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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/16/2015	.	
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The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 20.315, Florida Statutes, is amended, present subsections (4) through (12) of that section are redesignated as subsections (5) through (13), respectively, and a new subsection (4) is added to that section, to read:



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10 20.315 Department of Corrections.—There is created a
11 Department of Corrections.

12 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
13 Corrections is the Secretary of Corrections. The secretary shall
14 be ~~is~~ appointed by the Governor with the concurrence of three
15 members of the Cabinet, subject to confirmation by the Senate,
16 and shall serve at the pleasure of the Governor and Cabinet. The
17 secretary is responsible for planning, coordinating, and
18 managing the corrections system of the state. The secretary
19 shall ensure that the programs and services of the department
20 are administered in accordance with state and federal laws,
21 rules, and regulations, with established program standards, and
22 consistent with legislative intent. The secretary shall identify
23 the need for and recommend funding for the secure and efficient
24 operation of the state correctional system.

25 (a) The secretary shall appoint a deputy secretary. The
26 deputy secretary shall be directly responsible to the secretary
27 and shall serve at the pleasure of the secretary.

28 (b) The secretary shall appoint a general counsel and an
29 inspector general, who are exempt from part II of chapter 110
30 and are included in the Senior Management Service.

31 (c) The secretary may appoint assistant secretaries,
32 directors, or other such persons that he or she deems are
33 necessary to accomplish the mission and goals of the department,
34 including, but not limited to, the following areas of program
35 responsibility:

36 1. Security and institutional operations, which shall
37 provide inmate work programs, offender programs, security
38 administration, emergency operations response, and operational



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39 oversight of the regions.

40 2. Health services, which shall be headed by a physician
41 licensed under chapter 458 or an osteopathic physician licensed
42 under chapter 459, or a professionally trained health care
43 administrator with progressively responsible experience in
44 health care administration. This individual shall be responsible
45 for the delivery of health services to offenders within the
46 system and shall have direct professional authority over such
47 services.

48 3. Community corrections, which shall provide for
49 coordination of community alternatives to incarceration and
50 operational oversight of community corrections regions.

51 4. Administrative services, which shall provide budget and
52 accounting services within the department, including the
53 construction and maintenance of correctional institutions, human
54 resource management, research, planning and evaluation, and
55 technology.

56 5. Program, transition, and postrelease services, which
57 shall provide for the direct management and supervision of all
58 departmental programs, including the coordination and delivery
59 of education and job training to the offenders in the custody of
60 the department. In addition, this program shall provide for the
61 direct management and supervision of all programs that furnish
62 transition assistance to inmates who are or have recently been
63 in the custody of the department, including the coordination,
64 facilitation, and contract management of prerelease and
65 postrelease transition services provided by governmental and
66 private providers, including faith-based service groups.

67 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections



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68 Commission is created. The commission is assigned to the
69 Department of Corrections for administrative and fiscal
70 accountability purposes, but it shall otherwise function
71 independently of the control, supervision, and direction of the
72 department. The primary focus of the commission shall be on
73 matters relating to corrections with an emphasis on the safe and
74 effective operations of major correctional institutions.
75 However, in instances in which the policies of other components
76 of the criminal justice system affect corrections, the
77 commission shall advise and make recommendations.

78 (a) The commission shall consist of nine members appointed
79 by the Governor and subject to confirmation by the Senate. The
80 initial members of the commission shall be appointed by October
81 1, 2015. Members of the commission shall be appointed for terms
82 of 4 years. However, to achieve staggered terms, four of the
83 initial members shall be appointed to 2-year terms. Members must
84 be appointed in a manner that ensures equitable representation
85 of different geographic regions of this state. Each member of
86 the commission must be a resident and a registered voter of this
87 state. A commission member must represent the state as a whole
88 and may not subordinate the needs of the state to those of a
89 particular region. The commission's membership should, to the
90 greatest extent possible, include a sheriff, state attorney,
91 public defender, pastor or former prison chaplain, community
92 leader, and business leader.

93 (b) The primary duties and responsibilities of the Florida
94 Corrections Commission include:

95 1. Conducting investigations, internal affairs
96 investigations, and criminal investigations.



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97 2. Conducting announced and unannounced inspections of
98 correctional facilities, including facilities operated by
99 private contractors. The commission may enter any place where
100 prisoners in this state are kept and shall be immediately
101 admitted to such place as they desire and may consult and confer
102 with any prisoner privately and without molestation.

103 3. Identifying and monitoring high-risk and problematic
104 correctional facilities, and reporting findings and
105 recommendations relating to such facilities.

106 4. Continually monitoring on a statewide basis the
107 incidence of inmate-on-inmate and officer-on-inmate violence and
108 the introduction of contraband.

109 5. Submitting an annual report to the Governor, the
110 President of the Senate, and the Speaker of the House of
111 Representatives by each November 1, beginning in 2016.

112 6. Developing legislative, budgetary, and operational
113 recommendations for correctional system improvement.

114 7. Reviewing the annual Legislative Budget Request of the
115 department and making recommendations and comments on such
116 budgetary request to the Governor.

117 8. Convening public hearings, for which the commission is
118 authorized to issue subpoenas and take sworn testimony of
119 witnesses.

120 9. Conducting confidential interviews with staff, officers,
121 inmates, correctional health care professionals, citizens,
122 volunteers, and public officials relating to the operations and
123 conditions of correctional facilities.

124 10. Developing and implementing a set of standards and
125 performance measures which establishes an accountability system



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126 that allows each correctional institution or facility to be
127 individually measured annually for performance. The standards
128 and measures shall be primarily focused on inmate achievement,
129 inmate institutional adjustment, safe and secure prison
130 operations, officer safety, officer training, and inmate safety.
131 The Florida Corrections Commission shall maintain an
132 accountability system that tracks the department's progress
133 toward meeting specified goals at both regional and
134 institutional levels.

135 (c) The commission may not enter into the day-to-day
136 operation of the department, but may conduct investigations.

137 (d) The commission shall hold a minimum of six regular
138 meetings annually. A majority of the membership of the
139 commission constitutes a quorum at any meeting of the
140 commission. The chair shall be elected from the commission's
141 membership. The chair shall direct that complete and accurate
142 minutes be kept of all commission meetings, which shall be open
143 for public inspection. Additional meetings may be held upon the
144 written request of at least four members, with at least 1 week's
145 notice of such meeting being given to all members and the public
146 by the chair pursuant to chapter 120. Emergency meetings may be
147 held without notice upon request of all members. Meetings of the
148 commission shall be held at major correctional facilities around
149 the state as determined by the chair.

