

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 requiring the custodians of the local jail to
9 perform certain calculations; amending s.
10 944.28, F.S.; providing for a disciplinary
11 hearing officer rather than a disciplinary
12 committee to determine forfeiture of gain-time;
13 amending s. 944.35, F.S.; requiring that the
14 department's Inspector General review the use
15 of force by department employees; providing for
16 the Inspector General to determine the
17 appropriateness of the force used; amending ss.
18 944.012, 944.02, 944.023, 944.026, 944.033,
19 944.09, 944.095, 944.10, 944.11, 944.115,
20 944.14, 944.151, 944.23, 944.24, 944.31,
21 944.32, 944.39, 944.402, 944.44, 944.45,
22 944.46, 944.47, 944.611, 944.613, 944.801,
23 944.803, 944.8031, F.S., relating to the state
24 correctional system; amending ss. 945.025,
25 945.0311, 945.091, 945.215, 945.21501,
26 945.21502, 945.27, 945.35, 945.6031, 945.6037,
27 945.72, 945.75, F.S., relating to the
28 Department of Corrections; amending ss.
29 946.002, 946.205, 946.25, 946.40, 946.504,
30 946.513, F.S., relating to inmate labor and
31 correctional work programs; redesignating

1 correctional institutions as "prisons" and
2 community correctional centers as "work-release
3 centers"; amending ss. 413.051, 414.40, 948.03,
4 951.23, 958.04, F.S., relating to vending
5 operations, the Stop Inmate Fraud Program,
6 probation and community control, county and
7 municipal detention facilities, and youthful
8 offenders; conforming cross-references to
9 changes made by the act; amending s. 948.09,
10 F.S.; revising the amount of the surcharge paid
11 to the department by offenders placed on
12 community control; amending s. 945.215, F.S.;
13 revising provisions relating to use of funds
14 for specified purposes at correctional
15 facilities operated by the Department of
16 Corrections; deleting language relating to
17 legislative intent; amending s. 944.17, F.S.;
18 providing for certain responsibilities relating
19 to the transportation of prisoners; providing
20 Legislative intent regarding the adoption of
21 standards for the operation of local jails;
22 providing such intent regarding the operation
23 of the Florida Corrections Accreditation
24 Commission accreditation program; requiring the
25 Department of Corrections to provide financial
26 support to the commission; establishing
27 standards for the program; requiring a report;
28 providing an appropriation; amending s. 943.12,
29 F.S.; revising the powers and duties of the
30 commission relating to certification of
31 training schools and instructors; amending s.

1 943.13, F.S.; allowing employee physicals to be
2 performed by physician assistants; amending s.
3 943.131, F.S.; providing alternative
4 requirements for certain applicants who seek
5 exemptions from the basic-recruit training
6 program; amending s. 943.135, F.S.; eliminating
7 a requirement that the department provide
8 remediation programs for officers who cannot
9 comply with continuing education requirements
10 because of learning disabilities; amending s.
11 943.1395, F.S.; limiting the circumstances
12 under which officers may be registered and hold
13 concurrent certification; amending s. 943.14,
14 F.S.; deleting a requirement for commission
15 approval of certain courses; providing for
16 staff to approve certain diplomas or
17 certificates; eliminating an exemption from
18 section requirements for certain training
19 schools and programs; amending s. 943.17, F.S.;
20 requiring the commission to establish a
21 specialized training program; amending s.
22 943.173, F.S.; conforming provisions amending
23 s. 943.175, F.S.; eliminating provisions
24 governing specialized training programs;
25 amending s. 943.22, F.S.; redefining the term
26 "accredited college"; amending s. 943.25, F.S.;
27 prohibiting the assessment of certain costs
28 against officers or agencies for courses
29 offered by criminal justice training schools;
30 amending s. 316.640, F.S.; specifying the
31 training requirement for certain persons

1 employed as traffic accident or crash
2 investigation officers or traffic infraction
3 enforcement officers; amending s. 944.31, F.S.;
4 revising terminology; providing for the
5 designation of law enforcement officers to
6 conduct certain investigations; providing such
7 officers' qualifications and powers; requiring
8 the Department of Corrections to notify a
9 prisoner of any hepatitis diagnosis; providing
10 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 (e) The custodian of the local jail shall prepare the
25 calculation required under this section and shall provide it
26 to the court prior to sentencing.

27
28 The certificate shall be prima facie evidence of the facts
29 certified.

30 Section 2. Paragraph (c) of subsection (2) of section
31 944.28, Florida Statutes, is amended to read:

1 944.28 Forfeiture of gain-time and the right to earn
2 gain-time in the future.--

3 (2)

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

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

4 944.35 Authorized use of force; malicious battery and
5 sexual misconduct prohibited; reporting required; penalties.--

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

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

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

14 3. To prevent damage to property;

15 4. To quell a disturbance;

16 5. To overcome physical resistance to a lawful
17 command; or

18 6. To administer medical treatment only by or under
19 the supervision of a physician or his or her designee and
20 only:

21 a. When treatment is necessary to protect the health
22 of other persons, as in the case of contagious or venereal
23 diseases; or

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

26
27 As part of the correctional officer training program, the
28 Criminal Justice Standards and Training Commission shall
29 develop a course specifically designed to explain the
30 parameters of this subsection and to teach the proper methods
31

1 and techniques in applying authorized physical force upon an
2 inmate.

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

1 ~~regional administrator's evaluation or disapprove it.~~ Copies
2 of the employee's report, ~~the warden's or regional~~
3 ~~administrator's evaluation,~~ and the Inspector General's
4 ~~regional director's~~ review shall be kept in the files of the
5 inmate or the offender supervised by the department in the
6 community. A notation of each incident involving use of force
7 and the outcome based on the Inspector General's ~~warden's or~~
8 ~~regional director's~~ evaluation ~~and the regional~~
9 ~~administrator's review~~ shall be kept in the employee's file.

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

12 944.012 Legislative intent.--The Legislature hereby
13 finds and declares that:

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

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

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

1 944.02 Definitions.--The following words and phrases
2 used in this chapter shall, unless the context clearly
3 indicates otherwise, have the following meanings:

4 (2) "Correctional system" means all prisons and other
5 state prisons ~~correctional institutions~~ now existing or
6 hereafter created under the jurisdiction of the Department of
7 Corrections.

8 (8) "State prison ~~correctional institution~~" means any
9 ~~prison~~, road camp, prison industry, prison forestry camp, or
10 any prison camp or prison farm or other correctional facility,
11 temporary or permanent, in which prisoners are housed, worked,
12 or maintained, under the custody and jurisdiction of the
13 department.

14 Section 6. Paragraph (b) of subsection (1) of section
15 944.023, Florida Statutes, is amended to read:

16 944.023 Comprehensive correctional master plan.--

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

18 (b) "Total capacity" of the state correctional system
19 means the total design capacity of all institutions and
20 facilities in the state correctional system, which may include
21 those facilities authorized and funded under chapter 957,
22 increased by one-half, with the following exceptions:

23 1. Medical and mental health beds must remain at
24 design capacity.

25 2. Community-based contracted beds must remain at
26 design capacity.

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

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

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

3 6. A number of beds equal to 5 percent of total
4 capacity shall be deducted for management beds at
5 institutions.

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

8 944.026 Community-based facilities and programs.--

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

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

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

1 Section 8. Section 944.033, Florida Statutes, is
2 amended to read:

3 944.033 Work-release ~~Community correctional~~ centers;
4 existence; location; purpose; restriction.--

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

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

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

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

20 Section 9. Paragraph (e) of subsection (1) and
21 subsection (2) of section 944.09, Florida Statutes, are
22 amended to read:

23 944.09 Rules of the department; offenders,
24 probationers, and parolees.--

25 (1) The department has authority to adopt rules
26 pursuant to ss. 120.536(1) and 120.54 to implement its
27 statutory authority. The rules must include rules relating to:

28 (e) The operation and management of the prison
29 ~~correctional institution or facility~~ and its personnel and
30 functions.

31

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

4 Section 10. Section 944.095, Florida Statutes, is
5 amended to read:

6 944.095 Siting of additional prisons ~~correctional~~
7 ~~facilities~~; procedure.--

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

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

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

1 (4) Upon receipt of a request for modification from
2 the department, the local government may recommend alternative
3 sites to the department and shall give notice and hold a
4 public hearing on the request for modification in the same
5 manner as for a rezoning as provided under the appropriate
6 special or local law or ordinance, except that such proceeding
7 shall be recorded by tape or by a certified court reporter and
8 made available for transcription at the expense of any
9 interested party.

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

16 (6) The Governor and Cabinet shall consider the
17 following when determining whether to grant the appeal from
18 the decision of the local government on the requested
19 modification:

20 (a) The record of the proceedings before the local
21 government.

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

25 (c) Existing studies and reports and information
26 maintained by the department as the Governor and Cabinet may
27 request addressing the feasibility and availability of
28 alternative sites in the general area.

29 (7) The Governor and Cabinet, upon determining that
30 the local government has recommended no feasible alternative
31 site and that the interests of the state in providing prisons

1 ~~correctional facilities~~ outweigh the concerns of the local
2 government, shall authorize construction and operation of a
3 prison ~~correctional facility~~ on the proposed site
4 notwithstanding any local plan, ordinance, or regulation.

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

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

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

20 Section 11. Section 944.10, Florida Statutes, is
21 amended to read:

22 944.10 Department of Corrections to provide buildings;
23 sale and purchase of land; contracts to provide services and
24 inmate labor.--

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

1 acquisition of land for, and construction of state prisons
2 ~~correctional facilities~~. This section and all other laws of
3 the state shall be construed to accomplish this intent. This
4 section shall take precedence over any other law to the
5 contrary.

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

14 (3)(a) The department may enter into lease-purchase
15 agreements to provide prisons to house ~~correctional facilities~~
16 ~~for the housing of~~ state inmates. However, no such
17 lease-purchase agreement shall be entered into without
18 specific legislative authorization of that agreement, and
19 funds must be specifically appropriated for each
20 lease-purchase agreement. The facilities provided through such
21 agreements shall meet the program plans and specifications of
22 the department. The department may enter into such lease
23 agreements with private corporations and other governmental
24 entities. However, notwithstanding the provisions of s.
25 255.25(3)(a), no such lease agreement may be entered into
26 except upon advertisement for and receipt of competitive bids
27 and award to the lowest and best bidder.

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

31

1 (4)(a) Notwithstanding s. 253.025 or s. 287.057,
2 whenever the department finds it to be necessary for timely
3 site acquisition, it may contract without the need for
4 competitive selection with one or more appraisers whose names
5 are contained on the list of approved appraisers maintained by
6 the Division of State Lands of the Department of Environmental
7 Protection in accordance with s. 253.025(6)(b). In those
8 instances in which the department directly contracts for
9 appraisal services, it must also contract with an approved
10 appraiser who is not employed by the same appraisal firm for
11 review services.

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

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

29 (5) The department may sell, to the best possible
30 advantage, any or all detached parcels of land belonging to
31 the bodies of land purchased for ~~the~~ state prisons

1 ~~correctional institutions~~. The department is authorized to
2 purchase any contiguous parcels of land within the boundary
3 lines of the lands purchased for state prisons ~~correctional~~
4 ~~institutions~~.

