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Proposed Committee Substitute by the Committee on Appropriations

A bill to be entitled

An act relating to corrections; amending s. 20.315, F.S.; revising the method of appointment for the Secretary of Corrections; creating the Florida Corrections Commission within the department; providing for membership and terms of appointment for commission members; prescribing duties and responsibilities of the commission; prohibiting the commission from entering into the department's operation; establishing meeting and notice requirements; requiring the commission to appoint an executive director; authorizing reimbursement of per diem and travel expenses for commission members; prohibiting certain conflicts of interest among commission members; providing for applicability; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; amending s. 921.0021, F.S.; revising the definition of "victim injury" by removing a prohibition on assessing certain victim injury sentence points for sexual misconduct by an employee of the Department of Corrections or a private correctional facility with an inmate or an offender supervised by the department; conforming a provision to changes made by the act; amending s. 944.151, F.S.; expanding the department's security review committee functions; ensuring physical inspections of state and



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29 private buildings and structures and prioritizing
30 institutions for inspection that meet certain
31 criteria; amending s. 944.275, F.S.; prohibiting an
32 inmate from receiving incentive gain-time credits for
33 completing the requirements for and receiving a
34 general educational development certificate or
35 vocational certificate if the inmate was convicted of
36 a specified offense on or after a specified date;
37 amending s. 944.31, F.S.; requiring that a copy of a
38 written memorandum of understanding for notification
39 and investigation of certain events between the
40 Department of Corrections and the Department of Law
41 Enforcement be provided in a timely manner to the
42 Governor, the President of the Senate, and the Speaker
43 of the House of Representatives; requiring specialized
44 training in certain circumstances; amending s.
45 944.331, F.S.; requiring the Department of Corrections
46 to provide multiple private, internal avenues for the
47 reporting by inmates of sexual abuse and sexual
48 harassment; requiring the department, in consultation
49 with the Correctional Medical Authority, to review
50 inmate health care grievance procedures at each
51 correctional institution and private correctional
52 facility; requiring the department to review inmate
53 grievance procedures at each correctional institution
54 and private correctional facility; amending s. 944.35,
55 F.S.; requiring that correctional officers have
56 specialized training in the effective, nonforceful
57 management of mentally ill inmates who may exhibit



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58 erratic behavior; requiring each institution to create
59 and maintain a system to track the use of force
60 episodes to determine if inmates need subsequent
61 physical or mental health treatment; requiring annual
62 reporting of use of force on the agency website;
63 requiring that reports of physical force be signed
64 under oath; prohibiting employees with notations
65 regarding incidents involving the inappropriate use of
66 force from being assigned to transitional care, crisis
67 stabilization, or corrections mental health treatment
68 facility housing; providing an exception; expanding
69 applicability of a current felony offense to include
70 certain employees of private providers and private
71 correctional facilities; defining the term "neglect of
72 an inmate"; providing for the determination of neglect
73 of an inmate; creating criminal penalties for certain
74 employees who neglect an inmate in specified
75 circumstances; providing for anonymous reporting of
76 inmate abuse directly to the department's Office of
77 Inspector General; requiring that instruction on
78 communication techniques related to crisis
79 stabilization to avoid use of force be included in the
80 correctional officer training program; directing the
81 department to establish policies to protect inmates
82 and employees from retaliation; requiring the
83 department to establish policies relating to the use
84 of chemical agents; amending s. 944.8041, F.S.;
85 requiring the department to report health care costs
86 for elderly inmates in its annual report; creating s.



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87 944.805, F.S.; providing legislative intent relating
88 to specialized programs for veterans; requiring the
89 department to measure recidivism and report its
90 finding in that regard; amending s. 945.215, F.S.;
91 requiring that specified proceeds and certain funds be
92 deposited in the State Operated Institutions Inmate
93 Welfare Trust Fund; providing that the State Operated
94 Institutions Inmate Welfare Trust Fund is a trust held
95 by the Department of Corrections for the benefit and
96 welfare of certain inmates; prohibiting deposits into
97 the trust fund from exceeding \$5 million per fiscal
98 year; requiring that deposits in excess of that amount
99 be deposited into the General Revenue Fund; requiring
100 that funds of the trust fund be used exclusively for
101 specified purposes at correctional facilities operated
102 by the department; requiring that funds from the trust
103 fund only be expended pursuant to legislative
104 appropriations; requiring the department to annually
105 compile a report, at the statewide and institutional
106 level documenting trust fund receipts and
107 expenditures; requiring the report be submitted by
108 September 1 for the previous fiscal year to specified
109 offices of the Legislature and to the Executive Office
110 of the Governor; prohibiting the purchase of weight-
111 training equipment; providing a contingent effective
112 date; amending s. 945.48, F.S.; specifying
113 correctional officer staffing requirements pertaining
114 to inmates housed in mental health treatment
115 facilities; amending s. 945.6031, F.S.; changing the



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116 frequency of required surveys; amending s. 945.6033,
117 F.S.; provides for damages in inmate health care
118 contracts; amending s. 945.6034, F.S.; requiring the
119 department to consider the needs of inmates over 50
120 years of age and adopt health care standards for that
121 population; creating s. 945.6039; F.S.; allowing an
122 inmate's family, lawyer, and other interested parties
123 to hire and pay for an independent medical evaluation;
124 specifying the purpose for outside evaluations;
125 requiring the department to provide reasonable and
126 timely access to the inmate; amending s. 947.149,
127 F.S.; defining the term "elderly and infirm inmate";
128 expanding eligibility for conditional medical release
129 to include elderly and infirm inmates; amending ss.
130 948.10 and 951.221, F.S.; conforming cross-references
131 to changes made by the act; providing for
132 applicability; reenacting ss. 435.04(2)(uu) and
133 921.0022(3)(f), F.S., relating to level 2 screening
134 standards and the Criminal Punishment Code and offense
135 severity ranking chart, respectively, to incorporate
136 the amendment made to s. 944.35, F.S., in references
137 thereto; reenacting ss. 944.72(1), 945.21501(1), and
138 945.2151, F.S., relating to the Privately Operated
139 Institutions Inmate Welfare Trust Fund, the Employee
140 Benefit Trust Fund, and the verification of social
141 security numbers, respectively, to incorporate the
142 amendment made to s. 945.215, F.S., in references
143 thereto; providing effective dates.
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145 Be It Enacted by the Legislature of the State of Florida:

146

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

152 20.315 Department of Corrections.—There is created a
153 Department of Corrections.

154 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
155 Corrections is the Secretary of Corrections. The secretary shall
156 be ~~is~~ appointed by the Governor with the concurrence of three
157 members of the Cabinet, subject to confirmation by the Senate,
158 and shall serve at the pleasure of the Governor and Cabinet. The
159 secretary is responsible for planning, coordinating, and
160 managing the corrections system of the state. The secretary
161 shall ensure that the programs and services of the department
162 are administered in accordance with state and federal laws,
163 rules, and regulations, with established program standards, and
164 consistent with legislative intent. The secretary shall identify
165 the need for and recommend funding for the secure and efficient
166 operation of the state correctional system.

