

By Senator Crist

13-968-01

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; amending s. 921.161, F.S.;
4 revising requirements for the department with
5 respect to calculating credit allowed to a
6 defendant for time served; revising
7 requirements for certifying time served;
8 amending s. 944.28, F.S.; providing for a
9 disciplinary hearing officer rather than a
10 disciplinary committee to determine forfeiture
11 of gain-time; amending s. 944.35, F.S.;
12 requiring that the department's Inspector
13 General review the use of force by department
14 employees; providing for the Inspector General
15 to determine the appropriateness of the force
16 used; amending ss. 944.012, 944.02, 944.023,
17 944.026, 944.033, 944.09, 944.095, 944.10,
18 944.11, 944.115, 944.14, 944.151, 944.23,
19 944.24, 944.31, 944.32, 944.39, 944.402,
20 944.44, 944.45, 944.46, 944.47, 944.611,
21 944.613, 944.801, 944.803, 944.8031, F.S.,
22 relating to the state correctional system;
23 amending ss. 945.025, 945.0311, 945.091,
24 945.215, 945.21501, 945.21502, 945.27, 945.35,
25 945.6031, 945.6037, 945.72, 945.75, F.S.,
26 relating to the Department of Corrections;
27 amending ss. 946.002, 946.205, 946.25, 946.40,
28 946.504, 946.513, F.S., relating to inmate
29 labor and correctional work programs;
30 redesignating correctional institutions as
31 "prisons" and community correctional centers as

1 "work-release centers"; amending ss. 413.051,
2 414.40, 948.03, 951.23, 958.04, F.S., relating
3 to vending operations, the Stop Inmate Fraud
4 Program, probation and community control,
5 county and municipal detention facilities, and
6 youthful offenders; conforming cross-references
7 to changes made by the act; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 921.161, Florida Statutes, is
13 amended to read:

14 921.161 Sentence not to run until imposed; credit for
15 county jail time after sentence; certificate of custodian of
16 jail.--

17 (1) A sentence of imprisonment shall not begin to run
18 before the date it is imposed, but the court imposing a
19 sentence shall allow a defendant credit for all of the time
20 she or he spent in the county jail before sentence. Unless
21 documented on the sheriff's certificate, the Department of
22 Corrections may not credit time served that is awarded by the
23 court when calculating, under s. 944.275, the date on which a
24 defendant will satisfy 85 percent of the sentence imposed.
25 However, the department may apply such additional credit for
26 time served prior to sentencing if the court specifies on the
27 judgment and sentence, or by separate court order, the dates
28 and places of the defendant's additional incarceration.~~The~~
29 ~~credit must be for a specified period of time and shall be~~
30 ~~provided for in the sentence.~~

31

1 (2) In addition to other credits, a person sentenced
2 to imprisonment in custody of the Department of Corrections
3 shall receive credit on her or his sentence for all time spent
4 between sentencing and being placed in custody of the
5 department. When delivering a prisoner to the department, the
6 custodian of the local jail shall certify to the department ~~it~~
7 in writing:

8 (a) The date of arrest or, if the prisoner is received
9 from another jurisdiction, the date on which and name of the
10 agency from which the prisoner is received, the date the
11 sentence was imposed, and the date the prisoner was delivered
12 to the department or to another jurisdiction.

13 (b) The dates of any periods after sentence when the
14 prisoner was at liberty on bond.

15 (c) The dates and reasons for any other times the
16 prisoner was at liberty between the date the prisoner was
17 arrested and the date the prisoner was delivered to the
18 Department of Corrections ~~after sentence.~~

19 (d) The offender-based transaction system number or
20 numbers from the uniform arrest report or reports established
21 pursuant to s. 943.05(2).

22
23 The certificate shall be prima facie evidence of the facts
24 certified.

25 Section 2. Paragraph (c) of subsection (2) of section
26 944.28, Florida Statutes, is amended to read:

27 944.28 Forfeiture of gain-time and the right to earn
28 gain-time in the future.--

29 (2)

30 (c) The method of declaring a forfeiture under
31 paragraph (a) or paragraph (b) shall be as follows: A written

1 charge shall be prepared, which shall specify each instance of
2 misconduct upon which it is based and the approximate date
3 thereof. A copy of such charge shall be delivered to the
4 prisoner, and he or she shall be given notice of a hearing
5 before the disciplinary hearing officer designated ~~committee~~
6 ~~created~~ under the authorization of rules ~~heretofore or~~
7 ~~hereafter~~ adopted by the department for the institution in
8 which he or she is confined. The prisoner shall be present at
9 the hearing. If at such hearing the prisoner pleads guilty to
10 the charge or if the disciplinary hearing officer ~~committee~~
11 determines that the prisoner is guilty thereof upon the basis
12 of proof presented at such hearing, it shall find him or her
13 guilty. If the disciplinary hearing officer ~~committee~~
14 considers that all or part of the prisoner's gain-time and the
15 prisoner's right to earn gain-time during all or any part of
16 the sentence or sentences under which he or she is imprisoned
17 shall be forfeited, it shall so recommend in its written
18 report. Such report shall be presented to the warden of the
19 institution, who may approve such recommendation in whole or
20 in part by endorsing such approval on the report. In the
21 event of approval, the warden shall forward the report to the
22 department. Thereupon, the department may, in its discretion,
23 declare the forfeiture thus approved by the warden or any
24 specified part thereof.

