

By the Committee on Crime Prevention, Corrections & Safety  
and Representative Needelman

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           reenacting s. 944.275, F.S., relating to  
9           gain-time to incorporate said amendment in a  
10          reference; amending s. 944.17, F.S.; changing  
11          references from "sheriff" to "custodian of the  
12          local jail"; amending s. 944.28, F.S.;  
13          providing for a disciplinary hearing officer  
14          rather than a disciplinary committee to  
15          determine forfeiture of gain-time; amending s.  
16          944.35, F.S.; requiring that the department's  
17          inspector general review the use of force by  
18          department employees; providing for the  
19          inspector general to determine the  
20          appropriateness of the force used; amending s.  
21          945.215, F.S.; revising provisions relating to  
22          use of funds for specified purposes at  
23          correctional facilities operated by the  
24          department; amending s. 948.09, F.S.; revising  
25          the amount of the surcharge paid to the  
26          department by offenders placed on community  
27          control; amending ss. 20.315, 39.806, 57.091,  
28          112.531, 212.04, 229.565, 397.305, 413.051,  
29          414.40, 435.04, 468.302, 496.404, 570.071,  
30          766.314, 776.085, 921.0022, 921.187, 921.188,  
31          943.045, 943.052, 943.085, 943.10, 943.11,

1 944.012, 944.02, 944.023, 944.026, 944.033,  
2 944.08, 944.09, 944.095, 944.10, 944.11,  
3 944.115, 944.14, 944.151, 944.17, 944.1905,  
4 944.23, 944.24, 944.279, 944.28, 944.281,  
5 944.291, 944.31, 944.32, 944.39, 944.402,  
6 944.44, 944.45, 944.46, 944.47, 944.472,  
7 944.516, 944.611, 944.613, 944.704, 944.711,  
8 944.801, 944.803, 945.025, 945.0311, 945.043,  
9 945.091, 945.27, 945.6031, 945.72, 946.002,  
10 946.205, 946.25, 946.40, 946.504, 946.513,  
11 947.1405, 947.172, 947.174, 947.1745, 948.03,  
12 948.12, 948.51, 948.90, 951.23, 958.04, and  
13 960.001, F.S.; redesignating state correctional  
14 institutions as state prisons; redesignating  
15 community correctional centers as work release  
16 centers; conforming provisions thereto;  
17 amending ss. 945.091 and 958.09, F.S.;  
18 correcting references to disciplinary  
19 committee; providing a directive to the  
20 Division of Statutory Revision; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 921.161, Florida Statutes, is  
26 amended to read:

27 921.161 Sentence not to run until imposed; credit for  
28 county jail time after sentence; certificate of custodian of  
29 jail.--

30 (1) A sentence of imprisonment shall not begin to run  
31 before the date it is imposed, but the court imposing a

1 sentence shall allow a defendant credit for all of the time  
2 she or he spent in the county jail before sentence. Unless  
3 documented on the certificate required under subsection (2),  
4 the Department of Corrections may not credit time served that  
5 is awarded by the court when calculating, under s. 944.275,  
6 the date on which a defendant will satisfy 85 percent of the  
7 sentence imposed. However, the department may apply such  
8 additional credit for time served prior to sentencing if the  
9 court specifies on the judgment and sentence, or by separate  
10 court order, the dates and places of the defendant's  
11 additional incarceration.~~The credit must be for a specified~~  
12 ~~period of time and shall be provided for in the sentence.~~

13 (2) In addition to other credits, a person sentenced  
14 to imprisonment in custody of the Department of Corrections  
15 shall receive credit on her or his sentence for all time spent  
16 between sentencing and being placed in custody of the  
17 department. When delivering a prisoner to the department, the  
18 custodian of the local jail shall certify to the department ~~it~~  
19 in writing:

20 (a) The date of arrest or, if the prisoner is received  
21 from another jurisdiction, the date on which and name of the  
22 agency from which the prisoner is received,the date the  
23 sentence was imposed,and the date the prisoner was delivered  
24 to the department or to another jurisdiction.

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

27 (c) The dates and reasons for any other times the  
28 prisoner was at liberty between the date the prisoner was  
29 arrested and the date the prisoner was delivered to the  
30 Department of Corrections ~~after sentence.~~

31

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

4  
5 The certificate shall be prima facie evidence of the facts  
6 certified.

7           Section 2. For the purpose of incorporating the  
8 amendment to section 921.161, Florida Statutes, in a reference  
9 thereto, section 944.275, Florida Statutes, is reenacted to  
10 read:

11           944.275 Gain-time.--

12           (1) The department is authorized to grant deductions  
13 from sentences in the form of gain-time in order to encourage  
14 satisfactory prisoner behavior, to provide incentive for  
15 prisoners to participate in productive activities, and to  
16 reward prisoners who perform outstanding deeds or services.

17           (2)(a) The department shall establish for each  
18 prisoner sentenced to a term of years a "maximum sentence  
19 expiration date," which shall be the date when the sentence or  
20 combined sentences imposed on a prisoner will expire. In  
21 establishing this date, the department shall reduce the total  
22 time to be served by any time lawfully credited.

23           (b) When a prisoner with an established maximum  
24 sentence expiration date is sentenced to an additional term or  
25 terms without having been released from custody, the  
26 department shall extend the maximum sentence expiration date  
27 by the length of time imposed in the new sentence or  
28 sentences, less lawful credits.

29           (c) When an escaped prisoner or a parole violator is  
30 returned to the custody of the department, the maximum  
31 sentence expiration date in effect when the escape occurred or

1 the parole was effective shall be extended by the amount of  
2 time the prisoner was not in custody plus the time imposed in  
3 any new sentence or sentences, but reduced by any lawful  
4 credits.

5 (3)(a) The department shall also establish for each  
6 prisoner sentenced to a term of years a "tentative release  
7 date" which shall be the date projected for the prisoner's  
8 release from custody by virtue of gain-time granted or  
9 forfeited as described in this section. The initial tentative  
10 release date shall be determined by deducting basic gain-time  
11 granted from the maximum sentence expiration date. Other  
12 gain-time shall be applied when granted or restored to make  
13 the tentative release date proportionately earlier; and  
14 forfeitures of gain-time, when ordered, shall be applied to  
15 make the tentative release date proportionately later.

16 (b) When an initial tentative release date is  
17 reestablished because of additional sentences imposed before  
18 the prisoner has completely served all prior sentences, any  
19 gain-time granted during service of a prior sentence and not  
20 forfeited shall be applied.

21 (c) The tentative release date may not be later than  
22 the maximum sentence expiration date.

23 (4)(a) As a means of encouraging satisfactory  
24 behavior, the department shall grant basic gain-time at the  
25 rate of 10 days for each month of each sentence imposed on a  
26 prisoner, subject to the following:

27 1. Portions of any sentences to be served concurrently  
28 shall be treated as a single sentence when determining basic  
29 gain-time.

30 2. Basic gain-time for a partial month shall be  
31 prorated on the basis of a 30-day month.

1           3. When a prisoner receives a new maximum sentence  
2 expiration date because of additional sentences imposed, basic  
3 gain-time shall be granted for the amount of time the maximum  
4 sentence expiration date was extended.

5           (b) For each month in which an inmate works  
6 diligently, participates in training, uses time  
7 constructively, or otherwise engages in positive activities,  
8 the department may grant incentive gain-time in accordance  
9 with this paragraph. The rate of incentive gain-time in effect  
10 on the date the inmate committed the offense which resulted in  
11 his or her incarceration shall be the inmate's rate of  
12 eligibility to earn incentive gain-time throughout the period  
13 of incarceration and shall not be altered by a subsequent  
14 change in the severity level of the offense for which the  
15 inmate was sentenced.

16           1. For sentences imposed for offenses committed prior  
17 to January 1, 1994, up to 20 days of incentive gain-time may  
18 be granted. If granted, such gain-time shall be credited and  
19 applied monthly.

20           2. For sentences imposed for offenses committed on or  
21 after January 1, 1994, and before October 1, 1995:

22           a. For offenses ranked in offense severity levels 1  
23 through 7, under s. 921.0012 or s. 921.0013, up to 25 days of  
24 incentive gain-time may be granted. If granted, such  
25 gain-time shall be credited and applied monthly.

26           b. For offenses ranked in offense severity levels 8,  
27 9, and 10, under s. 921.0012 or s. 921.0013, up to 20 days of  
28 incentive gain-time may be granted. If granted, such  
29 gain-time shall be credited and applied monthly.

30           3. For sentences imposed for offenses committed on or  
31 after October 1, 1995, the department may grant up to 10 days

1 per month of incentive gain-time, except that no prisoner is  
2 eligible to earn any type of gain-time in an amount that would  
3 cause a sentence to expire, end, or terminate, or that would  
4 result in a prisoner's release, prior to serving a minimum of  
5 85 percent of the sentence imposed. For purposes of this  
6 subparagraph, credits awarded by the court for time physically  
7 incarcerated shall be credited toward satisfaction of 85  
8 percent of the sentence imposed. Except as provided by this  
9 section, a prisoner shall not accumulate further gain-time  
10 awards at any point when the tentative release date is the  
11 same as that date at which the prisoner will have served 85  
12 percent of the sentence imposed. State prisoners sentenced to  
13 life imprisonment shall be incarcerated for the rest of their  
14 natural lives, unless granted pardon or clemency.

15 (c) An inmate who performs some outstanding deed, such  
16 as saving a life or assisting in recapturing an escaped  
17 inmate, or who in some manner performs an outstanding service  
18 that would merit the granting of additional deductions from  
19 the term of his or her sentence may be granted meritorious  
20 gain-time of from 1 to 60 days.

21 (d) Notwithstanding subparagraphs (b)1. and 2., the  
22 education program manager shall recommend, and the Department  
23 of Corrections may grant, a one-time award of 60 additional  
24 days of incentive gain-time to an inmate who is otherwise  
25 eligible and who successfully completes requirements for and  
26 is awarded a general educational development certificate or  
27 vocational certificate. Under no circumstances may an inmate  
28 receive more than 60 days for educational attainment pursuant  
29 to this section.

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1           (5) When a prisoner is found guilty of an infraction  
2 of the laws of this state or the rules of the department,  
3 gain-time may be forfeited according to law.

4           (6)(a) Basic gain-time under this section shall be  
5 computed on and applied to all sentences imposed for offenses  
6 committed on or after July 1, 1978, and before January 1,  
7 1994.

8           (b) All incentive and meritorious gain-time is granted  
9 according to this section.

10          (c) All additional gain-time previously awarded under  
11 former subsections (2) and (3) and all forfeitures ordered  
12 prior to the effective date of the act that created this  
13 section shall remain in effect and be applied in establishing  
14 an initial tentative release date.

15          (7) The department shall adopt rules to implement the  
16 granting, forfeiture, restoration, and deletion of gain-time.

17          Section 3. Subsections (5), (6), and (8) of section  
18 944.17, Florida Statutes, are amended to read:

19           944.17 Commitments and classification; transfers.--

20          (5) The department shall also refuse to accept a  
21 person into the state correctional system unless the following  
22 documents are presented in a completed form by the custodian  
23 of the local jail, or other person having custody of the  
24 prisoner, sheriff or by the chief correctional officer, or a  
25 designated representative, to the officer in charge of the  
26 reception process:

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

29           (b) The ~~sheriff's~~ certificate as described in s.  
30 921.161.

31



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

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

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

10 (f) A copy of the restitution order or the reasons by  
11 the court for not requiring restitution pursuant to s.  
12 775.089(1).

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

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

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

24  
25 In addition, the custodian of the prisoner or a designated  
26 representative ~~sheriff or other officer having such person in~~  
27 ~~charge~~ shall also deliver with the foregoing documents any  
28 available presentence investigation reports as described in s.  
29 921.231 and any attached documents. After a prisoner is  
30 admitted into the state correctional system, the department  
31 may request such additional records relating to the prisoner

1 as it considers necessary from the clerk of the court, the  
2 Department of Children and Family Services, or any other state  
3 or county agency for the purpose of determining the prisoner's  
4 proper custody classification, gain-time eligibility, or  
5 eligibility for early release programs. An agency that  
6 receives such a request from the department must provide the  
7 information requested.

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

15 (8) If a state prisoner's presence is required in  
16 court for any reason after the custodian of the local jail  
17 ~~sheriff or chief correctional officer~~ has relinquished custody  
18 to the department, the court shall issue an order for the  
19 custodian of the local jail ~~sheriff or chief correctional~~  
20 ~~officer~~ to assume temporary custody and transport the prisoner  
21 to the county jail pending the court appearance. The  
22 custodian of the local jail ~~sheriff or chief correctional~~  
23 ~~officer, or a designated representative,~~ shall present a copy  
24 of the order to appropriate officers at the facility housing  
25 the prisoner prior to assuming temporary custody of the  
26 prisoner. Neither the court nor any other person ~~the sheriff~~  
27 ~~or chief correctional officer~~ may release such prisoner  
28 without first obtaining confirmation from the department that  
29 the prisoner has no commitments from other jurisdictions or  
30 outstanding detainers. It is the responsibility of the clerk  
31 of the circuit court to provide the department's central

1 office with certified copies of each court action that affects  
2 a state commitment.

3 Section 4. Paragraph (c) of subsection (2) of section  
4 944.28, Florida Statutes, is amended to read:

5 944.28 Forfeiture of gain-time and the right to earn  
6 gain-time in the future.--

7 (2)

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

1 to the department. Thereupon, the department may, in its  
2 discretion, declare the forfeiture thus approved by the warden  
3 or any specified part thereof.

4 Section 5. Paragraph (a) of subsection (1), subsection  
5 (2), and paragraph (d) of subsection (3) of section 944.35,  
6 Florida Statutes, are amended to read:

7 944.35 Authorized use of force; malicious battery and  
8 sexual misconduct prohibited; reporting required; penalties.--

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

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

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

18 3. To prevent damage to property;

19 4. To quell a disturbance;

20 5. To overcome physical resistance to a lawful  
21 command; or

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

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

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

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

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

1 ~~disapproval of the force used and the reasons therefor, shall~~  
2 ~~be forwarded within 5 working days of the date of the~~  
3 ~~completion of the investigation to the regional director. The~~  
4 ~~regional director shall, in writing, concur in the warden's or~~  
5 ~~regional administrator's evaluation or disapprove it. Copies~~  
6 ~~of the employee's report, the warden's or regional~~  
7 ~~administrator's evaluation, and the inspector general's~~  
8 ~~regional director's review shall be kept in the files of the~~  
9 ~~inmate or the offender supervised by the department in the~~  
10 ~~community. A notation of each incident involving use of force~~  
11 ~~and the outcome based on the inspector general's ~~warden's or~~~~  
12 ~~regional director's evaluation and the regional~~  
13 ~~administrator's review shall be kept in the employee's file.~~

14 (3)

15 (d) Each employee who witnesses, or has reasonable  
16 cause to suspect, that an inmate or an offender under the  
17 supervision of the department in the community has been  
18 unlawfully abused or is the subject of sexual misconduct  
19 pursuant to this subsection shall immediately prepare, date,  
20 and sign an independent report specifically describing the  
21 nature of the force used or the nature of the sexual  
22 misconduct, the location and time of the incident, and the  
23 persons involved. The report shall be delivered to the  
24 inspector general of the department with a copy to be  
25 delivered to the warden of the prison institution or the  
26 circuit ~~regional~~ administrator. The inspector general shall  
27 immediately conduct an appropriate investigation, and, if  
28 probable cause is determined that a violation of this  
29 subsection has occurred, the respective state attorney in the  
30 circuit in which the incident occurred shall be notified.

