

By Senator Brown-Waite

10-944-00

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; amending ss. 944.012, 944.02,
4 944.023, 944.026, 944.033, 944.09, 944.095,
5 944.10, 944.11, 944.115, 944.14, 944.151,
6 944.23, 944.24, 944.31, 944.32, 944.35, 944.39,
7 944.402, 944.44, 944.45, 944.46, 944.47,
8 944.611, 944.613, 944.801, 944.803, 944.8031,
9 F.S., relating to the state correctional
10 system; amending ss. 945.025, 945.0311,
11 945.091, 945.215, 945.21501, 945.21502, 945.27,
12 945.35, 945.6031, 945.6037, 945.72, 945.75,
13 F.S., relating to the Department of
14 Corrections; amending ss. 946.002, 946.205,
15 946.25, 946.40, 946.504, 946.513, F.S.,
16 relating to inmate labor and correctional work
17 programs; redesignating correctional
18 institutions as "prisons" and community
19 correctional centers as "work-release centers";
20 amending ss. 413.051, 414.40, 948.03, 951.23,
21 958.04, F.S., relating to vending operations,
22 the Stop Inmate Fraud Program, probation and
23 community control, county and municipal
24 detention facilities, and youthful offenders;
25 conforming cross-references to changes made by
26 the act; providing an effective date.

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

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30 Section 1. Subsections (1) and (2) of section 944.012,
31 Florida Statutes, are amended to read:

1 944.012 Legislative intent.--The Legislature hereby
2 finds and declares that:

3 (1) Florida spends each year in excess of \$60 million
4 for its state correctional system, but Florida citizens have
5 not received a fair return on that investment. Florida
6 prisons ~~correctional institutions~~ have contributed little to
7 the reduction of crime. To the contrary, crime rates continue
8 to rise; recidivism rates are notoriously high; and large
9 prisons have for the most part become schools for crime,
10 making successful reintegration into the community unlikely.

11 (2) It is clear that major changes in correctional
12 methods are required. It is essential to abate the use of
13 large institutions and continue the development of
14 community-based corrections; to equip judges with more
15 effective evaluative tools to deal with the criminal offender;
16 and to provide alternatives to institutionalization, including
17 the availability of probationers' residences and work-release
18 ~~community correctional~~ centers.

19 Section 2. Subsections (1) and (6) of section 944.02,
20 Florida Statutes, are amended to read:

21 944.02 Definitions.--The following words and phrases
22 used in this chapter shall, unless the context clearly
23 indicates otherwise, have the following meanings:

24 (1) "Correctional system" means all prisons and other
25 state prisons ~~correctional institutions~~ now existing or
26 hereafter created under the jurisdiction of the Department of
27 Corrections.

28 (6) "State prison ~~correctional institution~~" means any
29 ~~prison~~, road camp, prison industry, prison forestry camp, or
30 any prison camp or prison farm or other correctional facility,
31 temporary or permanent, in which prisoners are housed, worked,

1 or maintained, under the custody and jurisdiction of the
2 department.

3 Section 3. Paragraph (b) of subsection (1) of section
4 944.023, Florida Statutes, is amended to read:

5 944.023 Comprehensive correctional master plan.--

6 (1) As used in this section, the term:

7 (b) "Total capacity" of the state correctional system
8 means the total design capacity of all institutions and
9 facilities in the state correctional system, which may include
10 those facilities authorized and funded under chapter 957,
11 increased by one-half, with the following exceptions:

12 1. Medical and mental health beds must remain at
13 design capacity.

14 2. Community-based contracted beds must remain at
15 design capacity.

16 3. The one-inmate-per-cell requirement at Florida
17 State Prison and other maximum security facilities must be
18 maintained pursuant to paragraph (7)(a).

19 4. Work-release ~~Community correctional~~ centers and
20 drug treatment centers must be increased by one-third.

21 5. A housing unit may not exceed its maximum capacity
22 pursuant to paragraphs (7)(a) and (b).

23 6. A number of beds equal to 5 percent of total
24 capacity shall be deducted for management beds at
25 institutions.

26 Section 4. Paragraphs (a) and (c) of subsection (1) of
27 section 944.026, Florida Statutes, are amended to read:

28 944.026 Community-based facilities and programs.--

29 (1) In addition to those facilities and services
30 described elsewhere in this chapter, the department shall
31 develop, provide, or contract for a statewide system of

1 community-based facilities, services, and programs dealing
2 with the rehabilitation of offenders, which shall include, but
3 not be limited to:

4 (a) A system of work-release ~~community correctional~~
5 centers to be used for reintegration of the offender back into
6 the community, located at various places throughout the state
7 as provided in s. 944.033.

8 (c) A system of probation and restitution centers
9 throughout the state whereby probationers, drug offender
10 probationers, and community controllees who have violated
11 their terms or conditions, and whose presumptive sentence
12 exceeds 22 months, may be required to reside while working,
13 receiving treatment, or attending school, or for persons on
14 probation, drug offender probation, or community control who
15 may be required to attend outpatient substance abuse
16 counseling. The purpose of these facilities and services is
17 to provide the court with an alternative to committing
18 offenders to more secure state prisons ~~correctional~~
19 ~~institutions~~ and to assist in the supervision of probationers,
20 drug offender probationers, and community controllees.

21 Section 5. Section 944.033, Florida Statutes, is
22 amended to read:

23 944.033 Work-release ~~Community correctional~~ centers;
24 existence; location; purpose; restriction.--

25 (1) A statewide system of correctional facilities is
26 established to be known as "work-release ~~community~~
27 ~~correctional~~ centers."

28 (2) The purpose of these centers is to facilitate the
29 reintegration of state inmates back into the community by
30 means of participation in various work-release, study-release,
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1 community service, substance abuse treatment, and other
2 rehabilitative programs.

3 (3) No person convicted of sexual battery pursuant to
4 s. 794.011 is eligible for placement in any work-release
5 ~~community correctional~~ center.

6 (4) No facility shall be constructed, leased, or
7 purchased in any county until public hearings have been held
8 in that county. Such public hearings shall be held pursuant
9 to uniform rules adopted by the department.

10 Section 6. Paragraph (e) of subsection (1) and
11 subsection (2) of section 944.09, Florida Statutes, are
12 amended to read:

13 944.09 Rules of the department; offenders,
14 probationers, and parolees.--

15 (1) The department has authority to adopt rules
16 pursuant to ss. 120.536(1) and 120.54 to implement its
17 statutory authority. The rules must include rules relating to:

18 (e) The operation and management of the prison
19 ~~correctional institution or facility~~ and its personnel and
20 functions.

21 (2) It is the duty of the superintendents to supervise
22 the governance, discipline, and policy of the state prisons
23 ~~correctional institutions~~ and to enforce all orders and rules.

24 Section 7. Section 944.095, Florida Statutes, is
25 amended to read:

26 944.095 Siting of additional prisons ~~correctional~~
27 ~~facilities~~; procedure.--

28 (1) It is the intent of the Legislature that the
29 siting of additional prisons ~~correctional facilities~~ shall be
30 achieved in the most cost-efficient manner possible.

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1 (2) When the department proposes a site for a state
2 prison ~~correctional facility~~, it shall request that the local
3 government having jurisdiction over such proposed site
4 determine whether or not the proposed site is in compliance
5 with local government comprehensive plans, local land use
6 ordinances, local zoning ordinances or regulations, and other
7 local ordinances in effect at the time of such request. If no
8 such determination is made within 90 days after ~~of~~ the
9 request, it shall be presumed that the proposed site is in
10 compliance with such plans, ordinances, or regulations.

11 (3) If the local government determines within 90 days
12 after ~~of~~ the request that construction of a prison
13 ~~correctional facility~~ on the proposed site does not comply
14 with any such plan, ordinance, or regulation, the department
15 may request a modification of such plan, ordinance, or
16 regulation without having an ownership interest in such
17 property. For the purposes of this section, modification
18 includes, but is not limited to, a variance, rezoning, special
19 exception, or any other action of the local government having
20 jurisdiction over the proposed site which would authorize
21 siting of a prison ~~correctional facility~~.

22 (4) Upon receipt of a request for modification from
23 the department, the local government may recommend alternative
24 sites to the department and shall give notice and hold a
25 public hearing on the request for modification in the same
26 manner as for a rezoning as provided under the appropriate
27 special or local law or ordinance, except that such proceeding
28 shall be recorded by tape or by a certified court reporter and
29 made available for transcription at the expense of any
30 interested party.

