

By the Committees on Appropriations; and Criminal Justice; and  
Senators Bradley and Brandes

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1                   A bill to be entitled  
2       An act relating to criminal justice; creating s.  
3       907.042, F.S.; authorizing each county to create a  
4       supervised bond release program; providing legislative  
5       findings; providing a supervised bond program must be  
6       created with the concurrence of the chief judge,  
7       county's chief correctional officer, state attorney,  
8       and public defender; providing an exception to a  
9       county that has already established and implemented a  
10      supervised bond program that utilizes a risk  
11      assessment instrument; providing specified program  
12      components; providing guidelines for the risk  
13      assessment instrument; authorizing the county to  
14      contract with the Department of Corrections to develop  
15      or modify a risk assessment instrument if such  
16      instrument meets certain requirements; authorizing a  
17      county to develop or use an existing risk assessment  
18      instrument if validated by the department and such  
19      instrument meets certain requirements; authorizing a  
20      county to contract with another county for the use of  
21      a risk assessment instrument if validated and such  
22      instrument meets certain requirements; authorizing the  
23      county to contract with an independent entity for use  
24      of a risk assessment instrument if validated and such  
25      instrument meets certain requirements; specifying  
26      requirements for the use, implementation, and  
27      distribution of the risk assessment instrument;  
28      requiring each county that establishes a supervised  
29      bond program to submit a report annually by a certain

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30 date to the Office of Program Policy Analysis and  
31 Government Accountability (OPPAGA); requiring OPPAGA  
32 to compile the reports and include such information in  
33 a report sent to the Governor, President of the  
34 Senate, and Speaker of the House of Representatives in  
35 accordance with s. 907.044, F.S.; amending s. 921.188,  
36 F.S.; authorizing a court to sentence offenders to a  
37 county jail for up to 24 months under certain  
38 circumstances for offenses committed after a specified  
39 date; requiring sentencing conditions; prohibiting an  
40 offender from receiving gain-time or other sentence  
41 credit that would result in the offender serving less  
42 than 85 percent of his or her sentence; providing  
43 applicability for inmates sentenced to a county jail;  
44 providing that contractual agreements between a  
45 county's chief correctional officer and the department  
46 are contingent upon an appropriation; providing  
47 contractual requirements; requiring specific  
48 appropriations; providing for such appropriations;  
49 requiring the validation of per diem rates before  
50 payments are made; creating s. 944.172, F.S.;

51 authorizing the department to transfer inmates who  
52 have less than 24 months remaining on a term of  
53 imprisonment to county jail under certain  
54 circumstances; authorizing the department to transfer  
55 a terminally ill inmate to county jail under certain  
56 circumstances; defining the term "terminally ill  
57 inmate"; providing that an inmate transferred to  
58 county jail earns the same or substantially equivalent

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59 opportunities for gain-time or sentence credit;  
60 providing an exception; prohibiting an inmate from  
61 receiving gain-time or other sentence credit that  
62 would result in the inmate serving less than 85  
63 percent of his or her sentence; authorizing an inmate  
64 to be transferred to a county jail only if there is a  
65 contractual agreement between the county's chief  
66 correctional officer and the department; requiring the  
67 department to enter into a contract with a county's  
68 chief correctional officer under certain  
69 circumstances; providing contractual requirements;  
70 authorizing an inmate to request to be transferred  
71 back to a department facility under certain  
72 circumstances; requiring the transfer of an inmate  
73 back to a department facility if a contract expires,  
74 terminates, or is not renewed; providing that  
75 contracts are contingent upon an appropriation;  
76 requiring specific appropriations; defining the term  
77 "maximum appropriation allowable"; providing for such  
78 appropriations; requiring the validation of per diem  
79 rates before payments are made; authorizing the  
80 department to adopt rules; amending s. 945.091, F.S.;  
81 authorizing the department to extend the limits of  
82 confinement to allow an inmate to participate in  
83 supervised community release, subject to certain  
84 requirements, as prescribed by the department by rule;  
85 requiring the department to administer a risk  
86 assessment instrument to determine an inmate's  
87 appropriateness for release on electronic monitoring;

