

33-601.602 Community Release Programs.

(1) Definitions.

(a) Cell Phone – refers to a wireless communication device used to communicate with individuals via air signals and assigned a telephone number with area code.

(b) Center Work Assignment (CWA) – The portion of the community release program for inmates that allows placement at a community release center to assist with the maintenance, food service duties, or assignment to outside work squads while confined at the facility.

(c) Community Release Center – A correctional or contracted facility that houses community custody inmates participating in a community release program.

(d) Community Release Program – Any program that allows inmates to work at paid employment or at a center work assignment, and to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a community release center.

(e) Community Study Release – The portion of the community release program that allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.

(f) Community Work Release (CWR) – The portion of the community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(g) Community Volunteer Service – An activity that allows inmates housed at a community release center to voluntarily work with a governmental or nonprofit agency in the community.

(h) Extenuating Circumstances – Refers to overall positive adjustment, program participation, re-entry needs, length of time served on commitments, length of time served in a community release program, or other relevant classification factors that warrant consideration for placement in a community release program.

(i) Institutional Classification Team (ICT) – For the purposes of this rule, the ICT is the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designee. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other classification recommendations to the State Classification Office (SCO). At private facilities, the Department of Corrections representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision

by the ICT is not possible, the decision of the Department of Corrections representative is final.

(j) Net Earnings – Gross pay less withholding tax, social security deductions, and any legally required court ordered civil deductions.

(k) Non-advanceable date refers to an inmate's release date that is restricted from continuous, monthly gain time awards over the entire length of the sentence, including:

1. Tentative release date based upon offenses occurring on or after October 1, 1995;
2. Presumptive parole release date (PPRD);
3. 100% minimum service requirements, such as the Prison Releasee Re-Offender Act located in Section 775.082, F.S., or Three-Time Violent Offender cases under Section 775.084, F.S.

(l) State Classification Office (SCO) – The office or office staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(m) Work Release Inmate Monitoring System (WRIMS) – A web site application used by ~~contract~~ community release facility staff to record information related to an inmate's participation in a community release program.

(2) Eligibility and Ineligibility Criteria.

(a) Participation in a community release program is a privilege, not a guaranteed right of the inmate. Participation in CWR and CWA is voluntary and the inmate has a right to refuse participation once without adverse actions and may be considered for return participation in CWR or CWA.

(b) An inmate is ineligible for any community release program if he or she has:

1. Current or prior sex offense convictions;
2. Current or prior conviction for murder or attempted murder under Section 782.04, F.S.;
3. Current or prior conviction for aggravated manslaughter of an elderly person or disabled adult or attempted manslaughter of an elderly person or disabled adult under Section 782.07(2), F.S.;
4. Current or prior conviction for aggravated manslaughter of a child or attempted aggravated manslaughter of a child under Section 782.07(3), F.S.;
5. Current or prior conviction for aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic or attempted aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic under Section 782.07(4), F.S.;

6. Current or prior conviction for murder of an unborn child or attempted murder of an unborn child under Section 782.09(1), F.S.;

7. Current or prior conviction for attempted murder of a law enforcement officer under Section 784.07(3), F.S.;

8. Current or prior conviction for making, possessing, throwing, projecting, placing, or discharging any destructive device and the act results in the death of another person or for attempted making, possessing, throwing, projecting, placing, or discharging any destructive device and the act results in the death of another person under Section 790.161(4), F.S.;

9. Current or prior conviction for assisting self-murder or for attempted assisting self-murder under Section 782.08, F.S.

10. A guilty finding on any disciplinary report for escape or attempted escape within the last five years;

11. A current or prior conviction for escape covered by Section 945.092, F.S.;

12. A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer;

13. A misdemeanor detainer for child support, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines, or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.