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1 (5) When the department requests such a modification
2 and it is denied by the local government or there is no action
3 on such request within 90 days after ~~of~~ the request, the
4 department may appeal the decision of the local government on
5 the requested modification of local plans, ordinances, or
6 regulations to the Governor and Cabinet.

7 (6) The Governor and Cabinet shall consider the
8 following when determining whether to grant the appeal from
9 the decision of the local government on the requested
10 modification:

11 (a) The record of the proceedings before the local
12 government.

13 (b) Reports and studies by any other agency relating
14 to matters within the jurisdiction of such agency which
15 matters may be potentially affected by the proposed site.

16 (c) Existing studies and reports and information
17 maintained by the department as the Governor and Cabinet may
18 request addressing the feasibility and availability of
19 alternative sites in the general area.

20 (7) The Governor and Cabinet, upon determining that
21 the local government has recommended no feasible alternative
22 site and that the interests of the state in providing prisons
23 ~~correctional facilities~~ outweigh the concerns of the local
24 government, shall authorize construction and operation of a
25 prison ~~correctional facility~~ on the proposed site
26 notwithstanding any local plan, ordinance, or regulation.

27 (8) The Governor and Cabinet may adopt rules of
28 procedure to govern these proceedings in accordance with the
29 provisions of s. 120.54.

30 (9) Actions taken by the department or the Governor
31 and Cabinet pursuant to this section shall not be subject to

1 the provisions of ss. 120.56, 120.569, and 120.57. The
2 decision by the Governor and Cabinet shall be subject to
3 judicial review pursuant to s. 120.68 in the District Court of
4 Appeal, First District.

5 (10) Insofar as the provisions of this section are
6 inconsistent with the provisions of any other law, general,
7 special, or local, the provisions of this section are
8 controlling. Additionally, the criteria and procedures set
9 forth in this section supersede and are in lieu of any review
10 and approval required by s. 380.06.

11 Section 8. Section 944.10, Florida Statutes, is
12 amended to read:

13 944.10 Department of Corrections to provide buildings;
14 sale and purchase of land; contracts to provide services and
15 inmate labor.--

16 (1) It is the intent of the Legislature to expedite
17 the siting of, acquisition of land for, and construction by
18 the Department of Corrections of state prisons ~~correctional~~
19 ~~facilities~~ operated by the department or a private vendor
20 under contract with the department. Other agencies shall
21 cooperate with the department and expeditiously fulfill their
22 responsibilities to avoid unnecessary delay in the siting of,
23 acquisition of land for, and construction of state prisons
24 ~~correctional facilities~~. This section and all other laws of
25 the state shall be construed to accomplish this intent. This
26 section shall take precedence over any other law to the
27 contrary.

28 (2) The department shall cause all necessary
29 buildings, facilities, and physical plants to be erected to
30 accommodate all prisoners and from time to time shall make
31 such additional alterations as may be necessary to provide for

1 any increase in the number of prisoners; it shall cause to be
2 established proper accommodations for such officers of the
3 department who are required to reside constantly within the
4 precincts of the institutions.

5 (3)(a) The department may enter into lease-purchase
6 agreements to provide prisons to house ~~correctional facilities~~
7 ~~for the housing of~~ state inmates. However, no such
8 lease-purchase agreement shall be entered into without
9 specific legislative authorization of that agreement, and
10 funds must be specifically appropriated for each
11 lease-purchase agreement. The facilities provided through such
12 agreements shall meet the program plans and specifications of
13 the department. The department may enter into such lease
14 agreements with private corporations and other governmental
15 entities. However, notwithstanding the provisions of s.
16 255.25(3)(a), no such lease agreement may be entered into
17 except upon advertisement for and receipt of competitive bids
18 and award to the lowest and best bidder.

19 (b) Such a lease-purchase agreement which is for a
20 term extending beyond the end of a fiscal year shall be
21 subject to the provisions of s. 216.311.

22 (4)(a) Notwithstanding s. 253.025 or s. 287.057,
23 whenever the department finds it to be necessary for timely
24 site acquisition, it may contract without the need for
25 competitive selection with one or more appraisers whose names
26 are contained on the list of approved appraisers maintained by
27 the Division of State Lands of the Department of Environmental
28 Protection in accordance with s. 253.025(6)(b). In those
29 instances in which the department directly contracts for
30 appraisal services, it must also contract with an approved

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1 appraiser who is not employed by the same appraisal firm for
2 review services.

3 (b) Notwithstanding s. 253.025(6), the department may
4 negotiate and enter into an option contract before an
5 appraisal is obtained. The option contract must state that the
6 final purchase price cannot exceed the maximum value allowed
7 by law. The consideration for such an option contract may not
8 exceed 10 percent of the estimate obtained by the department
9 or 10 percent of the value of the parcel, whichever amount is
10 greater.

11 (c) This subsection does not apply to any purchase or
12 acquisition of state land except for a purchase or acquisition
13 made specifically for a prison ~~correctional facilities~~. This
14 subsection does not mitigate in any manner the authority of
15 the Board of Trustees of the Internal Improvement Trust Fund
16 or the Division of State Lands to approve any contract for
17 purchase for state lands as provided by law or to require
18 policies and procedures to obtain clear legal title to parcels
19 purchased for state purposes.

20 (5) The department may sell, to the best possible
21 advantage, any or all detached parcels of land belonging to
22 the bodies of land purchased for ~~the state~~ prisons
23 ~~correctional institutions~~. The department is authorized to
24 purchase any contiguous parcels of land within the boundary
25 lines of the lands purchased for state prisons ~~correctional~~
26 ~~institutions~~.

27 (6) The department is authorized to begin preliminary
28 site preparation and obtain the appropriate permits with
29 regard to the construction of state prisons ~~correctional~~
30 ~~institutions~~ after approval by the Board of Trustees of the
31 Internal Improvement Trust Fund of the purchase agreement or

1 option agreement if, in the department's discretion,
2 commencing construction is in the best interests of the state.

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 prisons ~~detention or commitment~~
7 ~~facilities~~, or any other project deemed to be appropriate by
8 the Department of Corrections, which includes site acquisition
9 or preparation, management, or construction of such projects.
10 The department may charge fees for providing such services.
11 All fees collected must be placed in the Correctional Work
12 Program Trust Fund.

13 Section 9. Section 944.11, Florida Statutes, is
14 amended to read:

15 944.11 Department to regulate admission of books.--

16 (1) The department shall regulate the admission of
17 educational and other reading matter within the state prisons
18 ~~institutions~~ for the use of the prisoners, and for the proper
19 observance of days of religious significance within the
20 prisons ~~institutions~~ and for the proper instruction of the
21 prisoners in their basic moral and religious duties.

22 (2) The department may ~~shall have the authority to~~
23 prohibit admission of reading materials or publications with
24 content that ~~which~~ depicts sexual conduct as defined by s.
25 847.001 or presents nudity in such a way as to create the
26 appearance that sexual conduct is imminent. The department
27 may ~~shall have the authority to~~ prohibit admission of such
28 materials at a particular state prison ~~correctional facility~~
29 upon a determination by the department that such material or
30 publications would be detrimental to the safety, security,
31 order, or rehabilitative interests of a particular state

1 ~~prison correctional facility~~ or would create a risk of
2 disorder at a particular state ~~prison correctional facility~~.

3 Section 10. Section 944.115, Florida Statutes, is
4 amended to read:

5 944.115 Smoking prohibited inside state prisons
6 ~~correctional facilities~~.--

7 (1) The purpose of this section is to protect the
8 health, comfort, and environment of employees of the
9 Department of Corrections, employees of privately operated
10 prisons ~~correctional facilities~~, employees of the Correctional
11 Privatization Commission, and inmates by prohibiting inmates
12 from using tobacco products inside any office or building
13 within state prisons ~~correctional facilities~~, and by ensuring
14 that employees and visitors do not use tobacco products inside
15 any office or building within state prisons ~~correctional~~
16 ~~facilities~~. Scientific evidence links the use of tobacco
17 products with numerous significant health risks. The use of
18 tobacco products by inmates, employees, or visitors is
19 contrary to efforts by the Department of Corrections to reduce
20 the cost of inmate health care and to limit unnecessary
21 litigation. The Department of Corrections and the private
22 vendors operating prisons ~~correctional facilities~~ shall make
23 smoking-cessation assistance available to inmates in order to
24 implement this section. The Department of Corrections and the
25 private vendors operating prisons ~~correctional facilities~~
26 shall implement this section as soon as possible, and all
27 provisions of this section must be fully implemented by
28 January 1, 2000.

