

By the Committee on Criminal Justice

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1 A bill to be entitled
2 An act relating to corrections; amending s. 20.315,
3 F.S.; revising the method of appointment for the
4 Secretary of Corrections; creating the Florida
5 Corrections Commission within the department;
6 providing for membership and terms of appointment for
7 commission members; prescribing duties and
8 responsibilities of the commission; prohibiting the
9 commission from entering into the department's
10 operation; establishing meeting and notice
11 requirements; requiring the commission to appoint an
12 executive director; authorizing reimbursement of per
13 diem and travel expenses for commission members;
14 prohibiting certain conflicts of interest among
15 commission members; providing for applicability;
16 amending s. 216.136, F.S.; requiring the Criminal
17 Justice Estimating Conference to develop projections
18 of prison admissions and populations for elderly
19 felony offenders; amending s. 944.151, F.S.; expanding
20 the department's security review committee functions;
21 ensuring physical inspections of state and private
22 buildings and structures and prioritizing institutions
23 for inspection that meet certain criteria; amending s.
24 944.275, F.S.; prohibiting an inmate from receiving
25 incentive gain-time credits for completing the
26 requirements for and receiving a general educational
27 development certificate or vocational certificate if
28 the inmate was convicted of a specified offense on or
29 after a specified date; amending s. 944.31, F.S.;

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30 requiring that a copy of a written memorandum of
31 understanding for notification and investigation of
32 certain events between the Department of Corrections
33 and the Department of Law Enforcement be provided in a
34 timely manner to the Governor, the President of the
35 Senate, and the Speaker of the House of
36 Representatives; requiring specialized training in
37 certain circumstances; amending s. 944.331, F.S.;

38 requiring the Department of Corrections to provide
39 multiple private, internal avenues for the reporting
40 by inmates of sexual abuse and sexual harassment;
41 requiring the department, in consultation with the
42 Correctional Medical Authority, to review inmate
43 health care grievance procedures at each correctional
44 institution and private correctional facility;

45 requiring the department to review inmate grievance
46 procedures at each correctional institution and
47 private correctional facility; amending s. 944.35,
48 F.S.; requiring that correctional officers have
49 specialized training in the effective, nonforceful
50 management of mentally ill inmates who may exhibit
51 erratic behavior; requiring each institution to create
52 and maintain a system to track the use of force
53 episodes to determine if inmates need subsequent
54 physical or mental health treatment; requiring annual
55 reporting of use of force on the agency website;
56 requiring that reports of physical force be signed
57 under oath; prohibiting employees with notations
58 regarding incidents involving the inappropriate use of

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59 force from being assigned to transitional care, crisis
60 stabilization, or corrections mental health treatment
61 facility housing; providing an exception; expanding
62 applicability of a current felony offense to include
63 certain employees of private providers and private
64 correctional facilities; defining the term "neglect of
65 an inmate"; providing for the determination of neglect
66 of an inmate; creating criminal penalties for certain
67 employees who neglect an inmate in specified
68 circumstances; providing for anonymous reporting of
69 inmate abuse directly to the department's Office of
70 Inspector General; requiring that instruction on
71 communication techniques related to crisis
72 stabilization to avoid use of force be included in the
73 correctional officer training program; directing the
74 department to establish policies to protect inmates
75 and employees from retaliation; requiring the
76 department to establish policies relating to the use
77 of chemical agents; amending s. 944.8041, F.S.;
78 requiring the department to report health care costs
79 for elderly inmates in its annual report; creating s.
80 944.805, F.S.; providing legislative intent relating
81 to specialized programs for veterans; requiring the
82 department to measure recidivism and report its
83 finding in that regard; amending s. 945.215, F.S.;
84 requiring that specified proceeds and certain funds be
85 deposited in the State Operated Institutions Inmate
86 Welfare Trust Fund; providing that the State Operated
87 Institutions Inmate Welfare Trust Fund is a trust held