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88 authorizing the department to terminate an inmate's  
89 participation under certain circumstances; authorizing  
90 a law enforcement or a probation officer to arrest  
91 such an inmate without a warrant in accordance with  
92 specified authority; requiring the law enforcement or  
93 probation officer to report alleged violations to a  
94 correctional officer for disposition of disciplinary  
95 charges as prescribed by the department by rule;  
96 providing that participating inmates remain eligible  
97 to earn or lose gain-time, but not in an amount that  
98 results in an inmate being released prior to serving  
99 85 percent of the sentence imposed; providing that  
100 such inmates may not be counted in the population of  
101 the prison system and that their approved community-  
102 based housing location may not be counted in the  
103 capacity figures for the prison system; amending s.  
104 947.149, F.S.; excluding a terminally ill inmate  
105 transferred to a county jail from the review and  
106 approval process conducted by the Commission on  
107 Offender Review; creating s. 948.33, F.S.; authorizing  
108 a prisoner in a state prison who has an unserved  
109 violation of probation or an unserved violation of  
110 community control warrant to file a notice of unserved  
111 warrant in the circuit court where the warrant was  
112 issued and to serve notice on the state attorney;  
113 requiring the circuit court to schedule a status  
114 hearing within a certain timeframe after receiving  
115 notice; specifying procedures and requirements for the  
116 status hearing; providing for prosecution of the

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117 violation; requiring that if the court enters an  
118 order, it send the order to the county sheriff;  
119 providing an effective date.  
120

121 Be It Enacted by the Legislature of the State of Florida:  
122

123 Section 1. Section 907.042, Florida Statutes, is created to  
124 read:

125 907.042 Supervised bond program.-

126 (1) LEGISLATIVE FINDINGS.-The Legislature finds that there  
127 is a need to use evidence-based methods to identify defendants  
128 that can successfully comply with specified pretrial release  
129 conditions. The Legislature finds that the use of actuarial  
130 instruments that evaluate criminogenic based needs and classify  
131 defendants according to levels of risk provides a more  
132 consistent and accurate assessment of a defendant's risk of  
133 noncompliance while on pretrial release pending trial. The  
134 Legislature also finds that both the community and a defendant  
135 are better served when a defendant, who poses a low risk to  
136 society, is provided the opportunity to fulfill employment and  
137 familial responsibilities in the community under a structured  
138 pretrial release plan that ensures the best chance of remaining  
139 compliant with all pretrial conditions rather than remaining in  
140 custody. The Legislature finds that there is a benefit to  
141 establishing a supervised bond program in each county for the  
142 purpose of providing pretrial release to certain defendants who  
143 may not otherwise be eligible for pretrial release on  
144 unsupervised nonmonetary conditions and who do not have the  
145 ability to satisfy the bond imposed by the court. The

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146 Legislature finds that the creation of such a program will  
147 reduce the likelihood of defendants remaining unnecessarily in  
148 custody pending trial.

149 (2) CREATION.—A supervised bond program may be established  
150 in each county with the terms of each program to be developed  
151 with concurrence of the chief judge of the circuit, the county's  
152 chief correctional officer, the state attorney, and the public  
153 defender. A county that has already established and implemented  
154 a supervised bond program whose program and risk assessment  
155 instrument is in compliance with subsections (3) and (4) may  
156 continue to operate without such concurrence.

157 (3) PROGRAM REQUIREMENTS.—A supervised bond program, at a  
158 minimum, shall:

159 (a) Require the county's chief correctional officer to  
160 administer the supervised bond program.

161 (b) Require the county's chief correctional officer, or his  
162 or her designee, to administer the risk assessment instrument to  
163 a potential defendant.

164 (c) Utilize a risk assessment instrument to determine  
165 eligible defendants and determine an appropriate level of  
166 supervision for each defendant upon release.

167 (d) Review the bond of a defendant who is being accepted  
168 into the supervised bond program to determine if a reduction of  
169 the court-ordered bond, up to its entirety, is appropriate.

