



459704

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/13/2015	.	
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The Committee on Criminal Justice (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 116 - 749

and insert:

Section 2. Section 944.151, Florida Statutes, is amended to read:

944.151 Safety and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and



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11 facilities. The safe operation and security of the state's  
12 correctional institutions and facilities is critical to ensure  
13 public safety and the safety of department employees and  
14 offenders and to contain violent and chronic offenders until  
15 offenders are otherwise released from the department's custody  
16 pursuant to law. The Secretary of Corrections shall, at a  
17 minimum:

18 (1) Appoint and designate select staff to the a safety and  
19 security review committee which shall, at a minimum, be composed  
20 of: the inspector general, the statewide security coordinator,  
21 the regional security coordinators, and three wardens and one  
22 correctional officer. The safety and security review committee  
23 shall evaluate new safety and security technology; review and  
24 discuss issues impacting correctional facilities; review and  
25 discuss current issues impacting correctional facilities; and  
26 review and discuss other issues as requested by management.†

27 ~~(a) Establish a periodic schedule for the physical~~  
28 ~~inspection of buildings and structures of each state and private~~  
29 ~~correctional institution to determine security deficiencies. In~~  
30 ~~scheduling the inspections, priority shall be given to older~~  
31 ~~institutions, institutions that house a large proportion of~~  
32 ~~violent offenders, and institutions that have experienced a~~  
33 ~~significant number of escapes or escape attempts in the past.~~

34 (2) Ensure that appropriate staff establishes a periodic  
35 schedule for the physical inspection of buildings and structures  
36 of each state and private correctional institution and facility  
37 to determine safety and security deficiencies. In scheduling the  
38 inspections, priority shall be given to older institutions,  
39 institutions that house a large proportion of violent offenders,



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40 institutions with a high level of inappropriate incidents of use  
41 of force on inmates, assaults on employees, or inmate sexual  
42 abuse, and institutions that have experienced a significant  
43 number of escapes or escape attempts in the past.

44 (a) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or  
45 causes ~~cause~~ to be conducted announced and unannounced  
46 comprehensive safety and security audits of all state and  
47 private correctional institutions. These audits shall give  
48 priority to those institutions with a high level of  
49 inappropriate incidents of use of force on inmates, assaults on  
50 employees, or inmate sexual abuse. In conducting the security  
51 audits, priority shall be given to older institutions,  
52 institutions that house a large proportion of violent offenders,  
53 and institutions that have experienced a history of escapes or  
54 escape attempts. At a minimum, the audit shall include an  
55 evaluation of the physical plant, which shall include the  
56 identification of blind spots or areas where staff or inmates  
57 may be isolated and the deployment of video monitoring systems  
58 and other monitoring technologies in such areas, landscaping,  
59 fencing, security alarms and perimeter lighting, confinement,  
60 arsenal, key and lock, and entrance/exit and inmate  
61 classification and staffing policies. Each correctional  
62 institution shall be audited at least annually. The secretary  
63 shall

64 (b) Report the general survey findings annually to the  
65 Governor and the Legislature.

66 (c) Ensure appropriate staff investigates and evaluates the  
67 usefulness and dependability of existing safety and security  
68 technology at the institutions and new technology and video



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69 monitoring systems available and make periodic written  
70 recommendations to the secretary on the discontinuation or  
71 purchase of various safety and security devices.

72 (d) Contract, if deemed necessary, with security personnel,  
73 consulting engineers, architects, or other safety and security  
74 experts the department deems necessary for safety and security  
75 consultant services.

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

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

83 (g) Ensure appropriate staff reviews staffing policies and  
84 practices as needed.

85 (3)-(e) Adopt and enforce minimum safety and security  
86 standards and policies that include, but are not limited to:

87 1. Random monitoring of outgoing telephone calls by  
88 inmates.

89 2. Maintenance of current photographs of all inmates.

90 3. Daily inmate counts at varied intervals.

91 4. Use of canine units, where appropriate.

92 5. Use of escape alarms and perimeter lighting.

93 6. Florida Crime Information Center/National Crime  
94 Information Center capabilities.

95 7. Employment background investigations.