25 Section 3. Paragraph (a) of subsection (1) and
26 subsection (2) of section 944.35, Florida Statutes, are
27 amended to read:

28 944.35 Authorized use of force; malicious battery and
29 sexual misconduct prohibited; reporting required; penalties.--
30

31

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

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

6 2. To prevent a person from escaping from a state
7 prison ~~correctional institution~~ when the officer reasonably
8 believes that person is lawfully detained in such institution;

9 3. To prevent damage to property;

10 4. To quell a disturbance;

11 5. To overcome physical resistance to a lawful
12 command; or

13 6. To administer medical treatment only by or under
14 the supervision of a physician or his or her designee and
15 only:

16 a. When treatment is necessary to protect the health
17 of other persons, as in the case of contagious or venereal
18 diseases; or

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

21
22 As part of the correctional officer training program, the
23 Criminal Justice Standards and Training Commission shall
24 develop a course specifically designed to explain the
25 parameters of this subsection and to teach the proper methods
26 and techniques in applying authorized physical force upon an
27 inmate.

28 (2) Each employee of the department who either applies
29 physical force or was responsible for making the decision to
30 apply physical force upon an inmate or an offender supervised
31 by the department in the community pursuant to this subsection

1 shall prepare, date, and sign an independent report within 5
2 working days after ~~of~~ the incident. The report shall be
3 delivered to the circuit administrator or warden ~~or the~~
4 ~~regional administrator~~, who shall forward the report with all
5 appropriate documentation to the Office of the Inspector
6 General ~~have an investigation made and shall approve or~~
7 ~~disapprove the force used.~~ The Inspector General shall conduct
8 a review and make recommendations regarding the
9 appropriateness or inappropriateness of the use of force. If
10 the Inspector General finds that the use of force was
11 appropriate, the employee's report, together with the
12 Inspector General's written determination of the
13 appropriateness of the force used and the reasons therefor,
14 shall be forwarded to the circuit administrator or warden
15 within 5 working days after the date of the completion of the
16 review. If the Inspector General finds that the use of force
17 was inappropriate, the Inspector General shall conduct a
18 complete investigation into the incident and forward the
19 findings of fact to the appropriate regional director for
20 further action. ~~The employee's report, together with the~~
21 ~~warden's or regional administrator's written approval or~~
22 ~~disapproval of the force used and the reasons therefor, shall~~
23 ~~be forwarded within 5 working days of the date of the~~
24 ~~completion of the investigation to the regional director. The~~
25 ~~regional director shall, in writing, concur in the warden's or~~
26 ~~regional administrator's evaluation or disapprove it.~~ Copies
27 of the employee's report, the warden's or regional
28 administrator's evaluation, and the Inspector General's
29 regional director's review shall be kept in the files of the
30 inmate or the offender supervised by the department in the
31 community. A notation of each incident involving use of force

1 and the outcome based on the Inspector General's ~~warden's or~~
2 ~~regional director's~~ evaluation and the ~~regional~~
3 ~~administrator's review~~ shall be kept in the employee's file.

4 Section 4. Subsections (1) and (2) of section 944.012,
5 Florida Statutes, are amended to read:

6 944.012 Legislative intent.--The Legislature hereby
7 finds and declares that:

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

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

24 Section 5. Subsections (2) and (8) of section 944.02,
25 Florida Statutes, are amended to read:

26 944.02 Definitions.--The following words and phrases
27 used in this chapter shall, unless the context clearly
28 indicates otherwise, have the following meanings:

29 (2) "Correctional system" means all prisons and other
30 state prisons ~~correctional institutions~~ now existing or
31

1 hereafter created under the jurisdiction of the Department of
2 Corrections.

3 (8) "State prison ~~correctional institution~~" means any
4 ~~prison~~, road camp, prison industry, prison forestry camp, or
5 any prison camp or prison farm or other correctional facility,
6 temporary or permanent, in which prisoners are housed, worked,
7 or maintained, under the custody and jurisdiction of the
8 department.

9 Section 6. Paragraph (b) of subsection (1) of section
10 944.023, Florida Statutes, is amended to read:

11 944.023 Comprehensive correctional master plan.--

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

13 (b) "Total capacity" of the state correctional system
14 means the total design capacity of all institutions and
15 facilities in the state correctional system, which may include
16 those facilities authorized and funded under chapter 957,
17 increased by one-half, with the following exceptions:

18 1. Medical and mental health beds must remain at
19 design capacity.

20 2. Community-based contracted beds must remain at
21 design capacity.

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

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

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

29 6. A number of beds equal to 5 percent of total
30 capacity shall be deducted for management beds at
31 institutions.

1 Section 7. Paragraphs (a) and (c) of subsection (1) of
2 section 944.026, Florida Statutes, are amended to read:

3 944.026 Community-based facilities and programs.--

4 (1) In addition to those facilities and services
5 described elsewhere in this chapter, the department shall
6 develop, provide, or contract for a statewide system of
7 community-based facilities, services, and programs dealing
8 with the rehabilitation of offenders, which shall include, but
9 not be limited to:

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

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

27 Section 8. Section 944.033, Florida Statutes, is
28 amended to read:

29 944.033 Work-release ~~Community correctional~~ centers;
30 existence; location; purpose; restriction.--

31

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

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

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

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

16 Section 9. Paragraph (e) of subsection (1) and
17 subsection (2) of section 944.09, Florida Statutes, are
18 amended to read:

19 944.09 Rules of the department; offenders,
20 probationers, and parolees.--

21 (1) The department has authority to adopt rules
22 pursuant to ss. 120.536(1) and 120.54 to implement its
23 statutory authority. The rules must include rules relating to:

24 (e) The operation and management of the prison
25 ~~correctional institution or facility~~ and its personnel and
26 functions.

