

HB 1005

2010

1 A bill to be entitled
2 An act relating to criminal justice; amending s. 384.34,
3 F.S.; conforming provisions to changes made by the act;
4 amending s. 775.0877, F.S.; deleting provisions relating
5 to criminal quarantine community control for offenders
6 convicted of criminal transmission of HIV; revising
7 penalties; amending s. 796.08, F.S.; conforming provisions
8 to changes made by the act; creating s. 800.09, F.S.;
9 providing definitions; prohibiting a lewd or lascivious
10 exhibition in the presence of a correctional facility
11 employee; providing penalties; amending s. 916.107, F.S.;
12 revising provisions relating to physical custody and
13 treatment of forensic clients adjudicated incompetent to
14 proceed or not guilty by reason of insanity; clarifying
15 rights, responsibilities, and duties of forensic clients
16 housed with the Department of Corrections; revising
17 provisions relating to informed consent to treatment by
18 forensic clients; clarifying application of certain
19 provisions; providing that forensic clients housed with
20 the department are subject to its rules; amending s.
21 916.13, F.S.; providing for retention of certain
22 defendants who have been adjudicated incompetent to
23 proceed due to mental illness in the physical custody of
24 the department; providing time limits relating to
25 competency hearings; amending s. 916.15, F.S.; providing
26 time limits relating to commitment hearings; providing for
27 retention of certain defendants who have been adjudicated
28 not guilty by reason of insanity in the physical custody

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | of the department for the remainder of their sentences;
30 | requiring a report; amending s. 921.187, F.S.; deleting
31 | provisions relating to criminal quarantine community
32 | control; amending s. 940.061, F.S.; providing for
33 | electronic submission of certain information to the Parole
34 | Commission; amending s. 944.1905, F.S.; eliminating
35 | provisions relating to removal and reassignment of certain
36 | youthful offenders to the general inmate population in
37 | certain circumstances; repealing s. 944.293, F.S.,
38 | relating to initiation of restoration of civil rights;
39 | amending s. 944.35, F.S.; applying prohibitions on sexual
40 | misconduct with inmates or offenders to employees of
41 | private correctional facilities; providing penalties;
42 | amending s. 944.605, F.S.; providing for electronic
43 | submission of certain information concerning released
44 | inmates to sheriffs or municipal police chiefs; amending
45 | s. 944.804, F.S.; providing for additional geriatric
46 | correctional facilities or dorms within correctional
47 | facilities; deleting obsolete provisions; amending s.
48 | 944.8041, F.S.; conforming provisions to changes made by
49 | the act; amending s. 945.41, F.S.; deleting a prohibition
50 | on the placement of youthful offenders at specified
51 | facilities for mental health treatment; permitting the
52 | designation of multiple mental health treatment facilities
53 | for certain offenders; amending s. 945.42, F.S.; removing
54 | refusal of voluntary placement in certain circumstances as
55 | a basis for determining that an inmate is in need of care
56 | and treatment; amending s. 945.43, F.S.; revising

57 | terminology concerning inmates in treatment facilities;
58 | requiring a petition for placement to be filed in the
59 | county in which an inmate is located; requiring reasonable
60 | access to an inmate and his or her records by an attorney
61 | representing the inmate in a placement proceeding;
62 | authorizing the department to transport an inmate to
63 | hearings in certain circumstances; amending s. 945.46,
64 | F.S.; authorizing the transport of a person being released
65 | from custody to a receiving or treatment facility for
66 | involuntary examination or placement in certain
67 | circumstances; creating s. 946.42, F.S.; providing
68 | definitions; authorizing the department to allow inmates
69 | who meet certain criteria to perform public works to enter
70 | onto private property for specified purposes; amending s.
71 | 948.001, F.S.; deleting the definition of the term
72 | "criminal quarantine community control"; amending s.
73 | 948.03, F.S.; providing as a condition of probation,
74 | community control, or any other form of court-ordered
75 | supervision that an offender live without violating any
76 | law; providing that a conviction in a court of law is not
77 | necessary for a violation of law to constitute a violation
78 | of such a condition; prohibiting an offender from
79 | possessing, carrying, or owning a firearm; prohibiting the
80 | possession, carrying, or ownership of any other weapon
81 | without first procuring the consent of a correctional
82 | probation officer; requiring that an offender on probation
83 | or community control submit to the taking of a digitized
84 | photograph; providing for display of such photographs on

85 | the department's public website while the offender is
86 | under supervision; providing exceptions; amending s.
87 | 948.09, F.S.; conforming a cross-reference; amending s.
88 | 948.101, F.S.; providing that an additional set of
89 | standard conditions of probation may be included for
90 | offenders placed on community control; conforming
91 | provisions to changes made by the act; amending s. 948.11,
92 | F.S.; conforming provisions to changes made by the act;
93 | amending s. 951.26, F.S.; authorizing public safety
94 | coordinating councils to develop comprehensive local
95 | reentry plans to assist offenders released from
96 | incarceration in successfully reentering the community;
97 | providing requirements; amending s. 958.03, F.S.; revising
98 | the definition of the term "youthful offender"; defining
99 | the term "youthful offender facility"; amending s. 958.04,
100 | F.S.; deleting provisions relating to a basic training
101 | program; amending s. 958.045, F.S.; revising provisions
102 | relating to revocation of gain-time for an offender in a
103 | basic training program; providing for termination of an
104 | offender from a basic training program under certain
105 | circumstances; deleting provisions relating to transfer of
106 | an offender to a community residential program upon
107 | completion of a basic training program; deleting a
108 | requirement for continuous screening for eligible youthful
109 | offenders; deleting provisions relating to completion of
110 | basic training programs by youthful offenders; amending s.
111 | 958.09, F.S.; providing that a specified provision and
112 | rules developed thereunder govern the extension of limits

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113 of confinement of and restitution by youthful offenders;
 114 amending s. 958.11, F.S.; revising provisions relating to
 115 assignment of youthful offenders to non-youthful-offender
 116 facilities and management of such offenders; amending s.
 117 958.12, F.S.; conforming a cross-reference; providing an
 118 effective date.

119

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

121

122 Section 1. Subsection (5) of section 384.34, Florida
 123 Statutes, is amended to read:

124 384.34 Penalties.—

125 (5) Any person who violates the provisions of s. 384.24(2)
 126 commits a felony of the third degree, punishable as provided in
 127 s. 775.082, s. 775.083, or s. 775.084, ~~and 775.0877(7)~~. Any
 128 person who commits multiple violations of the provisions of s.
 129 384.24(2) commits a felony of the first degree, punishable as
 130 provided in s. 775.082, s. 775.083, or s. 775.084, ~~and~~
 131 ~~775.0877(7)~~.

132 Section 2. Subsections (3) and (7) of section 775.0877,
 133 Florida Statutes, are amended to read:

134 775.0877 Criminal transmission of HIV; procedures;
 135 penalties.—

136 (3) An offender who has undergone HIV testing pursuant to
 137 subsection (1), and to whom positive test results have been
 138 disclosed pursuant to subsection (2), who commits a second or
 139 subsequent offense enumerated in paragraphs (1)(a)-(n), ~~commits~~
 140 criminal transmission of HIV, a felony of the third degree,

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141 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 142 ~~subsection (7)~~. A person may be convicted and sentenced
 143 separately for a violation of this subsection and for the
 144 underlying crime enumerated in paragraphs (1) (a) - (n).

145 ~~(7) In addition to any other penalty provided by law for~~
 146 ~~an offense enumerated in paragraphs (1) (a) - (n), the court may~~
 147 ~~require an offender convicted of criminal transmission of HIV to~~
 148 ~~serve a term of criminal quarantine community control, as~~
 149 ~~described in s. 948.001.~~

150 Section 3. Subsection (5) of section 796.08, Florida
 151 Statutes, is amended to read:

152 796.08 Screening for HIV and sexually transmissible
 153 diseases; providing penalties.-

154 (5) A person who:

155 (a) Commits or offers to commit prostitution; or

156 (b) Procures another for prostitution by engaging in
 157 sexual activity in a manner likely to transmit the human
 158 immunodeficiency virus,

159
 160 and who, prior to the commission of such crime, had tested
 161 positive for human immunodeficiency virus and knew or had been
 162 informed that he or she had tested positive for human
 163 immunodeficiency virus and could possibly communicate such
 164 disease to another person through sexual activity commits
 165 criminal transmission of HIV, a felony of the third degree,
 166 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 167 ~~or s. 775.0877(7)~~. A person may be convicted and sentenced
 168 separately for a violation of this subsection and for the

169 underlying crime of prostitution or procurement of prostitution.

170 Section 4. Section 800.09, Florida Statutes, is created to
 171 read:

172 800.09 Lewd or lascivious exhibition in the presence of a
 173 facility employee.-

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

175 (a) "Employee" means any person employed by or performing
 176 contractual services for a public or private entity operating a
 177 facility or any person employed by or performing contractual
 178 services for the corporation operating the prison industry
 179 enhancement programs or the correctional work programs under
 180 part II of chapter 946. The term also includes any person who is
 181 a parole examiner with the Florida Parole Commission.

182 (b) "Facility" means a state correctional institution
 183 defined in s. 944.02 or a private correctional facility as
 184 defined in s. 944.710.

185 (2) (a) It is unlawful for any person, while being detained
 186 in a facility and with intent to harass, annoy, threaten, or
 187 alarm a person who he or she knows or reasonably should know is
 188 an employee of such facility, to intentionally masturbate,
 189 intentionally expose his or her genitals in a lewd or lascivious
 190 manner, or intentionally commit any other sexual act, including,
 191 but not limited to, sadomasochistic abuse, sexual bestiality, or
 192 the simulation of any act involving sexual activity, in the
 193 presence of such employee.

194 (b) A person who violates paragraph (a) commits lewd or
 195 lascivious exhibition in the presence of a facility employee, a

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196 felony of the third degree, punishable as provided in s.
197 775.082, s. 775.083, or s. 775.084.