170 (e) Provide that the findings of the risk assessment  
171 instrument will be used to create an individualized supervision  
172 plan for each eligible defendant that is tailored to the  
173 defendant's risk level and supervision needs.

174 (f) Require, as part of the individualized supervision

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175 plan, that any defendant released in the supervised bond program  
176 must be placed on active electronic monitoring or active  
177 continuous alcohol monitoring, or both, dependent upon the level  
178 of risk indicated by the risk assessment instrument.

179 (g) Require weekly communication between the office of the  
180 county's chief correctional officer and the defendant as part of  
181 the individualized supervision plan, which can be satisfied via  
182 telephone or in person contact, dependent upon the level of risk  
183 indicated by the risk assessment instrument.

184 (h) Establish procedures for reassessing or terminating  
185 defendants from the supervised bond program who do not comply  
186 with the terms of the individualized supervision plan imposed  
187 through the program.

188 (4) RISK ASSESSMENT INSTRUMENT.—

189 (a) Each county must utilize a risk assessment instrument  
190 for the supervised bond program that conducts a criminogenic  
191 assessment for use in evaluating the proper level of supervision  
192 appropriate to ensure compliance with pretrial conditions and  
193 safety to the community. The risk assessment instrument must  
194 consider, but need not be limited to, the following criteria:

195 1. The nature and circumstances of the offense the  
196 defendant is alleged to have committed.

197 2. The nature and extent of the defendant's prior criminal  
198 history, if any.

199 3. Any prior history of the defendant failing to appear in  
200 court.

201 4. The defendant's employment history, employability  
202 skills, and employment interests.

203 5. The defendant's educational, vocational, and technical

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204 training.

205 6. The defendant's background, including his or her family,  
206 home, and community environment.

207 7. The defendant's physical and mental health history,  
208 including any substance use.

209 8. An evaluation of the defendant's criminal thinking,  
210 criminal associates, and social awareness.

211 (b) A county may contract with the Department of  
212 Corrections to develop a risk assessment instrument or modify an  
213 instrument that has already been developed by the department,  
214 provided the instrument contains the criteria enumerated in  
215 paragraph (a). If a county elects to utilize a risk assessment  
216 instrument developed or modified by the department in accordance  
217 with this paragraph, the county's chief correctional officer  
218 shall enter into a contract with the department for such use.

219 (c) Each county may create its own risk assessment  
220 instrument for the purpose of operating a supervised bond  
221 program or may utilize a risk assessment instrument that has  
222 previously been developed for a similar purpose as provided for  
223 in this section. Additionally, a county may utilize a risk  
224 assessment instrument that has been developed by another county  
225 for a similar purpose as provided for in this section. To  
226 utilize a risk assessment instrument developed by a county in  
227 accordance with this paragraph, the risk assessment instrument  
228 must be validated by the Department of Corrections and contain  
229 the criteria enumerated in paragraph (a). If a county elects to  
230 utilize a risk assessment instrument developed or modified by  
231 another county in accordance with this paragraph, the counties'  
232 chief correctional officers shall enter into a contract for such

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233 use.

234 (d) A county may contract with an independent entity to  
235 utilize a risk assessment instrument that has previously been  
236 developed for a similar purpose as provided for in this section.  
237 To utilize a risk assessment instrument developed by an  
238 independent entity in accordance with this paragraph, the risk  
239 assessment instrument must be validated by the Department of  
240 Corrections and contain the criteria enumerated in paragraph  
241 (a). If a county elects to utilize a risk assessment instrument  
242 developed or modified by an independent entity in accordance  
243 with this paragraph, the county's chief correctional officer  
244 shall enter into a contract with the independent entity for such  
245 use.

246 (e) A county may begin to implement its supervised bond  
247 program immediately upon securing a contract for the utilization  
248 of or the completion of development or modification, and if  
249 applicable, validation of, a risk assessment instrument. A  
250 county that intends to utilize a risk assessment instrument it  
251 has already developed or modified may implement a supervised  
252 bond program immediately upon validation of the risk assessment  
253 instrument. A county that has already implemented a supervised  
254 bond program may continue to operate such program while the risk  
255 assessment instrument it utilizes is being validated.  
256 Implementation must include training of all county staff that  
257 will administer the risk assessment instrument.

