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Bill No. CS/HB 3527

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Trovillion, Crist, Logan, Roberts-Burke,
12 Warner, and Byrd offered the following:

14 **Amendment to Senate Amendment (733788) (with title**
15 **amendment)**

16 remove: the entire amendment

18 and insert in lieu thereof:

19 Section 1. Subsection (11) is added to section 951.23,
20 Florida Statutes, to read:

21 951.23 County and municipal detention facilities;
22 definitions; administration; standards and requirements.--

23 (11)(a) Any prisoner in a county or municipal
24 detention facility who knowingly and willfully refuses on
25 three or more occasions to obey or comply with any rule
26 governing the conduct of prisoners commits a misdemeanor of
27 the second degree, punishable as provided in s. 775.082 or s.
28 775.083. Such punishment must be in addition to any sentence
29 he or she may be serving. A prisoner may be charged with,
30 convicted of, and sentenced for a violation of this subsection
31 in addition to any other criminal offense committed while

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1 detained in a county or municipal detention facility.
2 (b) Upon a prisoner's classification in a county or
3 municipal detention facility, he or she must be provided with
4 a printed copy of the rules governing the conduct of
5 prisoners. Translation assistance must be provided, as needed.
6 (c) As used in this subsection, the term "rules
7 governing the conduct of prisoners" means any of the rules
8 relating to order and discipline provided in the Florida Model
9 Jail Standards, adopted pursuant to subsection (4) and
10 effective on October 1, 1997.
11 Section 2. (1) The following trust funds and fund
12 accounts are terminated on July 1, 1998:
13 (a) Within the state courts system:
14 1. Appellate Opinion Distribution Trust Fund, SAMAS
15 number 222215.
16 2. Working Capital Trust Fund, SAMAS number 222792.
17 (b) Within the Department of Corrections:
18 1. Hurricane Andrew Recovery and Rebuilding Trust
19 Fund, SAMAS number 702205.
20 2. Working Capital Trust Fund, SAMAS number 702792.
21 (2) All current balances remaining in, and all
22 revenues of, the trust funds and fund accounts terminated by
23 this act shall be transferred to the General Revenue Fund.
24 (3) For each trust fund or fund account terminated by
25 this act, the state courts system or Department of
26 Corrections, as applicable, shall pay any outstanding debts or
27 obligations of the terminated fund or account as soon as
28 practicable, and the Comptroller shall close out and remove
29 the terminated fund or account from the various state
30 accounting systems using generally accepted accounting
31 principles concerning warrants outstanding, assets, and

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1 liabilities.

2 Section 3. Section 216.272, Florida Statutes, is
3 amended to read:

4 216.272 Working Capital Trust Funds.--

5 (1) There are hereby created Working Capital Trust
6 Funds for the purpose of providing sufficient funds for the
7 operation of data processing centers, which may include the
8 creation of a reserve account within the Working Capital Trust
9 Fund to pay for future information technology resource
10 acquisitions as appropriated by the Legislature. Such funds
11 shall be created from moneys budgeted for data processing
12 services and equipment by those agencies, ~~and the judicial~~
13 ~~branch~~, to be served by the data processing center.

14 (2) The funds so allocated shall be in an amount
15 sufficient to finance the center's operation; however, each
16 agency ~~or judicial branch~~ served by the center shall
17 contribute an amount equal to its proportionate share of cost
18 of operating such data processing center. Each agency, ~~or the~~
19 ~~judicial branch~~, utilizing the services of the data processing
20 center shall pay such moneys into the appropriate Working
21 Capital Trust Fund on a quarterly basis or such other basis as
22 may be determined by the Executive Office of the Governor ~~or~~
23 ~~the Chief Justice as appropriate.~~

24 Section 4. Section 945.215, Florida Statutes, is
25 amended to read:

26 945.215 Inmate welfare and employee benefit trust
27 funds.--

28 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
29 CORRECTIONS.--

30 (a) The Inmate Welfare Trust Fund constitutes a trust
31 held by the department for the benefit and welfare of

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1 offenders and inmates under the jurisdiction of the Department
2 of Corrections. Funds shall be credited to the trust fund as
3 follows:

4 1. All funds moneys held in any auxiliary, canteen,
5 welfare, or similar fund in any correctional facility operated
6 directly by the department state institution under the
7 jurisdiction of the Department of Corrections shall be
8 deposited in the Inmate Welfare Trust Fund of the department,
9 which fund is created in the State Treasury, to be
10 appropriated annually by the Legislature and deposited in the
11 Department of Corrections Grants and Donations Trust Fund.

12 2. All net proceeds from operating inmate canteens,
13 vending machines used primarily by inmates, hobby shops, and
14 other such facilities; however, funds necessary to moneys
15 budgeted by the department for the purchase of items for
16 resale at inmate canteens and or vending machines must be
17 deposited into local bank accounts designated by the
18 department. The department shall submit to the President of
19 the Senate and the Speaker of the House of Representatives by
20 January 1 of each year a report that documents the receipts
21 and expenditures, including a verification of telephone
22 commissions, from the Inmate Welfare Trust Fund for the
23 previous fiscal year. The report must present this information
24 by program, by institution, and by type of receipt.

25 3. All proceeds from contracted telephone commissions.
26 The department shall develop and update, as necessary,
27 administrative procedures to verify that:

28 a. Contracted telephone companies accurately record
29 and report all telephone calls made by inmates incarcerated in
30 correctional facilities under the department's jurisdiction;

31 b. Persons who accept collect calls from inmates are

1 charged the contracted rate; and

2 c. The department receives the contracted telephone
3 commissions.

4 4. Any funds that may be assigned by inmates or
5 donated to the department by the general public or an inmate
6 service organization; however, the department shall not accept
7 any donation from, or on behalf of, any individual inmate.

8 5. Repayment of the one-time sum of \$500,000
9 appropriated in fiscal year 1996-1997 from the Inmate Welfare
10 Trust Fund for correctional work programs pursuant to s.
11 946.008.

12 6. All proceeds from:

13 a. The confiscation and liquidation of any contraband
14 found upon, or in the possession of, any inmate:

15 b. Disciplinary fines imposed against inmates;

16 c. Forfeitures of inmate earnings; and

17 d. Unexpended balances in individual inmate trust fund
18 accounts of less than \$1.

19 7. All interest earnings and other proceeds derived
20 from investments of funds deposited in the trust fund. In the
21 manner authorized by law for fiduciaries, the secretary of the
22 department, or the secretary's designee, may invest any funds
23 in the trust fund when it is determined that such funds are
24 not needed for immediate use.

25 (b) ~~Funds Beginning with the legislative appropriation~~
26 ~~for fiscal year 1995-1996 and thereafter, the money in the~~
27 Inmate Welfare Trust Fund must be used exclusively for the
28 following purposes at correctional facilities operated
29 directly by the department:

30 1. To operate inmate canteens and vending machines,
31 including purchasing ~~purchase~~ items for resale at ~~the~~ inmate

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1 canteens and ~~or~~ vending machines, maintained at the
2 ~~correctional facilities;~~

3 ~~2. employing~~ To employ personnel and inmates to
4 manage, supervise, and operate inmate ~~the~~ canteens and vending
5 machines, at the correctional facilities;

6 ~~3. and covering other~~ For operating and fixed capital
7 outlay expenses associated with operating ~~the operation of~~
8 inmate canteens and vending machines;

9 ~~2.4.~~ To employ personnel to manage and supervise the
10 proceeds from telephone commissions;

11 3. To develop, implement, and maintain the medical
12 copayment accounting system;

13 ~~4.5. To employ personnel for correctional education~~ To
14 provide literacy programs, vocational training programs, and
15 educational ~~academic~~ programs that comply with standards of
16 the Department of Education, including employing personnel and
17 covering other;

18 ~~6. For~~ operating and fixed capital outlay expenses
19 associated with providing such programs ~~the delivery to~~
20 ~~inmates of literacy programs, vocational training, and~~
21 ~~academic programs that comply with standards of the Department~~
22 ~~of Education;~~

23 5.7. To operate inmate chapels, faith-based programs,
24 visiting pavilions, libraries, and law libraries, including
25 employing personnel and covering other ~~For~~ operating and fixed
26 capital outlay expenses associated with operating the
27 ~~operation of~~ inmate chapels, faith-based programs, visiting
28 pavilions, libraries, and law libraries ~~visiting pavilions;~~

29 ~~8. To employ personnel to operate the libraries,~~
30 ~~chapels, and visiting pavilions;~~

31 6.9. To provide for expenses associated with various

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1 inmate clubs;

2 ~~7.10. To provide~~ for expenses associated with legal
3 services for inmates;

4 ~~8.11. To employ personnel~~ To provide inmate substance
5 abuse treatment programs and transition and life skills
6 training programs, including employing personnel and

7 ~~12. covering other~~ For operating and fixed capital
8 outlay expenses associated with providing such programs the
9 ~~delivery of inmate substance abuse treatment and transition~~
10 ~~and life skills training programs.~~

11 (c) The Legislature shall annually appropriate the
12 funds deposited in the Inmate Welfare Trust Fund. It is the
13 intent of the Legislature that total annual expenditures for
14 providing literacy programs, vocational training programs, and
15 educational programs exceed the combined items listed in
16 ~~subparagraphs 5. and 6. must exceed the~~ total annual
17 expenditures for operating inmate chapels, faith-based
18 programs, visiting pavilions, libraries, and law libraries,
19 covering expenses associated with inmate clubs, and providing
20 inmate substance abuse treatment programs and transition and
21 life skills training programs ~~items listed in subparagraphs 7.~~
22 ~~through 12.~~

23 (d) Funds in the Inmate Welfare Trust Fund or any
24 other fund may not be used to purchase cable television
25 service, to rent or purchase videocassettes, videocassette
26 recorders, or other audiovisual or electronic equipment used
27 primarily for recreation purposes. This paragraph does not
28 preclude the purchase or rental of electronic or audiovisual
29 equipment for inmate training or educational programs. ~~The~~
30 ~~department shall develop administrative procedures to verify~~
31 ~~that contracted telephone commissions are being received, that~~

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~~1 persons who have accepted collect calls from inmates are being
2 charged the contracted rate, and that contracted telephone
3 companies are accurately and completely recording and
4 reporting all inmate telephone calls made.~~

~~5 (c) There shall be deposited in the Inmate Welfare
6 Trust Fund all net proceeds from the operation of canteens,
7 vending machines, hobby shops, and other such facilities and
8 any moneys that may be assigned by the inmates or donated to
9 the department by the general public or an inmate service
10 organization for deposit in the fund. However, the department
11 shall refuse to accept any donations from or on behalf of any
12 individual inmate. The moneys of the fund shall constitute a
13 trust held by the department for the benefit and welfare of
14 the inmates of the institutions under the jurisdiction of the
15 department.~~

~~16 (d) There shall be deposited in the Inmate Welfare
17 Trust Fund such moneys as constitute repayment of the one-time
18 sum appropriated pursuant to s. 946.008.~~

~~19 (e) Any contraband found upon, or in the possession
20 of, any inmate in any institution under the jurisdiction of
21 the department shall be confiscated and liquidated, and the
22 proceeds thereof shall be deposited in the Inmate Welfare
23 Trust Fund of the department.~~

~~24 (f) The secretary of the department or the secretary's
25 designee may invest in the manner authorized by law for
26 fiduciaries any money in the Inmate Welfare Trust Fund of the
27 department that in his or her opinion is not necessary for
28 immediate use, and the interest earned and other increments
29 derived from such investments made pursuant to this section
30 shall be deposited in the Inmate Welfare Trust Fund of the
31 department.~~

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1 ~~(e)~~~~(g)~~ Items for resale at ~~the~~ inmate canteens and ~~or~~
 2 vending machines maintained at the correctional facilities
 3 shall be priced comparatively with like items for retail sale
 4 at fair market prices.

5 ~~(f)~~~~(h)~~ Notwithstanding any other provision of law,
 6 inmates with sufficient balances in their individual inmate
 7 bank trust fund accounts, after all debts against the account
 8 are satisfied, shall be allowed to request a weekly draw of up
 9 to \$45 to be expended for personal use on canteen and vending
 10 machine items.

11 (g) The department shall annually compile a report
 12 that specifically documents Inmate Welfare Trust Fund receipts
 13 and expenditures. This report shall be compiled at both the
 14 statewide and institutional levels. The department must submit
 15 this report for the previous fiscal year by September 1 of
 16 each year to the chairs of the appropriate substantive and
 17 fiscal committees of the Senate and the House of
 18 Representatives and to the Executive Office of the Governor.

19 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE
 20 TRUST FUND; PRIVATE CORRECTIONAL FACILITIES.--

21 (a) For purposes of this subsection, privately
 22 operated institutions or private correctional facilities are
 23 those correctional facilities under contract with the
 24 department pursuant to chapter 944 or the Correctional
 25 Privatization Commission pursuant to chapter 957.

26 (b)1. The net proceeds derived from inmate canteens,
 27 vending machines used primarily by inmates, telephone
 28 commissions, and similar sources at private correctional
 29 facilities shall be deposited in the Privately Operated
 30 Institutions Inmate Welfare Trust Fund.

