

Approval required to participate in work-release

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Subject:

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COUNTY PRISONERS--SHERIFF'S APPROVAL REQUIRED FOR INSTITUTION OF AND PARTICIPATION IN WORK-RELEASE PROGRAM

To: Don F. Hazelton, Representative, 78th District, West Palm Beach

Prepared by: Gerry B. Rose, Assistant Attorney General

QUESTION:

Do the provisions of s. 951.24(1), F. S., relating to county work-release programs require that the sheriff of the county concur in the concept of a work-release program before such a program is instituted, or does it require only that he approve the individuals who are allowed to participate in the program once it is established?

SUMMARY:

Section 951.24(1) and (3), F. S., provides that the county sheriff's approval is to be obtained prior to the institution of a work-release program and prior to court placement of any prisoner into such a program.

Section 951.24(1) provides in part that

"[a]ny county shall be deemed to have a work-release program upon the motion of that county's board of county commissioners *which shall require the concurrence of the sheriff of said county.*" (Emphasis supplied.)

A search of the authorities has revealed the absence of any judicial construction of the above-cited statute. Ordinarily, under these circumstances the rules of statutory construction must be utilized in order to reach a proper determination of the legislative intent. *Scarborough v. Newsome*, 7 So.2d 321 (Fla. 1942). However, where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resort to the rules of statutory construction. *White v. Campbell*, 215 So.2d 66. The plain and obvious provisions must control. *Southeastern Utilities Service Co. v. Redding*, 131 So.2d 1 (Fla. 1961).

Section 951.24(1), F. S., provides that the county sheriff must concur in the county commissioners' decision to institute a work-release program for prisoners of the county jail. Section 951.24(3) provides that prisoners of the county jail, once incarcerated, may request in writing to be placed on the county's work-release program if one has been implemented. Such a

request "may be granted by the court with the advice and consent of the sheriff and upon agreement by the prisoner." When subsections 951.24(1) and (3) are read *in pari materia*, it is evident that the Legislature intended to give the county sheriff both the power to share in the decision to institute a county work-release program and the power to share in the decision regarding the placement of individual prisoners in such a program. Therefore, s. 951.24(1) requires that the county commission secure the approval of the county sheriff before it may establish a county work-release program for county prisoners.