27 (2) It is the duty of the wardens to supervise the
28 governance, discipline, and policy of the state prisons
29 ~~correctional institutions~~ and to enforce all orders and rules.

30 Section 10. Section 944.095, Florida Statutes, is
31 amended to read:

1 944.095 Siting of additional prisons ~~correctional~~
2 ~~facilities~~; procedure.--

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

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

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

27 (4) Upon receipt of a request for modification from
28 the department, the local government may recommend alternative
29 sites to the department and shall give notice and hold a
30 public hearing on the request for modification in the same
31 manner as for a rezoning as provided under the appropriate

1 special or local law or ordinance, except that such proceeding
2 shall be recorded by tape or by a certified court reporter and
3 made available for transcription at the expense of any
4 interested party.

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

11 (6) The Governor and Cabinet shall consider the
12 following when determining whether to grant the appeal from
13 the decision of the local government on the requested
14 modification:

15 (a) The record of the proceedings before the local
16 government.

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

20 (c) Existing studies and reports and information
21 maintained by the department as the Governor and Cabinet may
22 request addressing the feasibility and availability of
23 alternative sites in the general area.

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

31

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

4 (9) Actions taken by the department or the Governor
5 and Cabinet pursuant to this section shall not be subject to
6 the provisions of ss. 120.56, 120.569, and 120.57. The
7 decision by the Governor and Cabinet shall be subject to
8 judicial review pursuant to s. 120.68 in the District Court of
9 Appeal, First District.

10 (10) Insofar as the provisions of this section are
11 inconsistent with the provisions of any other law, general,
12 special, or local, the provisions of this section are
13 controlling. Additionally, the criteria and procedures set
14 forth in this section supersede and are in lieu of any review
15 and approval required by s. 380.06.

16 Section 11. Section 944.10, Florida Statutes, is
17 amended to read:

18 944.10 Department of Corrections to provide buildings;
19 sale and purchase of land; contracts to provide services and
20 inmate labor.--

21 (1) It is the intent of the Legislature to expedite
22 the siting of, acquisition of land for, and construction by
23 the Department of Corrections of state prisons ~~correctional~~
24 ~~facilities~~ operated by the department or a private vendor
25 under contract with the department. Other agencies shall
26 cooperate with the department and expeditiously fulfill their
27 responsibilities to avoid unnecessary delay in the siting of,
28 acquisition of land for, and construction of state prisons
29 ~~correctional facilities~~. This section and all other laws of
30 the state shall be construed to accomplish this intent. This
31

1 section shall take precedence over any other law to the
2 contrary.

3 (2) The department shall cause all necessary
4 buildings, facilities, and physical plants to be erected to
5 accommodate all prisoners and from time to time shall make
6 such additional alterations as may be necessary to provide for
7 any increase in the number of prisoners; it shall cause to be
8 established proper accommodations for such officers of the
9 department who are required to reside constantly within the
10 precincts of the institutions.

11 (3)(a) The department may enter into lease-purchase
12 agreements to provide prisons to house ~~correctional facilities~~
13 ~~for the housing of~~ state inmates. However, no such
14 lease-purchase agreement shall be entered into without
15 specific legislative authorization of that agreement, and
16 funds must be specifically appropriated for each
17 lease-purchase agreement. The facilities provided through such
18 agreements shall meet the program plans and specifications of
19 the department. The department may enter into such lease
20 agreements with private corporations and other governmental
21 entities. However, notwithstanding the provisions of s.
22 255.25(3)(a), no such lease agreement may be entered into
23 except upon advertisement for and receipt of competitive bids
24 and award to the lowest and best bidder.

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

28 (4)(a) Notwithstanding s. 253.025 or s. 287.057,
29 whenever the department finds it to be necessary for timely
30 site acquisition, it may contract without the need for
31 competitive selection with one or more appraisers whose names

1 are contained on the list of approved appraisers maintained by
2 the Division of State Lands of the Department of Environmental
3 Protection in accordance with s. 253.025(6)(b). In those
4 instances in which the department directly contracts for
5 appraisal services, it must also contract with an approved
6 appraiser who is not employed by the same appraisal firm for
7 review services.

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

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

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

1 (6) The department is authorized to begin preliminary
2 site preparation and obtain the appropriate permits with
3 regard to the construction of state prisons ~~correctional~~
4 ~~institutions~~ after approval by the Board of Trustees of the
5 Internal Improvement Trust Fund of the purchase agreement or
6 option agreement if, in the department's discretion,
7 commencing construction is in the best interests of the state.

8 (7) The department may enter into contracts with
9 federal, state, or local governmental entities or subdivisions
10 to provide services and inmate labor for the construction of
11 buildings, parks, roads, any prisons ~~detention or commitment~~
12 ~~facilities~~, or any other project deemed to be appropriate by
13 the Department of Corrections, which includes site acquisition
14 or preparation, management, or construction of such projects.
15 The department may charge fees for providing such services.
16 All fees collected must be placed in the Correctional Work
17 Program Trust Fund.