258 (5) REPORTING.—Each county that establishes a supervised  
259 bond program pursuant to this section, or has an existing  
260 supervised bond program that operates in compliance with this  
261 section, shall provide an annual report to the Office of Program

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262 Policy Analysis and Government Accountability that details the  
263 results of the administration of the risk assessment instrument,  
264 programming used for defendants who received the assessment and  
265 were accepted into the supervised bond program, the success rate  
266 of such program, and savings realized by the county as a result  
267 of such defendants being released from custody pending trial.  
268 The annual report from the county must be submitted to OPPAGA by  
269 October 1 each year. OPPAGA shall compile the results of the  
270 counties reports for inclusion in an independent section of its  
271 annual report developed and submitted to the Governor, the  
272 President of the Senate, and the Speaker of the House of  
273 Representatives in accordance with s. 907.044.

274 Section 2. Section 921.188, Florida Statutes, is amended to  
275 read:

276 921.188 Placement of certain state inmates in local  
277 detention facilities.—

278 (1) For offenses committed on or after ~~Effective~~ June 17,  
279 1993 and before July 1, 2018, notwithstanding the provisions of  
280 ss. 775.08, former 921.001, 921.002, 921.187, 944.02, and  
281 951.23, or any other law to the contrary, a person whose  
282 presumptive sentence is 1 year and 1 day up to 22 months in a  
283 state correctional institution may be placed by the court into  
284 the custody of a local detention facility as a condition of  
285 probation or community control for a felony offense contained in  
286 sentencing guidelines categories five through nine contained in  
287 Rules 3.701 and 3.988, Florida Rules of Criminal Procedure, or  
288 similar levels described in s. 921.0022, except for such person  
289 whose total sentence points are greater than 52 or less than 40.  
290 The court may place such person for the duration of the

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291 presumptive sentence. The court may only place a person in a  
292 local detention facility pursuant to this section if there is a  
293 contractual agreement between the chief correctional officer of  
294 that county and the Department of Corrections. The contract may  
295 include all operational functions, or only housing wherein the  
296 department would provide staffing and medical costs. The  
297 agreement must provide for a per diem or partial per diem  
298 reimbursement for each person placed under this section, which  
299 is payable by the Department of Corrections for the duration of  
300 the offender's placement in the facility. The full per diem  
301 reimbursement may not exceed the per diem published in the  
302 Department of Corrections' most recent annual report for total  
303 department facilities. This section does not limit the court's  
304 ability to place a person in a local detention facility for less  
305 than 1 year.

306 (2) (a) For offenses committed on or after July 1, 2018,  
307 notwithstanding ss. 775.08 and 921.0024 or any other provision  
308 of law, a court may sentence an offender to a term in the county  
309 jail in the county where the offense was committed for up to 24  
310 months if the offender meets all of the following criteria:

311 1. The offender's total sentence points score, as provided  
312 in s. 921.0024, is more than 44 points but no more than 60  
313 points.

314 2. The offender's primary offense is not a forcible felony  
315 as defined in s. 776.08, except that an offender whose primary  
316 offense is a felony of the third degree under chapter 810 is  
317 eligible to be sentenced to a county jail under this subsection.

318 3. The offender's primary offense is not punishable by a  
319 minimum mandatory sentence of more than 24 months.

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320 (b) As a condition of the sentence, the court shall order  
321 that the offender:

322 1. Be placed under the jurisdiction of the Department of  
323 Corrections;

324 2. Serve the remainder of his or her sentence in a  
325 Department of Corrections facility in the event a contract  
326 between the chief correctional officer and the Department of  
327 Corrections expires, terminates, or is not renewed during an  
328 offender's sentence term; and

329 3. May request to be transferred to a Department of  
330 Corrections facility if he or she is not receiving services and  
331 programming that are substantially equivalent to those that are  
332 available in a Department of Corrections facility, including,  
333 but not limited to, educational programming, vocational training,  
334 faith- and character-based programming, health services, mental  
335 health treatment and counseling, substance abuse treatment and  
336 counseling, and transitional services.