198 Section 5. Subsection (1), paragraph (d) of subsection
199 (2), paragraph (a) of subsection (3), paragraph (b) of
200 subsection (4), subsections (5), (6), and (8), and paragraph (a)
201 of subsection (9) of section 916.107, Florida Statutes, are
202 amended to read:

203 916.107 Rights of forensic clients.—

204 (1) RIGHT TO INDIVIDUAL DIGNITY.—

205 (a) The policy of the state is that the individual dignity
206 of the client shall be respected at all times and upon all
207 occasions, including any occasion when the forensic client is
208 detained, transported, or treated. Clients with mental illness,
209 retardation, or autism and who are charged with committing
210 felonies shall receive appropriate treatment or training. In a
211 criminal case involving a client who has been adjudicated
212 incompetent to proceed or not guilty by reason of insanity, a
213 jail may be used as an emergency facility for up to 15 days
214 following the date the department or agency receives a completed
215 copy of the court commitment order containing all documentation
216 required by the applicable Florida Rules of Criminal Procedure.
217 For a forensic client who is held in a jail awaiting admission
218 to a facility of the department or agency, evaluation and
219 treatment or training may be provided in the jail by the local
220 community mental health provider for mental health services, by
221 the developmental disabilities program for persons with
222 retardation or autism, the client's physician or psychologist,
223 or any other appropriate program until the client is transferred

224 | to a civil or forensic facility. In a criminal case involving a
 225 | forensic client who is serving a sentence in the custody of the
 226 | Department of Corrections and who has been adjudicated
 227 | incompetent to proceed or not guilty by reason of insanity, the
 228 | Department of Corrections may continue to retain physical
 229 | custody of the forensic client. However, the department shall
 230 | remain responsible for all necessary and appropriate competency
 231 | evaluation, treatment, and training for the client. If ordered
 232 | by the department's treating psychiatrist, the Department of
 233 | Corrections shall provide and administer any necessary
 234 | medications for the client.

235 | (b) Forensic clients who are initially placed in, or
 236 | subsequently transferred to, a civil facility as described in
 237 | part I of chapter 394 or to a residential facility as described
 238 | in chapter 393 shall have the same rights as other persons
 239 | committed to these facilities for as long as they remain there.
 240 | Notwithstanding the rights described in this section, forensic
 241 | clients who are housed with the Department of Corrections shall
 242 | have the same duties, rights, and responsibilities as other
 243 | inmates committed to the custody of the Department of
 244 | Corrections and shall be subject to the rules adopted by the
 245 | Department of Corrections to implement its statutory authority.

246 | (2) RIGHT TO TREATMENT.—

247 | (d) Not more than 30 days after admission to a civil or
 248 | forensic facility, each client shall have and receive, in
 249 | writing, an individualized treatment or training plan which the
 250 | client has had an opportunity to assist in preparing.

251 | (3) RIGHT TO EXPRESS AND INFORMED CONSENT.—

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252 (a) A forensic client shall be asked to give express and
253 informed written consent for treatment. If a client refuses such
254 treatment as is deemed necessary and essential by the client's
255 multidisciplinary treatment team for the appropriate care of the
256 client, such treatment may be provided under the following
257 circumstances:

258 1. In an emergency situation in which there is immediate
259 danger to the safety of the client or others, such treatment may
260 be provided upon the written order of a physician for a period
261 not to exceed 48 hours, excluding weekends and legal holidays.
262 If, after the 48-hour period, the client has not given express
263 and informed consent to the treatment initially refused, the
264 administrator or designee of the civil or forensic facility
265 shall, within 48 hours, excluding weekends and legal holidays,
266 petition the committing court or the circuit court serving the
267 county in which the facility is located, or in which the
268 forensic client is located, if in the Department of Corrections'
269 custody, at the option of the facility administrator or
270 designee, for an order authorizing the continued treatment of
271 the client. In the interim, the need for treatment shall be
272 reviewed every 48 hours and may be continued without the consent
273 of the client upon the continued written order of a physician
274 who has determined that the emergency situation continues to
275 present a danger to the safety of the client or others.

276 2. In a situation other than an emergency situation, the
277 administrator or designee of the facility shall petition the
278 court for an order authorizing necessary and essential treatment
279 for the client.

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280 a. If the client has been receiving psychotherapeutic
281 medication for a diagnosed mental disorder at a county jail at
282 the time of transfer to the state forensic mental health
283 treatment facility and lacks the capacity to make an informed
284 decision regarding mental health treatment at the time of
285 admission, the admitting physician may order a continuation of
286 the psychotherapeutic medication if, in the clinical judgment of
287 the physician, abrupt cessation of the psychotherapeutic
288 medication could pose a risk to the health and safety of the
289 client during the time a court order to medicate is pursued. The
290 county jail physician shall provide a current psychotherapeutic
291 medication order at the time of transfer to the admitting
292 facility.

293 b. If a forensic client has been receiving
294 psychotherapeutic medication for a diagnosed mental disorder at
295 the Department of Corrections and lacks the capacity to make an
296 informed decision regarding mental health treatment, the
297 department's treating physician shall coordinate continuation of
298 the psychotherapeutic medication if, in the clinical judgment of
299 the Department of Corrections' physician, abrupt cessation of
300 the psychotherapeutic medication could pose a risk to the health
301 and safety of the forensic client during the time a court order
302 to medicate is pursued. The Department of Corrections' physician
303 shall provide a current psychotherapeutic medication order to
304 any department physician providing treatment to a forensic
305 client housed with the Department of Corrections.

306 c. The court order shall allow such treatment for a period
307 not to exceed 90 days following the date of the entry of the

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308 order. Unless the court is notified in writing that the client
309 has provided express and informed consent in writing or that the
310 client has been discharged by the committing court, the
311 administrator or designee shall, prior to the expiration of the
312 initial 90-day order, petition the court for an order
313 authorizing the continuation of treatment for another 90-day
314 period. This procedure shall be repeated until the client
315 provides consent or is discharged by the committing court.

316 3. At the hearing on the issue of whether the court should
317 enter an order authorizing treatment for which a client was
318 unable to or refused to give express and informed consent, the
319 court shall determine by clear and convincing evidence that the
320 client has mental illness, retardation, or autism, that the
321 treatment not consented to is essential to the care of the
322 client, and that the treatment not consented to is not
323 experimental and does not present an unreasonable risk of
324 serious, hazardous, or irreversible side effects. In arriving at
325 the substitute judgment decision, the court must consider at
326 least the following factors:

- 327 a. The client's expressed preference regarding treatment;
328 b. The probability of adverse side effects;
329 c. The prognosis without treatment; and
330 d. The prognosis with treatment.

331
332 The hearing shall be as convenient to the client as may be
333 consistent with orderly procedure and shall be conducted in
334 physical settings not likely to be injurious to the client's
335 condition. The court may appoint a general or special magistrate

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336 to preside at the hearing. The client or the client's guardian,
337 and the representative, shall be provided with a copy of the
338 petition and the date, time, and location of the hearing. The
339 client has the right to have an attorney represent him or her at
340 the hearing, and, if the client is indigent, the court shall
341 appoint the office of the public defender to represent the
342 client at the hearing. The client may testify or not, as he or
343 she chooses, and has the right to cross-examine witnesses and
344 may present his or her own witnesses.

345 (4) QUALITY OF TREATMENT.—

346 (b) Forensic clients housed in a civil or forensic
347 facility shall be free from the unnecessary use of restraint or
348 seclusion. Restraints shall be employed only in emergencies or
349 to protect the client or others from imminent injury. Restraints
350 may not be employed as punishment or for the convenience of
351 staff.

352 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—Each
353 forensic client housed in a civil or forensic facility has the
354 right to communicate freely and privately with persons outside
355 the facility unless it is determined that such communication is
356 likely to be harmful to the client or others. Clients shall have
357 the right to contact and to receive communication from their
358 attorneys at any reasonable time.

359 (a) Each forensic client housed in a civil or forensic
360 facility shall be allowed to receive, send, and mail sealed,
361 unopened correspondence; and no client's incoming or outgoing
362 correspondence shall be opened, delayed, held, or censored by
363 the facility unless there is reason to believe that it contains

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364 items or substances that may be harmful to the client or others,
365 in which case the administrator or designee may direct
366 reasonable examination of such mail and may regulate the
367 disposition of such items or substances. For purposes of this
368 paragraph, the term "correspondence" does not include parcels or
369 packages. Forensic facilities may promulgate reasonable
370 institutional policies to provide for the inspection of parcels
371 or packages and for the removal of contraband items for health
372 or security reasons prior to the contents being given to a
373 client.

374 (b) If a client's right to communicate is restricted by
375 the administrator, written notice of such restriction and the
376 duration of the restriction shall be served on the client or his
377 or her legal guardian or representatives, and such restriction
378 shall be recorded on the client's clinical record with the
379 reasons therefor. The restriction of a client's right to
380 communicate shall be reviewed at least every 7 days.

381 (c) Each forensic facility shall establish reasonable
382 institutional policies governing visitors, visiting hours, and
383 the use of telephones by clients in the least restrictive manner
384 possible.

385 (d) Each forensic client housed in a civil or forensic
386 facility shall have ready access to a telephone in order to
387 report an alleged abuse. The facility or program staff shall
388 orally and in writing inform each client of the procedure for
389 reporting abuse and shall present the information in a language
390 the client understands. A written copy of that procedure,
391 including the telephone number of the central abuse hotline and

392 reporting forms, shall be posted in plain view.

393 (e) The department's or agency's forensic facilities shall
 394 develop policies providing a procedure for reporting abuse.
 395 Facility staff shall be required, as a condition of employment,
 396 to become familiar with the procedures for the reporting of
 397 abuse.

398 (6) CARE AND CUSTODY OF PERSONAL EFFECTS OF CLIENTS.—A
 399 forensic client's right to possession of clothing and personal
 400 effects shall be respected. The department or agency by rule, or
 401 the administrator of any forensic facility by written
 402 institutional policy, may declare certain items to be hazardous
 403 to the health or welfare of clients or others or to the
 404 operation of the facility. Such items may be restricted from
 405 introduction into the facility or may be restricted from being
 406 in a client's possession. The administrator or designee may take
 407 temporary custody of such effects when required for medical and
 408 safety reasons. Custody of such personal effects shall be
 409 recorded in the client's clinical record. Forensic clients who
 410 are housed with the Department of Corrections shall be subject
 411 to the rules adopted by the Department of Corrections to
 412 implement its statutory authority.