167 (a) The secretary shall appoint a deputy secretary. The
168 deputy secretary shall be directly responsible to the secretary
169 and shall serve at the pleasure of the secretary.

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

173 (c) The secretary may appoint assistant secretaries,



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174 directors, or other such persons that he or she deems are
175 necessary to accomplish the mission and goals of the department,
176 including, but not limited to, the following areas of program
177 responsibility:

178 1. Security and institutional operations, which shall
179 provide inmate work programs, offender programs, security
180 administration, emergency operations response, and operational
181 oversight of the regions.

182 2. Health services, which shall be headed by a physician
183 licensed under chapter 458 or an osteopathic physician licensed
184 under chapter 459, or a professionally trained health care
185 administrator with progressively responsible experience in
186 health care administration. This individual shall be responsible
187 for the delivery of health services to offenders within the
188 system and shall have direct professional authority over such
189 services.

190 3. Community corrections, which shall provide for
191 coordination of community alternatives to incarceration and
192 operational oversight of community corrections regions.

193 4. Administrative services, which shall provide budget and
194 accounting services within the department, including the
195 construction and maintenance of correctional institutions, human
196 resource management, research, planning and evaluation, and
197 technology.

198 5. Program, transition, and postrelease services, which
199 shall provide for the direct management and supervision of all
200 departmental programs, including the coordination and delivery
201 of education and job training to the offenders in the custody of
202 the department. In addition, this program shall provide for the



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203 direct management and supervision of all programs that furnish
204 transition assistance to inmates who are or have recently been
205 in the custody of the department, including the coordination,
206 facilitation, and contract management of prerelease and
207 postrelease transition services provided by governmental and
208 private providers, including faith-based service groups.

209 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
210 Commission is created. The commission is assigned to the
211 Department of Corrections for administrative and fiscal
212 accountability purposes, but it shall otherwise function
213 independently of the control, supervision, and direction of the
214 department. The primary focus of the commission shall be on
215 matters relating to corrections with an emphasis on the safe and
216 effective operations of major correctional institutions.
217 However, in instances in which the policies of other components
218 of the criminal justice system affect corrections, the
219 commission shall advise and make recommendations.

220 (a) The commission shall consist of nine members appointed
221 by the Governor and subject to confirmation by the Senate. The
222 initial members of the commission shall be appointed by October
223 1, 2015. Members of the commission shall be appointed for terms
224 of 4 years. However, to achieve staggered terms, four of the
225 initial members shall be appointed to 2-year terms. Members must
226 be appointed in a manner that ensures equitable representation
227 of different geographic regions of this state. Each member of
228 the commission must be a resident and a registered voter of this
229 state. A commission member must represent the state as a whole
230 and may not subordinate the needs of the state to those of a
231 particular region. The commission's membership should, to the



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232 greatest extent possible, include a person with a background in
233 law enforcement or jail management, a person with a background
234 in criminal prosecution, a person with a background in criminal
235 defense, a pastor or former prison chaplain, a community leader,
236 and a business leader.

237 (b) The primary duties and responsibilities of the Florida
238 Corrections Commission include:

239 1. Conducting investigations, internal affairs
240 investigations, and criminal investigations.

241 2. Conducting announced and unannounced inspections of
242 correctional facilities, including facilities operated by
243 private contractors. The commission may enter any place where
244 prisoners in this state are kept and shall be immediately
245 admitted to such place as they desire and may consult and confer
246 with any prisoner privately and without molestation.

247 3. Identifying and monitoring high-risk and problematic
248 correctional facilities, and reporting findings and
249 recommendations relating to such facilities.

250 4. Continually monitoring on a statewide basis the
251 incidence of inmate-on-inmate and officer-on-inmate violence and
252 the introduction of contraband.

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

256 6. Developing legislative, budgetary, and operational
257 recommendations for correctional system improvement.

258 7. Reviewing the annual Legislative Budget Request of the
259 department and making recommendations and comments on such
260 budgetary request to the Governor.



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261 8. Convening public hearings, for which the commission is
262 authorized to issue subpoenas and take sworn testimony of
263 witnesses.

264 9. Conducting confidential interviews with staff, officers,
265 inmates, correctional health care professionals, citizens,
266 volunteers, and public officials relating to the operations and
267 conditions of correctional facilities.

268 10. Developing and implementing a set of standards and
269 performance measures which establishes an accountability system
270 that allows each correctional institution or facility to be
271 individually measured annually for performance. The standards
272 and measures shall be primarily focused on inmate achievement,
273 inmate institutional adjustment, safe and secure prison
274 operations, officer safety, officer training, and inmate safety.
275 The Florida Corrections Commission shall maintain an
276 accountability system that tracks the department's progress
277 toward meeting specified goals at both regional and
278 institutional levels.

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

281 (d) The commission shall hold a minimum of six regular
282 meetings annually. A majority of the membership of the
283 commission constitutes a quorum at any meeting of the
284 commission. The chair shall be elected from the commission's
285 membership. The chair shall direct that complete and accurate
286 minutes be kept of all commission meetings, which shall be open
287 for public inspection. Additional meetings may be held upon the
288 written request of at least four members, with at least 1 week's
289 notice of such meeting being given to all members and the public



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290 by the chair pursuant to chapter 120. Emergency meetings may be
291 held without notice upon request of all members. Meetings of the
292 commission shall be held at major correctional facilities around
293 the state as determined by the chair.

294 (e) The commission shall appoint an executive director who
295 shall serve under the direction, supervision, and control of the
296 commission. The executive director, with consent of the
297 commission, shall employ staff as necessary to adequately
298 perform the functions of the commission.

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

302 (g) Commission members may not have an immediate family
303 member who works in the department or any private institution or
304 contractor under contract with the department and may not have
305 any interest, direct or indirect, in a contract, franchise,
306 privilege, or other benefit granted or awarded by the
307 department, or any of its contractors or subcontracts, while
308 serving as a member of the commission.

309 Section 2. The amendments made by this act to s. 20.315(3),
310 Florida Statutes, do not apply to a Secretary of Corrections
311 appointed before July 1, 2015.

312 Section 3. Paragraph (d) is added to subsection (5) of
313 section 216.136, Florida Statutes, to read:

314 216.136 Consensus estimating conferences; duties and
315 principals.—

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

318 (d) Develop projections of prison admissions and



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319 populations for elderly felony offenders.

320 Section 4. Subsection (7) of section 921.0021, Florida
321 Statutes, is amended to read:

322 921.0021 Definitions.—As used in this chapter, for any
323 felony offense, except any capital felony, committed on or after
324 October 1, 1998, the term:

325 (7) (a) "Victim injury" means the physical injury or death
326 suffered by a person as a direct result of the primary offense,
327 or any additional offense, for which an offender is convicted
328 and which is pending before the court for sentencing at the time
329 of the primary offense.

330 (b) Except as provided in paragraph (c) ~~or paragraph (d)~~,

331 1. If the conviction is for an offense involving sexual
332 contact that includes sexual penetration, the sexual penetration
333 must be scored in accordance with the sentence points provided
334 under s. 921.0024 for sexual penetration, regardless of whether
335 there is evidence of any physical injury.