(c) In addition to the above, an inmate is ineligible to be considered for CWR or CWA participation if he or she has:

1. Been terminated from CWR or CWA for disciplinary reasons during the inmate's current commitment, unless extenuating circumstances exist;

2. Been committed to or incarcerated in a state or federal correctional facility four or more times, unless extenuating circumstances exist;

3. Been found guilty of a disciplinary report and received disciplinary confinement as a result of the infraction, in the 60 days prior to placement in CWR or CWA;

4. The inmate was designated as a Mandatory Program Participation inmate (MPP-Y) and refused to complete or has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his or her current period of incarceration, unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully

completed. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed.

(d) In order to be eligible for consideration for placement in a community release program, an inmate must:

1. Be community custody in accordance with Rule 33-601.210, F.A.C., or have a recommendation for community custody currently under review;

2. Be in Department custody for 60 days and have at least 60 days to serve prior to initial placement in paid employment;

3. When assigned to CWA at a community release center, the inmate will remain in this status for 90 days or until within the timeframe for CWR, whichever is greater unless extenuating circumstances exist;

4. For inmates with non-advanceable dates, the inmate must be within:

a. 19 months of his or her earliest release date for CWA, or

b. 14 months of his or her earliest release date for CWR;

5. For inmates who do not have non-advanceable dates, the inmate must be within:

a. 28 months of his or her earliest release date for CWA, or

b. 19 months of his or her earliest release date for CWR; and

6. An inmate whose current commitment includes DUI-BUI Manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury must have successfully completed substance abuse treatment during the current commitment prior to being considered for CWA or CWR placement.

(e) If an inmate is otherwise eligible for a community release program, the Department will also consider the following factors to ensure community release placement is appropriate:

1. Arrest history, with particular attention to violent offenses or offenses in which the circumstances reflect that a sex act was intended, attempted, or completed;

2. Pending outside charges;

3. Disciplinary history, with particular attention to violence, escape risk, substance abuse, or sexual deviancy;

4. Substance abuse history;

5. Program needs, including re-entry;

6. Victim concerns;

7. The inmate's skills, physical ability, and overall compatibility with the specifically requested community release program.

(f) The Secretary of the Department or his or her designee, who for the purpose of this paragraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a community release center regardless of time constraints for the purpose of participating in a specialized work detail or program.

(g) Community release placements will be made to ensure inmates are housed and managed to promote public safety or the safety of specific individuals.

(3) Placement of Work Release Inmates.

(a) If an inmate is approved for community release program participation, the SCO shall approve the appropriate transfer with consideration to the requested locations and shall facilitate the inmate's transfer to the approved location.

(b) If the location requested has no bed capacity to accept the inmate, the inmate will be placed on a waiting list for the next available bed.

(c) Any change to the facility assignment or diversion to another community release program facility must be approved by the SCO. This review will determine that the inmate's needs can be served adequately at a different community release center.

(d) Inmates who are diverted to a community release center which they did not request due to lack of bed space at the requested location must be successfully complying with community release program rules and requirements in order to be considered for transfer from one facility to another.

(4) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given Form DC6-126, Certificate of Orientation. Form DC6-126 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04121>. The effective date of the form is 7-14. Inmates are required to:

1. Directly and promptly proceed to and return from their destination using the approved method of transportation and route designated by the correctional officer major or facility director of a contract facility. Inmates shall contact

the facility upon arrival and departure of their destination.

2. Remain within the area designated for their community release.

3. Return to the facility to which assigned at the scheduled time. Inmates shall contact the facility prior to their departure from the community release activity.

4. Return to the facility to which assigned immediately if the approved community release activity ceases prior to the end of the scheduled time. Inmates shall contact the facility prior to their departure from the community release activity.

5. Refrain from consuming any alcoholic beverages or any narcotics or other drugs not lawfully prescribed to them.

6. Agree to submit to substance abuse testing as a condition of their participation in the program to determine whether alcohol, drugs or unauthorized controlled substances were used while on community release and pay for the cost of the testing if results are positive.