413 (8) CLINICAL RECORD; CONFIDENTIALITY.—A clinical record
 414 for each forensic client, including forensic clients housed with
 415 the Department of Corrections, shall be maintained. The record
 416 shall include data pertaining to admission and such other
 417 information as may be required under rules of the department or
 418 the agency. Unless waived by express and informed consent of the
 419 client or the client's legal guardian or, if the client is

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420 | deceased, by the client's personal representative or by that
421 | family member who stands next in line of intestate succession or
422 | except as otherwise provided in this subsection, the clinical
423 | record is confidential and exempt from the provisions of s.
424 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

425 | (a) Such clinical record may be released:

426 | 1. To such persons and agencies as are designated by the
427 | client or the client's legal guardian.

428 | 2. To persons authorized by order of court and to the
429 | client's counsel when the records are needed by the counsel for
430 | adequate representation.

431 | 3. To a qualified researcher, as defined by rule; a staff
432 | member of the facility; or an employee of the department or
433 | agency when the administrator of the facility, or secretary or
434 | director of the department or agency, deems it necessary for
435 | treatment of the client, maintenance of adequate records,
436 | compilation of treatment data, or evaluation of programs.

437 | 4. For statistical and research purposes if the
438 | information is abstracted in such a way as to protect the
439 | identity of individuals.

440 | 5. If a client receiving services has declared an
441 | intention to harm other persons, the administrator shall
442 | authorize the release of sufficient information to provide
443 | adequate warning to the person threatened with harm by the
444 | client, and to the committing court, the state attorney, and the
445 | attorney representing the client.

446 | 6. To the parent or next of kin of a client who is
447 | committed to, or is being served by, a facility or program when

448 such information is limited to that person's service plan and
 449 current physical and mental condition. Release of such
 450 information shall be in accordance with the code of ethics of
 451 the profession involved and must comply with all state and
 452 federal laws and regulations pertaining to the release of
 453 personal health information.

454 7. To the Department of Corrections for forensic clients
 455 who are housed with the Department of Corrections.

456 (b) Notwithstanding other provisions of this subsection,
 457 the department or agency may request or receive from or provide
 458 to any of the following entities client information, including
 459 client medical, mental health, and substance abuse treatment
 460 information, to facilitate treatment, habilitation,
 461 rehabilitation, and continuity of care of any forensic client:

462 1. The Social Security Administration and the United
 463 States Department of Veterans Affairs.~~;~~

464 2. Law enforcement agencies, state attorneys, defense
 465 attorneys, and judges in regard to the client's status.~~;~~

466 3. Jail personnel in the jail in which a client may be
 467 housed.~~;~~ ~~and~~

468 4. Community agencies and others expected to provide
 469 followup care to the client upon the client's return to the
 470 community.

471 5. The Department of Corrections for forensic clients who
 472 are housed with the Department of Corrections.

473 (c) For forensic clients housed in a civil or forensic
 474 facility, the department or agency may provide notice to any
 475 client's next of kin or first representative regarding any

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476 serious medical illness or the death of the client.

477 (d)1. Any law enforcement agency, facility, or other
 478 governmental agency that receives information pursuant to this
 479 subsection shall maintain the confidentiality of such
 480 information except as otherwise provided herein.

481 2. Any agency or private practitioner who acts in good
 482 faith in releasing information pursuant to this subsection is
 483 not subject to civil or criminal liability for such release.

484 (9) HABEAS CORPUS.—

485 (a) At any time, and without notice, a forensic client
 486 detained by a civil or forensic facility, or a relative, friend,
 487 guardian, representative, or attorney on behalf of such client,
 488 may petition for a writ of habeas corpus to question the cause
 489 and legality of such detention and request that the committing
 490 court issue a writ for release. Each client shall receive a
 491 written notice of the right to petition for a writ of habeas
 492 corpus.

493 Section 6. Section 916.13, Florida Statutes, is amended to
 494 read:

495 916.13 Involuntary commitment of defendant adjudicated
 496 incompetent.—

497 (1) Every defendant who is charged with a felony and who
 498 is adjudicated incompetent to proceed may be involuntarily
 499 committed or ordered to receive ~~for~~ treatment upon a finding by
 500 the court of clear and convincing evidence that:

501 (a) The defendant has a mental illness and because of the
 502 mental illness:

503 1. The defendant is manifestly incapable of surviving

504 alone or with the help of willing and responsible family or
 505 friends, including available alternative services, and, without
 506 treatment, the defendant is likely to suffer from neglect or
 507 refuse to care for herself or himself and such neglect or
 508 refusal poses a real and present threat of substantial harm to
 509 the defendant's well-being; or

510 2. There is a substantial likelihood that in the near
 511 future the defendant will inflict serious bodily harm on herself
 512 or himself or another person, as evidenced by recent behavior
 513 causing, attempting, or threatening such harm;

514 (b) All available, less restrictive treatment
 515 alternatives, including treatment in community residential
 516 facilities or community inpatient or outpatient settings, which
 517 would offer an opportunity for improvement of the defendant's
 518 condition have been judged to be inappropriate; and

519 (c) There is a substantial probability that the mental
 520 illness causing the defendant's incompetence will respond to
 521 treatment and the defendant will regain competency to proceed in
 522 the reasonably foreseeable future.

523 (2) (a) A defendant who has been charged with a felony and
 524 who has been adjudicated incompetent to proceed due to mental
 525 illness, and who meets the criteria for involuntary commitment
 526 for treatment to the department ~~under the provisions of this~~
 527 chapter, may be committed to the department, and the department
 528 shall retain and treat the defendant. No later than 6 months
 529 after the date of admission and at the end of any period of
 530 extended commitment, or at any time the administrator or
 531 designee determines ~~shall have determined~~ that the defendant has

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532 regained competency to proceed or no longer meets the criteria
533 for continued commitment, the administrator or designee shall
534 file a report with the court pursuant to the applicable Florida
535 Rules of Criminal Procedure.

536 (b) The court, based on input from the department and the
537 Department of Corrections, may order that a defendant serving a
538 sentence in the custody of the Department of Corrections who is
539 charged with a new felony or is entitled to proceed with a
540 direct appeal from his or her conviction, or is entitled to
541 proceed under Rule 3.850 or Rule 3.851, Florida Rules of
542 Criminal Procedure, and who has been adjudicated incompetent to
543 proceed due to mental illness, be retained in the physical
544 custody of the Department of Corrections. If the court orders a
545 defendant who has been adjudicated incompetent to proceed due to
546 mental illness be retained in the physical custody of the
547 Department of Corrections, the department shall provide
548 appropriate training, treatment, and evaluation for competency
549 restoration, in accordance with this chapter. If the inmate is
550 in the physical custody of the Department of Corrections and the
551 department's treating psychiatrist orders medication, the
552 Department of Corrections shall provide and administer any
553 necessary medication. Within 6 months after the administration
554 of any competency training or treatment and every 12 months
555 thereafter, or at any time the department determines that the
556 defendant has regained competency to proceed, the department
557 shall file a report with the court pursuant to the applicable
558 Florida Rules of Criminal Procedure.

559 (c) Within 20 days after the court receives notification

560 that a defendant is competent to proceed or no longer meets the
 561 criteria for continued commitment, the defendant shall be
 562 transported back to jail pursuant to s. 916.107(10) for the
 563 purpose of holding a competency hearing.

564 (d) A competency hearing shall be held within 30 days
 565 after the court receives notification that the defendant is
 566 competent to proceed or no longer meets criteria for continued
 567 commitment.

568 Section 7. Section 916.15, Florida Statutes, is amended to
 569 read:

570 916.15 Involuntary commitment of defendant adjudicated not
 571 guilty by reason of insanity.—

572 (1) The determination of whether a defendant is not guilty
 573 by reason of insanity shall be determined in accordance with
 574 Rule 3.217, Florida Rules of Criminal Procedure.

575 (2) A defendant who is acquitted of criminal charges
 576 because of a finding of not guilty by reason of insanity may be
 577 involuntarily committed pursuant to such finding if the
 578 defendant has a mental illness and, because of the illness, is
 579 manifestly dangerous to himself or herself or others.

580 (3) Every defendant acquitted of criminal charges by
 581 reason of insanity and found to meet the criteria for
 582 involuntary commitment may be committed and treated in
 583 accordance with the provisions of this section and the
 584 applicable Florida Rules of Criminal Procedure. The department
 585 shall admit a defendant so adjudicated to an appropriate
 586 facility or program for treatment and shall retain and treat
 587 such defendant. No later than 6 months after the date of

588 admission, prior to the end of any period of extended
 589 commitment, or at any time the administrator or designee
 590 determines ~~shall have determined~~ that the defendant no longer
 591 meets the criteria for continued commitment ~~placement~~, the
 592 administrator or designee shall file a report with the court
 593 pursuant to the applicable Florida Rules of Criminal Procedure.

594 (4) (a) Within 20 days after the court is notified that a
 595 defendant no longer meets the criteria for involuntary
 596 commitment, the defendant shall be transported back to jail for
 597 the purpose of holding a commitment hearing.

598 (b) The commitment hearing must be held within 30 days
 599 after the court receives notification that the defendant no
 600 longer meets the criteria for continued commitment.

601 (5) A defendant who is serving a sentence in the custody
 602 of the Department of Corrections, who has been charged with a
 603 new felony, and who has been adjudicated not guilty by reason of
 604 insanity shall be retained in the physical custody of the
 605 Department of Corrections for the remainder of his or her
 606 sentence. Within 30 days before the defendant's release date,
 607 the department shall evaluate the defendant and file a report
 608 with the court requesting that the defendant be returned to the
 609 court's jurisdiction to determine whether the defendant
 610 continues to meet the criteria for involuntary commitment.