336 2. If the conviction is for an offense involving sexual
337 contact that does not include sexual penetration, the sexual
338 contact must be scored in accordance with the sentence points
339 provided under s. 921.0024 for sexual contact, regardless of
340 whether there is evidence of any physical injury.

341
342 If the victim of an offense involving sexual contact suffers any
343 physical injury as a direct result of the primary offense or any
344 additional offense committed by the offender resulting in
345 conviction, such physical injury must be scored separately and
346 in addition to the points scored for the sexual contact or the
347 sexual penetration.



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348 ~~(e) The sentence points provided under s. 921.0024 for~~
349 ~~sexual contact or sexual penetration may not be assessed for a~~
350 ~~violation of s. 944.35(3)(b)2.~~

351 (c)~~(d)~~ If the conviction is for the offense described in s.
352 872.06, the sentence points provided under s. 921.0024 for
353 sexual contact or sexual penetration may not be assessed.

354 (d)~~(e)~~ Notwithstanding paragraph (a), if the conviction is
355 for an offense described in s. 316.027 and the court finds that
356 the offender caused victim injury, sentence points for victim
357 injury may be assessed against the offender.

358 Section 5. Section 944.151, Florida Statutes, is amended to
359 read:

360 944.151 Safety and security of correctional institutions
361 and facilities.—It is the intent of the Legislature that the
362 Department of Corrections shall be responsible for the safe
363 operation and security of the correctional institutions and
364 facilities. The safe operation and security of the state's
365 correctional institutions and facilities is critical to ensure
366 public safety and the safety of department employees and
367 offenders and to contain violent and chronic offenders until
368 offenders are otherwise released from the department's custody
369 pursuant to law. The Secretary of Corrections shall, at a
370 minimum:

371 (1) Appoint and designate select staff to the a safety and
372 security review committee ~~which shall, at a minimum, be composed~~
373 ~~of: the inspector general, the statewide security coordinator,~~
374 ~~the regional security coordinators, and three wardens and one~~
375 ~~correctional officer.~~ The safety and security review committee
376 shall evaluate new safety and security technology; review and



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377 discuss issues impacting correctional facilities; review and
378 discuss current issues impacting correctional facilities; and
379 review and discuss other issues as requested by management.†

380 ~~(a) Establish a periodic schedule for the physical~~
381 ~~inspection of buildings and structures of each state and private~~
382 ~~correctional institution to determine security deficiencies. In~~
383 ~~scheduling the inspections, priority shall be given to older~~
384 ~~institutions, institutions that house a large proportion of~~
385 ~~violent offenders, and institutions that have experienced a~~
386 ~~significant number of escapes or escape attempts in the past.~~

387 (2) Ensure that appropriate staff establishes a periodic
388 schedule for the physical inspection of buildings and structures
389 of each state and private correctional institution and facility
390 to determine safety and security deficiencies. In scheduling the
391 inspections, priority shall be given to older institutions,
392 institutions that house a large proportion of violent offenders,
393 institutions with a high level of inappropriate incidents of use
394 of force on inmates, assaults on employees, or inmate sexual
395 abuse, and institutions that have experienced a significant
396 number of escapes or escape attempts in the past.

397 ~~(a) (b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
398 causes ~~cause~~ to be conducted announced and unannounced
399 comprehensive safety and security audits of all state and
400 private correctional institutions. In conducting the security
401 audits, priority shall be given to older institutions,
402 institutions that house a large proportion of violent offenders,
403 institutions with a high level of inappropriate incidents of use
404 of force on inmates, assaults on employees, or inmate sexual
405 abuse, and institutions that have experienced a history of



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406 escapes or escape attempts. At a minimum, the audit shall
407 include an evaluation of the physical plant, which shall include
408 the identification of blind spots or areas where staff or
409 inmates may be isolated and the deployment of audio and video
410 monitoring systems and other monitoring technologies in such
411 areas, landscaping, fencing, security alarms and perimeter
412 lighting, confinement, arsenal, key and lock, and entrance/exit
413 and inmate classification and staffing policies. Each
414 correctional institution shall be audited at least annually. ~~The~~
415 ~~secretary shall~~

416 (b) Report the general survey findings annually to the
417 Governor and the Legislature.

418 (c) Ensure appropriate staff investigates and evaluates the
419 usefulness and dependability of existing safety and security
420 technology at the institutions and new technology and video
421 monitoring systems available and make periodic written
422 recommendations to the secretary on the discontinuation or
423 purchase of various safety and security devices.

424 (d) Contract, if deemed necessary, with security personnel,
425 consulting engineers, architects, or other safety and security
426 experts the department deems necessary for safety and security
427 consultant services.

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

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



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

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

439 (a)1. Random monitoring of outgoing telephone calls by
440 inmates.

441 (b)2. Maintenance of current photographs of all inmates.

442 (c)3. Daily inmate counts at varied intervals.

443 (d)4. Use of canine units, where appropriate.

444 (e)5. Use of escape alarms and perimeter lighting.

445 (f)6. Florida Crime Information Center/National Crime
446 Information Center capabilities.

447 (g)7. Employment background investigations.

448 ~~(d) Annually make written prioritized budget~~
449 ~~recommendations to the secretary that identify critical security~~
450 ~~deficiencies at major correctional institutions.~~

451 ~~(e) Investigate and evaluate the usefulness and~~
452 ~~dependability of existing security technology at the~~
453 ~~institutions and new technology available and make periodic~~
454 ~~written recommendations to the secretary on the discontinuation~~
455 ~~or purchase of various security devices.~~

456 ~~(f) Contract, if deemed necessary, with security personnel,~~
457 ~~consulting engineers, architects, or other security experts the~~
458 ~~committee deems necessary for security audits and security~~
459 ~~consultant services.~~

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

462 (4)(2) Direct staff to maintain and produce quarterly
463 reports with accurate escape statistics. For the purposes of



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464 these reports, "escape" includes all possible types of escape,
465 regardless of prosecution by the state attorney, and including
466 offenders who walk away from nonsecure community facilities.

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

471 ~~(5)~~ (4) Direct staff to submit in the annual legislative
472 budget request a prioritized summary of critical safety and
473 security deficiencies, and repair and renovation ~~security~~ needs.

474 Section 6. Paragraphs (d) and (e) of subsection (4) of
475 section 944.275, Florida Statutes, are amended to read:

476 944.275 Gain-time.—

477 (4)

478 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
479 ~~2.~~, the education program manager shall recommend, and the
480 Department of Corrections may grant, a one-time award of 60
481 additional days of incentive gain-time to an inmate who is
482 otherwise eligible and who successfully completes requirements
483 for and is awarded a high school equivalency diploma or
484 vocational certificate. This incentive gain-time award may be
485 granted to reduce any sentence for an offense committed on or
486 after October 1, 1995. However, this gain-time may not be
487 granted to reduce any sentence for an offense committed on or
488 after October 1, 1995, if the inmate is, or has previously been,
489 convicted of a violation of s. 794.011, s. 794.05, former s.
490 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
491 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
492 847.0145, or s. 985.701(1), or a forcible felony offense that is



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493 specified in s. 776.08, except burglary as specified in s.
494 810.02(4). An inmate subject to the 85 percent minimum service
495 requirement pursuant to subparagraph (b)3. may not accumulate
496 gain-time awards at any point when the tentative release date is
497 the same as the 85 percent minimum service date of the sentence
498 imposed. Under no circumstances may an inmate receive more than
499 60 days for educational attainment pursuant to this section.