96 ~~(d) Annually make written prioritized budget~~  
97 ~~recommendations to the secretary that identify critical security~~



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98 ~~deficiencies at major correctional institutions.~~

99 ~~(c) Investigate and evaluate the usefulness and~~  
100 ~~dependability of existing security technology at the~~  
101 ~~institutions and new technology available and make periodic~~  
102 ~~written recommendations to the secretary on the discontinuation~~  
103 ~~or purchase of various security devices.~~

104 ~~(f) Contract, if deemed necessary, with security personnel,~~  
105 ~~consulting engineers, architects, or other security experts the~~  
106 ~~committee deems necessary for security audits and security~~  
107 ~~consultant services.~~

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

110 ~~(4)(2) Direct staff to maintain and produce quarterly~~  
111 ~~reports with accurate escape statistics. For the purposes of~~  
112 ~~these reports, "escape" includes all possible types of escape,~~  
113 ~~regardless of prosecution by the state attorney, and including~~  
114 ~~offenders who walk away from nonsecure community facilities.~~

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

119 ~~(5)(4) Direct staff to submit in the annual legislative~~  
120 ~~budget request a prioritized summary of critical safety and~~  
121 ~~security deficiencies, and repair and renovation security needs.~~

122 Section 3. Paragraphs (d) and (e) of subsection (4) of  
123 section 944.275, Florida Statutes, are amended to read:

124 944.275 Gain-time.—

125 (4)

126 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~



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127 ~~2.~~, the education program manager shall recommend, and the  
128 Department of Corrections may grant, a one-time award of 60  
129 additional days of incentive gain-time to an inmate who is  
130 otherwise eligible and who successfully completes requirements  
131 for and is awarded a high school equivalency diploma or  
132 vocational certificate. This incentive gain-time award may be  
133 granted to reduce any sentence for an offense committed on or  
134 after October 1, 1995. However, this gain-time may not be  
135 granted to reduce any sentence for an offense committed on or  
136 after October 1, 1995, if the inmate is, or has previously been,  
137 convicted of a violation of s. 794.011, s. 794.05, former s.  
138 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.  
139 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.  
140 847.0145, or s. 985.701(1), or a forcible felony offense that is  
141 specified in s. 776.08, except burglary as specified in s.  
142 810.02(4). An inmate subject to the 85 percent minimum service  
143 requirement pursuant to subparagraph (b)3. may not accumulate  
144 gain-time awards at any point when the tentative release date is  
145 the same as the 85 percent minimum service date of the sentence  
146 imposed. Under no circumstances may an inmate receive more than  
147 60 days for educational attainment pursuant to this section.

148 (e) Notwithstanding subparagraph (b)3. and paragraph (d),  
149 for sentences imposed for offenses committed on or after October  
150 1, 2014, the department may not grant incentive gain-time if the  
151 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.  
152 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.  
153 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

154 Section 4. Section 944.31, Florida Statutes, is amended to  
155 read:



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156 944.31 Inspector general; inspectors; power and duties.—

157 (1) The inspector general shall be responsible for prison  
158 inspection and investigation, internal affairs investigations,  
159 and management reviews. The office of the inspector general  
160 shall be charged with the duty of inspecting the penal and  
161 correctional systems of the state. The office of the inspector  
162 general shall inspect each correctional institution or any place  
163 in which state prisoners are housed, worked, or kept within the  
164 state, with reference to its physical conditions, cleanliness,  
165 sanitation, safety, and comfort; the quality and supply of all  
166 bedding; the quality, quantity, and diversity of food served and  
167 the manner in which it is served; the number and condition of  
168 the prisoners confined therein; and the general conditions of  
169 each institution. The office of inspector general shall see that  
170 all the rules and regulations issued by the department are  
171 strictly observed and followed by all persons connected with the  
172 correctional systems of the state. The office of the inspector  
173 general shall coordinate and supervise the work of inspectors  
174 throughout the state. The inspector general and inspectors may  
175 enter any place where prisoners in this state are kept and shall  
176 be immediately admitted to such place as they desire and may  
177 consult and confer with any prisoner privately and without  
178 molestation. The inspector general and inspectors shall be  
179 responsible for criminal and administrative investigation of  
180 matters relating to the Department of Corrections. The secretary  
181 may designate persons within the office of the inspector general  
182 as law enforcement officers to conduct any criminal  
183 investigation that occurs on property owned or leased by the  
184 department or involves matters over which the department has



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185 jurisdiction. A person designated as a law enforcement officer  
186 must be certified pursuant to s. 943.1395 and must have a  
187 minimum of 3 years' experience as an inspector in the inspector  
188 general's office or as a law enforcement officer.