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

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

22 Section 12. Section 944.11, Florida Statutes, is
23 amended to read:

24 944.11 Department to regulate admission of books.--

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

31

1 (2) The department may ~~shall have the authority to~~
2 prohibit admission of reading materials or publications with
3 content that ~~which~~ depicts sexual conduct as defined by s.
4 847.001 or presents nudity in such a way as to create the
5 appearance that sexual conduct is imminent. The department
6 may ~~shall have the authority to~~ prohibit admission of such
7 materials at a particular state prison ~~correctional facility~~
8 upon a determination by the department that such material or
9 publications would be detrimental to the safety, security,
10 order, or rehabilitative interests of a particular state
11 prison ~~correctional facility~~ or would create a risk of
12 disorder at a particular state prison ~~correctional facility~~.

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

15 944.115 Smoking prohibited inside state prisons
16 ~~correctional facilities~~.--

17 (1) The purpose of this section is to protect the
18 health, comfort, and environment of employees of the
19 Department of Corrections, employees of privately operated
20 prisons ~~correctional facilities~~, employees of the Correctional
21 Privatization Commission, and inmates by prohibiting inmates
22 from using tobacco products inside any office or building
23 within state prisons ~~correctional facilities~~, and by ensuring
24 that employees and visitors do not use tobacco products inside
25 any office or building within state prisons ~~correctional~~
26 ~~facilities~~. Scientific evidence links the use of tobacco
27 products with numerous significant health risks. The use of
28 tobacco products by inmates, employees, or visitors is
29 contrary to efforts by the Department of Corrections to reduce
30 the cost of inmate health care and to limit unnecessary
31 litigation. The Department of Corrections and the private

1 vendors operating prisons ~~correctional facilities~~ shall make
2 smoking-cessation assistance available to inmates in order to
3 implement this section. The Department of Corrections and the
4 private vendors operating prisons ~~correctional facilities~~
5 shall implement this section as soon as possible, and all
6 provisions of this section must be fully implemented by
7 January 1, 2000.

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

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

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

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

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

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

31

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

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

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

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

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

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

31

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

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

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

9 Section 14. Section 944.14, Florida Statutes, is
10 amended to read:

11 944.14 Supervision of prisons ~~correctional~~
12 ~~institutions~~; enforcement of orders and regulations.--Subject
13 to the orders, policies, and regulations established by the
14 department, it shall be the duty of the wardens to supervise
15 the government, discipline, and policy of the state prisons
16 ~~correctional institutions~~, and to enforce all orders, rules
17 and regulations.

18 Section 15. Section 944.151, Florida Statutes, is
19 amended to read:

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

1 (1) Appoint a security review committee which shall,
2 at a minimum, be composed of: the inspector general, the
3 statewide security coordinator, the regional security
4 coordinators, and three wardens and one correctional officer.
5 The security review committee shall:

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

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

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

29 1. Random monitoring of outgoing telephone calls by
30 inmates.

31 2. Maintenance of current photographs of all inmates.

- 1 3. Daily inmate counts at varied intervals.
2 4. Use of canine units, where appropriate.
3 5. Use of escape alarms and perimeter lighting.
4 6. Florida Crime Information Center/National Crime
5 Information Center capabilities.
6 7. Employment background investigations.
7 (d) Annually make written prioritized budget
8 recommendations to the secretary that identify critical
9 security deficiencies at major prisons ~~correctional~~
10 ~~institutions~~.
11 (e) Investigate and evaluate the usefulness and
12 dependability of existing security technology at the prisons
13 ~~institutions~~ and new technology available and make periodic
14 written recommendations to the secretary on the
15 discontinuation or purchase of various security devices.
16 (f) Contract, if deemed necessary, with security
17 personnel, consulting engineers, architects, or other security
18 experts the committee deems necessary for security audits and
19 security consultant services.
20 (g) Establish a periodic schedule for conducting
21 announced and unannounced escape simulation drills.
22 (2) Maintain and produce quarterly reports with
23 accurate escape statistics. For the purposes of these
24 reports, "escape" includes all possible types of escape,
25 regardless of prosecution by the state attorney, and including
26 offenders who walk away from nonsecure community facilities.
27 (3) Adopt, enforce, and annually evaluate the
28 emergency escape response procedures, which shall at a minimum
29 include the immediate notification and inclusion of local and
30 state law enforcement through a mutual aid agreement.
31

1 (4) Submit in the annual legislative budget request a
2 prioritized summary of critical repair and renovation security
3 needs.

4 Section 16. Section 944.23, Florida Statutes, is
5 amended to read:

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

18 Section 17. Section 944.24, Florida Statutes, is
19 amended to read:

20 944.24 Administration of prisons ~~correctional~~
21 ~~institutions~~ for women.--

22 (1) This section may be cited as the "Corrections
23 Equality Act."

24 (2) All regularly employed assistants, officers, and
25 employees whose duties bring them into contact with the
26 inmates of the prison ~~institution~~ shall be women as far as
27 practicable.

28 (3) Women inmates shall have access to programs of
29 education, vocational training, rehabilitation, and substance
30 abuse treatment that are equivalent to those programs which
31 are provided for male inmates. The department shall ensure

1 that women inmates are given opportunities for exercise,
2 recreation, and visitation privileges according to the same
3 standards as those privileges are provided for men. Women
4 inmates shall be given opportunities to participate in
5 work-release programs which are comparable to the
6 opportunities provided for male inmates and shall be eligible
7 for early release according to the same standards and
8 procedures under which male inmates are eligible for early
9 release.

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

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

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

29 Section 18. Section 944.31, Florida Statutes, is
30 amended to read:

31

1 944.31 Inspector general; inspectors; power and
2 duties.--The inspector general shall be responsible for prison
3 inspection and investigation, internal affairs investigations,
4 and management reviews. The office of the inspector general
5 shall be charged with the duty of inspecting the penal and
6 correctional systems of the state. The office of the inspector
7 general shall inspect each prison ~~correctional institution~~ or
8 any place in which state prisoners are housed, worked, or kept
9 within the state, with reference to its physical conditions,
10 cleanliness, sanitation, safety, and comfort; the quality and
11 supply of all bedding; the quality, quantity, and diversity of
12 food served and the manner in which it is served; the number
13 and condition of the prisoners confined therein; and the
14 general conditions of each institution. The office of
15 inspector general shall see that all the rules and regulations
16 issued by the department are strictly observed and followed by
17 all persons connected with the correctional systems of the
18 state. The office of the inspector general shall coordinate
19 and supervise the work of inspectors throughout the state. The
20 inspector general and inspectors may enter any place where
21 prisoners in this state are kept and shall be immediately
22 admitted to such place as they desire and may consult and
23 confer with any prisoner privately and without molestation.
24 The inspector general and inspectors shall be responsible for
25 criminal and administrative investigation of matters relating
26 to the Department of Corrections. In such investigations, the
27 inspector general and inspectors may consult and confer with
28 any prisoner or staff member privately and without molestation
29 and shall have the authority to detain any person for
30 violations of the criminal laws of the state. Such detention
31 shall be made only on properties owned or leased by the

1 department, and the detained person shall be surrendered
2 without delay to the sheriff of the county in which the
3 detention is made, with a formal complaint subsequently made
4 against her or him in accordance with law.

5 Section 19. Section 944.32, Florida Statutes, is
6 amended to read:

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

17 Section 20. Section 944.39, Florida Statutes, is
18 amended to read:

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

1 the second degree, punishable as provided in s. 775.082 or s.
2 775.083. Any peace officer or any correctional officer of the
3 department or any prison inspector or any employee of the
4 department may arrest without warrant any person violating the
5 provisions of this section.

6 Section 21. Section 944.402, Florida Statutes, is
7 amended to read:

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

19 Section 22. Section 944.44, Florida Statutes, is
20 amended to read:

21 944.44 Holding persons as hostages; penalty.--Any
22 prisoner who holds as hostage any person within any prison
23 ~~correctional institution~~ or anywhere while under the
24 jurisdiction of the department, or who by force, or threat of
25 force holds any person or persons against their will in
26 defiance of official orders, commits ~~shall be guilty of~~ a
27 felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 23. Section 944.45, Florida Statutes, is
30 amended to read:

31

1 944.45 Mutiny, riot, strike; penalty.--Whoever
2 instigates, contrives, willfully attempts to cause, assists,
3 or conspires to cause any mutiny, riot, or strike in defiance
4 of official orders, in any state prison, commits ~~correctional~~
5 ~~institution, shall be guilty~~ of a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 Section 24. Section 944.46, Florida Statutes, is
9 amended to read:

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

17 Section 25. Section 944.47, Florida Statutes, is
18 amended to read:

19 944.47 Introduction, removal, or possession of certain
20 articles unlawful; penalty.--

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

28 1. Any written or recorded communication or any
29 currency or coin given or transmitted, or intended to be given
30 or transmitted, to any inmate of any state prison ~~correctional~~
31 ~~institution~~.

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

4 3. Any intoxicating beverage or beverage that ~~which~~
5 causes or may cause an intoxicating effect.

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

9 5. Any firearm or weapon of any kind or any explosive
10 substance.

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

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

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

31

1 felony of the second degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 Section 26. Section 944.611, Florida Statutes, is
4 amended to read:

5 944.611 Legislative intent.--The Legislature finds and
6 declares that:

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

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

13 (a) To the extent possible, an inmate be returned,
14 upon release, to the same area from which the inmate was
15 committed.

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

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

21 1. The county where parole placement has been approved
22 and supervision is to commence.

23 2. Another state.

24 3. The county of employment within the state.

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

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

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

31

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

3 944.613 Methods of transportation.--

4 (2) FLORIDA RELEASEE.--In instances when a releasee
5 remains in this state but leaves the county where the prison
6 ~~correctional institution or facility~~ of her or his confinement
7 is located, transportation shall be provided by common carrier
8 using the most economical means. Transportation as authorized
9 herein shall be furnished by nonnegotiable travel voucher
10 payable to the common carrier being utilized, and in no event
11 shall there be any cash disbursement to the releasee or any
12 person, firm, or corporation. Such travel voucher is to be
13 utilized immediately by the releasee. The source of any
14 private transportation must be a family member or friend whose
15 purpose is to immediately transport the releasee to the
16 approved location pursuant to section 1.

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

20 944.801 Education for state prisoners.--

21 (1) There is ~~hereby~~ established under the Department
22 of Corrections a Correctional Education Program which shall be
23 composed of the educational facilities and services of all
24 prisons ~~institutions and facilities~~ housing inmates operated
25 by the Department of Corrections and shall be supervised by
26 the Department of Corrections.

27 (3) The responsibilities of the Correctional Education
28 Program shall be to:

29 (c) In cooperation with the Department of Education,
30 pursuant to s. 229.8075, develop complete and reliable
31 statistics on the educational histories, the city/intracity

1 area and school district where the inmate was domiciled prior
2 to incarceration, the participation in state educational and
3 training programs, and the occupations of inmates confined to
4 state prisons ~~correctional facilities~~. The compiled
5 statistics shall be summarized and analyzed in the annual
6 report of correctional educational activities required by
7 paragraph (f).