18 Section 12. Section 944.11, Florida Statutes, is
19 amended to read:

20 944.11 Department to regulate admission of books.--

21 (1) The department shall regulate the admission of
22 educational and other reading matter within the state prisons
23 ~~institutions~~ for the use of the prisoners, and for the proper
24 observance of days of religious significance within the
25 prisons ~~institutions~~ and for the proper instruction of the
26 prisoners in their basic moral and religious duties.

27 (2) The department may ~~shall have the authority to~~
28 prohibit admission of reading materials or publications with
29 content that ~~which~~ depicts sexual conduct as defined by s.
30 847.001 or presents nudity in such a way as to create the
31 appearance that sexual conduct is imminent. The department

1 ~~may shall have the authority to~~ prohibit admission of such
2 materials at a particular state prison ~~correctional facility~~
3 upon a determination by the department that such material or
4 publications would be detrimental to the safety, security,
5 order, or rehabilitative interests of a particular state
6 prison ~~correctional facility~~ or would create a risk of
7 disorder at a particular state prison ~~correctional facility~~.

8 Section 13. Section 944.115, Florida Statutes, is
9 amended to read:

10 944.115 Smoking prohibited inside state prisons
11 ~~correctional facilities~~.--

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

1 provisions of this section must be fully implemented by
2 January 1, 2000.

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

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

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

12 (c) "State prison ~~correctional facility~~" means a state
13 or privately operated prison ~~correctional institution~~ as
14 defined in s. 944.02, or a prison ~~correctional institution~~ or
15 facility operated under s. 944.105 or chapter 957.

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

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

26 (f) "Prohibited areas" means any indoor areas of any
27 building, portable, or other enclosed structure within a state
28 prison ~~correctional facility~~. The secretary of the department
29 may, by rule, designate other areas, including vehicles, as
30 "prohibited areas" to be regulated under this section. Neither
31 employee housing on the grounds of a state prison ~~correctional~~

1 ~~facility~~ nor maximum security inmate housing areas may be
2 designated as prohibited areas under this section.

3 (3)(a) An inmate within a state prison ~~correctional~~
4 ~~facility~~ may not use tobacco products in prohibited areas at
5 any time while in the custody of the department or under the
6 supervision of a private vendor operating a prison
7 ~~correctional facility~~.

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

10 2. The warden or supervisor of a state prison
11 ~~correctional facility~~ shall take reasonable steps to ensure
12 that the tobacco prohibition for employees and visitors is
13 strictly enforced.

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

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

25 (a) Inmates who violate this section will be subject
26 to disciplinary action as provided by rule and in accordance
27 with this section.

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

30
31

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

4 Section 14. Section 944.14, Florida Statutes, is
5 amended to read:

6 944.14 Supervision of prisons ~~correctional~~
7 ~~institutions~~; enforcement of orders and regulations.--Subject
8 to the orders, policies, and regulations established by the
9 department, it shall be the duty of the wardens to supervise
10 the government, discipline, and policy of the state prisons
11 ~~correctional institutions~~, and to enforce all orders, rules
12 and regulations.

13 Section 15. Section 944.151, Florida Statutes, is
14 amended to read:

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

27 (1) Appoint a security review committee which shall,
28 at a minimum, be composed of: the inspector general, the
29 statewide security coordinator, the regional security
30 coordinators, and three wardens and one correctional officer.
31 The security review committee shall:

1 (a) Establish a periodic schedule for the physical
2 inspection of buildings and structures of each state and
3 private prison ~~correctional institution~~ to determine security
4 deficiencies. In scheduling the inspections, priority shall
5 be given to older institutions, institutions that house a
6 large proportion of violent offenders, and institutions that
7 have experienced a significant number of escapes or escape
8 attempts in the past.

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

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

- 24 1. Random monitoring of outgoing telephone calls by
25 inmates.
- 26 2. Maintenance of current photographs of all inmates.
- 27 3. Daily inmate counts at varied intervals.
- 28 4. Use of canine units, where appropriate.
- 29 5. Use of escape alarms and perimeter lighting.
- 30 6. Florida Crime Information Center/National Crime
31 Information Center capabilities.

1 7. Employment background investigations.

2 (d) Annually make written prioritized budget
3 recommendations to the secretary that identify critical
4 security deficiencies at major prisons ~~correctional~~
5 ~~institutions~~.

6 (e) Investigate and evaluate the usefulness and
7 dependability of existing security technology at the prisons
8 ~~institutions~~ and new technology available and make periodic
9 written recommendations to the secretary on the
10 discontinuation or purchase of various security devices.

11 (f) Contract, if deemed necessary, with security
12 personnel, consulting engineers, architects, or other security
13 experts the committee deems necessary for security audits and
14 security consultant services.

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

17 (2) Maintain and produce quarterly reports with
18 accurate escape statistics. For the purposes of these
19 reports, "escape" includes all possible types of escape,
20 regardless of prosecution by the state attorney, and including
21 offenders who walk away from nonsecure community facilities.

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

26 (4) Submit in the annual legislative budget request a
27 prioritized summary of critical repair and renovation security
28 needs.