611 (6) ~~(4)~~ In all proceedings under this section, both the
 612 defendant and the state shall have the right to a hearing before
 613 the committing court. Evidence at such hearing may be presented
 614 by the hospital administrator or the administrator's designee as
 615 well as by the state and the defendant. The defendant shall have

616 the right to counsel at any such hearing. In the event that a
 617 defendant is determined to be indigent pursuant to s. 27.52, the
 618 public defender shall represent the defendant. The parties shall
 619 have access to the defendant's records at the treating
 620 facilities and may interview or depose personnel who have had
 621 contact with the defendant at the treating facilities.

622 Section 8. Subsection (3) of section 921.187, Florida
 623 Statutes, is redesignated as subsection (2), and present
 624 subsection (2) of that section is amended to read:

625 921.187 Disposition and sentencing; alternatives;
 626 restitution.—

627 ~~(2) In addition to any other penalty provided by law for~~
 628 ~~an offense enumerated in s. 775.0877(1)(a)-(n), if the offender~~
 629 ~~is convicted of criminal transmission of HIV pursuant to s.~~
 630 ~~775.0877, the court may sentence the offender to criminal~~
 631 ~~quarantine community control as described in s. 948.001.~~

632 Section 9. Section 940.061, Florida Statutes, is amended
 633 to read:

634 940.061 Informing persons about executive clemency and
 635 restoration of civil rights.—The Department of Corrections shall
 636 inform and educate inmates and offenders on community
 637 supervision about the restoration of civil rights. The
 638 department shall send the Parole Commission a monthly electronic
 639 list of the names of ~~and assist eligible~~ inmates released from
 640 incarceration and offenders who have been terminated from ~~on~~
 641 community supervision and who may be eligible ~~with the~~
 642 ~~completion of the application~~ for the restoration of civil
 643 rights.

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644 Section 10. Subsection (5) of section 944.1905, Florida
645 Statutes, is amended to read:

646 944.1905 Initial inmate classification; inmate
647 reclassification.—The Department of Corrections shall classify
648 inmates pursuant to an objective classification scheme. The
649 initial inmate classification questionnaire and the inmate
650 reclassification questionnaire must cover both aggravating and
651 mitigating factors.

652 (5) (a) Notwithstanding any other provision of this section
653 or chapter 958, the department shall assign to facilities
654 housing youthful offenders all inmates who are less than 18
655 years of age and who have not been assigned to a facility for
656 youthful offenders under the provisions of chapter 958. Such an
657 inmate shall be assigned to a facility for youthful offenders
658 until the inmate is 18 years of age; however, the department may
659 assign the inmate to a facility for youthful offenders until the
660 inmate reaches an age not to exceed 21 years if the department
661 determines that the continued assignment is in the best
662 interests of the inmate and the assignment does not pose an
663 unreasonable risk to other inmates in the facility.

664 (b) Any inmate who is assigned to a facility under
665 paragraph (a) is subject to the provisions of s. 958.11
666 regarding facility assignments, ~~and shall be removed and~~
667 ~~reassigned to the general inmate population if his or her~~
668 ~~behavior threatens the safety of other inmates or correctional~~
669 ~~staff.~~

670 Section 11. Section 944.293, Florida Statutes, is
671 repealed.

672 Section 12. Paragraph (b) of subsection (3) of section
 673 944.35, Florida Statutes, is amended to read:

674 944.35 Authorized use of force; malicious battery and
 675 sexual misconduct prohibited; reporting required; penalties.—

676 (3)

677 (b)1. As used in this paragraph, the term "sexual
 678 misconduct" means the oral, anal, or vaginal penetration by, or
 679 union with, the sexual organ of another or the anal or vaginal
 680 penetration of another by any other object, but does not include
 681 an act done for a bona fide medical purpose or an internal
 682 search conducted in the lawful performance of the employee's
 683 duty.

684 2. Any employee of the department or any employee of a
 685 private correctional facility as defined in s. 944.710 who
 686 engages in sexual misconduct with an inmate or an offender
 687 supervised by the department in the community, without
 688 committing the crime of sexual battery, commits a felony of the
 689 third degree, punishable as provided in s. 775.082, s. 775.083,
 690 or s. 775.084.

691 3. The consent of the inmate or offender supervised by the
 692 department in the community to any act of sexual misconduct may
 693 not be raised as a defense to a prosecution under this
 694 paragraph.

695 4. This paragraph does not apply to any employee of the
 696 department or any employee of a private correctional facility as
 697 defined in s. 944.710 who is legally married to an inmate or an
 698 offender supervised by the department in the community, nor does
 699 it apply to any employee who has no knowledge, and would have no

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700 | reason to believe, that the person with whom the employee has
 701 | engaged in sexual misconduct is an inmate or an offender under
 702 | community supervision of the department.

703 | Section 13. Subsection (3) of section 944.605, Florida
 704 | Statutes, is amended to read:

705 | 944.605 Inmate release; notification.—

706 | (3) (a) If an inmate is to be released after having served
 707 | one or more sentences for a conviction of robbery, sexual
 708 | battery, home-invasion robbery, or carjacking, or an inmate to
 709 | be released has a prior conviction for robbery, sexual battery,
 710 | home-invasion robbery, or carjacking or similar offense, in this
 711 | state or in another jurisdiction, and if such prior conviction
 712 | information is contained in department records, the department
 713 | shall release to the sheriff of the county in which the inmate
 714 | plans to reside, and, if the inmate plans to reside within a
 715 | municipality, to the chief of police of that municipality, ~~the~~
 716 | ~~following~~ information including, ~~which must include~~, but need
 717 | not ~~be~~ limited to:

- 718 | 1.~~(a)~~ Name .~~†~~
- 719 | 2.~~(b)~~ Social security number .~~†~~
- 720 | 3.~~(c)~~ Date of birth .~~†~~
- 721 | 4.~~(d)~~ Race .~~†~~
- 722 | 5.~~(e)~~ Sex .~~†~~
- 723 | 6.~~(f)~~ Height .~~†~~
- 724 | 7.~~(g)~~ Weight .~~†~~
- 725 | 8.~~(h)~~ Hair and eye color .~~†~~
- 726 | 9.~~(i)~~ Tattoos or other identifying marks .~~†~~
- 727 | 10.~~(j)~~ Fingerprints .~~†~~ and

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728 11.~~(*)~~ A digitized photograph as provided in subsection
 729 (2).

730

731 The department shall release the information specified in this
 732 paragraph subsection within 6 months prior to the discharge of
 733 the inmate from the custody of the department.

734 (b) The department may electronically submit the
 735 information listed in paragraph (a) to the sheriff of the county
 736 in which the inmate plans to reside, and, if the inmate plans to
 737 reside within a municipality, to the chief of police of that
 738 municipality.

739 Section 14. Section 944.804, Florida Statutes, is amended
 740 to read:

741 944.804 Elderly offenders in correctional facilities
 742 ~~program of 2000.~~

743 (1) The Legislature finds that the number and percentage
 744 of elderly offenders in the Florida prison system are ~~is~~
 745 increasing and will continue to increase for the foreseeable
 746 future. The current cost to incarcerate elderly offenders is
 747 approximately three times the cost of incarceration of younger
 748 inmates. Alternatives to the current approaches to housing,
 749 programming, and treating the medical needs of elderly
 750 offenders, which may reduce the overall costs associated with
 751 this segment of the prison population, must be explored and
 752 implemented.

753 (2) The department shall establish and operate ~~a~~ geriatric
 754 correctional facilities or geriatric dorms within a facility at
 755 ~~the site known as River Junction Correctional Institution, which~~

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756 ~~shall be an institution specifically~~ for generally healthy
757 elderly offenders who can perform general work appropriate for
758 their physical and mental condition. ~~Prior to reopening the~~
759 ~~facility, the department shall make modifications to the~~
760 ~~facility which will ensure its compliance with the Americans~~
761 ~~with Disabilities Act and decrease the likelihood of falls,~~
762 ~~accidental injury, and other conditions known to be particularly~~
763 ~~hazardous to the elderly.~~

764 (a) In order to decrease long-term medical costs to the
765 state, a preventive fitness/wellness program and diet
766 specifically designed to maintain the mental and physical health
767 of elderly offenders shall be developed and implemented. In
768 developing the program, the department shall give consideration
769 to preventive medical care for the elderly which shall include,
770 but not be limited to, maintenance of bone density, all aspects
771 of cardiovascular health, lung capacity, mental alertness, and
772 orientation. Existing policies and procedures shall be
773 reexamined and altered to encourage offenders to adopt a more
774 healthy lifestyle and maximize their level of functioning. The
775 program components shall be modified as data and experience are
776 received which measure the relative success of the program
777 components previously implemented.

778 (b) Consideration must be given to redirecting resources
779 as a method of offsetting increased medical costs. Elderly
780 offenders are not likely to reenter society as a part of the
781 workforce, and programming resources would be better spent in
782 activities to keep the elderly offenders healthy, alert, and
783 oriented. Limited or restricted programming or activities for

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784 elderly offenders will increase the daily cost of institutional
785 and health care, and programming opportunities adequate to
786 reduce the cost of care will be provided. Programming shall
787 include, but not be limited to, recreation, education, and
788 counseling which is needs-specific to elderly offenders.
789 Institutional staff shall be specifically trained to effectively
790 supervise elderly offenders and to detect physical or mental
791 changes which warrant medical attention before more serious
792 problems develop.

793 (3) The department shall adopt rules that specify which
794 elderly offenders shall be eligible to be housed at the
795 geriatric correctional facilities or dorms ~~River Junction~~
796 ~~Correctional Institution~~.