500 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
501 for sentences imposed for offenses committed on or after October
502 1, 2014, the department may not grant incentive gain-time if the
503 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
504 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
505 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

506 Section 7. Section 944.31, Florida Statutes, is amended to
507 read:

508 944.31 Inspector general; inspectors; power and duties.—

509 (1) The inspector general shall be responsible for prison
510 inspection and investigation, internal affairs investigations,
511 and management reviews. The office of the inspector general
512 shall be charged with the duty of inspecting the penal and
513 correctional systems of the state. The office of the inspector
514 general shall inspect each correctional institution or any place
515 in which state prisoners are housed, worked, or kept within the
516 state, with reference to its physical conditions, cleanliness,
517 sanitation, safety, and comfort; the quality and supply of all
518 bedding; the quality, quantity, and diversity of food served and
519 the manner in which it is served; the number and condition of
520 the prisoners confined therein; and the general conditions of
521 each institution. The office of inspector general shall see that



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522 all the rules and regulations issued by the department are
523 strictly observed and followed by all persons connected with the
524 correctional systems of the state. The office of the inspector
525 general shall coordinate and supervise the work of inspectors
526 throughout the state. The inspector general and inspectors may
527 enter any place where prisoners in this state are kept and shall
528 be immediately admitted to such place as they desire and may
529 consult and confer with any prisoner privately and without
530 molestation. The inspector general and inspectors shall be
531 responsible for criminal and administrative investigation of
532 matters relating to the Department of Corrections. The secretary
533 may designate persons within the office of the inspector general
534 as law enforcement officers to conduct any criminal
535 investigation that occurs on property owned or leased by the
536 department or involves matters over which the department has
537 jurisdiction. A person designated as a law enforcement officer
538 must be certified pursuant to s. 943.1395 and must have a
539 minimum of 3 years' experience as an inspector in the inspector
540 general's office or as a law enforcement officer.

541 (2) The department, after consultation with the Florida
542 Corrections Commission, shall maintain a written memorandum of
543 understanding with the Department of Law Enforcement for the
544 notification and investigation of mutually agreed-upon predicate
545 events that shall include, but are not limited to, suspicious
546 deaths and organized criminal activity. A copy of an active
547 memorandum of understanding shall be provided in a timely manner
548 to the Governor, the President of the Senate, and the Speaker of
549 the House of Representatives.

550 (3) During investigations, the inspector general and



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551 inspectors may consult and confer with any prisoner or staff
552 member privately and without molestation and persons designated
553 as law enforcement officers under this section shall have the
554 authority to arrest, with or without a warrant, any prisoner of
555 or visitor to a state correctional institution for a violation
556 of the criminal laws of the state involving an offense
557 classified as a felony that occurs on property owned or leased
558 by the department and may arrest offenders who have escaped or
559 absconded from custody. Persons designated as law enforcement
560 officers have the authority to arrest with or without a warrant
561 a staff member of the department, including any contract
562 employee, for a violation of the criminal laws of the state
563 involving an offense classified as a felony under this chapter
564 or chapter 893 on property owned or leased by the department. A
565 person designated as a law enforcement officer under this
566 section may make arrests of persons against whom arrest warrants
567 have been issued, including arrests of offenders who have
568 escaped or absconded from custody. The arrested person shall be
569 surrendered without delay to the sheriff of the county in which
570 the arrest is made, with a formal complaint subsequently made
571 against her or him in accordance with law.

572 (4) The inspector general, and inspectors who conduct
573 sexual abuse investigations in confinement settings, shall
574 receive specialized training in conducting such investigations.
575 The department shall be responsible for providing the
576 specialized training. Specialized training shall include, but
577 need not be limited to, techniques for interviewing sexual abuse
578 victims, proper use of Miranda and Garrity warnings, sexual
579 abuse evidence collection in confinement settings, and the



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580 criteria and evidence required to substantiate a case for
581 administrative action or prosecution.

582 Section 8. Section 944.331, Florida Statutes, is amended to
583 read:

584 944.331 Inmate grievance procedure.—

585 (1) The department shall establish by rule an inmate
586 grievance procedure, which ~~that~~ must conform to the Minimum
587 Standards for Inmate Grievance Procedures as promulgated by the
588 United States Department of Justice pursuant to 42 U.S.C. s.
589 1997e. The department's office of general counsel shall oversee
590 the grievance procedures established by the department.

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

597 (3) The department, in consultation with the Correctional
598 Medical Authority, shall review inmate health care grievance
599 procedures at each correctional institution and private
600 correctional facility to determine the procedural soundness and
601 effectiveness of the current health care grievance process, to
602 identify employees prone to misconduct directly related to the
603 delivery of health care services, and to identify life-
604 threatening inmate health concerns. The review shall determine
605 whether inmate health care grievances are being properly
606 reported, transmitted, and processed; inmates are allowed
607 writing utensils and paper; multiple channels of communication
608 exist to report alleged abuse related to the delivery of health



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609 care services; and protocols are being implemented to protect an
610 inmate who filed a grievance concerning the delivery of health
611 care from retaliation for filing a complaint alleging staff
612 misconduct.

613 (4) The department shall review inmate grievance procedures
614 at each correctional institution and private correctional
615 facility to determine the procedural soundness and effectiveness
616 of the current grievance process, to identify employees prone to
617 misconduct, and to identify life-threatening inmate safety
618 concerns. The review shall determine whether inmate grievances
619 are being properly reported, transmitted, and processed; inmates
620 are allowed writing utensils and paper; multiple channels of
621 communication exist to report alleged abuse; and protocols are
622 being implemented to protect an inmate who filed a grievance
623 from retaliation for filing a complaint alleging staff
624 misconduct.

625 (5) Beginning October 1, 2015, the department in
626 consultation with the Correctional Medical Authority shall
627 annually report, and post to their respective websites, their
628 joint findings. The authority shall document in the report its
629 findings on the effectiveness of inmate health care grievance
630 procedures; cite the number of health care grievances filed by
631 inmates, by institution and by region; specify the types of
632 health care problems alleged by inmates; and summarize the
633 actions taken by the department or the authority as a result of
634 its investigation of inmate health care grievances.

