



206902

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2015	.	
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	.	
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The Committee on Appropriations (Negron) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 748 - 833

4 and insert:

5 (b)1. As used in this paragraph, the term "sexual
6 misconduct" means the oral, anal, or vaginal penetration by, or
7 union with, the sexual organ of another or the anal or vaginal
8 penetration of another by any other object, but does not include
9 an act done for a bona fide medical purpose or an internal



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10 search conducted in the lawful performance of the employee's
11 duty.

12 2. Any employee of the department or a private correctional
13 facility as defined in s. 944.710 who engages in sexual
14 misconduct with an inmate or an offender supervised by the
15 department in the community, without committing the crime of
16 sexual battery, commits a felony of the third degree, punishable
17 as provided in s. 775.082, s. 775.083, or s. 775.084.

18 3. The consent of the inmate or offender supervised by the
19 department in the community to any act of sexual misconduct may
20 not be raised as a defense to a prosecution under this
21 paragraph.

22 4. This paragraph does not apply to any employee of the
23 department or any employee of a private correctional facility
24 who is legally married to an inmate or an offender supervised by
25 the department in the community, nor does it apply to any
26 employee who has no knowledge, and would have no reason to
27 believe, that the person with whom the employee has engaged in
28 sexual misconduct is an inmate or an offender under community
29 supervision of the department.

30 (c) Notwithstanding prosecution, any violation of the
31 provisions of this subsection, as determined by the Public
32 Employees Relations Commission, shall constitute sufficient
33 cause under s. 110.227 for dismissal from employment with the
34 department, and such person shall not again be employed in any
35 capacity in connection with the correctional system.

36 (d) Each employee who witnesses, or has reasonable cause to
37 suspect, that an inmate or an offender under the supervision of
38 the department in the community has been unlawfully abused or is



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39 the subject of sexual misconduct pursuant to this subsection
40 shall immediately prepare, date, and sign an independent report
41 specifically describing the nature of the force used or the
42 nature of the sexual misconduct, the location and time of the
43 incident, and the persons involved. The report shall be
44 delivered to the inspector general of the department with a copy
45 to be delivered to the warden of the institution or the regional
46 administrator. The inspector general shall immediately conduct
47 an appropriate investigation, and, if probable cause is
48 determined that a violation of this subsection has occurred, the
49 respective state attorney in the circuit in which the incident
50 occurred shall be notified.

51 (e) If an employee of the department, private provider, or
52 private correctional facility who witnesses unlawful abuse or
53 neglect or has reasonable cause to suspect that an inmate has
54 been unlawfully abused or neglected fears retaliation by
55 coworkers or supervisors if he or she submits a report as
56 provided in paragraph (d), the employee may anonymously and
57 confidentially report the inmate abuse or neglect directly to
58 the department's Office of Inspector General.

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 71 - 75

63 and insert:

64 correctional facilities; providing for anonymous
65 reporting of