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88 by the Department of Corrections for the benefit and
89 welfare of certain inmates; prohibiting deposits into
90 the trust fund from exceeding \$5 million per fiscal
91 year; requiring that deposits in excess of that amount
92 be deposited into the General Revenue Fund; requiring
93 that funds of the trust fund be used exclusively for
94 specified purposes at correctional facilities operated
95 by the department; requiring that funds from the trust
96 fund only be expended pursuant to legislative
97 appropriations; requiring the department to annually
98 compile a report, at the statewide and institutional
99 level documenting trust fund receipts and
100 expenditures; requiring the report be submitted by
101 September 1 for the previous fiscal year to specified
102 offices of the Legislature and to the Executive Office
103 of the Governor; prohibiting the purchase of weight-
104 training equipment; providing a contingent effective
105 date; amending s. 945.48, F.S.; specifying
106 correctional officer staffing requirements pertaining
107 to inmates housed in mental health treatment
108 facilities; amending s. 945.6031, F.S.; changing the
109 frequency of required surveys; amending s. 945.6033,
110 F.S.; provides for damages in inmate health care
111 contracts; amending s. 945.6034, F.S.; requiring the
112 department to consider the needs of inmates over 50
113 years of age and adopt health care standards for that
114 population; creating s. 945.6039; F.S.; allowing an
115 inmate's family, lawyer, and other interested parties
116 to hire and pay for an independent medical evaluation;

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117 specifying the purpose for outside evaluations;
 118 requiring the department to provide reasonable and
 119 timely access to the inmate; amending s. 947.149,
 120 F.S.; defining the term "elderly and infirm inmate";
 121 expanding eligibility for conditional medical release
 122 to include elderly and infirm inmates; amending ss.
 123 921.0021, 948.10, and 951.221. F.S.; conforming cross-
 124 references to changes made by the act; providing for
 125 applicability; reenacting ss. 435.04(2)(uu) and
 126 921.0022(3)(f), F.S., to incorporate the amendment
 127 made to s. 944.35, F.S., in references thereto;
 128 reenacting ss. 944.72(1), 945.21501(1), and 945.2151,
 129 F.S., to incorporate the amendment made to s. 945.215,
 130 F.S., in references thereto; reenacting s.
 131 945.6035(6), F.S., to incorporate the amendment made
 132 to s. 945.6031, F.S., in a reference thereto;
 133 providing effective dates.

134

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

136

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

142 20.315 Department of Corrections.—There is created a
 143 Department of Corrections.

144 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
 145 Corrections is the Secretary of Corrections. The secretary shall

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146 be ~~is~~ appointed by the Governor with the concurrence of three
147 members of the Cabinet, subject to confirmation by the Senate,
148 and shall serve at the pleasure of the Governor and Cabinet. The
149 secretary is responsible for planning, coordinating, and
150 managing the corrections system of the state. The secretary
151 shall ensure that the programs and services of the department
152 are administered in accordance with state and federal laws,
153 rules, and regulations, with established program standards, and
154 consistent with legislative intent. The secretary shall identify
155 the need for and recommend funding for the secure and efficient
156 operation of the state correctional system.

157 (a) The secretary shall appoint a deputy secretary. The
158 deputy secretary shall be directly responsible to the secretary
159 and shall serve at the pleasure of the secretary.

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

163 (c) The secretary may appoint assistant secretaries,
164 directors, or other such persons that he or she deems are
165 necessary to accomplish the mission and goals of the department,
166 including, but not limited to, the following areas of program
167 responsibility:

168 1. Security and institutional operations, which shall
169 provide inmate work programs, offender programs, security
170 administration, emergency operations response, and operational
171 oversight of the regions.

172 2. Health services, which shall be headed by a physician
173 licensed under chapter 458 or an osteopathic physician licensed
174 under chapter 459, or a professionally trained health care

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175 administrator with progressively responsible experience in
176 health care administration. This individual shall be responsible
177 for the delivery of health services to offenders within the
178 system and shall have direct professional authority over such
179 services.

180 3. Community corrections, which shall provide for
181 coordination of community alternatives to incarceration and
182 operational oversight of community corrections regions.

183 4. Administrative services, which shall provide budget and
184 accounting services within the department, including the
185 construction and maintenance of correctional institutions, human
186 resource management, research, planning and evaluation, and
187 technology.

188 5. Program, transition, and postrelease services, which
189 shall provide for the direct management and supervision of all
190 departmental programs, including the coordination and delivery
191 of education and job training to the offenders in the custody of
192 the department. In addition, this program shall provide for the
193 direct management and supervision of all programs that furnish
194 transition assistance to inmates who are or have recently been
195 in the custody of the department, including the coordination,
196 facilitation, and contract management of prerelease and
197 postrelease transition services provided by governmental and
198 private providers, including faith-based service groups.