150 (e) The commission shall appoint an executive director who
151 shall serve under the direction, supervision, and control of the
152 commission. The executive director, with consent of the
153 commission, shall employ staff as necessary to adequately
154 perform the functions of the commission.



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155 (f) Commission members shall serve without compensation but
156 are entitled to receive reimbursement for per diem and travel
157 expenses as provided in s. 112.061.

158 (g) Commission members may not have an immediate family
159 member who works in the department or any private institution or
160 contractor under contract with the department and may not have
161 any interest, direct or indirect, in a contract, franchise,
162 privilege, or other benefit granted or awarded by the
163 department, or any of its contractors or subcontracts, while
164 serving as a member of the commission.

165 (h) The amendments made by this act to s. 20.315(3),
166 Florida Statutes, do not apply to a Secretary of Corrections
167 appointed before July 1, 2015.

168 Section 2. Paragraph (d) is added to subsection (5) of
169 section 216.136, Florida Statutes, to read:

170 216.136 Consensus estimating conferences; duties and
171 principals.—

172 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—The Criminal
173 Justice Estimating Conference shall:

174 (d) Develop projections of prison admissions and
175 populations for elderly felony offenders.

176 Section 3. Section 944.151, Florida Statutes, is amended to
177 read:

178 944.151 Safety and security of correctional institutions
179 and facilities.—It is the intent of the Legislature that the
180 Department of Corrections shall be responsible for the safe
181 operation and security of the correctional institutions and
182 facilities. The safe operation and security of the state's
183 correctional institutions and facilities is critical to ensure



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184 public safety and the safety of department employees and
185 offenders and to contain violent and chronic offenders until
186 offenders are otherwise released from the department's custody
187 pursuant to law. The Secretary of Corrections shall, at a
188 minimum:

189 (1) Appoint and designate select staff to the a safety and
190 security review committee which shall, at a minimum, be composed
191 of: the inspector general, the statewide security coordinator,
192 the regional security coordinators, and three wardens and one
193 correctional officer. The safety and security review committee
194 shall evaluate new safety and security technology; review and
195 discuss issues impacting correctional facilities; review and
196 discuss current issues impacting correctional facilities; and
197 review and discuss other issues as requested by management.÷

198 ~~(a) Establish a periodic schedule for the physical~~
199 ~~inspection of buildings and structures of each state and private~~
200 ~~correctional institution to determine security deficiencies. In~~
201 ~~scheduling the inspections, priority shall be given to older~~
202 ~~institutions, institutions that house a large proportion of~~
203 ~~violent offenders, and institutions that have experienced a~~
204 ~~significant number of escapes or escape attempts in the past.~~

205 (2) Ensure that appropriate staff establishes a periodic
206 schedule for the physical inspection of buildings and structures
207 of each state and private correctional institution and facility
208 to determine safety and security deficiencies. In scheduling the
209 inspections, priority shall be given to older institutions,
210 institutions that house a large proportion of violent offenders,
211 institutions with a high level of inappropriate incidents of use
212 of force on inmates, assaults on employees, or inmate sexual



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213 abuse, and institutions that have experienced a significant
214 number of escapes or escape attempts in the past.

215 (a) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
216 causes ~~cause~~ to be conducted announced and unannounced
217 comprehensive safety and security audits of all state and
218 private correctional institutions. In conducting the security
219 audits, priority shall be given to older institutions,
220 institutions that house a large proportion of violent offenders,
221 institutions with a high level of inappropriate incidents of use
222 of force on inmates, assaults on employees, or inmate sexual
223 abuse, and institutions that have experienced a history of
224 escapes or escape attempts. At a minimum, the audit shall
225 include an evaluation of the physical plant, which shall include
226 the identification of blind spots or areas where staff or
227 inmates may be isolated and the deployment of audio and video
228 monitoring systems and other monitoring technologies in such
229 areas, landscaping, fencing, security alarms and perimeter
230 lighting, confinement, arsenal, key and lock, and entrance/exit
231 and ~~inmate classification and staffing~~ policies. Each
232 correctional institution shall be audited at least annually. ~~The~~
233 secretary shall

234 (b) Report the general survey findings annually to the
235 Governor and the Legislature.

236 (c) Ensure appropriate staff investigates and evaluates the
237 usefulness and dependability of existing safety and security
238 technology at the institutions and new technology and video
239 monitoring systems available and make periodic written
240 recommendations to the secretary on the discontinuation or
241 purchase of various safety and security devices.



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242 (d) Contract, if deemed necessary, with security personnel,
243 consulting engineers, architects, or other safety and security
244 experts the department deems necessary for safety and security
245 consultant services.

246 (e) Ensure appropriate staff, in conjunction with the
247 regional offices, establishes a periodic schedule for conducting
248 announced and unannounced escape simulation drills.

249 (f) Adopt, enforce, and annually cause the evaluation of
250 the emergency escape response procedures, which shall at a
251 minimum include the immediate notification and inclusion of
252 local and state law enforcement through mutual aid agreements.

253 (g) Ensure appropriate staff reviews staffing policies,
254 classification, and practices as needed.

255 (3)~~(e)~~ Adopt and enforce minimum safety and security
256 standards and policies that include, but are not limited to:

- 257 1. Random monitoring of outgoing telephone calls by
258 inmates.
- 259 2. Maintenance of current photographs of all inmates.
- 260 3. Daily inmate counts at varied intervals.
- 261 4. Use of canine units, where appropriate.
- 262 5. Use of escape alarms and perimeter lighting.
- 263 6. Florida Crime Information Center/National Crime
264 Information Center capabilities.
- 265 7. Employment background investigations.

266 ~~(d) Annually make written prioritized budget~~
267 ~~recommendations to the secretary that identify critical security~~
268 ~~deficiencies at major correctional institutions.~~

269 ~~(e) Investigate and evaluate the usefulness and~~
270 ~~dependability of existing security technology at the~~



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271 ~~institutions and new technology available and make periodic~~
272 ~~written recommendations to the secretary on the discontinuation~~
273 ~~or purchase of various security devices.~~

274 ~~(f) Contract, if deemed necessary, with security personnel,~~
275 ~~consulting engineers, architects, or other security experts the~~
276 ~~committee deems necessary for security audits and security~~
277 ~~consultant services.~~

278 ~~(g) Establish a periodic schedule for conducting announced~~
279 ~~and unannounced escape simulation drills.~~

280 ~~(4)(2)~~ Direct staff to maintain and produce quarterly
281 reports with accurate escape statistics. For the purposes of
282 these reports, "escape" includes all possible types of escape,
283 regardless of prosecution by the state attorney, and including
284 offenders who walk away from nonsecure community facilities.