635 Section 9. Section 944.35, Florida Statutes, is amended to
636 read:

637 944.35 Authorized use of force; malicious battery and



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638 sexual misconduct prohibited; reporting required; penalties.-

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

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

644 2. To prevent a person from escaping from a state
645 correctional institution when the officer reasonably believes
646 that person is lawfully detained in such institution;

647 3. To prevent damage to property;

648 4. To quell a disturbance;

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

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

652 a. When treatment is necessary to protect the health of
653 other persons, as in the case of contagious or venereal
654 diseases; or

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

657
658 As part of the correctional officer training program, the
659 Criminal Justice Standards and Training Commission shall develop
660 a course specifically designed to explain the parameters of this
661 subsection and to teach the proper methods and techniques in
662 applying authorized physical force upon an inmate. Effective
663 October 1, 2015, this course shall include specialized training
664 for effectively managing in nonforceful ways mentally ill
665 inmates who may exhibit erratic behavior.

666 (b) Following any use of force, a qualified health care



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667 provider shall examine any person physically involved to
668 determine the extent of injury, if any, and shall prepare a
669 report which shall include, but not be limited to, a statement
670 of whether further examination by a physician is necessary. The
671 identity of the qualified health care provider on the report
672 shall be designated by using an employee identification number
673 in lieu of a name and signature. Any noticeable physical injury
674 shall be examined by a physician, and the physician shall
675 prepare a report documenting the extent and probable cause of
676 the injury and the treatment prescribed. Such report shall be
677 completed within 5 working days of the incident and shall be
678 submitted to the warden for appropriate investigation.

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

682 (d) No later than October 1 of each year, the department
683 shall post on the agency website a report documenting incidents
684 involving the use of force during the previous fiscal year. The
685 report shall include, but not be limited to:

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

688 2. Multi-year statistics documenting annual trends in the
689 use of force;

690 3. Statistical information on the level of inmate or
691 officer injury, including death, in incidents involving the use
692 of force;

693 4. A breakdown, by institution, of statistics on use of
694 force; and

695 5. Statistics on the number of employees who were



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696 disciplined or terminated because of their involvement in
697 incidents involving the inappropriate use of force, based on
698 notations of such incidents in their personnel files.

699 (2) Each employee of the department who either applies
700 physical force or was responsible for making the decision to
701 apply physical force upon an inmate or an offender supervised by
702 the department in the community pursuant to this subsection
703 shall prepare, date, and sign under oath an independent report
704 within 1 working day of the incident. The report shall be
705 delivered to the warden or the circuit administrator, who shall
706 forward the report with all appropriate documentation to the
707 office of the inspector general. The inspector general shall
708 conduct a review and make recommendations regarding the
709 appropriateness or inappropriateness of the use of force. If the
710 inspector general finds that the use of force was appropriate,
711 the employee's report, together with the inspector general's
712 written determination of the appropriateness of the force used
713 and the reasons therefor, shall be forwarded to the circuit
714 administrator or warden upon completion of the review. If the
715 inspector general finds that the use of force was inappropriate,
716 the inspector general shall conduct a complete investigation
717 into the incident and forward the findings of fact to the
718 appropriate regional director for further action. Copies of the
719 employee's report and the inspector general's review shall be
720 kept in the files of the inmate or the offender supervised by
721 the department in the community. A notation of each incident
722 involving use of force and the outcome based on the inspector
723 general's evaluation shall be kept in the employee's file. An
724 employee with two or more notations in the employee's file for



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725 inappropriate use of force incidents, as specified in s. 944.35,
726 shall not be assigned to transitional care, crisis
727 stabilization, or corrections mental health treatment facility
728 inmate housing units as defined in Florida Administrative Code.
729 However, an employee with two or more notations in the
730 employee's file who remains free of inappropriate use of force
731 incidents for a significant period may be permitted to work in
732 the transitional care, crisis stabilization, or corrections
733 mental health treatment facility inmate housing units.

734 (3) (a) 1. Any employee of the department, private provider,
735 or private correctional facility who, with malicious intent,
736 commits a battery upon an inmate or an offender supervised by
737 the department in the community, commits a misdemeanor of the
738 first degree, punishable as provided in s. 775.082 or s.
739 775.083.

740 2. Any employee of the department, private provider, or
741 private correctional facility who, with malicious intent,
742 commits a battery or inflicts cruel or inhuman treatment by
743 neglect or otherwise, and in so doing causes great bodily harm,
744 permanent disability, or permanent disfigurement to an inmate or
745 an offender supervised by the department in the community,
746 commits a felony of the third degree, punishable as provided in
747 s. 775.082, s. 775.083, or s. 775.084.

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

750 1. A failure or omission on the part of an employee of the
751 department, private provider, or private correctional facility,
752 to:

753 a. Provide an inmate with the care, supervision, and



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754 services necessary to maintain the inmate's physical and mental
755 health, including, but not limited to, food, nutrition,
756 clothing, shelter, supervision, medicine, and medical services
757 that a prudent person would consider essential for the well-
758 being of the inmate; or

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

761 2. A determination of neglect of an inmate may be based on
762 repeated conduct or on a single incident or omission that
763 results in, or could reasonably be expected to result in,
764 serious physical or psychological injury, or a substantial risk
765 of death, to an inmate.

766 3. An employee of the department, private provider, or
767 private correctional facility who willfully or by culpable
768 negligence neglects an inmate and in so doing causes great
769 bodily harm, permanent disability, or permanent disfigurement to
770 the inmate commits a felony of the second degree, punishable as
771 provided in s. 775.082, s. 775.083, or s. 775.084.

772 4. Any employee of the department, private provider, or
773 private correctional facility who willfully or by culpable
774 negligence neglects an elderly or disabled inmate without
775 causing great bodily harm, permanent disability, or permanent
776 disfigurement to the inmate commits a felony of the third
777 degree, punishable as provided in s. 775.082, s. 775.083, or s.
778 775.084.

779 (c) ~~b~~1. As used in this paragraph, the term "sexual
780 misconduct" means the oral, anal, or vaginal penetration by, or
781 union with, the sexual organ of another or the anal or vaginal
782 penetration of another by any other object, but does not include



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783 an act done for a bona fide medical purpose or an internal
784 search conducted in the lawful performance of the employee's
785 duty.

786 2. Any employee of the department or a private correctional
787 facility as defined in s. 944.710 who engages in sexual
788 misconduct with an inmate or an offender supervised by the
789 department in the community, without committing the crime of
790 sexual battery, commits a felony of the third degree, punishable
791 as provided in s. 775.082, s. 775.083, or s. 775.084.

792 3. The consent of the inmate or offender supervised by the
793 department in the community to any act of sexual misconduct may
794 not be raised as a defense to a prosecution under this
795 paragraph.

796 4. This paragraph does not apply to any employee of the
797 department or any employee of a private correctional facility
798 who is legally married to an inmate or an offender supervised by
799 the department in the community, nor does it apply to any
800 employee who has no knowledge, and would have no reason to
801 believe, that the person with whom the employee has engaged in
802 sexual misconduct is an inmate or an offender under community
803 supervision of the department.