31

1           Section 6. Paragraphs (d), (g), and (i) of subsection  
2 (1), paragraph (c) of subsection (3), and subsection (4) of  
3 section 20.315, Florida Statutes, are amended to read:

4           20.315 Department of Corrections.--There is created a  
5 Department of Corrections.

6           (1) PURPOSE.--The purpose of the Department of  
7 Corrections is to protect the public through the incarceration  
8 and supervision of offenders and to rehabilitate offenders  
9 through the application of work, programs, and services. The  
10 goals of the department shall be:

11           (d) To provide a safe and humane environment for  
12 offenders and staff in which rehabilitation is possible. This  
13 should include the protection of the offender from  
14 victimization within the prison ~~institution~~ and the  
15 development of a system of due process, where applicable.

16           (g) To provide library services at prisons  
17 ~~correctional institutions~~, which includes general and law  
18 library services.

19           (i) To provide the level of security in prisons  
20 ~~institutions~~ commensurate with the custody requirements and  
21 management needs of inmates.

22           (3) SECRETARY OF CORRECTIONS.--The head of the  
23 Department of Corrections is the Secretary of Corrections.  
24 The secretary is appointed by the Governor, subject to  
25 confirmation by the Senate, and shall serve at the pleasure of  
26 the Governor. The secretary is responsible for planning,  
27 coordinating, and managing the corrections system of the  
28 state. The secretary shall ensure that the programs and  
29 services of the department are administered in accordance with  
30 state and federal laws, rules, and regulations, with  
31 established program standards, and consistent with legislative

1 intent. The secretary shall identify the need for and  
2 recommend funding for the secure and efficient operation of  
3 the state correctional system.

4 (c) The secretary may appoint assistant secretaries,  
5 directors, or other such persons that he or she deems are  
6 necessary to accomplish the mission and goals of the  
7 department, including, but not limited to, the following areas  
8 of program responsibility:

9 1. Security and prison ~~institutional~~ operations, which  
10 shall provide inmate work programs, offender programs,  
11 security administration, emergency operations response, and  
12 operational oversight of the regions.

13 2. Health services, which shall be headed by a  
14 physician licensed under chapter 458 or an osteopathic  
15 physician licensed under chapter 459, or a professionally  
16 trained health care administrator with progressively  
17 responsible experience in health care administration. This  
18 individual shall be responsible for the delivery of health  
19 services to offenders within the system and shall have direct  
20 professional authority over such services.

21 3. Community corrections, which shall provide for  
22 coordination of community alternatives to incarceration and  
23 operational oversight of community corrections regions.

24 4. Administrative services, which shall provide budget  
25 and accounting services within the department, including the  
26 construction and maintenance of prisons ~~correctional~~  
27 ~~institutions~~, human resource management, research, planning  
28 and evaluation, and technology.

29 5. Program services, which shall provide for the  
30 direct management and supervision of all departmental  
31 programs, including the coordination and delivery of education



1 and job training to the offenders in the custody of the  
2 department.

3 (4) REGIONS.--The department shall plan and administer  
4 its program of services for community corrections, security,  
5 and prison ~~institutional~~ operations through regions.

6 Section 7. Paragraph (d) of subsection (1) of section  
7 39.806, Florida Statutes, is amended to read:

8 39.806 Grounds for termination of parental rights.--

9 (1) The department, the guardian ad litem, a licensed  
10 child-placing agency, or any person who has knowledge of the  
11 facts alleged or who is informed of said facts and believes  
12 that they are true, may petition for the termination of  
13 parental rights under any of the following circumstances:

14 (d) When the parent of a child is incarcerated in a  
15 state prison or federal correctional institution and either:

16 1. The period of time for which the parent is expected  
17 to be incarcerated will constitute a substantial portion of  
18 the period of time before the child will attain the age of 18  
19 years;

20 2. The incarcerated parent has been determined by the  
21 court to be a violent career criminal as defined in s.  
22 775.084, a habitual violent felony offender as defined in s.  
23 775.084, or a sexual predator as defined in s. 775.21; has  
24 been convicted of first degree or second degree murder in  
25 violation of s. 782.04 or a sexual battery that constitutes a  
26 capital, life, or first degree felony violation of s. 794.011;  
27 or has been convicted of an offense in another jurisdiction  
28 which is substantially similar to one of the offenses listed  
29 in this paragraph. As used in this section, the term  
30 "substantially similar offense" means any offense that is  
31 substantially similar in elements and penalties to one of

1 those listed in this paragraph, and that is in violation of a  
2 law of any other jurisdiction, whether that of another state,  
3 the District of Columbia, the United States or any possession  
4 or territory thereof, or any foreign jurisdiction; or

5 3. The court determines by clear and convincing  
6 evidence that continuing the parental relationship with the  
7 incarcerated parent would be harmful to the child and, for  
8 this reason, that termination of the parental rights of the  
9 incarcerated parent is in the best interest of the child.

10 Section 8. Section 57.091, Florida Statutes, is  
11 amended to read:

12 57.091 Costs; refunded to counties in certain  
13 proceedings relating to state prisoners.--All lawful fees,  
14 costs, and expenses hereafter adjudged against, and paid by,  
15 any county in all competency proceedings and all criminal  
16 prosecutions against state prisoners imprisoned in a state  
17 prison ~~correctional institution~~, and in all habeas corpus  
18 cases brought to test the legality of the imprisonment of  
19 state prisoners of such prisons ~~correctional institutions~~,  
20 shall be refunded to the county paying the sum from the  
21 General Revenue Fund in the State Treasury in the manner and  
22 to the extent herein provided, to wit: between the 1st and  
23 15th of the month next succeeding the month in which the fees,  
24 costs, and expenses have been allowed and paid by the county,  
25 the clerk of the court shall make requisition on the  
26 Department of Corrections for the fees, costs, and expenses so  
27 allowed and paid during the preceding month, giving the style  
28 of the cases in which fees, costs, and expenses were incurred  
29 and the amount and items of cost in each case; providing a  
30 certified copy of the judgment adjudging the fees, costs, and  
31 expenses against the county and showing that the amount

1 represented thereby has been approved by the presiding judge,  
2 paid by the county, and verified by the clerk; and attaching a  
3 certified copy of the bill as approved and allowed by the  
4 board of county commissioners of the county. If the Department  
5 of Corrections finds the bills legal and adjudged against and  
6 paid by the county, the department shall submit a request to  
7 the Comptroller to draw a warrant in the amount thereof, or in  
8 the amount the department finds legal and adjudged against and  
9 paid by the county, in favor of the county paying the fees,  
10 costs, and expenses, which shall be paid by the State  
11 Treasurer from the general revenue funds of the state.

12 Section 9. Subsection (2) of section 112.531, Florida  
13 Statutes, is amended to read:

14 112.531 Definitions.--As used in this part:

15 (2) "Correctional officer" means any person, other  
16 than a warden, who is appointed or employed full time by the  
17 state or any political subdivision thereof whose primary  
18 responsibility is the supervision, protection, care, custody,  
19 or control of inmates within a state prison or other  
20 correctional facility ~~institution~~; and includes correctional  
21 probation officers, as defined in s. 943.10(3). However, the  
22 term "correctional officer" does not include any secretarial,  
23 clerical, or professionally trained personnel.

24 Section 10. Paragraph (a) of subsection (2) of section  
25 212.04, Florida Statutes, is amended to read:

26 212.04 Admissions tax; rate, procedure, enforcement.--

27 (2)(a)1. No tax shall be levied on admissions to  
28 athletic or other events sponsored by elementary schools,  
29 junior high schools, middle schools, high schools, community  
30 colleges, public or private colleges and universities, deaf  
31 and blind schools, facilities of the youth services programs

1 of the Department of Children and Family Services, and state  
2 prisons ~~correctional institutions~~ when only student, faculty,  
3 or inmate talent is used. However, this exemption shall not  
4 apply to admission to athletic events sponsored by an  
5 institution within the State University System, and the  
6 proceeds of the tax collected on such admissions shall be  
7 retained and used by each institution to support women's  
8 athletics as provided in s. 240.533(3)(c).

9           2.a. No tax shall be levied on dues, membership fees,  
10 and admission charges imposed by not-for-profit sponsoring  
11 organizations. To receive this exemption, the sponsoring  
12 organization must qualify as a not-for-profit entity under the  
13 provisions of s. 501(c)(3) of the Internal Revenue Code of  
14 1954, as amended.

15           b. No tax shall be levied on admission charges to an  
16 event sponsored by a governmental entity, sports authority, or  
17 sports commission when held in a convention hall, exhibition  
18 hall, auditorium, stadium, theater, arena, civic center,  
19 performing arts center, or publicly owned recreational  
20 facility and when 100 percent of the risk of success or  
21 failure lies with the sponsor of the event and 100 percent of  
22 the funds at risk for the event belong to the sponsor, and  
23 student or faculty talent is not exclusively used. As used in  
24 this sub-subparagraph, the terms "sports authority" and  
25 "sports commission" mean a nonprofit organization that is  
26 exempt from federal income tax under s. 501(c)(3) of the  
27 Internal Revenue Code and that contracts with a county or  
28 municipal government for the purpose of promoting and  
29 attracting sports-tourism events to the community with which  
30 it contracts.

31

1           3. No tax shall be levied on an admission paid by a  
2 student, or on the student's behalf, to any required place of  
3 sport or recreation if the student's participation in the  
4 sport or recreational activity is required as a part of a  
5 program or activity sponsored by, and under the jurisdiction  
6 of, the student's educational institution, provided his or her  
7 attendance is as a participant and not as a spectator.

8           4. No tax shall be levied on admissions to the  
9 National Football League championship game, on admissions to  
10 any semifinal game or championship game of a national  
11 collegiate tournament, or on admissions to a Major League  
12 Baseball all-star game.

13           5. A participation fee or sponsorship fee imposed by a  
14 governmental entity as described in s. 212.08(6) for an  
15 athletic or recreational program is exempt when the  
16 governmental entity by itself, or in conjunction with an  
17 organization exempt under s. 501(c)(3) of the Internal Revenue  
18 Code of 1954, as amended, sponsors, administers, plans,  
19 supervises, directs, and controls the athletic or recreational  
20 program.

21           6. Also exempt from the tax imposed by this section to  
22 the extent provided in this subparagraph are admissions to  
23 live theater, live opera, or live ballet productions in this  
24 state which are sponsored by an organization that has received  
25 a determination from the Internal Revenue Service that the  
26 organization is exempt from federal income tax under s.  
27 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
28 the organization actively participates in planning and  
29 conducting the event, is responsible for the safety and  
30 success of the event, is organized for the purpose of  
31 sponsoring live theater, live opera, or live ballet

1 productions in this state, has more than 10,000 subscribing  
2 members and has among the stated purposes in its charter the  
3 promotion of arts education in the communities which it  
4 serves, and will receive at least 20 percent of the net  
5 profits, if any, of the events which the organization sponsors  
6 and will bear the risk of at least 20 percent of the losses,  
7 if any, from the events which it sponsors if the organization  
8 employs other persons as agents to provide services in  
9 connection with a sponsored event. Prior to March 1 of each  
10 year, such organization may apply to the department for a  
11 certificate of exemption for admissions to such events  
12 sponsored in this state by the organization during the  
13 immediately following state fiscal year. The application shall  
14 state the total dollar amount of admissions receipts collected  
15 by the organization or its agents from such events in this  
16 state sponsored by the organization or its agents in the year  
17 immediately preceding the year in which the organization  
18 applies for the exemption. Such organization shall receive the  
19 exemption only to the extent of \$1.5 million multiplied by the  
20 ratio that such receipts bear to the total of such receipts of  
21 all organizations applying for the exemption in such year;  
22 however, in no event shall such exemption granted to any  
23 organization exceed 6 percent of such admissions receipts  
24 collected by the organization or its agents in the year  
25 immediately preceding the year in which the organization  
26 applies for the exemption. Each organization receiving the  
27 exemption shall report each month to the department the total  
28 admissions receipts collected from such events sponsored by  
29 the organization during the preceding month and shall remit to  
30 the department an amount equal to 6 percent of such receipts  
31 reduced by any amount remaining under the exemption. Tickets

1 for such events sold by such organizations shall not reflect  
2 the tax otherwise imposed under this section.

3 7. Also exempt from the tax imposed by this section  
4 are entry fees for participation in freshwater fishing  
5 tournaments.

6 8. Also exempt from the tax imposed by this section  
7 are participation or entry fees charged to participants in a  
8 game, race, or other sport or recreational event if spectators  
9 are charged a taxable admission to such event.

10 9. No tax shall be levied on admissions to any  
11 postseason collegiate football game sanctioned by the National  
12 Collegiate Athletic Association.

13 Section 11. Effective July 1, 2003, paragraph (a) of  
14 subsection (2) of section 212.04, Florida Statutes, as amended  
15 by section 4 of chapter 2000-345, Laws of Florida, is amended  
16 to read:

17 212.04 Admissions tax; rate, procedure, enforcement.--

18 (2)(a)1. No tax shall be levied on admissions to  
19 athletic or other events sponsored by elementary schools,  
20 junior high schools, middle schools, high schools, community  
21 colleges, public or private colleges and universities, deaf  
22 and blind schools, facilities of the youth services programs  
23 of the Department of Children and Family Services, and state  
24 prisons ~~correctional institutions~~ when only student, faculty,  
25 or inmate talent is used. However, this exemption shall not  
26 apply to admission to athletic events sponsored by an  
27 institution within the State University System, and the  
28 proceeds of the tax collected on such admissions shall be  
29 retained and used by each institution to support women's  
30 athletics as provided in s. 240.533(3)(c).

31

1           2. No tax shall be levied on dues, membership fees,  
2 and admission charges imposed by not-for-profit sponsoring  
3 organizations. To receive this exemption, the sponsoring  
4 organization must qualify as a not-for-profit entity under the  
5 provisions of s. 501(c)(3) of the Internal Revenue Code of  
6 1954, as amended.

7           3. No tax shall be levied on an admission paid by a  
8 student, or on the student's behalf, to any required place of  
9 sport or recreation if the student's participation in the  
10 sport or recreational activity is required as a part of a  
11 program or activity sponsored by, and under the jurisdiction  
12 of, the student's educational institution, provided his or her  
13 attendance is as a participant and not as a spectator.

14           4. No tax shall be levied on admissions to the  
15 National Football League championship game, on admissions to  
16 any semifinal game or championship game of a national  
17 collegiate tournament, or on admissions to a Major League  
18 Baseball all-star game.

