

By the Committee on Criminal Justice and Senator Crist

307-1775-01

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; amending s. 948.09,  
8 F.S.; revising the amount of the surcharge paid  
9 to the department by offenders placed on  
10 community control; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 921.161, Florida Statutes, is  
15 amended to read:

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

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

31

1 ~~credit must be for a specified period of time and shall be~~  
2 ~~provided for in the sentence.~~

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

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

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

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

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

24  
25 The certificate shall be prima facie evidence of the facts  
26 certified.

27 Section 2. Paragraph (c) of subsection (2) of section  
28 944.28, Florida Statutes, is amended to read:

29 944.28 Forfeiture of gain-time and the right to earn  
30 gain-time in the future.--

31 (2)

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

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

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

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. Subsection (2) of section 948.09, Florida  
25 Statutes, is amended to read:

26           948.09 Payment for cost of supervision and  
27 rehabilitation.--

28           (2) Any person being electronically monitored by the  
29 department as a result of placement on community control shall  
30 be required to pay as a \$1-per-day surcharge an amount that  
31 may not exceed the full cost of the monitoring service in

1 addition to the cost of supervision fee as directed by the  
2 sentencing court. The surcharge shall be deposited in the  
3 Operating Trust Fund to be used by the department for  
4 purchasing and maintaining electronic monitoring devices.

5 Section 55. Notwithstanding any other provision of  
6 this act, the job titles of those persons currently employed  
7 as correctional officers or as other correctional personnel  
8 shall not be affected by this act.

9 Section 56. This act shall take effect July 1, 2001.

10  
11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12 COMMITTEE SUBSTITUTE FOR  
13 Senate Bill 1534

- 14 - Adds to the bill the substance of SB 1654 which permits  
15 the Department of Corrections to impose a surcharge on  
16 persons being electronically monitored as a result of  
17 placement on community control. Under current law, the  
18 department may charge a \$1 per day surcharge whereas the  
19 committee substitute would allow the department to  
20 charge an amount that "may not exceed the full cost of  
21 the monitoring services."  
22  
23 - Provides that the job titles designated for correctional  
24 officers and other correctional personnel shall not be  
25 impacted by the legislation that changes the term  
26 "correctional institution" to "prison."  
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