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

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

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1 (b) "Employee" means an employee of the department or
2 a private vendor in a contractual relationship with either the
3 Department of Corrections or the Correctional Privatization
4 Commission, and includes persons such as contractors,
5 volunteers, or law enforcement officers who are within a state
6 prison ~~correctional facility~~ to perform a professional
7 service.

8 (c) "State prison ~~correctional facility~~" means a state
9 or privately operated prison ~~correctional institution~~ as
10 defined in s. 944.02, or a prison ~~correctional institution~~ or
11 facility operated under s. 944.105 or chapter 957.

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

16 (e) "Visitor" means any person other than an inmate or
17 employee who is within a state prison ~~correctional facility~~
18 for a lawful purpose and includes, but is not limited to,
19 persons who are authorized to visit state prisons ~~correctional~~
20 ~~institutions~~ pursuant to s. 944.23 and persons authorized to
21 visit as prescribed by departmental rule or vendor policy.

22 (f) "Prohibited areas" means any indoor areas of any
23 building, portable, or other enclosed structure within a state
24 prison ~~correctional facility~~. The secretary of the department
25 may, by 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 prison ~~correctional~~
28 ~~facility~~ nor maximum security inmate housing areas may be
29 designated as prohibited areas under this section.

30 (3)(a) An inmate within a state prison ~~correctional~~
31 ~~facility~~ may not use tobacco products in prohibited areas at

1 any time while in the custody of the department or under the
2 supervision of a private vendor operating a prison
3 ~~correctional facility~~.

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

6 2. The superintendent, warden, or supervisor of a
7 state prison ~~correctional facility~~ shall take reasonable steps
8 to ensure that the tobacco prohibition for employees and
9 visitors is strictly enforced.

10 (4) An inmate who violates this section commits a
11 disciplinary infraction and is subject to punishment
12 determined to be appropriate by the disciplinary authority in
13 the state prison ~~correctional facility~~, including, but not
14 limited to, forfeiture of gain-time or the right to earn
15 gain-time in the future under s. 944.28.

16 (5) The department may adopt rules and the private
17 vendors operating prison ~~correctional facilities~~ may adopt
18 policies and procedures for the implementation of this
19 section, the designation of prohibited areas and smoking
20 areas, and for the imposition of the following penalties:

21 (a) Inmates who violate this section will be subject
22 to disciplinary action as provided by rule and in accordance
23 with this section.

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

26 (c) Visitors who violate this section will be subject
27 to removal of authorization to enter a prison ~~correctional~~
28 ~~facility~~ as provided by rule.

29 Section 11. Section 944.14, Florida Statutes, is
30 amended to read:

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1 944.14 Supervision of prisons ~~correctional~~
2 ~~institutions~~; enforcement of orders and regulations.--Subject
3 to the orders, policies, and regulations established by the
4 department, it shall be the duty of the wardens or
5 superintendents to supervise the government, discipline, and
6 policy of the state prisons ~~correctional institutions~~, and to
7 enforce all orders, rules and regulations.

8 Section 12. Section 944.151, Florida Statutes, is
9 amended to read:

10 944.151 Security of prisons ~~correctional institutions~~;
11 legislative intent; periodic physical inspection of
12 facilities; security audits; reports of security audits;
13 procedures in the event of escapes; annual budget request.--It
14 is the intent of the Legislature that the Department of
15 Corrections shall be responsible for the security of the
16 prisons ~~correctional institutions and facilities~~. The security
17 of the state's prisons ~~correctional institutions and~~
18 ~~facilities~~ is critical to ensure public safety and to contain
19 violent and chronic offenders until offenders are otherwise
20 released from the department's custody pursuant to law. The
21 Secretary of Corrections shall, at a minimum:

22 (1) Appoint a security review committee which shall,
23 at a minimum, be composed of: the inspector general, the
24 statewide security coordinator, the regional security
25 coordinators, and three superintendents and one correctional
26 officer. The security review committee shall:

27 (a) Establish a periodic schedule for the physical
28 inspection of buildings and structures of each state and
29 private prison ~~correctional institution~~ to determine security
30 deficiencies. In scheduling the inspections, priority shall
31 be given to older institutions, institutions that house a

1 large proportion of violent offenders, and institutions that
2 have experienced a significant number of escapes or escape
3 attempts in the past.

4 (b) Conduct or cause to be conducted announced and
5 unannounced comprehensive security audits of all state and
6 private prisons ~~correctional institutions~~. In conducting the
7 security audits, priority shall be given to older
8 institutions, institutions that house a large proportion of
9 violent offenders, and institutions that have experienced a
10 history of escapes or escape attempts. At a minimum, the
11 audit shall include an evaluation of the physical plant,
12 landscaping, fencing, security alarms and perimeter lighting,
13 and inmate classification and staffing policies. Each prison
14 ~~correctional institution~~ shall be audited at least annually.
15 The secretary shall report the general survey findings
16 annually to the Governor and the Legislature.

17 (c) Adopt and enforce minimum security standards and
18 policies that include, but are not limited to:

- 19 1. Random monitoring of outgoing telephone calls by
20 inmates.
- 21 2. Maintenance of current photographs of all inmates.
- 22 3. Daily inmate counts at varied intervals.
- 23 4. Use of canine units, where appropriate.
- 24 5. Use of escape alarms and perimeter lighting.
- 25 6. Florida Crime Information Center/National Crime
26 Information Center capabilities.
- 27 7. Employment background investigations.

28 (d) Annually make written prioritized budget
29 recommendations to the secretary that identify critical
30 security deficiencies at major prisons ~~correctional~~
31 ~~institutions~~.

1 (e) Investigate and evaluate the usefulness and
2 dependability of existing security technology at the prisons
3 ~~institutions~~ and new technology available and make periodic
4 written recommendations to the secretary on the
5 discontinuation or purchase of various security devices.

6 (f) Contract, if deemed necessary, with security
7 personnel, consulting engineers, architects, or other security
8 experts the committee deems necessary for security audits and
9 security consultant services.

10 (g) Establish a periodic schedule for conducting
11 announced and unannounced escape simulation drills.

12 (2) Maintain and produce quarterly reports with
13 accurate escape statistics. For the purposes of these
14 reports, "escape" includes all possible types of escape,
15 regardless of prosecution by the state attorney, and including
16 offenders who walk away from nonsecure community facilities.

17 (3) Adopt, enforce, and annually evaluate the
18 emergency escape response procedures, which shall at a minimum
19 include the immediate notification and inclusion of local and
20 state law enforcement through a mutual aid agreement.

21 (4) Submit in the annual legislative budget request a
22 prioritized summary of critical repair and renovation security
23 needs.

24 Section 13. Section 944.23, Florida Statutes, is
25 amended to read:

26 944.23 Persons authorized to visit state prisons.--The
27 following persons shall be authorized to visit at their
28 pleasure all state prisons ~~correctional institutions~~: The
29 Governor, all Cabinet members, members of the Legislature,
30 judges of state courts, state attorneys, public defenders, and
31 authorized representatives of the commission. No other person

1 not otherwise authorized by law shall be permitted to enter a
2 state prison ~~correctional institution~~ except under such
3 regulations as the department may prescribe. Permission shall
4 not be unreasonably withheld from those who give sufficient
5 evidence to the department that they are bona fide reporters
6 or writers.

7 Section 14. Section 944.24, Florida Statutes, is
8 amended to read:

9 944.24 Administration of prisons ~~correctional~~
10 ~~institutions~~ for women.--

11 (1) This section may be cited as the "Corrections
12 Equality Act."

13 (2) All regularly employed assistants, officers, and
14 employees whose duties bring them into contact with the
15 inmates of the prison ~~institution~~ shall be women as far as
16 practicable.

17 (3) Women inmates shall have access to programs of
18 education, vocational training, rehabilitation, and substance
19 abuse treatment that are equivalent to those programs which
20 are provided for male inmates. The department shall ensure
21 that women inmates are given opportunities for exercise,
22 recreation, and visitation privileges according to the same
23 standards as those privileges are provided for men. Women
24 inmates shall be given opportunities to participate in
25 work-release programs which are comparable to the
26 opportunities provided for male inmates and shall be eligible
27 for early release according to the same standards and
28 procedures under which male inmates are eligible for early
29 release.

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1 (4) The department shall continue to provide prenatal
2 care and such medical treatment as determined by the Assistant
3 Secretary for Health Services for an inmate who is pregnant.

4 (5) An inmate who is pregnant shall be provided with
5 prenatal care and medical treatment for the duration of her
6 pregnancy. The department shall ensure that a pregnant inmate
7 receives supplemental food and clothing and is excused from
8 inappropriate work assignments. An inmate shall be
9 transferred to a hospital outside the prison grounds if a
10 condition develops which is beyond the scope and capabilities
11 of the prison's medical facilities.