31 2. Funds in the Privately Operated Institutions Inmate

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1 Welfare Trust Fund shall be expended only pursuant to
2 legislative appropriation.

3 (c) The Correctional Privatization Commission shall
4 annually compile a report that documents Privately Operated
5 Institutions Inmate Welfare Trust Fund receipts and
6 expenditures at each private correctional facility. This
7 report must specifically identify receipt sources and
8 expenditures. The Correctional Privatization Commission shall
9 compile this report for the prior fiscal year and shall submit
10 the report by September 1 of each year to the chairs of the
11 appropriate substantive and fiscal committees of the Senate
12 and House of Representatives and to the Executive Office of
13 the Governor.

14 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
15 CORRECTIONS.--

16 (a) The department may establish an Employee Benefit
17 Trust Fund. Trust fund sources may be derived from any of the
18 following:

19 1.(a) Proceeds of vending machines or other such
20 services not intended for use by inmates.

21 2.(b) Donations, except donations by, or on behalf of,
22 an individual inmate.

23 3.(c) Additional trust funds and grants which may
24 become available.

25 (b) Funds from the Employee Benefit Trust Fund Such
26 fund shall be maintained and audited separately and apart from
27 the Inmate Welfare Trust Fund. Portions of the fund may be
28 used to construct, operate, and maintain training and
29 recreation facilities at correctional facilities for the
30 exclusive use of department employees respective institutions.
31 Such facilities are shall be the property of the department

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1 and must ~~shall~~ provide the maximum benefit to all interested
 2 employees, regardless of gender ~~of both sexes, including~~
 3 ~~teachers, clerical staff, medical and psychological services~~
 4 ~~personnel, and officers and administrators.~~

5 Section 5. Paragraph (d) of subsection (2) of section
 6 944.803, Florida Statutes, is amended to read:

7 944.803 Faith-based programs for inmates.--

8 (2) It is the intent of the Legislature that the
 9 Department of Corrections and the private vendors operating
 10 private correctional facilities shall continuously:

11 (d) Fund through the use of ~~the~~ inmate welfare trust
 12 funds ~~fund~~ pursuant to s. 945.215 an adequate number of
 13 chaplains and support staff to operate faith-based ~~chaplaincy~~
 14 programs in ~~state~~ correctional institutions.

15 Section 6. Section 945.31, Florida Statutes, is
 16 amended to read:

17 945.31 Restitution and other payments.--The department
 18 may establish bank accounts outside the State Treasury for the
 19 purpose of collecting and disbursing restitution and other
 20 court-ordered payments from persons in its custody or under
 21 its supervision, and may collect an administrative processing
 22 fee in an amount equal to 4 percent of the gross amounts of
 23 such payments. Such administrative processing fee shall be
 24 deposited in the department's Operating Grants and Donations
 25 Trust Fund and shall be used to offset the cost of the
 26 department's services.

27 Section 7. Section 945.76, Florida Statutes, is
 28 amended to read:

29 945.76 Certification and monitoring of batterers'
 30 intervention programs; fees.--

31 (1) Pursuant to s. 741.32, the Department of

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1 Corrections is authorized to assess and collect:

2 (a) An annual certification fee fees not to exceed

3 \$300 for the certification and monitoring of batterers'

4 intervention programs ~~certified by the Department of~~

5 ~~Corrections' Office of Certification and Monitoring of~~

6 ~~Batterers' Intervention Programs and.~~

7 (b) An annual certification fee not to exceed \$200 for

8 the certification and monitoring of assessment personnel

9 providing direct services to persons who:

10 1.(a) Are ordered by the court to participate in a

11 domestic violence prevention program;

12 2.(b) Are adjudged to have committed an act of

13 domestic violence as defined in s. 741.28;

14 3.(c) Have an injunction entered for protection

15 against domestic violence; or

16 4.(d) Agree to attend a program as part of a diversion

17 or pretrial intervention agreement by the offender with the

18 state attorney.

19 (2) All persons required by the court to attend

20 domestic violence programs certified by the Department of

21 Corrections' Office of Certification and Monitoring of

22 Batterers' Intervention Programs shall pay an additional \$30

23 fee for each 29-week program to the Department of Corrections.

24 (3) The fees assessed and collected under this section

25 fee shall be deposited in the department's Operating Grants

26 ~~and Donations Trust Fund to be used by the department~~ to fund

27 the cost of certifying and monitoring batterers' intervention

28 programs.

29 Section 8. Subsection (7) of section 944.10, Florida

30 Statutes, is amended to read:

31 944.10 Department of Corrections to provide buildings;

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1 sale and purchase of land; contracts to provide services and
2 inmate labor.--

3 (7) The department may enter into contracts with
4 federal, state, or local governmental entities or subdivisions
5 to provide services and inmate labor for the construction of
6 buildings, parks, roads, any detention or commitment
7 facilities, or any other project deemed to be appropriate by
8 the Department of Corrections, which may include, but is not
9 limited to, the planning, design, site acquisition or
10 preparation, management, or construction of such projects. The
11 department may charge fees for providing such services. All
12 fees collected must be placed in the Correctional Work Program
13 ~~Grants and Donations~~ Trust Fund.

14 Section 9. Subsection (2) of section 948.09, Florida
15 Statutes, is amended to read:

16 948.09 Payment for cost of supervision and
17 rehabilitation.--

18 (2) Any person being electronically monitored by the
19 department as a result of placement on community control shall
20 be required to pay a \$1-per-day surcharge in addition to the
21 cost of supervision fee as directed by the sentencing court.
22 The surcharge shall be deposited in the Operating ~~Grants and~~
23 ~~Donations~~ Trust Fund to be used by the department for
24 purchasing and maintaining electronic monitoring devices.

25 Section 10. Subsection (10) of section 951.23, Florida
26 Statutes, is amended to read:

27 951.23 County and municipal detention facilities;
28 definitions; administration; standards and requirements.--

29 (10) Nothing in this section prohibits the governing
30 board of a county or municipality to enter into an agreement
31 with the Department of Corrections authorizing the department

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1 to inspect the local detention facilities under the
2 jurisdiction of the governing body. A governing board of a
3 county or municipality may enter into such agreements with the
4 department upon consultation with the sheriff if the sheriff
5 operates the detention facility. The inspections performed by
6 the department shall be consultatory in nature and for the
7 purpose of advising the local governing bodies concerning
8 compliance with the standards adopted by the detention
9 facility's chief correctional officer. Such agreements must
10 include, but are not limited to, provisions for the physical
11 and operational standards that were adopted by the chief
12 correctional officer of the detention facility, the manner and
13 frequency of inspections to be conducted by the department,
14 whether such inspections are to be announced or unannounced by
15 the department, the type of access the department may have to
16 the detention facility, and the amount of payment by the local
17 governing body, if any, for the services rendered by the
18 department. Inspections and access to local detention
19 facilities shall not interfere with custody of inmates or the
20 security of the facilities as determined by the chief
21 correctional officer of each facility. Any fees collected by
22 the department pursuant to such agreements must be deposited
23 into the Operating Grants and Donations Trust Fund and shall
24 be used to pay the cost of the services provided by the
25 department to monitor local detention facilities pursuant to
26 such agreements. This subsection shall be repealed effective
27 October 1, 1999.

28 Section 11. Section 386.213, Florida Statutes, is
29 created to read:

30 386.213 Smoking prohibited inside state correctional
31 facilities.--

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1 (1) The purpose of this section is to protect the
2 health, comfort, and environment of employees of the
3 Department of Corrections, employees of privately operated
4 correctional facilities, employees of the Correctional
5 Privatization Commission, and inmates by prohibiting inmates
6 from using tobacco products inside any offices or buildings
7 within state correctional facilities, and by ensuring that
8 employees and visitors do not use tobacco products inside any
9 office or building within state correctional facilities.
10 Scientific evidence links the use of tobacco products with
11 numerous significant health risks. The use of tobacco products
12 by inmates, employees, or visitors is contrary to efforts by
13 the Department of Corrections to reduce the costs of inmate
14 health care and to limit unnecessary litigation. The
15 Department of Corrections and the private vendors operating
16 correctional facilities shall make smoking cessation
17 assistance available to inmates in order to implement this
18 section. The Department of Corrections and the private vendors
19 operating correctional facilities shall implement this section
20 as soon as possible, and all provisions of this section must
21 be fully implemented by January 1, 1999.

22 (2) As used in this section, the term:
23 (a) "Department" means the Department of Corrections.
24 (b) "Employee" means an employee of the department or
25 a private vendor in a contractual relationship with either the
26 Department of Corrections or the Correctional Privatization
27 Commission, and includes persons such as contractors,
28 volunteers, or law enforcement officers who are within a state
29 correctional facility to perform a professional service.
30 (c) "State correctional facility" means a state or
31 privately operated correctional institution as defined in s.

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1 944.02, or a correctional institution or facility operated
2 under s. 944.105 or chapter 957.

3 (d) "Tobacco products" means items such as cigars,
4 cigarettes, snuff, loose tobacco, or similar goods made with
5 any part of the tobacco plant, which are prepared or used for
6 smoking, chewing, dipping, sniffing, or other personal use.

7 (e) "Visitor" means any person other than an inmate or
8 employee who is within a state correctional facility for a
9 lawful purpose and includes, but is not limited to, persons
10 who are authorized to visit state correctional institutions
11 pursuant to s. 944.23, and persons authorized to visit as
12 prescribed by departmental rule or vendor policy.

13 (f) "Prohibited areas" means any indoor areas of any
14 building, portable or other enclosed structure within a state
15 correctional facility.

16 (3)(a) An inmate within a state correctional facility
17 may not use tobacco products in prohibited areas at any time
18 while in the custody of the department or under the
19 supervision of a private vendor operating a correctional
20 facility.

21 (b)1. An employee or visitor may not use any tobacco
22 products in prohibited areas.

23 2. The superintendent, warden, or supervisor of a
24 state correctional facility shall take reasonable steps to
25 ensure that the tobacco prohibition for employees and visitors
26 is strictly enforced.

27 (4) An inmate who violates this section commits a
28 disciplinary infraction and is subject to punishment
29 determined to be appropriate by the disciplinary authority in
30 the state correctional facility, including, but not limited
31 to, forfeiture of gain-time or the right to earn gain-time in

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1 the future under s. 944.28.

2 (5) The department may adopt rules and the private
3 vendors operating correctional facilities may adopt policies
4 and procedures for the designation of prohibited areas and
5 smoking areas and for the imposition of penalties pursuant to
6 this section. For the purposes of this section, the
7 designation of prohibited areas shall not include employee
8 housing on the grounds of a state correctional facility or
9 maximum security inmate housing areas.

10 Section 12. Subsection (1) of section 386.203, Florida
11 Statutes, is amended to read:

12 386.203 Definitions.--As used in this part:

13 (1) "Public place" means the following enclosed,
14 indoor areas used by the general public:

15 (a) Government buildings;

16 (b) Public means of mass transportation and their
17 associated terminals not subject to federal smoking
18 regulation;

19 (c) Elevators;

20 (d) Hospitals;

21 (e) Nursing homes;

22 (f) Educational facilities;

23 (g) Public school buses;

24 (h) Libraries;

25 (i) Courtrooms;

26 (j) Jury waiting and deliberation rooms;

27 (k) Museums;

28 (l) Theaters;

29 (m) Auditoriums;

30 (n) Arenas;

31 (o) Recreational facilities;

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- 1 (p) Restaurants which seat more than 50 persons;
- 2 (q) Retail stores, except a retail store the primary
- 3 business of which is the sale of tobacco or tobacco related
- 4 products;
- 5 (r) Grocery stores;
- 6 (s) Places of employment;
- 7 (t) Health care facilities;
- 8 (u) Day care centers; ~~and~~
- 9 (v) Common areas of retirement homes and
- 10 condominiums; ~~and~~
- 11 (w) State correctional facilities.
- 12 Section 13. Section 945.10, Florida Statutes, is
- 13 amended to read:
- 14 945.10 Confidential information; illegal acts;
- 15 penalties.--
- 16 (1) Except as otherwise provided by law or in this
- 17 section, the following records and information of the
- 18 Department of Corrections are confidential and exempt from the
- 19 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
- 20 Constitution:
- 21 (a) Mental health, medical, or substance abuse records
- 22 of an inmate or an offender.
- 23 (b) Preplea, pretrial intervention, presentence or
- 24 postsentence investigative records.
- 25 (c) Information regarding a person in the federal
- 26 witness protection program.
- 27 (d) Parole Commission records which are confidential
- 28 or exempt from public disclosure by law.
- 29 (e) Information which if released would jeopardize a
- 30 person's safety.
- 31 (f) Information concerning a victim's statement and

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1 identity.

2 (g) The identity of an executioner.

3 (h) Records that are otherwise confidential or exempt
4 from public disclosure by law.