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

810 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
811 to suspect, that an inmate or an offender under the supervision



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812 of the department in the community has been unlawfully abused or
813 is the subject of sexual misconduct pursuant to this subsection
814 shall immediately prepare, date, and sign an independent report
815 specifically describing the nature of the force used or the
816 nature of the sexual misconduct, the location and time of the
817 incident, and the persons involved. The report shall be
818 delivered to the inspector general of the department with a copy
819 to be delivered to the warden of the institution or the regional
820 administrator. The inspector general shall immediately conduct
821 an appropriate investigation, and, if probable cause is
822 determined that a violation of this subsection has occurred, the
823 respective state attorney in the circuit in which the incident
824 occurred shall be notified.

825 (f) If an employee of the department, private provider, or
826 private correctional facility who witnesses unlawful abuse or
827 neglect or has reasonable cause to suspect that an inmate has
828 been unlawfully abused or neglected, as the term "neglected" is
829 defined in paragraph (b), fears retaliation by coworkers or
830 supervisors if he or she submits a report as provided in
831 paragraph (e), the employee may anonymously and confidentially
832 report the inmate abuse or neglect directly to the department's
833 Office of Inspector General.

834 (4) (a) Any employee required to report pursuant to this
835 section who knowingly or willfully fails to do so, or who
836 knowingly or willfully prevents another person from doing so,
837 commits a misdemeanor of the first degree, punishable as
838 provided in s. 775.082 or s. 775.083.

839 (b) Any person who knowingly or willfully submits
840 inaccurate, incomplete, or untruthful information with regard to



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841 reports required in this section commits a misdemeanor of the
842 first degree, punishable as provided in s. 775.082 or s.
843 775.083.

844 (c) Any person who knowingly or willfully coerces or
845 threatens any other person with the intent to alter either
846 testimony or a written report regarding an incident where force
847 was used or an incident of sexual misconduct commits a felony of
848 the third degree, punishable as provided in s. 775.082, s.
849 775.083, or s. 775.084.

850

851 As part of the correctional officer training program, the
852 Criminal Justice Standards and Training Commission shall develop
853 course materials for inclusion in the appropriate required
854 course specifically designed to explain the parameters of this
855 subsection, teach communication techniques related to crisis
856 stabilization to avoid the use of force, and ~~to~~ teach sexual
857 assault identification and prevention methods and techniques.

858 (5) The department shall establish a policy to protect from
859 retaliation inmates and employees who report physical or sexual
860 abuse. This policy shall establish multiple protective measures
861 for both inmates and employees relating to the reporting of
862 abuse as well as designate a method of monitoring follow up.

863 (6) The department shall establish a usage and inventory
864 policy to track, by institution, the use of chemical agents and
865 the disposal of expired, used, or damaged canisters of chemical
866 agents. The policy shall include, but not be limited to, a
867 requirement that a numbered seal be affixed to each chemical
868 agent canister in such a manner that the canister cannot be
869 removed from the carrier without breaking the seal. All



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870 canisters in the carriers will be checked out at the beginning
871 of each shift and checked back in at the end of the shift. The
872 shift supervisor should be charged with verifying the condition
873 of the numbered seals and periodically weighing random canisters
874 to insure that they have not been used without the required
875 documentation.

876 Section 10. Section 944.8041, Florida Statutes, is amended
877 to read:

878 944.8041 Elderly offenders; annual review.—

879 (1) For the purpose of providing information to the
880 Legislature on elderly offenders within the correctional system,
881 the department and the Correctional Medical Authority shall each
882 submit annually a report on the status and treatment of elderly
883 offenders in the state-administered and private state
884 correctional systems and the department's geriatric facilities
885 and dorms. In order to adequately prepare the reports, the
886 department and the Department of Management Services shall grant
887 access to the Correctional Medical Authority that includes
888 access to the facilities, offenders, and any information the
889 agencies require to complete their reports. The review shall
890 also include an examination of promising geriatric policies,
891 practices, and programs currently implemented in other
892 correctional systems within the United States. The reports, with
893 specific findings and recommendations for implementation, shall
894 be submitted to the President of the Senate and the Speaker of
895 the House of Representatives on or before December 31 of each
896 year.

897 (2) The department, in producing the annual report required
898 under s. 20.315, shall report the cost of health care provided



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899 to elderly inmates. The report shall include, but need not be
900 limited to, the average cost per year to incarcerate an elderly
901 inmate and the types of health care delivered to elderly inmates
902 which result in the highest expenditures.

903 Section 11. Section 944.805, Florida Statutes, is created
904 to read:

905 944.805 Veterans programs in state and private correctional
906 institutions.—

907 (1) The Legislature finds and declares that specialized
908 programs for veterans offered in state and private correctional
909 institutions have the potential to facilitate inmate
910 institutional adjustment, help inmates assume personal
911 responsibility, and ease community reentry through the
912 availability of expanded community resources. For the purposes
913 of this section, the term "veteran" has the same meaning as it
914 is defined in s. 1.01(14).

915 (2) It is the intent of the Legislature that the department
916 expand the use of specialized dormitories for veterans. It is
917 also the intent of the Legislature that veterans housed in state
918 and private correctional institutions be provided special
919 assistance before their release by identifying benefits and
920 services available in the community where the veteran plans to
921 reside.

922 (3) The department shall measure recidivism rates for
923 veterans who have participated in specialized dormitories and
924 for veterans who have received special assistance in community
925 reentry. The findings shall be included in the annual report
926 required under s. 20.315.

927 Section 12. Effective upon SB 540 or similar legislation



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928 creating the "State Operated Institutions Inmate Welfare Trust
929 Fund" being adopted in the 2015 Regular Session or an extension
930 thereof and becoming law, subsection (1) of section 945.215,
931 Florida Statutes, is amended, present subsections (2) and (3)
932 are redesignated as subsections (3) and (4), respectively, and a
933 new subsection (2) is added to that section, to read:

934 945.215 Inmate welfare and employee benefit trust funds.—

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

937 (a) The ~~From the~~ net proceeds from operating inmate
938 canteens, vending machines used primarily by inmates and
939 visitors, hobby shops, and other such facilities must be
940 deposited in the State Operated Institutions Inmate Welfare
941 Trust Fund or, as set forth in this section, in the General
942 Revenue Fund; however, funds necessary to purchase items for
943 resale at inmate canteens and vending machines must be deposited
944 into local bank accounts designated by the department.

945 (b) All proceeds from contracted telephone commissions must
946 be deposited in the State Operated Institutions Inmate Welfare
947 Trust Fund or, as set forth in this section, in the General
948 Revenue Fund. The department shall develop and update, as
949 necessary, administrative procedures to verify that:

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

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

955 3. The department receives the contracted telephone
956 commissions.



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957 (c) Any funds that may be assigned by inmates or donated to
958 the department by the general public or an inmate service
959 organization must be deposited in the State Operated
960 Institutions Inmate Welfare Trust Fund or, as set forth in this
961 section, in the General Revenue Fund; however, the department
962 shall not accept any donation from, or on behalf of, any
963 individual inmate.

964 (d) All proceeds from the following sources must be
965 deposited in the State Operated Institutions Inmate Welfare
966 Trust Fund or, as set forth in this section, in the General
967 Revenue Fund:

- 968 1. The confiscation and liquidation of any contraband found
969 upon, or in the possession of, any inmate;
970 2. Disciplinary fines imposed against inmates;
971 3. Forfeitures of inmate earnings; and
972 4. Unexpended balances in individual inmate trust fund
973 accounts of less than \$1.