29 Section 16. Section 944.23, Florida Statutes, is
30 amended to read:

31

1 944.23 Persons authorized to visit state prisons.--The
2 following persons shall be authorized to visit at their
3 pleasure all state prisons ~~correctional institutions~~: The
4 Governor, all Cabinet members, members of the Legislature,
5 judges of state courts, state attorneys, public defenders, and
6 authorized representatives of the commission. No other person
7 not otherwise authorized by law shall be permitted to enter a
8 state prison ~~correctional institution~~ except under such
9 regulations as the department may prescribe. Permission shall
10 not be unreasonably withheld from those who give sufficient
11 evidence to the department that they are bona fide reporters
12 or writers.

13 Section 17. Section 944.24, Florida Statutes, is
14 amended to read:

15 944.24 Administration of prisons ~~correctional~~
16 ~~institutions~~ for women.--

17 (1) This section may be cited as the "Corrections
18 Equality Act."

19 (2) All regularly employed assistants, officers, and
20 employees whose duties bring them into contact with the
21 inmates of the prison ~~institution~~ shall be women as far as
22 practicable.

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

1 opportunities provided for male inmates and shall be eligible
2 for early release according to the same standards and
3 procedures under which male inmates are eligible for early
4 release.

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

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

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

24 Section 18. Section 944.31, Florida Statutes, is
25 amended to read:

26 944.31 Inspector general; inspectors; power and
27 duties.--The inspector general shall be responsible for prison
28 inspection and investigation, internal affairs investigations,
29 and management reviews. The office of the inspector general
30 shall be charged with the duty of inspecting the penal and
31 correctional systems of the state. The office of the inspector

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

30 Section 19. Section 944.32, Florida Statutes, is
31 amended to read:

1 944.32 Reports of prison inspectors; recordation;
2 inspection.--Upon completing an inspection of a prison,
3 ~~correctional institution~~ the inspector shall make a full and
4 complete report on ~~such forms as shall be~~ provided by the
5 department. One copy of each report must ~~shall~~ be filed with
6 the department, one copy must ~~shall~~ be sent to the officer in
7 charge of the prison ~~correctional institution~~, and as many
8 other copies must be provided as the department requires.
9 ~~shall require~~ These reports shall be matters of public record
10 and subject to inspection by the public at any time.

11 Section 20. Section 944.39, Florida Statutes, is
12 amended to read:

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

31

1 Section 21. Section 944.402, Florida Statutes, is
2 amended to read:

3 944.402 Reward for capture of escapee from prison
4 ~~correctional institution.~~--The warden of a state prison
5 ~~correctional institution~~ may pay a reward in an amount not
6 greater than \$100 from institutional funds to each person who
7 is directly responsible for the capture of an inmate who has
8 escaped from the institution. The warden of the institution
9 from which the inmate escaped shall determine the amount of
10 the reward. Employees of state, county, and municipal law
11 enforcement or correctional agencies who are engaged in the
12 apprehension, detection, or detention of prisoners are not
13 eligible to receive such rewards.

14 Section 22. Section 944.44, Florida Statutes, is
15 amended to read:

16 944.44 Holding persons as hostages; penalty.--Any
17 prisoner who holds as hostage any person within any prison
18 ~~correctional institution~~ or anywhere while under the
19 jurisdiction of the department, or who by force, or threat of
20 force holds any person or persons against their will in
21 defiance of official orders, commits ~~shall be guilty of a~~
22 felony of the second degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 Section 23. Section 944.45, Florida Statutes, is
25 amended to read:

26 944.45 Mutiny, riot, strike; penalty.--Whoever
27 instigates, contrives, willfully attempts to cause, assists,
28 or conspires to cause any mutiny, riot, or strike in defiance
29 of official orders, in any state prison, commits ~~correctional~~
30 ~~institution, shall be guilty of a felony of the second degree,~~
31

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 Section 24. Section 944.46, Florida Statutes, is
4 amended to read:

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

12 Section 25. Section 944.47, Florida Statutes, is
13 amended to read:

14 944.47 Introduction, removal, or possession of certain
15 articles unlawful; penalty.--

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

23 1. Any written or recorded communication or any
24 currency or coin given or transmitted, or intended to be given
25 or transmitted, to any inmate of any state prison ~~correctional~~
26 ~~institution~~.

27 2. Any article of food or clothing given or
28 transmitted, or intended to be given or transmitted, to any
29 inmate of any state prison ~~correctional institution~~.

30 3. Any intoxicating beverage or beverage that ~~which~~
31 causes or may cause an intoxicating effect.

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

4 5. Any firearm or weapon of any kind or any explosive
5 substance.

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

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

20 (2) A person who violates any provision of this
21 section as it pertains to an article of contraband described
22 in subparagraph (1)(a)1. or subparagraph (1)(a)2., commits is
23 ~~guilty of~~ a felony of the third degree, punishable as provided
24 in s. 775.082, s. 775.083, or s. 775.084. In all other cases,
25 a violation of a provision of this section constitutes a
26 felony of the second degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 Section 26. Section 944.611, Florida Statutes, is
29 amended to read:

30 944.611 Legislative intent.--The Legislature finds and
31 declares that:

1 (1) It is desirable that each inmate be confined in
2 and released from a prison ~~an institution or facility~~ as close
3 to the inmate's permanent residence or county of commitment as
4 possible, in order to lessen the transportation expense to the
5 public.

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

7 (a) To the extent possible, an inmate be returned,
8 upon release, to the same area from which the inmate was
9 committed.