5 (2) The records and information specified in
6 paragraphs (1)(b)-(h) may be released as follows unless
7 expressly prohibited by federal law:

8 (a) Information specified in paragraphs (1)(b), (d),
9 and (f) to the Office of the Governor, the Legislature, the
10 Parole Commission, the Department of Health and Rehabilitative
11 Services, a private correctional facility or program that
12 operates under a contract, the Department of Legal Affairs, a
13 state attorney, the court, or a law enforcement agency. A
14 request for records or information pursuant to this paragraph
15 need not be in writing.

16 (b) Information specified in paragraphs (1)(c), (e),
17 and (h) to the Office of the Governor, the Legislature, the
18 Parole Commission, the Department of Health and Rehabilitative
19 Services, a private correctional facility or program that
20 operates under contract, the Department of Legal Affairs, a
21 state attorney, the court, or a law enforcement agency. A
22 request for records or information pursuant to this paragraph
23 must be in writing and a statement provided demonstrating a
24 need for the records or information.

25 (c) Information specified in paragraph (1)(b) to an
26 attorney representing an inmate under sentence of death,
27 except those portions of the records containing a victim's
28 statement or address, or the statement or address of a
29 relative of the victim. A request for records of information
30 pursuant to this paragraph must be in writing and a statement
31 provided demonstrating a need for the records or information.

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1 (d) Information specified in paragraph (1)(b) to a
2 public defender representing a defendant, except those
3 portions of the records containing a victim's statement or
4 address, or the statement or address of a relative of the
5 victim. A request for records or information pursuant to this
6 paragraph need not be in writing.

7 (e) Information specified in paragraph (1)(b) to state
8 or local governmental agencies. A request for records or
9 information pursuant to this paragraph must be in writing and
10 a statement provided demonstrating a need for the records or
11 information.

12 (f) Information specified in paragraph (1)(b) to a
13 person conducting legitimate research. A request for records
14 and information pursuant to this paragraph must be in writing,
15 the person requesting the records or information must sign a
16 confidentiality agreement, and the department must approve the
17 request in writing.

18
19 Records and information released under this subsection remain
20 confidential and exempt from the provisions of s. 119.07(1)
21 and s. 24(a), Art. I of the State Constitution when held by
22 the receiving person or entity.

23 (3) Due to substantial concerns regarding
24 institutional security and unreasonable and excessive demands
25 on personnel and resources if an inmate or an offender has
26 unlimited or routine access to records of the Department of
27 Corrections, an inmate or an offender who is under the
28 jurisdiction of the department may not have unrestricted
29 access to the department's records or to information contained
30 in the department's records. However, except as to another
31 inmate's or offender's records, the department may permit

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1 limited access to its records if an inmate or an offender
2 makes a written request and demonstrates an exceptional need
3 for information contained in the department's records and the
4 information is otherwise unavailable. Exceptional
5 circumstances include, but are not limited to:

6 (a) The inmate or offender requests documentation to
7 resolve a conflict between the inmate's court documentation
8 and the commitment papers or court orders received by the
9 department regarding the inmate or offender.

10 (b) The inmate's or offender's release is forthcoming
11 and a prospective employer requests, in writing, documentation
12 of the inmate's or offender's work performance.

13 (c) The inmate or offender needs information
14 concerning the amount of victim restitution paid during the
15 inmate's or offender's incarceration.

16 (d) The requested records contain information required
17 to process an application or claim by the inmate or offender
18 with the Internal Revenue Service, the Social Security
19 Administration, the Department of Labor and Employment
20 Security, or any other similar application or claim with a
21 state agency or federal agency.

22 (e) The inmate or offender wishes to obtain the
23 current address of a relative whose address is in the
24 department's records and the relative has not indicated a
25 desire not to be contacted by the inmate or offender.

26 (f) Other similar circumstances that do not present a
27 threat to the security, order, or rehabilitative objectives of
28 the correctional system or to any person's safety.

29 (4) The Department of Corrections shall adopt rules to
30 prevent disclosure of confidential records or information to
31 unauthorized persons.

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1 (5) The Department of Corrections and the Parole
2 Commission shall mutually cooperate with respect to
3 maintaining the confidentiality of records that are exempt
4 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
5 the State Constitution.

6 (6)(a) As used in this subsection:

7 1. The term "personal information about another
8 person" means the home addresses, telephone numbers, social
9 security numbers, and photographs of health care clinicians of
10 the Department of Corrections who are licensed or certified
11 pursuant to chapter 458, chapter 459, chapter 464, chapter
12 465, chapter 466, or chapter 490 and of educational personnel
13 of the Department of Corrections who are certified pursuant to
14 s. 231.17 and of other state officers and employees whose
15 duties are performed in whole or in part in state correctional
16 institutions; the home addresses, telephone numbers, social
17 security numbers, photographs, and places of employment of the
18 spouses and children of such persons; and the names and
19 locations of schools and day care facilities attended by the
20 children of such persons.

21 2. The terms "another person" and "such person" mean
22 any person described in subparagraph 1.

23 3. The term "harass" means engaging in a course of
24 conduct directed at another person which causes substantial
25 emotional distress to such person and serves no legitimate
26 purpose.

27 (b) An inmate or offender in the correctional system
28 or under correctional supervision, whether on parole,
29 probation, postrelease supervision, or any other form of
30 supervision, is prohibited from disclosing or using personal
31 information about another person with the intent to obtain a

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1 benefit from, harass, harm, or defraud such person. Any inmate
2 or offender who violates this section commits a felony of the
3 third degree, punishable as provided in s. 775.082, s.
4 775.083, or s. 775.084.

5 (c) An inmate or offender who has been convicted of an
6 offense under paragraph (b) is prohibited from subsequently
7 participating in any correctional work or other correctional
8 program that provides inmates or offenders with access to
9 personal information about persons who are not in the
10 correctional system or under correctional supervision. If,
11 during a term of imprisonment, an inmate or offender is
12 convicted of the offense under paragraph (b), the inmate or
13 offender shall be subject to forfeiture of all or any part of
14 his or her gain-time pursuant to rules adopted by the
15 department. The department may adopt rules to prohibit the
16 subsequent participation of an inmate who has been convicted
17 of an offense under paragraph (b) in any correctional work or
18 other correctional program that provides inmates access to
19 personal information about another person. The department may
20 also adopt rules to implement the forfeiture or deletion of
21 gain-time.

22 Section 14. Subsection (5) of section 99.012, Florida
23 Statutes, is amended to read:

24 99.012 Restrictions on individuals qualifying for
25 public office.--

26 (5)(a) A person who is a subordinate officer, deputy
27 sheriff, or police officer must need not resign effective upon
28 qualifying, pursuant to Chapter 99, F.S., if pursuant to this
29 section unless the person is seeking to qualify for a public
30 office which is currently held by an officer who has authority
31 to appoint, employ, promote, or otherwise supervise that

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1 person and who has qualified as a candidate for reelection to
2 that office.

3 (b) However, Upon qualifying pursuant to Chapter 99,
4 F.S., a the subordinate officer, deputy sheriff, or police
5 officer who is seeking public office and who is not required
6 to resign under paragraph (a) must take a leave of absence
7 without pay during the period in which he or she is a
8 candidate for office.

9 Section 15. The proviso language immediately preceding
10 Specific Appropriation 962 and the proviso language following
11 Specific Appropriation 620 in the Conference Report On House
12 Bill 4201 which is the General Appropriations Act for fiscal
13 year 1998-1999, shall not be deemed, in whole or in part, to
14 be repealed, nullified or modified in any way by legislation
15 passed during the 1998 regular session of the Legislature
16 unless the legislation makes specific reference to this
17 section. If either the proviso language immediately preceding
18 Specific Appropriation 962 and the proviso language following
19 Specific Appropriation 620 in the Conference Report On House
20 Bill 4201 are repealed or amended by substantive legislation
21 passed during the 1998 regular session of the Legislature,
22 then both sections of proviso are hereby reenacted in full and
23 shall have their full effect as written in the Conference
24 Report On House Bill 4201. This section is hereby repealed on
25 June 30, 1999.

26 Section 16. Paragraph (f) of subsection (3) and
27 paragraph (c) of subsection (4) of section 957.03, Florida
28 Statutes, are amended, and paragraphs (d), (e), and (f) are
29 added to subsection (4) of said section, to read:

30 957.03 Correctional Privatization Commission.--

31 (3) TERMS, ORGANIZATION, AND MEETINGS.--

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1 (f) The commission shall meet upon the call of the
2 chair or a majority of the members of the commission. A
3 majority of the members of the commission constitutes a
4 quorum. An action of the commission is not binding unless the
5 action is taken pursuant to an affirmative vote of a majority
6 of the members present, but not fewer than three members of
7 the commission must be present. The vote must be recorded in
8 the minutes of the meeting.

9 (4) DUTIES.--

10 (c) The commission must report to the Speaker of the
11 House of Representatives and the President of the Senate by
12 December 1 each year on the status and effectiveness of the
13 facilities under its management. ~~Each report must also~~
14 ~~include a comparison of recidivism rates for inmates of~~
15 ~~private correctional facilities to the recidivism rates for~~
16 ~~inmates of comparable facilities managed by the department.~~

17 (d) In its request for proposals, the commission may
18 authorize the contractor to use inmate labor to assist in the
19 construction of the facility. The Department of Corrections
20 shall assign inmate work crews at the request of the
21 commission and the contractor.

22 (e) In the renegotiation or origination of contracts
23 on or after the effective date of this act, the commission may
24 authorize the contractors to use selected inmates in public
25 work programs pursuant to ss. 946.40 and 946.41. If inmates
26 are placed in public work programs, the private contractor
27 shall develop security procedures which shall ensure the
28 safety of the public, and the commission and the department
29 shall approve such procedures.

30 (f) In the renegotiation or origination of contracts
31 on or after the effective date of this act, the commission

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1 shall require each contractor to develop and annually report
2 to the Legislature outcome performance measures similar to
3 those included in the General Appropriations Act for the
4 department pursuant to s. 216.0166.

5 Section 17. Section 957.031, Florida Statutes, is
6 created to read:

7 957.031 Prohibited conduct by commission member,
8 employee, consultant, or adviser.--

9 (1) Any commission member, employee, or consultant who
10 reviews, monitors, or approves private correctional facility
11 contracts, or who advises the commission in any manner with
12 respect to private correctional facilities, may not:

13 (a) Solicit or accept, directly or indirectly, any
14 personal benefit or promise of benefit from any bidders,
15 potential bidders, or contractors; or

16 (b) Be an officer, director, trustee, stockholder, or
17 investor in any business entity that:

18 1. Has a business relationship of any kind with the
19 commission;

20 2. Is owned or controlled by a business entity that
21 has a business relationship of any kind with the commission;
22 or

23 3. Is owned or controlled by one or more individuals
24 or business entities who, separately or collectively, own or
25 control a business entity that has a business relationship of
26 any kind with the commission.

27 (2) This section shall not be construed to conflict
28 with s. 112.313, s. 112.3145, or s. 112.3148.

29 Section 18. Section 957.06, Florida Statutes, is
30 amended to read:

31 957.06 Powers and duties not delegable to

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1 contractor.--A contract entered into under this chapter does
2 not authorize, allow, or imply a delegation of authority to
3 the contractor to:

4 (1) Make a final determination on the custody
5 classification of an inmate. The contractor may submit a
6 recommendation for a custody change on an inmate; however, any
7 recommendation made shall be in compliance with the
8 department's custody classification system.

9 (2) Choose the facility to which an inmate is
10 initially assigned or subsequently transferred. The contractor
11 may request, in writing, that an inmate be transferred to a
12 facility operated by the department. ~~The commission, the~~
13 ~~contractor, and a representative of the department shall~~
14 ~~develop and implement a cooperative agreement for transferring~~
15 ~~inmates between a correctional facility operated by the~~
16 ~~department and a private correctional facility. The~~
17 ~~department, the commission, and the contractor must comply~~
18 ~~with the cooperative agreement.~~

19 (3) Develop or adopt disciplinary rules or penalties
20 that differ from the disciplinary rules and penalties that
21 apply to inmates housed in correctional facilities operated by
22 the department.

23 (4) Make a final determination on a disciplinary
24 action that affects the liberty of an inmate. The contractor
25 may remove an inmate from the general prison population during
26 an emergency, before final resolution of a disciplinary
27 hearing, or in response to an inmate's request for assigned
28 housing in protective custody.

29 (5) Make a decision that affects the sentence imposed
30 upon or the time served by an inmate, including a decision to
31 award, deny, or forfeit gain-time.

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1 (6) Make recommendations to the Parole Commission with
2 respect to the denial or granting of parole, control release,
3 conditional release, or conditional medical release. However,
4 the contractor may submit written reports to the Parole
5 Commission and must respond to a written request by the Parole
6 Commission for information.

7 (7) Develop and implement requirements that inmates
8 engage in any type of work or develop and implement any work
9 program, except to the extent provided by law or approved that
10 ~~those requirements are accepted~~ by the commission.

11 (8) Determine inmate eligibility for any form of
12 conditional, temporary, or permanent release from a
13 correctional facility.