337 (c) An offender sentenced to a county jail under this  
338 section shall be afforded the same or substantially equivalent  
339 opportunity to earn gain-time or other sentence credit, but may  
340 not receive gain-time or other sentence credit in an amount that  
341 would cause his or her sentence to expire, end, or terminate, or  
342 that would result in his or her release, before serving a  
343 minimum of 85 percent of the sentence imposed.

344 (d) A felony offense for which an inmate is sentenced to a  
345 county jail under this section is considered to be a prior  
346 felony commitment at a state or federal correctional institution  
347 for the purposes of ss. 944.291, 947.1405, and 948.12.

348 (e)1. A court may only sentence an offender to a county

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349 jail pursuant to this section if there is a contractual  
350 agreement between the chief correctional officer of that county  
351 and the Department of Corrections.

352 2. The Department of Corrections shall enter into a  
353 contract that allows offenders to be sentenced to a county jail  
354 pursuant to this section if the chief correctional officer of a  
355 county requests the department to enter into such contract.

356 3. The contract must:

357 a. Establish the maximum number of beds and the validated  
358 per diem rate;

359 b. Provide a per diem reimbursement rate for the days an  
360 inmate is in the custody of the county jail based on the  
361 contracting county's most recent annual adult male custody or  
362 adult female custody per diem rates;

363 c. Require that inmates sentenced to a county jail receive  
364 substantially equivalent services and programming as are  
365 provided by the Department of Corrections in accordance with  
366 chapter 944, including, but not limited to, educational  
367 programing, vocational training, faith- and character-based  
368 programming, health services, mental health treatment and  
369 counseling, substance abuse treatment and counseling, and  
370 transitional services;

371 d. Specify the services and programming the county will  
372 provide to the inmates in accordance with sub-subparagraph c.;

373 e. Authorize a county jail to contract with a privately  
374 operated community release and transition center to provide the  
375 required services and programming to any inmates sentenced to a  
376 county jail;

377 f. Establish regular intervals that the county jail and

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378 Department of Corrections must share information related to an  
379 inmate sentenced to a county jail under this section, including,  
380 but not limited to, an inmate's confinement status and any  
381 information related to the calculation of a tentative release  
382 date; and

383 g. Require the county jail provide documentation to verify  
384 the expenses related to an inmate sentenced to a county jail  
385 under this section, including, but not limited to, the number of  
386 days an inmate is in the custody of the county jail.

387 (f) A contract executed under this section is contingent  
388 upon an appropriation by the Legislature for the specific  
389 purpose of funding state inmates housed in county facilities.  
390 Contracts must be awarded by the Department of Corrections on a  
391 first-come, first-served basis up to the maximum appropriation  
392 allowable. For purposes of this section, "maximum appropriation  
393 allowable" means the sum of the appropriations made by the  
394 Legislature to fund state inmates housed in county facilities  
395 and the net amount of appropriations transferred to or from the  
396 State Inmates Housed in County Jail appropriation category for  
397 contracts entered into under this section and s. 944.172.

398 (g) Each time the Department of Corrections executes a  
399 contract pursuant to this section, the Department of Corrections  
400 shall transfer funds, consistent with the requirements of  
401 chapter 216, from other appropriation categories within the  
402 Adult Male Custody Operations or the Adult and Youthful Offender  
403 Female Custody Operations budget entities to the State Inmates  
404 Housed in County Jail appropriation category in an amount  
405 necessary to satisfy the requirements of each executed contract,  
406 but not to exceed the Department of Corrections' average total

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407 per diem published for the preceding fiscal year for adult male  
408 custody or adult and youthful offender female custody inmates  
409 for each county jail bed contracted. Before any appropriation is  
410 transferred to the State Inmates Housed in County Jail  
411 appropriation category, the Department of Corrections shall  
412 estimate the appropriation amount that is obligated for the  
413 county jail beds contracted under this section and s. 944.172 to  
414 estimate the amount in which these obligations exceed the  
415 Department of Corrections' per diem for adult male and female  
416 inmates.