189       (2) The department shall maintain a written memorandum of  
190 understanding with the Department of Law Enforcement for the  
191 notification and investigation of mutually agreed-upon predicate  
192 events that shall include, but are not limited to, suspicious  
193 deaths and organized criminal activity. A copy of an active  
194 memorandum of understanding shall be provided in a timely manner  
195 to the Governor, the President of the Senate, and the Speaker of  
196 the House of Representatives.

197       (3) During investigations, the inspector general and  
198 inspectors may consult and confer with any prisoner or staff  
199 member privately and without molestation and persons designated  
200 as law enforcement officers under this section shall have the  
201 authority to arrest, with or without a warrant, any prisoner of  
202 or visitor to a state correctional institution for a violation  
203 of the criminal laws of the state involving an offense  
204 classified as a felony that occurs on property owned or leased  
205 by the department and may arrest offenders who have escaped or  
206 absconded from custody. Persons designated as law enforcement  
207 officers have the authority to arrest with or without a warrant  
208 a staff member of the department, including any contract  
209 employee, for a violation of the criminal laws of the state  
210 involving an offense classified as a felony under this chapter  
211 or chapter 893 on property owned or leased by the department. A  
212 person designated as a law enforcement officer under this  
213 section may make arrests of persons against whom arrest warrants





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214 have been issued, including arrests of offenders who have  
215 escaped or absconded from custody. The arrested person shall be  
216 surrendered without delay to the sheriff of the county in which  
217 the arrest is made, with a formal complaint subsequently made  
218 against her or him in accordance with law.

219 (4) The inspector general, and inspectors who conduct  
220 sexual abuse investigations in confinement settings, shall  
221 receive specialized training in conducting such investigations.  
222 The department shall be responsible for providing the  
223 specialized training. Specialized training shall include, but  
224 need not be limited to, techniques for interviewing sexual abuse  
225 victims, proper use of Miranda and Garrity warnings, sexual  
226 abuse evidence collection in confinement settings, and the  
227 criteria and evidence required to substantiate a case for  
228 administrative action or prosecution.

229 Section 5. Section 944.331, Florida Statutes, is amended to  
230 read:

231 944.331 Inmate grievance procedure.—

232 (1) The department shall establish by rule an inmate  
233 grievance procedure, which ~~that~~ must conform to the Minimum  
234 Standards for Inmate Grievance Procedures as promulgated by the  
235 United States Department of Justice pursuant to 42 U.S.C. s.  
236 1997e. The department's office of general counsel shall oversee  
237 the grievance procedures established by the department.

238 (2) In establishing grievance procedures, the department  
239 shall provide multiple internal avenues for inmates to privately  
240 report sexual abuse and sexual harassment and any staff neglect  
241 of, or failure to perform, responsibilities which may have  
242 contributed to such incidents. The procedures must allow reports



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243 to be made in writing by third parties.

244 (3) The department, in consultation with the Correctional  
245 Medical Authority, shall review inmate health care grievance  
246 procedures at each correctional institution and private  
247 correctional facility to determine the procedural soundness and  
248 effectiveness of the current health care grievance process, to  
249 identify employees prone to misconduct directly related to the  
250 delivery of health care services, and to identify life-  
251 threatening inmate health concerns. The review shall determine  
252 whether inmate health care grievances are being properly  
253 reported, transmitted, and processed; inmates are allowed  
254 writing utensils and paper; multiple channels of communication  
255 exist to report alleged abuse related to the delivery of health  
256 care services; and protocols are being implemented to protect an  
257 inmate who filed a grievance concerning the delivery of health  
258 care from retaliation for filing a complaint alleging staff  
259 misconduct.