199 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
200 Commission is created. The commission is assigned to the
201 Department of Corrections for administrative and fiscal
202 accountability purposes, but it shall otherwise function
203 independently of the control, supervision, and direction of the

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204 department. The primary focus of the commission shall be on
205 matters relating to corrections with an emphasis on the safe and
206 effective operations of major correctional institutions.
207 However, in instances in which the policies of other components
208 of the criminal justice system affect corrections, the
209 commission shall advise and make recommendations.

210 (a) The commission shall consist of nine members appointed
211 by the Governor and subject to confirmation by the Senate. The
212 initial members of the commission shall be appointed by October
213 1, 2015. Members of the commission shall be appointed for terms
214 of 4 years. However, to achieve staggered terms, four of the
215 initial members shall be appointed to 2-year terms. Members must
216 be appointed in a manner that ensures equitable representation
217 of different geographic regions of this state. Each member of
218 the commission must be a resident and a registered voter of this
219 state. A commission member must represent the state as a whole
220 and may not subordinate the needs of the state to those of a
221 particular region. The commission's membership should, to the
222 greatest extent possible, include a sheriff, state attorney,
223 public defender, pastor or former prison chaplain, community
224 leader, and business leader.

225 (b) The primary duties and responsibilities of the Florida
226 Corrections Commission include:

227 1. Conducting investigations, internal affairs
228 investigations, and criminal investigations.

229 2. Conducting announced and unannounced inspections of
230 correctional facilities, including facilities operated by
231 private contractors. The commission may enter any place where
232 prisoners in this state are kept and shall be immediately

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233 admitted to such place as they desire and may consult and confer
234 with any prisoner privately and without molestation.

235 3. Identifying and monitoring high-risk and problematic
236 correctional facilities, and reporting findings and
237 recommendations relating to such facilities.

238 4. Continually monitoring on a statewide basis the
239 incidence of inmate-on-inmate and officer-on-inmate violence and
240 the introduction of contraband.

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

244 6. Developing legislative, budgetary, and operational
245 recommendations for correctional system improvement.

246 7. Reviewing the annual Legislative Budget Request of the
247 department and making recommendations and comments on such
248 budgetary request to the Governor.

249 8. Convening public hearings, for which the commission is
250 authorized to issue subpoenas and take sworn testimony of
251 witnesses.

252 9. Conducting confidential interviews with staff, officers,
253 inmates, correctional health care professionals, citizens,
254 volunteers, and public officials relating to the operations and
255 conditions of correctional facilities.

256 10. Developing and implementing a set of standards and
257 performance measures which establishes an accountability system
258 that allows each correctional institution or facility to be
259 individually measured annually for performance. The standards
260 and measures shall be primarily focused on inmate achievement,
261 inmate institutional adjustment, safe and secure prison

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262 operations, officer safety, officer training, and inmate safety.
263 The Florida Corrections Commission shall maintain an
264 accountability system that tracks the department's progress
265 toward meeting specified goals at both regional and
266 institutional levels.

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

269 (d) The commission shall hold a minimum of six regular
270 meetings annually. A majority of the membership of the
271 commission constitutes a quorum at any meeting of the
272 commission. The chair shall be elected from the commission's
273 membership. The chair shall direct that complete and accurate
274 minutes be kept of all commission meetings, which shall be open
275 for public inspection. Additional meetings may be held upon the
276 written request of at least four members, with at least 1 week's
277 notice of such meeting being given to all members and the public
278 by the chair pursuant to chapter 120. Emergency meetings may be
279 held without notice upon request of all members. Meetings of the
280 commission shall be held at major correctional facilities around
281 the state as determined by the chair.

282 (e) The commission shall appoint an executive director who
283 shall serve under the direction, supervision, and control of the
284 commission. The executive director, with consent of the
285 commission, shall employ staff as necessary to adequately
286 perform the functions of the commission.