285 ~~(3) Adopt, enforce, and annually evaluate the emergency~~
286 ~~escape response procedures, which shall at a minimum include the~~
287 ~~immediate notification and inclusion of local and state law~~
288 ~~enforcement through a mutual aid agreement.~~

289 ~~(5)(4)~~ Direct staff to submit in the annual legislative
290 budget request a prioritized summary of critical safety and
291 security deficiencies, and repair and renovation ~~security~~ needs.

292 Section 4. Paragraphs (d) and (e) of subsection (4) of
293 section 944.275, Florida Statutes, are amended to read:

294 944.275 Gain-time.—

295 (4)

296 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
297 ~~2.~~, the education program manager shall recommend, and the
298 Department of Corrections may grant, a one-time award of 60
299 additional days of incentive gain-time to an inmate who is



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300 otherwise eligible and who successfully completes requirements
301 for and is awarded a high school equivalency diploma or
302 vocational certificate. This incentive gain-time award may be
303 granted to reduce any sentence for an offense committed on or
304 after October 1, 1995. However, this gain-time may not be
305 granted to reduce any sentence for an offense committed on or
306 after October 1, 1995, if the inmate is, or has previously been,
307 convicted of a violation of s. 794.011, s. 794.05, former s.
308 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
309 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
310 847.0145, or s. 985.701(1), or a forcible felony offense that is
311 specified in s. 776.08, except burglary as specified in s.
312 810.02(4). An inmate subject to the 85 percent minimum service
313 requirement pursuant to subparagraph (b)3. may not accumulate
314 gain-time awards at any point when the tentative release date is
315 the same as the 85 percent minimum service date of the sentence
316 imposed. Under no circumstances may an inmate receive more than
317 60 days for educational attainment pursuant to this section.

318 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
319 for sentences imposed for offenses committed on or after October
320 1, 2014, the department may not grant incentive gain-time if the
321 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
322 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
323 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

324 Section 5. Section 944.31, Florida Statutes, is amended to
325 read:

326 944.31 Inspector general; inspectors; power and duties.—

327 (1) The inspector general shall be responsible for prison
328 inspection and investigation, internal affairs investigations,



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329 and management reviews. The office of the inspector general
330 shall be charged with the duty of inspecting the penal and
331 correctional systems of the state. The office of the inspector
332 general shall inspect each correctional institution or any place
333 in which state prisoners are housed, worked, or kept within the
334 state, with reference to its physical conditions, cleanliness,
335 sanitation, safety, and comfort; the quality and supply of all
336 bedding; the quality, quantity, and diversity of food served and
337 the manner in which it is served; the number and condition of
338 the prisoners confined therein; and the general conditions of
339 each institution. The office of inspector general shall see that
340 all the rules and regulations issued by the department are
341 strictly observed and followed by all persons connected with the
342 correctional systems of the state. The office of the inspector
343 general shall coordinate and supervise the work of inspectors
344 throughout the state. The inspector general and inspectors may
345 enter any place where prisoners in this state are kept and shall
346 be immediately admitted to such place as they desire and may
347 consult and confer with any prisoner privately and without
348 molestation. The inspector general and inspectors shall be
349 responsible for criminal and administrative investigation of
350 matters relating to the Department of Corrections. The secretary
351 may designate persons within the office of the inspector general
352 as law enforcement officers to conduct any criminal
353 investigation that occurs on property owned or leased by the
354 department or involves matters over which the department has
355 jurisdiction. A person designated as a law enforcement officer
356 must be certified pursuant to s. 943.1395 and must have a
357 minimum of 3 years' experience as an inspector in the inspector



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358 general's office or as a law enforcement officer.

359 (2) The department, after consultation with the Florida
360 Corrections Commission, shall maintain a written memorandum of
361 understanding with the Department of Law Enforcement for the
362 notification and investigation of mutually agreed-upon predicate
363 events that shall include, but are not limited to, suspicious
364 deaths and organized criminal activity. A copy of an active
365 memorandum of understanding shall be provided in a timely manner
366 to the Governor, the President of the Senate, and the Speaker of
367 the House of Representatives.

368 (3) During investigations, the inspector general and
369 inspectors may consult and confer with any prisoner or staff
370 member privately and without molestation and persons designated
371 as law enforcement officers under this section shall have the
372 authority to arrest, with or without a warrant, any prisoner of
373 or visitor to a state correctional institution for a violation
374 of the criminal laws of the state involving an offense
375 classified as a felony that occurs on property owned or leased
376 by the department and may arrest offenders who have escaped or
377 absconded from custody. Persons designated as law enforcement
378 officers have the authority to arrest with or without a warrant
379 a staff member of the department, including any contract
380 employee, for a violation of the criminal laws of the state
381 involving an offense classified as a felony under this chapter
382 or chapter 893 on property owned or leased by the department. A
383 person designated as a law enforcement officer under this
384 section may make arrests of persons against whom arrest warrants
385 have been issued, including arrests of offenders who have
386 escaped or absconded from custody. The arrested person shall be



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387 surrendered without delay to the sheriff of the county in which
388 the arrest is made, with a formal complaint subsequently made
389 against her or him in accordance with law.

390 (4) The inspector general, and inspectors who conduct
391 sexual abuse investigations in confinement settings, shall
392 receive specialized training in conducting such investigations.
393 The department shall be responsible for providing the
394 specialized training. Specialized training shall include, but
395 need not be limited to, techniques for interviewing sexual abuse
396 victims, proper use of Miranda and Garrity warnings, sexual
397 abuse evidence collection in confinement settings, and the
398 criteria and evidence required to substantiate a case for
399 administrative action or prosecution.

400 Section 6. Section 944.331, Florida Statutes, is amended to
401 read:

402 944.331 Inmate grievance procedure.—

403 (1) The department shall establish by rule an inmate
404 grievance procedure, which ~~that~~ must conform to the Minimum
405 Standards for Inmate Grievance Procedures as promulgated by the
406 United States Department of Justice pursuant to 42 U.S.C. s.
407 1997e. The department's office of general counsel shall oversee
408 the grievance procedures established by the department.

409 (2) In establishing grievance procedures, the department
410 shall provide multiple internal avenues for inmates to privately
411 report sexual abuse and sexual harassment and any staff neglect
412 of, or failure to perform, responsibilities which may have
413 contributed to such incidents. The procedures must allow reports
414 to be made in writing by third parties.