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

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

15 1. The county where parole placement has been approved
16 and supervision is to commence.

17 2. Another state.

18 3. The county of employment within the state.

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

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

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

25 Section 27. Subsection (2) of section 944.613, Florida
26 Statutes, is amended to read:

27 944.613 Methods of transportation.--

28 (2) FLORIDA RELEASEE.--In instances when a releasee
29 remains in this state but leaves the county where the prison
30 ~~correctional institution or facility~~ of her or his confinement
31 is located, transportation shall be provided by common carrier

1 using the most economical means. Transportation as authorized
2 herein shall be furnished by nonnegotiable travel voucher
3 payable to the common carrier being utilized, and in no event
4 shall there be any cash disbursement to the releasee or any
5 person, firm, or corporation. Such travel voucher is to be
6 utilized immediately by the releasee. The source of any
7 private transportation must be a family member or friend whose
8 purpose is to immediately transport the releasee to the
9 approved location pursuant to section 1.

10 Section 28. Subsection (1), paragraphs (c), (d), and
11 (i) of subsection (3), and subsection (5) of section 944.801,
12 Florida Statutes, are amended to read:

13 944.801 Education for state prisoners.--

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

20 (3) The responsibilities of the Correctional Education
21 Program shall be to:

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

1 (d) Approve educational programs of the appropriate
2 levels and types in the prisons ~~correctional institutions~~ and
3 develop procedures for the admission of inmate students
4 thereto.

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

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

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

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

24 a. Is serving a life sentence or is under sentence of
25 death.

26 b. Is specifically exempted for security or health
27 reasons.

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

30
31

1 d. Attains a functional literacy level after
2 attendance in fewer than 150 hours of adult basic education
3 instruction.

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

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

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

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

29 Section 29. Section 944.803, Florida Statutes, is
30 amended to read:

31 944.803 Faith-based programs for inmates.--

1 (1) The Legislature finds and declares that
2 faith-based programs offered in state and private prisons
3 ~~correctional institutions and facilities~~ have the potential to
4 facilitate inmate institutional adjustment, help inmates
5 assume personal responsibility, and reduce recidivism.

6 (2) It is the intent of the Legislature that the
7 Department of Corrections and the private vendors operating
8 prisons ~~private correctional facilities~~ shall continuously:

9 (a) Measure recidivism rates for inmates who have
10 participated in religious programs;

11 (b) Increase the number of volunteers who minister to
12 inmates from various faith-based institutions in the
13 community;

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

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

21 Section 30. Subsections (1) and (2) of section
22 944.8031, Florida Statutes, are amended to read:

23 944.8031 Inmate's family visitation; legislative
24 intent; minimum services provided to visitors; budget
25 requests.--

26 (1) The Legislature finds that maintaining an inmate's
27 family and community relationships through enhancing visitor
28 services and programs and increasing the frequency and quality
29 of the visits is an underutilized correctional resource that
30 can improve an inmate's behavior in prison ~~the correctional~~
31

1 ~~facility~~ and, upon an inmate's release from a prison
2 ~~correctional facility~~, will help to reduce recidivism.

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

6 (a) Information relating to applicable visiting
7 regulations, dress codes, and visiting procedures.

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

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

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

15 Section 31. Subsections (1) and (3) of section
16 945.025, Florida Statutes, are amended to read:

17 945.025 Jurisdiction of department.--

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

24 (a) Department of Corrections adult prisons
25 ~~correctional institutions~~;

26 (b) Department of Corrections youthful offender
27 institutions;

28 (c) Department of Corrections Mental Health Treatment
29 Facility;

30 (d) Department of Corrections Probation and
31 Restitution Center;

1 (e) Department of Corrections work-release ~~community~~
2 ~~correctional~~ centers; and

3 (f) Department of Corrections vocational centers.

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

25 Section 32. Paragraph (c) of subsection (1) of section
26 945.0311, Florida Statutes, is amended to read:

27 945.0311 Employment of relatives.--

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

29 (c) "Organizational unit" includes:

30 1. A unit of a state prison ~~correctional~~ institution
31 such as security, medical, dental, classification,

1 maintenance, personnel, or business. A work camp, boot camp,
2 or other annex of a state prison ~~correctional institution~~ is
3 considered part of the institution and not a separate unit.

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

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

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

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

13 Section 33. Paragraphs (a) and (b) of subsection (1)
14 of section 945.091, Florida Statutes, are amended to read:

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

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

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

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

31

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

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

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

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

18 Section 34. Paragraphs (a), (b), and (e) of subsection
19 (1) and paragraph (b) of subsection (3) of section 945.215,
20 Florida Statutes, are amended to read:

21 945.215 Inmate welfare and employee benefit trust
22 funds.--

23 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
24 CORRECTIONS.--

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

31

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

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

10 3. All proceeds from contracted telephone commissions.
11 The department shall develop and update, as necessary,
12 administrative procedures to verify that:

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

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

19 c. The department receives the contracted telephone
20 commissions.