797 ~~(4) While developing the criteria for eligibility, the~~
798 ~~department shall use the information in existing offender~~
799 ~~databases to determine the number of offenders who would be~~
800 ~~eligible. The Legislature directs the department to consider a~~
801 ~~broad range of elderly offenders for River Junction Correctional~~
802 ~~Institution who have good disciplinary records and a medical~~
803 ~~grade that will permit them to perform meaningful work~~
804 ~~activities, including participation in an appropriate~~
805 ~~correctional work program (PRIDE) facility, if available.~~

806 ~~(5) The department shall also submit a study based on~~
807 ~~existing offenders which projects the number of existing~~
808 ~~offenders who will qualify under the rules. An appendix to the~~
809 ~~study shall identify the specific offenders who qualify.~~

810 Section 15. Section 944.8041, Florida Statutes, is amended
811 to read:

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812 944.8041 Elderly offenders; annual review.—For the purpose
 813 of providing information to the Legislature on elderly offenders
 814 within the correctional system, the department and the
 815 Correctional Medical Authority shall each submit annually a
 816 report on the status and treatment of elderly offenders in the
 817 state-administered and private state correctional systems, as
 818 well as such information on the department's geriatric
 819 correctional facilities and dorms ~~River Junction Correctional~~
 820 ~~Institution~~. In order to adequately prepare the reports, the
 821 department and the Department of Management Services shall grant
 822 access to the Correctional Medical Authority which includes
 823 access to the facilities, offenders, and any information the
 824 agencies require to complete their reports. The review shall
 825 also include an examination of promising geriatric policies,
 826 practices, and programs currently implemented in other
 827 correctional systems within the United States. The reports, with
 828 specific findings and recommendations for implementation, shall
 829 be submitted to the President of the Senate and the Speaker of
 830 the House of Representatives on or before December 31 of each
 831 year.

832 Section 16. Subsections (4) and (5) of section 945.41,
 833 Florida Statutes, are amended to read:

834 945.41 Legislative intent of ss. 945.40-945.49.—It is the
 835 intent of the Legislature that mentally ill inmates in the
 836 custody of the Department of Corrections receive evaluation and
 837 appropriate treatment for their mental illness through a
 838 continuum of services. It is further the intent of the
 839 Legislature that:

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840 (4) Any inmate sentenced as a youthful offender, or
841 designated as a youthful offender by the department pursuant to
842 chapter 958, who is transferred pursuant to this act to a mental
843 health treatment facility be separated from other inmates, if
844 necessary, as determined by the warden of the treatment
845 facility. ~~In no case shall any youthful offender be placed at~~
846 ~~the Florida State Prison or the Union Correctional Institution~~
847 ~~for mental health treatment.~~

848 (5) The department may designate ~~a~~ mental health treatment
849 facilities ~~facility~~ for adult, youthful, and female offenders or
850 may contract with other appropriate entities, persons, or
851 agencies for such services.

852 Section 17. Paragraph (b) of subsection (5) and paragraph
853 (b) of subsection (6) of section 945.42, Florida Statutes, are
854 amended to read:

855 945.42 Definitions; ss. 945.40-945.49.—As used in ss.
856 945.40-945.49, the following terms shall have the meanings
857 ascribed to them, unless the context shall clearly indicate
858 otherwise:

859 (5) "In immediate need of care and treatment" means that
860 an inmate is apparently mentally ill and is not able to be
861 appropriately cared for in the institution where he or she is
862 confined and that, but for being isolated in a more restrictive
863 and secure housing environment, because of the apparent mental
864 illness:

865 (b)1. ~~The inmate has refused voluntary placement for~~
866 ~~treatment at a mental health treatment facility after sufficient~~
867 ~~and conscientious explanation and disclosure of the purpose of~~

868 ~~placement; or~~

869 ~~2.~~ The inmate is unable to determine for himself or
870 herself whether placement is necessary; and

871 (6) "In need of care and treatment" means that an inmate
872 has a mental illness for which inpatient services in a mental
873 health treatment facility are necessary and that, but for being
874 isolated in a more restrictive and secure housing environment,
875 because of the mental illness:

876 ~~(b)1. The inmate has refused voluntary placement for
877 treatment at a mental health treatment facility after sufficient
878 and conscientious explanation and disclosure of the purpose of
879 placement; or~~

880 ~~2.~~ The inmate is unable to determine for himself or
881 herself whether placement is necessary; and

882 Section 18. Section 945.43, Florida Statutes, is amended
883 to read:

884 945.43 Placement ~~Admission~~ of inmate in ~~to~~ mental health
885 treatment facility.—

886 (1) CRITERIA.—An inmate may be placed in ~~admitted to~~ a
887 mental health treatment facility if he or she is mentally ill
888 and is in need of care and treatment, as defined in s. 945.42.

889 (2) PROCEDURE FOR PLACEMENT IN A MENTAL HEALTH TREATMENT
890 FACILITY.—

891 (a) An inmate may be placed in ~~admitted to~~ a mental health
892 treatment facility after notice and hearing, upon the
893 recommendation of the warden of the facility where the inmate is
894 confined. The recommendation shall be entered on a petition and
895 must be supported by the expert opinion of a psychiatrist and

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896 the second opinion of a psychiatrist or psychological
897 professional. The petition shall be filed with the court in the
898 county where the inmate is located.

899 (b) A copy of the petition shall be served on the inmate,
900 accompanied by a written notice that the inmate may apply
901 immediately to the court to have an attorney appointed if the
902 inmate cannot afford one.

903 (c) The petition for placement shall ~~may~~ be filed in the
904 county in which the inmate is located. The hearing shall be held
905 in the same county, and one of the inmate's physicians at the
906 facility where the inmate is located shall appear as a witness
907 at the hearing.

908 (d) An attorney representing the inmate shall have
909 reasonable access to the inmate and any records, including
910 medical or mental health records, which are relevant to the
911 representation of the inmate.

912 (e) If the court finds that the inmate is mentally ill and
913 in need of care and treatment, as defined in s. 945.42, the
914 court shall order that he or she be placed in a mental health
915 treatment facility or, if the inmate is at a mental health
916 treatment facility, that he or she be retained there. The court
917 shall authorize the mental health treatment facility to retain
918 the inmate for up to 6 months. If, at the end of that time,
919 continued placement is necessary, the warden shall apply to the
920 Division of Administrative Hearings in accordance with s. 945.45
921 for an order authorizing continued placement.

922 (3) PROCEDURE FOR HEARING ON PLACEMENT OF AN INMATE IN A
923 MENTAL HEALTH TREATMENT FACILITY.—

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924 (a) The court shall serve notice on the warden of the
925 facility where the inmate is confined and the allegedly mentally
926 ill inmate. The notice must specify the date, time, and place of
927 the hearing; the basis for the allegation of mental illness; and
928 the names of the examining experts. The hearing shall be held
929 within 5 days, and the court may appoint a general or special
930 magistrate to preside. The court may waive the presence of the
931 inmate at the hearing if such waiver is consistent with the best
932 interests of the inmate and the inmate's counsel does not
933 object. The department may transport the inmate to the location
934 of the hearing if the hearing is not held at the facility and
935 the inmate is unable to participate through electronic means.
936 The hearing may be as informal as is consistent with orderly
937 procedure. One of the experts whose opinion supported the
938 petition for placement shall be present at the hearing for
939 information purposes.

940 (b) If, at the hearing, the court finds that the inmate is
941 mentally ill and in need of care and treatment, as defined in s.
942 945.42, the court shall order that he or she be placed in a
943 mental health treatment facility. The court shall provide a copy
944 of its order authorizing placement and all supporting
945 documentation relating to the inmate's condition to the warden
946 of the treatment facility. If the court finds that the inmate is
947 not mentally ill, it shall dismiss the petition for placement.

948 (4) REFUSAL OF PLACEMENT.—The warden of an institution in
949 which a mental health treatment facility is located may refuse
950 to place any inmate in that treatment facility who is not
951 accompanied by adequate court orders and documentation, as

952 required in ss. 945.40-945.49.

953 Section 19. Subsection (3) is added to section 945.46,
 954 Florida Statutes, to read:

955 945.46 Initiation of involuntary placement proceedings
 956 with respect to a mentally ill inmate scheduled for release.—

957 (3) The department may transport an individual who is
 958 being released from its custody to a receiving or treatment
 959 facility for involuntary examination or placement. Such
 960 transport shall be made to a facility specified by the
 961 Department of Children and Family Services that is able to meet
 962 the specific needs of the individual. If the Department of
 963 Children and Family Services does not specify a facility,
 964 transport may be made to the nearest receiving facility.

965 Section 20. Section 946.42, Florida Statutes, is created
 966 to read:

967 946.42 Use of inmates on private property.—

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

969 (a) "Disaster" means any natural, technological, or civil
 970 emergency that causes damage of sufficient severity and
 971 magnitude to result in a declaration of a state of emergency by
 972 a county, the Governor, or the President of the United States.

973 (b) "Donations" means gifts of tangible personal property
 974 and includes equipment, fixtures, construction materials, food
 975 items, and other tangible personal property, whether consumable
 976 or nonconsumable.

977 (c) "Emergency" means any occurrence or threat of an
 978 occurrence, whether natural, technological, or manmade, in war
 979 or in peace, that results or may result in substantial injury or

980 harm to the population or substantial damage to or loss of
 981 property.

982 (2) The department may allow inmates who meet the criteria
 983 to perform public works provided in s. 946.40 to enter onto
 984 private property for the following purposes:

985 (a) To accept and collect donations for the department's
 986 use and benefit.

987 (b) To assist federal, state, local, and private agencies
 988 before, during, and after emergencies and disasters.

989 Section 21. Subsections (4) through (10) of section
 990 948.001, Florida Statutes, are renumbered as subsections (3)
 991 through (9), respectively, and present subsection (3) of that
 992 section is amended to read:

993 948.001 Definitions.—As used in this chapter, the term:

994 ~~(3) "Criminal quarantine community control" means~~
 995 ~~intensive supervision, by officers with restricted caseloads,~~
 996 ~~with a condition of 24-hour-per-day electronic monitoring, and a~~
 997 ~~condition of confinement to a designated residence during~~
 998 ~~designated hours.~~

999 Section 22. Subsection (1) of section 948.03, Florida
 1000 Statutes, is amended to read:

1001 948.03 Terms and conditions of probation.—

1002 (1) The court shall determine the terms and conditions of
 1003 probation. Conditions specified in this section do not require
 1004 oral pronouncement at the time of sentencing and may be
 1005 considered standard conditions of probation. These conditions
 1006 may include among them the following, that the probationer or
 1007 offender in community control shall:

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1008 (a) Report to the probation and parole supervisors as
 1009 directed.