8 (d) Approve educational programs of the appropriate
9 levels and types in the prisons ~~correctional institutions~~ and
10 develop procedures for the admission of inmate students
11 thereto.

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

21 1. Upon completion of the 150 hours of instruction,
22 the inmate shall be retested and, if a composite test score of
23 functional literacy is not attained, the department is
24 authorized to require the inmate to remain in the
25 instructional program.

26 2. Highest priority of inmate participation shall be
27 focused on youthful offenders and those inmates nearing
28 release from the correctional system.

29 3. An inmate shall be required to attend the 150 hours
30 of adult basic education instruction unless such inmate:
31

- 1 a. Is serving a life sentence or is under sentence of
2 death.
- 3 b. Is specifically exempted for security or health
4 reasons.
- 5 c. Is housed at a work-release ~~community correctional~~
6 center, road prison, work camp, or vocational center.
- 7 d. Attains a functional literacy level after
8 attendance in fewer than 150 hours of adult basic education
9 instruction.
- 10 e. Is unable to enter such instruction because of
11 insufficient facilities, staff, or classroom capacity.
- 12 4. The Department of Corrections shall provide classes
13 to accommodate those inmates assigned to correctional or
14 public work programs after normal working hours. The
15 department shall develop a plan to provide academic and
16 vocational classes on a more frequent basis and at times that
17 accommodate the increasing number of inmates with work
18 assignments, to the extent that resources permit.
- 19 5. If an inmate attends and actively participates in
20 the 150 hours of instruction, the Department of Corrections
21 may grant a one-time award of up to 6 additional days of
22 incentive gain-time, which must be credited and applied as
23 provided by law. Active participation means, at a minimum,
24 that the inmate is attentive, responsive, cooperative, and
25 completes assigned work.
- 26 (5) Notwithstanding s. 120.81(3), all inmates under 22
27 years of age who qualify for special educational services and
28 programs pursuant to the Individuals with Disabilities
29 Education Act, 20 U.S.C. ss. 1400 et seq., and who request a
30 due process hearing as provided by that act shall be entitled
31 to such hearing before the Division of Administrative

1 Hearings. Administrative law judges shall not be required to
2 travel to state or private prisons ~~correctional institutions~~
3 ~~and facilities~~ in order to conduct these hearings.

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

6 944.803 Faith-based programs for inmates.--

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

12 (2) It is the intent of the Legislature that the
13 Department of Corrections and the private vendors operating
14 prisons ~~private correctional facilities~~ shall continuously:

15 (a) Measure recidivism rates for inmates who have
16 participated in religious programs;

17 (b) Increase the number of volunteers who minister to
18 inmates from various faith-based institutions in the
19 community;

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

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

27 Section 30. Subsections (1) and (2) of section
28 944.8031, Florida Statutes, are amended to read:

29 944.8031 Inmate's family visitation; legislative
30 intent; minimum services provided to visitors; budget
31 requests.--

1 (1) The Legislature finds that maintaining an inmate's
2 family and community relationships through enhancing visitor
3 services and programs and increasing the frequency and quality
4 of the visits is an underutilized correctional resource that
5 can improve an inmate's behavior in prison ~~the correctional~~
6 ~~facility~~ and, upon an inmate's release from a prison
7 ~~correctional facility~~, will help to reduce recidivism.

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

11 (a) Information relating to applicable visiting
12 regulations, dress codes, and visiting procedures.

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

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

17 (d) Minimal equipment and supplies which assist staff
18 and visitors in managing and occupying the time and meeting
19 the needs of children and youth visitors.

20 Section 31. Subsections (1) and (3) of section
21 945.025, Florida Statutes, are amended to read:

22 945.025 Jurisdiction of department.--

23 (1) The Department of Corrections shall have
24 supervisory and protective care, custody, and control of the
25 inmates, buildings, grounds, property, and all other matters
26 pertaining to the following facilities and programs for the
27 imprisonment, correction, and rehabilitation of adult
28 offenders:

29 (a) Department of Corrections adult prisons
30 ~~correctional institutions~~;

31

1 (b) Department of Corrections youthful offender
2 institutions;

3 (c) Department of Corrections Mental Health Treatment
4 Facility;

5 (d) Department of Corrections Probation and
6 Restitution Center;

7 (e) Department of Corrections work-release ~~community~~
8 ~~correctional~~ centers; and

9 (f) Department of Corrections vocational centers.

10 (3) There shall be other correctional facilities,
11 including detention facilities of varying levels of security,
12 work-release centers ~~facilities~~, and ~~community correctional~~
13 ~~facilities~~, halfway houses, and other approved community
14 residential and nonresidential facilities and programs.

15 However, an ~~no~~ adult prison ~~correctional~~ facility may not be
16 established by changing the use and purpose of any mental
17 health facility or mental health institution under the
18 jurisdiction of any state agency or department without
19 authorization in the General Appropriations ~~Appropriation~~ Act
20 or other approval by the Legislature. Any facility the
21 purpose and use of which was changed subsequent to January 1,
22 1975, shall be returned to its original use and purpose by
23 July 1, 1977. However, the G. Pierce Wood Memorial Hospital
24 located at Arcadia, DeSoto County, may not be converted into a
25 prison ~~correctional~~ facility as long as such hospital is in
26 use as a state mental health hospital. Any community
27 residential facility may be deemed a part of the state
28 correctional system for purposes of maintaining custody of
29 offenders, and for this purpose the department may contract
30 for and purchase the services of such facilities.

31

1 Section 32. Paragraph (c) of subsection (1) of section
2 945.0311, Florida Statutes, is amended to read:

3 945.0311 Employment of relatives.--

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

5 (c) "Organizational unit" includes:

6 1. A unit of a state prison ~~correctional institution~~
7 such as security, medical, dental, classification,
8 maintenance, personnel, or business. A work camp, boot camp,
9 or other annex of a state prison ~~correctional institution~~ is
10 considered part of the institution and not a separate unit.

11 2. An area of a regional office such as personnel,
12 medical, administrative services, probation and parole, or
13 community facilities.

14 3. A correctional work center, road prison, or
15 work-release ~~work-release~~ center.

16 4. A probation and parole circuit office or a
17 suboffice within a circuit.

18 5. A bureau of the Office of the Secretary or of any
19 of the assistant secretaries.

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

22 945.091 Extension of the limits of confinement;
23 restitution by employed inmates.--

24 (1) The department is authorized to adopt regulations
25 permitting the extension of the limits of the place of
26 confinement of an inmate as to whom there is reasonable cause
27 to believe that the inmate will honor his or her trust by
28 authorizing the inmate, under prescribed conditions and
29 following investigation and approval by the secretary, or the
30 secretary's designee, who shall maintain a written record of
31

1 such action, to leave the confines of that place unaccompanied
2 by a custodial agent for a prescribed period of time to:

3 (a) Visit, for a specified period, a specifically
4 designated place or places:

5 1. For the purpose of visiting a dying relative,
6 attending the funeral of a relative, or arranging for
7 employment or for a suitable residence for use when released;

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

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

12

13 and return to the same or another prison ~~institution or~~
14 ~~facility~~ designated by the Department of Corrections.

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

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

28 945.215 Inmate welfare and employee benefit trust
29 funds.--

30 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
31 CORRECTIONS.--

1 (a) The Inmate Welfare Trust Fund constitutes a trust
2 held by the department for the benefit and welfare of inmates
3 incarcerated in prisons ~~correctional facilities~~ operated
4 directly by the department and for visitation and family
5 programs and services in such prisons ~~correctional facilities~~.

6 Funds shall be credited to the trust fund as follows:

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

10 2. All net proceeds from operating inmate canteens,
11 vending machines used primarily by inmates and visitors, hobby
12 shops, and other such facilities; however, funds necessary to
13 purchase items for resale at inmate canteens and vending
14 machines must be deposited into local bank accounts designated
15 by the department.

16 3. All proceeds from contracted telephone commissions.
17 The department shall develop and update, as necessary,
18 administrative procedures to verify that:

19 a. Contracted telephone companies accurately record
20 and report all telephone calls made by inmates incarcerated in
21 prisons ~~correctional facilities~~ under the department's
22 jurisdiction;

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

25 c. The department receives the contracted telephone
26 commissions.

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

31 5. All proceeds from:

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

3 b. Disciplinary fines imposed against inmates;

4 c. Forfeitures of inmate earnings; and

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

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

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

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

23 2. To employ personnel to manage and supervise the
24 proceeds from telephone commissions;

25 3. To develop, implement, and maintain the medical
26 copayment accounting system;

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

1 5. To operate inmate chapels, faith-based programs,
2 visiting pavilions, visiting services and programs, family
3 services and programs, libraries, and law libraries, including
4 employing personnel and covering other operating and fixed
5 capital outlay expenses associated with operating inmate
6 chapels, faith-based programs, visiting pavilions, visiting
7 services and programs, family services and programs,
8 libraries, and law libraries;

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

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

13 8. To provide inmate substance abuse treatment
14 programs and transition and life skills training programs,
15 including employing personnel and covering other operating and
16 fixed capital outlay expenses associated with providing such
17 programs.

18 (e) Items for resale at inmate canteens and vending
19 machines maintained at prisons ~~the correctional facilities~~
20 shall be priced comparatively with like items for retail sale
21 at fair market prices.

22 (3) EMPLOYEE BENEFIT TRUST FUND; DEPARTMENT OF
23 CORRECTIONS.--

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

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

1 945.21501 Employee Benefit Trust Fund.--

2 (1) There is ~~hereby~~ created in the Department of
3 Corrections the Employee Benefit Trust Fund. The purpose of
4 the trust fund shall be to construct, operate, and maintain
5 training and recreation facilities at prisons ~~correctional~~
6 ~~facilities~~ for the exclusive use of department employees.
7 Moneys shall be deposited in the trust fund as provided in s.
8 945.215.

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

11 945.21502 Inmate Welfare Trust Fund.--

12 (1) There is ~~hereby~~ created in the Department of
13 Corrections the Inmate Welfare Trust Fund. The purpose of the
14 trust fund shall be the benefit and welfare of inmates
15 incarcerated in prisons ~~correctional facilities~~ operated by
16 the department. Moneys shall be deposited in the trust fund
17 and expenditures made from the trust fund as provided in s.
18 945.215.

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

21 945.27 Proceedings by department.--

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

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

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

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

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

15 945.6031 Required reports and surveys.--

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

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

1 (4) Within 30 calendar days after the receipt of a
2 survey report from the authority, the Department of
3 Corrections shall file a written corrective action plan with
4 the authority, indicating the actions which will be taken to
5 address deficiencies determined by the authority to exist at a
6 prison ~~an institution~~. Each plan shall set forth an estimate
7 of the time and resources needed to correct identified
8 deficiencies.

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

15 Section 40. Paragraph (c) of subsection (3) of section
16 945.6037, Florida Statutes, is amended to read:

17 945.6037 Nonemergency health care; inmate
18 copayments.--

19 (3)

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

28 (d) Subject to the availability of funds, the
29 department may implement a Hepatitis B vaccination program for
30 incoming inmates.