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

25 5. All proceeds from:

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

28 b. Disciplinary fines imposed against inmates;

29 c. Forfeitures of inmate earnings; and

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

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

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

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

17 2. To employ personnel to manage and supervise the
18 proceeds from telephone commissions;

19 3. To develop, implement, and maintain the medical
20 copayment accounting system;

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

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

1 services and programs, family services and programs,
2 libraries, and law libraries;

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

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

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

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

16 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
17 CORRECTIONS.--

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

24 Section 35. Subsection (1) of section 945.21501,
25 Florida Statutes, is amended to read:

26 945.21501 Employee Benefit Trust Fund.--

27 (1) There is ~~hereby~~ created in the Department of
28 Corrections the Employee Benefit Trust Fund. The purpose of
29 the trust fund shall be to construct, operate, and maintain
30 training and recreation facilities at prisons ~~correctional~~
31 ~~facilities~~ for the exclusive use of department employees.

1 Moneys shall be deposited in the trust fund as provided in s.
2 945.215.

3 Section 36. Subsection (1) of section 945.21502,
4 Florida Statutes, is amended to read:

5 945.21502 Inmate Welfare Trust Fund.--

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

13 Section 37. Subsection (1) of section 945.27, Florida
14 Statutes, is amended to read:

15 945.27 Proceedings by department.--

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

26 Section 38. Subsection (2) of section 945.35, Florida
27 Statutes, is amended to read:

28 945.35 Requirement for education on human
29 immunodeficiency virus and acquired immune deficiency
30 syndrome.--

31

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

8 Section 39. Subsections (2), (3), (4), and (5) of
9 section 945.6031, Florida Statutes, are amended to read:

10 945.6031 Required reports and surveys.--

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

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

27 (4) Within 30 calendar days after the receipt of a
28 survey report from the authority, the Department of
29 Corrections shall file a written corrective action plan with
30 the authority, indicating the actions which will be taken to
31 address deficiencies determined by the authority to exist at a

1 prison ~~an institution~~. Each plan shall set forth an estimate
2 of the time and resources needed to correct identified
3 deficiencies.

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

10 Section 40. Paragraph (c) of subsection (3) of section
11 945.6037, Florida Statutes, is amended to read:

12 945.6037 Nonemergency health care; inmate
13 copayments.--

14 (3)

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

23 Section 41. Subsection (1) of section 945.72, Florida
24 Statutes, is amended to read:

25 945.72 Eligibility and screening of inmates.--

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

28 Section 42. Section 945.75, Florida Statutes, is
29 amended to read:

30 945.75 Tours of state correctional facilities for
31 juveniles.--The Department of Corrections shall develop a

1 program under which a judge may order that juveniles who have
2 committed delinquent acts shall be allowed to tour state
3 prisons ~~correctional facilities~~ under the terms and conditions
4 established by the department. Each county shall develop a
5 comparable program to allow juveniles to tour county jails
6 pursuant to a court order.

7 Section 43. Paragraph (a) of subsection (2) of section
8 946.002, Florida Statutes, is amended to read:

9 946.002 Requirement of labor; compensation; amount;
10 crediting of account of prisoner; forfeiture; civil rights;
11 prisoner not employee or entitled to compensation insurance
12 benefits.--

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

22 Section 44. Section 946.205, Florida Statutes, is
23 amended to read:

24 946.205 Institutional work.--The department may cause
25 to be cultivated by the inmates of the adult prisons
26 ~~correctional institutions~~ that are under the control and
27 supervision of the department such food items as are grown on
28 farms or in gardens generally, and as are needed and used in
29 the state institutions. The department may sell any surplus
30 food items to the corporation authorized under part II of this
31 chapter. Any proceeds received from such sales by the

1 department shall be deposited into the Correctional Work
2 Program Trust Fund. The department may also use the services
3 of inmates of the adult prisons ~~who correctional institutions~~
4 ~~that~~ are under the control and supervision of the department
5 to perform such work as is needed and used within the state
6 institutions.

7 Section 45. Section 946.25, Florida Statutes, is
8 amended to read:

9 946.25 Sale of hobbycrafts by prisoners.--When, in the
10 planning of the rehabilitation program of the Department of
11 Corrections through its recreational facilities, plans are
12 made for prisoners to engage in hobbies and hobbycrafts after
13 their normal working hours and when they are not required by
14 the warden of a state prison ~~or correctional institution~~ to be
15 on their assigned duties, they may make items of a hobby or
16 hobbycraft nature which may be disposed of by the prisoner
17 through the institutional canteen or commissary to persons
18 visiting the institution.

19 Section 46. Subsection (1) of section 946.40, Florida
20 Statutes, is amended to read:

21 946.40 Use of prisoners in public works.--

22 (1) The Department of Corrections shall, subject to
23 the availability of funds appropriated for that purpose, and,
24 in the absence of such funds, may, enter into agreements with
25 such political subdivisions in the state, as defined by s.
26 1.01(8), including municipalities; with such agencies and
27 institutions of the state; and with such nonprofit
28 corporations as might use the services of inmates of prisons
29 ~~correctional institutions~~ and camps when it is determined by
30 the department that such services will not be detrimental to
31 the welfare of such inmates or the interests of the state in a

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

15 Section 47. Subsections (4) and (8) of section
16 946.504, Florida Statutes, are amended to read:

17 946.504 Organization of corporation to operate
18 correctional work programs; lease of facilities.--

19 (4) If the department leases a single correctional
20 work program at any prison ~~correctional institution~~ to the
21 corporation, the corporation shall lease all such correctional
22 work programs at that prison ~~institution~~.

