of supervised community release. The law  
76 enforcement officer or probation officer must report the  
77 inmate's alleged violations to a correctional officer for  
78 disposition of disciplinary charges as prescribed by the  
79 department by rule.

80 2. Inmates participating in supervised community release  
81 under this paragraph remain eligible to earn or lose gain-time  
82 as prescribed by law and department rule, but may not be counted  
83 in the population of the prison system, and the inmate's  
84 approved community-based housing location may not be counted in  
85 the capacity figures for the prison system.

86 Section 2. Section 948.33, Florida Statutes, is created to  
87 read:

88 948.33 Prosecution for violation of probation and community  
89 control arrest warrants of state prisoners.—A prisoner in a  
90 state prison in this state who has an unserved violation of  
91 probation or an unserved violation of community control warrant  
92 for his or her arrest may file a state prisoner's notice of  
93 unserved warrant in the circuit court of the judicial circuit in  
94 which the unserved warrant was issued. The prisoner must also  
95 serve notice on the state attorney of that circuit. The circuit  
96 court shall schedule the notice for a status hearing within 90  
97 days after receipt of the notice. The state prisoner may not be



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98 transported to the status hearing. At the status hearing, the  
99 state attorney shall inform the court as to whether there is an  
100 unserved violation of probation warrant or an unserved violation  
101 of community control warrant for the arrest of the state  
102 prisoner. If a warrant for either violation exists, the court  
103 must enter an order within 30 days after the status hearing for  
104 the transport of the state prisoner to the county jail of the  
105 county that issued the warrant for prosecution of the violation,  
106 and the court shall send the order to the county sheriff for  
107 execution.

108 Section 3. This act shall take effect October 1, 2018.

109  
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause  
113 and insert:

114 A bill to be entitled  
115 An act relating to state inmates; amending s. 945.091,  
116 F.S.; authorizing the Department of Corrections to  
117 extend the limits of confinement to allow an inmate  
118 that may not otherwise qualify for work release to be  
119 released on electronic monitoring; requires the  
120 department to utilize a risk assessment tool to  
121 determine appropriateness for release on electronic  
122 monitoring; authorizing the department to extend the  
123 limits of confinement to allow an inmate to  
124 participate in supervised community release, subject  
125 to certain requirements, as prescribed by the  
126 department by rule; requires the department to utilize



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127 a risk assessment tool to determine appropriateness  
128 for release on electronic monitoring; authorizing the  
129 department to terminate an inmate's participation  
130 under certain circumstances; authorizing a law  
131 enforcement or a probation officer to arrest an inmate  
132 without warrant in accordance with authority granted  
133 in s. 948.06, F.S.; requiring the law enforcement or  
134 probation officer to report the alleged violations to  
135 a correctional officer for disposition of disciplinary  
136 charges as prescribed by the department by rule;  
137 providing that participating inmates remain eligible  
138 to earn or lose gain-time; providing that such inmates  
139 may not be counted in the population of the prison  
140 system and that their approved community-based housing  
141 location may not be counted in the capacity figures  
142 for the prison system; creating s. 948.33, F.S.;

143 authorizing a prisoner in a state prison who has an  
144 unserved violation of probation or an unserved  
145 violation of community control warrant to file a  
146 notice of unserved warrant in the circuit court where  
147 the warrant was issued; requiring the prisoner to  
148 serve notice on the state attorney; requiring the  
149 circuit court to schedule a status hearing within a  
150 certain time after receiving notice; specifying  
151 procedures and requirements for the status hearing;  
152 providing for prosecution of the violation; requiring  
153 the court to send the order to the county sheriff;  
154 providing an effective date.