31

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

3 945.72 Eligibility and screening of inmates.--

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

6 Section 42. Section 945.75, Florida Statutes, is
7 amended to read:

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

16 Section 43. Paragraph (a) of subsection (2) of section
17 946.002, Florida Statutes, is amended to read:

18 946.002 Requirement of labor; compensation; amount;
19 crediting of account of prisoner; forfeiture; civil rights;
20 prisoner not employee or entitled to compensation insurance
21 benefits.--

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

31

1 Section 44. Section 946.205, Florida Statutes, is
2 amended to read:

3 946.205 Institutional work.--The department may cause
4 to be cultivated by the inmates of the adult prisons
5 ~~correctional institutions~~ that are under the control and
6 supervision of the department such food items as are grown on
7 farms or in gardens generally, and as are needed and used in
8 the state institutions. The department may sell any surplus
9 food items to the corporation authorized under part II of this
10 chapter. Any proceeds received from such sales by the
11 department shall be deposited into the Correctional Work
12 Program Trust Fund. The department may also use the services
13 of inmates of the adult prisons who ~~correctional institutions~~
14 ~~that~~ are under the control and supervision of the department
15 to perform such work as is needed and used within the state
16 institutions.

17 Section 45. Section 946.25, Florida Statutes, is
18 amended to read:

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

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

31 946.40 Use of prisoners in public works.--

1 (1) The Department of Corrections shall, subject to
2 the availability of funds appropriated for that purpose, and,
3 in the absence of such funds, may, enter into agreements with
4 such political subdivisions in the state, as defined by s.
5 1.01(8), including municipalities; with such agencies and
6 institutions of the state; and with such nonprofit
7 corporations as might use the services of inmates of prisons
8 ~~correctional institutions~~ and camps when it is determined by
9 the department that such services will not be detrimental to
10 the welfare of such inmates or the interests of the state in a
11 program of rehabilitation. An agreement for use of fewer than
12 15 minimum custody inmates and medium custody inmates may
13 provide that supervision will be either by the department or
14 by the political subdivision, institution, nonprofit
15 corporation, or agency using the inmates. The department is
16 authorized to adopt rules governing work and supervision of
17 inmates used in public works projects, which rules shall
18 include, but shall not be limited to, the proper screening and
19 supervision of such inmates. Inmates may be used for these
20 purposes without being accompanied by a correctional officer,
21 provided the political subdivision, municipality, or agency of
22 the state or the nonprofit corporation provides proper
23 supervision pursuant to the rules of the Department of
24 Corrections.

25 Section 47. Subsections (4) and (8) of section
26 946.504, Florida Statutes, are amended to read:

27 946.504 Organization of corporation to operate
28 correctional work programs; lease of facilities.--

29 (4) If the department leases a single correctional
30 work program at any prison ~~correctional institution~~ to the
31

1 corporation, the corporation shall lease all such correctional
2 work programs at that prison ~~institution~~.

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

1 where the property is located. The lien must specify that the
2 Department of Corrections has a financial interest in the
3 property equal to the pro rata portion of the state's original
4 investment of the then-fair-market value of the construction.
5 The lien must also specify that the Department of Corrections'
6 financial interest is proportionately reduced and subsequently
7 vacated over a 20-year period of depreciation. The contract
8 must include a provision that as a condition of receipt of
9 state funding for this purpose, the corporation agrees that,
10 if it disposes of the property before the state's interest is
11 vacated, the corporation will refund the proportionate share
12 of the state's initial investment, as adjusted by
13 depreciation.

14 Section 48. Section 946.513, Florida Statutes, is
15 amended to read:

16 946.513 Private employment of inmates; disposition of
17 compensation received.--

18 (1) Notwithstanding the provisions of any other law,
19 an inmate may be employed by the corporation or by any other
20 private entity operating on the grounds of a prison
21 ~~correctional institution~~ prior to the last 24 months of the
22 inmate's confinement. Compensation received for such
23 employment shall be credited by the department to an account
24 for the inmate and shall be used to make any court-ordered
25 payments, including restitution to the victim. The department
26 rules shall provide that a portion of such compensation be
27 credited by the department in the manner provided in s.
28 946.512.

29 (2) No inmate is eligible for unemployment
30 compensation, whether employed by the corporation or by any
31 other private enterprise operating on the grounds of a prison

1 ~~correctional institution~~ or elsewhere, when such employment is
2 part of a correctional work program or work-release program of
3 either the corporation or the department.

4 Section 49. Paragraph (d) of subsection (2) of section
5 413.051, Florida Statutes, is amended to read:

6 413.051 Eligible blind persons; operation of vending
7 stands.--

8 (2) As used in this section:

9 (d) "State property" means any building or land owned,
10 leased, or otherwise controlled by the state, but does not
11 include any building or land under the control of the Board of
12 Regents, a community college district board of trustees, or
13 any state prison ~~correctional institution~~ as defined in s.
14 944.02.

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

17 414.40 Stop Inmate Fraud Program established;
18 guidelines.--

19 (2) The Department of Law Enforcement is directed to
20 implement the Stop Inmate Fraud Program in accordance with the
21 following guidelines:

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

30 (c) Database searches shall be conducted of the inmate
31 population at each prison ~~correctional institution~~ or other

1 detention facility. A prison ~~correctional institution~~ or a
2 detention facility shall provide the Stop Inmate Fraud Program
3 with the information necessary to identify persons wrongfully
4 receiving benefits in the medium requested by the Stop Inmate
5 Fraud Program if the prison ~~correctional institution~~ or
6 detention facility maintains the information in that medium.

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

15 Section 51. Paragraph (a) of subsection (7) of section
16 948.03, Florida Statutes, is amended to read:

17 948.03 Terms and conditions of probation or community
18 control.--

19 (7)(a) If the court imposes a period of residential
20 treatment or incarceration as a condition of probation or
21 community control, the residential treatment or incarceration
22 shall be restricted to the following facilities:

23 1. A Department of Corrections probation and
24 restitution center;

25 2. A probation program drug punishment treatment
26 community;

27 3. A community residential facility that ~~which~~ is
28 owned and operated by any public or private entity, excluding
29 a work-release ~~community correctional~~ center as defined in s.
30 944.026; or

31 4. A county-owned facility.

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

3 951.23 County and municipal detention facilities;
4 definitions; administration; standards and requirements.--

5 (2) COLLECTION OF INFORMATION.--In conjunction with
6 the administrators of county detention facilities, the
7 Department of Corrections shall develop an instrument for the
8 collection of information from the administrator of each
9 county detention facility. Whenever possible, the information
10 shall be transmitted by the administrator to the Department of
11 Corrections electronically or in a computer readable format.
12 The information shall be provided on a monthly basis and shall
13 include, but is not limited to, the following:

14 (a) The number of persons housed per day who are:

- 15 1. Felons sentenced to cumulative sentences of
16 incarceration of 364 days or less.
- 17 2. Felons sentenced to cumulative sentences of
18 incarceration of 365 days or more.
- 19 3. Sentenced misdemeanants.
- 20 4. Awaiting trial on at least one felony charge.
- 21 5. Awaiting trial on misdemeanor charges only.
- 22 6. Convicted felons and misdemeanants who are awaiting
23 sentencing.
- 24 7. Juveniles.
- 25 8. State parole violators.
- 26 9. State inmates who were transferred from a state
27 prison ~~correctional facility~~, as defined in s. 944.02, to the
28 county detention facility.

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

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

15 Section 53. Paragraph (b) of subsection (2) of section

16 958.04, Florida Statutes, is amended to read:

17 958.04 Judicial disposition of youthful offenders.--

18 (2) In lieu of other criminal penalties authorized by

19 law and notwithstanding any imposition of consecutive

20 sentences, the court shall dispose of the criminal case as

21 follows:

22 (b) The court may impose a period of incarceration as

23 a condition of probation or community control, which period of

24 incarceration shall be served in either a county facility, a

25 department probation and restitution center, or a community

26 residential facility which is owned and operated by any public

27 or private entity providing such services. No youthful

28 offender may be required to serve a period of incarceration in

29 a work-release ~~community correctional~~ center as defined in s.

30 944.026. Admission to a department facility or center shall

31 be contingent upon the availability of bed space and shall

1 take into account the purpose and function of such facility or
2 center. Placement in such a facility or center shall not
3 exceed 364 days.

4 Section 54. Subsection (2) of section 948.09, Florida
5 Statutes, is amended to read:

6 948.09 Payment for cost of supervision and
7 rehabilitation.--

8 (2) Any person being electronically monitored by the
9 department as a result of placement on community control shall
10 be required to pay as a \$1-per-day surcharge an amount that
11 may not exceed the full cost of the monitoring service in
12 addition to the cost of supervision fee as directed by the
13 sentencing court. The surcharge shall be deposited in the
14 Operating Trust Fund to be appropriated by the Legislature for
15 use ~~used~~ by the department for purchasing and maintaining
16 electronic monitoring devices.

17 Section 55. Paragraphs (b), (c), and (d) of subsection
18 (1) of section 945.215, Florida Statutes, are amended to read:

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

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

23 (b) Funds in the Inmate Welfare Trust Fund must be
24 used exclusively for the following purposes at correctional
25 facilities operated directly by the department:

26 1. To operate inmate canteens and vending machines,
27 including purchasing items for resale at inmate canteens and
28 vending machines; employing personnel and inmates to manage,
29 supervise, and operate inmate canteens and vending machines;
30 and covering other operating and fixed capital outlay expenses
31

- 1 associated with operating inmate canteens and vending
2 machines;
- 3 2. To employ personnel to manage and supervise the
4 proceeds from telephone commissions;
- 5 3. To develop, implement, and maintain the medical
6 copayment accounting system;
- 7 4. To provide literacy programs, vocational training
8 programs, and educational programs that comply with standards
9 of the Department of Education, including employing personnel
10 and covering other operating and fixed capital outlay expenses
11 associated with providing such programs;
- 12 5. To operate inmate chapels, faith-based programs,
13 visiting pavilions, visiting services and programs, family
14 services and programs, libraries, and law libraries, including
15 employing personnel and covering other operating and fixed
16 capital outlay expenses associated with operating inmate
17 chapels, faith-based programs, visiting pavilions, visiting
18 services and programs, family services and programs,
19 libraries, and law libraries;
- 20 6. To provide for expenses associated with various
21 inmate clubs;
- 22 7. To provide for expenses associated with legal
23 services for inmates;
- 24 8. To provide inmate substance abuse treatment
25 programs and transition and life skills training programs,
26 including employing personnel and covering other operating and
27 fixed capital outlay expenses associated with providing such
28 programs; ~~and~~
- 29 9. To purchase other items for the benefit of the
30 inmate population as deemed appropriate by the secretary.
31

1 (c) The Legislature shall annually appropriate the
2 funds deposited in the Inmate Welfare Trust Fund. It is the
3 intent of the Legislature that total annual expenditures for
4 providing literacy programs, vocational training programs, and
5 educational programs exceed the combined total annual
6 expenditures for operating inmate chapels, faith-based
7 programs, visiting pavilions, visiting services and programs,
8 family services and programs, libraries, and law libraries,
9 covering expenses associated with inmate clubs, purchasing
10 other items deemed appropriate by the secretary, and providing
11 inmate substance abuse treatment programs and transition and
12 life skills training programs.