14 Section 19. Section 957.061, Florida Statutes, is
15 created to read:

16 957.061 Cooperative transfer agreement.--The
17 commission, the contractor, and a representative of the
18 department shall develop and implement a cooperative transfer
19 agreement for each private correctional facility for
20 transferring inmates between a correctional facility operated
21 by the department and the private correctional facility. The
22 department, the commission, and the contractor must comply
23 with the cooperative transfer agreement.

24 Section 20. Section 957.08, Florida Statutes, is
25 amended to read:

26 957.08 Capacity requirements.--The department shall
27 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
28 determined by contract ~~the commission~~, to each private
29 correctional facility opened pursuant to this chapter in an
30 amount not less than 90 percent or more than 100 percent of
31 the capacity of the facility pursuant to the contract with the

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1 commission. The types of inmates ~~prisoners~~ transferred by the
2 department shall conform to the cooperative transfer agreement
3 developed pursuant to s. 957.061 and represent a cross section
4 of the general inmate population, based on the grade of
5 custody or the offense of conviction, the physical and mental
6 health grade, and the level of education,at the most
7 comparable facility operated by the department.

8 Section 21. Subsection (2) of section 957.125, Florida
9 Statutes, is amended to read:

10 957.125 Correctional facilities for youthful
11 offenders.--

12 (2) ~~These~~ Youthful offender facilities contracted
13 under this chapter shall be designed to provide the optimum
14 capacity for programs for youthful offenders designed to
15 reduce recidivism, including, but not limited to: educational
16 and vocational programs, substance abuse and mental health
17 counseling, prerelease orientation and planning, job and
18 career counseling, physical exercise, dispute resolution, and
19 life skills training. In order to ensure this quality
20 programming, the commission shall give no more than 30 percent
21 weight to cost in evaluating proposals.

22 Section 22. The Corrections Commission shall conduct
23 an in-depth analysis and develop legislative proposals for the
24 fiscal year 1999-2000 on the future and expanded use of
25 technology and private services contracts in all aspects of
26 corrections ranging from prison management, mobile surgical
27 units, prison industry, health care, food services, inmate
28 transportation, pharmaceutical products, canteen services,
29 distance learning programs, victim notification hotlines,
30 satellite tracking of offenders, inmate legal services, and
31 community supervision. The analysis shall, at a minimum:

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1 identify cost efficiencies, technological innovations, and
2 best corrections practices at both private and public
3 correctional programs; identify bureaucratic and legal
4 barriers that prevent or nullify effective cost containment
5 strategies in both private and public corrections; determine
6 ways to reduce inmate idleness through partnerships with
7 private industries; and produce plans for the most effective
8 use of general and specialized private sector services in
9 corrections. The Corrections Commission shall report its
10 findings and recommendations to the Governor and Legislature
11 in its 1998 annual report.

12 Section 23. For fiscal year 1998-1999, the
13 Correctional Privatization Commission shall contract with an
14 academic researcher to produce a study comparing recidivism
15 rates for inmates of private correctional facilities to
16 recidivism rates for inmates of comparable facilities managed
17 by the Department of Corrections. Beginning fiscal year
18 1998-1999, the methodology and sampling strategy shall be
19 developed by consensus and unanimously approved by the
20 director of the Division of Economic and Demographic Research
21 of the Joint Legislative Management Committee, or successor
22 entity, one professional staff person who has research
23 expertise from the Department of Corrections, and the academic
24 researcher retained by the Correctional Privatization
25 Commission. The methodology and sampling strategy developed
26 shall be adhered to in all subsequent and independent analyses
27 or reports produced for the commission on such recidivism
28 rates. The academic researcher under contract to the
29 commission as well as the researchers for the Department of
30 Corrections and the Division of Economic and Demographic
31 Research, or successor entity, shall independently analyze the

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1 data collected pursuant to this section and shall collaborate
2 on a single report. This report shall be submitted to the
3 Speaker of the House of Representatives and the President of
4 the Senate not later than February 1, 1999. The December 1,
5 1998, report by the commission pursuant to s. 957.03(4)(c),
6 Florida Statutes, need not contain a comparison of recidivism
7 rates for inmates of private correctional facilities to the
8 recidivism rates for inmates of comparable facilities managed
9 by the Department of Corrections.

10 Section 24. Subsections (1), (3), and (4) of section
11 957.125, section 944.711, and subsection (8) of section
12 957.04, Florida Statutes, are repealed.

13 Section 25. Section 945.603, Florida Statutes, is
14 amended to read:

15 945.603 Powers and duties of authority.--The purpose
16 of the authority is to assist in the delivery of health care
17 services for inmates in the legal custody of the Department of
18 Corrections by advising the Secretary of Corrections and the
19 chairman of the Correctional Privatization Commission on the
20 professional conduct of primary, convalescent, dental, and
21 mental health care and the management of costs consistent with
22 quality care, by advising the Governor and the Legislature on
23 the status of the inmate ~~Department of Corrections~~ health
24 care delivery system, and by assuring that adequate standards
25 of physical and mental health care for inmates are maintained
26 at all Department of Corrections institutions and at all
27 private correctional facilities. For this purpose, the
28 authority has the authority to:

29 (1) Review and advise the Secretary of Corrections on
30 cost containment measures the Department of Corrections could
31 implement.

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1 (2) Review and make recommendations regarding health
2 care for the delivery of health care services including, but
3 not limited to, acute hospital-based services and facilities,
4 primary and tertiary care services, ancillary and clinical
5 services, dental services, mental health services, intake and
6 screening services, medical transportation services, and the
7 use of nurse practitioner and physician assistant personnel to
8 act as physician extenders as these relate to inmates in the
9 legal custody of the Department of Corrections.

10 (3) Develop and recommend to the Governor and the
11 Legislature an annual budget for all or part of the operation
12 of the State of Florida prison health care system.

13 (4) Review and advise the Secretary of Corrections and
14 the Correctional Privatization Commission on contracts between
15 the Department of Corrections or private vendors and third
16 parties for quality management programs.

17 (5) Review and advise the Secretary of Corrections and
18 the Correctional Privatization Commission on minimum standards
19 needed to ensure that an adequate physical and mental health
20 care delivery system is maintained by the Department of
21 Corrections and by the private vendors under contract pursuant
22 to chapters 957 and 944.

23 (6) Review and advise the Secretary of Corrections on
24 the sufficiency, adequacy, and effectiveness of the Department
25 of Corrections' Office of Health Services' quality management
26 program.

27 (7) Review and advise the Secretary of Corrections on
28 the projected medical needs of the inmate population and the
29 types of programs and resources required to meet such needs.

30 (8) Review and advise the Secretary of Corrections on
31 the adequacy of preservice, inservice, and continuing medical

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1 education programs for all health care personnel and, if
2 necessary, recommend changes to such programs within the
3 Department of Corrections.

4 (9) Identify and recommend to the Secretary of
5 Corrections the professional incentives required to attract
6 and retain qualified professional health care staff within the
7 prison health care system.

8 (10) Coordinate the development of prospective payment
9 arrangements as described in s. 408.50 when appropriate for
10 the acquisition of inmate health care services.

11 (11) Review the Department of Corrections' health
12 services plan and advise the Secretary of Corrections on its
13 implementation.

14 (12) Sue and be sued in its own name and plead and be
15 impleaded.

16 (13) Make and execute agreements of lease, contracts,
17 deeds, mortgages, notes, and other instruments necessary or
18 convenient in the exercise of its powers and functions under
19 this act.

20 (14) Employ or contract with health care providers,
21 medical personnel, management consultants, consulting
22 engineers, architects, surveyors, attorneys, accountants,
23 financial experts, and such other employees, entities, or
24 agents as may be necessary in its judgment to carry out the
25 mandates of the Correctional Medical Authority and fix their
26 compensation.

27 (15) Recommend to the Legislature such performance and
28 financial audits of the Office of Health Services in the
29 Department of Corrections as the authority considers
30 advisable.

31 Section 26. Section 945.6031, Florida Statutes, is

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1 amended to read:

2 945.6031 Required reports and surveys.--

3 (1) Not less than annually, the authority shall report
4 to the Governor and the Legislature the status of the
5 ~~Department of Corrections~~ health care delivery system
6 provided by the Department of Corrections and by vendors
7 operating private correctional facilities under contract
8 pursuant to chapters 957 and 944. The report must include,
9 but need not be limited to:

10 (a) Recommendations regarding cost containment
11 measures the Department of Corrections could implement; and

12 (b) Recommendations regarding performance and
13 financial audits of the Department of Corrections' Office of
14 Health Services.

15 (2) The authority shall conduct surveys of the
16 physical and mental health care system at each publicly
17 operated and privately operated correctional institution or
18 facility at least triennially and shall report the survey
19 findings for each institution to the Secretary of Corrections
20 or the Correctional Privatization Commission.

21 (3) Deficiencies found by the authority to be
22 life-threatening or otherwise serious shall be immediately
23 reported to the Secretary of Corrections or the Correctional
24 Privatization Commission. The Department of Corrections and
25 the Correctional Privatization Commission shall take immediate
26 action to correct life-threatening or otherwise serious
27 deficiencies identified by the authority and within 3 calendar
28 days file a written corrective action plan with the authority
29 indicating the actions that will be taken to address the
30 deficiencies. Within 60 calendar days following a survey, the
31 authority shall submit a report to the Secretary of

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1 Corrections or the Correctional Privatization Commission
 2 indicating deficiencies found at the institution or facility.

3 (4) Within 30 calendar days after the receipt of a
 4 survey report from the authority, the Department of
 5 Corrections shall file a written corrective action plan with
 6 the authority, indicating the actions which will be taken to
 7 address deficiencies determined by the authority to exist at
 8 an institution or facility. Each plan shall set forth an
 9 estimate of the time and resources needed to correct
 10 identified deficiencies.

11 (5) The authority shall monitor the ~~Department of~~
 12 ~~Corrections~~ implementation of corrective actions which have
 13 been taken at each institution to address deficiencies related
 14 to the ~~Department of Corrections~~ provision of physical and
 15 mental health care services found to exist by the authority.

16 (6) Failure ~~of the Department of Corrections~~ to file a
 17 corrective action plan or to timely implement the provisions
 18 of a corrective action plan correcting identified deficiencies
 19 may result in the initiation of the dispute resolution
 20 procedures by the authority pursuant to s. 945.6035.

21 Section 27. Section 945.6035, Florida Statutes, is
 22 amended to read:

23 945.6035 Dispute resolution.--

24 (1) The authority and either the Assistant Secretary
 25 for Health Services or the Executive Director of the
 26 Correctional Privatization Commission, whoever is appropriate,
 27 shall attempt to expeditiously resolve any disputes arising
 28 between the authority and the department or the Correctional
 29 Privatization Commission regarding the physical and mental
 30 health care of inmates.

31 (2) If the authority and either the Assistant

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1 Secretary for Health Services or the Executive Director of the
2 Correctional Privatization Commission are unable to resolve a
3 dispute regarding inmate physical or mental health care, the
4 authority may submit a written notice to the Assistant
5 Secretary for Health Services or the Executive Director of the
6 Correctional Privatization Commission, setting forth each
7 issue in controversy and the position of the authority. The
8 Assistant Secretary for Health Services or the Executive
9 Director of the Correctional Privatization Commission shall
10 respond to the authority within 30 days after receipt of such
11 written notice. The authority shall place the assistant
12 secretary's or the executive director's response on the agenda
13 of the next regularly scheduled meeting of the authority. If
14 the dispute remains unresolved, the authority may submit a
15 written report to the secretary detailing the authority's
16 objections. The Assistant Secretary for Health Services or
17 the Executive Director of the Correctional Privatization
18 Commission shall submit a written report setting forth his or
19 her position to the secretary on the issue or issues raised by
20 the authority within 5 working days after receipt of the
21 submission by the authority.

22 (3) The secretary or the chair of the Correctional
23 Privatization Commission shall review any disputes between the
24 authority and the Assistant Secretary for Health Services or
25 the Executive Director of the Correctional Privatization
26 Commission, and shall provide written notice to the authority
27 of his or her decision regarding such disputes within 40 days
28 after the date when the authority provides written notice of
29 the dispute to the secretary or to the chair of the
30 Correctional Privatization Commission.

31 (4) If, at the end of the 40-day period, no resolution

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1 has been reached, the authority is authorized to appeal to the
2 Administration Commission for a review and resolution of the
3 dispute between the department or the Correctional
4 Privatization Commission and the authority.

5 (5) The authority, within 30 days after receiving
6 written notice of the action of the secretary or of the chair
7 of the Correctional Privatization Commission or, if no
8 response is received, within 30 days after the secretary's or
9 the chair's response is due pursuant to subsection (3), may
10 file an appeal by petition to the Administration Commission,
11 filed with the Secretary of the Administration Commission.
12 The petition shall set forth the issues in controversy between
13 the authority and either the Correctional Privatization
14 Commission or the department, in the form and manner
15 prescribed by the Administration Commission, and shall contain
16 the reasons for the appeal. The department or the
17 Correctional Privatization Commission has 5 days after
18 delivery of a copy of any such petition to file its reply with
19 the Secretary of the Administration Commission, and the
20 department or the Correctional Privatization Commission shall
21 also deliver a copy of its reply to the authority.