7. Work diligently, conduct themselves in a proper manner, and not engage in any prohibited conduct.

8. Contact the officer in charge when any unusual circumstances arise.

9. Make no contact with any individual on behalf of another inmate.

10. Refrain from entering into any contract without advance written approval of the correctional officer major or facility director of a contract facility.

11. If the primary client focus is children at any employment site, immediately report this to appropriate center staff.

(b) Inmates assigned to a community release program may be subject to electronic monitoring to ensure the safety and security of the public and are required to abide by the Community Release Center Electronic Monitoring Equipment Assignment Rules, Form DC6-199. Form DC6-199 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06800>

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06800>. The effective date of the form is XX/XX 5-16.

(c) An inmate with community release privileges shall not operate any motor vehicle of any kind unless previously authorized to do so by the correctional officer major or facility director of a contract facility, and in the event of such authorization, shall operate the specified motor vehicle only for the limited purpose for which authorization was given.

(d) Every inmate assigned to a community release facility shall immediately, upon arrival, sign Form DC6-102, Letter of Notice, or the inmate shall be terminated from the program. Form DC6-102 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04120>. The effective date of the form is 7-14. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice.

(e) The classification officer or designated contract facility staff shall complete Form DC6-118A, Personalized Program Plan for Community Release Centers, on all inmates assigned to the community release center within 14 days of receipt of the inmate at the center. Form DC6-118A is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-11989>. The effective date of the form is 06/20. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-18-11. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, and ~~or~~ shall be entered into WRIMS ~~at those facilities at which the system is operational~~. Form DC6-118C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-18-11. A copy of the Personalized Program Plan shall be printed and given to the inmate. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(f) When the inmate is ready for release, a release plan shall be completed in order to assist the inmate in his or her release plans and ~~or~~ the plan information shall be entered into WRIMS ~~at those facilities at which the system is operational~~.

(5) Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his or her classification officer, who shall forward the request to the SCO. After submitting the request, an inmate shall be considered for participation in the community study release program if:

1. The inmate meets all criteria outlined in this rule;
2. The conditions regarding the financial assistance, placement, time constraints, and aptitude are satisfied; and
3. The inmate has not been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with attempt to commit a felony, aircraft piracy, or any attempt to commit the listed crimes if the program requires attendance at any state university or community college.

(b) Any inmate being considered for community study release shall be currently in a community release center and assigned to CWA or CWR.

(c) Inmates shall not enter into any agreement to secure a loan from any university, college, or private organization for the purpose of financing their education.

(d) Any inmate considered for community study release shall have monies from one or more of the following sources for tuition, books, and clothing:

1. Vocational rehabilitation;
2. Veterans benefits;
3. Personal finances;
4. The inmate's family.

(e) Community study release programs shall not interfere with the inmate's employment schedule or CWA duties. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) Participation in college level academic programs offered at community colleges or universities is limited to those inmates who demonstrate college-level aptitudes by satisfactory evidence of successful completion of college level academic coursework.

(g) The SCO shall have the authority to approve all requests for community study release, ensuring that the criteria specified in this rule are met.

(6) Upon identification by the Department, an inmate shall be considered for placement in a CWA or CWR, if

the inmate meets all criteria outlined in subsection (2) of this rule.

(a) If the inmate meets all criteria in subsection (2) of this rule, the classification officer will enter a community release recommendation.

(b) The ICT shall review the classification officer's recommendation and recommend approval, disapproval, or modification.

(c) The ICT recommendation shall be forwarded to the SCO.

(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA or CWR. The SCO staff member shall approve, disapprove, or modify the ICT recommendation.

(e) The classification officer will ensure the inmate is notified of the final decision.

(7) Status Changes of Inmates in Community Release Programs. The SCO shall have the authority to approve all status changes for inmates in a community release program, as long as the changes are consistent with the criteria set forth in this rule and with the safety and security of the public.

(8) Employment.

(a) Employment sought must be full time employment for at least 32 hours per week. If full time employment is not available, part time employment may be authorized until full time employment can be secured.