13 (d) Funds in the Inmate Welfare Trust Fund or any
14 other fund may not be used to purchase weight training
15 equipment or cable television service, or to rent or purchase
16 videocassettes or, videocassette recorders, ~~or other~~
17 ~~audiovisual or electronic equipment~~ used primarily for
18 recreation purposes. This paragraph does not preclude the
19 purchase or rental of electronic or audiovisual equipment or
20 wellness equipment for inmate training or educational
21 programs.

22 Section 56. Subsections (5), (6), and (8) of section
23 944.17, Florida Statutes, are amended to read:

24 944.17 Commitments and classification; transfers.--

25 (5) The department shall also refuse to accept a
26 person into the state correctional system unless the following
27 documents are presented in a completed form by the custodian
28 of the local jail, by another person having custody of the
29 prisoner, ~~sheriff~~ or by the chief correctional officer, or a
30 designated representative, to the officer in charge of the
31 reception process:

1 (a) The uniform commitment and judgment and sentence
2 forms as described in subsection (4).

3 (b) The ~~sheriff's~~ certificate as described in s.
4 921.161.

5 (c) A certified copy of the indictment or information
6 relating to the offense for which the person was convicted.

7 (d) A copy of the probable cause affidavit for each
8 offense identified in the current indictment or information.

9 (e) A copy of the Criminal Punishment Code scoresheet
10 and any attachments thereto prepared pursuant to Rule 3.701,
11 Rule 3.702, or Rule 3.703, Florida Rules of Criminal
12 Procedure, or any other rule pertaining to the preparation of
13 felony sentencing scoresheets.

14 (f) A copy of the restitution order or the reasons by
15 the court for not requiring restitution pursuant to s.
16 775.089(1).

17 (g) The name and address of any victim, if available.

18 (h) A printout of a current criminal history record as
19 provided through an FCIC/NCIC printer.

20 (i) Any available health assessments including
21 medical, mental health, and dental, including laboratory or
22 test findings; custody classification; disciplinary and
23 adjustment; and substance abuse assessment and treatment
24 information which may have been developed during the period of
25 incarceration prior to the transfer of the person to the
26 department's custody. Available information shall be
27 transmitted on standard forms developed by the department.

28
29 In addition, the custodian of the prisoner or a designated
30 representative of the custodian ~~sheriff or other officer~~
31 ~~having such person in charge~~ shall also deliver with the

1 foregoing documents any available presentence investigation
2 reports as described in s. 921.231 and any attached documents.
3 After a prisoner is admitted into the state correctional
4 system, the department may request such additional records
5 relating to the prisoner as it considers necessary from the
6 clerk of the court, the Department of Children and Family
7 Services, or any other state or county agency for the purpose
8 of determining the prisoner's proper custody classification,
9 gain-time eligibility, or eligibility for early release
10 programs. An agency that receives such a request from the
11 department must provide the information requested.

12 (6) If a person is sentenced by a circuit court to
13 serve a term of imprisonment concurrently with a term being
14 served in another jurisdiction, the ~~sheriff or~~ chief
15 correctional officer or person having custody of the prisoner
16 shall notify the department of the location at which such
17 person is serving such term of imprisonment and shall forward
18 to the department the documents described in subsection (5).

19 (8) If a state prisoner's presence is required in
20 court for any reason after the ~~sheriff or~~ chief correctional
21 officer or custodian of the local jail has relinquished
22 custody to the department, the court shall issue an order for
23 the ~~sheriff or~~ chief correctional officer or custodian of the
24 local jail to assume temporary custody and transport the
25 prisoner to the county jail pending the court appearance. The
26 ~~sheriff or~~ chief correctional officer or custodian of the
27 local jail, or a designated representative, shall present a
28 copy of the order to appropriate officers at the facility
29 housing the prisoner prior to assuming temporary custody of
30 the prisoner. Neither the court nor the ~~sheriff or~~ chief
31 correctional officer nor any other person may release such

1 prisoner without first obtaining confirmation from the
2 department that the prisoner has no commitments from other
3 jurisdictions or outstanding detainers. It is the
4 responsibility of the clerk of the circuit court to provide
5 the department's central office with certified copies of each
6 court action that affects a state commitment.

7 Section 57. (1) It is the intent of the Legislature
8 that local correctional practices in the state be upgraded and
9 strengthened through the adoption of meaningful standards of
10 operation for local jails.

11 (2) It is also the intent of the Legislature that
12 local correctional facilities voluntarily adopt these
13 standards of operation designed to promote equal and fair
14 service delivery, maximize the capability of local jails to
15 provide security and control, and increase interagency
16 cooperation throughout the state.

17 (3)(a) It is further the intent of the Legislature to
18 support the Florida Corrections Accreditation Commission
19 accreditation program. Such program shall continue to be
20 operated through the Florida Corrections Accreditation
21 Commission as an independent body in cooperation with the
22 Florida Department of Corrections.

23 (b) The Department of Corrections shall provide
24 financial support to the Florida Corrections Accreditation
25 Commission to maintain the effectiveness of the accreditation
26 process, as deemed appropriate by the Secretary of
27 Corrections.

28 (c) The corrections accreditation program shall
29 continue to address, at a minimum, the following aspects of
30 correctional service delivery: personnel issues; training;
31 security and control; order and discipline; special

1 operations; admission, classification, and release of adults;
2 inmate housing; inmate programs; sanitation and hygiene; food
3 service; direct supervision jails; admission, classification,
4 and release of juveniles; housing of juveniles; medical and
5 pharmacy issues; and public information.

6 (4) The Florida Corrections Accreditation Commission
7 shall report to the President of the Senate and the Speaker of
8 the House of Representatives on the status of corrections
9 accreditation in this state no later than December 31, 2001.

10 Section 58. The sum of \$200,000 is appropriated from
11 the Criminal Justice Standards and Training Trust Fund to the
12 Department of Corrections for purposes of implementing the
13 provisions of section 57 of this act during the 2001-2002
14 fiscal year.

15 Section 59. Section 943.12, Florida Statutes, is
16 amended to read:

17 943.12 Powers, duties, and functions of the
18 commission.--The commission shall:

19 (1) Adopt ~~Promulgate~~ rules for the administration of
20 ss. 943.085-943.255 pursuant to chapter 120.

21 (2) Be responsible for the execution, administration,
22 implementation, and evaluation of its powers, duties, and
23 functions under ss. 943.085-943.255, including any rules
24 promulgated or policies established hereunder.

25 (3) Certify, and revoke the certification of,
26 officers, instructors, and criminal justice training schools.

27 (4) Establish uniform minimum employment standards for
28 the various criminal justice disciplines.

29 (5) Establish uniform minimum training standards for
30 the training of officers in the various criminal justice
31 disciplines.

1 (6) Consult and cooperate with municipalities or the
2 state or any political subdivision of the state and with
3 universities, colleges, community colleges, and other
4 educational institutions concerning the development of
5 criminal justice training schools and programs or courses of
6 instruction, including, but not necessarily limited to,
7 education and training in the areas of criminal justice
8 administration and all allied and supporting disciplines.

9 (7) Conduct official inquiries or require criminal
10 justice training schools to conduct official inquiries of
11 ~~Authorize the issuance of certificates for criminal justice~~
12 ~~training instructors who are certified by the commission~~
13 ~~schools.~~

14 (8) Establish minimum curricular requirements for
15 criminal justice training schools.

16 (9) ~~Authorize the issuance of certificates for~~
17 ~~instructors.~~

18 (9)~~(10)~~ Make, publish, or encourage studies on any
19 aspect of criminal justice education and training or
20 recruitment, including the development of defensible and
21 job-related psychological, selection, and performance
22 evaluation tests.

23 (10)~~(11)~~ With the approval of the head of the
24 department, make and enter into such contracts and agreements
25 with other agencies, organizations, associations,
26 corporations, individuals, or federal agencies as the
27 commission determines are necessary, expedient, or incidental
28 to the performance of its duties or the execution of its
29 powers.

30 (11)~~(12)~~ Provide to each commission member and, upon
31 request, to any sheriff, chief of police, state law

1 enforcement or correctional agency chief administrator, or
2 training center director or to any other concerned citizen
3 minutes of commission meetings and notices and agendas of
4 commission meetings.

5 (12)~~(13)~~ Establish a central repository of records for
6 the proper administration of its duties, powers, and
7 functions.

8 (13)~~(14)~~ Issue final orders which include findings of
9 fact and conclusions of law and which constitute final agency
10 action for the purpose of chapter 120.

11 (14)~~(15)~~ Enforce compliance with provisions of this
12 chapter through injunctive relief and civil fines.

13 (15)~~(16)~~ Make recommendations concerning any matter
14 within the purview of this chapter.

15 (16)~~(17)~~ Adopt ~~Promulgate~~ rules for the certification
16 and discipline of officers who engage in those specialized
17 areas found to present a high risk of harm to the officer or
18 the public at large and which would in turn increase the
19 potential liability of an employing agency.

20 (17)~~(18)~~ Implement, administer, maintain, and revise a
21 job-related officer certification examination for each
22 criminal justice discipline. The commission shall, by rule,
23 establish procedures for the administration of the officer
24 certification examinations. Further, the commission shall
25 establish standards for acceptable performance for each
26 officer certification examination.

27 Section 60. Subsection (6) of section 943.13, Florida
28 Statutes, is amended to read:

29 943.13 Officers' minimum qualifications for employment
30 or appointment.--On or after October 1, 1984, any person
31 employed or appointed as a full-time, part-time, or auxiliary

1 law enforcement officer or correctional officer; on or after
2 October 1, 1986, any person employed as a full-time,
3 part-time, or auxiliary correctional probation officer; and on
4 or after October 1, 1986, any person employed as a full-time,
5 part-time, or auxiliary correctional officer by a private
6 entity under contract to the Department of Corrections, to a
7 county commission, or to the Correctional Privatization
8 Commission shall:

9 (6) Have passed a physical examination by a licensed
10 physician or physician assistant, based on specifications
11 established by the commission.

12 Section 61. Section 943.131, Florida Statutes, is
13 amended to read:

14 943.131 Temporary employment or appointment; minimum
15 basic recruit training exemption.--

16 (1)(a) An employing agency may temporarily employ or
17 appoint a person who complies with the qualifications for
18 employment in s. 943.13(1)-(8), but has not fulfilled the
19 requirements of s. 943.13(9) and (10), if a critical need
20 exists to employ or appoint the person and such person is or
21 will be enrolled in the next approved basic recruit training
22 program available in the geographic area or that no assigned
23 state training program for state officers is available within
24 a reasonable time. The employing agency must maintain
25 documentation which demonstrates that a critical need exists
26 to employ a person pursuant to this section. Prior to the
27 employment or appointment of any person other than a
28 correctional probation officer under this subsection, the
29 person shall comply with the firearms provisions established
30 pursuant to s. 943.17(1)(a). Any person temporarily employed
31 or appointed as an officer under this subsection must attend

1 the first training program offered in the geographic area, or
2 the first assigned state training program for a state officer,
3 subsequent to his or her employment or appointment. Further,
4 upon successful completion of the basic recruit training
5 program, any person temporarily employed or appointed as an
6 officer must fulfill the requirements of s. 943.13(10) within
7 180 consecutive days.