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

290 (g) Commission members may not have an immediate family

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291 member who works in the department or any private institution or
292 contractor under contract with the department and may not have
293 any interest, direct or indirect, in a contract, franchise,
294 privilege, or other benefit granted or awarded by the
295 department, or any of its contractors or subcontracts, while
296 serving as a member of the commission.

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

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

302 216.136 Consensus estimating conferences; duties and
303 principals.—

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

306 (d) Develop projections of prison admissions and
307 populations for elderly felony offenders.

308 Section 4. Section 944.151, Florida Statutes, is amended to
309 read:

310 944.151 Safety and security of correctional institutions
311 and facilities.—It is the intent of the Legislature that the
312 Department of Corrections shall be responsible for the safe
313 operation and security of the correctional institutions and
314 facilities. The safe operation and security of the state's
315 correctional institutions and facilities is critical to ensure
316 public safety and the safety of department employees and
317 offenders and to contain violent and chronic offenders until
318 offenders are otherwise released from the department's custody
319 pursuant to law. The Secretary of Corrections shall, at a

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320 minimum:

321 (1) Appoint and designate select staff to the a safety and
322 security review committee which shall, at a minimum, be composed
323 of: the inspector general, the statewide security coordinator,
324 the regional security coordinators, and three wardens and one
325 correctional officer. The safety and security review committee
326 shall evaluate new safety and security technology; review and
327 discuss issues impacting correctional facilities; review and
328 discuss current issues impacting correctional facilities; and
329 review and discuss other issues as requested by management.÷

330 ~~(a) Establish a periodic schedule for the physical~~
331 ~~inspection of buildings and structures of each state and private~~
332 ~~correctional institution to determine security deficiencies. In~~
333 ~~scheduling the inspections, priority shall be given to older~~
334 ~~institutions, institutions that house a large proportion of~~
335 ~~violent offenders, and institutions that have experienced a~~
336 ~~significant number of escapes or escape attempts in the past.~~

337 (2) Ensure that appropriate staff establishes a periodic
338 schedule for the physical inspection of buildings and structures
339 of each state and private correctional institution and facility
340 to determine safety and security deficiencies. In scheduling the
341 inspections, priority shall be given to older institutions,
342 institutions that house a large proportion of violent offenders,
343 institutions with a high level of inappropriate incidents of use
344 of force on inmates, assaults on employees, or inmate sexual
345 abuse, and institutions that have experienced a significant
346 number of escapes or escape attempts in the past.

347 ~~(a)(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
348 causes ~~cause~~ to be conducted announced and unannounced

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349 comprehensive safety and security audits of all state and
350 private correctional institutions. In conducting the security
351 audits, priority shall be given to older institutions,
352 institutions that house a large proportion of violent offenders,
353 institutions with a high level of inappropriate incidents of use
354 of force on inmates, assaults on employees, or inmate sexual
355 abuse, and institutions that have experienced a history of
356 escapes or escape attempts. At a minimum, the audit shall
357 include an evaluation of the physical plant, which shall include
358 the identification of blind spots or areas where staff or
359 inmates may be isolated and the deployment of audio and video
360 monitoring systems and other monitoring technologies in such
361 areas, landscaping, fencing, security alarms and perimeter
362 lighting, confinement, arsenal, key and lock, and entrance/exit
363 and inmate classification and staffing policies. Each
364 correctional institution shall be audited at least annually. ~~The~~
365 ~~secretary shall~~

366 (b) Report the general survey findings annually to the
367 Governor and the Legislature.

368 (c) Ensure appropriate staff investigates and evaluates the
369 usefulness and dependability of existing safety and security
370 technology at the institutions and new technology and video
371 monitoring systems available and make periodic written
372 recommendations to the secretary on the discontinuation or
373 purchase of various safety and security devices.

374 (d) Contract, if deemed necessary, with security personnel,
375 consulting engineers, architects, or other safety and security
376 experts the department deems necessary for safety and security
377 consultant services.

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

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

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

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

389 1. Random monitoring of outgoing telephone calls by
390 inmates.

391 2. Maintenance of current photographs of all inmates.

392 3. Daily inmate counts at varied intervals.

393 4. Use of canine units, where appropriate.

394 5. Use of escape alarms and perimeter lighting.

395 6. Florida Crime Information Center/National Crime
396 Information Center capabilities.

397 7. Employment background investigations.