(b) The Department will not authorize an inmate to work at paid employment if:

1. The inmate will not receive wages commensurate with those received from the employer by comparable workers or the wages do not meet applicable minimum wage requirements;

2. The employer does not provide the inmate with workers' compensation, or, if workers' compensation insurance is not required by law, other medical and disability insurance to cover the inmate if he or she is injured while on the job;

3. The employer treats the inmate with less regard than other employees;

4. The employer expects more services from the inmate than of employees in comparable positions; or

5. The inmate wants to be employed at an establishment where:

a. The primary clientele focus is children;

b. There is a perception that children without parental supervision visit the establishment frequently;

c. Children are normally dropped off by parents to be supervised by the employment site staff; or

d. The primary focus of the establishment is the selling or serving of alcohol.

(c) No inmate shall be self-employed.

(d) Employment of an inmate with a relative is not precluded if:

1. The relative agrees to provide the inmate with pay commensurate to that which the inmate received for such employment prior to incarceration;

2. The Department determines that the relative is one who would promote the goals and objectives of the community release programs; and

3. All other conditions related to employment are satisfied.

(e) If the Department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, or it has been determined that it is not in the best interest of the Department, inmate, or public to remain employed with the employer, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(f) The prospective employer shall sign Form DC6-124, Employer's Community Work Agreement. Form DC6-124 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04115>. The effective date of the form is 7-14. Inmates engaged in paid employment are not considered employees of the state or the Department while engaging in or traveling to and from such employment.

(g) Presidential Executive Order 11755 provides that an inmate is authorized to work in paid employment in the community by a contract or on a federally funded contract if the following conditions are met prior to placement or participation in federally funded projects:

1. The worker is paid or is in an approved work training program on a voluntary basis.

2. Representatives of local union controlled bodies or a similar labor union organization management have been consulted.

3. Such paid employment will not result in the displacement of employed workers or be applied in skills, crafts or trades in which there is a surplus of available and gainful employment in the locality or impairs existing contracts for services.

4. The rate of pay or conditions of employment will not be less than those paid or provided for work for a similar

nature in the locality in which the work is being performed.

(h) An inmate may be granted permission to change employment without adverse effects if:

1. The inmate's current job is terminated for reasons not attributable to the inmate's conduct;
2. Suitable employment becomes available which offers the inmate enhanced employment opportunities;
3. The employer is not a positive influence upon the inmate; or
4. The employer is not treating the inmate in a manner comparable to other employees as specified in this rule.

(i) Facility personnel shall visit the inmate's place of employment for new employers within the first five days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, ~~and or~~ shall be entered into WRIMS ~~at those facilities at which the system is operational.~~ Form DC6-125 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 9-2-01.

(j) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. If the inmate has multiple part time jobs, the required contacts must be made at each place of employment. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place(s) of employment, and documentation of the contacts shall be made on Form DC6-125 or shall be entered into WRIMS at those facilities at which the system is operational. One of the three monthly contacts shall be a personal on-site job check while the inmate is present on the job site. The documentation of the contacts shall be made on Form DC6-125 and placed in the inmate's file or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

(k) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125 or shall be entered into WRIMS at those facilities at which the system is operational.

(l) The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work. The inmate's work schedule shall be entered into WRIMS at those facilities at which the system is operational.

(m) All inmates employed in the community shall be in staff custody no later than 12 midnight Eastern Standard Time (EST). Inmates will not be authorized to leave the facility to work in the community between 12 midnight and

5 a.m. (EST) unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the community release center. No exceptions will be approved unless it is determined that the risk to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

(9) Clothing and Equipment.

(a) Inmates shall wear clothing suitable for the community release in which they are engaged.