417 (h) Each time a contract executed pursuant to this section  
418 ends, the Department of Corrections shall transfer funds,  
419 consistent with the requirements of chapter 216, from the State  
420 Inmates Housed in County Jail appropriation category to the  
421 other appropriation categories within the Adult Male Custody  
422 Operations or the Adult and Youthful Offender Female Custody  
423 Operations budget entities. Such transfer may not exceed the  
424 Department of Corrections' average total per diem published for  
425 the preceding fiscal year for adult male custody or adult and  
426 youthful offender female custody inmates for each county jail  
427 bed contracted.

428 (i) The Department of Corrections shall assume maximum  
429 annual value of each contract entered into under this section  
430 and s. 944.172 when determining the full use of funds  
431 appropriated to ensure that the maximum appropriation allowable  
432 is not exceeded.

433 (j) All contractual per diem rates under this section and  
434 all per diem rates used by the Department of Corrections must be  
435 validated by the Auditor General before payments are made.

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436 Section 3. Section 944.172, Florida Statutes, is created to  
437 read:

438 944.172 Housing of an inmate in a county jail.-

439 (1) (a) An inmate committed to the custody of the department  
440 who has less than 24 months remaining on his or her sentence may  
441 be transferred for the remainder of the term of imprisonment to  
442 a county jail in the county where he or she will reside upon  
443 release.

444 (b)1. Notwithstanding s. 947.149 and regardless of the  
445 length of imprisonment remaining on an inmate's sentence, a  
446 terminally ill inmate that has less than 12 months to live may  
447 be transferred to a county jail in the county where his or her  
448 family resides for the remainder of the term of his or her  
449 imprisonment or life, whichever occurs first. For purposes of  
450 this section, "terminally ill inmate" means an inmate who has a  
451 condition caused by injury, disease, or illness which, to a  
452 reasonable degree of medical certainty, renders the inmate  
453 terminally ill to the extent that there can be no recovery and  
454 death is expected within 12 months.

455 2. A terminally ill inmate transferred to a county jail  
456 does not have to be reviewed and approved by the Florida  
457 Commission on Offender Review in accordance with s. 947.149.  
458 However, an inmate transferred under this paragraph is still  
459 eligible to be subsequently released from the county jail on  
460 conditional medical release pursuant to s. 947.149.

461 (c) Any inmate transferred to a county jail under this  
462 section remains under the jurisdiction of the department.

463 (2) Except as provided for in s. 947.149, an inmate  
464 transferred to a county jail under this section shall be

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465 afforded the same or substantially equivalent opportunity to  
466 earn gain-time or other sentence credit, but may not receive  
467 gain-time or other sentence credit in an amount that would cause  
468 the inmate's sentence to expire, end, or terminate, or that  
469 would result in the inmate's release, prior to serving a minimum  
470 of 85 percent of the sentence imposed.

471 (3) (a) An inmate may only be transferred to a county jail  
472 under this section if there is a contractual agreement between  
473 the chief correctional officer of that county and the  
474 department.

475 (b) The department shall enter into a contract that allows  
476 inmates to be transferred to a county jail pursuant to this  
477 section if the chief correctional officer of a county requests  
478 the department to enter into such contract.

479 (c) The contract must:

480 1. Establish the maximum number of beds and the validated  
481 per diem rate;

482 2. Provide a per diem reimbursement rate for the days an  
483 inmate is in the custody of the county jail based on the  
484 contracting county's most recent annual adult male custody or  
485 adult female custody per diem rates;

486 3. Specify whether the county will accept the transfer of a  
487 terminally ill inmate;

488 4. Designate the categories of inmate classification or  
489 security level that will be accepted for transfer;

490 5. Provide for the delivery and retaking of inmates;

491 6. Require that inmates transferred to a county jail  
492 receive substantially equivalent services and programming as are  
493 provided by the department in accordance with chapter 944,