398 ~~(d) Annually make written prioritized budget~~
399 ~~recommendations to the secretary that identify critical security~~
400 ~~deficiencies at major correctional institutions.~~

401 ~~(e) Investigate and evaluate the usefulness and~~
402 ~~dependability of existing security technology at the~~
403 ~~institutions and new technology available and make periodic~~
404 ~~written recommendations to the secretary on the discontinuation~~
405 ~~or purchase of various security devices.~~

406 ~~(f) Contract, if deemed necessary, with security personnel,~~

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407 ~~consulting engineers, architects, or other security experts the~~
408 ~~committee deems necessary for security audits and security~~
409 ~~consultant services.~~

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

412 (4)~~(2)~~ Direct staff to maintain and produce quarterly
413 reports with accurate escape statistics. For the purposes of
414 these reports, "escape" includes all possible types of escape,
415 regardless of prosecution by the state attorney, and including
416 offenders who walk away from nonsecure community facilities.

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

421 (5)~~(4)~~ Direct staff to submit in the annual legislative
422 budget request a prioritized summary of critical safety and
423 security deficiencies, and repair and renovation ~~security~~ needs.

424 Section 5. Paragraphs (d) and (e) of subsection (4) of
425 section 944.275, Florida Statutes, are amended to read:

426 944.275 Gain-time.—

427 (4)

428 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
429 ~~2.~~, the education program manager shall recommend, and the
430 Department of Corrections may grant, a one-time award of 60
431 additional days of incentive gain-time to an inmate who is
432 otherwise eligible and who successfully completes requirements
433 for and is awarded a high school equivalency diploma or
434 vocational certificate. This incentive gain-time award may be
435 granted to reduce any sentence for an offense committed on or

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436 after October 1, 1995. However, this gain-time may not be
437 granted to reduce any sentence for an offense committed on or
438 after October 1, 1995, if the inmate is, or has previously been,
439 convicted of a violation of s. 794.011, s. 794.05, former s.
440 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
441 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
442 847.0145, or s. 985.701(1), or a forcible felony offense that is
443 specified in s. 776.08, except burglary as specified in s.
444 810.02(4). An inmate subject to the 85 percent minimum service
445 requirement pursuant to subparagraph (b)3. may not accumulate
446 gain-time awards at any point when the tentative release date is
447 the same as the 85 percent minimum service date of the sentence
448 imposed. Under no circumstances may an inmate receive more than
449 60 days for educational attainment pursuant to this section.

450 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
451 for sentences imposed for offenses committed on or after October
452 1, 2014, the department may not grant incentive gain-time if the
453 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
454 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
455 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

456 Section 6. Section 944.31, Florida Statutes, is amended to
457 read:

458 944.31 Inspector general; inspectors; power and duties.—

459 (1) The inspector general shall be responsible for prison
460 inspection and investigation, internal affairs investigations,
461 and management reviews. The office of the inspector general
462 shall be charged with the duty of inspecting the penal and
463 correctional systems of the state. The office of the inspector
464 general shall inspect each correctional institution or any place

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465 in which state prisoners are housed, worked, or kept within the
466 state, with reference to its physical conditions, cleanliness,
467 sanitation, safety, and comfort; the quality and supply of all
468 bedding; the quality, quantity, and diversity of food served and
469 the manner in which it is served; the number and condition of
470 the prisoners confined therein; and the general conditions of
471 each institution. The office of inspector general shall see that
472 all the rules and regulations issued by the department are
473 strictly observed and followed by all persons connected with the
474 correctional systems of the state. The office of the inspector
475 general shall coordinate and supervise the work of inspectors
476 throughout the state. The inspector general and inspectors may
477 enter any place where prisoners in this state are kept and shall
478 be immediately admitted to such place as they desire and may
479 consult and confer with any prisoner privately and without
480 molestation. The inspector general and inspectors shall be
481 responsible for criminal and administrative investigation of
482 matters relating to the Department of Corrections. The secretary
483 may designate persons within the office of the inspector general
484 as law enforcement officers to conduct any criminal
485 investigation that occurs on property owned or leased by the
486 department or involves matters over which the department has
487 jurisdiction. A person designated as a law enforcement officer
488 must be certified pursuant to s. 943.1395 and must have a
489 minimum of 3 years' experience as an inspector in the inspector
490 general's office or as a law enforcement officer.