8 (b) In no case may the person be temporarily employed
9 or appointed for more than 180 consecutive days, and such
10 temporary employment or appointment is not renewable by the
11 employing agency or transferable to another employing agency.
12 However, a person who is temporarily employed or appointed and
13 is attending the first training program offered in the
14 geographic area, or has been assigned to a state training
15 program, may continue to be temporarily employed or appointed
16 until the person:

17 1. Successfully completes the basic recruit training
18 program and achieves an acceptable score on the officer
19 certification examination;

20 2. Fails or withdraws from a ~~any course of the~~ basic
21 recruit training program;

22 3. Fails to achieve an acceptable score on the officer
23 certification examination within 180 consecutive days after
24 the successful completion of the basic recruit training
25 program; or

26 4. Is separated from employment or appointment by the
27 employing agency.

28 (c) No person temporarily employed or appointed under
29 the provisions of this subsection may perform the duties of an
30 officer unless he or she is adequately supervised by another
31 officer of the same discipline. The supervising officer must

1 be in full compliance with the provisions of s. 943.13 and
2 must be employed or appointed by the employing agency.

3 (2) If an applicant seeks an exemption from completing
4 a commission-approved basic recruit training program, the
5 employing agency must verify that the applicant has
6 successfully completed a comparable basic recruit training
7 program for the discipline in which the applicant is seeking
8 certification in another state or for the Federal Government.
9 Further, the employing agency must verify that the applicant
10 has served as a full-time sworn officer in another state or
11 for the Federal Government for at least one year. When the
12 employing agency obtains written documentation regarding the
13 applicant's criminal justice experience, the documentation
14 must be submitted to the commission. The commission shall
15 adopt rules that establish criteria and procedures to
16 determine if the applicant is exempt from completing the
17 commission-approved basic recruit training program and, upon
18 making a determination, shall notify the employing agency. An
19 ~~if the~~ applicant who is exempt from completing the
20 ~~commission-approved basic recruit training program, the~~
21 ~~applicant~~ must demonstrate proficiency in the high-liability
22 areas, as defined by commission rule, and must complete the
23 requirements of s. 943.13(10) within 180 days after receiving
24 an exemption. If the proficiencies and requirements of s.
25 943.13(10) are not met within the 180 days, the applicant must
26 complete a commission-approved basic recruit training program
27 ~~complete training, as required by the commission by rule, in~~
28 ~~areas which include, but are not limited to, defensive~~
29 ~~driving, defensive tactics, firearms training, and first~~
30 ~~responder training.~~ Except as provided in subsection (1),
31 before the employing agency may employ or appoint the

1 applicant as an officer, the applicant must meet the minimum
2 qualifications described in s. 943.13(1)-(8), and must fulfill
3 the requirements of s. 943.13(10).

4 Section 62. Subsection (1) of section 943.135, Florida
5 Statutes, is amended to read:

6 943.135 Requirements for continued employment.--

7 (1) The commission shall, by rule, adopt a program
8 that requires all officers, as a condition of continued
9 employment or appointment as officers, to receive periodic
10 commission-approved continuing training or education. Such
11 continuing training or education shall be required at the rate
12 of 40 hours every 4 years. No officer shall be denied a
13 reasonable opportunity by the employing agency to comply with
14 this section. The employing agency must document that the
15 continuing training or education is job-related and consistent
16 with the needs of the employing agency. The employing agency
17 must maintain and submit, or electronically transmit, the
18 documentation to the commission, in a format approved by the
19 commission. The rule shall also provide:

20 (a) Assistance to an employing agency in identifying
21 each affected officer, the date of his or her employment or
22 appointment, and his or her most recent date for successful
23 completion of continuing training or education; and

24 (b) A procedure for reactivation of the certification
25 of an officer who is not in compliance with this section. ~~and~~

26 ~~(c) A remediation program supervised by the training~~
27 ~~center director within the geographic area for any officer who~~
28 ~~is attempting to comply with the provisions of this subsection~~
29 ~~and in whom learning disabilities are identified. The officer~~
30 ~~shall be assigned nonofficer duties, without loss of employee~~
31 ~~benefits, and the program shall not exceed 90 days.~~

1 Section 63. Subsection (2) of section 943.1395,
2 Florida Statutes, is amended to read:

3 943.1395 Certification for employment or appointment;
4 concurrent certification; reemployment or reappointment;
5 inactive status; revocation; suspension; investigation.--

6 (2) An officer who is certified in one discipline and
7 who complies with s. 943.13 in another discipline shall hold
8 concurrent certification and may be assigned in either
9 discipline within his or her employing agency. However, the
10 officer may be registered and hold concurrent certification
11 only if the employing agency has authority to employ multiple
12 disciplines.

13 Section 64. Section 943.14, Florida Statutes, is
14 amended to read:

15 943.14 Commission-certified criminal justice training
16 schools; certificates and diplomas; exemptions; injunctive
17 relief; fines.--

18 (1) Each criminal justice training school approved by
19 the commission shall obtain from the commission a certificate
20 of compliance, with rules of the commission, signed by the
21 chair of the commission. ~~Any training or educational courses~~
22 ~~which are taught in any criminal justice training school must~~
23 ~~first be approved in writing by the commission.~~

24 (2) Any certificate or diploma issued by any criminal
25 justice training school which relates to completion,
26 graduation, or attendance in criminal justice training or
27 educational subjects, or related matters, must be approved by
28 the commission staff in the department's Criminal Justice
29 Professionalism Program.

30
31

1 (3) The commission shall establish, by rule,
2 procedures for the certification and discipline of all
3 instructors in any criminal justice training school.

4 (4) Prior to the issuance of a certificate of
5 compliance, or as a condition of continuing certification, all
6 records of any criminal justice training school that relate to
7 training and all financial and personnel records of the school
8 shall be made available to the commission upon request.

9 (5) No private criminal justice training school may
10 include within its name the word "commission," "bureau," or
11 "division" together with the word "Florida" or "state," the
12 name of any county or municipality, or any misleading
13 derivative thereof which might be construed to represent a
14 government agency or an entity authorized by a government
15 agency.

16 ~~(6) Criminal justice training schools and courses~~
17 ~~which are licensed and operated in accordance with the rules~~
18 ~~of the State Board of Education and the rules of the~~
19 ~~commission are exempt from the requirements of subsections~~
20 ~~(1)-(5). However, any school which instructs approved~~
21 ~~commission courses must meet the requirements of subsections~~
22 ~~(1)-(5).~~

23 (6)(7)(a) Commission-approved correctional probation
24 courses and subjects which are taught by Florida 4-year
25 accredited colleges and universities are exempt from
26 subsections (1)-(6)(1)-(5) except for such documentation
27 which may be required by the commission. The commission
28 retains control over the content of courses and subjects
29 covered by this subsection as specified in s. 943.17(1)(a).
30 Florida 4-year accredited colleges and universities must
31 obtain approval from the commission prior to offering

1 correctional probation courses. Florida 4-year accredited
2 colleges and universities offering the Correctional Probation
3 Training Program shall teach the learning objectives specified
4 by the commission. The administration of the commission's
5 Correctional Probation Training Program within a Florida
6 4-year accredited college or university shall fall within the
7 institution's established guidelines for course delivery and
8 student attendance. The Florida 4-year accredited college or
9 university shall provide to the commission and to the student
10 proof of successful completion of all the approved objectives
11 required by the commission for the academic courses approved
12 for the Correctional Probation Training Program. The
13 commission-certified training school administering the
14 commission-required correctional probation high-liability
15 training shall provide to the commission and to the student
16 proof of successful completion of all approved objectives.

17 (b) All other criminal justice sciences or
18 administration courses or subjects which are a part of the
19 curriculum of any accredited college, university, community
20 college, or vocational-technical center of this state, and all
21 full-time instructors of such institutions, are exempt from
22 the provisions of subsections (1)-(5).

23 (7)~~(8)~~ Each criminal justice training school that
24 offers law enforcement, correctional, or correctional
25 probation officer basic recruit training, or selection center
26 that provides applicant screening for criminal justice
27 training schools, shall conduct a criminal history background
28 check of an applicant prior to entrance into the basic recruit
29 class. A complete set of fingerprints must be taken by an
30 authorized criminal justice agency or by an employee of the
31 criminal justice training school or selection center who is

1 trained to take fingerprints. The criminal justice training
2 school or selection center shall submit the fingerprints to
3 the Florida Department of Law Enforcement for a statewide
4 criminal history check, and forward the fingerprints to the
5 Federal Bureau of Investigation for a national criminal
6 history check. Applicants found through fingerprint processing
7 to have pled guilty to or been convicted of a crime which
8 would render the applicant unable to meet the minimum
9 qualifications for employment as an officer as specified in s.
10 943.13(4) shall be removed from the pool of qualified
11 candidates by the criminal justice training school or
12 selection center.

13 (8)~~(9)~~(a) If a criminal justice training school or
14 person violates this section, or any rule adopted pursuant
15 hereto, the Department of Legal Affairs, at the request of the
16 chair of the commission, shall apply to the circuit court in
17 the county in which the violation or violations occurred for
18 injunctive relief prohibiting the criminal justice training
19 school or person from operating contrary to this section.

20 (b)1. In addition to any injunctive relief available
21 under paragraph (a), the commission may impose a civil fine
22 upon any criminal justice training school or person who
23 violates subsection (1) or subsection (5), or any rule adopted
24 pursuant thereto, of up to \$10,000 for each violation, which
25 fine shall be paid into the Criminal Justice Standards and
26 Training Trust Fund. The commission may impose a civil fine
27 upon any criminal justice training school or person who
28 violates subsection (2), subsection (3), or subsection (4), or
29 any rule adopted pursuant thereto, of up to \$1,000 for each
30 violation, which fine shall be paid into the Criminal Justice
31 Standards and Training Trust Fund.

1 2. A proceeding under this paragraph shall comply with
2 the provisions of chapter 120, and the final order of the
3 commission constitutes final agency action for the purposes of
4 chapter 120. When the commission imposes a civil fine and the
5 fine is not paid within a reasonable time, the Department of
6 Legal Affairs, at the request of the chair of the commission,
7 shall bring a civil action under the provisions of s. 120.69
8 to recover the fine. The commission and the Department of
9 Legal Affairs are not required to post any bond in any
10 proceeding herein.

11 Section 65. Subsection (1) of section 943.17, Florida
12 Statutes, is amended to read:

13 943.17 Basic recruit, advanced, and career development
14 training programs; participation; cost; evaluation.--The
15 commission shall, by rule, design, implement, maintain,
16 evaluate, and revise entry requirements, job-related
17 curricula, and performance standards for basic recruit,
18 advanced, and career development training programs and
19 courses. The rules shall include, but are not limited to, a
20 methodology to assess relevance of the subject matter to the
21 job, student performance, and instructor competency.