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494 including, but not limited to, educational programing,  
495 vocational training, faith- and character-based programming,  
496 health services, mental health treatment and counseling,  
497 substance abuse treatment and counseling, and transitional  
498 services;

499 7. Specify the services and programming the county will  
500 provide to the inmates in accordance with subparagraph 6.;

501 8. Authorize a county jail to contract with a privately  
502 operated community release and transition center to provide the  
503 required services and programming to any inmates transferred to  
504 a county jail;

505 9. Establish regular intervals that the county jail and the  
506 department must share information related to an inmate  
507 transferred to a county jail under this section, including, but  
508 not limited to, an inmate's confinement status and any  
509 information related to the calculation of a tentative release  
510 date; and

511 10. Require the county jail to provide documentation to  
512 verify expenses related to an inmate transferred to a county  
513 jail under this section, including, but not limited to, the  
514 number of days an inmate is in the custody of the county jail.

515 (4) The department shall transfer any inmate that is  
516 eligible under subsection (1) if the inmate also qualifies under  
517 the contractual terms mutually agreed to by the department and  
518 the designated county of release.

519 (5) An inmate may request to be transferred back to a  
520 department facility if he or she is not receiving the services  
521 and programming that are substantially equivalent to those that  
522 are available in a department facility, including, but not

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523 limited to, educational programing, vocational training, faith-  
524 and character-based programming, health services, mental health  
525 treatment and counseling, substance abuse treatment and  
526 counseling, and transitional services.

527 (6) The inmate shall be transferred back to a department  
528 facility to serve the remainder of his or her sentence in the  
529 event a contract between the chief correctional officer and the  
530 department expires, terminates, or is not renewed during an  
531 inmate's imprisonment in the county jail.

532 (7) (a) A contract executed under this section is contingent  
533 upon an appropriation by the Legislature for the specific  
534 purpose of funding state inmates housed in county facilities.  
535 Contracts must be awarded by the department on a first-come,  
536 first-served basis up to the maximum appropriation allowable.  
537 For purposes of this section, "maximum appropriation allowable"  
538 means the sum of the appropriations made by the Legislature to  
539 fund state inmates housed in county facilities and the net  
540 amount of appropriations transferred to or from the State  
541 Inmates Housed in County Jail appropriation category for  
542 contracts entered into under this section and s. 921.188.

543 (b) Each time the department executes a contract pursuant  
544 to this section, the department shall transfer funds, consistent  
545 with the requirements of chapter 216, from other appropriation  
546 categories within the Adult Male Custody Operations or the Adult  
547 and Youthful Offender Female Custody Operations budget entities  
548 to the State Inmates Housed in County Jail appropriation  
549 category in an amount necessary to satisfy the requirements of  
550 each executed contract, but not to exceed the department's  
551 average total per diem published for the preceding fiscal year

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552 for adult male custody or adult and youthful offender female  
553 custody inmates for each county jail bed contracted. Before any  
554 appropriation is transferred to the State Inmates Housed in  
555 County Jail appropriation category, the department shall  
556 estimate the appropriation amount that is obligated for the  
557 county jail beds contracted under this section and s. 921.188 to  
558 estimate the amount in which these obligations exceed the  
559 department's per diem for adult male and female inmates.

560 (c) Each time a contract executed pursuant to this section  
561 ends, the department shall transfer funds, consistent with the  
562 requirements of chapter 216, from the State Inmates Housed in  
563 County Jail appropriation category to the other appropriation  
564 categories within the Adult Male Custody Operations or the Adult  
565 and Youthful Offender Female Custody Operations budget entities.  
566 Such transfer may not exceed the department's average total per  
567 diem published for the preceding fiscal year for adult male  
568 custody or adult and youthful offender female custody inmates  
569 for each county jail bed contracted.

570 (d) The department shall assume maximum annual value of  
571 each contract entered into under this section and s. 921.188  
572 when determining the full use of funds appropriated to ensure  
573 that the maximum appropriation allowable is not exceeded.