260 (4) The department shall review inmate grievance procedures  
261 at each correctional institution and private correctional  
262 facility to determine the procedural soundness and effectiveness  
263 of the current grievance process, to identify employees prone to  
264 misconduct, and to identify life-threatening inmate safety  
265 concerns. The review shall determine whether inmate grievances  
266 are being properly reported, transmitted, and processed; inmates  
267 are allowed writing utensils and paper; multiple channels of  
268 communication exist to report alleged abuse; and protocols are  
269 being implemented to protect an inmate who filed a grievance  
270 from retaliation for filing a complaint alleging staff  
271 misconduct.



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272       (5) Beginning October 1, 2016, the department in  
273 consultation with the Correctional Medical Authority shall  
274 annually report, and post to their respective websites, their  
275 joint findings. The authority shall document in the report its  
276 findings on the effectiveness of inmate health care grievance  
277 procedures; cite the number of health care grievances filed by  
278 inmates, by institution and by region; specify the types of  
279 health care problems alleged by inmates; and summarize the  
280 actions taken by the department or the authority as a result of  
281 its investigation of inmate health care grievances.

282       Section 6. Section 944.35, Florida Statutes, is amended to  
283 read:

284       944.35 Authorized use of force; malicious battery and  
285 sexual misconduct prohibited; reporting required; penalties.—

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

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

291       2. To prevent a person from escaping from a state  
292 correctional institution when the officer reasonably believes  
293 that person is lawfully detained in such institution;

294       3. To prevent damage to property;

295       4. To quell a disturbance;

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

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

299       a. When treatment is necessary to protect the health of  
300 other persons, as in the case of contagious or venereal



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301 diseases; or

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

304  
305 As part of the correctional officer training program, the  
306 Criminal Justice Standards and Training Commission shall develop  
307 a course specifically designed to explain the parameters of this  
308 subsection and to teach the proper methods and techniques in  
309 applying authorized physical force upon an inmate. Effective  
310 July 1, 2016, this course shall include specialized training for  
311 effectively managing in nonforceful ways mentally ill inmates  
312 who may exhibit erratic behavior.

313       (b) Following any use of force, a qualified health care  
314 provider shall examine any person physically involved to  
315 determine the extent of injury, if any, and shall prepare a  
316 report which shall include, but not be limited to, a statement  
317 of whether further examination by a physician is necessary. Any  
318 noticeable physical injury shall be examined by a physician, and  
319 the physician shall prepare a report documenting the extent and  
320 probable cause of the injury and the treatment prescribed. Such  
321 report shall be completed within 5 working days of the incident  
322 and shall be submitted to the warden for appropriate  
323 investigation.

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

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



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330 report shall include, but not be limited to:

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

333 2. Multi-year statistics documenting annual trends in the  
334 use of force;

335 3. Statistical information on the level of inmate or  
336 officer injury, including death, in incidents involving the use  
337 of force;

338 4. A breakdown, by institution, of statistics on use of  
339 force; and

340 5. Statistics on the number of employees who were  
341 disciplined or terminated because of their involvement in  
342 incidents involving the inappropriate use of force, based on  
343 notations of such incidents in their personnel files.

344 (2) Each employee of the department who either applies  
345 physical force or was responsible for making the decision to  
346 apply physical force upon an inmate or an offender supervised by  
347 the department in the community pursuant to this subsection  
348 shall prepare, date, and sign under oath an independent report  
349 within 1 working day of the incident. The report shall be  
350 delivered to the warden or the circuit administrator, who shall  
351 forward the report with all appropriate documentation to the  
352 office of the inspector general. The inspector general shall  
353 conduct a review and make recommendations regarding the  
354 appropriateness or inappropriateness of the use of force. If the  
355 inspector general finds that the use of force was appropriate,  
356 the employee's report, together with the inspector general's  
357 written determination of the appropriateness of the force used  
358 and the reasons therefor, shall be forwarded to the circuit



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359 administrator or warden upon completion of the review. If the  
360 inspector general finds that the use of force was inappropriate,  
361 the inspector general shall conduct a complete investigation  
362 into the incident and forward the findings of fact to the  
363 appropriate regional director for further action. Copies of the  
364 employee's report and the inspector general's review shall be  
365 kept in the files of the inmate or the offender supervised by  
366 the department in the community. A notation of each incident  
367 involving use of force and the outcome based on the inspector  
368 general's evaluation shall be kept in the employee's file. An  
369 employee with two or more notations in the employee's file for  
370 inappropriate use of force incidents, as specified in s. 944.35,  
371 shall not be assigned to transitional care, crisis  
372 stabilization, or corrections mental health treatment facility  
373 inmate housing units as defined in Florida Administrative Code.  
374 However, an employee with two or more notations in the  
375 employee's file who remains free of inappropriate use of force  
376 incidents, for a significant period may be permitted to work in  
377 the transitional care, crisis stabilization, or corrections  
378 mental health treatment facility inmate housing units.