22 (1) The commission shall:

23 (a) Design, implement, maintain, evaluate, ~~and~~ revise
24 or adopt a basic recruit training program for the purpose of
25 providing minimum employment training qualifications for all
26 officers to be employed or appointed in each discipline.

27 (b) Design, implement, maintain, evaluate, ~~and~~ revise
28 or adopt an advanced training program which is limited to
29 those courses enhancing an officer's knowledge, skills, and
30 abilities for the job he or she performs.

31

1 (c) Design, implement, maintain, evaluate, ~~and~~ revise
2 or adopt a career development training program which is
3 limited to those courses related to promotion to a higher rank
4 or position. Career development courses will not be eligible
5 for funding as provided in s. 943.25(9).

6 (d) Design, implement, maintain, evaluate, or adopt a
7 specialized training program, consisting of identified goals
8 and objectives that enhance an officer's ability to perform
9 the duties of his or her job.~~For any existing or newly~~
10 ~~established course, adopt an examination and assessment~~
11 ~~instrument that is job-related and measures an officer's~~
12 ~~acquisition of knowledge, skills, and abilities. An~~
13 ~~acceptable level of measurable student performance shall also~~
14 ~~be developed for each course.~~

15 Section 66. Subsection (2) of section 943.173, Florida
16 Statutes, is amended to read:

17 943.173 Examinations; administration; materials not
18 public records; disposal of materials.--

19 (2) Each advanced and career development course
20 examination ~~adopted by the commission~~ shall be administered at
21 a certified criminal justice training school under the
22 supervision of the training center director.

23 Section 67. Section 943.175, Florida Statutes, is
24 amended to read:

25 943.175 Inservice ~~and specialized~~ training.--

26 (1) Inservice training programs, consisting of courses
27 established, implemented, and evaluated by an employing
28 agency, are the responsibility of the employing agency.
29 Inservice ~~Specialized~~ training programs, consisting of courses
30 established, implemented, and evaluated by a criminal justice
31 training school, are the responsibility of the criminal

1 justice training school. Inservice ~~and specialized~~ training
2 programs or courses need not be approved by the commission.

3 ~~(2) The commission shall, by rule, establish~~
4 ~~procedures and criteria whereby an employing agency or~~
5 ~~criminal justice training school seeking commission approval~~
6 ~~of a specialized training program or course must submit the~~
7 ~~program or course to the commission for evaluation. The~~
8 ~~procedures and criteria shall include, but are not limited to,~~
9 ~~a demonstration of job relevance and quality of instruction.~~

10 (2)~~(3)~~ Inservice ~~or specialized~~ training courses or
11 programs shall not be part of the programs or courses
12 established by the commission pursuant to s. 943.17, nor shall
13 they be used to qualify an officer for salary incentive
14 payment provided under s. 943.22.

15 Section 68. Paragraph (a) of subsection (1) of section
16 943.22, Florida Statutes, is amended to read:

17 943.22 Salary incentive program for full-time
18 officers.--

19 (1) For the purpose of this section, the term:

20 (a) "Accredited college, university, or community
21 college" means a college, university, or community college
22 which has been accredited by the Southern Association of
23 Colleges and Schools or, another regional accrediting agency,
24 ~~or the American Association of Collegiate Registrars and~~
25 ~~Admissions Officers.~~

26 Section 69. Subsection (6) of section 943.25, Florida
27 Statutes, is amended to read:

28 943.25 Criminal justice trust funds; source of funds;
29 use of funds.--

30 (6) ~~No~~ Training, room, or board cost may not be
31 assessed against any officer or employing agency for any

1 advanced and specialized training course funded from the
2 Criminal Justice Standards and Training Trust Fund and offered
3 through a criminal justice training school certified by the
4 commission. Such expenses shall be paid from the trust fund
5 and are not reimbursable by the officer. Travel costs to and
6 from the training site are the responsibility of the trainee
7 or employing agency. Any compensation, including, but not
8 limited to, salaries and benefits, paid to any person during
9 the period of training shall be fixed and determined by the
10 employing agency; and such compensation shall be paid directly
11 to the person.

12 (a) The commission shall develop a policy of
13 reciprocal payment for training officers from regions other
14 than the region providing the training.

15 (b) An officer who is not employed or appointed by an
16 employing agency of this state may attend a course funded by
17 the trust fund, provided the officer is required to pay to the
18 criminal justice training school all training costs incurred
19 for her or his attendance.

20 Section 70. Section 316.640, Florida Statutes, is
21 amended to read:

22 316.640 Enforcement.--The enforcement of the traffic
23 laws of this state is vested as follows:

24 (1) STATE.--

25 (a)1.a. The Division of Florida Highway Patrol of the
26 Department of Highway Safety and Motor Vehicles, the Division
27 of Law Enforcement of the Fish and Wildlife Conservation
28 Commission, the Division of Law Enforcement of the Department
29 of Environmental Protection, and law enforcement officers of
30 the Department of Transportation each have authority to
31 enforce all of the traffic laws of this state on all the

1 streets and highways thereof and elsewhere throughout the
2 state wherever the public has a right to travel by motor
3 vehicle. The Division of the Florida Highway Patrol may employ
4 as a traffic accident investigation officer any individual who
5 successfully completes ~~at least 200 hours of~~ instruction in
6 traffic accident investigation and court presentation through
7 the Selective Traffic Enforcement Program as approved by the
8 Criminal Justice Standards and Training Commission and funded
9 through the National Highway Traffic Safety Administration or
10 a similar program approved by the commission, but who does not
11 necessarily meet the uniform minimum standards established by
12 the commission for law enforcement officers or auxiliary law
13 enforcement officers under chapter 943. Any such traffic
14 accident investigation officer who makes an investigation at
15 the scene of a traffic accident may issue traffic citations,
16 based upon personal investigation, when he or she has
17 reasonable and probable grounds to believe that a person who
18 was involved in the accident committed an offense under this
19 chapter, chapter 319, chapter 320, or chapter 322 in
20 connection with the accident. This paragraph does not permit
21 the carrying of firearms or other weapons, nor do such
22 officers have arrest authority other than for the issuance of
23 a traffic citation as authorized in this paragraph.

24 b. University police officers shall have authority to
25 enforce all of the traffic laws of this state when such
26 violations occur on or about any property or facilities that
27 are under the guidance, supervision, regulation, or control of
28 the State University System, except that traffic laws may be
29 enforced off-campus when hot pursuit originates on-campus.

30 c. Community college police officers shall have the
31 authority to enforce all the traffic laws of this state only

1 when such violations occur on any property or facilities that
2 are under the guidance, supervision, regulation, or control of
3 the community college system.

4 d. Police officers employed by an airport authority
5 shall have the authority to enforce all of the traffic laws of
6 this state only when such violations occur on any property or
7 facilities that are owned or operated by an airport authority.

8 (I) An airport authority may employ as a parking
9 enforcement specialist any individual who successfully
10 completes a training program established and approved by the
11 Criminal Justice Standards and Training Commission for parking
12 enforcement specialists but who does not otherwise meet the
13 uniform minimum standards established by the commission for
14 law enforcement officers or auxiliary or part-time officers
15 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
16 construed to permit the carrying of firearms or other weapons,
17 nor shall such parking enforcement specialist have arrest
18 authority.

19 (II) A parking enforcement specialist employed by an
20 airport authority is authorized to enforce all state, county,
21 and municipal laws and ordinances governing parking only when
22 such violations are on property or facilities owned or
23 operated by the airport authority employing the specialist, by
24 appropriate state, county, or municipal traffic citation.

25 e. The Office of Agricultural Law Enforcement of the
26 Department of Agriculture and Consumer Services shall have the
27 authority to enforce traffic laws of this state only as
28 authorized by the provisions of chapter 570. However, nothing
29 in this section shall expand the authority of the Office of
30 Agricultural Law Enforcement at its agricultural inspection
31

1 stations to issue any traffic tickets except those traffic
2 tickets for vehicles illegally passing the inspection station.

3 f. School safety officers shall have the authority to
4 enforce all of the traffic laws of this state when such
5 violations occur on or about any property or facilities which
6 are under the guidance, supervision, regulation, or control of
7 the district school board.

8 2. An agency of the state as described in subparagraph
9 1. is prohibited from establishing a traffic citation quota. A
10 violation of this subparagraph is not subject to the penalties
11 provided in chapter 318.

12 3. Any disciplinary action taken or performance
13 evaluation conducted by an agency of the state as described in
14 subparagraph 1. of a law enforcement officer's traffic
15 enforcement activity must be in accordance with written
16 work-performance standards. Such standards must be approved by
17 the agency and any collective bargaining unit representing
18 such law enforcement officer. A violation of this subparagraph
19 is not subject to the penalties provided in chapter 318.

20 (b)1. The Department of Transportation has authority
21 to enforce on all the streets and highways of this state all
22 laws applicable within its authority.

23 2.a. The Department of Transportation shall develop
24 training and qualifications standards for toll enforcement
25 officers whose sole authority is to enforce the payment of
26 tolls pursuant to s. 316.1001. Nothing in this subparagraph
27 shall be construed to permit the carrying of firearms or other
28 weapons, nor shall a toll enforcement officer have arrest
29 authority.

30 b. For the purpose of enforcing s. 316.1001,
31 governmental entities, as defined in s. 334.03, which own or

1 operate a toll facility may employ independent contractors or
2 designate employees as toll enforcement officers; however, any
3 such toll enforcement officer must successfully meet the
4 training and qualifications standards for toll enforcement
5 officers established by the Department of Transportation.

6 (2) COUNTIES.--

7 (a) The sheriff's office of each of the several
8 counties of this state shall enforce all of the traffic laws
9 of this state on all the streets and highways thereof and
10 elsewhere throughout the county wherever the public has the
11 right to travel by motor vehicle. In addition, the sheriff's
12 office may be required by the county to enforce the traffic
13 laws of this state on any private or limited access road or
14 roads over which the county has jurisdiction pursuant to a
15 written agreement entered into under s. 316.006(3)(b).

16 (b) The sheriff's office of each county may employ as
17 a traffic crash investigation officer any individual who
18 successfully completes ~~at least 200 hours of~~ instruction in
19 traffic crash investigation and court presentation through the
20 Selective Traffic Enforcement Program (STEP) as approved by
21 the Criminal Justice Standards and Training Commission and
22 funded through the National Highway Traffic Safety
23 Administration (NHTSA) or a similar program approved by the
24 commission, but who does not necessarily otherwise meet the
25 uniform minimum standards established by the commission for
26 law enforcement officers or auxiliary law enforcement officers
27 under chapter 943. Any such traffic crash investigation
28 officer who makes an investigation at the scene of a traffic
29 crash may issue traffic citations when, based upon personal
30 investigation, he or she has reasonable and probable grounds
31 to believe that a person who was involved has committed an

1 offense under this chapter in connection with the crash. This
2 paragraph does not permit the carrying of firearms or other
3 weapons, nor do such officers have arrest authority other than
4 for the issuance of a traffic citation as authorized in this
5 paragraph.