415 (3) The department, in consultation with the Correctional



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416 Medical Authority, shall review inmate health care grievance
417 procedures at each correctional institution and private
418 correctional facility to determine the procedural soundness and
419 effectiveness of the current health care grievance process, to
420 identify employees prone to misconduct directly related to the
421 delivery of health care services, and to identify life-
422 threatening inmate health concerns. The review shall determine
423 whether inmate health care grievances are being properly
424 reported, transmitted, and processed; inmates are allowed
425 writing utensils and paper; multiple channels of communication
426 exist to report alleged abuse related to the delivery of health
427 care services; and protocols are being implemented to protect an
428 inmate who filed a grievance concerning the delivery of health
429 care from retaliation for filing a complaint alleging staff
430 misconduct.

431 (4) The department shall review inmate grievance procedures
432 at each correctional institution and private correctional
433 facility to determine the procedural soundness and effectiveness
434 of the current grievance process, to identify employees prone to
435 misconduct, and to identify life-threatening inmate safety
436 concerns. The review shall determine whether inmate grievances
437 are being properly reported, transmitted, and processed; inmates
438 are allowed writing utensils and paper; multiple channels of
439 communication exist to report alleged abuse; and protocols are
440 being implemented to protect an inmate who filed a grievance
441 from retaliation for filing a complaint alleging staff
442 misconduct.

443 (5) Beginning October 1, 2015, the department in
444 consultation with the Correctional Medical Authority shall



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445 annually report, and post to their respective websites, their
446 joint findings. The authority shall document in the report its
447 findings on the effectiveness of inmate health care grievance
448 procedures; cite the number of health care grievances filed by
449 inmates, by institution and by region; specify the types of
450 health care problems alleged by inmates; and summarize the
451 actions taken by the department or the authority as a result of
452 its investigation of inmate health care grievances.

453 Section 7. Section 944.35, Florida Statutes, is amended to
454 read:

455 944.35 Authorized use of force; malicious battery and
456 sexual misconduct prohibited; reporting required; penalties.—

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

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

462 2. To prevent a person from escaping from a state
463 correctional institution when the officer reasonably believes
464 that person is lawfully detained in such institution;

465 3. To prevent damage to property;

466 4. To quell a disturbance;

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

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

470 a. When treatment is necessary to protect the health of
471 other persons, as in the case of contagious or venereal
472 diseases; or

473 b. When treatment is offered in satisfaction of a duty to



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474 protect the inmate against self-inflicted injury or death.

475

476 As part of the correctional officer training program, the
477 Criminal Justice Standards and Training Commission shall develop
478 a course specifically designed to explain the parameters of this
479 subsection and to teach the proper methods and techniques in
480 applying authorized physical force upon an inmate. Effective
481 October 1, 2015, this course shall include specialized training
482 for effectively managing in nonforceful ways mentally ill
483 inmates who may exhibit erratic behavior.

484 (b) Following any use of force, a qualified health care
485 provider shall examine any person physically involved to
486 determine the extent of injury, if any, and shall prepare a
487 report which shall include, but not be limited to, a statement
488 of whether further examination by a physician is necessary. The
489 identity of the qualified health care provider on the report
490 shall be designated by using an employee identification number
491 in lieu of a name and signature. Any noticeable physical injury
492 shall be examined by a physician, and the physician shall
493 prepare a report documenting the extent and probable cause of
494 the injury and the treatment prescribed. Such report shall be
495 completed within 5 working days of the incident and shall be
496 submitted to the warden for appropriate investigation.

497 (c) Each institution shall create and maintain a system to
498 track episodes involving the use of force to determine if
499 inmates require subsequent physical or mental health treatment.

500 (d) No later than October 1 of each year, the department
501 shall post on the agency website a report documenting incidents
502 involving the use of force during the previous fiscal year. The



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503 report shall include, but not be limited to:

504 1. Descriptive statistics on the reason force was used and
505 whether the use of force was deemed appropriate;

506 2. Multi-year statistics documenting annual trends in the
507 use of force;

508 3. Statistical information on the level of inmate or
509 officer injury, including death, in incidents involving the use
510 of force;

511 4. A breakdown, by institution, of statistics on use of
512 force; and

513 5. Statistics on the number of employees who were
514 disciplined or terminated because of their involvement in
515 incidents involving the inappropriate use of force, based on
516 notations of such incidents in their personnel files.

517 (2) Each employee of the department who either applies
518 physical force or was responsible for making the decision to
519 apply physical force upon an inmate or an offender supervised by
520 the department in the community pursuant to this subsection
521 shall prepare, date, and sign under oath an independent report
522 within 1 working day of the incident. The report shall be
523 delivered to the warden or the circuit administrator, who shall
524 forward the report with all appropriate documentation to the
525 office of the inspector general. The inspector general shall
526 conduct a review and make recommendations regarding the
527 appropriateness or inappropriateness of the use of force. If the
528 inspector general finds that the use of force was appropriate,
529 the employee's report, together with the inspector general's
530 written determination of the appropriateness of the force used
531 and the reasons therefor, shall be forwarded to the circuit



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532 administrator or warden upon completion of the review. If the
533 inspector general finds that the use of force was inappropriate,
534 the inspector general shall conduct a complete investigation
535 into the incident and forward the findings of fact to the
536 appropriate regional director for further action. Copies of the
537 employee's report and the inspector general's review shall be
538 kept in the files of the inmate or the offender supervised by
539 the department in the community. A notation of each incident
540 involving use of force and the outcome based on the inspector
541 general's evaluation shall be kept in the employee's file. An
542 employee with two or more notations in the employee's file for
543 inappropriate use of force incidents, as specified in s. 944.35,
544 shall not be assigned to transitional care, crisis
545 stabilization, or corrections mental health treatment facility
546 inmate housing units as defined in Florida Administrative Code.
547 However, an employee with two or more notations in the
548 employee's file who remains free of inappropriate use of force
549 incidents, for a significant period may be permitted to work in
550 the transitional care, crisis stabilization, or corrections
551 mental health treatment facility inmate housing units.

552 (3) (a) 1. Any employee of the department, private provider,
553 or private correctional facility who, with malicious intent,
554 commits a battery upon an inmate or an offender supervised by
555 the department in the community, commits a misdemeanor of the
556 first degree, punishable as provided in s. 775.082 or s.
557 775.083.

558 2. Any employee of the department, private provider, or
559 private correctional facility who, with malicious intent,
560 commits a battery or inflicts cruel or inhuman treatment by



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561 neglect or otherwise, and in so doing causes great bodily harm,
562 permanent disability, or permanent disfigurement to an inmate or
563 an offender supervised by the department in the community,
564 commits a felony of the third degree, punishable as provided in
565 s. 775.082, s. 775.083, or s. 775.084.