19           5. A participation fee or sponsorship fee imposed by a  
20 governmental entity as described in s. 212.08(6) for an  
21 athletic or recreational program is exempt when the  
22 governmental entity by itself, or in conjunction with an  
23 organization exempt under s. 501(c)(3) of the Internal Revenue  
24 Code of 1954, as amended, sponsors, administers, plans,  
25 supervises, directs, and controls the athletic or recreational  
26 program.

27           6. Also exempt from the tax imposed by this section to  
28 the extent provided in this subparagraph are admissions to  
29 live theater, live opera, or live ballet productions in this  
30 state which are sponsored by an organization that has received  
31 a determination from the Internal Revenue Service that the



1 organization is exempt from federal income tax under s.  
2 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
3 the organization actively participates in planning and  
4 conducting the event, is responsible for the safety and  
5 success of the event, is organized for the purpose of  
6 sponsoring live theater, live opera, or live ballet  
7 productions in this state, has more than 10,000 subscribing  
8 members and has among the stated purposes in its charter the  
9 promotion of arts education in the communities which it  
10 serves, and will receive at least 20 percent of the net  
11 profits, if any, of the events which the organization sponsors  
12 and will bear the risk of at least 20 percent of the losses,  
13 if any, from the events which it sponsors if the organization  
14 employs other persons as agents to provide services in  
15 connection with a sponsored event. Prior to March 1 of each  
16 year, such organization may apply to the department for a  
17 certificate of exemption for admissions to such events  
18 sponsored in this state by the organization during the  
19 immediately following state fiscal year. The application shall  
20 state the total dollar amount of admissions receipts collected  
21 by the organization or its agents from such events in this  
22 state sponsored by the organization or its agents in the year  
23 immediately preceding the year in which the organization  
24 applies for the exemption. Such organization shall receive the  
25 exemption only to the extent of \$1.5 million multiplied by the  
26 ratio that such receipts bear to the total of such receipts of  
27 all organizations applying for the exemption in such year;  
28 however, in no event shall such exemption granted to any  
29 organization exceed 6 percent of such admissions receipts  
30 collected by the organization or its agents in the year  
31 immediately preceding the year in which the organization

1 applies for the exemption. Each organization receiving the  
2 exemption shall report each month to the department the total  
3 admissions receipts collected from such events sponsored by  
4 the organization during the preceding month and shall remit to  
5 the department an amount equal to 6 percent of such receipts  
6 reduced by any amount remaining under the exemption. Tickets  
7 for such events sold by such organizations shall not reflect  
8 the tax otherwise imposed under this section.

9           7. Also exempt from the tax imposed by this section  
10 are entry fees for participation in freshwater fishing  
11 tournaments.

12           8. Also exempt from the tax imposed by this section  
13 are participation or entry fees charged to participants in a  
14 game, race, or other sport or recreational event if spectators  
15 are charged a taxable admission to such event.

16           9. No tax shall be levied on admissions to any  
17 postseason collegiate football game sanctioned by the National  
18 Collegiate Athletic Association.

19           Section 12. Subsection (2) of section 229.565, Florida  
20 Statutes, is amended to read:

21           229.565 Educational evaluation procedures.--

22           (2) EDUCATION EVALUATION.--The Commissioner of  
23 Education, or the Auditor General as provided in paragraph  
24 (a), shall periodically examine and evaluate procedures,  
25 records, and programs in each district to determine compliance  
26 with law and rules established by the state board, or by the  
27 Commissioner of Education, and in each prison ~~correctional~~  
28 ~~institution~~ operated by the Department of Corrections to  
29 determine compliance with law and rules established by the  
30 Department of Corrections for the Correctional Education  
31

1 Program pursuant to s. 944.801. Such evaluations must include,  
2 but need not be limited to:

3 (a) Reported full-time equivalent membership in each  
4 program category. This evaluation must be conducted by the  
5 Auditor General for the Florida Education Finance Program  
6 full-time enrollment verification function.

7 (b) The organization of all special programs to ensure  
8 compliance with law and the criteria established and approved  
9 by the state board pursuant to the provisions of this section  
10 and s. 230.23(4)(m).

11 (c) The procedures for identification and placement of  
12 students in educational alternative programs for students who  
13 are disruptive or unsuccessful in a normal school environment  
14 and for diagnosis and placement of students in special  
15 programs for exceptional students, to determine that the  
16 district is following the criteria for placement established  
17 by rules of the state board and of the Commissioner of  
18 Education and the procedures for placement established by that  
19 district school board and by the Commissioner of Education.

20 (d) An evaluation of the standards by which the school  
21 district evaluates basic and special programs for quality,  
22 efficiency, and effectiveness.

23 (e) Determination of the ratio of administrators to  
24 teachers in each school district.

25 (f) Compliance with the cost accounting and reporting  
26 requirements of s. 237.34 and the extent to which the  
27 percentage expenditure requirements therein are being met.

28 (g) Clearly defined data collection and documentation  
29 requirements, including specifications of which records and  
30 information need to be kept and how long the records need to  
31 be retained. The information and documentation needs for

1 evaluation must be presented to the school districts and  
2 explained well in advance of the actual audit date.

3 (h) Determination of school district achievement in  
4 meeting the performance standards specified in s. 232.2454.

5 Section 13. Subsection (9) of section 397.305, Florida  
6 Statutes, is amended to read:

7 397.305 Legislative findings, intent, and purpose.--

8 (9) It is the intent of the Legislature to provide for  
9 assisting substance abuse impaired persons primarily through  
10 health and other rehabilitative services in order to relieve  
11 the police, courts, prisons ~~correctional institutions~~, and  
12 other criminal justice agencies of a burden that interferes  
13 with their ability to protect people, apprehend offenders, and  
14 maintain safe and orderly communities.

15 Section 14. Paragraph (d) of subsection (2) of section  
16 413.051, Florida Statutes, is amended to read:

17 413.051 Eligible blind persons; operation of vending  
18 stands.--

19 (2) As used in this section:

20 (d) "State property" means any building or land owned,  
21 leased, or otherwise controlled by the state, but does not  
22 include any building or land under the control of the Board of  
23 Regents, a community college district board of trustees, or  
24 any state prison ~~correctional institution~~ as defined in s.  
25 944.02.

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

28 414.40 Stop Inmate Fraud Program established;  
29 guidelines.--

30  
31

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

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

12           (c) Database searches shall be conducted of the inmate  
13 population at each prison ~~correctional institution~~ or other  
14 detention facility. A prison ~~correctional institution~~ or a  
15 detention facility shall provide the Stop Inmate Fraud Program  
16 with the information necessary to identify persons wrongfully  
17 receiving benefits in the medium requested by the Stop Inmate  
18 Fraud Program if the prison ~~correctional institution~~ or  
19 detention facility maintains the information in that medium.

20           (d) Data obtained from prisons ~~correctional~~  
21 ~~institutions~~ or other detention facilities shall be compared  
22 with the client files of the Department of Children and Family  
23 Services, the Department of Labor and Employment Security, and  
24 other state or local agencies as needed to identify persons  
25 wrongfully obtaining benefits. Data comparisons shall be  
26 accomplished during periods of low information demand by  
27 agency personnel to minimize inconvenience to the agency.

28           Section 16. Paragraph (jj) of subsection (2) of  
29 section 435.04, Florida Statutes, is amended to read:

30           435.04 Level 2 screening standards.--

31

1           (2) The security background investigations under this  
2 section must ensure that no persons subject to the provisions  
3 of this section have been found guilty of, regardless of  
4 adjudication, or entered a plea of nolo contendere or guilty  
5 to, any offense prohibited under any of the following  
6 provisions of the Florida Statutes or under any similar  
7 statute of another jurisdiction:

8           (jj) Section 843.13, relating to aiding in the escape  
9 of juvenile inmates in prisons ~~correctional institutions~~.

10           Section 17. Paragraph (b) of subsection (3) of section  
11 468.302, Florida Statutes, is amended to read:

12           468.302 Use of radiation; identification of certified  
13 persons; limitations; exceptions.--

14           (3)

15           (b) A basic X-ray machine operator or basic X-ray  
16 machine operator-podiatric medicine may not practice  
17 radiologic technology in walk-in emergency centers,  
18 freestanding breast clinics, freestanding cancer clinics,  
19 state mental hospitals, state prisons ~~correctional~~  
20 ~~institutions~~, or in any facility regulated under chapter 390,  
21 chapter 392, chapter 393, chapter 394, or chapter 641. For a  
22 facility licensed under chapter 395, a basic X-ray machine  
23 operator may only perform the procedures specified in  
24 paragraph (a) in a hospital with a capacity of 150 beds or  
25 less. If such a hospital has or acquires radiographic or  
26 fluoroscopic equipment other than general diagnostic  
27 radiographic and general fluoroscopic equipment, that hospital  
28 shall keep a record documenting which personnel performed each  
29 radiographic or fluoroscopic procedure. For purposes of this  
30 paragraph, a walk-in emergency center shall not include a  
31 physician-operated walk-in clinic which operates with or

1 without appointments and with extended hours and which does  
2 not hold itself out to the public as an emergency center.

3 Section 18. Paragraph (b) of subsection (12) of  
4 section 496.404, Florida Statutes, is amended to read:

5 496.404 Definitions.--As used in ss. 496.401-496.424:

6 (12) "Law enforcement officer" means any person who is  
7 elected, appointed, or employed by any municipality or the  
8 state or any political subdivision thereof and:

9 (b) Whose responsibility includes supervision,  
10 protection, care, custody, or control of inmates within a  
11 prison or other correctional facility ~~institution~~.

12 Section 19. Subsection (1) of section 570.071, Florida  
13 Statutes, is amended to read:

14 570.071 Florida Agricultural Exposition;  
15 responsibility of Departments of Agriculture and Consumer  
16 Services and Corrections.--

17 (1) The Department of Agriculture and Consumer  
18 Services and the Department of Corrections are authorized to  
19 construct and equip an agricultural exposition center in the  
20 vicinity of Belle Glade in Palm Beach County to be known as  
21 "Florida Agricultural Exposition," to be administered by the  
22 Department of Agriculture and Consumer Services as a place to  
23 demonstrate and sell Florida agricultural and agriculture  
24 business products; to attract and inform buyers; to conduct  
25 agricultural short courses and conferences; to organize tours  
26 in the aid of marketing Florida agricultural products to the  
27 domestic, Latin American, and other foreign markets; and to  
28 train prisoners of the prisons ~~correctional institutions~~ of  
29 the state in agricultural labor and management.

30 Section 20. Paragraph (b) of subsection (4) of section  
31 766.314, Florida Statutes, is amended to read:

1           766.314 Assessments; plan of operation.--  
2           (4) The following persons and entities shall pay into  
3 the association an initial assessment in accordance with the  
4 plan of operation:  
5           (b)1. On or before October 15, 1988, all physicians  
6 licensed pursuant to chapter 458 or chapter 459 as of October  
7 1, 1988, other than participating physicians, shall be  
8 assessed an initial assessment of \$250, which must be paid no  
9 later than December 1, 1988.  
10           2. Any such physician who becomes licensed after  
11 September 30, 1988, and before January 1, 1989, shall pay into  
12 the association an initial assessment of \$250 upon licensure.  
13           3. Any such physician who becomes licensed on or after  
14 January 1, 1989, shall pay an initial assessment equal to the  
15 most recent assessment made pursuant to this paragraph,  
16 paragraph (5)(a), or paragraph (7)(b).  
17           4. However, if the physician is a physician specified  
18 in this subparagraph, the assessment is not applicable:  
19           a. A resident physician, assistant resident physician,  
20 or intern in an approved postgraduate training program, as  
21 defined by the Board of Medicine or the Board of Osteopathic  
22 Medicine by rule;  
23           b. A retired physician who has withdrawn from the  
24 practice of medicine but who maintains an active license as  
25 evidenced by an affidavit filed with the Department of Health.  
26 Prior to reentering the practice of medicine in this state, a  
27 retired physician as herein defined must notify the Board of  
28 Medicine or the Board of Osteopathic Medicine and pay the  
29 appropriate assessments pursuant to this section;  
30  
31



1 c. A physician who holds a limited license pursuant to  
2 s. 458.317 and who is not being compensated for medical  
3 services;

4 d. A physician who is employed full time by the United  
5 States Department of Veterans Affairs and whose practice is  
6 confined to United States Department of Veterans Affairs  
7 hospitals; or

8 e. A physician who is a member of the Armed Forces of  
9 the United States and who meets the requirements of s.  
10 456.024.

11 f. A physician who is employed full time by the State  
12 of Florida and whose practice is confined to state-owned  
13 prisons ~~correctional institutions~~, a county health department,  
14 or state-owned mental health or developmental services  
15 facilities, or who is employed full time by the Department of  
16 Health.

17 Section 21. Paragraph (c) of subsection (4) of section  
18 776.085, Florida Statutes, is amended to read:

19 776.085 Defense to civil action for damages; party  
20 convicted of forcible or attempted forcible felony.--

21 (4) In any civil action where a party prevails based  
22 on the defense created by this section:

23 (c) If the losing party is incarcerated for the crime  
24 or attempted crime, the court shall issue a written order  
25 containing its findings and ruling pursuant to paragraphs (a)  
26 and (b) and shall direct that a certified copy be forwarded to  
27 the appropriate prison ~~correctional institution~~ or  
28 correctional facility.

29 Section 22. Paragraph (c) of subsection (3) of section  
30 921.0022, Florida Statutes, is amended to read:

31

1	921.0022	Criminal Punishment Code; offense severity	
2	ranking chart.--		
3	(3)	OFFENSE SEVERITY RANKING CHART	
4			
5	Florida	Felony	
6	Statute	Degree	Description
7			
8			
9			(c) LEVEL 3
10	316.1935(2)	3rd	Fleeing or attempting to elude
11			law enforcement officer in marked
12			patrol vehicle with siren and
13			lights activated.
14	319.30(4)	3rd	Possession by junkyard of motor
15			vehicle with identification
16			number plate removed.
17	319.33(1)(a)	3rd	Alter or forge any certificate of
18			title to a motor vehicle or
19			mobile home.
20	319.33(1)(c)	3rd	Procure or pass title on stolen
21			vehicle.
22	319.33(4)	3rd	With intent to defraud, possess,
23			sell, etc., a blank, forged, or
24			unlawfully obtained title or
25			registration.
26	328.05(2)	3rd	Possess, sell, or counterfeit
27			fictitious, stolen, or fraudulent
28			titles or bills of sale of
29			vessels.
30			
31			

1	328.07(4)	3rd	Manufacture, exchange, or possess
2			vessel with counterfeit or wrong
3			ID number.
4	376.302(5)	3rd	Fraud related to reimbursement
5			for cleanup expenses under the
6			Inland Protection Trust Fund.
7	501.001(2)(b)	2nd	Tampers with a consumer product
8			or the container using materially
9			false/misleading information.
10	697.08	3rd	Equity skimming.
11	790.15(3)	3rd	Person directs another to
12			discharge firearm from a vehicle.
13	796.05(1)	3rd	Live on earnings of a prostitute.
14	806.10(1)	3rd	Maliciously injure, destroy, or
15			interfere with vehicles or
16			equipment used in firefighting.
17	806.10(2)	3rd	Interferes with or assaults
18			firefighter in performance of
19			duty.
20	810.09(2)(c)	3rd	Trespass on property other than
21			structure or conveyance armed
22			with firearm or dangerous weapon.
23	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
24			less than \$10,000.
25	815.04(4)(b)	2nd	Computer offense devised to
26			defraud or obtain property.
27	817.034(4)(a)3.	3rd	Engages in scheme to defraud
28			(Florida Communications Fraud
29			Act), property valued at less
30			than \$20,000.
31	817.233	3rd	Burning to defraud insurer.