(b) Inmates working at paid employment are authorized to obtain tools, clothing, and equipment normally required for their employment. An inmate working at paid employment shall be permitted to receive one drop-off of necessary clothing, tools, or equipment, including one bicycle, from an individual approved by the correctional officer major or contract facility director. In order to receive a drop-off, the inmate must submit Form DC6-236, Inmate Request, to the classification officer or designated contract facility staff listing the requested items, the name of the individual who will bring the items, and the date the inmate would like the items to be brought. Form DC6-236 is incorporated by reference in Rule 33-103.005, F.A.C. The request shall be forwarded to the correctional officer major or contract facility director, who may approve some or all of the requested items based on the inmate's need as dictated by his or her work assignment and the security or safety risk posed by the items. The correctional officer major or contract facility director may approve the proposed individual or require the inmate to submit the name of another individual for consideration. An inmate may not receive a drop-off without the approval of the correctional officer major or contract facility director.

(c) It is the responsibility of the inmate to ensure that the drop-off is executed by the individual specified on the approved Form DC6-236, on the date approved by the correctional officer major or contract facility director, and to communicate to the individual making the drop-off which items were approved. The correctional officer major or contract facility director may designate a time for the drop-off other than that requested by the inmate.

(d) Dropped-off items are subject to search prior to delivery to the inmate to ensure the items:

1. Were approved by the correctional officer major or contract facility director;
2. Are needed by the inmate to perform his or her work assignment;
3. Do not contain or conceal contraband; and
4. Do not pose a safety or security risk.

(e) An inmate may receive one additional drop-off of necessary tools, clothing, and equipment if he or she changes

work assignments and the items are necessary due to the new assignment. The inmate must obtain approval for the drop-off as set forth in paragraph (b) above.

(f) Work release centers are authorized to coordinate with local charitable and nonprofit organizations to obtain clothing, tools, and equipment needed for use by inmates working at paid employment.

(g) Clothing, tools, and equipment required by inmates working at paid employment will not be purchased by the Department.

(h) Advancement of Funds. The facility director at a contract community release center, if authorized by contract, shall advance up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings, as provided in subsection (11), shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department finds that such action will not jeopardize the inmate's ability to transition himself or herself into the community.

(i) Inmates assigned to a community release program are authorized to possess one cell phone each to assist these inmates in setting up job interviews, cementing family relationships, and establishing contacts necessary to increase their chances for successful reentry into the community.

1. Possession of a cell phone by an inmate is a privilege that may be forfeited by any inmate who fails to abide by the rules of the Department, or otherwise engages in misuse of this privilege. The only inmates that are allowed to possess or use a cell phone are those in one of the following statuses:

- a. All inmates assigned to CWR;
- b. Inmates assigned to CWA who are within 90 days of the CWR timeframes.

2. Inmates may only have non-contract (i.e., pre-paid or "pay-as-you-go") cell phones. However, nothing in this rule precludes inmates from being added to the calling plans of family members.

3. Inmates are responsible for notifying the correctional officer major, facility director of a contract facility, or designated staff member upon the purchase of a cell phone or changes in cell phone number so that it may be properly

recorded in the inmate's file. Inmates may elect to have the cell phone dropped off subject to paragraphs (9)(c) and (d) of this rule. Failure to notify staff will result in:

- a. The cell phone being deemed contraband and being disposed of per Rule 33-602.203, F.A.C.;
- b. Disciplinary action being taken per Rule 33-601.314, F.A.C.; and
- c. The inmate may be subject to removal from the community release program under section (13) of this rule.

4. The inmate, correctional officer major or facility director of a contract facility, and the designated staff member will acknowledge and sign Form DC6-2075, Cell Phone Rules and Regulations. Form DC6-2075 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-11990>. The effective date of the form is 06/20. Refusal by the inmate to agree to the terms and conditions set forth in Form DC6-2075 and sign same will result in the cell phone being deemed contraband and being disposed of per Rule 33-602.203, F.A.C., and may result in disciplinary action and/or termination from the community work release program.