12 (6) Any woman inmate who gives birth to a child during
13 her term of imprisonment may be temporarily taken to a
14 hospital outside the prison for the purpose of childbirth, and
15 the charge for hospital and medical care shall be charged
16 against the funds allocated to the prison ~~institution~~. The
17 department shall provide for the care of any child so born and
18 shall pay for the child's care until the child is suitably
19 placed outside the prison system.

20 Section 15. Section 944.31, Florida Statutes, is
21 amended to read:

22 944.31 Inspector general; inspectors; power and
23 duties.--The inspector general shall be responsible for prison
24 inspection and investigation, internal affairs investigations,
25 and management reviews. The office of the inspector general
26 shall be charged with the duty of inspecting the penal and
27 correctional systems of the state. The office of the inspector
28 general shall inspect each prison ~~correctional institution~~ or
29 any place in which state prisoners are housed, worked, or kept
30 within the state, with reference to its physical conditions,
31 cleanliness, sanitation, safety, and comfort; the quality and

1 supply of all bedding; the quality, quantity, and diversity of
2 food served and the manner in which it is served; the number
3 and condition of the prisoners confined therein; and the
4 general conditions of each institution. The office of
5 inspector general shall see that all the rules and regulations
6 issued by the department are strictly observed and followed by
7 all persons connected with the correctional systems of the
8 state. The office of the inspector general shall coordinate
9 and supervise the work of inspectors throughout the state. The
10 inspector general and inspectors may enter any place where
11 prisoners in this state are kept and shall be immediately
12 admitted to such place as they desire and may consult and
13 confer with any prisoner privately and without molestation.
14 The inspector general and inspectors shall be responsible for
15 criminal and administrative investigation of matters relating
16 to the Department of Corrections. In such investigations, the
17 inspector general and inspectors may consult and confer with
18 any prisoner or staff member privately and without molestation
19 and shall have the authority to detain any person for
20 violations of the criminal laws of the state. Such detention
21 shall be made only on properties owned or leased by the
22 department, and the detained person shall be surrendered
23 without delay to the sheriff of the county in which the
24 detention is made, with a formal complaint subsequently made
25 against her or him in accordance with law.

26 Section 16. Section 944.32, Florida Statutes, is
27 amended to read:

28 944.32 Reports of prison inspectors; recordation;
29 inspection.--Upon completing an inspection of a prison,
30 ~~correctional institution~~ the inspector shall make a full and
31 complete report on ~~such forms as shall be~~ provided by the

1 department. One copy of each report must ~~shall~~ be filed with
2 the department, one copy must ~~shall~~ be sent to the officer in
3 charge of the prison ~~correctional institution~~, and as many
4 other copies must be provided as the department requires.
5 ~~shall require~~ These reports shall be matters of public record
6 and subject to inspection by the public at any time.

7 Section 17. Paragraph (a) of subsection (1) of section
8 944.35, Florida Statutes, is amended to read:

9 944.35 Authorized use of force; malicious battery and
10 sexual misconduct prohibited; reporting required; penalties.--

11 (1)(a) An employee of the department is authorized to
12 apply physical force upon an inmate only when and to the
13 extent that it reasonably appears necessary:

14 1. To defend himself or herself or another against
15 such other imminent use of unlawful force;

16 2. To prevent a person from escaping from a state
17 prison ~~correctional institution~~ when the officer reasonably
18 believes that person is lawfully detained in such prison
19 ~~institution~~;

20 3. To prevent damage to property;

21 4. To quell a disturbance;

22 5. To overcome physical resistance to a lawful
23 command; or

24 6. To administer medical treatment only by or under
25 the supervision of a physician or his or her designee and
26 only:

27 a. When treatment is necessary to protect the health
28 of other persons, as in the case of contagious or venereal
29 diseases; or

30 b. When treatment is offered in satisfaction of a duty
31 to protect the inmate against self-inflicted injury or death.

1
2 As part of the correctional officer training program, the
3 Criminal Justice Standards and Training Commission shall
4 develop a course specifically designed to explain the
5 parameters of this subsection and to teach the proper methods
6 and techniques in applying authorized physical force upon an
7 inmate.

8 Section 18. Section 944.39, Florida Statutes, is
9 amended to read:

10 944.39 Interference with prisoners; penalty.--Any
11 person who, without authority, interferes with or in any way
12 interrupts the work of any prisoner under the custody of the
13 department or who in any way interferes with the discipline or
14 good conduct of any prisoner shall be guilty of a misdemeanor
15 of the second degree, punishable as provided in s. 775.082 or
16 s. 775.083. No person shall, by disguise, misrepresentation
17 of identity or other illicit means, attempt to gain admission
18 to or enter upon the grounds of any state prison ~~correctional~~
19 ~~institution~~ for the purpose of visiting any prisoner in
20 violation of the general visiting policy adopted by the
21 department. A person, upon conviction of an offense as
22 outlined in this section, shall be guilty of a misdemeanor of
23 the second degree, punishable as provided in s. 775.082 or s.
24 775.083. Any peace officer or any correctional officer of the
25 department or any prison inspector or any employee of the
26 department may arrest without warrant any person violating the
27 provisions of this section.

28 Section 19. Section 944.402, Florida Statutes, is
29 amended to read:

30 944.402 Reward for capture of escapee from prison
31 ~~correctional institution~~.--The superintendent of a state

1 ~~prison correctional institution~~ may pay a reward in an amount
2 not greater than \$100 from institutional funds to each person
3 who is directly responsible for the capture of an inmate who
4 has escaped from the institution. The superintendent of the
5 institution from which the inmate escaped shall determine the
6 amount of the reward. Employees of state, county, and
7 municipal law enforcement or correctional agencies who are
8 engaged in the apprehension, detection, or detention of
9 prisoners are not eligible to receive such rewards.

10 Section 20. Section 944.44, Florida Statutes, is
11 amended to read:

12 944.44 Holding persons as hostages; penalty.--Any
13 prisoner who holds as hostage any person within any prison
14 ~~correctional institution~~ or anywhere while under the
15 jurisdiction of the department, or who by force, or threat of
16 force holds any person or persons against their will in
17 defiance of official orders, commits ~~shall be guilty of~~ a
18 felony of the second degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 Section 21. Section 944.45, Florida Statutes, is
21 amended to read:

22 944.45 Mutiny, riot, strike; penalty.--Whoever
23 instigates, contrives, willfully attempts to cause, assists,
24 or conspires to cause any mutiny, riot, or strike in defiance
25 of official orders, in any state prison, commits ~~correctional~~
26 ~~institution, shall be guilty of~~ a felony of the second degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 Section 22. Section 944.46, Florida Statutes, is
30 amended to read:

31

1 944.46 Harboring, concealing, aiding escaped
2 prisoners; penalty.--Whoever harbors, conceals, maintains, or
3 assists, or gives any other aid to any prisoner after his or
4 her escape from any state prison ~~correctional institution~~,
5 knowing that he or she is an escaped prisoner, commits ~~shall~~
6 ~~be guilty of~~ a felony of the third degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084.

8 Section 23. Section 944.47, Florida Statutes, is
9 amended to read:

10 944.47 Introduction, removal, or possession of certain
11 articles unlawful; penalty.--

12 (1)(a) Except through regular channels as authorized
13 by the officer in charge of the prison ~~correctional~~
14 ~~institution~~, it is unlawful to introduce into or upon the
15 grounds of any state prison ~~correctional institution~~, or to
16 take or attempt to take or send or attempt to send therefrom,
17 any of the following articles, ~~which are hereby declared to be~~
18 contraband for the purposes of this section, ~~to wit:~~

19 1. Any written or recorded communication or any
20 currency or coin given or transmitted, or intended to be given
21 or transmitted, to any inmate of any state prison ~~correctional~~
22 ~~institution~~.

23 2. Any article of food or clothing given or
24 transmitted, or intended to be given or transmitted, to any
25 inmate of any state prison ~~correctional institution~~.

26 3. Any intoxicating beverage or beverage that ~~which~~
27 causes or may cause an intoxicating effect.

28 4. Any controlled substance as defined in s. 893.02(4)
29 or any prescription or nonprescription drug having a hypnotic,
30 stimulating, or depressing effect.

31

1 5. Any firearm or weapon of any kind or any explosive
2 substance.