491 (2) The department, after consultation with the Florida
492 Corrections Commission, shall maintain a written memorandum of
493 understanding with the Department of Law Enforcement for the

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494 notification and investigation of mutually agreed-upon predicate
495 events that shall include, but are not limited to, suspicious
496 deaths and organized criminal activity. A copy of an active
497 memorandum of understanding shall be provided in a timely manner
498 to the Governor, the President of the Senate, and the Speaker of
499 the House of Representatives.

500 (3) During investigations, the inspector general and
501 inspectors may consult and confer with any prisoner or staff
502 member privately and without molestation and persons designated
503 as law enforcement officers under this section shall have the
504 authority to arrest, with or without a warrant, any prisoner of
505 or visitor to a state correctional institution for a violation
506 of the criminal laws of the state involving an offense
507 classified as a felony that occurs on property owned or leased
508 by the department and may arrest offenders who have escaped or
509 absconded from custody. Persons designated as law enforcement
510 officers have the authority to arrest with or without a warrant
511 a staff member of the department, including any contract
512 employee, for a violation of the criminal laws of the state
513 involving an offense classified as a felony under this chapter
514 or chapter 893 on property owned or leased by the department. A
515 person designated as a law enforcement officer under this
516 section may make arrests of persons against whom arrest warrants
517 have been issued, including arrests of offenders who have
518 escaped or absconded from custody. The arrested person shall be
519 surrendered without delay to the sheriff of the county in which
520 the arrest is made, with a formal complaint subsequently made
521 against her or him in accordance with law.

522 (4) The inspector general, and inspectors who conduct

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523 sexual abuse investigations in confinement settings, shall
524 receive specialized training in conducting such investigations.
525 The department shall be responsible for providing the
526 specialized training. Specialized training shall include, but
527 need not be limited to, techniques for interviewing sexual abuse
528 victims, proper use of Miranda and Garrity warnings, sexual
529 abuse evidence collection in confinement settings, and the
530 criteria and evidence required to substantiate a case for
531 administrative action or prosecution.

532 Section 7. Section 944.331, Florida Statutes, is amended to
533 read:

534 944.331 Inmate grievance procedure.—

535 (1) The department shall establish by rule an inmate
536 grievance procedure, which ~~that~~ must conform to the Minimum
537 Standards for Inmate Grievance Procedures as promulgated by the
538 United States Department of Justice pursuant to 42 U.S.C. s.
539 1997e. The department's office of general counsel shall oversee
540 the grievance procedures established by the department.

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

547 (3) The department, in consultation with the Correctional
548 Medical Authority, shall review inmate health care grievance
549 procedures at each correctional institution and private
550 correctional facility to determine the procedural soundness and
551 effectiveness of the current health care grievance process, to

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552 identify employees prone to misconduct directly related to the
553 delivery of health care services, and to identify life-
554 threatening inmate health concerns. The review shall determine
555 whether inmate health care grievances are being properly
556 reported, transmitted, and processed; inmates are allowed
557 writing utensils and paper; multiple channels of communication
558 exist to report alleged abuse related to the delivery of health
559 care services; and protocols are being implemented to protect an
560 inmate who filed a grievance concerning the delivery of health
561 care from retaliation for filing a complaint alleging staff
562 misconduct.

563 (4) The department shall review inmate grievance procedures
564 at each correctional institution and private correctional
565 facility to determine the procedural soundness and effectiveness
566 of the current grievance process, to identify employees prone to
567 misconduct, and to identify life-threatening inmate safety
568 concerns. The review shall determine whether inmate grievances
569 are being properly reported, transmitted, and processed; inmates
570 are allowed writing utensils and paper; multiple channels of
571 communication exist to report alleged abuse; and protocols are
572 being implemented to protect an inmate who filed a grievance
573 from retaliation for filing a complaint alleging staff
574 misconduct.

575 (5) Beginning October 1, 2015, the department in
576 consultation with the Correctional Medical Authority shall
577 annually report, and post to their respective websites, their
578 joint findings. The authority shall document in the report its
579 findings on the effectiveness of inmate health care grievance
580 procedures; cite the number of health care grievances filed by

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581 inmates, by institution and by region; specify the types of
582 health care problems alleged by inmates; and summarize the
583 actions taken by the department or the authority as a result of
584 its investigation of inmate health care grievances.