574 (e) All contractual per diem rates under this section and  
575 all per diem rates used by the department must be validated by  
576 the Auditor General before payments are made.

577 (8) The department may adopt rules to administer this  
578 section.

579 Section 4. Paragraph (d) is added to subsection (1) of  
580 section 945.091, Florida Statutes, to read:

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581 945.091 Extension of the limits of confinement; restitution  
582 by employed inmates.—

583 (1) The department may adopt rules permitting the extension  
584 of the limits of the place of confinement of an inmate as to  
585 whom there is reasonable cause to believe that the inmate will  
586 honor his or her trust by authorizing the inmate, under  
587 prescribed conditions and following investigation and approval  
588 by the secretary, or the secretary's designee, who shall  
589 maintain a written record of such action, to leave the confines  
590 of that place unaccompanied by a custodial agent for a  
591 prescribed period of time to:

592 (d) Participate in supervised community release as  
593 prescribed by the department by rule. The inmate's participation  
594 may begin 90 days before his or her provisional or tentative  
595 release date. Such supervised community release must include  
596 electronic monitoring and community control as defined in s.  
597 948.001. The department must administer a risk assessment  
598 instrument to appropriately determine an inmate's ability to be  
599 released pursuant to this paragraph.

600 1. If a participating inmate fails to comply with the  
601 conditions prescribed by the department by rule for supervised  
602 community release, the department may terminate the inmate's  
603 supervised community release and return him or her to the same  
604 or another institution designated by the department. A law  
605 enforcement officer or a probation officer may arrest the inmate  
606 without a warrant in accordance with s. 948.06, if there are  
607 reasonable grounds to believe he or she has violated the terms  
608 and conditions of supervised community release. The law  
609 enforcement officer or probation officer must report the

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610 inmate's alleged violations to a correctional officer for  
611 disposition of disciplinary charges as prescribed by the  
612 department by rule.

613 2. An inmate participating in supervised community release  
614 under this paragraph remains eligible to earn or lose gain-time  
615 in accordance with s. 944.275 and department rule, but may not  
616 receive gain-time or other sentence credit in an amount that  
617 would cause his or her sentence to expire, end, or terminate, or  
618 that would result in his or her release, before serving a  
619 minimum of 85 percent of the sentence imposed. The inmate may  
620 not be counted in the population of the prison system and the  
621 inmate's approved community-based housing location may not be  
622 counted in the capacity figures for the prison system.

623 Section 5. Subsection (6) of section 947.149, Florida  
624 Statutes, is renumbered as subsection (7), and a new subsection  
625 (6) is added to that section, to read:

626 947.149 Conditional medical release.—

627 (6) An inmate transferred to a county jail pursuant to s.  
628 944.172(1)(b) does not have to be reviewed and approved by the  
629 commission in accordance with this section and such transfer  
630 does not exclude the inmate from subsequently being released  
631 from imprisonment in accordance with this section.

632 Section 6. Section 948.33, Florida Statutes, is created to  
633 read:

634 948.33 Prosecution for violation of probation and community  
635 control arrest warrants of state prisoners.—A prisoner in a  
636 state prison in this state who has an unserved violation of  
637 probation or an unserved violation of community control warrant  
638 for his or her arrest may file a state prisoner's notice of

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639 unserved warrant in the circuit court of the judicial circuit in  
640 which the unserved warrant was issued. The prisoner must also  
641 serve notice on the state attorney of that circuit. The circuit  
642 court shall schedule the notice for a status hearing within 90  
643 days after receipt of the notice. The state prisoner may not be  
644 transported to the status hearing. At the status hearing, the  
645 state attorney shall inform the court as to whether there is an  
646 unserved violation of probation warrant or an unserved violation  
647 of community control warrant for the arrest of the state  
648 prisoner. If a warrant for either violation exists, the court  
649 must enter an order within 30 days after the status hearing for  
650 the transport of the state prisoner to the county jail of the  
651 county that issued the warrant for prosecution of the violation,  
652 and the court shall send the order to the county sheriff for  
653 execution.

654 Section 7. This act shall take effect October 1, 2018.