1	828.12(2)	3rd	Tortures any animal with intent
2			to inflict intense pain, serious
3			physical injury, or death.
4	831.29	2nd	Possession of instruments for
5			counterfeiting drivers' licenses
6			or identification cards.
7	838.021(3)(b)	3rd	Threatens unlawful harm to public
8			servant.
9	843.19	3rd	Injure, disable, or kill police
10			dog or horse.
11	870.01(2)	3rd	Riot; inciting or encouraging.
12	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
13			cannabis (or other s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs).
18	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
19			893.03(1)(c), (2)(c)1., (2)(c)2.,
20			(2)(c)3., (2)(c)5., (2)(c)6.,
21			(2)(c)7., (2)(c)8., (2)(c)9.,
22			(3), or (4) drugs within 200 feet
23			of university or public park.
24	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
25			893.03(1)(c), (2)(c)1., (2)(c)2.,
26			(2)(c)3., (2)(c)5., (2)(c)6.,
27			(2)(c)7., (2)(c)8., (2)(c)9.,
28			(3), or (4) drugs within 200 feet
29			of public housing facility.
30			
31			

1	893.13(6)(a)	3rd	Possession of any controlled
2			substance other than felony
3			possession of cannabis.
4	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
5			controlled substance by fraud,
6			forgery, misrepresentation, etc.
7	893.13(7)(a)11.	3rd	Furnish false or fraudulent
8			material information on any
9			document or record required by
10			chapter 893.
11	918.13(1)(a)	3rd	Alter, destroy, or conceal
12			investigation evidence.
13	944.47		
14	(1)(a)1.-2.	3rd	Introduce contraband to
15			correctional facility.
16	944.47(1)(c)	2nd	Possess contraband while upon the
17			grounds of a <u>prison</u> <del>correctional</del>
18			<del>institution</del> .
19	985.3141	3rd	Escapes from a juvenile facility
20			(secure detention or residential
21			commitment facility).
22	Section 23. Paragraph (a) of subsection (1) of section		
23	921.187, Florida Statutes, is amended to read:		
24	921.187 Disposition and sentencing; alternatives;		
25	restitution.--		
26	(1) The alternatives provided in this section for the		
27	disposition of criminal cases shall be used in a manner that		
28	will best serve the needs of society, punish criminal		
29	offenders, and provide the opportunity for rehabilitation.		
30	(a) If the offender does not receive a state prison		
31	sentence, the court may:		

- 1           1. Impose a split sentence whereby the offender is to  
2 be placed on probation upon completion of any specified period  
3 of such sentence, which period may include a term of years or  
4 less.
- 5           2. Make any other disposition that is authorized by  
6 law.
- 7           3. Place the offender on probation with or without an  
8 adjudication of guilt pursuant to s. 948.01.
- 9           4. Impose a fine and probation pursuant to s. 948.011  
10 when the offense is punishable by both a fine and imprisonment  
11 and probation is authorized.
- 12           5. Place the offender into community control requiring  
13 intensive supervision and surveillance pursuant to chapter  
14 948.
- 15           6. Impose, as a condition of probation or community  
16 control, a period of treatment which shall be restricted to a  
17 county facility, a Department of Corrections probation and  
18 restitution center, a probation program drug punishment  
19 treatment community, or a community residential or  
20 nonresidential facility, excluding a work release community  
21 ~~correctional~~ center as defined in s. 944.033 ~~944.026~~, which is  
22 owned and operated by any qualified public or private entity  
23 providing such services. Before admission to such a facility,  
24 the court shall obtain an individual assessment and  
25 recommendations on the appropriate treatment needs, which  
26 shall be considered by the court in ordering such placements.  
27 Placement in such a facility, except for a county residential  
28 probation facility, may not exceed 364 days. Placement in a  
29 county residential probation facility may not exceed 3 years.  
30 Early termination of placement may be recommended to the  
31 court, when appropriate, by the center supervisor, the

1 supervising probation officer, or the probation program  
2 manager.

3           7. Sentence the offender pursuant to s. 922.051 to  
4 imprisonment in a county jail when a statute directs  
5 imprisonment in a state prison, if the offender's cumulative  
6 sentence, whether from the same circuit or from separate  
7 circuits, is not more than 364 days.

8           8. Sentence the offender who is to be punished by  
9 imprisonment in a county jail to a jail in another county if  
10 there is no jail within the county suitable for such prisoner  
11 pursuant to s. 950.01.

12           9. Require the offender to participate in a  
13 work-release or educational or vocational training program  
14 pursuant to s. 951.24 while serving a sentence in a county  
15 jail, if such a program is available.

16           10. Require the offender to perform a specified public  
17 service pursuant to s. 775.091.

18           11. Require the offender who violates chapter 893 or  
19 violates any law while under the influence of a controlled  
20 substance or alcohol to participate in a substance abuse  
21 program.

22           12.a. Require the offender who violates any criminal  
23 provision of chapter 893 to pay an additional assessment in an  
24 amount up to the amount of any fine imposed, pursuant to ss.  
25 938.21 and 938.23.

26           b. Require the offender who violates any provision of  
27 s. 893.13 to pay an additional assessment in an amount of  
28 \$100, pursuant to ss. 938.25 and 943.361.

29           13. Impose a split sentence whereby the offender is to  
30 be placed in a county jail or county work camp upon the  
31 completion of any specified term of community supervision.

1           14. Impose split probation whereby upon satisfactory  
2 completion of half the term of probation, the Department of  
3 Corrections may place the offender on administrative probation  
4 pursuant to s. 948.01 for the remainder of the term of  
5 supervision.

6           15. Require residence in a state probation and  
7 restitution center or private drug treatment program for  
8 offenders on community control or offenders who have violated  
9 conditions of probation.

10           16. Impose any other sanction which is provided within  
11 the community and approved as an intermediate sanction by the  
12 county public safety coordinating council as described in s.  
13 951.26.

14           17. Impose, as a condition of community control,  
15 probation, or probation following incarceration, a requirement  
16 that an offender who has not obtained a high school diploma or  
17 high school equivalency diploma or who lacks basic or  
18 functional literacy skills, upon acceptance by an adult  
19 education program, make a good faith effort toward completion  
20 of such basic or functional literacy skills or high school  
21 equivalency diploma, as defined in s. 229.814, in accordance  
22 with the assessed adult general education needs of the  
23 individual offender.

24           Section 24. Section 921.188, Florida Statutes, is  
25 amended to read:

26           921.188 Placement of certain state inmates in local  
27 detention facilities.--Effective June 17, 1993,  
28 notwithstanding the provisions of ss. 775.08, former 921.001,  
29 921.002, 921.187, 944.02, and 951.23, or any other law to the  
30 contrary, a person whose presumptive sentence is 1 year and 1  
31 day up to 22 months in a state prison ~~correctional institution~~



1 may be placed by the court into the custody of a local  
2 detention facility as a condition of probation or community  
3 control for a felony offense contained in sentencing  
4 guidelines categories five through nine contained in Rules  
5 3.701 and 3.988, Florida Rules of Criminal Procedure, or  
6 similar levels described in s. 921.0022, except for such  
7 person whose total sentence points are greater than 52 or less  
8 than 40. The court may place such person for the duration of  
9 the presumptive sentence. The court may only place a person in  
10 a local detention facility pursuant to this section if there  
11 is a contractual agreement between the chief correctional  
12 officer of that county and the Department of Corrections. The  
13 contract may include all operational functions, or only  
14 housing wherein the department would provide staffing and  
15 medical costs. The agreement must provide for a per diem or  
16 partial per diem reimbursement for each person placed under  
17 this section, which is payable by the Department of  
18 Corrections for the duration of the offender's placement in  
19 the facility. The full per diem reimbursement may not exceed  
20 the per diem published in the Department of Corrections' most  
21 recent annual report for total department facilities. This  
22 section does not limit the court's ability to place a person  
23 in a local detention facility for less than 1 year.

24 Section 25. Subsection (9) of section 943.045, Florida  
25 Statutes, is amended to read:

26 943.045 Definitions; ss. 943.045-943.08.--The  
27 following words and phrases as used in ss. 943.045-943.08  
28 shall have the following meanings:

29 (9) "Disposition" means details relating to the  
30 termination of an individual criminal defendant's relationship  
31 with a criminal justice agency, including information

1 disclosing that the law enforcement agency has elected not to  
2 refer a matter to a prosecutor or that a prosecutor has  
3 elected not to commence criminal proceedings, that a court has  
4 dealt with the individual, or that the individual has been  
5 incarcerated, paroled, pardoned, released, or granted  
6 clemency. Dispositions include, but are not limited to,  
7 acquittals, dismissals, pleas, convictions, adjudications,  
8 youthful offender determinations, determinations of mental  
9 capacity, placements in intervention programs, pardons,  
10 probations, paroles, and releases from prisons or other  
11 correctional facilities ~~institutions~~.

12 Section 26. Paragraph (a) of subsection (3) of section  
13 943.052, Florida Statutes, is amended to read:

14 943.052 Disposition reporting.--The Criminal Justice  
15 Information Program shall, by rule, establish procedures and a  
16 format for each criminal justice agency to monitor its records  
17 and submit reports, as provided by this section, to the  
18 program. The disposition report shall be developed by the  
19 program and shall include the offender-based transaction  
20 system number.

21 (3)(a) The Department of Corrections shall submit  
22 information to the program relating to the receipt or  
23 discharge of any person who is sentenced to a state prison  
24 ~~correctional institution~~.

25 Section 27. Subsection (1) of section 943.085, Florida  
26 Statutes, is amended to read:

27 943.085 Legislative intent with respect to upgrading  
28 the quality of law enforcement officers and correctional  
29 officers.--

30 (1) It is the intent of the Legislature to strengthen  
31 and upgrade law enforcement agencies and prisons ~~correctional~~

1 ~~institutions~~ in this state by attracting competent, highly  
2 qualified people for professional careers in the criminal  
3 justice disciplines and to retain well-qualified and  
4 experienced officers for the purpose of providing maximum  
5 protection and safety to the citizens of, the visitors to, and  
6 the inmates in this state.

7 Section 28. Subsections (2), (7), and (9) of section  
8 943.10, Florida Statutes, are amended to read:

9 943.10 Definitions; ss. 943.085-943.255.--The  
10 following words and phrases as used in ss. 943.085-943.255 are  
11 defined as follows:

12 (2) "Correctional officer" means any person who is  
13 appointed or employed full time by the state or any political  
14 subdivision thereof, or by any private entity which has  
15 contracted with the state or county, and whose primary  
16 responsibility is the supervision, protection, care, custody,  
17 and control, or investigation, of inmates within a prison or  
18 other correctional facility ~~institution~~; however, the term  
19 "correctional officer" does not include any secretarial,  
20 clerical, or professionally trained personnel.

21 (7) "Part-time correctional officer" means any person  
22 who is employed or appointed less than full time, as defined  
23 by the employing or appointing agency, with or without  
24 compensation, whose responsibilities include the supervision,  
25 protection, care, custody, and control of inmates within a  
26 prison or other correctional facility ~~institution~~.

27 (9) "Auxiliary correctional officer" means any person  
28 employed or appointed, with or without compensation, who aids  
29 or assists a full-time or part-time correctional officer and  
30 who, while under the supervision of a full-time or part-time  
31 correctional officer, has the same authority as a full-time or

1 part-time correctional officer for the purpose of providing  
2 supervision, protection, care, custody, and control of inmates  
3 within a prison ~~correctional institution~~ or a county or  
4 municipal detention facility.

5 Section 29. Paragraphs (a) and (b) of subsection (1)  
6 of section 943.11, Florida Statutes, are amended to read:

7 943.11 Criminal Justice Standards and Training  
8 Commission; membership; meetings; compensation.--

9 (1)(a) There is created a Criminal Justice Standards  
10 and Training Commission within the Department of Law  
11 Enforcement. The commission shall be composed of 19 members,  
12 consisting of the secretary of the Department of Corrections  
13 or a designated assistant; the Attorney General or a  
14 designated assistant; the Commissioner of Education or a  
15 designated assistant; the Director of the Division of the  
16 Florida Highway Patrol; and 15 members, to be appointed by the  
17 Governor, consisting of 3 sheriffs; 3 chiefs of police; 4 law  
18 enforcement officers who are neither sheriffs nor chiefs of  
19 police, at least 3 of whom are of the rank of sergeant or  
20 below within the employing agency; 2 correctional officers, 1  
21 of whom is an administrator of a state prison ~~correctional~~  
22 ~~institution~~ and 1 of whom is of the rank of sergeant or below  
23 within the employing agency; 1 training center director; 1  
24 person who is in charge of a county correctional institution;  
25 and 1 resident of the state who falls into none of the  
26 foregoing classifications. Prior to the appointment, the  
27 sheriff, chief of police, law enforcement officer, and  
28 correctional officer members shall have had at least 4 years'  
29 experience as law enforcement officers or correctional  
30 officers.

31

1           (b) The Governor, in making appointments under this  
2 section, shall take into consideration representation by  
3 geography, population, and other relevant factors in order  
4 that the representation on the commission be apportioned to  
5 give representation to the state at large rather than to a  
6 particular area. Of the appointed members, and except for  
7 correctional officers of a state prison ~~institution~~, there may  
8 be only one appointment from any employing agency.

9           Section 30. Subsections (1), (2), and (5) and  
10 paragraph (b) of subsection (6) of section 944.012, Florida  
11 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 prisons ~~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           (5) In order to make the correctional system an  
31 efficient and effective mechanism, the various agencies

1 involved in the correctional process must coordinate their  
2 efforts. Where possible, interagency offices should be  
3 physically located within major prisons ~~institutions~~ and  
4 should include representatives of the Florida State Employment  
5 Service, the vocational rehabilitation programs of the  
6 Department of Labor and Employment Security, and the Parole  
7 Commission. Duplicative and unnecessary methods of evaluating  
8 offenders must be eliminated and areas of responsibility  
9 consolidated in order to more economically utilize present  
10 scarce resources.

11 (6) It is the intent of the Legislature:

12 (b) To separate dangerous or repeat offenders from  
13 nondangerous offenders, who have potential for rehabilitation,  
14 and place dangerous offenders in secure and manageable prisons  
15 ~~institutions~~.