585 Section 8. Section 944.35, Florida Statutes, is amended to
586 read:

587 944.35 Authorized use of force; malicious battery and
588 sexual misconduct prohibited; reporting required; penalties.—

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

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

594 2. To prevent a person from escaping from a state
595 correctional institution when the officer reasonably believes
596 that person is lawfully detained in such institution;

597 3. To prevent damage to property;

598 4. To quell a disturbance;

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

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

602 a. When treatment is necessary to protect the health of
603 other persons, as in the case of contagious or venereal
604 diseases; or

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

607

608 As part of the correctional officer training program, the
609 Criminal Justice Standards and Training Commission shall develop

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610 a course specifically designed to explain the parameters of this
611 subsection and to teach the proper methods and techniques in
612 applying authorized physical force upon an inmate. Effective
613 October 1, 2015, this course shall include specialized training
614 for effectively managing in nonforceful ways mentally ill
615 inmates who may exhibit erratic behavior.

616 (b) Following any use of force, a qualified health care
617 provider shall examine any person physically involved to
618 determine the extent of injury, if any, and shall prepare a
619 report which shall include, but not be limited to, a statement
620 of whether further examination by a physician is necessary. The
621 identity of the qualified health care provider on the report
622 shall be designated by using an employee identification number
623 in lieu of a name and signature. Any noticeable physical injury
624 shall be examined by a physician, and the physician shall
625 prepare a report documenting the extent and probable cause of
626 the injury and the treatment prescribed. Such report shall be
627 completed within 5 working days of the incident and shall be
628 submitted to the warden for appropriate investigation.

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

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

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

638 2. Multi-year statistics documenting annual trends in the

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639 use of force;

640 3. Statistical information on the level of inmate or
641 officer injury, including death, in incidents involving the use
642 of force;

643 4. A breakdown, by institution, of statistics on use of
644 force; and

645 5. Statistics on the number of employees who were
646 disciplined or terminated because of their involvement in
647 incidents involving the inappropriate use of force, based on
648 notations of such incidents in their personnel files.

649 (2) Each employee of the department who either applies
650 physical force or was responsible for making the decision to
651 apply physical force upon an inmate or an offender supervised by
652 the department in the community pursuant to this subsection
653 shall prepare, date, and sign under oath an independent report
654 within 1 working day of the incident. The report shall be
655 delivered to the warden or the circuit administrator, who shall
656 forward the report with all appropriate documentation to the
657 office of the inspector general. The inspector general shall
658 conduct a review and make recommendations regarding the
659 appropriateness or inappropriateness of the use of force. If the
660 inspector general finds that the use of force was appropriate,
661 the employee's report, together with the inspector general's
662 written determination of the appropriateness of the force used
663 and the reasons therefor, shall be forwarded to the circuit
664 administrator or warden upon completion of the review. If the
665 inspector general finds that the use of force was inappropriate,
666 the inspector general shall conduct a complete investigation
667 into the incident and forward the findings of fact to the

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668 appropriate regional director for further action. Copies of the
669 employee's report and the inspector general's review shall be
670 kept in the files of the inmate or the offender supervised by
671 the department in the community. A notation of each incident
672 involving use of force and the outcome based on the inspector
673 general's evaluation shall be kept in the employee's file. An
674 employee with two or more notations in the employee's file for
675 inappropriate use of force incidents, as specified in s. 944.35,
676 shall not be assigned to transitional care, crisis
677 stabilization, or corrections mental health treatment facility
678 inmate housing units as defined in Florida Administrative Code.
679 However, an employee with two or more notations in the
680 employee's file who remains free of inappropriate use of force
681 incidents, for a significant period may be permitted to work in
682 the transitional care, crisis stabilization, or corrections
683 mental health treatment facility inmate housing units.

684 (3) (a) 1. Any employee of the department, private provider,
685 or private correctional facility who, with malicious intent,
686 commits a battery upon an inmate or an offender supervised by
687 the department in the community, commits a misdemeanor of the
688 first degree, punishable as provided in s. 775.082 or s.
689 775.083.