23 (8) Notwithstanding any provision to the contrary, the
24 corporation may ~~is authorized to~~ use tax-exempt financing
25 through the issuance of tax-exempt bonds, certificates of
26 participation, lease-purchase agreements, or other tax-exempt
27 financing methods for the purpose of constructing facilities
28 or making capital improvements for correctional work programs
29 and prison industry enhancement programs on state-owned land
30 within state prisons ~~correctional institutions~~. Such
31 tax-exempt financing may be funded by the General

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

1 of the state's initial investment, as adjusted by
2 depreciation.

3 Section 48. Section 946.513, Florida Statutes, is
4 amended to read:

5 946.513 Private employment of inmates; disposition of
6 compensation received.--

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

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

24 Section 49. Paragraph (d) of subsection (2) of section
25 413.051, Florida Statutes, is amended to read:

26 413.051 Eligible blind persons; operation of vending
27 stands.--

28 (2) As used in this section:

29 (d) "State property" means any building or land owned,
30 leased, or otherwise controlled by the state, but does not
31 include any building or land under the control of the Board of

1 Regents, a community college district board of trustees, or
2 any state prison ~~correctional institution~~ as defined in s.
3 944.02.

4 Section 50. Paragraphs (a), (c), and (d) of subsection
5 (2) of section 414.40, Florida Statutes, are amended to read:

6 414.40 Stop Inmate Fraud Program established;
7 guidelines.--

8 (2) The Department of Law Enforcement is directed to
9 implement the Stop Inmate Fraud Program in accordance with the
10 following guidelines:

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

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

27 (d) Data obtained from prisons ~~correctional~~
28 ~~institutions~~ or other detention facilities shall be compared
29 with the client files of the Department of Children and Family
30 Services, the Department of Labor and Employment Security, and
31 other state or local agencies as needed to identify persons

1 wrongfully obtaining benefits. Data comparisons shall be
2 accomplished during periods of low information demand by
3 agency personnel to minimize inconvenience to the agency.

4 Section 51. Paragraph (a) of subsection (7) of section
5 948.03, Florida Statutes, is amended to read:

6 948.03 Terms and conditions of probation or community
7 control.--

8 (7)(a) If the court imposes a period of residential
9 treatment or incarceration as a condition of probation or
10 community control, the residential treatment or incarceration
11 shall be restricted to the following facilities:

12 1. A Department of Corrections probation and
13 restitution center;

14 2. A probation program drug punishment treatment
15 community;

16 3. A community residential facility that ~~which~~ is
17 owned and operated by any public or private entity, excluding
18 a work-release ~~community correctional~~ center as defined in s.
19 944.026; or

20 4. A county-owned facility.

21 Section 52. Paragraphs (a) and (e) of subsection (2)
22 of section 951.23, Florida Statutes, are amended to read:

23 951.23 County and municipal detention facilities;
24 definitions; administration; standards and requirements.--

25 (2) COLLECTION OF INFORMATION.--In conjunction with
26 the administrators of county detention facilities, the
27 Department of Corrections shall develop an instrument for the
28 collection of information from the administrator of each
29 county detention facility. Whenever possible, the information
30 shall be transmitted by the administrator to the Department of
31 Corrections electronically or in a computer readable format.

- 1 The information shall be provided on a monthly basis and shall
2 include, but is not limited to, the following:
- 3 (a) The number of persons housed per day who are:
- 4 1. Felons sentenced to cumulative sentences of
5 incarceration of 364 days or less.
- 6 2. Felons sentenced to cumulative sentences of
7 incarceration of 365 days or more.
- 8 3. Sentenced misdemeanants.
- 9 4. Awaiting trial on at least one felony charge.
- 10 5. Awaiting trial on misdemeanor charges only.
- 11 6. Convicted felons and misdemeanants who are awaiting
12 sentencing.
- 13 7. Juveniles.
- 14 8. State parole violators.
- 15 9. State inmates who were transferred from a state
16 prison ~~correctional facility~~, as defined in s. 944.02, to the
17 county detention facility.
- 18 (e) The number of persons admitted per month, and the
19 number of persons housed on the last day of the month, by age,
20 race, and sex, who are:
- 21 1. Felons sentenced to cumulative sentences of
22 incarceration of 364 days or less.
- 23 2. Felons sentenced to cumulative sentences of
24 incarceration of 365 days or more.
- 25 3. Sentenced misdemeanants.
- 26 4. Awaiting trial on at least one felony charge.
- 27 5. Awaiting trial on misdemeanor charges only.
- 28 6. Convicted felons and misdemeanants who are awaiting
29 sentencing.
- 30 7. Juveniles.
- 31 8. State parole violators.

1 9. State inmates who were transferred from a state
2 prison ~~correctional facility~~, as defined in s. 944.02, to the
3 county detention facility.

4 Section 53. Paragraph (b) of subsection (2) of section
5 958.04, Florida Statutes, is amended to read:

6 958.04 Judicial disposition of youthful offenders.--

7 (2) In lieu of other criminal penalties authorized by
8 law and notwithstanding any imposition of consecutive
9 sentences, the court shall dispose of the criminal case as
10 follows:

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

24 Section 54. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Requires that the court specify any additional incarceration served by a defendant for purposes of calculating credit allowed by the Department of Corrections for time served. Requires that a disciplinary hearing officer rather than a disciplinary committee determine an inmate's forfeiture of gain-time. Requires the Inspector General of the Department of Corrections to review instances of the use of force by department employees and determine whether the use of force was appropriate. 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."