

1 A bill to be entitled  
2 An act relating to alternatives to incarceration; amending  
3 s. 944.02, F.S.; defining the term "net term of  
4 incarceration with the department"; amending s. 944.023,  
5 F.S.; requiring the Department of Corrections to include  
6 in the comprehensive correctional master plan a plan for  
7 contracting with local facilities and programs as short-  
8 term confinement resources for certain offenders whose net  
9 term of incarceration with the department is less than a  
10 specified period; amending s. 945.091, F.S.; authorizing  
11 the department to adopt rules permitting the extension of  
12 the limits of the place of confinement of inmates whose  
13 net term of incarceration with the department is less than  
14 a specified period; providing requirements with respect to  
15 such alternative housing arrangements; amending s.  
16 784.078, F.S.; conforming a cross-reference; providing an  
17 effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:  
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21 Section 1. Subsections (6) through (8) of section 944.02,  
22 Florida Statutes, are renumbered as subsections (7) through (9),  
23 respectively, and a new subsection (6) is added to that section  
24 to read:

25 944.02 Definitions.--The following words and phrases used  
26 in this chapter shall, unless the context clearly indicates  
27 otherwise, have the following meanings:

28 (6) "Net expected term of incarceration" with the  
29 department means the time period from the date an offender

30 enters the custody of the department until the offender's  
31 initial tentative release date as determined under s. 944.275.

32 Section 2. Paragraph (c) of subsection (4) of section  
33 944.023, Florida Statutes, is amended to read:

34 944.023 Comprehensive correctional master plan.--

35 (4) The comprehensive correctional master plan shall use  
36 the estimates of the Criminal Justice Estimating Conference and  
37 shall include:

38 (c) A plan contracting with local facilities and programs  
39 as short-term confinement resources of the department for  
40 offenders who are sentenced to 3 years or less, ~~or~~ who are  
41 within 3 years or less of their anticipated release date, or  
42 whose net expected term of incarceration with the department is  
43 less than 1 year, and integration of detention services which  
44 have community-based programs. The plan shall designate such  
45 facilities and programs by region of the state and identify, by  
46 county, the capability for local incarceration.

47 Section 3. Paragraph (d) is added to subsection (1) of  
48 section 945.091, Florida Statutes, to read:

49 945.091 Extension of the limits of confinement;  
50 restitution by employed inmates.--

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

58 of that place unaccompanied by a custodial agent for a  
 59 prescribed period of time to:

60 (d) Be housed by an individual or agency approved by the  
 61 department, while still remaining in the custody of the  
 62 department, if the inmate's net expected term of incarceration  
 63 with the department, as defined in s. 944.02, is less than 1  
 64 year. Inmates housed under this paragraph shall, in addition to  
 65 any other requirements of law, report weekly to the department  
 66 and such inmates shall be visited by probation staff at least  
 67 twice per month, at least once each in the home and in the place  
 68 of work or, if the inmate is not employed, then twice in the  
 69 home. An inmate housed under this paragraph with an identified  
 70 need for substance abuse services is eligible for participation  
 71 in an aftercare substance abuse program, residence in a  
 72 traditional halfway house, or any other appropriate form of  
 73 supervision or treatment to the extent resources permit.

74 Section 4. Subsection (1) of section 784.078, Florida  
 75 Statutes, is amended to read:

76 784.078 Battery of facility employee by throwing, tossing,  
 77 or expelling certain fluids or materials.--

78 (1) As used in this section, the term "facility" means a  
 79 state correctional institution defined in s. 944.02~~(6)~~; a  
 80 private correctional facility defined in s. 944.710 or under  
 81 chapter 957; a county, municipal, or regional jail or other  
 82 detention facility of local government under chapter 950 or  
 83 chapter 951; or a secure facility operated and maintained by the  
 84 Department of Corrections or the Department of Juvenile Justice.

85 Section 5. This act shall take effect July 1, 2008.