

By the Committee on Corrections and Representatives  
Trovillion and Kosmas

1                                   A bill to be entitled  
2           An act relating to state correctional  
3           facilities; creating s. 944.115, F.S.;  
4           providing legislative intent; requiring the  
5           Department of Corrections and private vendors  
6           operating state correctional facilities to make  
7           smoking-cessation assistance available to  
8           inmates; requiring full implementation of the  
9           section by a specified date; providing  
10          definitions; prohibiting an inmate within a  
11          state correctional facility from using tobacco  
12          products in prohibited areas; prohibiting  
13          employees or visitors from using tobacco  
14          products in prohibited areas; providing  
15          penalties; authorizing the department to adopt  
16          rules; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Section 944.115, Florida Statutes, is  
21 created to read:

22           944.115 Smoking prohibited inside state correctional  
23 facilities.--

24           (1) The purpose of this section is to protect the  
25 health, comfort, and environment of employees of the  
26 Department of Corrections, employees of privately operated  
27 correctional facilities, employees of the Correctional  
28 Privatization Commission, and inmates by prohibiting inmates  
29 from using tobacco products inside any office or building  
30 within any state correctional facility and by ensuring that  
31 employees and visitors do not use tobacco products inside any

1 office or building within any state correctional facility.  
2 Scientific evidence links the use of tobacco products with  
3 numerous significant health risks. The use of tobacco products  
4 by inmates, employees, or visitors is contrary to efforts by  
5 the Department of Corrections to reduce the cost of inmate  
6 health care and to limit unnecessary litigation. The  
7 Department of Corrections and the private vendors operating  
8 correctional facilities shall make smoking-cessation  
9 assistance available to inmates in order to implement this  
10 section. The Department of Corrections and the private vendors  
11 operating correctional facilities shall implement this section  
12 as soon as possible, and all provisions of this section must  
13 be fully implemented by January 1, 2000.

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

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

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

22 (c) "Prohibited areas" means any indoor areas of any  
23 building, portable, or other enclosed structure within a state  
24 correctional facility. The secretary of the department may, by  
25 rule, designate other areas, including vehicles, as  
26 "prohibited areas" to be regulated under this section. Neither  
27 employee housing on the grounds of a state correctional  
28 facility nor maximum security inmate housing areas may be  
29 designated as prohibited areas under this section.

30 (d) "State correctional facility" means a state or  
31 privately operated correctional institution as defined in s.

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

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

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

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

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

30 (5) The department may adopt rules, and the private  
31 vendors operating correctional facilities may adopt policies

1 and procedures pursuant thereto, for the implementation of  
2 this section, the designation of prohibited areas and smoking  
3 areas, and the imposition of the following penalties:

4 (a) Inmates who violate this section shall be subject  
5 to disciplinary action as provided by rule and in accordance  
6 with this section.

7 (b) Employees who violate this section shall be  
8 subject to disciplinary action as provided by rule.

9 (c) Visitors who violate this section shall be subject  
10 to removal of authorization to enter a correctional facility  
11 as provided by rule.

12 Section 2. This act shall take effect upon becoming a  
13 law.

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