566 (b) As used in this paragraph, the term "neglect of an
567 inmate" means:

568 1. A failure or omission on the part of an employee of the
569 department, private provider, or private correctional facility,
570 to:

571 a. Provide an inmate with the care, supervision, and
572 services necessary to maintain the inmate's physical and mental
573 health, including, but not limited to, food, nutrition,
574 clothing, shelter, supervision, medicine, and medical services
575 that a prudent person would consider essential for the well-
576 being of the inmate; or

577 b. Make a reasonable effort to protect an inmate from
578 abuse, neglect, or exploitation by another person.

579 2. A determination of neglect of an inmate may be based on
580 repeated conduct or on a single incident or omission that
581 results in, or could reasonably be expected to result in,
582 serious physical or psychological injury, or a substantial risk
583 of death, to an inmate.

584 3. An employee of the department, private provider, or
585 private correctional facility who willfully or by culpable
586 negligence neglects an inmate and in so doing causes great
587 bodily harm, permanent disability, or permanent disfigurement to
588 the inmate commits a felony of the second degree, punishable as
589 provided in s. 775.082, s. 775.083, or s. 775.084.



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590 4. Any employee of the department, private provider, or
591 private correctional facility who willfully or by culpable
592 negligence neglects an elderly or disabled inmate without
593 causing great bodily harm, permanent disability, or permanent
594 disfigurement to the inmate commits a felony of the third
595 degree, punishable as provided in s. 775.082, s. 775.083, or s.
596 775.084.

597 (c) ~~(b)~~1. As used in this paragraph, the term "sexual
598 misconduct" means the oral, anal, or vaginal penetration by, or
599 union with, the sexual organ of another or the anal or vaginal
600 penetration of another by any other object, but does not include
601 an act done for a bona fide medical purpose or an internal
602 search conducted in the lawful performance of the employee's
603 duty.

604 2. Any employee of the department or a private correctional
605 facility as defined in s. 944.710 who engages in sexual
606 misconduct with an inmate or an offender supervised by the
607 department in the community, without committing the crime of
608 sexual battery, commits a felony of the third degree, punishable
609 as provided in s. 775.082, s. 775.083, or s. 775.084.

610 3. The consent of the inmate or offender supervised by the
611 department in the community to any act of sexual misconduct may
612 not be raised as a defense to a prosecution under this
613 paragraph.

614 4. This paragraph does not apply to any employee of the
615 department or any employee of a private correctional facility
616 who is legally married to an inmate or an offender supervised by
617 the department in the community, nor does it apply to any
618 employee who has no knowledge, and would have no reason to



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619 believe, that the person with whom the employee has engaged in
620 sexual misconduct is an inmate or an offender under community
621 supervision of the department.

622 (d)~~(e)~~ Notwithstanding prosecution, any violation of the
623 provisions of this subsection, as determined by the Public
624 Employees Relations Commission, shall constitute sufficient
625 cause under s. 110.227 for dismissal from employment with the
626 department, and such person shall not again be employed in any
627 capacity in connection with the correctional system.

628 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
629 to suspect, that an inmate or an offender under the supervision
630 of the department in the community has been unlawfully abused or
631 is the subject of sexual misconduct pursuant to this subsection
632 shall immediately prepare, date, and sign an independent report
633 specifically describing the nature of the force used or the
634 nature of the sexual misconduct, the location and time of the
635 incident, and the persons involved. The report shall be
636 delivered to the inspector general of the department with a copy
637 to be delivered to the warden of the institution or the regional
638 administrator. The inspector general shall immediately conduct
639 an appropriate investigation, and, if probable cause is
640 determined that a violation of this subsection has occurred, the
641 respective state attorney in the circuit in which the incident
642 occurred shall be notified.

643 (f) If an employee of the department, private provider, or
644 private correctional facility who witnesses unlawful abuse or
645 neglect or has reasonable cause to suspect that an inmate has
646 been unlawfully abused or neglected, as the term "neglected" is
647 defined in paragraph (b), fears retaliation by coworkers or



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648 supervisors if he or she submits a report as provided in
649 paragraph (e), the employee may anonymously and confidentially
650 report the inmate abuse or neglect directly to the department's
651 Office of Inspector General.

652 (4) (a) Any employee required to report pursuant to this
653 section who knowingly or willfully fails to do so, or who
654 knowingly or willfully prevents another person from doing so,
655 commits a misdemeanor of the first degree, punishable as
656 provided in s. 775.082 or s. 775.083.

657 (b) Any person who knowingly or willfully submits
658 inaccurate, incomplete, or untruthful information with regard to
659 reports required in this section commits a misdemeanor of the
660 first degree, punishable as provided in s. 775.082 or s.
661 775.083.

662 (c) Any person who knowingly or willfully coerces or
663 threatens any other person with the intent to alter either
664 testimony or a written report regarding an incident where force
665 was used or an incident of sexual misconduct commits a felony of
666 the third degree, punishable as provided in s. 775.082, s.
667 775.083, or s. 775.084.

668
669 As part of the correctional officer training program, the
670 Criminal Justice Standards and Training Commission shall develop
671 course materials for inclusion in the appropriate required
672 course specifically designed to explain the parameters of this
673 subsection, teach communication techniques related to crisis
674 stabilization to avoid the use of force, and ~~to~~ teach sexual
675 assault identification and prevention methods and techniques.

676 (5) The department shall establish a policy to protect from



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677 retaliation inmates and employees who report physical or sexual
678 abuse. This policy shall establish multiple protective measures
679 for both inmates and employees relating to the reporting of
680 abuse as well as designate a method of monitoring follow up.

681 (6) The department shall establish a usage and inventory
682 policy to track, by institution, the use of chemical agents and
683 the disposal of expired, used, or damaged canisters of chemical
684 agents. The policy shall include, but not be limited to, a
685 requirement that a numbered seal be affixed to each chemical
686 agent canister in such a manner that the canister cannot be
687 removed from the carrier without breaking the seal. All
688 canisters in the carriers will be checked out at the beginning
689 of each shift and checked back in at the end of the shift. The
690 shift supervisor should be charged with verifying the condition
691 of the numbered seals and periodically weighing random canisters
692 to insure that they have not been used without the required
693 documentation.

694 Section 8. Section 944.8041, Florida Statutes, is amended
695 to read:

696 944.8041 Elderly offenders; annual review.—

697 (1) For the purpose of providing information to the
698 Legislature on elderly offenders within the correctional system,
699 the department and the Correctional Medical Authority shall each
700 submit annually a report on the status and treatment of elderly
701 offenders in the state-administered and private state
702 correctional systems and the department's geriatric facilities
703 and dorms. In order to adequately prepare the reports, the
704 department and the Department of Management Services shall grant
705 access to the Correctional Medical Authority that includes



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706 access to the facilities, offenders, and any information the
707 agencies require to complete their reports. The review shall
708 also include an examination of promising geriatric policies,
709 practices, and programs currently implemented in other
710 correctional systems within the United States. The reports, with
711 specific findings and recommendations for implementation, shall
712 be submitted to the President of the Senate and the Speaker of
713 the House of Representatives on or before December 31 of each
714 year.