16 Section 31. Subsections (4) and (8) of section 944.02,  
17 Florida Statutes, are amended to read:

18 944.02 Definitions.--The following words and phrases  
19 used in this chapter shall, unless the context clearly  
20 indicates otherwise, have the following meanings:

21 (4) "Elderly offender" means a prisoner age 50 or  
22 older in a state prison ~~correctional institution~~ or facility  
23 operated by the Department of Corrections or the Correctional  
24 Privatization Commission.

25 (8) "State prison ~~correctional institution~~" means any  
26 prison, road camp, prison industry, prison forestry camp, or  
27 any prison camp or prison farm or other correctional facility,  
28 temporary or permanent, in which prisoners are housed, worked,  
29 or maintained, under the custody and jurisdiction of the  
30 department.

31

1           Section 32. Paragraph (b) of subsection (1) and  
2 paragraph (b) of subsection (4) of section 944.023, Florida  
3 Statutes, are amended to read:

4           944.023 Comprehensive correctional master plan.--

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

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

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

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

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

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

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

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

25           (4) The comprehensive correctional master plan shall  
26 use the estimates of the Criminal Justice Estimating  
27 Conference and shall include:

28           (b) A plan developed by the department for the  
29 comprehensive vocational and educational training of, and  
30 treatment programs for, offenders and their evaluation within  
31 each prison ~~institution~~, program, or facility of the

1 department, based upon the identified needs of the offender  
2 and the requirements of the employment market.

3 Section 33. Paragraphs (a) and (c) of subsection (1)  
4 of section 944.026, Florida Statutes, are amended to read:

5 944.026 Community-based facilities and programs.--

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

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

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

29 Section 34. Section 944.033, Florida Statutes, is  
30 amended to read:

31



1           944.033 Work release ~~Community correctional~~ centers;  
2 existence; location; purpose; restriction.--

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

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

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

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

18           Section 35. Subsection (2) of section 944.08, Florida  
19 Statutes, is amended to read:

20           944.08 Commitment to custody of department; venue of  
21 prisons ~~institutions~~.--

22           (2) For the purposes of all judicial proceedings, the  
23 prisons ~~institutions~~ of the state correctional system and the  
24 precincts thereof shall be deemed to be within and part of the  
25 county in which they are situated, and the courts of such  
26 counties or circuits shall have jurisdiction of all crimes and  
27 offenses committed therein.

28           Section 36. Paragraph (e) of subsection (1) and  
29 subsection (2) of section 944.09, Florida Statutes, are  
30 amended to read:

31

1           944.09 Rules of the department; offenders,  
2 probationers, and parolees.--  
3           (1) The department has authority to adopt rules  
4 pursuant to ss. 120.536(1) and 120.54 to implement its  
5 statutory authority. The rules must include rules relating to:  
6           (e) The operation and management of the prison  
7 ~~correctional institution~~ or facility and its personnel and  
8 functions.  
9           (2) It is the duty of the wardens to supervise the  
10 governance, discipline, and policy of the state prisons  
11 ~~correctional institutions~~ and to enforce all orders and rules.  
12           Section 37. Subsections (2), (3), and (5) of section  
13 944.095, Florida Statutes, are amended to read:  
14           944.095 Siting of additional correctional facilities;  
15 procedure.--  
16           (2) When the department proposes a site for a state  
17 correctional facility, it shall request that the local  
18 government having jurisdiction over such proposed site  
19 determine whether or not the proposed site is in compliance  
20 with local government comprehensive plans, local land use  
21 ordinances, local zoning ordinances or regulations, and other  
22 local ordinances in effect at the time of such request. If no  
23 such determination is made within 90 days after ~~of~~ the  
24 request, it shall be presumed that the proposed site is in  
25 compliance with such plans, ordinances, or regulations.  
26           (3) If the local government determines within 90 days  
27 after ~~of~~ the request that construction of a correctional  
28 facility on the proposed site does not comply with any such  
29 plan, ordinance, or regulation, the department may request a  
30 modification of such plan, ordinance, or regulation without  
31 having an ownership interest in such property. For the

1 purposes of this section, modification includes, but is not  
2 limited to, a variance, rezoning, special exception, or any  
3 other action of the local government having jurisdiction over  
4 the proposed site which would authorize siting of a  
5 correctional facility.

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

12 Section 38. Subsections (5), (6), and (7) of section  
13 944.10, Florida Statutes, are amended to read:

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

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

24 (6) The department is authorized to begin preliminary  
25 site preparation and obtain the appropriate permits with  
26 regard to the construction of state prisons ~~correctional~~  
27 ~~institutions~~ after approval by the Board of Trustees of the  
28 Internal Improvement Trust Fund of the purchase agreement or  
29 option agreement if, in the department's discretion,  
30 commencing construction is in the best interests of the state.

31

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

11           Section 39. Section 944.11, Florida Statutes, is  
12 amended to read:

13           944.11 Department to regulate admission of books.--

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

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

1           Section 40. Paragraphs (c) and (e) of subsection (2)  
2 of section 944.115, Florida Statutes, are amended to read:

3           944.115 Smoking prohibited inside state correctional  
4 facilities.--

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

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

10           (e) "Visitor" means any person other than an inmate or  
11 employee who is within a state correctional facility for a  
12 lawful purpose and includes, but is not limited to, persons  
13 who are authorized to visit state prisons ~~correctional~~  
14 ~~institutions~~ pursuant to s. 944.23 and persons authorized to  
15 visit as prescribed by departmental rule or vendor policy.

16           Section 41. Section 944.14, Florida Statutes, is  
17 amended to read:

18           944.14 Supervision of prisons ~~correctional~~  
19 ~~institutions~~; enforcement of orders and regulations.--Subject  
20 to the orders, policies, and regulations established by the  
21 department, it shall be the duty of the wardens to supervise  
22 the government, discipline, and policy of the state prisons  
23 ~~correctional institutions~~, and to enforce all orders, rules  
24 and regulations.

25           Section 42. Section 944.151, Florida Statutes, is  
26 amended to read:

27           944.151 Security of prisons and correctional  
28 facilities ~~institutions~~; legislative intent; periodic physical  
29 inspection of facilities; security audits; reports of security  
30 audits; procedures in the event of escapes; annual budget  
31 request.--It is the intent of the Legislature that the

1 Department of Corrections shall be responsible for the  
2 security of the prisons and ~~correctional institutions and~~  
3 facilities. The security of the state's prisons and  
4 ~~correctional institutions and~~ facilities is critical to ensure  
5 public safety and to contain violent and chronic offenders  
6 until offenders are otherwise released from the department's  
7 custody pursuant to law. The Secretary of Corrections shall,  
8 at a minimum:

9 (1) Appoint a security review committee which shall,  
10 at a minimum, be composed of: the inspector general, the  
11 statewide security coordinator, the regional security  
12 coordinators, and three wardens and one correctional officer.  
13 The security review committee shall:

14 (a) Establish a periodic schedule for the physical  
15 inspection of buildings and structures of each state and  
16 private prison ~~correctional institution~~ to determine security  
17 deficiencies. In scheduling the inspections, priority shall  
18 be given to older prisons ~~institutions~~, prisons ~~institutions~~  
19 that house a large proportion of violent offenders, and  
20 prisons ~~institutions~~ that have experienced a significant  
21 number of escapes or escape attempts in the past.

22 (b) Conduct or cause to be conducted announced and  
23 unannounced comprehensive security audits of all state and  
24 private prisons ~~correctional institutions~~. In conducting the  
25 security audits, priority shall be given to older prisons  
26 ~~institutions~~, prisons ~~institutions~~ that house a large  
27 proportion of violent offenders, and prisons ~~institutions~~ that  
28 have experienced a history of escapes or escape attempts. At  
29 a minimum, the audit shall include an evaluation of the  
30 physical plant, landscaping, fencing, security alarms and  
31 perimeter lighting, and inmate classification and staffing

1 policies. Each prison ~~correctional institution~~ shall be  
2 audited at least annually. The secretary shall report the  
3 general survey findings annually to the Governor and the  
4 Legislature.

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

7 1. Random monitoring of outgoing telephone calls by  
8 inmates.

9 2. Maintenance of current photographs of all inmates.

10 3. Daily inmate counts at varied intervals.

11 4. Use of canine units, where appropriate.

12 5. Use of escape alarms and perimeter lighting.

13 6. Florida Crime Information Center/National Crime  
14 Information Center capabilities.

15 7. Employment background investigations.

16 (d) Annually make written prioritized budget  
17 recommendations to the secretary that identify critical  
18 security deficiencies at major prisons ~~correctional~~  
19 ~~institutions~~.

20 (e) Investigate and evaluate the usefulness and  
21 dependability of existing security technology at the prisons  
22 ~~institutions~~ and new technology available and make periodic  
23 written recommendations to the secretary on the  
24 discontinuation or purchase of various security devices.

25 (f) Contract, if deemed necessary, with security  
26 personnel, consulting engineers, architects, or other security  
27 experts the committee deems necessary for security audits and  
28 security consultant services.

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

31

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

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

10          (4) Submit in the annual legislative budget request a  
11 prioritized summary of critical repair and renovation security  
12 needs.

13          Section 43. Subsections (2) and (7) of section 944.17,  
14 Florida Statutes, are amended to read:

15           944.17 Commitments and classification; transfers.--

16          (2) Each prisoner committed to the custody of the  
17 department shall be conveyed to such prison ~~institution~~,  
18 facility, or program in the correctional system as the  
19 department shall direct, in accordance with its classification  
20 scheme.

21          (7) Pursuant to such regulations as it may provide,  
22 the department may transfer prisoners from one prison  
23 ~~institution~~ to another prison ~~institution~~ in the correctional  
24 system and classify and reclassify prisoners as circumstances  
25 may require.

26          Section 44. Paragraphs (c) and (d) of subsection (3)  
27 of section 944.1905, Florida Statutes, are amended to read:

28           944.1905 Initial inmate classification; inmate  
29 reclassification.--The Department of Corrections shall  
30 classify inmates pursuant to an objective classification  
31 scheme. The initial inmate classification questionnaire and



1 the inmate reclassification questionnaire must cover both  
2 aggravating and mitigating factors.

3 (3) Points may be deducted from the inmate's overall  
4 score on the inmate reclassification questionnaire for  
5 continuous positive behavior. Continuous positive behavior may  
6 include:

7 (c) Above-average behavior or progress on work squads  
8 outside the perimeter of the prison institution; or

9 (d) Above-average behavior or progress in any  
10 employment inside the perimeter of the prison institution.

11 Section 45. Section 944.23, Florida Statutes, is  
12 amended to read:

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

25 Section 46. Section 944.24, Florida Statutes, is  
26 amended to read:

27 944.24 Administration of prisons ~~correctional~~  
28 ~~institutions~~ for women.--

29 (1) This section may be cited as the "Corrections  
30 Equality Act."  
31

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

5           (3) Women inmates shall have access to programs of  
6 education, vocational training, rehabilitation, and substance  
7 abuse treatment that are equivalent to those programs which  
8 are provided for male inmates. The department shall ensure  
9 that women inmates are given opportunities for exercise,  
10 recreation, and visitation privileges according to the same  
11 standards as those privileges are provided for men. Women  
12 inmates shall be given opportunities to participate in  
13 work-release programs which are comparable to the  
14 opportunities provided for male inmates and shall be eligible  
15 for early release according to the same standards and  
16 procedures under which male inmates are eligible for early  
17 release.

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

21           (5) An inmate who is pregnant shall be provided with  
22 prenatal care and medical treatment for the duration of her  
23 pregnancy. The department shall ensure that a pregnant inmate  
24 receives supplemental food and clothing and is excused from  
25 inappropriate work assignments. An inmate shall be  
26 transferred to a hospital outside the prison grounds if a  
27 condition develops which is beyond the scope and capabilities  
28 of the prison's medical facilities.

29           (6) Any woman inmate who gives birth to a child during  
30 her term of imprisonment may be temporarily taken to a  
31 hospital outside the prison for the purpose of childbirth, and

1 the charge for hospital and medical care shall be charged  
2 against the funds allocated to the prison institution. The  
3 department shall provide for the care of any child so born and  
4 shall pay for the child's care until the child is suitably  
5 placed outside the prison system.

6 Section 47. Subsection (1) of section 944.279, Florida  
7 Statutes, is amended to read:

8 944.279 Disciplinary procedures applicable to prisoner  
9 for filing frivolous or malicious actions or bringing false  
10 information before court.--

11 (1) At any time, and upon its own motion or on motion  
12 of a party, a court may conduct an inquiry into whether any  
13 action or appeal brought by a prisoner was brought in good  
14 faith. A prisoner who is found by a court to have brought a  
15 frivolous or malicious suit, action, claim, proceeding, or  
16 appeal in any court of this state or in any federal court,  
17 which is filed after June 30, 1996, or who knowingly or with  
18 reckless disregard for the truth brought false information or  
19 evidence before the court, is subject to disciplinary  
20 procedures pursuant to the rules of the Department of  
21 Corrections. The court shall issue a written finding and  
22 direct that a certified copy be forwarded to the appropriate  
23 prison institution or facility for disciplinary procedures  
24 pursuant to the rules of the department as provided in s.  
25 944.09.

26 Section 48. Paragraphs (a) and (c) of subsection (2)  
27 of section 944.28, Florida Statutes, are amended to read:

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

30 (2)(a) All or any part of the gain-time earned by a  
31 prisoner according to the provisions of law is subject to

1 forfeiture if such prisoner unsuccessfully attempts to escape;  
2 assaults another person; threatens or knowingly endangers the  
3 life or person of another person; refuses by action or word to  
4 carry out any instruction duly given to him or her; neglects  
5 to perform in a faithful, diligent, industrious, orderly, and  
6 peaceful manner the work, duties, and tasks assigned to him or  
7 her; is found by a court to have brought a frivolous suit,  
8 action, claim, proceeding, or appeal in any court; is found by  
9 a court to have knowingly or with reckless disregard for the  
10 truth brought false information or evidence before the court;  
11 or violates any law of the state or any rule or regulation of  
12 the department or prison ~~institution~~.

13 (c) The method of declaring a forfeiture under  
14 paragraph (a) or paragraph (b) shall be as follows: A written  
15 charge shall be prepared, which shall specify each instance of  
16 misconduct upon which it is based and the approximate date  
17 thereof. A copy of such charge shall be delivered to the  
18 prisoner, and he or she shall be given notice of a hearing  
19 before the disciplinary committee created under the  
20 authorization of rules heretofore or hereafter adopted by the  
21 department for the prison ~~institution~~ in which he or she is  
22 confined. The prisoner shall be present at the hearing. If  
23 at such hearing the prisoner pleads guilty to the charge or if  
24 the committee determines that the prisoner is guilty thereof  
25 upon the basis of proof presented at such hearing, it shall  
26 find him or her guilty. If the committee considers that all  
27 or part of the prisoner's gain-time and the prisoner's right  
28 to earn gain-time during all or any part of the sentence or  
29 sentences under which he or she is imprisoned shall be  
30 forfeited, it shall so recommend in its written report. Such  
31 report shall be presented to the warden of the prison

1 ~~institution~~, who may approve such recommendation in whole or  
2 in part by endorsing such approval on the report. In the  
3 event of approval, the warden shall forward the report to the  
4 department. Thereupon, the department may, in its discretion,  
5 declare the forfeiture thus approved by the warden or any  
6 specified part thereof.