379 (3) (a) 1. Any employee of the department, private provider,  
380 or private correctional facility who, with malicious intent,  
381 commits a battery upon an inmate or an offender supervised by  
382 the department in the community, commits a misdemeanor of the  
383 first degree, punishable as provided in s. 775.082 or s.  
384 775.083.

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



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388 neglect or otherwise, and in so doing causes great bodily harm,  
389 permanent disability, or permanent disfigurement to an inmate or  
390 an offender supervised by the department in the community,  
391 commits a felony of the third degree, punishable as provided in  
392 s. 775.082, s. 775.083, or s. 775.084.

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

395 1. A failure or omission on the part of an employee of the  
396 department, private provider, or private correctional facility,  
397 to:

398 a. Provide an inmate with the care, supervision, and  
399 services necessary to maintain the inmate's physical and mental  
400 health, including, but not limited to, food, nutrition,  
401 clothing, shelter, supervision, medicine, and medical services  
402 that a prudent person would consider essential for the well-  
403 being of the inmate; or

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

406 2. A determination of neglect of an inmate may be based on  
407 repeated conduct or on a single incident or omission that  
408 results in, or could reasonably be expected to result in,  
409 serious physical or psychological injury, or a substantial risk  
410 of death, to an inmate.

411 3. An employee of the department, private provider, or  
412 private correctional facility who willfully or by culpable  
413 negligence neglects an inmate and in so doing causes great  
414 bodily harm, permanent disability, or permanent disfigurement to  
415 the inmate commits a felony of the second degree, punishable as  
416 provided in s. 775.082, s. 775.083, or s. 775.084.



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417           4. Any employee of the department, private provider, or  
418 private correctional facility who willfully or by culpable  
419 negligence neglects an elderly or disabled inmate without  
420 causing great bodily harm, permanent disability, or permanent  
421 disfigurement to the inmate commits a felony of the third  
422 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
423 775.084.

424           (c) ~~(b)~~1. As used in this paragraph, the term "sexual  
425 misconduct" means the oral, anal, or vaginal penetration by, or  
426 union with, the sexual organ of another or the anal or vaginal  
427 penetration of another by any other object, but does not include  
428 an act done for a bona fide medical purpose or an internal  
429 search conducted in the lawful performance of the employee's  
430 duty.

431           2. Any employee of the department or a private correctional  
432 facility as defined in s. 944.710 who engages in sexual  
433 misconduct with an inmate or an offender supervised by the  
434 department in the community, without committing the crime of  
435 sexual battery, commits a felony of the third degree, punishable  
436 as provided in s. 775.082, s. 775.083, or s. 775.084.

437           3. The consent of the inmate or offender supervised by the  
438 department in the community to any act of sexual misconduct may  
439 not be raised as a defense to a prosecution under this  
440 paragraph.

441           4. This paragraph does not apply to any employee of the  
442 department or any employee of a private correctional facility  
443 who is legally married to an inmate or an offender supervised by  
444 the department in the community, nor does it apply to any  
445 employee who has no knowledge, and would have no reason to





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

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

455 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause  
456 to suspect, that an inmate or an offender under the supervision  
457 of the department in the community has been unlawfully abused or  
458 is the subject of sexual misconduct pursuant to this subsection  
459 shall immediately prepare, date, and sign an independent report  
460 specifically describing the nature of the force used or the  
461 nature of the sexual misconduct, the location and time of the  
462 incident, and the persons involved. The report shall be  
463 delivered to the inspector general of the department with a copy  
464 to be delivered to the warden of the institution or the regional  
465 administrator. The inspector general shall immediately conduct  
466 an appropriate investigation, and, if probable cause is  
467 determined that a violation of this subsection has occurred, the  
468 respective state attorney in the circuit in which the incident  
469 occurred shall be notified.