5. Upon acknowledgement of the DC6-2075 by the inmate, staff will:

- a. Add the cell phone to the inmate's Inmate Property List, Form DC6-224, denoting the make, model, serial number, and associated phone number. Form DC6-224 is incorporated in Rule 33-602.201, F.A.C. This information will also be entered into WRIMS at those facilities at which the system is operational; and

- b. Inventory on the inmate's DC6-224 the pre-purchased, pre-addressed, pre-postage paid bubble wrapped envelope that is to be purchased at the time of the cell phone purchase. The envelope will be used by staff to mail the cell phone to a predetermined family member or individual in the event it becomes necessary upon termination from the community release program.

6. Inmates are personally and solely responsible for the care and security of their cell phones. The Department and/or contract provider assumes no responsibility for theft, loss, damage, or vandalism to inmate cell phones, or the unauthorized use of such devices. In the event that a cell phone is damaged or destroyed by Department and/or contract facility staff during a routine search, emergency search, or while impounded, the warden or his or her designee shall cause an investigation to be made and action taken in accordance with Rule 33-602.203, F.A.C.

7. All cell phones on the property of the community release center or in an inmate's possession are subject to search at any time or for any reason in accordance with Rules 33-602.203 and 33-602.204, F.A.C.

8. Use of the cell phone in any manner contrary to local, state, or federal laws, telephone company regulations, or

Department or institution rules or regulations constitutes misuse and will be dealt with by the Department according to Rule 33-601.314, F.A.C. and applicable law.

9. An inmate shall not contact by telephone any Central Office or other departmental staff, except those staff assigned to the community release center in which the inmate is assigned, or any person who has advised the warden's office, the correctional officer major or facility director of a contract facility that he or she does not wish to receive telephone calls from the inmate. Once the inmate is notified of this restriction, any further attempt to communicate by telephone will be considered a violation of this rule and will subject the inmate to disciplinary action and termination from the community release program.

10. Upon termination or removal from the community release program, the cell phone will be mailed to a predetermined family member or individual in the pre-addressed, pre-postage paid bubble wrapped envelope purchased in advance for this purpose. Cell phones will not be packed as inmate property. Staff will check the cell phone to ensure the SIM card is present and seal the envelope in the presence of the inmate prior to transport. However, if the cell phone has been deemed contraband or evidence and will be used in court or disciplinary proceedings, it will be retained and disposed of as provided in Rule 33-602.203(8), F.A.C.

(10) Transportation.

(a) Transportation for inmates engaged in community release programs shall be by the following means and be approved by the correctional officer major or contract facility director:

1. Employer furnished transportation, the driver of which must be approved by the correctional officer major or contract facility director;

2. Public transportation;

3. Transportation provided by family members or approved sponsors as defined in Rule 33-601.603, F.A.C.;

4. Bicycling;

5. Walking; or

6. Center provided transportation at contract community release centers only.

(b) Contract Community Release Centers:

1. Contract community release centers are authorized to assess a transportation fee from community release inmates not to exceed \$3.00 each way for transportation provided by the contract work release center except as provided in subparagraph (b)3., below.

2. Inmates will utilize transportation authorized in paragraph (10)(a) of this rule, unless the warden over the contract community release center determines for public safety reasons another means of transportation is necessary.

3. Such facilities shall provide, at no cost to the Department or the inmate, transportation for medical or mental health services, religious services (if not provided at the community release center), attendance at substance abuse group meetings, and for shopping.

(c) In order to ensure that inmates are not working long distances from the center, the warden over the community release center shall establish maximum boundaries for employment sites based on the geographic location of the center. The maximum boundaries shall not exceed two hours travel time to the employment site from the center unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the community release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

(11) Disbursement of Earnings.

(a) An inmate working at paid employment shall agree to deposit his or her total earnings less legally required payroll deductions, or other payroll deductions authorized by the Department, into his or her account in the Inmate Trust Fund. The Department shall have the authority to hold, disburse, or supervise the disbursement of these funds according to a prearranged plan of disbursement.