7 Section 49. Section 944.281, Florida Statutes, is  
8 amended to read:

9 944.281 Ineligibility to earn gain-time due to  
10 disciplinary action.--The department may declare that a  
11 prisoner who commits a violation of any law of the state or  
12 rule or regulation of the department or prison ~~institution~~ on  
13 or after January 1, 1996, and who is found guilty pursuant to  
14 s. 944.28(2), shall not be eligible to earn incentive  
15 gain-time for up to 6 months following the month in which the  
16 violation occurred. The department shall adopt rules to  
17 administer the provisions of this section.

18 Section 50. Subsection (2) of section 944.291, Florida  
19 Statutes, is amended to read:

20 944.291 Prisoner released by reason of gain-time  
21 allowances or attainment of provisional release date.--

22 (2) Any prisoner who is convicted of a crime committed  
23 on or after October 1, 1988, which crime is contained in  
24 category 1, category 2, category 3, or category 4 of Rule  
25 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and  
26 who has served at least one prior felony commitment at a state  
27 prison or federal correctional institution, or is sentenced as  
28 a habitual or violent habitual offender pursuant to s.  
29 775.084, may only be released under conditional release  
30 supervision as described in chapter 947. Not fewer than 90  
31 days prior to the tentative release date or provisional

1 release date, whichever is earlier, the department shall  
2 provide the commission with the name and inmate identification  
3 number for each eligible inmate.

4 Section 51. Section 944.31, Florida Statutes, is  
5 amended to read:

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

1 inspector general and inspectors may consult and confer with  
2 any prisoner or staff member privately and without molestation  
3 and shall have the authority to detain any person for  
4 violations of the criminal laws of the state. Such detention  
5 shall be made only on properties owned or leased by the  
6 department, and the detained person shall be surrendered  
7 without delay to the sheriff of the county in which the  
8 detention is made, with a formal complaint subsequently made  
9 against her or him in accordance with law.

10 Section 52. Section 944.32, Florida Statutes, is  
11 amended to read:

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

22 Section 53. Section 944.39, Florida Statutes, is  
23 amended to read:

24 944.39 Interference with prisoners; penalty.--Any  
25 person who, without authority, interferes with or in any way  
26 interrupts the work of any prisoner under the custody of the  
27 department or who in any way interferes with the discipline or  
28 good conduct of any prisoner shall be guilty of a misdemeanor  
29 of the second degree, punishable as provided in s. 775.082 or  
30 s. 775.083. No person shall, by disguise, misrepresentation  
31 of identity or other illicit means, attempt to gain admission

1 to or enter upon the grounds of any state prison ~~correctional~~  
2 ~~institution~~ for the purpose of visiting any prisoner in  
3 violation of the general visiting policy adopted by the  
4 department. A person, upon conviction of an offense as  
5 outlined in this section, shall be guilty of a misdemeanor of  
6 the second degree, punishable as provided in s. 775.082 or s.  
7 775.083. Any peace officer or any correctional officer of the  
8 department or any prison inspector or any employee of the  
9 department may arrest without warrant any person violating the  
10 provisions of this section.

11 Section 54. Section 944.402, Florida Statutes, is  
12 amended to read:

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

24 Section 55. Section 944.44, Florida Statutes, is  
25 amended to read:

26 944.44 Holding persons as hostages; penalty.--Any  
27 prisoner who holds as hostage any person within any prison  
28 ~~correctional institution~~ or anywhere while under the  
29 jurisdiction of the department, or who by force, or threat of  
30 force holds any person or persons against their will in  
31 defiance of official orders, shall be guilty of a felony of



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

3 Section 56. Section 944.45, Florida Statutes, is  
4 amended to read:

5 944.45 Mutiny, riot, strike; penalty.--Whoever  
6 instigates, contrives, willfully attempts to cause, assists,  
7 or conspires to cause any mutiny, riot, or strike in defiance  
8 of official orders, in any state prison ~~correctional~~  
9 ~~institution~~, shall be guilty of a felony of the second degree,  
10 punishable as provided in s. 775.082, s. 775.083, or s.  
11 775.084.

12 Section 57. Section 944.46, Florida Statutes, is  
13 amended to read:

14 944.46 Harboring, concealing, aiding escaped  
15 prisoners; penalty.--Whoever harbors, conceals, maintains, or  
16 assists, or gives any other aid to any prisoner after his or  
17 her escape from any state prison ~~correctional~~ ~~institution~~,  
18 knowing that he or she is an escaped prisoner, shall be guilty  
19 of a felony of the third degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084.

21 Section 58. Subsection (1) of section 944.47, Florida  
22 Statutes, is amended to read:

23 944.47 Introduction, removal, or possession of certain  
24 articles unlawful; penalty.--

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

1           1. Any written or recorded communication or any  
2 currency or coin given or transmitted, or intended to be given  
3 or transmitted, to any inmate of any state prison ~~correctional~~  
4 ~~institution~~.

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

8           3. Any intoxicating beverage or beverage which causes  
9 or may cause an intoxicating effect.

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

13          5. Any firearm or weapon of any kind or any explosive  
14 substance.

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

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

29          Section 59. Paragraph (c) of subsection (1) of section  
30 944.472, Florida Statutes, is amended to read:

31

1           944.472 Drug-free corrections; legislative findings  
2 and purposes.--

3           (1) FINDINGS.--The Legislature finds that:

4           (c) Certain substance abuse testing standards are  
5 necessary to ensure uniform and economical application of  
6 policy throughout the state's prisons ~~institutions~~ and to  
7 protect both inmates and employers participating in random and  
8 reasonable suspicion substance abuse testing programs.

9           Section 60. Section 944.516, Florida Statutes, is  
10 amended to read:

11           944.516 Money or other property received for personal  
12 use or benefit of inmate; deposit; disposition of unclaimed  
13 trust funds.--The Department of Corrections shall protect the  
14 financial interest of the state with respect to claims which  
15 the state may have against inmates in state prisons  
16 ~~institutions~~ under its supervision and control and shall  
17 administer money and other property received for the personal  
18 benefit of such inmates. In carrying out the provisions of  
19 this section, the department may delegate any of its  
20 enumerated powers and duties affecting inmates of a prison ~~an~~  
21 ~~institution~~ to the warden or regional director who shall  
22 personally, or through designated employees of his or her  
23 personal staff under his or her direct supervision, exercise  
24 such powers or perform such duties.

25           (1) The Department of Corrections may:

26           (a) Accept and administer as a trust any money or  
27 other property received for the personal use or benefit of any  
28 inmate.

29           (b) Deposit money so received in banks qualified as  
30 state depositories.

31

1           (c) Withdraw any such money and use it to meet the  
2 current needs of the inmate as they may exist from time to  
3 time.

4           (d) As trustee, invest in the manner authorized by law  
5 for fiduciaries such moneys not required to be used for  
6 current needs of the inmate.

7           (e) Commingle such moneys for the purpose of deposit  
8 or investment.

9           (f) Use interest earned from investments to replace  
10 any funds belonging to an inmate which have been stolen, lost,  
11 or otherwise misappropriated from the inmate's trust account  
12 through no fault of the state and which cannot be replaced by  
13 appropriated funds, insurance payments, or other available  
14 resources. Such use of interest may be made only if, pursuant  
15 to a thorough investigation as part of the normal auditing  
16 process, the internal auditor of the department recommends in  
17 a written report that such use is appropriate. The report may  
18 also recommend other action, including prosecution, with  
19 respect to any missing funds. If the internal auditor of the  
20 department concludes that the department is at fault, the loss  
21 shall be replaced out of department funds; interest from the  
22 inmate trust fund may not be used to replace such loss.

23           (g) Establish, by rule, a limit on each inmate's trust  
24 account, including the interest earned thereon, and deduct  
25 from any moneys in the inmate's trust account exceeding that  
26 limit moneys sufficient to pay for the cost of postage of any  
27 mail sent by the inmate which postage the state is not  
28 constitutionally required to pay.

29           (2) The department shall require documentation through  
30 an accounting of receipts for expenditures by inmates placed  
31 on extended limits of confinement pursuant to s. 945.091.

1 However, the department may allow such inmates an amount up to  
2 \$25 per week which may not require documentation and which may  
3 be used for discretionary needs. The \$25 per week may be  
4 increased by \$5 biennially, beginning in fiscal year  
5 1985-1986, up to a total of \$50.

6 (3) Moneys received by the department in payment of  
7 claims of the state against inmates shall be transmitted to  
8 the Treasurer for deposit into the General Revenue Fund.

9 (4) Upon the death of any inmate in a prison ~~an~~  
10 ~~institution~~ affected by the provisions of this section, any  
11 unclaimed money held for the inmate in trust by the department  
12 or by the Treasurer shall be applied first to the payment of  
13 any unpaid state claim against the inmate, and any balance  
14 remaining unclaimed for a period of 1 year shall escheat to  
15 the state as unclaimed funds held by fiduciaries.

16 (5) When an inmate is transferred between department  
17 facilities, is released from the custody of the department,  
18 dies, or escapes during incarceration, and the inmate has an  
19 unexpended inmate trust fund account balance of less than \$1,  
20 that balance shall be transferred to the Inmate Welfare Trust  
21 Fund.

22 Section 61. Section 944.611, Florida Statutes, is  
23 amended to read:

24 944.611 Legislative intent.--The Legislature finds and  
25 declares that:

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

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

1 (a) To the extent possible, an inmate be returned,  
2 upon release, to the same area from which the inmate was  
3 committed.

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

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

9 1. The county where parole placement has been approved  
10 and supervision is to commence.

11 2. Another state.

12 3. The county of employment within the state.

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

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

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

19 Section 62. Subsection (2) of section 944.613, Florida  
20 Statutes, is amended to read:

21 944.613 Methods of transportation.--

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

1 private transportation must be a family member or friend whose  
2 purpose is to immediately transport the releasee to the  
3 approved location pursuant to s. 944.611 ~~section 1~~.

4 Section 63. Section 944.704, Florida Statutes, is  
5 amended to read:

6 944.704 Staff who provide transition assistance;  
7 duties.--The department shall provide a transition assistance  
8 officer at major prisons ~~institutions~~ whose duties include,  
9 but are not limited to:

10 (1) Coordinating delivery of transition assistance  
11 program services at the prison ~~institution~~.

12 (2) Assisting in the development of each inmate's  
13 postrelease plan.

14 (3) Obtaining job placement information for  
15 transmittal to the Department of Labor and Employment  
16 Security.

17 (4) Providing a photo identification card to all  
18 inmates prior to their release.

19 Section 64. Section 944.711, Florida Statutes, is  
20 amended to read:

21 944.711 Requests for proposals.--The department shall  
22 develop a request for proposals to construct or construct and  
23 operate a single-cell prototype prison ~~institution~~ or any  
24 facility of the department specified in s. 945.025.

25 Competitive proposals shall be solicited by the department  
26 pursuant to chapter 287.

27 Section 65. Subsection (1), paragraphs (c), (d), (g),  
28 (h), and (i) of subsection (3), and subsection (5) of section  
29 944.801, Florida Statutes, are amended to read:

30 944.801 Education for state prisoners.--  
31

1           (1) There is hereby established under the Department  
2 of Corrections a Correctional Education Program which shall be  
3 composed of the educational facilities and services of all  
4 prisons ~~institutions~~ and facilities housing inmates operated  
5 by the Department of Corrections and shall be supervised by  
6 the Department of Corrections.

7           (3) The responsibilities of the Correctional Education  
8 Program shall be to:

9           (c) In cooperation with the Department of Education,  
10 pursuant to s. 229.8075, develop complete and reliable  
11 statistics on the educational histories, the city/intracity  
12 area and school district where the inmate was domiciled prior  
13 to incarceration, the participation in state educational and  
14 training programs, and the occupations of inmates confined to  
15 state prisons ~~correctional facilities~~. The compiled  
16 statistics shall be summarized and analyzed in the annual  
17 report of correctional educational activities required by  
18 paragraph (f).

19           (d) Approve educational programs of the appropriate  
20 levels and types in the prisons ~~correctional institutions~~ and  
21 develop procedures for the admission of inmate students  
22 thereto.

23           (g) Develop and maintain complete and reliable  
24 statistics on the number of general educational development  
25 (GED) certificates and vocational certificates issued by each  
26 prison ~~institution~~ in each skill area, the change in inmate  
27 literacy levels, and the number of inmate admissions to and  
28 withdrawals from education courses. The compiled statistics  
29 shall be summarized and analyzed in the annual report of  
30 correctional education activities required by paragraph (f).

31



1           (h) Develop a written procedure for selecting programs  
2 to add to or delete from the vocational curriculum. The  
3 procedure shall include labor market analyses which  
4 demonstrate the projected demand for certain occupations and  
5 the projected supply of potential employees. In conducting  
6 these analyses, the department shall evaluate the feasibility  
7 of adding vocational education programs which have been  
8 identified by the Department of Labor and Employment Security  
9 or a regional coordinating council as being in undersupply in  
10 this state. The department shall periodically reevaluate the  
11 vocational education programs in major prisons ~~institutions~~ to  
12 determine which of the programs support and provide relevant  
13 skills to inmates who could be assigned to a correctional work  
14 program that is operated as a Prison Industry Enhancement  
15 Program.

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

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

30  
31

- 1           2. Highest priority of inmate participation shall be  
2 focused on youthful offenders and those inmates nearing  
3 release from the correctional system.
- 4           3. An inmate shall be required to attend the 150 hours  
5 of adult basic education instruction unless such inmate:
- 6           a. Is serving a life sentence or is under sentence of  
7 death.
- 8           b. Is specifically exempted for security or health  
9 reasons.
- 10          c. Is housed at a work release ~~community correctional~~  
11 center, road prison, work camp, or vocational center.
- 12          d. Attains a functional literacy level after  
13 attendance in fewer than 150 hours of adult basic education  
14 instruction.
- 15          e. Is unable to enter such instruction because of  
16 insufficient facilities, staff, or classroom capacity.
- 17          4. The Department of Corrections shall provide classes  
18 to accommodate those inmates assigned to correctional or  
19 public work programs after normal working hours. The  
20 department shall develop a plan to provide academic and  
21 vocational classes on a more frequent basis and at times that  
22 accommodate the increasing number of inmates with work  
23 assignments, to the extent that resources permit.
- 24          5. If an inmate attends and actively participates in  
25 the 150 hours of instruction, the Department of Corrections  
26 may grant a one-time award of up to 6 additional days of  
27 incentive gain-time, which must be credited and applied as  
28 provided by law. Active participation means, at a minimum,  
29 that the inmate is attentive, responsive, cooperative, and  
30 completes assigned work.
- 31

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

10           Section 66. Subsection (1) and paragraph (d) of  
11 subsection (2) of section 944.803, Florida Statutes, are  
12 amended to read:

13           944.803 Faith-based programs for inmates.--

14           (1) The Legislature finds and declares that  
15 faith-based programs offered in state prisons and private  
16 correctional institutions and facilities have the potential to  
17 facilitate inmate institutional adjustment, help inmates  
18 assume personal responsibility, and reduce recidivism.