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



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

479 (4) (a) Any employee required to report pursuant to this  
480 section who knowingly or willfully fails to do so, or who  
481 knowingly or willfully prevents another person from doing so,  
482 commits a misdemeanor of the first degree, punishable as  
483 provided in s. 775.082 or s. 775.083.

484 (b) Any person who knowingly or willfully submits  
485 inaccurate, incomplete, or untruthful information with regard to  
486 reports required in this section commits a misdemeanor of the  
487 first degree, punishable as provided in s. 775.082 or s.  
488 775.083.

489 (c) Any person who knowingly or willfully coerces or  
490 threatens any other person with the intent to alter either  
491 testimony or a written report regarding an incident where force  
492 was used or an incident of sexual misconduct commits a felony of  
493 the third degree, punishable as provided in s. 775.082, s.  
494 775.083, or s. 775.084.

495  
496 As part of the correctional officer training program, the  
497 Criminal Justice Standards and Training Commission shall develop  
498 course materials for inclusion in the appropriate required  
499 course specifically designed to explain the parameters of this  
500 subsection, teach communication techniques related to crisis  
501 stabilization to avoid the use of force, and ~~to~~ teach sexual  
502 assault identification and prevention methods and techniques.

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



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

508 Section 7. Section 944.8041, Florida Statutes, is amended  
509 to read:

510 944.8041 Elderly offenders; annual review.-

511 (1) For the purpose of providing information to the  
512 Legislature on elderly offenders within the correctional system,  
513 the department and the Correctional Medical Authority shall each  
514 submit annually a report on the status and treatment of elderly  
515 offenders in the state-administered and private state  
516 correctional systems and the department's geriatric facilities  
517 and dorms. In order to adequately prepare the reports, the  
518 department and the Department of Management Services shall grant  
519 access to the Correctional Medical Authority that includes  
520 access to the facilities, offenders, and any information the  
521 agencies require to complete their reports. The review shall  
522 also include an examination of promising geriatric policies,  
523 practices, and programs currently implemented in other  
524 correctional systems within the United States. The reports, with  
525 specific findings and recommendations for implementation, shall  
526 be submitted to the President of the Senate and the Speaker of  
527 the House of Representatives on or before December 31 of each  
528 year.

529 (2) The department, in producing the annual report required  
530 under s. 20.315, shall report the cost of health care provided  
531 to elderly inmates. The report shall include, but need not be  
532 limited to, the average cost per year to incarcerate an elderly



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533 inmate and the types of health care delivered to elderly inmates  
534 which result in the highest expenditures.

535 Section 8. Section 944.805, Florida Statutes, is created to  
536 read:

537 944.805 Veterans programs in state and private correctional  
538 institutions.—

539 (1) The Legislature finds and declares that specialized  
540 programs for veterans offered in state and private correctional  
541 institutions have the potential to facilitate inmate  
542 institutional adjustment, help inmates assume personal  
543 responsibility, and ease community reentry through the  
544 availability of expanded community resources. For the purposes  
545 of this section, the term "veteran" has the same meaning as it  
546 is defined in s. 1.01(14).

547 (2) It is the intent of the Legislature that the department  
548 expand the use of specialized dormitories for veterans. It is  
549 also the intent of the Legislature that veterans housed in state  
550 and private correctional institutions be provided special  
551 assistance before their release by identifying benefits and  
552 services available in the community where the veteran plans to  
553 reside.

554 (3) The department shall measure recidivism rates for  
555 veterans who have participated in specialized dormitories and  
556 for veterans who have received special assistance in community  
557 reentry. The findings shall be included in the annual report  
558 required under s. 20.315.