22 (6) The issues which may be raised by the authority on
23 appeal to the Administration Commission are:

24 (a) Adoption or implementation by the department or by
25 the Correctional Privatization Commission of a health care
26 standard which does not conform to the standard of care
27 generally accepted in the professional health community at
28 large.

29 (b) Failure of the department or the commission to
30 comply with an adopted health care standard.

31 (c) Failure to timely file a corrective action plan

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1 regarding all deficiencies which are determined by the
2 authority to exist at an institution or facility, as required
3 pursuant to s. 945.6031.

4 (d) Failure to implement a corrective action plan
5 filed pursuant to s. 945.6031.

6 (7) Within 30 days after receipt of a petition from
7 the authority, the Secretary of the Administration Commission,
8 or his or her designee, shall conduct an informal hearing to
9 consider the matters presented in the petition and the reply,
10 and after the informal hearing shall promptly submit a report
11 of the findings and recommendations to the Administration
12 Commission. Within 30 days after the informal hearing, the
13 Administration Commission shall approve either the position of
14 the authority or that of the Correctional Privatization
15 Commission or the department. If the position of the
16 authority is approved, the Administration Commission shall set
17 forth whatever remedial measures it deems appropriate and the
18 department shall implement such remedial measures. The
19 decision of the Administration Commission is final and binding
20 on the authority and on either the department or the
21 Correctional Privatization Commission and shall not be subject
22 to appeal pursuant to s. 120.68.

23 Section 28. Section 957.041, Florida Statutes, is
24 created to read:

25 957.041 Requirement for department to provide notice
26 of anticipated inmate profile.--

27 (1) Prior to the commission issuing a request for
28 proposals, the department shall notify the commission, in
29 writing, of the projected profile of the inmates anticipated
30 to be housed in the private correctional facility. The
31 anticipated inmate profile shall include, but not be limited

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1 to, the:

2 (a) Education grade and literacy level;

3 (b) Gender;

4 (c) Custody grades;

5 (d) Medical and psychological grades and
6 classification; and

7 (e) Age range.

8
9 The commission shall negotiate and enter into contracts for
10 private correctional services based upon the anticipated
11 inmate profile provided by the department.

12 Section 29. There is appropriated \$770,000 from the
13 Inmate Welfare Trust Fund to the Department of Corrections for
14 the fixed capital outlay needs of the AGAPE program in Dade
15 County, including the purchase of new housing units and
16 renovations to existing AGAPE facilities, for fiscal year
17 1998-1999.

18 Section 30. There is appropriated \$550,000 from the
19 Inmate Welfare Trust Fund to the Department of Corrections for
20 the New Horizon Community Mental Health Center's Family
21 Intervention, Preservation, and Support Program for fiscal
22 year 1998-1999.

23 Section 31. Subsection (1) of section 921.141, Florida
24 Statutes, is amended to read:

25 921.141 Sentence of death or life imprisonment for
26 capital felonies; further proceedings to determine sentence.--

27 (1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.--

28 (a) Upon conviction or adjudication of guilt of a
29 defendant of a capital felony, the court shall conduct a
30 separate sentencing proceeding to determine whether the
31 defendant should be sentenced to death or life imprisonment as

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1 authorized by s. 775.082. The proceeding shall be conducted by
2 the trial judge before the trial jury as soon as practicable.
3 If, through impossibility or inability, the trial jury is
4 unable to reconvene for a hearing on the issue of penalty,
5 having determined the guilt of the accused, the trial judge
6 may summon a special juror or jurors as provided in chapter
7 913 to determine the issue of the imposition of the penalty.
8 If the trial jury has been waived, or if the defendant pleaded
9 guilty, the sentencing proceeding shall be conducted before a
10 jury impaneled for that purpose, unless waived by the
11 defendant. In the proceeding, evidence may be presented as to
12 any matter that the court deems relevant to the nature of the
13 crime and the character of the defendant and shall include
14 matters relating to any of the aggravating or mitigating
15 circumstances enumerated in subsections (5) and (6). Any such
16 evidence which the court deems to have probative value may be
17 received, regardless of its admissibility under the
18 exclusionary rules of evidence, provided the defendant is
19 accorded a fair opportunity to rebut any hearsay statements.
20 However, this subsection shall not be construed to authorize
21 the introduction of any evidence secured in violation of the
22 Constitution of the United States or the Constitution of the
23 State of Florida. The state and the defendant or the
24 defendant's counsel shall be permitted to present argument for
25 or against sentence of death.

26 (b) If the court determines by clear and convincing
27 evidence, that the defendant suffers from mental retardation,
28 the court shall sentence the defendant to life imprisonment.
29 The defendant shall bear the burden of persuasion to
30 demonstrate that he or she is mentally retarded. The failure
31 of the defendant to raise the claim that he or she is mentally

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1 retarded at the sentencing phase shall waive any such claim.
2 This claim may not be raised in any postconviction motion or
3 extraordinary proceeding, and no claim of ineffective
4 assistance of counsel or any other postconviction claim may be
5 based on the assertion that a defendant could have or should
6 have been sentenced to life imprisonment based on the
7 defendant's alleged mental retardation. This claim may only be
8 raised in capital criminal prosecutions occurring after the
9 effective date of this act and may not be raised in any
10 postconviction proceeding. This claim may not be raised in the
11 guilt phase of a capital criminal proceeding.

12 Section 32. Subsection (2) of section 921.142, Florida
13 Statutes, is amended to read:

14 921.142 Sentence of death or life imprisonment for
15 capital drug trafficking felonies; further proceedings to
16 determine sentence.--

17 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.--

18 (a) Upon conviction or adjudication of guilt of a
19 defendant of a capital felony under s. 893.135, the court
20 shall conduct a separate sentencing proceeding to determine
21 whether the defendant should be sentenced to death or life
22 imprisonment as authorized by s. 775.082. The proceeding
23 shall be conducted by the trial judge before the trial jury as
24 soon as practicable. If, through impossibility or inability,
25 the trial jury is unable to reconvene for a hearing on the
26 issue of penalty, having determined the guilt of the accused,
27 the trial judge may summon a special juror or jurors as
28 provided in chapter 913 to determine the issue of the
29 imposition of the penalty. If the trial jury has been waived,
30 or if the defendant pleaded guilty, the sentencing proceeding
31 shall be conducted before a jury impaneled for that purpose,

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1 unless waived by the defendant. In the proceeding, evidence
2 may be presented as to any matter that the court deems
3 relevant to the nature of the crime and the character of the
4 defendant and shall include matters relating to any of the
5 aggravating or mitigating circumstances enumerated in
6 subsections (6) and (7). Any such evidence which the court
7 deems to have probative value may be received, regardless of
8 its admissibility under the exclusionary rules of evidence,
9 provided the defendant is accorded a fair opportunity to rebut
10 any hearsay statements. However, this subsection shall not be
11 construed to authorize the introduction of any evidence
12 secured in violation of the Constitution of the United States
13 or the Constitution of the State of Florida. The state and the
14 defendant or the defendant's counsel shall be permitted to
15 present argument for or against sentence of death.

16 (b) If the court determines by clear and convincing
17 evidence, that the defendant suffers from mental retardation,
18 the court shall sentence the defendant to life imprisonment.
19 The defendant shall bear the burden of persuasion to
20 demonstrate that he or she is mentally retarded. The failure
21 of the defendant to raise the claim that he or she is mentally
22 retarded at the sentencing phase shall waive any such claim.
23 No postconviction claim may be based on the assertion that a
24 defendant could have or should have been sentenced to life
25 imprisonment based on the defendant's alleged mental
26 retardation. This claim may only be raised in capital criminal
27 prosecutions occurring after the effective date of this act
28 and may not be raised in any postconviction proceeding. This
29 claim may not be raised in the guilt phase of a capital
30 criminal proceeding.

31 Section 33. Paragraph (m) is added to subsection (1)

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1 of section 924.07, Florida Statutes, to read:

2 924.07 Appeal by state.--

3 (1) The state may appeal from:

4 (m) An order pursuant to s. 921.141(1)(a) or s.
5 921.142(2)(a) declaring a defendant mentally retarded.

6 Section 34. For purposes of sections 921.141 and
7 921.142, Florida Statutes, the term "mental retardation" means
8 significantly subaverage general intellectual functioning
9 existing concurrently with deficits in adaptive behavior and
10 manifested during the period from conception to age 18. The
11 term "adaptive behavior," for the purpose of this definition,
12 means the effectiveness or degree with which an individual
13 meets the standards of personal independence and social
14 responsibility expected of the individual's age, cultural
15 group, and community.

16 Section 35. The Correctional Privatization Commission,
17 using the \$100,000 from the General Revenue Fund provided in
18 Specific Appropriation 589 of the Conference Report on House
19 Bill 4201 to the Correctional Privatization Commission for the
20 purpose of developing two invitations to bid, shall develop
21 the two invitations to bid as defined in chapter 287, Florida
22 Statutes, pursuant to the following provisions:

23 (1) The first invitation to bid shall be for the
24 designing, acquiring, constructing, and operating of one
25 1,497-bed adult prison designed to house offenders at all
26 security levels. In no case may a contract be awarded pursuant
27 to the first invitation to bid for a project in which the
28 fixed capital outlay costs will exceed \$27,600,000.
29 Notwithstanding any provision of chapter 216, Florida
30 Statutes, to the contrary and with express reference to
31 section 216.351, Florida Statutes, the Executive Office of the

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1 Governor shall transfer \$1,166,219 from the General Revenue
2 Fund and \$4,833,781 from the Grants and Donations Trust Fund
3 from Specific Appropriation 598 to Specific Appropriation 589
4 for the first-year fixed capital outlay costs of the project.

5 (2) The second invitation to bid must be designed for
6 the designing, acquiring, constructing, and operating of a
7 350-bed youthful offender facility. In no case may a contract
8 be awarded pursuant to the second invitation to bid for a
9 project in which the fixed capital outlay costs would exceed
10 \$8,950,000. Funding for the fixed capital outlay costs of any
11 contract awarded pursuant to the second invitation to bid
12 shall be subject to legislative appropriation during the 1999
13 Regular Session.

14
15 The Correctional Privatization Commission may award contracts
16 pursuant to the two invitations to bid to the lowest
17 cost-responsive bidders. The authority to issue two
18 invitations to bid and contracts contained in this section
19 shall be in lieu of the authority to issue two invitations to
20 bid and contracts provided in the proviso language following
21 Specific Appropriation 589 of the Conference Report on House
22 Bill 4201. Further, to the extent that the proviso language
23 following Specific Appropriation 589 of the Conference Report
24 on House Bill 4201 is duplicative of the provisions of this
25 section or in conflict thereof, those specific provisions of
26 the proviso language are hereby repealed.

27 Section 36. Effective October 1, 1998, section
28 944.485, Florida Statutes, is amended to read:

29 944.485 ~~Subsistence fees with respect to certain~~
30 ~~prisoners; time of adoption; requirements. Financial~~
31 responsibility for costs of incarceration, including medical

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1 or dental expenses.--~~The Legislature recognizes in recognition~~
2 ~~of the fact~~ that many prisoners in the correctional system
3 have sources of income and assets outside of the correctional
4 system, which may include bank accounts, inheritances, real
5 estate, ~~social security payments, veteran's payments,~~health
6 insurance policies, and other types of financial resources.7
7 The Legislature further recognizes ~~and in recognition of the~~
8 ~~fact~~ that the daily subsistence cost of incarcerating
9 prisoners in the correctional system is a great burden on the
10 taxpayers of the state., ~~each prisoner in the state~~
11 ~~correctional system, except those who have entered into an~~
12 ~~agreement under s. 947.135 prior to October 1, 1978:~~
13 ~~(a) Shall disclose all revenue or assets as a~~
14 ~~condition of parole or other release eligibility.~~
15 ~~(b) Shall pay from such income and assets, except~~
16 ~~where such income is exempt by state or federal law, all or a~~
17 ~~fair portion of the prisoner's daily subsistence costs, based~~
18 ~~upon the inmate's ability to pay, the liability or potential~~
19 ~~liability of the inmate to the victim or the guardian or the~~
20 ~~estate of the victim, and the needs of his or her dependents.~~
21 ~~(2)~~
22 ~~(a) Any prisoner who is directed to pay all or a fair~~
23 ~~portion of daily subsistence costs is entitled to reasonable~~
24 ~~advance notice of the assessment and shall be afforded an~~
25 ~~opportunity to present reasons for opposition to the~~
26 ~~assessment.~~
27 ~~(b) An order directing payment of all or a fair~~
28 ~~portion of a prisoner's daily subsistence costs may survive~~
29 ~~against the estate of the prisoner.~~
30 (1) A state correctional facility, or the Department
31 of Corrections acting in its behalf, which incurs costs of

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1 incarceration for a prisoner which have not been reimbursed as
2 otherwise provided for by law, including costs of providing
3 medical or dental care, treatment, hospitalization, or
4 transportation, may seek reimbursement for the costs of
5 incarceration, including such expenses incurred, in the
6 following order:

7 (a) From an insurance company, health care
8 corporation, or other source if the prisoner is covered by an
9 insurance policy or subscribes to a health care corporation.