3 (b) It is unlawful to transmit or attempt to transmit
4 to, or cause or attempt to cause to be transmitted to or
5 received by, any inmate of any state prison ~~correctional~~
6 ~~institution~~ any article or thing declared by this subsection
7 to be contraband, at any place that ~~which~~ is outside the
8 grounds of the prison ~~such institution~~, except through regular
9 channels as authorized by the officer in charge of the prison
10 ~~such correctional institution~~.

11 (c) It is unlawful for any inmate of any state prison
12 ~~correctional institution~~ or any person while upon the grounds
13 of any state prison ~~correctional institution~~ to be in actual
14 or constructive possession of any article or thing declared by
15 this section to be contraband, except as authorized by the
16 officer in charge of the prison ~~such correctional institution~~.

17 (2) A person who violates any provision of this
18 section as it pertains to an article of contraband described
19 in subparagraph (1)(a)1. or subparagraph (1)(a)2., commits is
20 ~~guilty of~~ a felony of the third degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084. In all other cases,
22 a violation of a provision of this section constitutes a
23 felony of the second degree, punishable as provided in s.
24 775.082, s. 775.083, or s. 775.084.

25 Section 24. Section 944.611, Florida Statutes, is
26 amended to read:

27 944.611 Legislative intent.--The Legislature finds and
28 declares that:

29 (1) It is desirable that each inmate be confined in
30 and released from a prison ~~an institution or facility~~ as close
31 to the inmate's permanent residence or county of commitment as

1 possible, in order to lessen the transportation expense to the
2 public.

3 (2) It is the intent of the Legislature that:

4 (a) To the extent possible, an inmate be returned,
5 upon release, to the same area from which the inmate was
6 committed.

7 (b) An inmate being released from a ~~community~~
8 work-release center program is not eligible for the provision
9 of transportation.

10 (c) Transportation provided for an eligible inmate
11 upon release shall be to one of the following points:

12 1. The county where parole placement has been approved
13 and supervision is to commence.

14 2. Another state.

15 3. The county of employment within the state.

16 4. The county of legal residence within the state.

17 5. The county of original commitment within the state.

18 (d) Each releasee who is eligible for the provision of
19 transportation shall be escorted to the site of embarkation by
20 an officer of the prison ~~correctional facility~~, who shall
21 remain until the releasee has departed.

22 Section 25. Subsection (2) of section 944.613, Florida
23 Statutes, is amended to read:

24 944.613 Methods of transportation.--

25 (2) FLORIDA RELEASEE.--In instances when a releasee
26 remains in this state but leaves the county where the prison
27 ~~correctional institution or facility~~ of her or his confinement
28 is located, transportation shall be provided by common carrier
29 using the most economical means. Transportation as authorized
30 herein shall be furnished by nonnegotiable travel voucher
31 payable to the common carrier being utilized, and in no event

1 shall there be any cash disbursement to the releasee or any
2 person, firm, or corporation. Such travel voucher is to be
3 utilized immediately by the releasee. The source of any
4 private transportation must be a family member or friend whose
5 purpose is to immediately transport the releasee to the
6 approved location pursuant to section 1.

7 Section 26. Subsection (1), paragraphs (c), (d), and
8 (i) of subsection (3), and subsection (5) of section 944.801,
9 Florida Statutes, are amended to read:

10 944.801 Education for state prisoners.--

11 (1) There is ~~hereby~~ established under the Department
12 of Corrections a Correctional Education Program which shall be
13 composed of the educational facilities and services of all
14 prisons ~~institutions and facilities~~ housing inmates operated
15 by the Department of Corrections and shall be supervised by
16 the Department of Corrections.

17 (3) The responsibilities of the Correctional Education
18 Program shall be to:

19 (c) In cooperation with the Department of Education,
20 pursuant to s. 229.8075, develop complete and reliable
21 statistics on the educational histories, the city/intracity
22 area and school district where the inmate was domiciled prior
23 to incarceration, the participation in state educational and
24 training programs, and the occupations of inmates confined to
25 state prisons ~~correctional facilities~~. The compiled
26 statistics shall be summarized and analyzed in the annual
27 report of correctional educational activities required by
28 paragraph (f).

29 (d) Approve educational programs of the appropriate
30 levels and types in the prisons ~~correctional institutions~~ and
31

1 develop procedures for the admission of inmate students
2 thereto.

3 (i) Ensure that every inmate who has 2 years or more
4 remaining to serve on his or her sentence at the time that he
5 or she is received at an institution and who lacks basic and
6 functional literacy skills as defined in s. 239.105 attends
7 not fewer than 150 hours of sequential instruction in a
8 correctional adult basic education program. The basic and
9 functional literacy level of an inmate shall be determined by
10 the average composite test score obtained on a test approved
11 for this purpose by the State Board of Education.

12 1. Upon completion of the 150 hours of instruction,
13 the inmate shall be retested and, if a composite test score of
14 functional literacy is not attained, the department is
15 authorized to require the inmate to remain in the
16 instructional program.

17 2. Highest priority of inmate participation shall be
18 focused on youthful offenders and those inmates nearing
19 release from the correctional system.

20 3. An inmate shall be required to attend the 150 hours
21 of adult basic education instruction unless such inmate:

22 a. Is serving a life sentence or is under sentence of
23 death.

24 b. Is specifically exempted for security or health
25 reasons.

26 c. Is housed at a work-release ~~community correctional~~
27 center, road prison, work camp, or vocational center.

28 d. Attains a functional literacy level after
29 attendance in fewer than 150 hours of adult basic education
30 instruction.

31

1 e. Is unable to enter such instruction because of
2 insufficient facilities, staff, or classroom capacity.

3 4. The Department of Corrections shall provide classes
4 to accommodate those inmates assigned to correctional or
5 public work programs after normal working hours. The
6 department shall develop a plan to provide academic and
7 vocational classes on a more frequent basis and at times that
8 accommodate the increasing number of inmates with work
9 assignments, to the extent that resources permit.

10 5. If an inmate attends and actively participates in
11 the 150 hours of instruction, the Department of Corrections
12 may grant a one-time award of up to 6 additional days of
13 incentive gain-time, which must be credited and applied as
14 provided by law. Active participation means, at a minimum,
15 that the inmate is attentive, responsive, cooperative, and
16 completes assigned work.

17 (5) Notwithstanding s. 120.81(3), all inmates under 22
18 years of age who qualify for special educational services and
19 programs pursuant to the Individuals with Disabilities
20 Education Act, 20 U.S.C. ss. 1400 et seq., and who request a
21 due process hearing as provided by that act shall be entitled
22 to such hearing before the Division of Administrative
23 Hearings. Administrative law judges shall not be required to
24 travel to state or private prisons ~~correctional institutions~~
25 ~~and facilities~~ in order to conduct these hearings.

26 Section 27. Section 944.803, Florida Statutes, is
27 amended to read:

28 944.803 Faith-based programs for inmates.--

29 (1) The Legislature finds and declares that
30 faith-based programs offered in state and private prisons
31 ~~correctional institutions and facilities~~ have the potential to

1 facilitate inmate institutional adjustment, help inmates
2 assume personal responsibility, and reduce recidivism.

3 (2) It is the intent of the Legislature that the
4 Department of Corrections and the private vendors operating
5 prisons ~~private correctional facilities~~ shall continuously:

6 (a) Measure recidivism rates for inmates who have
7 participated in religious programs;

8 (b) Increase the number of volunteers who minister to
9 inmates from various faith-based institutions in the
10 community;

11 (c) Develop community linkages with churches,
12 synagogues, mosques, and other faith-based institutions to
13 assist inmates in their release back into the community; and

14 (d) Fund through the use of inmate welfare trust funds
15 pursuant to s. 945.215 an adequate number of chaplains and
16 support staff to operate faith-based programs in correctional
17 institutions.

18 Section 28. Subsections (1) and (2) of section
19 944.8031, Florida Statutes, are amended to read:

20 944.8031 Inmate's family visitation; legislative
21 intent; minimum services provided to visitors; budget
22 requests.--

23 (1) The Legislature finds that maintaining an inmate's
24 family and community relationships through enhancing visitor
25 services and programs and increasing the frequency and quality
26 of the visits is an underutilized correctional resource that
27 can improve an inmate's behavior in prison ~~the correctional~~
28 ~~facility~~ and, upon an inmate's release from a prison
29 ~~correctional facility~~, will help to reduce recidivism.

30
31

1 (2) The department shall provide, at a minimum, the
2 following services at designated visiting areas for approved
3 visitors in state prisons ~~correctional facilities~~:

4 (a) Information relating to applicable visiting
5 regulations, dress codes, and visiting procedures.

6 (b) A sheltered area, outside the security perimeter,
7 for visitors waiting before and after visiting inmates.