715 (2) The department, in producing the annual report required
716 under s. 20.315, shall report the cost of health care provided
717 to elderly inmates. The report shall include, but need not be
718 limited to, the average cost per year to incarcerate an elderly
719 inmate and the types of health care delivered to elderly inmates
720 which result in the highest expenditures.

721 Section 9. Section 944.805, Florida Statutes, is created to
722 read:

723 944.805 Veterans programs in state and private correctional
724 institutions.-

725 (1) The Legislature finds and declares that specialized
726 programs for veterans offered in state and private correctional
727 institutions have the potential to facilitate inmate
728 institutional adjustment, help inmates assume personal
729 responsibility, and ease community reentry through the
730 availability of expanded community resources. For the purposes
731 of this section, the term "veteran" has the same meaning as it
732 is defined in s. 1.01(14).

733 (2) It is the intent of the Legislature that the department
734 expand the use of specialized dormitories for veterans. It is



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735 also the intent of the Legislature that veterans housed in state
736 and private correctional institutions be provided special
737 assistance before their release by identifying benefits and
738 services available in the community where the veteran plans to
739 reside.

740 (3) The department shall measure recidivism rates for
741 veterans who have participated in specialized dormitories and
742 for veterans who have received special assistance in community
743 reentry. The findings shall be included in the annual report
744 required under s. 20.315.

745 Section 10. Effective upon SB 540 or similar legislation
746 creating the "State Operated Institutions Inmate Welfare Trust
747 Fund" being adopted in the 2015 Regular Session or an extension
748 thereof and becoming law, subsection (1) of section 945.215,
749 Florida Statutes, is amended, present subsections (2) and (3)
750 are redesignated as subsections (3) and (4), respectively, and a
751 new subsection (2) is added to that section to read:

752 945.215 Inmate welfare and employee benefit trust funds.—

753 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE
754 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

755 (a) The ~~From the~~ net proceeds from operating inmate
756 canteens, vending machines used primarily by inmates and
757 visitors, hobby shops, and other such facilities must be
758 deposited in the State Operated Institutions Inmate Welfare
759 Trust Fund or, as set forth in this section, in the General
760 Revenue Fund; however, funds necessary to purchase items for
761 resale at inmate canteens and vending machines must be deposited
762 into local bank accounts designated by the department.

763 (b) All proceeds from contracted telephone commissions must



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764 be deposited in the State Operated Institutions Inmate Welfare
765 Trust Fund or, as set forth in this section, in the General
766 Revenue Fund. The department shall develop and update, as
767 necessary, administrative procedures to verify that:

768 1. Contracted telephone companies accurately record and
769 report all telephone calls made by inmates incarcerated in
770 correctional facilities under the department's jurisdiction;

771 2. Persons who accept collect calls from inmates are
772 charged the contracted rate; and

773 3. The department receives the contracted telephone
774 commissions.

775 (c) Any funds that may be assigned by inmates or donated to
776 the department by the general public or an inmate service
777 organization must be deposited in the State Operated
778 Institutions Inmate Welfare Trust Fund or, as set forth in this
779 section, in the General Revenue Fund; however, the department
780 shall not accept any donation from, or on behalf of, any
781 individual inmate.

782 (d) All proceeds from the following sources must be
783 deposited in the State Operated Institutions Inmate Welfare
784 Trust Fund or, as set forth in this section, in the General
785 Revenue Fund:

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

788 2. Disciplinary fines imposed against inmates;

789 3. Forfeitures of inmate earnings; and

790 4. Unexpended balances in individual inmate trust fund
791 accounts of less than \$1.

792 (e) Items for resale at inmate canteens and vending



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793 machines maintained at the correctional facilities shall be
794 priced comparatively with like items for retail sale at fair
795 market prices.

796 (f) Notwithstanding any other provision of law, inmates
797 with sufficient balances in their individual inmate bank trust
798 fund accounts, after all debts against the account are
799 satisfied, shall be allowed to request a weekly draw of up to an
800 amount set by the Secretary of Corrections, not to exceed \$100,
801 to be expended for personal use on canteen and vending machine
802 items.

803 (2) (a) The State Operated Institutions Inmate Welfare Trust
804 Fund constitutes a trust held by the department for the benefit
805 and welfare of inmates incarcerated in correctional facilities
806 operated directly by the department.

807 (b) Deposits into the State Operated Institutions Inmate
808 Welfare Trust Fund shall not exceed a total of \$5 million in any
809 fiscal year. Any proceeds or funds that would cause deposits
810 into the State Operated Institutions Inmate Welfare Trust Fund to
811 exceed this restriction shall be deposited into the General
812 Revenue Fund.

813 (c) Funds in the State Operated Institutions Inmate Welfare
814 Trust Fund shall be used exclusively for the following purposes
815 at correctional facilities operated by the department:

816 1. To provide literacy programs, vocational training
817 programs, and educational programs;

818 2. To operate inmate chapels, faith-based programs,
819 visiting pavilions, visiting services and programs, family
820 services and programs, and libraries;

821 3. To provide inmate substance abuse treatment programs and



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822 transition and life skills training programs;

823 4. To provide for the purchase, rental, maintenance or
824 repair of electronic or audio visual equipment used by inmates;
825 or

826 5. To provide for the purchase, rental, maintenance or
827 repair of recreation and wellness equipment.

828 6. To provide for the purchase, rental, maintenance, or
829 repair of bicycles used by inmates traveling to and from
830 employment in the work-release program authorized in s.
831 945.091(1)(b).

832 (d) Funds in the State Operated Institutions Inmate Welfare
833 Trust Fund shall be expended only pursuant to legislative
834 appropriation.

835 (e) The department shall annually compile a report that
836 specifically documents State Operated Institutions Inmate
837 Welfare Trust Fund receipts and expenditures. This report shall
838 be compiled at both the statewide and institutional levels. The
839 department must submit this report for the previous fiscal year
840 by September 1 of each year to the chairs of the appropriate
841 substantive and fiscal committees of the Senate and the House of
842 Representatives and to the Executive Office of the Governor.

843 (f) Funds in the State Operated Institutions Inmate Welfare
844 Trust Fund or any other fund may not be used to purchase weight-
845 training equipment.