10 (b) From the prisoner's cash account on deposit with
11 the state correctional facility. If the prisoner's cash
12 account does not contain sufficient funds to cover the costs
13 of incarceration, including cost of providing medical or
14 dental care, treatment, hospitalization, or transportation,
15 the state correctional facility or the department may place a
16 lien against the amounts in the prisoner's cash account in
17 excess of \$50, or other personal property, to provide payment
18 in the event sufficient funds become available at a later
19 time. Any time the prisoner's cash account exceeds \$50 with
20 subsequent deposits, the amount in excess may be withheld
21 until the total amount is paid. Any existing lien may be
22 carried over to future incarceration of the same prisoner,
23 except as otherwise provided by law.

24 (c) From other sources available, except where income
25 from such sources is exempt under federal or state laws.

26 (2) A prisoner shall cooperate with the state
27 correctional facility and the department in seeking
28 reimbursement under paragraphs(1)(a),(b) and (c) for expenses
29 incurred by the state correctional facility for the prisoner.
30 A prisoner who willfully refuses to cooperate with the
31 reimbursement efforts of the state correctional facility may

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1 have a lien placed against the prisoner's cash account or
2 other personal property and may not receive incentive
3 gain-time as authorized pursuant to s. 944.275 (4).

4 (3) Any claim by a state correctional facility or the
5 Department of Corrections made under this section shall be
6 subordinate to any judgment for restitution or any judgment
7 for child support against the prisoner.

8 (4) For the purposes of this section, the Department of
9 Corrections shall be responsible for seeking reimbursement
10 under provisions of this section for prisoners housed in
11 private correctional facilities under contract with the
12 Correctional Privatization Commission pursuant to Chapter 957.

13 Section 37. (1) For fiscal year 1998-99 and within
14 existing resources, there is hereby created a task force
15 within the Department of Corrections to investigate and
16 analyze various strategies for the state to seek reimbursement
17 for inmate health care costs incurred during incarceration.
18 The purpose of the task force is to meet and consult with the
19 Department of Insurance, the Correctional Medical Authority
20 and the Agency for Health Care Administration to identify the
21 extent to which inmates incarcerated in the state prison
22 system have available assets or who have health care coverage
23 from commercial insurance policies. The task force shall
24 submit its collaborative findings and recommendations to the
25 President of the Senate and the Speaker of the House of
26 Representatives by January 1, 1999.

27 (2) This section shall take effect October 1, 1998.

28 Section 38. Subsection (2) of section 947.1405,
29 Florida Statutes, is amended to read:

30 947.1405 Conditional release program.--

31 (1) This section and s. 947.141 may be cited as the

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1 "Conditional Release Program Act."

2 (2) Any inmate who:

3 (a) Is convicted of a crime committed on or after
4 October 1, 1988, and before January 1, 1994, and any inmate
5 who is convicted of a crime committed on or after January 1,
6 1994, which crime is or was contained in category 1, category
7 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,
8 Florida Rules of Criminal Procedure (1993), and who has served
9 at least one prior felony commitment at a state or federal
10 correctional institution;

11 (b) Is sentenced as a habitual or violent habitual
12 offender or a violent career criminal pursuant to s. 775.084;
13 or

14 (c) Is found to be a sexual predator under s. 775.21
15 or former s. 775.23,

16
17 shall, upon reaching the tentative release date or provisional
18 release date, whichever is earlier, as established by the
19 Department of Corrections, be released under supervision
20 subject to specified terms and conditions, including payment
21 of the cost of supervision pursuant to s. 948.09. Such
22 supervision shall be applicable to all sentences within the
23 overall term of sentences if an inmate's overall term of
24 sentences includes one or more sentences that are eligible for
25 conditional release supervision as provided herein. Effective
26 July 1, 1994, and applicable for offenses committed on or
27 after that date, the commission may require, as a condition of
28 conditional release, that the releasee make payment of the
29 debt due and owing to a county or municipal detention facility
30 under s. 951.032 for medical care, treatment, hospitalization,
31 or transportation received by the releasee while in that

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1 detention facility. The commission, in determining whether to
2 order such repayment and the amount of such repayment, shall
3 consider the amount of the debt, whether there was any fault
4 of the institution for the medical expenses incurred, the
5 financial resources of the releasee, the present and potential
6 future financial needs and earning ability of the releasee,
7 and dependents, and other appropriate factors. If an inmate
8 has received a term of probation or community control
9 supervision to be served after release from incarceration, the
10 period of probation or community control must be substituted
11 for the conditional release supervision. A panel of no fewer
12 than two commissioners shall establish the terms and
13 conditions of any such release. If the offense was a
14 controlled substance violation, the conditions shall include a
15 requirement that the offender submit to random substance abuse
16 testing intermittently throughout the term of conditional
17 release supervision, upon the direction of the correctional
18 probation officer as defined in s. 943.10(3). Regardless of
19 the offense, the offender must consent to a search of his or
20 her person, property, or residence as requested by the
21 correctional probation officer.The commission shall also
22 determine whether the terms and conditions of such release
23 have been violated and whether such violation warrants
24 revocation of the conditional release.

25 Section 39. For the purpose of incorporating the
26 amendment to s. 947.1405, Florida Statutes, in a reference
27 thereto, paragraph (i) of subsection (4) of section 775.084,
28 Florida Statutes, is reenacted to read:

29 775.084 Violent career criminals; habitual felony
30 offenders and habitual violent felony offenders; definitions;
31 procedure; enhanced penalties.--

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1 (4)

2 (i) The provisions of s. 947.1405 shall apply to

3 persons sentenced as habitual felony offenders and persons

4 sentenced as habitual violent felony offenders.

5 Section 40. Section 947.18, Florida Statutes, is

6 amended to read:

7 947.18 Conditions of parole.--No person shall be

8 placed on parole merely as a reward for good conduct or

9 efficient performance of duties assigned in prison. No person

10 shall be placed on parole until and unless the commission

11 finds that there is reasonable probability that, if the person

12 is placed on parole, he or she will live and conduct himself

13 or herself as a respectable and law-abiding person and that

14 the person's release will be compatible with his or her own

15 welfare and the welfare of society. No person shall be placed

16 on parole unless and until the commission is satisfied that he

17 or she will be suitably employed in self-sustaining employment

18 or that he or she will not become a public charge. The

19 commission shall determine the terms upon which such person

20 shall be granted parole. If the person's conviction was for a

21 controlled substance violation, one of the conditions must be

22 that the person submit to random substance abuse testing

23 intermittently throughout the term of supervision, upon the

24 direction of the correctional probation officer as defined in

25 s. 943.10(3). Regardless of the offense, the offender must

26 consent to a search of his or her person, property, or

27 residence as requested by the correctional probation officer.

28 In addition to any other lawful condition of parole, the

29 commission may make the payment of the debt due and owing to

30 the state under s. 960.17 or the payment of the attorney's

31 fees and costs due and owing to a county under s. 938.29 a

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1 condition of parole subject to modification based on change of
2 circumstances.

3 Section 41. Subsections (1) and (2) of section 947.22,
4 Florida Statutes, are amended to read:

5 947.22 Authority to arrest and search ~~parole~~ violators
6 with or without warrant.--

7 (1) If a member of the commission or a duly authorized
8 representative of the commission has reasonable grounds to
9 believe that a parolee has violated the terms and conditions
10 of her or his parole in a material respect, such member or
11 representative may issue a warrant for the arrest of such
12 parolee. The warrant shall be returnable before a member of
13 the commission or a duly authorized representative of the
14 commission. The commission, a commissioner, or a parole
15 examiner with approval of the parole examiner supervisor, may
16 release the parolee on bail or her or his own recognizance,
17 conditioned upon her or his appearance at any hearings noticed
18 by the commission. If not released on bail or her or his own
19 recognizance, the parolee shall be committed to jail pending
20 hearings pursuant to s. 947.23. The commission, at its
21 election, may have the hearing conducted by one or more
22 commissioners or by a duly authorized representative of the
23 commission. Any correctional probation officer ~~parole and~~
24 ~~probation officer~~, any officer authorized to serve criminal
25 process, or any peace officer of this state is authorized to
26 execute the warrant.

27 (2) Any correctional probation officer ~~parole and~~
28 ~~probation officer~~, when she or he has reasonable ground to
29 believe that a parolee, control releasee, or conditional
30 releasee has violated the terms and conditions of her or his
31 parole, control release, or conditional release in a material

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1 respect, has the right to arrest the releasee or parolee
2 without warrant and bring her or him forthwith before one or
3 more commissioners or a duly authorized representative of the
4 Parole Commission or Control Release Authority; and
5 proceedings shall thereupon be had as provided herein when a
6 warrant has been issued by a member of the commission or
7 authority or a duly authorized representative of the
8 commission or authority. When any correctional probation
9 officer has reasonable grounds to believe that a parolee,
10 control releasee, or conditional releasee has violated the
11 terms and conditions of her or his parole, control release, or
12 conditional release in a material respect or is in possession
13 of contraband or other items that the person is prohibited
14 from possessing, the correctional probation officer may search
15 the person, property, or residence of the parolee or releasee
16 or request a law enforcement officer to do the same. However,
17 if a correctional probation officer conducts a search without
18 reasonable grounds, the evidence seized may only be admitted
19 at a hearing for a violation of supervision.

20 Section 42. Subsection (1) of section 948.03, Florida
21 Statutes, is amended to read:

22 948.03 Terms and conditions of probation or community
23 control.--

24 (1) The court shall determine the terms and conditions
25 of probation or community control. Conditions specified in
26 paragraphs (a) through and including ~~(o)~~ do not require
27 oral pronouncement at the time of sentencing and may be
28 considered standard conditions of probation. Conditions
29 specified in paragraphs (a) through and including ~~(o)~~ and
30 (2)(a) do not require oral pronouncement at sentencing and may
31 be considered standard conditions of community control. These

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1 conditions may include among them the following, that the
2 probationer or offender in community control shall:

3 (a) Report to the probation and parole supervisors as
4 directed.

5 (b) Permit such supervisors to visit him or her at his
6 or her home or elsewhere.

7 (c) Work faithfully at suitable employment insofar as
8 may be possible.

9 (d) Remain within a specified place.

10 (e) Make reparation or restitution to the aggrieved
11 party for the damage or loss caused by his or her offense in
12 an amount to be determined by the court. The court shall make
13 such reparation or restitution a condition of probation,
14 unless it determines that clear and compelling reasons exist
15 to the contrary. If the court does not order restitution, or
16 orders restitution of only a portion of the damages, as
17 provided in s. 775.089, it shall state on the record in detail
18 the reasons therefor.

19 (f) Effective July 1, 1994, and applicable for
20 offenses committed on or after that date, make payment of the
21 debt due and owing to a county or municipal detention facility
22 under s. 951.032 for medical care, treatment, hospitalization,
23 or transportation received by the felony probationer while in
24 that detention facility. The court, in determining whether to
25 order such repayment and the amount of such repayment, shall
26 consider the amount of the debt, whether there was any fault
27 of the institution for the medical expenses incurred, the
28 financial resources of the felony probationer, the present and
29 potential future financial needs and earning ability of the
30 probationer, and dependents, and other appropriate factors.

31 (g) Support his or her legal dependents to the best of

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1 his or her ability.

2 (h) Make payment of the debt due and owing to the
3 state under s. 960.17, subject to modification based on change
4 of circumstances.

5 (i) Pay any application fee assessed under s.
6 27.52(1)(c) and attorney's fees and costs assessed under s.
7 938.29, subject to modification based on change of
8 circumstances.

9 (j) Not associate with persons engaged in criminal
10 activities.

11 (k)1. Submit to random testing as directed by the
12 correctional probation officer or the professional staff of
13 the treatment center where he or she is receiving treatment to
14 determine the presence or use of alcohol or controlled
15 substances.

16 2. If the offense was a controlled substance violation
17 and the period of probation immediately follows a period of
18 incarceration in the state correction system, the conditions
19 shall include a requirement that the offender submit to random
20 substance abuse testing intermittently throughout the term of
21 supervision, upon the direction of the correctional probation
22 officer as defined in s. 943.10(3).

23 (l) Be prohibited from possessing, carrying, or owning
24 any firearm unless authorized by the court and consented to by
25 the probation officer.

26 (m) Be prohibited from using intoxicants to excess or
27 possessing any drugs or narcotics unless prescribed by a
28 physician. The probationer or community controllee shall not
29 knowingly visit places where intoxicants, drugs, or other
30 dangerous substances are unlawfully sold, dispensed, or used.