559 Section 9. Effective upon SB 540 or similar legislation  
560 creating the "State Operated Institutions Inmate Welfare Trust  
561 Fund" being adopted in the 2015 Regular Session or an extension



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562 thereof and becoming law, subsection (1) of section 945.215,  
563 Florida Statutes, is amended, present subsections (2) and (3)  
564 are redesignated as subsections (3) and (4), respectively, and a  
565 new subsection (2) is added to that section to read:

566 945.215 Inmate welfare and employee benefit trust funds.—

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

569 (a) From the net proceeds from operating inmate canteens,  
570 vending machines used primarily by inmates and visitors, hobby  
571 shops, and other such facilities must be deposited in the State  
572 Operated Institutions Inmate Welfare Trust Fund or in the  
573 General Revenue Fund; however, funds necessary to purchase items  
574 for resale at inmate canteens and vending machines must be  
575 deposited into local bank accounts designated by the department.

576 (b) All proceeds from contracted telephone commissions must  
577 be deposited in the State Operated Institutions Inmate Welfare  
578 Trust Fund or in the General Revenue Fund. The department shall  
579 develop and update, as necessary, administrative procedures to  
580 verify that:

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

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

586 3. The department receives the contracted telephone  
587 commissions.

588 (c) Any funds that may be assigned by inmates or donated to  
589 the department by the general public or an inmate service  
590 organization must be deposited in the State Operated



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591 Institutions Inmate Welfare Trust Fund or in the General Revenue  
592 Fund; however, the department shall not accept any donation  
593 from, or on behalf of, any individual inmate.

594 (d) All proceeds from the following sources must be  
595 deposited in the State Operated Institutions Inmate Welfare  
596 Trust Fund or in the General Revenue Fund:

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

599 2. Disciplinary fines imposed against inmates;

600 3. Forfeitures of inmate earnings; and

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

603 (e) Items for resale at inmate canteens and vending  
604 machines maintained at the correctional facilities shall be  
605 priced comparatively with like items for retail sale at fair  
606 market prices.

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

614 (2) (a) The State Operated Institutions Inmate Welfare Trust  
615 Fund constitutes a trust held by the department for the benefit  
616 and welfare of inmates incarcerated in correctional facilities  
617 operated directly by the department.

618 (b) Deposits into the State Operated Institutions Inmate  
619 Welfare Trust Fund shall not exceed \$10 million in any fiscal



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620 year. Deposits for purchases pursuant to this section in excess  
621 of \$10 million shall be deposited into the General Revenue Fund.

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

625 1. To provide literacy programs, vocational training  
626 programs, and educational programs;

627 2. To operate inmate chapels, faith-based programs,  
628 visiting pavilions, visiting services and programs, family  
629 services and programs, and libraries;

630 3. To provide inmate substance abuse treatment programs and  
631 transition and life skills training programs;

632 4. To provide for the purchase, rental, maintenance or  
633 repair of electronic or audio visual equipment used by inmates;  
634 or

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

637 (d) Funds in the State Operated Institutions Inmate Welfare  
638 Trust Fund shall be expended only pursuant to legislative  
639 appropriation.

640 (e) The department shall annually compile a report that  
641 specifically documents State Operated Institutions Inmate  
642 Welfare Trust Fund receipts and expenditures. This report shall  
643 be compiled at both the statewide and institutional levels. The  
644 department must submit this report for the previous fiscal year  
645 by September 1 of each year to the chairs of the appropriate  
646 substantive and fiscal committees of the Senate and the House of  
647 Representatives and to the Executive Office of the Governor.

648 Section 10. Subsection (7) is added to section 945.48,



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649 Florida Statutes, to read:

650 945.48 Rights of inmates provided mental health treatment;  
651 procedure for involuntary treatment; correctional officer  
652 staffing requirements.-

653 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer  
654 who has close contact with inmates housed in a mental health  
655 treatment facility shall annually complete training in crisis  
656 intervention. An employee with two or more notations in the  
657 employee's file for inappropriate use of force incidents, as  
658 specified in s. 944.35, may not be assigned to transitional  
659 care, crisis stabilization, or corrections mental health  
660 treatment facility inmate housing units as defined in Florida  
661 Administrative Code. However, an employee with two or more  
662 notations in the employee's file who remains free of  
663 inappropriate use of force incidents, for a significant period  
664 may be permitted to work in the transitional care, crisis  
665 stabilization, or corrections mental health treatment facility  
666 inmate housing units.