846 Section 11. Subsection (7) is added to section 945.48,
847 Florida Statutes, to read:

848 945.48 Rights of inmates provided mental health treatment;
849 procedure for involuntary treatment; correctional officer
850 staffing requirements.-



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851 (7) CORRECTIONAL OFFICER STAFFING.—A correctional officer
852 who has close contact with inmates housed in a mental health
853 treatment facility shall annually complete training in crisis
854 intervention. An employee with two or more notations in the
855 employee's file for inappropriate use of force incidents, as
856 specified in s. 944.35, may not be assigned to transitional
857 care, crisis stabilization, or corrections mental health
858 treatment facility inmate housing units as defined in Florida
859 Administrative Code. However, an employee with two or more
860 notations in the employee's file who remains free of
861 inappropriate use of force incidents, for a significant period
862 may be permitted to work in the transitional care, crisis
863 stabilization, or corrections mental health treatment facility
864 inmate housing units.

865 Section 12. Subsection (2) of section 945.6031, Florida
866 Statutes, is amended to read:

867 945.6031 Required reports and surveys.—

868 (2) The authority shall conduct surveys of the physical and
869 mental health care system at each correctional institution at
870 least every 18 months ~~triennially~~ and shall report the survey
871 findings for each institution to the Secretary of Corrections.

872 Section 13. Section 945.6033, Florida Statutes, is amended
873 to read:

874 945.6033 Continuing contracts with health care providers.—

875 (1) The Department of Corrections may enter into continuing
876 contracts with licensed health care providers, including
877 hospitals and health maintenance organizations, for the
878 provision of inmate health care services which the department is
879 unable to provide in its facilities.



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880 (2) The Department of Corrections, in negotiating contracts
881 for the delivery of inmate health care, shall only enter into
882 contracts which contain damage provisions.

883 Section 14. Subsection (1) of section 945.6034, Florida
884 Statutes, is amended to read:

885 945.6034 Minimum health care standards.—

886 (1) The Assistant Secretary for Health Services is
887 responsible for developing a comprehensive health care delivery
888 system and promulgating all department health care standards.
889 Such health care standards shall include, but are not limited
890 to, rules relating to the management structure of the health
891 care system and the provision of health care services to
892 inmates, health care policies, health care plans, quality
893 management systems and procedures, health service bulletins, and
894 treatment protocols. In establishing standards of care, the
895 department shall examine and consider the needs of inmates over
896 50 years of age and adopt health care standards unique to this
897 population.

898 Section 15. Section 945.6039, Florida Statutes, is created
899 to read:

900 945.6039 Independent Medical Evaluations and Examinations.—

901 (1) The department shall promulgate rules and permit an
902 inmate's family member, lawyer, or interested party to hire and
903 pay for an independent medical evaluation or examination by a
904 medical professional of an incarcerated inmate. The results of
905 the medical evaluation or examination shall be provided to the
906 department and to the Commission on Offender Review. The purpose
907 of these outside evaluations is to assist in the delivery of
908 medical care to the inmate and to assist the Commission on



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909 Offender Review in considering an inmate for conditional medical
910 release. Inmates at all department facilities and the contracted
911 private correctional facilities are eligible for consideration
912 to arrange for these medical evaluations. The department's
913 contracted private health care providers may also provide such
914 medical evaluations. The department, the private correctional
915 facilities, and private health care providers shall provide
916 reasonable and timely access to the inmate once a family member,
917 lawyer, or interested party provides a written request for
918 access.

919 Section 16. Present paragraphs (a) and (b) of subsection
920 (1) of section 947.149, Florida Statutes, are redesignated as
921 paragraphs (b) and (c), respectively, and a new paragraph (a) is
922 added to that subsection, to read:

923 947.149 Conditional medical release.—

924 (1) The commission shall, in conjunction with the
925 department, establish the conditional medical release program.
926 An inmate is eligible for consideration for release under the
927 conditional medical release program when the inmate, because of
928 an existing medical or physical condition, is determined by the
929 department to be within one of the following designations:

930 (a) "Elderly and infirm inmate," which means an inmate who
931 has no current or prior convictions for capital or first degree
932 felonies, who has no current or prior convictions for sexual
933 offenses or offenses against children, who is over 70 years of
934 age, and who has a condition caused by injury, disease, or
935 illness which, to a reasonable degree of medical certainty,
936 renders the inmate infirm or physically impaired to the extent
937 that the inmate does not constitute a danger to himself or



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938 herself or others.

939 Section 17. Paragraph (c) of subsection (7) of section
940 921.0021, Florida Statutes, is amended to read:

941 921.0021 Definitions.—As used in this chapter, for any
942 felony offense, except any capital felony, committed on or after
943 October 1, 1998, the term:

944 (7)

945 (c) The sentence points provided under s. 921.0024 for
946 sexual contact or sexual penetration may not be assessed for a
947 violation of s. 944.35(3)(c)2. ~~s. 944.35(3)(b)2.~~

948 Section 18. Subsection (5) of section 948.10, Florida
949 Statutes, is amended to read:

950 948.10 Community control programs.—

951 (5) In its annual report to the Governor, the President of
952 the Senate, and the Speaker of the House of Representatives
953 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
954 detailed analysis of the community control program and the
955 department's specific efforts to protect the public from
956 offenders placed on community control. The analysis must
957 include, but need not be limited to, specific information on the
958 department's ability to meet minimum officer-to-offender contact
959 standards, the number of crimes committed by offenders on
960 community control, and the level of community supervision
961 provided.

962 Section 19. Subsection (1) of section 951.221, Florida
963 Statutes, is amended to read:

964 951.221 Sexual misconduct between detention facility
965 employees and inmates; penalties.—

966 (1) Any employee of a county or municipal detention



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967 facility or of a private detention facility under contract with
968 a county commission who engages in sexual misconduct, as defined
969 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
970 offender supervised by the facility without committing the crime
971 of sexual battery commits a felony of the third degree,
972 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
973 The consent of an inmate to any act of sexual misconduct may not
974 be raised as a defense to prosecution under this section.

975 Section 20. Paragraph (uu) of subsection (2) of s. 435.04
976 and paragraph (f) of subsection (3) of s. 921.0022, Florida
977 Statutes, are reenacted for the purpose of incorporating the
978 amendment made by this act to s. 944.35, Florida Statutes, in
979 references thereto.

980 Section 21. Subsection (1) of s. 944.72, subsection (1) of
981 s. 945.21501, and s. 945.2151, Florida Statutes, are reenacted
982 for the purpose of incorporating the amendment made by this act
983 to s. 945.215, Florida Statutes, in references thereto.

984 Section 22. Subsection (6) of s. 945.6035, Florida Statutes,
985 is reenacted for the purpose of incorporating the amendment made
986 by this act to s. 945.6031, Florida Statutes, in a reference
987 thereto.