19           (2) It is the intent of the Legislature that the  
20 Department of Corrections and the private vendors operating  
21 private correctional facilities shall continuously:

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

26           Section 67. Paragraphs (a) and (e) of subsection (1)  
27 and subsection (3) of section 945.025, Florida Statutes, are  
28 amended to read:

29           945.025 Jurisdiction of department.--

30           (1) The Department of Corrections shall have  
31 supervisory and protective care, custody, and control of the

1 inmates, buildings, grounds, property, and all other matters  
2 pertaining to the following facilities and programs for the  
3 imprisonment, correction, and rehabilitation of adult  
4 offenders:

5 (a) Department of Corrections adult prisons  
6 ~~correctional institutions~~;

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

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

30 Section 68. Paragraph (c) of subsection (1) of section  
31 945.0311, Florida Statutes, is amended to read:

1           945.0311 Employment of relatives.--  
2           (1) For the purposes of this section, the term:  
3           (c) "Organizational unit" includes:  
4           1. A unit of a state prison ~~correctional institution~~  
5 such as security, medical, dental, classification,  
6 maintenance, personnel, or business. A work camp, boot camp,  
7 or other annex of a state prison ~~correctional institution~~ is  
8 considered part of the prison ~~institution~~ and not a separate  
9 unit.  
10          2. An area of a regional office such as personnel,  
11 medical, administrative services, probation and parole, or  
12 community facilities.  
13          3. A correctional work center, road prison, or work  
14 release center.  
15          4. A probation and parole circuit office or a  
16 suboffice within a circuit.  
17          5. A bureau of the Office of the Secretary or of any  
18 of the assistant secretaries.  
19          Section 69. Subsection (1) of section 945.043, Florida  
20 Statutes, is amended to read:  
21          945.043 Department-operated day care services.--  
22          (1) The department shall have the authority to  
23 establish and operate child care services for department  
24 employees. Child care enhances the department's ability to  
25 recruit and retain employees in remote or understaffed areas.  
26 Child care centers must be located on or adjacent to the  
27 grounds of a prison ~~an institution~~ or facility, and must be  
28 located outside the grounds of the compound area where inmates  
29 are housed. Individuals utilizing the child care services are  
30 not limited to employees of the department. Employees of  
31 other state agencies may also utilize department-operated day

1 care centers. Furthermore, individual day care centers may  
2 enter into consortium agreements with their local city or  
3 county governments or the Federal Government, permitting  
4 centers to admit the children of those city, county, and  
5 Federal Government employees. Employees and other individuals  
6 who utilize the child care services shall be charged a fee for  
7 such services.

8 Section 70. Paragraphs (a) and (b) of subsection (1)  
9 and paragraph (b) of subsection (8) of section 945.091,  
10 Florida Statutes, are amended to read:

11 945.091 Extension of the limits of confinement;  
12 restitution by employed inmates.--

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

22 (a) Visit, for a specified period, a specifically  
23 designated place or places:

24 1. For the purpose of visiting a dying relative,  
25 attending the funeral of a relative, or arranging for  
26 employment or for a suitable residence for use when released;

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

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

31

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

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

13 (8)

14 (b) When the chief correctional officer determines  
15 that a fine would be an appropriate punishment for a violation  
16 of the rules of the department, both the determination of  
17 guilt and the amount of the fine shall be determined by the  
18 disciplinary hearing officer ~~committee~~ pursuant to the method  
19 prescribed in s. 944.28(2)(c).

20 Section 71. Paragraphs (b), (c), and (d) of subsection  
21 (1) of section 945.215, Florida Statutes, are amended to read:

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

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

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

29 1. To operate inmate canteens and vending machines,  
30 including purchasing items for resale at inmate canteens and  
31 vending machines; employing personnel and inmates to manage,

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



1           9. To purchase other items for the benefit of the  
2 inmate population as deemed appropriate by the secretary.

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

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

24           Section 72. Subsection (1) of section 945.27, Florida  
25 Statutes, is amended to read:

26           945.27 Proceedings by department.--

27           (1) Whenever it becomes necessary to increase the  
28 number of prison beds by acquiring private property for the  
29 construction of new correctional facilities or for the  
30 expansion of existing facilities, and the property cannot be  
31 acquired by agreement satisfactory to the Department of

1 Corrections and the parties interested in, or the owners of,  
2 the private property, the department may ~~is hereby empowered~~  
3 ~~and authorized to~~ exercise the right of eminent domain and ~~to~~  
4 proceed to condemn the property in the same manner as provided  
5 by law for the condemnation of property.

6 Section 73. Subsections (2), (3), (4), and (5) of  
7 section 945.6031, Florida Statutes, are amended to read:

8 945.6031 Required reports and surveys.--

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

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

25 (4) Within 30 calendar days after the receipt of a  
26 survey report from the authority, the Department of  
27 Corrections shall file a written corrective action plan with  
28 the authority, indicating the actions which will be taken to  
29 address deficiencies determined by the authority to exist at a  
30 prison ~~an institution~~. Each plan shall set forth an estimate  
31

1 of the time and resources needed to correct identified  
2 deficiencies.

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

9 Section 74. Subsection (1) of section 945.72, Florida  
10 Statutes, is amended to read:

11 945.72 Eligibility and screening of inmates.--

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

14 Section 75. Paragraph (a) of subsection (1) and  
15 paragraph (a) of subsection (2) of section 946.002, Florida  
16 Statutes, are amended to read:

17 946.002 Requirement of labor; compensation; amount;  
18 crediting of account of prisoner; forfeiture; civil rights;  
19 prisoner not employee or entitled to compensation insurance  
20 benefits.--

21 (1)(a) The department shall require of every  
22 able-bodied prisoner imprisoned in any prison ~~institution~~ as  
23 many hours of faithful labor in each day and every day during  
24 his or her term of imprisonment as shall be prescribed by the  
25 rules of the department. Every able-bodied prisoner  
26 classified as medium custody or minimum custody who does not  
27 satisfactorily participate in any prison ~~institutional~~ work  
28 programs, correctional work programs, prison industry  
29 enhancement (PIE) programs, academic programs, or vocational  
30 programs shall be required to perform work for such political  
31

1 subdivisions of the state as might have entered into agreement  
2 with the department pursuant to s. 946.40.

3 (2)(a) Each prisoner who is engaged in productive work  
4 in any state prison ~~correctional institution~~, program, or  
5 facility under the jurisdiction of the department may receive  
6 for work performed such compensation as the department shall  
7 determine. Such compensation shall be in accordance with a  
8 schedule based on quality and quantity of work performed and  
9 skill required for performance, and said compensation shall be  
10 credited to the account of the prisoner or the prisoner's  
11 family.

12 Section 76. Section 946.205, Florida Statutes, is  
13 amended to read:

14 946.205 Prison ~~Institutional~~ work.--The department may  
15 cause to be cultivated by the inmates of the adult prisons  
16 ~~correctional institutions~~ that are under the control and  
17 supervision of the department such food items as are grown on  
18 farms or in gardens generally, and as are needed and used in  
19 the state prisons ~~institutions~~. The department may sell any  
20 surplus food items to the corporation authorized under part II  
21 of this chapter. Any proceeds received from such sales by the  
22 department shall be deposited into the Correctional Work  
23 Program Trust Fund. The department may also use the services  
24 of inmates of the adult prisons ~~correctional institutions~~ that  
25 are under the control and supervision of the department to  
26 perform such work as is needed and used within the state  
27 prisons ~~institutions~~.

28 Section 77. Section 946.25, Florida Statutes, is  
29 amended to read:

30 946.25 Sale of hobbycrafts by prisoners.--When, in the  
31 planning of the rehabilitation program of the Department of

1 Corrections through its recreational facilities, plans are  
2 made for prisoners to engage in hobbies and hobbycrafts after  
3 their normal working hours and when they are not required by  
4 the warden of a state prison or other correctional institution  
5 to be on their assigned duties, they may make items of a hobby  
6 or hobbycraft nature which may be disposed of by the prisoner  
7 through the prison ~~institutional~~ canteen or commissary to  
8 persons visiting the prison ~~institution~~.

9 Section 78. Subsection (1) of section 946.40, Florida  
10 Statutes, is amended to read:

11 946.40 Use of prisoners in public works.--

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

1 provided the political subdivision, municipality, or agency of  
2 the state or the nonprofit corporation provides proper  
3 supervision pursuant to the rules of the Department of  
4 Corrections.

5 Section 79. Subsections (4) and (8) of section  
6 946.504, Florida Statutes, are amended to read:

7 946.504 Organization of corporation to operate  
8 correctional work programs; lease of facilities.--

9 (4) If the department leases a single correctional  
10 work program at any prison ~~correctional institution~~ to the  
11 corporation, the corporation shall lease all such correctional  
12 work programs at that prison ~~institution~~.

13 (8) Notwithstanding any provision to the contrary, the  
14 corporation is authorized to use tax-exempt financing through  
15 the issuance of tax-exempt bonds, certificates of  
16 participation, lease-purchase agreements, or other tax-exempt  
17 financing methods for the purpose of constructing facilities  
18 or making capital improvements for correctional work programs  
19 and prison industry enhancement programs on state-owned land  
20 within state prisons ~~correctional institutions~~. Such  
21 tax-exempt financing may be funded by the General  
22 Appropriations Act. If the corporation obtains tax-exempt  
23 financing, the state retains a secured interest by holding a  
24 lien against any structure or improvement for which tax-exempt  
25 financing or state funds are used. The corporation shall  
26 include a provision in its financing contract requiring that a  
27 lien be filed by the Department of Corrections, on behalf of  
28 the state, in order to procure the issuance of tax-exempt  
29 bonds or certificates of participation; to enter into  
30 lease-purchase agreements; or to obtain any other tax-exempt  
31 financing methods for the construction or renovation of

1 facilities related to correctional work programs or prison  
2 industry enhancement programs. The lien shall be against the  
3 property where any facility or structure is located which has  
4 been constructed or substantially renovated, in whole or in  
5 part, through the use of state funds. However, there is no  
6 requirement for the Department of Corrections to file a lien  
7 if the amount of state funds does not exceed \$25,000 or 10  
8 percent of the contract amount, whichever is less. The lien  
9 must be recorded, upon the execution of the contract  
10 authorizing such construction or renovation, in the county  
11 where the property is located. The lien must specify that the  
12 Department of Corrections has a financial interest in the  
13 property equal to the pro rata portion of the state's original  
14 investment of the then-fair-market value of the construction.  
15 The lien must also specify that the Department of Corrections'  
16 financial interest is proportionately reduced and subsequently  
17 vacated over a 20-year period of depreciation. The contract  
18 must include a provision that as a condition of receipt of  
19 state funding for this purpose, the corporation agrees that,  
20 if it disposes of the property before the state's interest is  
21 vacated, the corporation will refund the proportionate share  
22 of the state's initial investment, as adjusted by  
23 depreciation.

24 Section 80. Section 946.513, Florida Statutes, is  
25 amended to read:

26 946.513 Private employment of inmates; disposition of  
27 compensation received.--

28 (1) Notwithstanding the provisions of any other law,  
29 an inmate may be employed by the corporation or by any other  
30 private entity operating on the grounds of a prison  
31 ~~correctional institution~~ prior to the last 24 months of the

1 inmate's confinement. Compensation received for such  
2 employment shall be credited by the department to an account  
3 for the inmate and shall be used to make any court-ordered  
4 payments, including restitution to the victim. The department  
5 rules shall provide that a portion of such compensation be  
6 credited by the department in the manner provided in s.  
7 946.512.

8 (2) No inmate is eligible for unemployment  
9 compensation, whether employed by the corporation or by any  
10 other private enterprise operating on the grounds of a prison  
11 ~~correctional institution~~ or elsewhere, when such employment is  
12 part of a correctional work program or work-release program of  
13 either the corporation or the department.

14 Section 81. Subsection (2) of section 947.1405,  
15 Florida Statutes, is amended to read:

16 947.1405 Conditional release program.--

17 (2) Any inmate who:

18 (a) Is convicted of a crime committed on or after  
19 October 1, 1988, and before January 1, 1994, and any inmate  
20 who is convicted of a crime committed on or after January 1,  
21 1994, which crime is or was contained in category 1, category  
22 2, category 3, or category 4 of Rule 3.701 and Rule 3.988,  
23 Florida Rules of Criminal Procedure (1993), and who has served  
24 at least one prior felony commitment at a state prison or  
25 federal correctional institution;

26 (b) Is sentenced as a habitual or violent habitual  
27 offender or a violent career criminal pursuant to s. 775.084;  
28 or

29 (c) Is found to be a sexual predator under s. 775.21  
30 or former s. 775.23,

31



1 shall, upon reaching the tentative release date or provisional  
2 release date, whichever is earlier, as established by the  
3 Department of Corrections, be released under supervision  
4 subject to specified terms and conditions, including payment  
5 of the cost of supervision pursuant to s. 948.09. Such  
6 supervision shall be applicable to all sentences within the  
7 overall term of sentences if an inmate's overall term of  
8 sentences includes one or more sentences that are eligible for  
9 conditional release supervision as provided herein. Effective  
10 July 1, 1994, and applicable for offenses committed on or  
11 after that date, the commission may require, as a condition of  
12 conditional release, that the releasee make payment of the  
13 debt due and owing to a county or municipal detention facility  
14 under s. 951.032 for medical care, treatment, hospitalization,  
15 or transportation received by the releasee while in that  
16 detention facility. The commission, in determining whether to  
17 order such repayment and the amount of such repayment, shall  
18 consider the amount of the debt, whether there was any fault  
19 of the prison ~~institution~~ for the medical expenses incurred,  
20 the financial resources of the releasee, the present and  
21 potential future financial needs and earning ability of the  
22 releasee, and dependents, and other appropriate factors. If  
23 an inmate has received a term of probation or community  
24 control supervision to be served after release from  
25 incarceration, the period of probation or community control  
26 must be substituted for the conditional release supervision. A  
27 panel of no fewer than two commissioners shall establish the  
28 terms and conditions of any such release. If the offense was a  
29 controlled substance violation, the conditions shall include a  
30 requirement that the offender submit to random substance abuse  
31 testing intermittently throughout the term of conditional

1 release supervision, upon the direction of the correctional  
2 probation officer as defined in s. 943.10(3). The commission  
3 shall also determine whether the terms and conditions of such  
4 release have been violated and whether such violation warrants  
5 revocation of the conditional release.

6 Section 82. Subsection (1) of section 947.172, Florida  
7 Statutes, is amended to read:

8 947.172 Establishment of presumptive parole release  
9 date.--

10 (1) The hearing examiner shall conduct an initial  
11 interview in accordance with the provisions of s. 947.16.  
12 This interview shall include introduction and explanation of  
13 the objective parole guidelines as they relate to presumptive  
14 and effective parole release dates and an explanation of the  
15 prison ~~institutional~~ conduct record and satisfactory release  
16 plan for parole supervision as each relates to parole release.