667  
668 ===== T I T L E A M E N D M E N T =====

669 And the title is amended as follows:

670 Delete lines 6 - 87

671 and insert:

672 s. 944.151, F.S.; expanding the department's security  
673 review committee functions; ensuring physical  
674 inspections of state and private buildings and  
675 structures and prioritizing institutions for  
676 inspection that meet certain criteria; amending s.  
677 944.275, F.S.; prohibiting an inmate from receiving





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678 incentive gain-time credits for completing the  
679 requirements for and receiving a general educational  
680 development certificate or vocational certificate if  
681 the inmate was convicted of a specified offense on or  
682 after a specified date; amending s. 944.31, F.S.;  
683 requiring that a copy of a written memorandum of  
684 understanding for notification and investigation of  
685 certain events between the Department of Corrections  
686 and the Department of Law Enforcement be provided in a  
687 timely manner to the Governor, the President of the  
688 Senate, and the Speaker of the House of  
689 Representatives; requiring specialized training in  
690 certain circumstances; amending s. 944.331, F.S.;  
691 requiring the Department of Corrections to provide  
692 multiple private, internal avenues for the reporting  
693 by inmates of sexual abuse and sexual harassment;  
694 requiring the department, in consultation with the  
695 Correctional Medical Authority, to review inmate  
696 health care grievance procedures at each correctional  
697 institution and private correctional facility;  
698 requiring the department to review inmate grievance  
699 procedures at each correctional institution and  
700 private correctional facility; amending s. 944.35,  
701 F.S.; requiring that correctional officers have  
702 specialized training in the effective, nonforceful  
703 management of mentally ill inmates who may exhibit  
704 erratic behavior; requiring each institution to create  
705 and maintain a system to track the use of force  
706 episodes to determine if inmates need subsequent



707 physical or mental health treatment; requiring annual  
708 reporting of use of force on the agency website;  
709 requiring that reports of physical force be signed  
710 under oath; prohibiting employees with notations  
711 regarding incidents involving the inappropriate use of  
712 force from being assigned to transitional care, crisis  
713 stabilization, or corrections mental health treatment  
714 facility housing; providing an exception; expanding  
715 applicability of a current felony offense to include  
716 certain employees of private providers and private  
717 correctional facilities; defining the term "neglect of  
718 an inmate"; providing for the determination of neglect  
719 of an inmate; creating criminal penalties for certain  
720 employees who neglect an inmate in specified  
721 circumstances; providing for anonymous reporting of  
722 inmate abuse directly to the department's Office of  
723 Inspector General; requiring that instruction on  
724 communication techniques related to crisis  
725 stabilization to avoid use of force be included in the  
726 correctional officer training program; directing the  
727 department to establish policies to protect inmates  
728 and employees from retaliation; amending s. 944.8041,  
729 F.S.; requiring the department to report health care  
730 costs for elderly inmates in its annual report;  
731 creating s. 944.805, F.S.; providing legislative  
732 intent relating to specialized programs for veterans;  
733 requiring the department to measure recidivism and  
734 report its finding in that regard; amending s.  
735 945.215, F.S.; requiring that specified proceeds and



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736 certain funds be deposited in the State Operated  
737 Institutions Inmate Welfare Trust Fund; providing that  
738 the State Operated Institutions Inmate Welfare Trust  
739 Fund is a trust held by the Department of Corrections  
740 for the benefit and welfare of certain inmates;  
741 prohibiting deposits into the trust fund from  
742 exceeding \$10 million per fiscal year; requiring that  
743 deposits in excess of that amount be deposited into  
744 the General Revenue Fund; requiring that funds of the  
745 trust fund be used exclusively for specified purposes  
746 at correctional facilities operated by the department;  
747 requiring that funds from the trust fund only be  
748 expended pursuant to legislative appropriations;  
749 requiring the department to annually compile a report,  
750 at the statewide and institutional level documenting  
751 trust fund receipts and expenditures; requiring the  
752 report be submitted by September 1 for the previous  
753 fiscal year to specified offices of the Legislature  
754 and to the Executive Office of the Governor; providing  
755 a contingent effective date; amending s. 945.48, F.S.;  
756 specifying correctional officer staffing requirements  
757 pertaining to inmates housed in mental health  
758 treatment facilities; amending s. 945.6031, F.S.;  
759 changing the  
760