1010 (b) Permit such supervisors to visit him or her at his or
 1011 her home or elsewhere.

1012 (c) Work faithfully at suitable employment insofar as may
 1013 be possible.

1014 (d) Remain within a specified place.

1015 (e) Live without violating any law. A conviction in a
 1016 court of law is not necessary for such a violation of law to
 1017 constitute a violation of probation, community control, or any
 1018 other form of court-ordered supervision.

1019 (f)~~(e)~~ Make reparation or restitution to the aggrieved
 1020 party for the damage or loss caused by his or her offense in an
 1021 amount to be determined by the court. The court shall make such
 1022 reparation or restitution a condition of probation, unless it
 1023 determines that clear and compelling reasons exist to the
 1024 contrary. If the court does not order restitution, or orders
 1025 restitution of only a portion of the damages, as provided in s.
 1026 775.089, it shall state on the record in detail the reasons
 1027 therefor.

1028 (g)~~(f)~~ Effective July 1, 1994, and applicable for offenses
 1029 committed on or after that date, make payment of the debt due
 1030 and owing to a county or municipal detention facility under s.
 1031 951.032 for medical care, treatment, hospitalization, or
 1032 transportation received by the felony probationer while in that
 1033 detention facility. The court, in determining whether to order
 1034 such repayment and the amount of such repayment, shall consider
 1035 the amount of the debt, whether there was any fault of the

1036 institution for the medical expenses incurred, the financial
 1037 resources of the felony probationer, the present and potential
 1038 future financial needs and earning ability of the probationer,
 1039 and dependents, and other appropriate factors.

1040 (h)~~(g)~~ Support his or her legal dependents to the best of
 1041 his or her ability.

1042 (i)~~(h)~~ Make payment of the debt due and owing to the state
 1043 under s. 960.17, subject to modification based on change of
 1044 circumstances.

1045 (j)~~(i)~~ Pay any application fee assessed under s.
 1046 27.52(1)(b) and attorney's fees and costs assessed under s.
 1047 938.29, subject to modification based on change of
 1048 circumstances.

1049 (k)~~(j)~~ Not associate with persons engaged in criminal
 1050 activities.

1051 (l)~~(k)~~1. Submit to random testing as directed by the
 1052 correctional probation officer or the professional staff of the
 1053 treatment center where he or she is receiving treatment to
 1054 determine the presence or use of alcohol or controlled
 1055 substances.

1056 2. If the offense was a controlled substance violation and
 1057 the period of probation immediately follows a period of
 1058 incarceration in the state correction system, the conditions
 1059 shall include a requirement that the offender submit to random
 1060 substance abuse testing intermittently throughout the term of
 1061 supervision, upon the direction of the correctional probation
 1062 officer as defined in s. 943.10(3).

1063 (m)~~(l)~~ Be prohibited from possessing, carrying, or owning:

1064 1. Any firearm ~~unless authorized by the court and~~
 1065 ~~consented to by the probation officer.~~

1066 2. Any weapon other than a firearm without first procuring
 1067 the consent of the correctional probation officer.

1068 (n) ~~(m)~~ Be prohibited from using intoxicants to excess or
 1069 possessing any drugs or narcotics unless prescribed by a
 1070 physician. The probationer or community controllee shall not
 1071 knowingly visit places where intoxicants, drugs, or other
 1072 dangerous substances are unlawfully sold, dispensed, or used.

1073 (o) ~~(n)~~ Submit to the drawing of blood or other biological
 1074 specimens as prescribed in ss. 943.325 and 948.014~~7~~ and
 1075 reimburse the appropriate agency for the costs of drawing and
 1076 transmitting the blood or other biological specimens to the
 1077 Department of Law Enforcement.

1078 (p) Submit to the taking of a digitized photograph by the
 1079 department as a part of his or her records. Unless the
 1080 photograph is exempt from inspection or copying under chapter
 1081 119, it may be displayed on the department's public website
 1082 while he or she is under any form of court-ordered supervision
 1083 other than pretrial intervention supervision.

1084 Section 23. Subsection (7) of section 948.09, Florida
 1085 Statutes, is amended to read:

1086 948.09 Payment for cost of supervision and
 1087 rehabilitation.—

1088 (7) The department shall establish a payment plan for all
 1089 costs ordered by the courts for collection by the department and
 1090 a priority order for payments, except that victim restitution
 1091 payments authorized under s. 948.03(1) (f) ~~(e)~~ take precedence

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1092 over all other court-ordered payments. The department is not
 1093 required to disburse cumulative amounts of less than \$10 to
 1094 individual payees established on this payment plan.

1095 Section 24. Section 948.101, Florida Statutes, is amended
 1096 to read:

1097 948.101 Terms and conditions of community control ~~and~~
 1098 ~~criminal quarantine community control.~~

1099 (1) The court shall determine the terms and conditions of
 1100 community control. Conditions specified in this subsection do
 1101 not require oral pronouncement at the time of sentencing and may
 1102 be considered standard conditions of community control.

1103 ~~(a)~~ The court shall require intensive supervision and
 1104 surveillance for an offender placed into community control,
 1105 which may include, but is not limited to:

1106 (a)1. Specified contact with the parole and probation
 1107 officer.

1108 (b)2. Confinement to an agreed-upon residence during hours
 1109 away from employment and public service activities.

1110 (c)3. Mandatory public service.

1111 (d)4. Supervision by the Department of Corrections by
 1112 means of an electronic monitoring device or system.

1113 (e)5. The standard conditions of probation set forth in s.
 1114 948.03 or s. 948.30.

1115 ~~(b) For an offender placed on criminal quarantine~~
 1116 ~~community control, the court shall require:~~

1117 ~~1. Electronic monitoring 24 hours per day.~~

1118 ~~2. Confinement to a designated residence during designated~~
 1119 ~~hours.~~

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1120 (2) The enumeration of specific kinds of terms and
1121 conditions does not prevent the court from adding thereto any
1122 other terms or conditions that the court considers proper.
1123 However, the sentencing court may only impose a condition of
1124 supervision allowing an offender convicted of s. 794.011, s.
1125 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
1126 another state if the order stipulates that it is contingent upon
1127 the approval of the receiving state interstate compact
1128 authority. The court may rescind or modify at any time the terms
1129 and conditions theretofore imposed by it upon the offender in
1130 community control. However, if the court withholds adjudication
1131 of guilt or imposes a period of incarceration as a condition of
1132 community control, the period may not exceed 364 days, and
1133 incarceration shall be restricted to a county facility, a
1134 probation and restitution center under the jurisdiction of the
1135 Department of Corrections, a probation program drug punishment
1136 phase I secure residential treatment institution, or a community
1137 residential facility owned or operated by any entity providing
1138 such services.

1139 ~~(3) The court may place a defendant who is being sentenced~~
1140 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
1141 ~~criminal quarantine community control. The Department of~~
1142 ~~Corrections shall develop and administer a criminal quarantine~~
1143 ~~community control program emphasizing intensive supervision with~~
1144 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
1145 ~~community control status must include surveillance and may~~
1146 ~~include other measures normally associated with community~~
1147 ~~control, except that specific conditions necessary to monitor~~

1148 ~~this population may be ordered.~~

1149 Section 25. Subsection (1) of section 948.11, Florida
1150 Statutes, is amended to read:

1151 948.11 Electronic monitoring devices.—

1152 (1)(a) The Department of Corrections may, at its
1153 discretion, electronically monitor an offender sentenced to
1154 community control.

1155 ~~(b) The Department of Corrections shall electronically~~
1156 ~~monitor an offender sentenced to criminal quarantine community~~
1157 ~~control 24 hours per day.~~

1158 Section 26. Subsection (4) of section 951.26, Florida
1159 Statutes, is renumbered as subsection (5), and a new subsection
1160 (4) is added to that section to read:

1161 951.26 Public safety coordinating councils.—

1162 (4) The council may also develop a comprehensive local
1163 reentry plan that is designed to assist offenders released from
1164 incarceration in successfully reentering the community. The
1165 comprehensive local plan shall cover a period of at least 5
1166 years. In developing the plan, the council shall coordinate with
1167 public safety officials and local community organizations that
1168 can provide offenders with reentry services, such as assistance
1169 with housing, health care, education, substance abuse treatment,
1170 and employment.

1171 Section 27. Subsection (5) of section 958.03, Florida
1172 Statutes, is amended, and subsection (6) is added to that
1173 section, to read:

1174 958.03 Definitions.—As used in this act:

1175 (5) "Youthful offender" means any person who is sentenced

1176 as such by the court pursuant to s. 958.04 or is classified as
 1177 such by the department pursuant to s. 958.11(4) ~~958.04~~.

1178 (6) "Youthful offender facility" means any facility in the
 1179 state correctional system that the department designates for the
 1180 care, custody, control, and supervision of youthful offenders.

1181 Section 28. Subsections (4) and (5) of section 958.04,
 1182 Florida Statutes, are amended to read:

1183 958.04 Judicial disposition of youthful offenders.—

1184 ~~(4) Due to severe prison overcrowding, the Legislature~~
 1185 ~~declares the construction of a basic training program facility~~
 1186 ~~is necessary to aid in alleviating an emergency situation.~~

1187 ~~(5) The department shall provide a special training~~
 1188 ~~program for staff selected for the basic training program.~~

1189 Section 29. Section 958.045, Florida Statutes, is amended
 1190 to read:

1191 958.045 Youthful offender basic training program.—

1192 (1) The department shall develop and implement a basic
 1193 training program for youthful offenders sentenced or classified
 1194 by the department as youthful offenders pursuant to this
 1195 chapter. The period of time to be served at the basic training
 1196 program shall be no less than 120 days.

1197 (a) The program shall include marching drills,
 1198 calisthenics, a rigid dress code, manual labor assignments,
 1199 physical training with obstacle courses, training in
 1200 decisionmaking and personal development, general education
 1201 development and adult basic education courses, and drug
 1202 counseling and other rehabilitation programs.