8 (c) Food services with food choices which are
9 nutritious and acceptable for children and youth visitors.

10 (d) Minimal equipment and supplies which assist staff
11 and visitors in managing and occupying the time and meeting
12 the needs of children and youth visitors.

13 Section 29. Subsections (1) and (3) of section
14 945.025, Florida Statutes, are amended to read:

15 945.025 Jurisdiction of department.--

16 (1) The Department of Corrections shall have
17 supervisory and protective care, custody, and control of the
18 inmates, buildings, grounds, property, and all other matters
19 pertaining to the following facilities and programs for the
20 imprisonment, correction, and rehabilitation of adult
21 offenders:

22 (a) Department of Corrections adult prisons
23 ~~correctional institutions~~;

24 (b) Department of Corrections youthful offender
25 institutions;

26 (c) Department of Corrections Mental Health Treatment
27 Facility;

28 (d) Department of Corrections Probation and
29 Restitution Center;

30 (e) Department of Corrections work-release ~~community~~
31 ~~correctional~~ centers; and

1 (f) Department of Corrections vocational centers.
2 (3) There shall be other correctional facilities,
3 including detention facilities of varying levels of security,
4 work-release centers ~~facilities, and community correctional~~
5 ~~facilities~~, halfway houses, and other approved community
6 residential and nonresidential facilities and programs.
7 However, an ~~no~~ adult prison ~~correctional facility~~ may not be
8 established by changing the use and purpose of any mental
9 health facility or mental health institution under the
10 jurisdiction of any state agency or department without
11 authorization in the General Appropriations ~~Appropriation~~ Act
12 or other approval by the Legislature. Any facility the
13 purpose and use of which was changed subsequent to January 1,
14 1975, shall be returned to its original use and purpose by
15 July 1, 1977. However, the G. Pierce Wood Memorial Hospital
16 located at Arcadia, DeSoto County, may not be converted into a
17 prison ~~correctional facility~~ as long as such hospital is in
18 use as a state mental health hospital. Any community
19 residential facility may be deemed a part of the state
20 correctional system for purposes of maintaining custody of
21 offenders, and for this purpose the department may contract
22 for and purchase the services of such facilities.

23 Section 30. Paragraph (c) of subsection (1) of section
24 945.0311, Florida Statutes, is amended to read:

25 945.0311 Employment of relatives.--

26 (1) For the purposes of this section, the term:

27 (c) "Organizational unit" includes:

28 1. A unit of a state prison ~~correctional institution~~
29 such as security, medical, dental, classification,
30 maintenance, personnel, or business. A work camp, boot camp,
31

1 or other annex of a state prison ~~correctional institution~~ is
2 considered part of the institution and not a separate unit.

3 2. An area of a regional office such as personnel,
4 medical, administrative services, probation and parole, or
5 community facilities.

6 3. A correctional work center, road prison, or
7 work-release ~~work release~~ center.

8 4. A probation and parole circuit office or a
9 suboffice within a circuit.

10 5. A bureau of the Office of the Secretary or of any
11 of the assistant secretaries.

12 Section 31. Paragraphs (a) and (b) of subsection (1)
13 of section 945.091, Florida Statutes, are amended to read:

14 945.091 Extension of the limits of confinement;
15 restitution by employed inmates.--

16 (1) The department is authorized to adopt regulations
17 permitting the extension of the limits of the place of
18 confinement of an inmate as to whom there is reasonable cause
19 to believe that the inmate will honor his or her trust by
20 authorizing the inmate, under prescribed conditions and
21 following investigation and approval by the secretary, or the
22 secretary's designee, who shall maintain a written record of
23 such action, to leave the confines of that place unaccompanied
24 by a custodial agent for a prescribed period of time to:

25 (a) Visit, for a specified period, a specifically
26 designated place or places:

27 1. For the purpose of visiting a dying relative,
28 attending the funeral of a relative, or arranging for
29 employment or for a suitable residence for use when released;

30 2. To otherwise aid in the rehabilitation of the
31 inmate; or

1 3. For another compelling reason consistent with the
2 public interest,

3
4 and return to the same or another prison ~~institution or~~
5 ~~facility~~ designated by the Department of Corrections.

6 (b) Work at paid employment, participate in an
7 education or a training program, or voluntarily serve a public
8 or nonprofit agency in the community, while continuing as an
9 inmate of the prison ~~institution or facility~~ in which the
10 inmate is confined, except during the hours of his or her
11 employment, education, training, or service and traveling
12 thereto and therefrom. An inmate may participate in paid
13 employment only during the last 36 months of his or her
14 confinement, unless sooner requested by the Parole Commission
15 or the Control Release Authority.

16 Section 32. Paragraphs (a), (b), and (e) of subsection
17 (1) and paragraph (b) of subsection (3) of section 945.215,
18 Florida Statutes, are amended to read:

19 945.215 Inmate welfare and employee benefit trust
20 funds.--

21 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
22 CORRECTIONS.--

23 (a) The Inmate Welfare Trust Fund constitutes a trust
24 held by the department for the benefit and welfare of inmates
25 incarcerated in prisons ~~correctional facilities~~ operated
26 directly by the department and for visitation and family
27 programs and services in such prisons ~~correctional facilities~~.
28 Funds shall be credited to the trust fund as follows:

29 1. All funds held in any auxiliary, canteen, welfare,
30 or similar fund in any prison ~~correctional facility~~ operated
31 directly by the department.

1 2. All net proceeds from operating inmate canteens,
2 vending machines used primarily by inmates and visitors, hobby
3 shops, and other such facilities; however, funds necessary to
4 purchase items for resale at inmate canteens and vending
5 machines must be deposited into local bank accounts designated
6 by the department.

7 3. All proceeds from contracted telephone commissions.
8 The department shall develop and update, as necessary,
9 administrative procedures to verify that:

10 a. Contracted telephone companies accurately record
11 and report all telephone calls made by inmates incarcerated in
12 prisons ~~correctional facilities~~ under the department's
13 jurisdiction;

14 b. Persons who accept collect calls from inmates are
15 charged the contracted rate; and

16 c. The department receives the contracted telephone
17 commissions.

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

22 5. Repayment of the one-time sum of \$500,000
23 appropriated in fiscal year 1996-1997 from the Inmate Welfare
24 Trust Fund for correctional work programs pursuant to s.
25 946.008.

26 6. All proceeds from:

27 a. The confiscation and liquidation of any contraband
28 found upon, or in the possession of, any inmate;

29 b. Disciplinary fines imposed against inmates;

30 c. Forfeitures of inmate earnings; and

31

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

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

9 (b) Funds in the Inmate Welfare Trust Fund must be
10 used exclusively for the following purposes at prisons
11 ~~correctional facilities~~ operated directly by the department:

12 1. To operate inmate canteens and vending machines,
13 including purchasing items for resale at inmate canteens and
14 vending machines; employing personnel and inmates to manage,
15 supervise, and operate inmate canteens and vending machines;
16 and covering other operating and fixed capital outlay expenses
17 associated with operating inmate canteens and vending
18 machines;

19 2. To employ personnel to manage and supervise the
20 proceeds from telephone commissions;

21 3. To develop, implement, and maintain the medical
22 copayment accounting system;

23 4. To provide literacy programs, vocational training
24 programs, and educational programs that comply with standards
25 of the Department of Education, including employing personnel
26 and covering other operating and fixed capital outlay expenses
27 associated with providing such programs;

28 5. To operate inmate chapels, faith-based programs,
29 visiting pavilions, visiting services and programs, family
30 services and programs, libraries, and law libraries, including
31 employing personnel and covering other operating and fixed

1 capital outlay expenses associated with operating inmate
2 chapels, faith-based programs, visiting pavilions, visiting
3 services and programs, family services and programs,
4 libraries, and law libraries;

5 6. To provide for expenses associated with various
6 inmate clubs;

7 7. To provide for expenses associated with legal
8 services for inmates;

9 8. To provide inmate substance abuse treatment
10 programs and transition and life skills training programs,
11 including employing personnel and covering other operating and
12 fixed capital outlay expenses associated with providing such
13 programs.

14 (e) Items for resale at inmate canteens and vending
15 machines maintained at prisons ~~the correctional facilities~~
16 shall be priced comparatively with like items for retail sale
17 at fair market prices.

18 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
19 CORRECTIONS.--

20 (b) Funds from the Employee Benefit Trust Fund may be
21 used to construct, operate, and maintain training and
22 recreation facilities at prisons ~~correctional facilities~~ for
23 the exclusive use of department employees. Such facilities are
24 the property of the department and must provide the maximum
25 benefit to all interested employees, regardless of gender.