31 (n) For offenses involving victims, not have contact

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1 with the victim unless otherwise authorized by the court. If
2 the court authorizes the defendant to have contact with the
3 victim, over the objection of the victim or state attorney,
4 the court shall state on the record in detail the reasons
5 therefor. For purposes of this paragraph, "contact" means
6 willful and knowing intent to be physically in the presence of
7 the victim in any manner, or oral or written communication to
8 the victim by any means. Contact is established by the conduct
9 of the defendant, or by anyone acting at the direction of the
10 defendant. It shall be the duty of the defendant to leave
11 immediately the presence of the victim under any circumstance
12 when incidental or unintended contact takes place.

13 (o) Consent to search of his or her person, property,
14 or residence as requested by the supervising probation or
15 community control officer. The offender must be given actual
16 notice that he or she must consent to a search and that
17 evidence seized may be used against the offender in a trial of
18 a new substantive offense. Such notice must be given orally
19 and in writing by a correctional probation officer and signed
20 by the offender in order for the offender to be subject to
21 this paragraph.

22 (p)~~(n)~~ Attend an HIV/AIDS awareness program consisting
23 of a class of not less than 2 hours or more than 4 hours in
24 length, the cost for which shall be paid by the offender, if
25 such a program is available in the county of the offender's
26 residence.

27 (q)~~(o)~~ Pay not more than \$1 per month during the term
28 of probation or community control to a nonprofit organization
29 established for the sole purpose of supplementing the
30 rehabilitative efforts of the Department of Corrections.

31 Section 43. For the purpose of incorporating the

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1 amendment to section 948.03, Florida Statutes, in references
2 thereto, the following sections or subdivisions of Florida
3 Statutes are reenacted to read:

4 947.23 Action of commission upon arrest of parolee.--

5 (6) Within a reasonable time after the hearing, the
6 commissioner, commissioners, or duly authorized representative
7 of the commission who conducted the hearing shall make
8 findings of fact in regard to the alleged parole violation.

9 (a) If the hearing was conducted by three or more
10 commissioners, a majority of them shall enter an order
11 determining whether the charges of parole violation have been
12 sustained, based on the findings of fact made by them. By
13 such order they shall revoke the parole and return the parolee
14 to prison to serve the sentence theretofore imposed upon her
15 or him, reinstate the original order of parole, order the
16 placement of the parolee into a community control program as
17 set forth in s. 948.03, or enter such other order as is
18 proper.

19 (b) If the hearing was conducted by one or two
20 commissioners or a duly authorized representative of the
21 commission, at least two commissioners shall enter an order
22 determining whether or not the charges of parole violation
23 have been sustained, based on the findings of fact made by the
24 commissioner, commissioners, or duly authorized representative
25 of the commission. The commissioners, by such order, shall
26 revoke the parole and return the parolee to prison to serve
27 the sentence theretofore imposed upon her or him, reinstate
28 the original order of parole, order the placement of the
29 parolee into a community control program as set forth in s.
30 948.03, or enter such other order as is proper.

31 (c) If the disposition after the revocation hearing is

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1 to place the parolee into a community control program, the
2 commission shall be guided by the procedures and requirements
3 provided in chapter 948 which apply to the courts regarding
4 the development and implementation of community control.

5
6 However, any decision to revoke parole shall be based on a
7 violation of a term or condition specifically enumerated in
8 the parole release order. In a case in which parole is
9 revoked, the majority of the commission or the two
10 commissioners shall make a written statement of the evidence
11 relied on and the reasons for revoking parole.

12 948.001 Definitions.--As used in this chapter, the
13 term:

14 (5) "Probation" means a form of community supervision
15 requiring specified contacts with parole and probation
16 officers and other terms and conditions as provided in s.
17 948.03.

18 958.03 Definitions.--As used in this act:

19 (4) "Probation" means a form of community supervision
20 requiring specified contacts with parole and probation
21 officers and other terms and conditions as provided in s.
22 948.03.

23 Section 44. Subsection (1) of section 948.06, Florida
24 Statutes, is amended, and subsections (8), (9), (10), (11) and
25 (12) are added to said section, to read:

26 948.06 Violation of probation or community control;
27 revocation; modification; continuance; failure to pay
28 restitution or cost of supervision.--

29 (1) Whenever within the period of probation or
30 community control there are reasonable grounds to believe that
31 a violation of probation or community control occurred, or

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1 there are reasonable grounds to believe that the person under
2 supervision is in possession of contraband or other items that
3 the person is prohibited from possessing, the person on
4 probation or community control may be arrested without a
5 warrant or have his or her person, property, or residence
6 searched without a warrant by any of the following people:

7 (a) A probation officer who is aware that the person
8 is on probation;

9 (b) A community control officer who is aware that the
10 person is on community control; or

11 (c) A law enforcement officer who is requested by a
12 probation or community control officer who has knowledge that
13 the person is on probation or community control.

14
15 However, if a supervising officer conducts a search without
16 reasonable grounds, the evidence seized may only be admitted
17 at a hearing for violation of supervision.~~Whenever within the~~
18 ~~period of probation or community control there are reasonable~~
19 ~~grounds to believe that a probationer or offender in community~~
20 ~~control has violated his or her probation or community control~~
21 ~~in a material respect, any law enforcement officer who is~~
22 ~~aware of the probationary or community control status of the~~
23 ~~probationer or offender in community control or any parole or~~
24 ~~probation supervisor may arrest or request any county or~~
25 ~~municipal law enforcement officer to arrest such probationer~~
26 ~~or offender without warrant wherever found and forthwith~~
27 ~~return him or her to the court granting such probation or~~
28 ~~community control.~~Any committing magistrate may issue a
29 warrant, upon the facts being made known to him or her by
30 affidavit of one having knowledge of such facts, for the
31 arrest of the probationer or offender, returnable forthwith

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1 before the court granting such probation or community control.
2 Any parole or probation supervisor, any officer authorized to
3 serve criminal process, or any peace officer of this state is
4 authorized to serve and execute such warrant. The court, upon
5 the probationer or offender being brought before it, shall
6 advise him or her of such charge of violation and, if such
7 charge is admitted to be true, may forthwith revoke, modify,
8 or continue the probation or community control or place the
9 probationer into a community control program. If probation or
10 community control is revoked, the court shall adjudge the
11 probationer or offender guilty of the offense charged and
12 proven or admitted, unless he or she has previously been
13 adjudged guilty, and impose any sentence which it might have
14 originally imposed before placing the probationer on probation
15 or the offender into community control. If such violation of
16 probation or community control is not admitted by the
17 probationer or offender, the court may commit him or her or
18 release him or her with or without bail to await further
19 hearing, or it may dismiss the charge of probation or
20 community control violation. If such charge is not at that
21 time admitted by the probationer or offender and if it is not
22 dismissed, the court, as soon as may be practicable, shall
23 give the probationer or offender an opportunity to be fully
24 heard on his or her behalf in person or by counsel. After such
25 hearing, the court may revoke, modify, or continue the
26 probation or community control or place the probationer into
27 community control. If such probation or community control is
28 revoked, the court shall adjudge the probationer or offender
29 guilty of the offense charged and proven or admitted, unless
30 he or she has previously been adjudged guilty, and impose any
31 sentence which it might have originally imposed before placing

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1 the probationer or offender on probation or into community
2 control.

3 (6) Any parolee in a community control program who has
4 allegedly violated the terms and conditions of such placement
5 is subject to the provisions of ss. 947.22 and 947.23.

6 (8) When evidence seized during a search of the
7 person, property, or residence of an offender on probation or
8 community control conducted by or authorized by a correctional
9 probation officer is to be used in the prosecution of a new
10 law violation, the following criteria must be met:

11 (a) There are reasonable grounds to believe the
12 offender violated a condition of community control or
13 probation, or committed a new violation of law, and at least
14 one of the following applies:

15 1. The approval of the supervisor of the probation or
16 community control officer is obtained;

17 2. There are exigent circumstances, such as, but not
18 limited to, suspicion the offender will destroy contraband or
19 use a weapon, which require that the search be conducted
20 without approval; or

21 3. The search was conducted with the assistance of a
22 certified law enforcement officer.

23 4. This subsection is not intended to expand the
24 definition of the term "constructive possession" as provided
25 by law.

26 (b) A written report of a search of a residence
27 conducted by a correctional probation officer pursuant to
28 subsection (8) shall be prepared by the correctional probation
29 officer who conducted the search. The report shall provide:

30 1. The identity of the offender living at the
31 residence searched;

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1 2. The identity of the probation or community control
2 officer who conducted or requested the search;

3 3. The date, time, and place of the search;

4 4. The reason for the search;

5 5. Any items seized pursuant to the search; and

6 6. Whether any damage was done to the residence or
7 property during the search.

8 (c) For the purposes of a search of the person's
9 property, or residence of a person on probation or community
10 control, the term "reasonable grounds" means that the
11 reasonable suspicion standard applies. In determining whether
12 reasonable grounds exist, the correctional probation officer
13 shall consider any of the following factors, including but not
14 limited to:

15 1. The observations of alleged suspicious behavior by
16 correctional probation officers or law enforcement officers.

17 2. Information provided by informants.

18 3. The reliability of the information provided by an
19 informant. In evaluating the reliability of the information,
20 the correctional probation officers shall give attention to
21 the detail, consistency and corroboration of the information
22 provided by the informant.

23 4. The reliability of the informant. In evaluating
24 the informant's reliability, attention shall be given to
25 whether the informant has supplied reliable information in the
26 past and whether the informant has reason to supply inaccurate
27 information.

28 5. The activity of the offender that relates to
29 whether the offender might possess contraband or might have
30 used or be under the influence of an intoxicating substance.

31 6. Information provided by the offender that is

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1 relevant to whether the offender has used, possesses or is
2 under the influence of an intoxicating substance or possesses
3 any other contraband.

4 7. The experience of a correctional probation officer
5 with that offender.

6 8. Prior seizures of contraband from the offender.

7 9. The need to verify compliance with rules of
8 supervision and state and federal law.

9 (9) Evidence may not be excluded or suppressed from
10 the trial of a new substantive offense if:

11 (a) The defendant was on probation or community
12 control at the time of the offense; and

13 (b) The search was conducted when there were
14 reasonable grounds to believe that the offender was in
15 violation of the law or in violation of the terms of probation
16 or community control.

17 (10) Evidence may not be excluded or suppressed from a
18 hearing for a violation of probation or community control.

19 Section 45. For the purpose of incorporating the
20 amendments to section 948.06, Florida Statutes, in references
21 thereto, the following sections or subdivisions of Florida
22 Statutes are reenacted to read:

23 948.01 When court may place defendant on probation or
24 into community control.--

25 (9) Procedures governing violations of community
26 control shall be the same as those described in s. 948.06 with
27 respect to probation.

28 (11) The court may also impose a split sentence
29 whereby the defendant is sentenced to a term of probation
30 which may be followed by a period of incarceration or, with
31 respect to a felony, into community control, as follows:

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1 (b) If the offender does not meet the terms and
2 conditions of probation or community control, the court may
3 revoke, modify, or continue the probation or community control
4 as provided in s. 948.06. If the probation or community
5 control is revoked, the court may impose any sentence that it
6 could have imposed at the time the offender was placed on
7 probation or community control. The court may not provide
8 credit for time served for any portion of a probation or
9 community control term toward a subsequent term of probation
10 or community control. However, the court may not impose a
11 subsequent term of probation or community control which, when
12 combined with any amount of time served on preceding terms of
13 probation or community control for offenses pending before the
14 court for sentencing, would exceed the maximum penalty
15 allowable as provided in s. 775.082. Such term of
16 incarceration shall be served under applicable law or county
17 ordinance governing service of sentences in state or county
18 jurisdiction. This paragraph does not prohibit any other
19 sanction provided by law.

20 (13) If it appears to the court upon a hearing that
21 the defendant is a chronic substance abuser whose criminal
22 conduct is a violation of chapter 893, the court may either
23 adjudge the defendant guilty or stay and withhold the
24 adjudication of guilt; and, in either case, it may stay and
25 withhold the imposition of sentence and place the defendant on
26 drug offender probation.

27 (b) Offenders placed on drug offender probation are
28 subject to revocation of probation as provided in s. 948.06.

29 958.14 Violation of probation or community control
30 program.--A violation or alleged violation of probation or the
31 terms of a community control program shall subject the

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1 youthful offender to the provisions of s. 948.06(1). However,
 2 no youthful offender shall be committed to the custody of the
 3 department for a substantive violation for a period longer
 4 than the maximum sentence for the offense for which he or she
 5 was found guilty, with credit for time served while
 6 incarcerated, or for a technical or nonsubstantive violation
 7 for a period longer than 6 years or for a period longer than
 8 the maximum sentence for the offense for which he or she was
 9 found guilty, whichever is less, with credit for time served
 10 while incarcerated.

11 Section 46. If any provision of this act or the
 12 application thereof to any person or circumstance is held
 13 invalid, the invalidity shall not affect other provisions or
 14 applications of the act which can be given effect without the
 15 invalid provision or application, and to this end the
 16 provisions of this act are declared severable.