(b) Once an inmate is approved for paid employment, facility personnel, in consultation with the inmate, will establish a plan for the disbursement of earnings, based upon the needs, responsibilities, and financial obligations of the inmate. No change will be made in this plan of disbursement without the approval of the correctional officer major or facility director.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of his or her net income will be placed in savings for disbursement upon his or her release. While an inmate is assigned to a community release program, such savings may not be used for any inmate expenditure including subsistence payments, transportation fees, or weekly draws. The plan shall also include a provision that no less than 10% of net income will go toward the support of any dependents the inmate may have.

(d) All inmates participating in community work release programs shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate's net earnings.

(e) Subsistence deductions will not exceed the state's actual cost to incarcerate the inmate, as computed on a per

diem basis.

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his or her incarceration and will terminate with the last day of incarceration, regardless of the frequency of the employer's payroll cycle. Inmates released from Department custody in the middle of an employer's pay cycle will be responsible for subsistence for each day in the pay cycle that the inmate was in Department custody. Center staff will manually deduct final subsistence payments for this period from the inmate's trust fund account. However, if an inmate fails to deposit his or her final earnings into his or her Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) An inmate who has been gainfully employed and becomes unemployed through no fault of the inmate's action shall continue to be assessed for subsistence at the rate of \$6.00 per day to the limit of funds available. If an inmate becomes unemployed through his or her actions, he or she shall continue to be assessed for subsistence to the limit of the funds available. Absent earnings to compute the subsistence deduction, the assessment will be made at the same per diem level as was deducted from the inmate's last regular wages.

(h) A work releasee who is receiving Workers' Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in paragraph (11)(d), above, based on the amount of compensation received, less any legally required payroll deductions.

(i) While in paid employment status, the inmate shall be responsible for reimbursing the Department for costs associated with the following:

1. Health, comfort items, and incidental expenses.
2. Medical and dental expenses.

(j) The inmate shall be required to disburse remaining funds for the following purposes:

1. Payments for the support of dependents.
2. Payment of restitution, fines or court costs, or to comply with a judgment from a court of competent jurisdiction regarding the payment of any obligation.
3. Payment of preexisting debts acknowledged by the inmate.
4. Savings to be accumulated for discharge.

(k) Subsequently, the inmate may request within seven days of the expiration of his or her sentence to establish an outside bank or credit union account. The correctional officer major or contract facility director shall evaluate and approve or disapprove such requests based on the following criteria:

1. Whether the inmate has followed applicable Department rules regarding deposit and handling of his or her income (e.g., whether the inmate deposited all paychecks in a timely fashion); and

2. Whether the account offers, or the opening of the account is contingent upon, initiating an additional contract beyond the establishment of a bank or credit union account (e.g., a credit card offer or requirement).

(l) An inmate is permitted to draw up to the amount permitted by Rule 33-203.201, F.A.C., ~~\$100.00~~ from his or her account each week, provided the inmate has sufficient funds, it is in accordance with the inmate's financial/budget section of his or her personalized program plan, and the draw is not taken from the savings required by paragraph (11)(c), above. The largest denomination of monies allowed is a five-dollar bill.

(m) Any requests for special withdrawal shall be made in accordance with paragraph (3)(a) of Rule 33-203.201, F.A.C. The amount of such requests will be limited to no more than 60% of funds available in the inmate's trust fund account. Special withdrawal requests are limited to one per month unless an emergency arises, such as a sudden change of employment requiring the purchase of appropriate tools, clothing, or equipment. Emergency special withdrawal requests will be evaluated and approved or disapproved by the correctional officer major or contract facility director to ensure that the withdrawal is emergent in nature.

(12) Restitution.

(a) Unless there exist reasons not to order restitution, the Department shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of the current offense of the inmate. For purposes of this rule, fines, court costs, liens, and court ordered payments shall be treated in the same manner as restitution.

(b) In those cases where the committing court orders restitution to the victim in a specific amount, the Department shall require inmates working at paid employment to pay restitution to the aggrieved party in the ordered amount.