974 (e) Items for resale at inmate canteens and vending
975 machines maintained at the correctional facilities shall be
976 priced comparatively with like items for retail sale at fair
977 market prices.

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

985 (2) (a) The State Operated Institutions Inmate Welfare Trust



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986 Fund constitutes a trust held by the department for the benefit
987 and welfare of inmates incarcerated in correctional facilities
988 operated directly by the department.

989 (b) Deposits into the State Operated Institutions Inmate
990 Welfare Trust Fund shall not exceed a total of \$5 million in any
991 fiscal year. Any proceeds or funds that would cause deposits
992 into the State Operated Institutions Inmate Welfare Trust Fund
993 to exceed this restriction shall be deposited into the General
994 Revenue Fund.

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

998 1. To provide literacy programs, vocational training
999 programs, and educational programs;

1000 2. To operate inmate chapels, faith-based programs,
1001 visiting pavilions, visiting services and programs, family
1002 services and programs, and libraries;

1003 3. To provide inmate substance abuse treatment programs and
1004 transition and life skills training programs;

1005 4. To provide for the purchase, rental, maintenance or
1006 repair of electronic or audio visual equipment used by inmates;

1007 5. To provide for the purchase, rental, maintenance or
1008 repair of recreation and wellness equipment; or

1009 6. To provide for the purchase, rental, maintenance, or
1010 repair of bicycles used by inmates traveling to and from
1011 employment in the work-release program authorized in s.

1012 945.091(1)(b).

1013 (d) Funds in the State Operated Institutions Inmate Welfare
1014 Trust Fund shall be expended only pursuant to legislative



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1015 appropriation.

1016 (e) The department shall annually compile a report that
1017 specifically documents State Operated Institutions Inmate
1018 Welfare Trust Fund receipts and expenditures. This report shall
1019 be compiled at both the statewide and institutional levels. The
1020 department must submit this report for the previous fiscal year
1021 by September 1 of each year to the chairs of the appropriate
1022 substantive and fiscal committees of the Senate and the House of
1023 Representatives and to the Executive Office of the Governor.

1024 (f) Funds in the State Operated Institutions Inmate Welfare
1025 Trust Fund or any other fund may not be used to purchase weight-
1026 training equipment.

1027 Section 13. Subsection (7) is added to section 945.48,
1028 Florida Statutes, to read:

1029 945.48 Rights of inmates provided mental health treatment;
1030 procedure for involuntary treatment; correctional officer
1031 staffing requirements.-

1032 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer
1033 who has close contact with inmates housed in a mental health
1034 treatment facility shall annually complete training in crisis
1035 intervention. An employee with two or more notations in the
1036 employee's file for inappropriate use of force incidents, as
1037 specified in s. 944.35, may not be assigned to transitional
1038 care, crisis stabilization, or corrections mental health
1039 treatment facility inmate housing units as defined in the
1040 Florida Administrative Code. However, an employee with two or
1041 more notations in the employee's file who remains free of
1042 inappropriate use of force incidents for a significant period
1043 may be permitted to work in the transitional care, crisis



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1044 stabilization, or corrections mental health treatment facility
1045 inmate housing units.

1046 Section 14. Subsection (2) of section 945.6031, Florida
1047 Statutes, is amended to read:

1048 945.6031 Required reports and surveys.-

1049 (2) The authority shall conduct surveys of the physical and
1050 mental health care system at each correctional institution at
1051 least every 18 months ~~triennially~~ and shall report the survey
1052 findings for each institution to the Secretary of Corrections.

1053 Section 15. Section 945.6033, Florida Statutes, is amended
1054 to read:

1055 945.6033 Continuing contracts with health care providers.-

1056 (1) The Department of Corrections may enter into continuing
1057 contracts with licensed health care providers, including
1058 hospitals and health maintenance organizations, for the
1059 provision of inmate health care services which the department is
1060 unable to provide in its facilities.

1061 (2) The Department of Corrections, in negotiating contracts
1062 for the delivery of inmate health care, shall only enter into
1063 contracts which contain damage provisions.

1064 Section 16. Subsection (1) of section 945.6034, Florida
1065 Statutes, is amended to read:

1066 945.6034 Minimum health care standards.-

1067 (1) The Assistant Secretary for Health Services is
1068 responsible for developing a comprehensive health care delivery
1069 system and promulgating all department health care standards.
1070 Such health care standards shall include, but are not limited
1071 to, rules relating to the management structure of the health
1072 care system and the provision of health care services to



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1073 inmates, health care policies, health care plans, quality
1074 management systems and procedures, health service bulletins, and
1075 treatment protocols. In establishing standards of care, the
1076 department shall examine and consider the needs of inmates over
1077 50 years of age and adopt health care standards unique to this
1078 population.

1079 Section 17. Section 945.6039, Florida Statutes, is created
1080 to read:

1081 945.6039 Independent Medical Evaluations and Examinations.—
1082 The department shall promulgate rules and permit an inmate's
1083 family member, lawyer, or interested party to hire and pay for
1084 an independent medical evaluation or examination by a medical
1085 professional of an incarcerated inmate. The results of the
1086 medical evaluation or examination shall be provided to the
1087 department and to the Commission on Offender Review. The purpose
1088 of these outside evaluations is to assist in the delivery of
1089 medical care to the inmate and to assist the Commission on
1090 Offender Review in considering an inmate for conditional medical
1091 release. Inmates at all department facilities and the contracted
1092 private correctional facilities are eligible for consideration
1093 to arrange for these medical evaluations. The department's
1094 contracted private health care providers may also provide such
1095 medical evaluations. The department, the private correctional
1096 facilities, and private health care providers shall provide
1097 reasonable and timely access to the inmate once a family member,
1098 lawyer, or interested party provides a written request for
1099 access.

1100 Section 18. Present paragraphs (a) and (b) of subsection
1101 (1) of section 947.149, Florida Statutes, are redesignated as



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1102 paragraphs (b) and (c), respectively, and a new paragraph (a) is
1103 added to that subsection, to read:

1104 947.149 Conditional medical release.—

1105 (1) The commission shall, in conjunction with the
1106 department, establish the conditional medical release program.
1107 An inmate is eligible for consideration for release under the
1108 conditional medical release program when the inmate, because of
1109 an existing medical or physical condition, is determined by the
1110 department to be within one of the following designations:

1111 (a) "Elderly and infirm inmate," which means an inmate who
1112 has no current or prior convictions for capital or first degree
1113 felonies, who has no current or prior convictions for sexual
1114 offenses or offenses against children, who is over 70 years of
1115 age, and who has a condition caused by injury, disease, or
1116 illness which, to a reasonable degree of medical certainty,
1117 renders the inmate infirm or physically impaired to the extent
1118 that the inmate does not constitute a danger to himself or
1119 herself or others.