1203 (b) The department shall adopt rules governing the

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1204 administration of the youthful offender basic training program,
1205 requiring that basic training participants complete a structured
1206 disciplinary program, and allowing for a restriction on general
1207 inmate population privileges.

1208 (2) Upon receipt of youthful offenders, the department
1209 shall screen offenders for the basic training program. To
1210 participate, an offender must have no physical limitations that
1211 preclude participation in strenuous activity, must not be
1212 impaired, and must not have been previously incarcerated in a
1213 state or federal correctional facility. In screening offenders
1214 for the basic training program, the department shall consider
1215 the offender's criminal history and the possible rehabilitative
1216 benefits of "shock" incarceration.

1217 (a) If an offender meets the specified criteria and space
1218 is available, the department shall request, in writing from the
1219 sentencing court, approval for the offender to participate in
1220 the basic training program. If the person is classified by the
1221 department as a youthful offender and the department is
1222 requesting approval from the sentencing court for placement in
1223 the program, the department shall, at the same time, notify the
1224 state attorney that the offender is being considered for
1225 placement in the basic training program. The notice must explain
1226 that the purpose of such placement is diversion from lengthy
1227 incarceration when a short "shock" incarceration could produce
1228 the same deterrent effect, and that the state attorney may,
1229 within 14 days after the mailing of the notice, notify the
1230 sentencing court in writing of objections, if any, to the
1231 placement of the offender in the basic training program.

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1232 (b) The sentencing court shall notify the department in
1233 writing of placement approval no later than 21 days after
1234 receipt of the department's request for placement of the
1235 youthful offender in the basic training program. Failure to
1236 notify the department within 21 days shall be considered an
1237 approval by the sentencing court for placing the youthful
1238 offender in the basic training program. Each state attorney may
1239 develop procedures for notifying the victim that the offender is
1240 being considered for placement in the basic training program.

1241 (3) The program shall provide a short incarceration period
1242 of rigorous training to offenders who require a greater degree
1243 of supervision than community control or probation provides.
1244 Basic training programs may be operated in secure areas in or
1245 adjacent to an adult institution notwithstanding s. 958.11. The
1246 program is not intended to divert offenders away from probation
1247 or community control but to divert them from long periods of
1248 incarceration when a short "shock" incarceration could produce
1249 the same deterrent effect.

1250 (4) Upon admittance to the department, an educational and
1251 substance abuse assessment shall be performed on each youthful
1252 offender. Upon admittance to the basic training program, each
1253 offender shall have a full substance abuse assessment to
1254 determine the offender's need for substance abuse treatment. The
1255 educational assessment shall be accomplished through the aid of
1256 the Test of Adult Basic Education or any other testing
1257 instrument approved by the Department of Education, as
1258 appropriate. Each offender who has not obtained a high school
1259 diploma shall be enrolled in an adult education program designed

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1260 to aid the offender in improving his or her academic skills and
 1261 earning a high school diploma. Further assessments of the prior
 1262 vocational skills and future career education shall be provided
 1263 to the offender. A periodic evaluation shall be made to assess
 1264 the progress of each offender, ~~and upon completion of the basic~~
 1265 ~~training program the assessment and information from the~~
 1266 ~~department's record of each offender shall be transferred to the~~
 1267 ~~appropriate community residential program.~~

1268 (5) (a) If an offender in the basic training program
 1269 becomes unmanageable, the department may revoke the offender's
 1270 gain-time and place the offender in disciplinary confinement in
 1271 accordance with department rule for up to 30 days. Except as
 1272 provided in paragraph (b) ~~Upon completion of the disciplinary~~
 1273 ~~process,~~ the offender shall be readmitted to the basic training
 1274 program upon completion of the disciplinary process. Any period
 1275 of time in which the offender is unable to participate in the
 1276 basic training activities may be excluded from the program's
 1277 specified time requirements.

1278 (b) The department may terminate an offender from the
 1279 basic training program if:

1280 1. The offender has committed or threatened to commit a
 1281 violent act;

1282 2. The department determines that the offender is unable
 1283 to participate in the basic training activities due to medical
 1284 reasons;

1285 3. The offender's sentence is modified or expires;

1286 4. The department reassigns the offender's classification
 1287 status; or

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1288 5. The department determines that removing the offender
1289 from the program is in the best interests of the offender or the
1290 security of the institution, ~~except for an offender who has~~
1291 ~~committed or threatened to commit a violent act.~~

1292
1293 If the offender is terminated from the program, the department
1294 may place the offender in a youthful offender facility or assign
1295 a youthful offender to a non-youthful-offender facility in
1296 accordance with s. 958.11(3) ~~the general population~~ to complete
1297 the remainder of the offender's sentence. ~~Any period of time in~~
1298 ~~which the offender is unable to participate in the basic~~
1299 ~~training activities may be excluded from the specified time~~
1300 ~~requirements in the program.~~

1301 (c)~~(b)~~ If the offender is unable to participate in the
1302 basic training activities due to medical reasons, certified
1303 medical personnel shall examine the offender and shall consult
1304 with the basic training program director concerning the
1305 offender's termination from the program.

1306 (d)~~(e)~~ The portion of the sentence served before placement
1307 in the basic training program may not be counted toward program
1308 completion. The department shall submit a report to the court at
1309 least 30 days before the youthful offender is scheduled to
1310 complete the basic training program. The report must describe
1311 the offender's performance in the basic training program. If the
1312 youthful offender's performance is satisfactory, the court shall
1313 issue an order modifying the sentence imposed and place the
1314 offender under supervision ~~on probation~~ subject to the offender
1315 successfully completing the remainder of the basic training

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1316 program. ~~The term of probation may include placement in a~~
1317 ~~community residential program.~~ If the offender violates the
1318 conditions of supervision ~~probation~~, the court may revoke
1319 supervision ~~probation~~ and impose any sentence that it might have
1320 originally imposed.

1321 ~~(6) (a) Upon completing the basic training program, an~~
1322 ~~offender shall be transferred to a community residential program~~
1323 ~~and reside there for a term designated by department rule. If~~
1324 ~~the basic training program director determines that the offender~~
1325 ~~is not suitable for the community residential program but is~~
1326 ~~suitable for an alternative postrelease program or release plan,~~
1327 ~~within 30 days prior to program completion the department shall~~
1328 ~~evaluate the offender's needs and determine an alternative~~
1329 ~~postrelease program or plan. The department's consideration~~
1330 ~~shall include, but not be limited to, the offender's employment,~~
1331 ~~residence, family situation, and probation or postrelease~~
1332 ~~supervision obligations. Upon the approval of the department,~~
1333 ~~the offender shall be released to an alternative postrelease~~
1334 ~~program or plan.~~

1335 ~~(b) While in the community residential program, as~~
1336 ~~appropriate, the offender shall engage in gainful employment,~~
1337 ~~and if any, shall pay restitution to the victim. If appropriate,~~
1338 ~~the offender may enroll in substance abuse counseling, and if~~
1339 ~~suitable, shall enroll in a general education development or~~
1340 ~~adult basic education class for the purpose of attaining a high~~
1341 ~~school diploma. Upon release from the community residential~~
1342 ~~program, the offender shall remain on probation, or other~~
1343 ~~postrelease supervision, and abide by the conditions of the~~

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1344 ~~offender's probation or postrelease supervision. If, upon~~
1345 ~~transfer from the community residential program, the offender~~
1346 ~~has not completed the enrolled educational program, the offender~~
1347 ~~shall continue the educational program until completed. If the~~
1348 ~~offender fails to complete the program, the department may~~
1349 ~~request the court or the control release authority to execute an~~
1350 ~~order returning the offender back to the community residential~~
1351 ~~program until completion of the program.~~

1352 (6)~~(7)~~ The department shall implement the basic training
1353 program to the fullest extent feasible within the provisions of
1354 this section.

1355 ~~(8)(a) The Assistant Secretary for Youthful Offenders~~
1356 ~~shall continuously screen all institutions, facilities, and~~
1357 ~~programs for any inmate who meets the eligibility requirements~~
1358 ~~for youthful offender designation specified in s. 958.04, whose~~
1359 ~~age does not exceed 24 years. The department may classify and~~
1360 ~~assign as a youthful offender any inmate who meets the criteria~~
1361 ~~of s. 958.04.~~

1362 ~~(b) A youthful offender who is designated as such by the~~
1363 ~~department and assigned to the basic training program must be~~
1364 ~~eligible for control release pursuant to s. 947.146.~~

1365 ~~(c) The department shall work cooperatively with the~~
1366 ~~Control Release Authority or the Parole Commission to effect the~~
1367 ~~release of an offender who has successfully completed the~~
1368 ~~requirements of the basic training program.~~

1369 ~~(d) Upon an offender's completion of the basic training~~
1370 ~~program, the department shall submit a report to the releasing~~
1371 ~~authority that describes the offender's performance. If the~~

1372 ~~performance has been satisfactory, the release authority shall~~
 1373 ~~establish a release date that is within 30 days following~~
 1374 ~~program completion. As a condition of release, the offender~~
 1375 ~~shall be placed in a community residential program as provided~~
 1376 ~~in this section or on community supervision as provided in~~
 1377 ~~chapter 947, and shall be subject to the conditions established~~
 1378 ~~therefor.~~

1379 ~~(9) Upon commencement of the community residential~~
 1380 ~~program, the department shall submit annual reports to the~~
 1381 ~~Governor, the President of the Senate, and the Speaker of the~~
 1382 ~~House of Representatives detailing the extent of implementation~~
 1383 ~~of the basic training program and the community residential~~
 1384 ~~program, and outlining future goals and any recommendation the~~
 1385 ~~department has for future legislative action.~~

1386 (7)~~(10)~~ Due to serious and violent crime, the Legislature
 1387 declares the construction of a basic training facility is
 1388 necessary to aid in alleviating an emergency situation.

1389 (8)~~(11)~~ The department shall provide a special training
 1390 program for staff selected for the basic training program.

1391 (9)~~(12)~~ The department may develop performance-based
 1392 contracts with qualified individuals, agencies, or corporations
 1393 for the provision of any or all of the youthful offender
 1394 programs.