17 Section 47. Except as otherwise provided herein, this
 18 act shall take effect upon becoming a law.

19
 20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 remove from the title of the amendment: the entire title

24

25 and insert in lieu thereof:

26 A bill to be entitled
 27 An act relating to criminal justice; amending
 28 s. 951.23, F.S.; providing a criminal penalty
 29 for refusing to obey jail rules and
 30 regulations; requiring that a printed copy of
 31 rules be provided to prisoners; providing a

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1 definition; terminating specified trust funds
2 and fund accounts within the state courts
3 system and the Department of Corrections;
4 providing for the transfer of current balances
5 to general revenue, the paying of outstanding
6 debts and obligations, and the removal of the
7 terminated funds and accounts from the various
8 state accounting systems; modifying provisions
9 relating to specified trust funds and fund
10 accounts within the state courts system and the
11 Department of Corrections; amending s. 216.272,
12 F.S., relating to Working Capital Trust Funds
13 used to fund data processing centers; removing
14 reference to the judicial branch; amending s.
15 945.215, F.S.; providing sources of funds and
16 purposes of the Inmate Welfare Trust Fund, the
17 Privately Owned Institutions Inmate Welfare
18 Trust Fund, and the Employee Benefit Trust Fund
19 within the department; providing for annual
20 appropriation of funds deposited in the Inmate
21 Welfare Trust Fund; requiring certain annual
22 reports; amending s. 944.803, F.S., relating to
23 faith-based programs for inmates; revising a
24 reference, to conform; amending s. 945.31,
25 F.S.; providing for deposit of the department's
26 administrative processing fee in the
27 department's Operating Trust Fund; amending s.
28 945.76, F.S.; revising provisions relating to
29 fees for certification and monitoring of
30 batterers' intervention programs; providing for
31 deposit of such fees in the department's

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1 Operating Trust Fund; amending s. 944.10, F.S.;

2 providing for deposit of contractual service

3 and inmate labor fees in the Correctional Work

4 Program Trust Fund; amending s. 948.09, F.S.;

5 providing for deposit of the electronic

6 monitoring surcharge in the department's

7 Operating Trust Fund; amending s. 951.23, F.S.;

8 providing for deposit of fees collected

9 pursuant to local detention facility inspection

10 agreements in the department's Operating Trust

11 Fund; creating s. 386.213, F.S.; providing

12 legislative intent; requiring the Department of

13 Corrections and private vendors operating state

14 correctional facilities to make

15 smoking-cessation assistance available to

16 inmates; requiring full implementation of the

17 act by a specified date; providing definitions;

18 prohibiting an inmate within a state

19 correctional facility from using tobacco

20 products in prohibited areas; prohibiting

21 employees or visitors from using tobacco

22 products in prohibited areas; providing

23 penalties; authorizing the department to adopt

24 rules; amending s. 386.203(1), F.S.; adding

25 state correctional facilities to the definition

26 of public place; amending s. 945.10, F.S.,

27 relating to confidential information and other

28 information available to inmates and offenders

29 in the correctional system or under

30 supervision; defining terms; prohibiting

31 certain disclosure or use of certain "personal

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1 information about another person," as defined,
2 by an inmate or offender with intent to obtain
3 a benefit from, harass, harm, or defraud such
4 person; providing penalties; providing that an
5 inmate or offender convicted of such offense is
6 prohibited from subsequent participation in
7 correctional work programs or other programs;
8 providing that an inmate or offender convicted
9 of such offense is subject to forfeiture of
10 gain-time; providing for adoption of rules by
11 the department; amending s. 99.012, F.S.;
12 requiring a subordinate officer, deputy
13 sheriff, or police officer seeking to qualify
14 for a public office to resign or take a leave
15 of absence, depending on certain circumstances
16 relating to the office sought; providing that
17 certain proviso language contained in the
18 Conference Report On House Bill 4201 may not be
19 modified through substantive legislation passed
20 during the 1998 regular session of the
21 Legislature unless certain conditions are met;
22 providing that certain proviso language
23 contained in the Conference Report On House
24 Bill 4201 is reenacted if repealed or amended
25 by substantive legislation passed during the
26 1998 regular session of the Legislature;
27 providing for repeal of section on June 30,
28 1999; amending s. 957.03, F.S.; specifying
29 circumstances under which an act of the
30 commission is binding; eliminating the
31 requirement for the commission to include

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1 certain recidivism data in the annual report to
2 the Legislature; permitting the commission to
3 authorize contractors to use inmate labor in
4 facility construction and in public work
5 programs, under specified circumstances;
6 requiring the department to assign available
7 inmate work crews at the request of the
8 commission and the contractor, under specified
9 circumstances; providing for approval of
10 security procedures; requiring the reporting of
11 outcome performance measures; creating s.
12 957.031, F.S.; prohibiting specified conduct by
13 a commission member, employee, or consultant
14 who reviews, monitors, or approves private
15 correctional facility contracts, or otherwise
16 advises the commission with respect to private
17 correctional facilities; providing for
18 construction; amending s. 957.06, F.S.;
19 removing provisions relating to the cooperative
20 transfer agreement; providing that certain
21 contracts do not authorize development and
22 implementation of work programs; providing
23 exceptions; creating s. 957.061, F.S.;
24 providing for cooperative transfer agreements;
25 amending s. 957.08, F.S.; restricting the types
26 of inmates to be assigned and transferred to
27 private correctional facilities; amending s.
28 957.125, F.S.; providing for applicability of
29 certain program requirements to contracted
30 youthful offender facilities; directing the
31 Florida Corrections Commission to conduct an

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1 in-depth analysis on technology and private
2 services contracts, develop certain proposals,
3 and report its findings to the Legislature;
4 requiring the commission to contract with an
5 academic researcher for fiscal year 1998-1999
6 to produce a comparative recidivism rate study;
7 providing for development by consensus and
8 approval of a methodology and sampling strategy
9 by the researcher, the director of the Division
10 of Economic and Demographic Research of the
11 Joint Legislative Management Committee, or
12 successor entity, and a Department of
13 Corrections staff person; prescribing certain
14 uses of the methodology and sampling strategy;
15 providing for a report to the Legislature;
16 repealing s. 957.125(1), (3) and (4), F.S.,
17 relating to the original authorization to enter
18 into contracts and transfer arrangements for
19 youthful offender facilities; removing obsolete
20 provisions; repealing s. 944.711, F.S.,
21 relating to requests for proposals and
22 construction of certain departmental
23 facilities; repealing s. 957.04(8), F.S.,
24 relating to an expenditure to defray impact
25 costs; removing obsolete provisions; amending
26 s. 945.603, F.S.; authorizing the Correctional
27 Medical Authority to review and advise the
28 Correctional Privatization Commission on inmate
29 health care; revising powers and duties of the
30 authority; conforming terminology; amending s.
31 945.6031, F.S.; revising responsibilities of

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1 the authority and guidelines for required
2 reports and surveys; requiring the authority to
3 conduct surveys of the physical and mental
4 health care system at private correctional
5 facilities; requiring certain reports; amending
6 s. 945.6035, F.S.; requiring the authority and
7 either the Assistant Secretary of Health
8 Services of the department or the Executive
9 Director of the Correctional Privatization
10 Commission to attempt to expeditiously resolve
11 any disputes between the authority and the
12 department or the commission regarding the
13 physical and mental health care of inmates in
14 private prisons; providing for appeal, review,
15 and resolution; requiring the decision of the
16 Administration Commission to be final and
17 binding; creating s. 957.041, F.S.; requiring
18 the department to notify the commission of the
19 profile of the inmates anticipated to be housed
20 in a private correctional facility; requiring
21 the commission to negotiate and enter into
22 contracts for private correctional services
23 based upon the inmate profile; amending ss.
24 921.141 and 921.142, F.S.; prescribing the
25 penalty to be imposed if the defendant is
26 determined to be mentally retarded; amending s.
27 924.07, F.S.; providing that the state may
28 appeal a determination that a defendant is
29 mentally retarded; providing a definition of
30 mental retardation; providing severability;
31 providing an appropriation; directing the

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1 Correctional Privatization Commission to issue
2 certain invitations to bid for designing,
3 acquiring, constructing, and operating an adult
4 prison or youthful offender facility of
5 specified capacity; providing duties of the
6 Correctional Privatization Commission,
7 guidelines, and cost limitations with respect
8 to the invitations to bid for the projects;
9 providing for funding; requiring transfer of
10 certain appropriation moneys by the Executive
11 Office of the Governor for first year fixed
12 capital outlay costs of the project to which
13 the first invitation to bid is applicable;
14 providing that funding for such costs of a
15 contract awarded pursuant to the second
16 invitation to bid is subject to legislative
17 appropriation during the 1999 Regular Session;
18 providing guidelines for award of the contracts
19 by the Correctional Privatization Commission;
20 providing that the authority to issue the
21 invitations to bid shall be in lieu of the
22 authority and contracts provided in specified
23 proviso language following Specific
24 Appropriation 589 of the Conference Report on
25 House Bill 4201; providing for repeal of the
26 proviso language to the extent of conflict with
27 specified provisions of act; amending s.
28 945.485, F.S., relating to subsistence fees
29 with respect to prisoners; requiring a state
30 correctional facility, or the Department of
31 Corrections acting in its behalf, to seek

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1 reimbursement for costs of incarceration for a
2 prisoner, including certain medical and dental
3 expenses, which have not been reimbursed as
4 otherwise provided by law; specifying order of
5 sources of reimbursement; providing for
6 deduction of the costs from the prisoner's cash
7 account, placement of a lien against the
8 account or the prisoner's other personal
9 property, or reimbursement from the proceeds of
10 the prisoner's insurance policy, health care
11 corporation proceeds, or other source;
12 providing that the lien may be carried over to
13 future incarceration under certain
14 circumstances; requiring the prisoner to
15 cooperate with such reimbursement efforts;
16 providing for sanctions in case of willful
17 refusal to cooperate, including placement of a
18 lien against the prisoner's cash account or
19 other personal property and ineligibility to
20 receive incentive gain-time; clarifying that
21 the department is responsible for reimbursement
22 efforts at the private correctional facilities;
23 creating a task force within the Department of
24 Corrections to investigate and analyze
25 strategies to seek reimbursement for inmate
26 health care costs incurred during
27 incarceration; amending s. 947.1405, F.S.,
28 relating to conditional release; providing that
29 a conditional releasee must submit to searches
30 of his or her person, property, or residence as
31 requested by a correctional probation officer;

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1 reenacting s. 775.084(4)(i), F.S., relating to
2 habitual felony offenders and habitual violent
3 felony offenders, to incorporate said amendment
4 in a reference; amending s. 947.18, F.S.,
5 relating to conditions of parole; providing
6 that a parolee must submit to searches of his
7 or her person, property, or residence as
8 requested by a correctional probation officer;
9 amending s. 947.22, F.S.; providing for
10 issuance of arrest warrant for a parole
11 violator by a correctional probation officer,
12 under specified circumstances; authorizing a
13 correctional probation officer to arrest
14 without warrant a parolee, control releasee, or
15 conditional releasee, or to search or request
16 search by a law enforcement officer of the
17 parolee or releasee's person, property, or
18 residence, under specified circumstances if
19 there are reasonable grounds to believe a
20 violation has occurred or if there are
21 reasonable grounds to believe the parolee or
22 releasee possesses prohibited items; providing
23 that evidence is admissible at a hearing for
24 violation of supervision even if no reasonable
25 ground for seizure exists; amending s. 948.03,
26 F.S., relating to probation and community
27 control; requiring a probationer or community
28 controllee on supervision to submit to certain
29 searches of his or her person, property, or
30 residence; requiring notice to offender to be
31 provided; prohibiting a probationer or

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1 community controllee from having "contact," as
2 defined, with the victim unless authorized by
3 the court; reenacting s. 947.23(6), F.S.,
4 relating to action of Parole Commission upon
5 arrest of parolee, s. 948.001(5), F.S.,
6 relating to definition of "probation" with
7 respect to chapter 948, F.S., and s. 958.03(4),
8 F.S., relating to definition of "probation"
9 with respect to specified provisions in chapter
10 958, F.S., to incorporate said amendment in
11 references; amending s. 948.06, F.S., relating
12 to violations of probation or community
13 control; authorizing law enforcement officers
14 and probation or community control officers to
15 search without a warrant the person, property,
16 or residence of any of specified offenders
17 under certain circumstances; limiting authority
18 for searches of residences; requiring report
19 when residence is searched; defining reasonable
20 grounds; prohibiting the exclusion or
21 suppression of evidence from trials for
22 subsequent offenses by offenders on probation
23 or community control under certain
24 circumstances when there were "reasonable
25 grounds," to believe that at the time of the
26 search the offender violated the law or the
27 terms of supervision; providing that evidence
28 is admissible at a hearing for violation of
29 supervision even if no reasonable ground for
30 seizure exists; prohibiting the exclusion or
31 suppression of evidence from hearings for

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1 violation of supervision of offenders on
2 probation or community control; reenacting s.
3 948.01(9), (11)(b), and (13)(b), F.S., relating
4 to circumstances when a court may place a
5 defendant on probation or into community
6 control, and s. 958.14, F.S., relating to
7 violation of probation or community control
8 program, to incorporate said amendment in
9 references; providing severability; providing
10 effective dates.

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