26 Section 33. Subsection (1) of section 945.21501,
27 Florida Statutes, is amended to read:

28 945.21501 Employee Benefit Trust Fund.--

29 (1) There is ~~hereby~~ created in the Department of
30 Corrections the Employee Benefit Trust Fund. The purpose of
31 the trust fund shall be to construct, operate, and maintain

1 training and recreation facilities at prisons ~~correctional~~
2 ~~facilities~~ for the exclusive use of department employees.
3 Moneys shall be deposited in the trust fund as provided in s.
4 945.215.

5 Section 34. Subsection (1) of section 945.21502,
6 Florida Statutes, is amended to read:

7 945.21502 Inmate Welfare Trust Fund.--

8 (1) There is ~~hereby~~ created in the Department of
9 Corrections the Inmate Welfare Trust Fund. The purpose of the
10 trust fund shall be the benefit and welfare of inmates
11 incarcerated in prisons ~~correctional facilities~~ operated by
12 the department. Moneys shall be deposited in the trust fund
13 and expenditures made from the trust fund as provided in s.
14 945.215.

15 Section 35. Subsection (1) of section 945.27, Florida
16 Statutes, is amended to read:

17 945.27 Proceedings by department.--

18 (1) Whenever it becomes necessary to increase the
19 number of prison beds by acquiring private property for the
20 construction of new prisons ~~correctional facilities~~ or for the
21 expansion of existing prisons ~~facilities~~, and the property
22 cannot be acquired by agreement satisfactory to the Department
23 of Corrections and the parties interested in, or the owners
24 of, the private property, the department may ~~is hereby~~
25 ~~empowered and authorized to~~ exercise the right of eminent
26 domain and ~~to~~ proceed to condemn the property in the same
27 manner as provided by law for the condemnation of property.

28 Section 36. Subsection (2) of section 945.35, Florida
29 Statutes, is amended to read:

30
31

1 945.35 Requirement for education on human
2 immunodeficiency virus and acquired immune deficiency
3 syndrome.--

4 (2) The Department of Corrections, in conjunction with
5 the Department of Health, shall establish a mandatory
6 education program on human immunodeficiency virus and acquired
7 immune deficiency syndrome with an emphasis on appropriate
8 behavior and attitude change to be offered on an annual basis
9 to all staff in prisons ~~correctional facilities~~, including new
10 staff.

11 Section 37. Subsections (2), (3), (4), and (5) of
12 section 945.6031, Florida Statutes, are amended to read:

13 945.6031 Required reports and surveys.--

14 (2) The authority shall conduct surveys of the
15 physical and mental health care system at each prison
16 ~~correctional institution~~ at least triennially and shall report
17 the survey findings for each institution to the Secretary of
18 Corrections.

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

30 (4) Within 30 calendar days after the receipt of a
31 survey report from the authority, the Department of

1 Corrections shall file a written corrective action plan with
2 the authority, indicating the actions which will be taken to
3 address deficiencies determined by the authority to exist at a
4 prison ~~an institution~~. Each plan shall set forth an estimate
5 of the time and resources needed to correct identified
6 deficiencies.

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

13 Section 38. Paragraph (c) of subsection (3) of section
14 945.6037, Florida Statutes, is amended to read:

15 945.6037 Nonemergency health care; inmate
16 copayments.--

17 (3)

18 (c) The expenses and operating capital outlay required
19 to develop, implement, and maintain the medical copayment
20 accounting system must be appropriated from the Inmate Welfare
21 Trust Fund. The fiscal assistants and accountants at prisons
22 ~~the correctional facilities~~ funded from the Inmate Welfare
23 Trust Fund are, in addition to their duties relating to the
24 inmate canteen and bank, responsible for managing the medical
25 copayment system.

26 Section 39. Subsection (1) of section 945.72, Florida
27 Statutes, is amended to read:

28 945.72 Eligibility and screening of inmates.--

29 (1) The provisions of ss. 945.71-945.74 apply to all
30 eligible inmates in state prisons ~~correctional institutions~~.

31

1 Section 40. Section 945.75, Florida Statutes, is
2 amended to read:

3 945.75 Tours of state correctional facilities for
4 juveniles.--The Department of Corrections shall develop a
5 program under which a judge may order that juveniles who have
6 committed delinquent acts shall be allowed to tour state
7 prisons ~~correctional facilities~~ under the terms and conditions
8 established by the department. Each county shall develop a
9 comparable program to allow juveniles to tour county jails
10 pursuant to a court order.

11 Section 41. Paragraph (a) of subsection (2) of section
12 946.002, Florida Statutes, is amended to read:

13 946.002 Requirement of labor; compensation; amount;
14 crediting of account of prisoner; forfeiture; civil rights;
15 prisoner not employee or entitled to compensation insurance
16 benefits.--

17 (2)(a) Each prisoner who is engaged in productive work
18 in any state prison ~~correctional institution~~, program, or
19 facility under the jurisdiction of the department may receive
20 for work performed such compensation as the department shall
21 determine. Such compensation shall be in accordance with a
22 schedule based on quality and quantity of work performed and
23 skill required for performance, and said compensation shall be
24 credited to the account of the prisoner or the prisoner's
25 family.

26 Section 42. Section 946.205, Florida Statutes, is
27 amended to read:

28 946.205 Institutional work.--The department may cause
29 to be cultivated by the inmates of the adult prisons
30 ~~correctional institutions~~ that are under the control and
31 supervision of the department such food items as are grown on

1 farms or in gardens generally, and as are needed and used in
2 the state institutions. The department may sell any surplus
3 food items to the corporation authorized under part II of this
4 chapter. Any proceeds received from such sales by the
5 department shall be deposited into the Correctional Work
6 Program Trust Fund. The department may also use the services
7 of inmates of the adult prisons ~~who correctional institutions~~
8 ~~that~~ are under the control and supervision of the department
9 to perform such work as is needed and used within the state
10 institutions.

11 Section 43. Section 946.25, Florida Statutes, is
12 amended to read:

13 946.25 Sale of hobbycrafts by prisoners.--When, in the
14 planning of the rehabilitation program of the Department of
15 Corrections through its recreational facilities, plans are
16 made for prisoners to engage in hobbies and hobbycrafts after
17 their normal working hours and when they are not required by
18 the superintendent or warden of a state prison ~~or correctional~~
19 ~~institution~~ to be on their assigned duties, they may make
20 items of a hobby or hobbycraft nature which may be disposed of
21 by the prisoner through the institutional canteen or
22 commissary to persons visiting the institution.

23 Section 44. Subsection (1) of section 946.40, Florida
24 Statutes, is amended to read:

25 946.40 Use of prisoners in public works.--

26 (1) The Department of Corrections shall, subject to
27 the availability of funds appropriated for that purpose, and,
28 in the absence of such funds, may, enter into agreements with
29 such political subdivisions in the state, as defined by s.
30 1.01(8), including municipalities; with such agencies and
31 institutions of the state; and with such nonprofit

1 corporations as might use the services of inmates of prisons
2 ~~correctional institutions~~ and camps when it is determined by
3 the department that such services will not be detrimental to
4 the welfare of such inmates or the interests of the state in a
5 program of rehabilitation. An agreement for use of fewer than
6 15 minimum custody inmates and medium custody inmates may
7 provide that supervision will be either by the department or
8 by the political subdivision, institution, nonprofit
9 corporation, or agency using the inmates. The department is
10 authorized to adopt rules governing work and supervision of
11 inmates used in public works projects, which rules shall
12 include, but shall not be limited to, the proper screening and
13 supervision of such inmates. Inmates may be used for these
14 purposes without being accompanied by a correctional officer,
15 provided the political subdivision, municipality, or agency of
16 the state or the nonprofit corporation provides proper
17 supervision pursuant to the rules of the Department of
18 Corrections.

19 Section 45. Subsections (4) and (8) of section
20 946.504, Florida Statutes, are amended to read:

21 946.504 Organization of corporation to operate
22 correctional work programs; lease of facilities.--

23 (4) If the department leases a single correctional
24 work program at any prison ~~correctional institution~~ to the
25 corporation, the corporation shall lease all such correctional
26 work programs at that prison ~~institution~~.