(c) In the event that the committing court fails to order restitution or orders restitution but fails to state a specific amount, the Department shall require the inmate, as a condition of working in a paid employment program, to pay restitution to the aggrieved party in an amount to be determined by the Department pursuant to Section 945.091, F.S. Restitution which is imposed by the Department under this provision shall not be less than 10% of the inmate's net

earnings.

(d) If reasons exist not to order restitution, the Department shall state such reasons in writing. Reasons include:

1. No restitution is applicable;
2. The committing court expressly orders no restitution;
3. Restitution has already been satisfied;
4. There is insufficient information available to the Department in order to make a determination as to restitution;
5. The victim cannot be located;
6. There are no funds remaining after all Department obligations have been paid.

(e) Restitution requirements shall be recorded on Form DC6-123, Monetary Reimbursement Agreement, and current commitment obligations are to be entered in OBIS by the classification officer. Form DC6-123 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04116>. The effective date of the form is 7-14.

(13) Reasons for Removal from a Community Release Program. An inmate may be removed from CWA or CWR for any of the following reasons:

(a) The inmate violates any laws, rules, or procedures or tests positive for drugs or alcohol;

(b) Information is received concerning the inmate that is determined will adversely impact on the safety and security of the inmate, Department, or the community;

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him or her; or

(d) If assigned to CWR, failure to obtain lawful employment within 60 days of placement will be cause for review by center staff utilizing Form DC6-198, Continuation in Paid Employment Evaluation, for determination of continued participation in a community release program. Form DC6-198 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04114>. The effective date of the form is 7-14.

(14) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a community release program for negative behavior or unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his or her classification officer.

(b) The ICT shall review the classification officer's recommendation and recommend approval or disapproval of the inmate's termination.

(c) The ICT recommendation shall be forwarded to the SCO, who shall approve or disapprove the termination.

(d) If the SCO disapproves the termination, the SCO shall ensure that the inmate is returned to his or her previous community release status.

(e) Inmates in CWR are required to pay for their medical and dental expenses. If unable to afford these expenses, the inmate may be removed from the center and re-evaluated for appropriateness to remain at the center.

(15) Escape from a Community Release Program.

(a) Any time an inmate cannot be located at his or her authorized location, a BOLO (Be On the Lookout)/Warrant shall be requested and the inmate shall be recommended for termination from the community release program in the interest of public safety.

(b) Once located, the inmate shall be transferred to a secure facility.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (14) of this rule, shall be followed in order to review the inmate for reinstatement to a community release program.

(16) Citizen Committees. The correctional officer major or facility director of a community release center shall establish committees of volunteer citizens in the various communities of the state to assist the Department by:

(a) Aiding in the development of suitable employment in the community for those inmates who have been approved for participation in the community release program.

(b) Aiding in the development of study or training programs for inmates.

(c) Aiding in the re-entry and transition programs of the facility.

(d) Encouraging programs within the communities designed to acquaint citizens with the problems and needs of the released offender.

(e) Adding or establishing linkages between the community release center and the community.

(17) Program Facilities.

(a) The Department is authorized to utilize any facility, including a contract facility, under its jurisdiction to provide community release programs to inmates.

(b) Inmates participating in community release programs will be housed in a community release center.

(c) When funding is available, the Department is authorized to enter into written agreements with any city, county, federal agency, or authorized private organization for the housing of inmates on community release status in a place of confinement under the jurisdiction of such entity, and for the participation of these inmates in community release.

(18) Records Required. The Department shall keep a record of the following:

(a) Number of inmates placed in community release programs and furloughs authorized.

(b) Number of community release and furlough programs completed and the number of inmates terminated from the program and reasons therefore.

(c) Amount and disposition of inmate's earnings.

(d) Number of inmates paying restitution.

Rulemaking Authority 944.09, 944.105, 945.091, 946.002, 958.09 FS. Law Implemented 945.091, 946.002, 958.09 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08, 1-18-11, 3-6-14, 7-14-14, 5-29-16, 6-9-20, _____.