988 Section 23. Except as otherwise provided in this act, this
989 act shall take effect July 1, 2015.

990
991 ===== T I T L E A M E N D M E N T =====
992 And the title is amended as follows:

993 Delete everything before the enacting clause
994 and insert:

995 A bill to be entitled



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996 An act relating to corrections; amending s. 20.315,
997 F.S.; revising the method of appointment for the
998 Secretary of Corrections; creating the Florida
999 Corrections Commission within the department;
1000 providing for membership and terms of appointment for
1001 commission members; prescribing duties and
1002 responsibilities of the commission; prohibiting the
1003 commission from entering into the department's
1004 operation; establishing meeting and notice
1005 requirements; requiring the commission to appoint an
1006 executive director; authorizing reimbursement of per
1007 diem and travel expenses for commission members;
1008 prohibiting certain conflicts of interest among
1009 commission members; providing for applicability;
1010 amending s. 216.136, F.S.; requiring the Criminal
1011 Justice Estimating Conference to develop projections
1012 of prison admissions and populations for elderly
1013 felony offenders; amending s. 944.151, F.S.; expanding
1014 the department's security review committee functions;
1015 ensuring physical inspections of state and private
1016 buildings and structures and prioritizing institutions
1017 for inspection that meet certain criteria; amending s.
1018 944.275, F.S.; prohibiting an inmate from receiving
1019 incentive gain-time credits for completing the
1020 requirements for and receiving a general educational
1021 development certificate or vocational certificate if
1022 the inmate was convicted of a specified offense on or
1023 after a specified date; amending s. 944.31, F.S.;
1024 requiring that a copy of a written memorandum of



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1025 understanding for notification and investigation of
1026 certain events between the Department of Corrections
1027 and the Department of Law Enforcement be provided in a
1028 timely manner to the Governor, the President of the
1029 Senate, and the Speaker of the House of
1030 Representatives; requiring specialized training in
1031 certain circumstances; amending s. 944.331, F.S.;
1032 requiring the Department of Corrections to provide
1033 multiple private, internal avenues for the reporting
1034 by inmates of sexual abuse and sexual harassment;
1035 requiring the department, in consultation with the
1036 Correctional Medical Authority, to review inmate
1037 health care grievance procedures at each correctional
1038 institution and private correctional facility;
1039 requiring the department to review inmate grievance
1040 procedures at each correctional institution and
1041 private correctional facility; amending s. 944.35,
1042 F.S.; requiring that correctional officers have
1043 specialized training in the effective, nonforceful
1044 management of mentally ill inmates who may exhibit
1045 erratic behavior; requiring each institution to create
1046 and maintain a system to track the use of force
1047 episodes to determine if inmates need subsequent
1048 physical or mental health treatment; requiring annual
1049 reporting of use of force on the agency website;
1050 requiring that reports of physical force be signed
1051 under oath; prohibiting employees with notations
1052 regarding incidents involving the inappropriate use of
1053 force from being assigned to transitional care, crisis



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1054 stabilization, or corrections mental health treatment
1055 facility housing; providing an exception; expanding
1056 applicability of a current felony offense to include
1057 certain employees of private providers and private
1058 correctional facilities; defining the term "neglect of
1059 an inmate"; providing for the determination of neglect
1060 of an inmate; creating criminal penalties for certain
1061 employees who neglect an inmate in specified
1062 circumstances; providing for anonymous reporting of
1063 inmate abuse directly to the department's Office of
1064 Inspector General; requiring that instruction on
1065 communication techniques related to crisis
1066 stabilization to avoid use of force be included in the
1067 correctional officer training program; directing the
1068 department to establish policies to protect inmates
1069 and employees from retaliation; requiring the
1070 department to establish policies relating to the use
1071 of chemical agents; amending s. 944.8041, F.S.;
1072 requiring the department to report health care costs
1073 for elderly inmates in its annual report; creating s.
1074 944.805, F.S.; providing legislative intent relating
1075 to specialized programs for veterans; requiring the
1076 department to measure recidivism and report its
1077 finding in that regard; amending s. 945.215, F.S.;
1078 requiring that specified proceeds and certain funds be
1079 deposited in the State Operated Institutions Inmate
1080 Welfare Trust Fund; providing that the State Operated
1081 Institutions Inmate Welfare Trust Fund is a trust held
1082 by the Department of Corrections for the benefit and



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1083 welfare of certain inmates; prohibiting deposits into
1084 the trust fund from exceeding \$5 million per fiscal
1085 year; requiring that deposits in excess of that amount
1086 be deposited into the General Revenue Fund; requiring
1087 that funds of the trust fund be used exclusively for
1088 specified purposes at correctional facilities operated
1089 by the department; requiring that funds from the trust
1090 fund only be expended pursuant to legislative
1091 appropriations; requiring the department to annually
1092 compile a report, at the statewide and institutional
1093 level documenting trust fund receipts and
1094 expenditures; requiring the report be submitted by
1095 September 1 for the previous fiscal year to specified
1096 offices of the Legislature and to the Executive Office
1097 of the Governor; prohibiting the purchase of weight-
1098 training equipment; providing a contingent effective
1099 date; amending s. 945.48, F.S.; specifying
1100 correctional officer staffing requirements pertaining
1101 to inmates housed in mental health treatment
1102 facilities; amending s. 945.6031, F.S.; changing the
1103 frequency of required surveys; amending s. 945.6033,
1104 F.S.; provides for damages in inmate health care
1105 contracts; amending s. 945.6034, F.S.; requiring the
1106 department to consider the needs of inmates over 50
1107 years of age and adopt health care standards for that
1108 population; creating s. 945.6039; F.S.; allowing an
1109 inmate's family, lawyer, and other interested parties
1110 to hire and pay for an independent medical evaluation;
1111 specifying the purpose for outside evaluations;



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1112 requiring the department to provide reasonable and
1113 timely access to the inmate; amending s. 947.149,
1114 F.S.; defining the term "elderly and infirm inmate";
1115 expanding eligibility for conditional medical release
1116 to include elderly and infirm inmates; amending ss.
1117 921.0021, 948.10, and 951.221. F.S.; conforming cross-
1118 references to changes made by the act; providing for
1119 applicability; reenacting ss. 435.04(2)(uu) and
1120 921.0022(3)(f), F.S., to incorporate the amendment
1121 made to s. 944.35, F.S., in references thereto;
1122 reenacting ss. 944.72(1), 945.21501(1), and 945.2151,
1123 F.S., to incorporate the amendment made to s. 945.215,
1124 F.S., in references thereto; reenacting s.
1125 945.6035(6), F.S., to incorporate the amendment made
1126 to s. 945.6031, F.S., in a reference thereto;
1127 providing effective dates.