27 (8) Notwithstanding any provision to the contrary, the
28 corporation may ~~is authorized to~~ use tax-exempt financing
29 through the issuance of tax-exempt bonds, certificates of
30 participation, lease-purchase agreements, or other tax-exempt
31 financing methods for the purpose of constructing facilities

1 or making capital improvements for correctional work programs
2 and prison industry enhancement programs on state-owned land
3 within state prisons ~~correctional institutions~~. Such
4 tax-exempt financing may be funded by the General
5 Appropriations Act. If the corporation obtains tax-exempt
6 financing, the state retains a secured interest by holding a
7 lien against any structure or improvement for which tax-exempt
8 financing or state funds are used. The corporation shall
9 include a provision in its financing contract requiring that a
10 lien be filed by the Department of Corrections, on behalf of
11 the state, in order to procure the issuance of tax-exempt
12 bonds or certificates of participation; to enter into
13 lease-purchase agreements; or to obtain any other tax-exempt
14 financing methods for the construction or renovation of
15 facilities related to correctional work programs or prison
16 industry enhancement programs. The lien shall be against the
17 property where any facility or structure is located which has
18 been constructed or substantially renovated, in whole or in
19 part, through the use of state funds. However, there is no
20 requirement for the Department of Corrections to file a lien
21 if the amount of state funds does not exceed \$25,000 or 10
22 percent of the contract amount, whichever is less. The lien
23 must be recorded, upon the execution of the contract
24 authorizing such construction or renovation, in the county
25 where the property is located. The lien must specify that the
26 Department of Corrections has a financial interest in the
27 property equal to the pro rata portion of the state's original
28 investment of the then-fair-market value of the construction.
29 The lien must also specify that the Department of Corrections'
30 financial interest is proportionately reduced and subsequently
31 vacated over a 20-year period of depreciation. The contract

1 must include a provision that as a condition of receipt of
2 state funding for this purpose, the corporation agrees that,
3 if it disposes of the property before the state's interest is
4 vacated, the corporation will refund the proportionate share
5 of the state's initial investment, as adjusted by
6 depreciation.

7 Section 46. Section 946.513, Florida Statutes, is
8 amended to read:

9 946.513 Private employment of inmates; disposition of
10 compensation received.--

11 (1) Notwithstanding the provisions of any other law,
12 an inmate may be employed by the corporation or by any other
13 private entity operating on the grounds of a prison
14 ~~correctional institution~~ prior to the last 24 months of the
15 inmate's confinement. Compensation received for such
16 employment shall be credited by the department to an account
17 for the inmate and shall be used to make any court-ordered
18 payments, including restitution to the victim. The department
19 rules shall provide that a portion of such compensation be
20 credited by the department in the manner provided in s.
21 946.512.

22 (2) No inmate is eligible for unemployment
23 compensation, whether employed by the corporation or by any
24 other private enterprise operating on the grounds of a prison
25 ~~correctional institution~~ or elsewhere, when such employment is
26 part of a correctional work program or work-release program of
27 either the corporation or the department.

28 Section 47. Paragraph (d) of subsection (2) of section
29 413.051, Florida Statutes, is amended to read:

30 413.051 Eligible blind persons; operation of vending
31 stands.--

1 (2) As used in this section:

2 (d) "State property" means any building or land owned,
3 leased, or otherwise controlled by the state, but does not
4 include any building or land under the control of the Board of
5 Regents, a community college district board of trustees, or
6 any state prison ~~correctional institution~~ as defined in s.
7 944.02(6).

8 Section 48. Paragraphs (a), (c), and (d) of subsection
9 (2) of section 414.40, Florida Statutes, are amended to read:

10 414.40 Stop Inmate Fraud Program established;
11 guidelines.--

12 (2) The Department of Law Enforcement is directed to
13 implement the Stop Inmate Fraud Program in accordance with the
14 following guidelines:

15 (a) The program shall establish procedures for sharing
16 public records not exempt from the public records law among
17 social services agencies regarding the identities of persons
18 incarcerated in state prisons ~~correctional institutions~~, as
19 defined in s. 944.02(6), or in county, municipal, or regional
20 jails or other detention facilities of local governments under
21 chapter 950 or chapter 951 who are wrongfully receiving public
22 assistance benefits or entitlement benefits.

23 (c) Database searches shall be conducted of the inmate
24 population at each prison ~~correctional institution~~ or other
25 detention facility. A prison ~~correctional institution~~ or a
26 detention facility shall provide the Stop Inmate Fraud Program
27 with the information necessary to identify persons wrongfully
28 receiving benefits in the medium requested by the Stop Inmate
29 Fraud Program if the prison ~~correctional institution~~ or
30 detention facility maintains the information in that medium.

31

1 (d) Data obtained from prisons ~~correctional~~
2 ~~institutions~~ or other detention facilities shall be compared
3 with the client files of the Department of Children and Family
4 Services, the Department of Labor and Employment Security, and
5 other state or local agencies as needed to identify persons
6 wrongfully obtaining benefits. Data comparisons shall be
7 accomplished during periods of low information demand by
8 agency personnel to minimize inconvenience to the agency.

9 Section 49. Paragraph (a) of subsection (7) of section
10 948.03, Florida Statutes, is amended to read:

11 948.03 Terms and conditions of probation or community
12 control.--

13 (7)(a) If the court imposes a period of residential
14 treatment or incarceration as a condition of probation or
15 community control, the residential treatment or incarceration
16 shall be restricted to the following facilities:

17 1. A Department of Corrections probation and
18 restitution center;

19 2. A probation program drug punishment treatment
20 community;

21 3. A community residential facility that ~~which~~ is
22 owned and operated by any public or private entity, excluding
23 a work-release ~~community correctional~~ center as defined in s.
24 944.026; or

25 4. A county-owned facility.

26 Section 50. Paragraphs (a) and (e) of subsection (2)
27 of section 951.23, Florida Statutes, are amended to read:

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

30 (2) COLLECTION OF INFORMATION.--In conjunction with
31 the administrators of county detention facilities, the

1 Department of Corrections shall develop an instrument for the
2 collection of information from the administrator of each
3 county detention facility. Whenever possible, the information
4 shall be transmitted by the administrator to the Department of
5 Corrections electronically or in a computer readable format.
6 The information shall be provided on a monthly basis and shall
7 include, but is not limited to, the following:

- 8 (a) The number of persons housed per day who are:
- 9 1. Felons sentenced to cumulative sentences of
10 incarceration of 364 days or less.
 - 11 2. Felons sentenced to cumulative sentences of
12 incarceration of 365 days or more.
 - 13 3. Sentenced misdemeanants.
 - 14 4. Awaiting trial on at least one felony charge.
 - 15 5. Awaiting trial on misdemeanor charges only.
 - 16 6. Convicted felons and misdemeanants who are awaiting
17 sentencing.
 - 18 7. Juveniles.
 - 19 8. State parole violators.
 - 20 9. State inmates who were transferred from a state
21 prison ~~correctional facility~~, as defined in s. 944.02, to the
22 county detention facility.

23 (e) The number of persons admitted per month, and the
24 number of persons housed on the last day of the month, by age,
25 race, and sex, who are:

- 26 1. Felons sentenced to cumulative sentences of
27 incarceration of 364 days or less.
- 28 2. Felons sentenced to cumulative sentences of
29 incarceration of 365 days or more.
- 30 3. Sentenced misdemeanants.
- 31 4. Awaiting trial on at least one felony charge.

- 1 5. Awaiting trial on misdemeanor charges only.
- 2 6. Convicted felons and misdemeanants who are awaiting
- 3 sentencing.
- 4 7. Juveniles.
- 5 8. State parole violators.
- 6 9. State inmates who were transferred from a state
- 7 prison ~~correctional facility~~, as defined in s. 944.02, to the
- 8 county detention facility.

9 Section 51. Paragraph (b) of subsection (2) of section
10 958.04, Florida Statutes, is amended to read:

11 958.04 Judicial disposition of youthful offenders.--

12 (2) In lieu of other criminal penalties authorized by
13 law and notwithstanding any imposition of consecutive
14 sentences, the court shall dispose of the criminal case as
15 follows:

16 (b) The court may impose a period of incarceration as
17 a condition of probation or community control, which period of
18 incarceration shall be served in either a county facility, a
19 department probation and restitution center, or a community
20 residential facility which is owned and operated by any public
21 or private entity providing such services. No youthful
22 offender may be required to serve a period of incarceration in
23 a work-release ~~community correctional~~ center as defined in s.
24 944.026. Admission to a department facility or center shall
25 be contingent upon the availability of bed space and shall
26 take into account the purpose and function of such facility or
27 center. Placement in such a facility or center shall not
28 exceed 364 days.

29 Section 52. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Revises various provisions of law relating to the state
correctional system, the Department of Corrections, and
inmate labor and correctional work programs to
redesignate the term "correctional institution" as
"prison" and the term "community correctional center" as
"work-release center."