

Bill No. CS for SB 1742

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Brown-Waite moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 16, line 31,		
15			
16	insert:		
17	Section 6. Section 944.115, Florida Statutes, is		
18	created to read:		
19	<u>944.115 Smoking prohibited inside state correctional</u>		
20	<u>facilities.--</u>		
21	<u>(1) The purpose of this section is to protect the</u>		
22	<u>health, comfort, and environment of employees of the</u>		
23	<u>Department of Corrections, employees of privately operated</u>		
24	<u>correctional facilities, employees of the Correctional</u>		
25	<u>Privatization Commission, and inmates by prohibiting inmates</u>		
26	<u>from using tobacco products inside any office or building</u>		
27	<u>within state correctional facilities, and by ensuring that</u>		
28	<u>employees and visitors do not use tobacco products inside any</u>		
29	<u>office or building within state correctional facilities.</u>		
30	<u>Scientific evidence links the use of tobacco products with</u>		
31	<u>numerous significant health risks. The use of tobacco products</u>		

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1 by inmates, employees, or visitors is contrary to efforts by
2 the Department of Corrections to reduce the cost of inmate
3 health care and to limit unnecessary litigation. The
4 Department of Corrections and the private vendors operating
5 correctional facilities shall make smoking-cessation
6 assistance available to inmates in order to implement this
7 section. The Department of Corrections and the private vendors
8 operating correctional facilities shall implement this section
9 as soon as possible, and all provisions of this section must
10 be fully implemented by January 1, 2000.

11 (2) As used in this section, the term:

12 (a) "Department" means the Department of Corrections.

13 (b) "Employee" means an employee of the department or
14 a private vendor in a contractual relationship with either the
15 Department of Corrections or the Correctional Privatization
16 Commission, and includes persons such as contractors,
17 volunteers, or law enforcement officers who are within a state
18 correctional facility to perform a professional service.

19 (c) "State correctional facility" means a state or
20 privately operated correctional institution as defined in s.
21 944.02, or a correctional institution or facility operated
22 under s. 944.105 or chapter 957.

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

27 (e) "Visitor" means any person other than an inmate or
28 employee who is within a state correctional facility for a
29 lawful purpose and includes, but is not limited to, persons
30 who are authorized to visit state correctional institutions
31 pursuant to s. 944.23 and persons authorized to visit as

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1 prescribed by departmental rule or vendor policy.

2 (f) "Prohibited areas" means any indoor areas of any
3 building, portable, or other enclosed structure within a state
4 correctional facility. The secretary of the department may, by
5 rule, designate other areas, including vehicles, as
6 "prohibited areas" to be regulated under this section. Neither
7 employee housing on the grounds of a state correctional
8 facility nor maximum security inmate housing areas may be
9 designated as prohibited areas under this section.

10 (3)(a) An inmate within a state correctional facility
11 may not use tobacco products in prohibited areas at any time
12 while in the custody of the department or under the
13 supervision of a private vendor operating a correctional
14 facility.

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

17 2. The superintendent, warden, or supervisor of a
18 state correctional facility shall take reasonable steps to
19 ensure that the tobacco prohibition for employees and visitors
20 is strictly enforced.

21 (4) An inmate who violates this section commits a
22 disciplinary infraction and is subject to punishment
23 determined to be appropriate by the disciplinary authority in
24 the state correctional facility, including, but not limited
25 to, forfeiture of gain-time or the right to earn gain-time in
26 the future under s. 944.28.

27 (5) The department may adopt rules and the private
28 vendors operating correctional facilities may adopt policies
29 and procedures for the implementation of this section, the
30 designation of prohibited areas and smoking areas, and for the
31 imposition of the following penalties:

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1 (a) Inmates who violate this section will be subject
2 to disciplinary action as provided by rule and in accordance
3 with this section.

4 (b) Employees who violate this section will be subject
5 to disciplinary action as provided by rule.

6 (c) Visitors who violate this section will be subject
7 to removal of authorization to enter a correctional facility
8 as provided by rule.

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10 (Redesignate subsequent sections.)

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12
13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 28, after the semicolon

16
17 insert:

18 creating s. 944.115, F.S.; providing
19 legislative intent; requiring the Department of
20 Corrections and private vendors operating state
21 correctional facilities to make
22 smoking-cessation assistance available to
23 inmates; requiring full implementation of the
24 act by a specified date; providing definitions;
25 prohibiting an inmate within a state
26 correctional facility from using tobacco
27 products in prohibited areas; prohibiting
28 employees or visitors from using tobacco
29 products in prohibited areas; providing
30 penalties; authorizing the department to adopt
31 rules;