17 Section 83. Paragraph (a) of subsection (5) of section  
18 947.174, Florida Statutes, is amended to read:

19 947.174 Subsequent interviews.--

20 (5) For purposes of this section, the commission shall  
21 develop and make available to all inmates guidelines which:

22 (a) Define what constitutes an unsatisfactory prison  
23 ~~institutional~~ record. In developing such guidelines, the  
24 commission shall consult with the department.

25 Section 84. Section 947.1745, Florida Statutes, is  
26 amended to read:

27 947.1745 Establishment of effective parole release  
28 date.--If the inmate's prison ~~institutional~~ conduct has been  
29 satisfactory, the presumptive parole release date shall become  
30 the effective parole release date as follows:

31

1           (1) Within 90 days before the presumptive parole  
2 release date, a hearing examiner shall conduct a final  
3 interview with the inmate in order to establish an effective  
4 parole release date and parole release plan. If it is  
5 determined that the inmate's prison ~~institutional~~ conduct has  
6 been unsatisfactory, a statement to this effect shall be made  
7 in writing with particularity and shall be forwarded to a  
8 panel of no fewer than two commissioners appointed by the  
9 chair.

10           (2) If the panel finds that the inmate's parole  
11 release plan is unsatisfactory, this finding may constitute  
12 new information and good cause in exceptional circumstances as  
13 described in s. 947.173, under which the panel may extend the  
14 presumptive parole release date for not more than 1 year. The  
15 panel may review any subsequently proposed parole release plan  
16 at any time.

17           (3) Within 30 days after receipt of the inmate's  
18 parole release plan, the panel shall determine whether to  
19 authorize the effective parole release date. The inmate must  
20 be notified of the decision in writing within 30 days after  
21 the decision by the panel.

22           (4) If an effective date of parole has been  
23 established, release on that date is conditioned upon the  
24 completion of a satisfactory plan for parole supervision. An  
25 effective date of parole may be delayed for up to 60 days by a  
26 commissioner without a hearing for the development and  
27 approval of release plans.

28           (5) An effective date of parole may be delayed by a  
29 commissioner for up to 60 days without a hearing based on:

30           (a) New information not available at the time of the  
31 effective parole release date interview.

1           (b) Unsatisfactory prison ~~institutional~~ conduct which  
2 occurred subsequent to the effective parole release date  
3 interview.

4           (c) The lack of a verified parole release plan.

5           (6) Within 90 days before the effective parole release  
6 date interview, the commission shall send written notice to  
7 the sentencing judge of any inmate who has been scheduled for  
8 an effective parole release date interview. If the sentencing  
9 judge is no longer serving, the notice must be sent to the  
10 chief judge of the circuit in which the offender was  
11 sentenced. The chief judge may designate any circuit judge  
12 within the circuit to act in the place of the sentencing  
13 judge. Within 30 days after receipt of the commission's  
14 notice, the sentencing judge, or the designee, shall send to  
15 the commission notice of objection to parole release, if the  
16 judge objects to such release. If there is objection by the  
17 judge, such objection may constitute good cause in exceptional  
18 circumstances as described in s. 947.173, and the commission  
19 may schedule a subsequent review within 2 years, extending the  
20 presumptive parole release date beyond that time. However, for  
21 an inmate who has been:

22           (a) Convicted of murder or attempted murder;

23           (b) Convicted of sexual battery or attempted sexual  
24 battery; or

25           (c) Sentenced to a 25-year minimum mandatory sentence  
26 previously provided in s. 775.082,

27

28 the commission may schedule a subsequent review under this  
29 subsection once every 5 years, extending the presumptive  
30 parole release date beyond that time if the commission finds  
31 that it is not reasonable to expect that parole would be

1 granted at a review during the following years and states the  
2 bases for the finding in writing. For any inmate who is within  
3 7 years of his or her release date, the commission may  
4 schedule a subsequent review prior to the 5 year schedule.  
5 With any subsequent review the same procedure outlined above  
6 will be followed. If the judge remains silent with respect to  
7 parole release, the commission may authorize an effective  
8 parole release date. This subsection applies if the  
9 commission desires to consider the establishment of an  
10 effective release date without delivery of the effective  
11 parole release date interview. Notice of the effective  
12 release date must be sent to the sentencing judge, and either  
13 the judge's response to the notice must be received or the  
14 time period allowed for such response must elapse before the  
15 commission may authorize an effective release date.

16 Section 85. Paragraph (f) of subsection (1) and  
17 paragraph (a) of subsection (7) of section 948.03, Florida  
18 Statutes, are amended to read:

19 948.03 Terms and conditions of probation or community  
20 control.--

21 (1) The court shall determine the terms and conditions  
22 of probation or community control. Conditions specified in  
23 paragraphs (a)-(m) do not require oral pronouncement at the  
24 time of sentencing and may be considered standard conditions  
25 of probation. Conditions specified in paragraphs (a)-(m) and  
26 (2)(a) do not require oral pronouncement at sentencing and may  
27 be considered standard conditions of community control. These  
28 conditions may include among them the following, that the  
29 probationer or offender in community control shall:

30 (f) Effective July 1, 1994, and applicable for  
31 offenses committed on or after that date, make payment of the

1 debt due and owing to a county or municipal detention facility  
2 under s. 951.032 for medical care, treatment, hospitalization,  
3 or transportation received by the felony probationer while in  
4 that detention facility. The court, in determining whether to  
5 order such repayment and the amount of such repayment, shall  
6 consider the amount of the debt, whether there was any fault  
7 of the prison ~~institution~~ for the medical expenses incurred,  
8 the financial resources of the felony probationer, the present  
9 and potential future financial needs and earning ability of  
10 the probationer, and dependents, and other appropriate  
11 factors.

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

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

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

20 3. A community residential facility which is owned and  
21 operated by any public or private entity, excluding a work  
22 release ~~community correctional~~ center as defined in s. 944.033  
23 ~~944.026~~; or

24 4. A county-owned facility.

25 Section 86. Subsection (2) of section 948.09, Florida  
26 Statutes, is amended to read:

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

29 (2) Any person being electronically monitored by the  
30 department as a result of placement on community control shall  
31 be required to pay as a surcharge an amount not to exceed the

1 full cost of the monitoring service, but not less than \$1 per  
2 day~~\$1-per-day surcharge~~ in addition to the cost of  
3 supervision fee as directed by the sentencing court. The  
4 surcharge shall be deposited in the Operating Trust Fund to be  
5 used by the department for purchasing and maintaining  
6 electronic monitoring devices.

7 Section 87. Subsection (1) of section 948.12, Florida  
8 Statutes, is amended to read:

9 948.12 Intensive supervision for postprison release of  
10 violent offenders.--It is the finding of the Legislature that  
11 the population of violent offenders released from state prison  
12 into the community poses the greatest threat to the public  
13 safety of the groups of offenders under community supervision.  
14 Therefore, for the purpose of enhanced public safety, any  
15 offender released from state prison who:

16 (1) Was most recently incarcerated for an offense that  
17 is or was contained in category 1 (murder, manslaughter),  
18 category 2 (sexual offenses), category 3 (robbery), or  
19 category 4 (violent personal crimes) of Rules 3.701 and 3.988,  
20 Florida Rules of Criminal Procedure (1993), and who has served  
21 at least one prior felony commitment at a state prison or  
22 federal correctional institution;

23  
24 and who has a term of probation to follow the period of  
25 incarceration shall be provided intensive supervision by  
26 experienced correctional probation officers. Subject to  
27 specific appropriation by the Legislature, caseloads may be  
28 restricted to a maximum of 40 offenders per officer to provide  
29 for enhanced public safety as well as to effectively monitor  
30 conditions of electronic monitoring or curfews, if such was  
31 ordered by the court.

1           Section 88. Paragraph (a) of subsection (4) of section  
2 948.51, Florida Statutes, is amended to read:

3           948.51 Community corrections assistance to counties or  
4 county consortiums.--

5           (4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.--

6           (a) The Secretary of Corrections may contract for the  
7 issuance of community corrections assistance funds, as  
8 appropriated by the Legislature, to an eligible contracting  
9 county or county consortium for the purposes of:

10           1. Providing community-based corrections programs  
11 within county-owned or county-contracted residential probation  
12 programs.

13           2. Providing nonincarcerative diversionary programs,  
14 including pretrial release programs, for juvenile offenders or  
15 adult offenders who would otherwise be housed in a county  
16 detention facility, a state juvenile detention facility, or a  
17 state prison ~~correctional institution~~.

18           3. Providing community-based drug treatment programs,  
19 both outpatient and residential, by licensed providers.

20           4. Funding costs for the enhancement of programs  
21 within county detention facilities.

22           5. Funding costs for the enhancement of public safety  
23 and crime prevention programs.

24           Section 89. Paragraph (a) of subsection (2) of section  
25 948.90, Florida Statutes, is amended to read:

26           948.90 Local offender advisory councils.--

27           (2) In the event that a city or county or a  
28 combination thereof elects to develop, establish, and maintain  
29 such community program, it shall provide support to a local  
30 offender advisory council composed of members appointed by the  
31 city or county governing body; if a council is established by



1 more than one local government, an equal number of members  
2 shall be appointed by each participating governing body. Each  
3 council shall also include in its membership two persons  
4 appointed by the chief judge of the circuit serving the  
5 jurisdiction or jurisdictions participating on the committee  
6 and one person appointed by the appropriate regional office of  
7 the Department of Corrections. Each such council shall be  
8 responsible for:

9 (a) Identifying and developing community services and  
10 programs for use by the courts in diverting offenders from  
11 state prisons ~~correctional institutions~~.

12 Section 90. Paragraphs (a) and (e) of subsection (2)  
13 of section 951.23, Florida Statutes, are amended to read:

14 951.23 County and municipal detention facilities;  
15 definitions; administration; standards and requirements.--

16 (2) COLLECTION OF INFORMATION.--In conjunction with  
17 the administrators of county detention facilities, the  
18 Department of Corrections shall develop an instrument for the  
19 collection of information from the administrator of each  
20 county detention facility. Whenever possible, the information  
21 shall be transmitted by the administrator to the Department of  
22 Corrections electronically or in a computer readable format.  
23 The information shall be provided on a monthly basis and shall  
24 include, but is not limited to, the following:

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

26 1. Felons sentenced to cumulative sentences of  
27 incarceration of 364 days or less.

28 2. Felons sentenced to cumulative sentences of  
29 incarceration of 365 days or more.

30 3. Sentenced misdemeanants.

31 4. Awaiting trial on at least one felony charge.

- 1           5. Awaiting trial on misdemeanor charges only.
- 2           6. Convicted felons and misdemeanants who are awaiting  
3 sentencing.
- 4           7. Juveniles.
- 5           8. State parole violators.
- 6           9. State inmates who were transferred from a state  
7 prison ~~correctional facility~~, as defined in s. 944.02, to the  
8 county detention facility.
- 9           (e) The number of persons admitted per month, and the  
10 number of persons housed on the last day of the month, by age,  
11 race, and sex, who are:
- 12           1. Felons sentenced to cumulative sentences of  
13 incarceration of 364 days or less.
- 14           2. Felons sentenced to cumulative sentences of  
15 incarceration of 365 days or more.
- 16           3. Sentenced misdemeanants.
- 17           4. Awaiting trial on at least one felony charge.
- 18           5. Awaiting trial on misdemeanor charges only.
- 19           6. Convicted felons and misdemeanants who are awaiting  
20 sentencing.
- 21           7. Juveniles.
- 22           8. State parole violators.
- 23           9. State inmates who were transferred from a state  
24 prison ~~correctional facility~~, as defined in s. 944.02, to the  
25 county detention facility.
- 26           Section 91. Paragraph (b) of subsection (2) of section  
27 958.04, Florida Statutes, is amended to read:
- 28           958.04 Judicial disposition of youthful offenders.--
- 29           (2) In lieu of other criminal penalties authorized by  
30 law and notwithstanding any imposition of consecutive  
31

1 sentences, the court shall dispose of the criminal case as  
2 follows:  
3 (b) The court may impose a period of incarceration as  
4 a condition of probation or community control, which period of  
5 incarceration shall be served in either a county facility, a  
6 department probation and restitution center, or a community  
7 residential facility which is owned and operated by any public  
8 or private entity providing such services. No youthful  
9 offender may be required to serve a period of incarceration in  
10 a work release ~~community correctional~~ center as defined in s.  
11 944.033 ~~944.026~~. Admission to a department facility or center  
12 shall be contingent upon the availability of bed space and  
13 shall take into account the purpose and function of such  
14 facility or center. Placement in such a facility or center  
15 shall not exceed 364 days.

16 Section 92. Paragraph (b) of subsection (6) of section  
17 958.09, Florida Statutes, is amended to read:

18 958.09 Extension of limits of confinement.--

19 (6)

20 (b) When the chief correctional officer determines  
21 that a fine would be an appropriate punishment for a violation  
22 of the rules of the department, both the determination of  
23 guilt and the amount of the fine shall be determined by the  
24 disciplinary hearing officer ~~committee~~ pursuant to the method  
25 prescribed in s. 944.28(2)(c).

26 Section 93. Paragraph (p) of subsection (1) of section  
27 960.001, Florida Statutes, is amended to read:

28 960.001 Guidelines for fair treatment of victims and  
29 witnesses in the criminal justice and juvenile justice  
30 systems.--

31

1           (1) The Department of Legal Affairs, the state  
2 attorneys, the Department of Corrections, the Department of  
3 Juvenile Justice, the Parole Commission, the State Courts  
4 Administrator and circuit court administrators, the Department  
5 of Law Enforcement, and every sheriff's department, police  
6 department, or other law enforcement agency as defined in s.  
7 943.10(4) shall develop and implement guidelines for the use  
8 of their respective agencies, which guidelines are consistent  
9 with the purposes of this act and s. 16(b), Art. I of the  
10 State Constitution and are designed to implement the  
11 provisions of s. 16(b), Art. I of the State Constitution and  
12 to achieve the following objectives:

13           (p) Information concerning escape from a state prison  
14 ~~correctional institution~~, county jail, juvenile detention  
15 facility, or residential commitment facility.--In any case  
16 where an offender escapes from a state prison ~~correctional~~  
17 ~~institution~~, private correctional facility, county jail,  
18 juvenile detention facility, or residential commitment  
19 facility, the institution of confinement shall immediately  
20 notify the state attorney of the jurisdiction where the  
21 criminal charge or petition for delinquency arose and the  
22 judge who imposed the sentence of incarceration. The state  
23 attorney shall thereupon make every effort to notify the  
24 victim, material witness, parents or legal guardian of a minor  
25 who is a victim or witness, or immediate relatives of a  
26 homicide victim of the escapee. The state attorney shall also  
27 notify the sheriff of the county where the criminal charge or  
28 petition for delinquency arose. The sheriff shall offer  
29 assistance upon request. When an escaped offender is  
30 subsequently captured or is captured and returned to the  
31 institution of confinement, the institution of confinement