1395 (10)~~(13)~~ An offender in the basic training program is
 1396 subject to rules of conduct established by the department and
 1397 may have sanctions imposed, including loss of privileges,
 1398 restrictions, disciplinary confinement, alteration of release
 1399 plans, or other program modifications in keeping with the nature

1400 and gravity of the program violation. Administrative or
 1401 protective confinement, as necessary, may be imposed.

1402 ~~(11)-(14)~~ The department may establish a system of
 1403 incentives within the basic training program which the
 1404 department may use to promote participation in rehabilitative
 1405 programs and the orderly operation of institutions and
 1406 facilities.

1407 ~~(12)-(15)~~ The department shall develop a system for
 1408 tracking recidivism, including, but not limited to, rearrests
 1409 and recommitment of youthful offenders, and shall report on that
 1410 system in its annual reports of the programs.

1411 Section 30. Section 958.09, Florida Statutes, is amended
 1412 to read:

1413 958.09 Extension of limits of confinement; restitution.—
 1414 Section 945.091 and the rules developed by the department to
 1415 implement that section apply to youthful offenders.

1416 ~~(1) The department shall adopt rules permitting the~~
 1417 ~~extension of the limits of the place of confinement of a~~
 1418 ~~youthful offender when there is reasonable cause to believe that~~
 1419 ~~the youthful offender will honor the trust placed in him or her.~~
 1420 ~~The department may authorize a youthful offender, under~~
 1421 ~~prescribed conditions and following investigation and approval~~
 1422 ~~by the department which shall maintain a written record of such~~
 1423 ~~action, to leave the place of his or her confinement for a~~
 1424 ~~prescribed period of time:~~

1425 ~~(a) To visit a designated place or places for the purpose~~
 1426 ~~of visiting a dying relative, attending the funeral of a~~
 1427 ~~relative, or arranging for employment or for a suitable~~

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1428 ~~residence for use when released; to otherwise aid in the~~
1429 ~~correction of the youthful offender; or for another compelling~~
1430 ~~reason consistent with the public interest and to return to the~~
1431 ~~same or another institution or facility designated by the~~
1432 ~~department; or~~

1433 ~~(b) To work at paid employment, participate in an~~
1434 ~~educational or a training program, or voluntarily serve a public~~
1435 ~~or nonprofit agency or a public service program in the~~
1436 ~~community; provided, that the youthful offender shall be~~
1437 ~~confined except during the hours of his or her employment,~~
1438 ~~education, training, or service and while traveling thereto and~~
1439 ~~therefrom.~~

1440 ~~(2) The department shall adopt rules as to the eligibility~~
1441 ~~of youthful offenders for such extension of confinement, the~~
1442 ~~disbursement of any earnings of youthful offenders, or the~~
1443 ~~entering into of agreements between the department and any~~
1444 ~~municipal, county, or federal agency for the housing of youthful~~
1445 ~~offenders in a local place of confinement. However, no youthful~~
1446 ~~offender convicted of sexual battery pursuant to s. 794.011 is~~
1447 ~~eligible for any extension of the limits of confinement under~~
1448 ~~this section.~~

1449 ~~(3) The willful failure of a youthful offender to remain~~
1450 ~~within the extended limits of confinement or to return within~~
1451 ~~the time prescribed to the place of confinement designated by~~
1452 ~~the department is an escape from the custody of the department~~
1453 ~~and a felony of the third degree, punishable as provided by s.~~
1454 ~~775.082.~~

1455 ~~(4) The department may contract with other public and~~

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1456 ~~private agencies for the confinement, treatment, counseling,~~
1457 ~~aftercare, or community supervision of youthful offenders when~~
1458 ~~consistent with the youthful offenders' welfare and the interest~~
1459 ~~of society.~~

1460 ~~(5) The department shall document and account for all~~
1461 ~~forms for disciplinary reports for inmates placed on extended~~
1462 ~~limits of confinement, which reports shall include, but not be~~
1463 ~~limited to, all violations of rules of conduct, the rule or~~
1464 ~~rules violated, the nature of punishment administered, the~~
1465 ~~authority ordering such punishment, and the duration of time~~
1466 ~~during which the inmate was subjected to confinement.~~

1467 ~~(6)(a) The department is authorized to levy fines only~~
1468 ~~through disciplinary reports and only against inmates placed on~~
1469 ~~extended limits of confinement. Major and minor infractions and~~
1470 ~~their respective punishments for inmates placed on extended~~
1471 ~~limits of confinement shall be defined by the rules of the~~
1472 ~~department, except that any fine shall not exceed \$50 for each~~
1473 ~~infraction deemed to be minor and \$100 for each infraction~~
1474 ~~deemed to be major. Such fines shall be deposited in the General~~
1475 ~~Revenue Fund, and a receipt shall be given to the inmate.~~

1476 ~~(b) When the chief correctional officer determines that a~~
1477 ~~fine would be an appropriate punishment for a violation of the~~
1478 ~~rules of the department, both the determination of guilt and the~~
1479 ~~amount of the fine shall be determined by the disciplinary~~
1480 ~~committee pursuant to the method prescribed in s. 944.28(2)(c).~~

1481 ~~(c) The department shall develop rules defining the~~
1482 ~~policies and procedures for the administering of such fines.~~

1483 Section 31. Subsection (3) of section 958.11, Florida
 1484 Statutes, is amended to read:

1485 958.11 Designation of institutions and programs for
 1486 youthful offenders; assignment from youthful offender
 1487 institutions and programs.—

1488 (3) The department may assign a youthful offender to a
 1489 non-youthful-offender facility and manage the youthful offender
 1490 in a manner consistent with inmates in the adult population ~~in~~
 1491 ~~the state correctional system which is not designated for the~~
 1492 ~~care, custody, control, and supervision of youthful offenders or~~
 1493 ~~an age group only~~ in the following circumstances:

1494 (a) If the youthful offender is convicted of a new crime
 1495 which is a felony under the laws of this state.

1496 (b) If the youthful offender becomes such a serious
 1497 management or disciplinary problem resulting from serious
 1498 repeated violations of the rules of the department that his or
 1499 her original assignment would be detrimental to the interests of
 1500 the program and to other inmates committed thereto.

1501 (c) If the youthful offender needs medical treatment,
 1502 health services, or other specialized treatment otherwise not
 1503 available at the youthful offender facility.

1504 (d) If the department determines that the youthful
 1505 offender should be transferred outside of the state correctional
 1506 system, as provided by law, for services not provided by the
 1507 department.

1508 (e) If bed space is not available in a designated
 1509 community residential facility, the department may assign a
 1510 youthful offender to a community residential facility, provided

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1511 that the youthful offender is separated from other offenders
1512 insofar as is practical.

1513 (f) If the youthful offender was originally assigned to a
1514 facility designated for 14-year-old to 18-year-old youthful
1515 offenders, but subsequently reaches the age of 19 years, the
1516 department may retain the youthful offender in the facility if
1517 the department determines that it is in the best interest of the
1518 youthful offender and the department.

1519 (g) If the department determines that a youthful offender
1520 originally assigned to a facility designated for the 19-24 age
1521 group is mentally or physically vulnerable by such placement,
1522 the department may reassign a youthful offender to a facility
1523 designated for the 14-18 age group if the department determines
1524 that a reassignment is necessary to protect the safety of the
1525 youthful offender or the institution.

1526 (h) If the department determines that a youthful offender
1527 originally assigned to a facility designated for the 14-18 age
1528 group is disruptive, incorrigible, or uncontrollable, the
1529 department may reassign a youthful offender to a facility
1530 designated for the 19-24 age group if the department determines
1531 that a reassignment would best serve the interests of the
1532 youthful offender and the department.

1533 (i) If the youthful offender has reached the age of 25.

1534 (j) If the department cannot adequately ensure the safety
1535 of a youthful offender within a youthful offender facility.

1536 (k) If the youthful offender has a documented history of
1537 benefiting, promoting, or furthering the interests of a criminal
1538 gang, as defined in s. 874.03, while housed in a youthful

1539 offender facility.

1540 (1) If the department has classified an offender as a
 1541 youthful offender under subsection (4) but determines such
 1542 assignment is necessary for population management purposes.

1543 Section 32. Subsection (1) of section 958.12, Florida
 1544 Statutes, is amended to read:

1545 958.12 Participation in certain activities required.—

1546 (1) A youthful offender shall be required to participate
 1547 in work assignments, and in career, academic, counseling, and
 1548 other rehabilitative programs in accordance with this section,
 1549 including, but not limited to:

1550 (a) All youthful offenders may be required, as
 1551 appropriate, to participate in:

- 1552 1. Reception and orientation.
- 1553 2. Evaluation, needs assessment, and classification.
- 1554 3. Educational programs.
- 1555 4. Career and job training.
- 1556 5. Life and socialization skills training, including
- 1557 anger/aggression control.
- 1558 6. Prerelease orientation and planning.
- 1559 7. Appropriate transition services.

1560 (b) In addition to the requirements in paragraph (a), the
 1561 department shall make available:

- 1562 1. Religious services and counseling.
- 1563 2. Social services.
- 1564 3. Substance abuse treatment and counseling.
- 1565 4. Psychological and psychiatric services.
- 1566 5. Library services.

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- 1567 6. Medical and dental health care.
- 1568 7. Athletic, recreational, and leisure time activities.
- 1569 8. Mail and visiting privileges.

1570

1571 Income derived by a youthful offender from participation in such
 1572 activities may be used, in part, to defray a portion of the
 1573 costs of his or her incarceration or supervision; to satisfy
 1574 preexisting obligations; to pay fines, counseling fees, or other
 1575 costs lawfully imposed; or to pay restitution to the victim of
 1576 the crime for which the youthful offender has been convicted in
 1577 an amount determined by the sentencing court. Any such income
 1578 not used for such reasons or not used as provided in s. 946.513
 1579 ~~or s. 958.09~~ shall be placed in a bank account for use by the
 1580 youthful offender upon his or her release.

1581 Section 33. This act shall take effect July 1, 2010.