

By the Committee on Criminal Justice; and Senator Brandes

591-02129-18

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1                   A bill to be entitled  
2       An act relating to state inmates; amending s. 945.091,  
3       F.S.; authorizing the Department of Corrections to  
4       extend the limits of confinement to allow an inmate  
5       that may not otherwise qualify for work release to be  
6       released on electronic monitoring; requiring the  
7       department to administer a risk assessment tool to  
8       determine an inmate's appropriateness for release on  
9       electronic monitoring; authorizing the department to  
10      extend the limits of confinement to allow an inmate to  
11      participate in supervised community release, subject  
12      to certain requirements, as prescribed by the  
13      department by rule; requiring the department to  
14      administer a risk assessment tool to determine an  
15      inmate's appropriateness for release on electronic  
16      monitoring; authorizing the department to terminate an  
17      inmate's participation under certain circumstances;  
18      authorizing a law enforcement or a probation officer  
19      to arrest such an inmate without warrant in accordance  
20      with specified authority; requiring the law  
21      enforcement or probation officer to report alleged  
22      violations to a correctional officer for disposition  
23      of disciplinary charges as prescribed by the  
24      department by rule; providing that participating  
25      inmates remain eligible to earn or lose gain-time;  
26      providing that such inmates may not be counted in the  
27      population of the prison system and that their  
28      approved community-based housing location may not be  
29      counted in the capacity figures for the prison system;

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30 creating s. 948.33, F.S.; authorizing a prisoner in a  
31 state prison who has an unserved violation of  
32 probation or an unserved violation of community  
33 control warrant to file a notice of unserved warrant  
34 in the circuit court where the warrant was issued and  
35 to serve notice on the state attorney; requiring the  
36 circuit court to schedule a status hearing within a  
37 certain timeframe after receiving notice; specifying  
38 procedures and requirements for the status hearing;  
39 providing for prosecution of the violation; requiring  
40 that if the court enters an order, it send the order  
41 to the county sheriff; providing an effective date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. Paragraph (b) of subsection (1) of section  
46 945.091, Florida Statutes, is amended, and paragraph (d) is  
47 added to that subsection, to read:

48 945.091 Extension of the limits of confinement; restitution  
49 by employed inmates.—

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

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59 (b) Work at paid employment, participate in an education or  
60 a training program, or voluntarily serve a public or nonprofit  
61 agency or faith-based service group in the community, while  
62 continuing as an inmate of the institution or facility in which  
63 the inmate is confined, except during the hours of his or her  
64 employment, education, training, or service and traveling  
65 thereto and therefrom. An inmate may travel to and from his or  
66 her place of employment, education, or training only by means of  
67 walking, bicycling, or using public transportation or  
68 transportation that is provided by a family member or employer.  
69 Contingent upon specific appropriations, the department may  
70 transport an inmate in a state-owned vehicle if the inmate is  
71 unable to obtain other means of travel to his or her place of  
72 employment, education, or training.

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

77 2. An inmate who may not otherwise be approved for release  
78 under this paragraph due to a higher custody level or other risk  
79 factor may be released and placed on an electronic monitoring  
80 device. The department must administer a risk assessment tool to  
81 appropriately determine such inmate's ability to be released  
82 with electronic monitoring for work, educational, or training  
83 purposes.

84 32. While working at paid employment and residing in the  
85 facility, an inmate may apply for placement at a contracted  
86 substance abuse transition housing program. The transition  
87 assistance specialist shall inform the inmate of program

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88 availability and assess the inmate's need and suitability for  
89 transition housing assistance. If an inmate is approved for  
90 placement, the specialist shall assist the inmate. If an inmate  
91 requests and is approved for placement in a contracted faith-  
92 based substance abuse transition housing program, the specialist  
93 must consult with the chaplain before such placement. The  
94 department shall ensure that an inmate's faith orientation, or  
95 lack thereof, will not be considered in determining admission to  
96 a faith-based program and that the program does not attempt to  
97 convert an inmate toward a particular faith or religious  
98 preference.

99 (d) Participate in supervised community release as  
100 prescribed by the department by rule. The inmate's participation  
101 may begin 90 days before his or her provisional or tentative  
102 release date. Such supervised community release must include  
103 electronic monitoring and community control as defined in s.  
104 948.001. The department must administer a risk assessment tool  
105 to appropriately determine an inmate's ability to be released  
106 pursuant to this paragraph.

107 1. If a participating inmate fails to comply with the  
108 conditions prescribed by the department by rule for supervised  
109 community release, the department may terminate the inmate's  
110 supervised community release and return him or her to the same  
111 or another institution designated by the department. A law  
112 enforcement officer or a probation officer may arrest the inmate  
113 without a warrant in accordance with s. 948.06, if there are  
114 reasonable grounds to believe he or she has violated the terms  
115 and conditions of supervised community release. The law  
116 enforcement officer or probation officer must report the

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117 inmate's alleged violations to a correctional officer for  
118 disposition of disciplinary charges as prescribed by the  
119 department by rule.

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

126 Section 2. Section 948.33, Florida Statutes, is created to  
127 read:

128 948.33 Prosecution for violation of probation and community  
129 control arrest warrants of state prisoners.—A prisoner in a  
130 state prison in this state who has an unserved violation of  
131 probation or an unserved violation of community control warrant  
132 for his or her arrest may file a state prisoner's notice of  
133 unserved warrant in the circuit court of the judicial circuit in  
134 which the unserved warrant was issued. The prisoner must also  
135 serve notice on the state attorney of that circuit. The circuit  
136 court shall schedule the notice for a status hearing within 90  
137 days after receipt of the notice. The state prisoner may not be  
138 transported to the status hearing. At the status hearing, the  
139 state attorney shall inform the court as to whether there is an  
140 unserved violation of probation warrant or an unserved violation  
141 of community control warrant for the arrest of the state  
142 prisoner. If a warrant for either violation exists, the court  
143 must enter an order within 30 days after the status hearing for  
144 the transport of the state prisoner to the county jail of the  
145 county that issued the warrant for prosecution of the violation,

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146 and the court shall send the order to the county sheriff for  
147 execution.

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