1120 Section 19. Subsection (5) of section 948.10, Florida
1121 Statutes, is amended to read:

1122 948.10 Community control programs.—

1123 (5) In its annual report to the Governor, the President of
1124 the Senate, and the Speaker of the House of Representatives
1125 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
1126 detailed analysis of the community control program and the
1127 department's specific efforts to protect the public from
1128 offenders placed on community control. The analysis must
1129 include, but need not be limited to, specific information on the
1130 department's ability to meet minimum officer-to-offender contact



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1131 standards, the number of crimes committed by offenders on
1132 community control, and the level of community supervision
1133 provided.

1134 Section 20. Subsection (1) of section 951.221, Florida
1135 Statutes, is amended to read:

1136 951.221 Sexual misconduct between detention facility
1137 employees and inmates; penalties.—

1138 (1) Any employee of a county or municipal detention
1139 facility or of a private detention facility under contract with
1140 a county commission who engages in sexual misconduct, as defined
1141 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
1142 offender supervised by the facility without committing the crime
1143 of sexual battery commits a felony of the third degree,
1144 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1145 The consent of an inmate to any act of sexual misconduct may not
1146 be raised as a defense to prosecution under this section.

1147 Section 21. For the purpose of incorporating the amendment
1148 made by this act to section 944.35, Florida Statutes, in a
1149 reference thereto, paragraph (uu) of subsection (2) of section
1150 435.04, Florida Statutes, is reenacted to read:

1151 435.04 Level 2 screening standards.—

1152 (2) The security background investigations under this
1153 section must ensure that no persons subject to the provisions of
1154 this section have been arrested for and are awaiting final
1155 disposition of, have been found guilty of, regardless of
1156 adjudication, or entered a plea of nolo contendere or guilty to,
1157 or have been adjudicated delinquent and the record has not been
1158 sealed or expunged for, any offense prohibited under any of the
1159 following provisions of state law or similar law of another



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1160 jurisdiction:

1161 (uu) Section 944.35(3), relating to inflicting cruel or
1162 inhuman treatment on an inmate resulting in great bodily harm.

1163 Section 22. For the purpose of incorporating the amendment
1164 made by this act to section 944.35, Florida Statutes, in a
1165 reference thereto, paragraph (f) of subsection (3) of section
1166 921.0022, Florida Statutes, is reenacted to read:

1167 921.0022 Criminal Punishment Code; offense severity ranking
1168 chart.—

1169 (3) OFFENSE SEVERITY RANKING CHART

1170 (f) LEVEL 6

1171

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.

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1176	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1177	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1178	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1179	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
1180	784.041	3rd	Felony battery; domestic battery by strangulation.
1181	784.048 (3)	3rd	Aggravated stalking; credible threat.
1182	784.048 (5)	3rd	Aggravated stalking of person under 16.
1183	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1184	784.074 (1) (b)	2nd	Aggravated assault on



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1185			sexually violent predators facility staff.
1186	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1187	784.081 (2)	2nd	Aggravated assault on specified official or employee.
1188	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1189	784.083 (2)	2nd	Aggravated assault on code inspector.
1190	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1191	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.



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1192

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

1193

790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

1194

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

1195

794.011 (8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

1196

794.05 (1) 2nd Unlawful sexual activity with specified minor.

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less



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than 18 years.

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

1198

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

1199

810.02 (3) (c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

1200

810.145 (8) (b)

2nd

Video voyeurism; certain
minor victims; 2nd or
subsequent offense.

1201

812.014 (2) (b) 1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

1202

812.014 (6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

1203

812.015 (9) (a)

2nd

Retail theft; property



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			stolen \$300 or more; second or subsequent conviction.
1204	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1205	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1206	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1207	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1208	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1209	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



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1210	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1211	827.03 (2) (c)	3rd	Abuse of a child.
1212	827.03 (2) (d)	3rd	Neglect of a child.
1213	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1214	836.05	2nd	Threats; extortion.
1215	836.10	2nd	Written threats to kill or do bodily injury.
1216	843.12	3rd	Aids or assists person to escape.
1217	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.



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847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

1219

847.0135 (2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

1220

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

1221

944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

1222

944.40 2nd Escapes.

1223

944.46 3rd Harboring, concealing,



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1224

944.47(1)(a)5.

2nd

aiding escaped
prisoners.

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

1225

951.22(1)

3rd

Intoxicating drug,
firearm, or weapon
introduced into county
facility.

1226

1227

1228

Section 23. For the purpose of incorporating the amendment
made by this act to section 945.215, Florida Statutes, in a
reference thereto, subsection (1) of section 944.72, Florida
Statutes, is reenacted to read:

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1232

944.72 Privately Operated Institutions Inmate Welfare Trust
Fund.—

1233

1234

(1) There is hereby created in the Department of
Corrections the Privately Operated Institutions Inmate Welfare
Trust Fund. The purpose of the trust fund shall be the benefit
and welfare of inmates incarcerated in private correctional
facilities under contract with the department pursuant to this
chapter or the Department of Management Services pursuant to
chapter 957. Moneys shall be deposited in the trust fund and
expenditures made from the trust fund as provided in s. 945.215.

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1242 Section 24. For the purpose of incorporating the amendment
1243 made by this act to section 945.215, Florida Statutes, in a
1244 reference thereto, subsection (1) of section 945.21501, Florida
1245 Statutes, is reenacted to read:

1246 945.21501 Employee Benefit Trust Fund.—

1247 (1) There is hereby created in the Department of
1248 Corrections the Employee Benefit Trust Fund. The purpose of the
1249 trust fund shall be to:

1250 (a) Construct, operate, and maintain training and
1251 recreation facilities at correctional facilities for the
1252 exclusive use of department employees. Any facility constructed
1253 using funds from the Employee Benefit Trust Fund is the property
1254 of the department and must provide the maximum benefit to all
1255 interested employees, regardless of gender.

1256 (b) Provide funding for employee appreciation programs and
1257 activities designed to enhance the morale of employees.

1258
1259 Moneys shall be deposited in the trust fund as provided in s.
1260 945.215.

1261 Section 25. For the purpose of incorporating the amendment
1262 made by this act to section 945.215, Florida Statutes, in a
1263 reference thereto, section 945.2151, Florida Statutes, is
1264 reenacted to read:

1265 945.2151 Verifying social security numbers.—Prior to
1266 opening a canteen account pursuant to s. 945.215, an inmate who
1267 is eligible to receive a social security number must report his
1268 or her social security number. The department shall, in
1269 adherence with its agreement with the Social Security
1270 Administration and in a timely manner, submit sufficient and



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1271 necessary information to verify that the reported inmate's
1272 social security number is accurate and properly belongs to the
1273 inmate. If the Social Security Administration is unable to
1274 verify a reported social security number for an inmate, the
1275 department shall prohibit canteen purchases by the inmate if the
1276 department concludes that the inmate was deceptive in reporting
1277 the social security number. The prohibition against purchasing
1278 canteen items will remain in effect until a verified social
1279 security number is obtained.

1280 Section 26. Except as otherwise provided in this act, this
1281 act shall take effect July 1, 2015.