6 (c) The sheriff's office of each of the several
7 counties of this state may employ as a parking enforcement
8 specialist any individual who successfully completes a
9 training program established and approved by the Criminal
10 Justice Standards and Training Commission for parking
11 enforcement specialists, but who does not necessarily
12 otherwise meet the uniform minimum standards established by
13 the commission for law enforcement officers or auxiliary or
14 part-time officers under s. 943.12.

15 1. A parking enforcement specialist employed by the
16 sheriff's office of each of the several counties of this state
17 is authorized to enforce all state and county laws,
18 ordinances, regulations, and official signs governing parking
19 within the unincorporated areas of the county by appropriate
20 state or county citation and may issue such citations for
21 parking in violation of signs erected pursuant to s.
22 316.006(3) at parking areas located on property owned or
23 leased by a county, whether or not such areas are within the
24 boundaries of a chartered municipality.

25 2. A parking enforcement specialist employed pursuant
26 to this subsection shall not carry firearms or other weapons
27 or have arrest authority.

28 (3) MUNICIPALITIES.--

29 (a) The police department of each chartered
30 municipality shall enforce the traffic laws of this state on
31 all the streets and highways thereof and elsewhere throughout

1 the municipality wherever the public has the right to travel
2 by motor vehicle. In addition, the police department may be
3 required by a municipality to enforce the traffic laws of this
4 state on any private or limited access road or roads over
5 which the municipality has jurisdiction pursuant to a written
6 agreement entered into under s. 316.006(2)(b). However,
7 nothing in this chapter shall affect any law, general,
8 special, or otherwise, in effect on January 1, 1972, relating
9 to "hot pursuit" without the boundaries of the municipality.

10 (b) The police department of a chartered municipality
11 may employ as a traffic crash investigation officer any
12 individual who successfully completes ~~at least 200 hours of~~
13 instruction in traffic crash investigation and court
14 presentation through the Selective Traffic Enforcement Program
15 (STEP) as approved by the Criminal Justice Standards and
16 Training Commission and funded through the National Highway
17 Traffic Safety Administration (NHTSA) or a similar program
18 approved by the commission, but who does not otherwise meet
19 the uniform minimum standards established by the commission
20 for law enforcement officers or auxiliary law enforcement
21 officers under chapter 943. Any such traffic crash
22 investigation officer who makes an investigation at the scene
23 of a traffic crash is authorized to issue traffic citations
24 when, based upon personal investigation, he or she has
25 reasonable and probable grounds to believe that a person
26 involved has committed an offense under the provisions of this
27 chapter in connection with the crash. Nothing in this
28 paragraph shall be construed to permit the carrying of
29 firearms or other weapons, nor shall such officers have arrest
30 authority other than for the issuance of a traffic citation as
31 authorized above.

1 (c)1. A chartered municipality or its authorized
2 agency or instrumentality may employ as a parking enforcement
3 specialist any individual who successfully completes a
4 training program established and approved by the Criminal
5 Justice Standards and Training Commission for parking
6 enforcement specialists, but who does not otherwise meet the
7 uniform minimum standards established by the commission for
8 law enforcement officers or auxiliary or part-time officers
9 under s. 943.12.

10 2. A parking enforcement specialist employed by a
11 chartered municipality or its authorized agency or
12 instrumentality is authorized to enforce all state, county,
13 and municipal laws and ordinances governing parking within the
14 boundaries of the municipality employing the specialist, by
15 appropriate state, county, or municipal traffic citation.
16 Nothing in this paragraph shall be construed to permit the
17 carrying of firearms or other weapons, nor shall such a
18 parking enforcement specialist have arrest authority.

19 (4)(a) Any sheriff's department, or any police
20 department of a municipality, may employ as a traffic control
21 officer any individual who successfully completes at least 8
22 hours of instruction in traffic control procedures through a
23 program approved by the Division of Criminal Justice Standards
24 and Training of the Department of Law Enforcement, or through
25 a similar program offered by the local sheriff's department or
26 police department, but who does not necessarily otherwise meet
27 the uniform minimum standards established by the Criminal
28 Justice Standards and Training Commission for law enforcement
29 officers or auxiliary law enforcement officers under s.
30 943.13. A traffic control officer employed pursuant to this
31 subsection may direct traffic or operate a traffic control

1 device only at a fixed location and only upon the direction of
2 a fully qualified law enforcement officer; however, it is not
3 necessary that the traffic control officer's duties be
4 performed under the immediate supervision of a fully qualified
5 law enforcement officer.

6 (b) In the case of a special event or activity in
7 relation to which a nongovernmental entity is paying for
8 traffic control on public streets, highways, or roads, traffic
9 control officers may be employed to perform such traffic
10 control responsibilities only when off-duty, full-time law
11 enforcement officers, as defined in s. 943.10(1), are
12 unavailable to perform those responsibilities. However, this
13 paragraph may not be construed to limit the use of traffic
14 infraction enforcement officers for traffic enforcement
15 purposes.

16 (c) This subsection does not permit the carrying of
17 firearms or other weapons, nor do traffic control officers
18 have arrest authority.

19 (5)(a) Any sheriff's department or police department
20 of a municipality may employ, as a traffic infraction
21 enforcement officer, any individual who successfully completes
22 ~~at least 200 hours of~~ instruction in traffic enforcement
23 procedures and court presentation through the Selective
24 Traffic Enforcement Program as approved by the Division of
25 Criminal Justice Standards and Training of the Department of
26 Law Enforcement, or through a similar program, but who does
27 not necessarily otherwise meet the uniform minimum standards
28 established by the Criminal Justice Standards and Training
29 Commission for law enforcement officers or auxiliary law
30 enforcement officers under s. 943.13. Any such traffic
31 infraction enforcement officer who observes the commission of

1 a traffic infraction or, in the case of a parking infraction,
2 who observes an illegally parked vehicle may issue a traffic
3 citation for the infraction when, based upon personal
4 investigation, he or she has reasonable and probable grounds
5 to believe that an offense has been committed which
6 constitutes a noncriminal traffic infraction as defined in s.
7 318.14.

8 (b) The traffic enforcement officer shall be employed
9 in relationship to a selective traffic enforcement program at
10 a fixed location or as part of a crash investigation team at
11 the scene of a vehicle crash or in other types of traffic
12 infraction enforcement under the direction of a fully
13 qualified law enforcement officer; however, it is not
14 necessary that the traffic infraction enforcement officer's
15 duties be performed under the immediate supervision of a fully
16 qualified law enforcement officer.

17 (c) This subsection does not permit the carrying of
18 firearms or other weapons, nor do traffic infraction
19 enforcement officers have arrest authority other than the
20 authority to issue a traffic citation as provided in this
21 subsection.

22 (6) MOBILE HOME PARK RECREATION
23 DISTRICTS.--Notwithstanding subsection (2) or subsection (3),
24 the sheriff's office of each of the several counties of this
25 state and the police department of each chartered municipality
26 have authority, but are not required, to enforce the traffic
27 laws of this state on any way or place used for vehicular
28 traffic on a controlled access basis within a mobile home park
29 recreation district which has been created under s. 418.30 and
30 the recreational facilities of which district are open to the
31 general public.

1 (7) CONSTRUCTION OF CHAPTER 87-88, LAWS OF
2 FLORIDA.--For purposes of traffic control and enforcement,
3 nothing in chapter 87-88, Laws of Florida, shall be construed
4 to classify any road which has been dedicated or impliedly
5 dedicated for public use, and which has been constructed and
6 is open to the use of the public for vehicular traffic, as a
7 private road or driveway.

8 (8) TRAFFIC ENFORCEMENT AGENCY.--Any agency or
9 governmental entity designated in subsection (1), subsection
10 (2), or subsection (3), including a university, a community
11 college, a school board, or an airport authority, is a traffic
12 enforcement agency for purposes of s. 316.650.

13 Section 71. Section 944.31, Florida Statutes, is
14 amended to read:

15 944.31 Inspector general; inspectors; power and
16 duties.--The inspector general shall be responsible for prison
17 inspection and investigation, internal affairs investigations,
18 and management reviews. The office of the inspector general
19 shall be charged with the duty of inspecting the penal and
20 correctional systems of the state. The office of the inspector
21 general shall inspect each prison ~~correctional institution~~ or
22 any place in which state prisoners are housed, worked, or kept
23 within the state, with reference to its physical conditions,
24 cleanliness, sanitation, safety, and comfort; the quality and
25 supply of all bedding; the quality, quantity, and diversity of
26 food served and the manner in which it is served; the number
27 and condition of the prisoners confined therein; and the
28 general conditions of each prison ~~institution~~. The office of
29 inspector general shall see that all the rules and regulations
30 issued by the department are strictly observed and followed by
31 all persons connected with the correctional systems of the

1 state. The office of the inspector general shall coordinate
2 and supervise the work of inspectors throughout the state. The
3 inspector general and inspectors may enter any place where
4 prisoners in this state are kept and shall be immediately
5 admitted to such place as they desire and may consult and
6 confer with any prisoner privately and without molestation.
7 The inspector general and inspectors shall be responsible for
8 criminal and administrative investigation of matters relating
9 to the Department of Corrections. The secretary may designate
10 persons within the Office of the Inspector General as law
11 enforcement officers to conduct any criminal investigation
12 that occurs on property owned or leased by the department or
13 involves matters over which the department has jurisdiction. A
14 person designated as a law enforcement officer must be
15 certified pursuant to s. 943.1395 and must have a minimum of 3
16 years' experience as an inspector general investigator or as a
17 law enforcement officer. The department shall maintain a
18 memorandum of understanding with the Department of Law
19 Enforcement for the notification of and investigation of
20 mutually agreed-upon predicate events, which shall include,
21 but are not limited to, suspicious deaths and major organized
22 criminal activity. During ~~in such~~ investigations, the
23 inspector general and inspectors may consult and confer with
24 any prisoner or staff member privately and without
25 molestation, and persons designated as law enforcement
26 officers under this section shall have the authority to
27 conduct warrantless arrests of ~~detain~~ any person for
28 violations of the felony criminal laws of the state, as
29 enumerated in this chapter and chapter 893. A person
30 designated as a law enforcement officer under this section may
31 make arrests pursuant to a warrant, including arrests of

1 offenders who have escaped or absconded from custody.~~Such~~
2 ~~detention shall be made only on properties owned or leased by~~
3 ~~the department,~~ and The arrested ~~detained~~ person shall be
4 surrendered without delay to the detention facility ~~sheriff~~ of
5 the county in which the arrest ~~detention~~ is made, with a
6 formal complaint subsequently made against her or him in
7 accordance with law.

8 Section 72. If a prisoner in the custody of the
9 Department of Corrections is diagnosed with hepatitis, the
10 department must notify the prisoner of the diagnosis.

11 Section 73. Notwithstanding any other provision of
12 this act, the job titles of those persons currently employed
13 as correctional officers or as other correctional personnel
14 shall not be affected by this act.

15 Section 74. This act shall take effect July 1, 2001.
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