690 2. Any employee of the department, private provider, or
691 private correctional facility who, with malicious intent,
692 commits a battery or inflicts cruel or inhuman treatment by
693 neglect or otherwise, and in so doing causes great bodily harm,
694 permanent disability, or permanent disfigurement to an inmate or
695 an offender supervised by the department in the community,
696 commits a felony of the third degree, punishable as provided in

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697 s. 775.082, s. 775.083, or s. 775.084.

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

700 1. A failure or omission on the part of an employee of the
701 department, private provider, or private correctional facility,
702 to:

703 a. Provide an inmate with the care, supervision, and
704 services necessary to maintain the inmate's physical and mental
705 health, including, but not limited to, food, nutrition,
706 clothing, shelter, supervision, medicine, and medical services
707 that a prudent person would consider essential for the well-
708 being of the inmate; or

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

711 2. A determination of neglect of an inmate may be based on
712 repeated conduct or on a single incident or omission that
713 results in, or could reasonably be expected to result in,
714 serious physical or psychological injury, or a substantial risk
715 of death, to an inmate.

716 3. An employee of the department, private provider, or
717 private correctional facility who willfully or by culpable
718 negligence neglects an inmate and in so doing causes great
719 bodily harm, permanent disability, or permanent disfigurement to
720 the inmate commits a felony of the second degree, punishable as
721 provided in s. 775.082, s. 775.083, or s. 775.084.

722 4. Any employee of the department, private provider, or
723 private correctional facility who willfully or by culpable
724 negligence neglects an elderly or disabled inmate without
725 causing great bodily harm, permanent disability, or permanent

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726 disfigurement to the inmate commits a felony of the third
727 degree, punishable as provided in s. 775.082, s. 775.083, or s.
728 775.084.

729 (c)~~(b)~~1. As used in this paragraph, the term "sexual
730 misconduct" means the oral, anal, or vaginal penetration by, or
731 union with, the sexual organ of another or the anal or vaginal
732 penetration of another by any other object, but does not include
733 an act done for a bona fide medical purpose or an internal
734 search conducted in the lawful performance of the employee's
735 duty.

736 2. Any employee of the department or a private correctional
737 facility as defined in s. 944.710 who engages in sexual
738 misconduct with an inmate or an offender supervised by the
739 department in the community, without committing the crime of
740 sexual battery, commits a felony of the third degree, punishable
741 as provided in s. 775.082, s. 775.083, or s. 775.084.

742 3. The consent of the inmate or offender supervised by the
743 department in the community to any act of sexual misconduct may
744 not be raised as a defense to a prosecution under this
745 paragraph.

746 4. This paragraph does not apply to any employee of the
747 department or any employee of a private correctional facility
748 who is legally married to an inmate or an offender supervised by
749 the department in the community, nor does it apply to any
750 employee who has no knowledge, and would have no reason to
751 believe, that the person with whom the employee has engaged in
752 sexual misconduct is an inmate or an offender under community
753 supervision of the department.

754 (d)~~(e)~~ Notwithstanding prosecution, any violation of the

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755 provisions of this subsection, as determined by the Public
756 Employees Relations Commission, shall constitute sufficient
757 cause under s. 110.227 for dismissal from employment with the
758 department, and such person shall not again be employed in any
759 capacity in connection with the correctional system.

760 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
761 to suspect, that an inmate or an offender under the supervision
762 of the department in the community has been unlawfully abused or
763 is the subject of sexual misconduct pursuant to this subsection
764 shall immediately prepare, date, and sign an independent report
765 specifically describing the nature of the force used or the
766 nature of the sexual misconduct, the location and time of the
767 incident, and the persons involved. The report shall be
768 delivered to the inspector general of the department with a copy
769 to be delivered to the warden of the institution or the regional
770 administrator. The inspector general shall immediately conduct
771 an appropriate investigation, and, if probable cause is
772 determined that a violation of this subsection has occurred, the
773 respective state attorney in the circuit in which the incident
774 occurred shall be notified.

775 (f) If an employee of the department, private provider, or
776 private correctional facility who witnesses unlawful abuse or
777 neglect or has reasonable cause to suspect that an inmate has
778 been unlawfully abused or neglected, as the term "neglected" is
779 defined in paragraph (b), fears retaliation by coworkers or
780 supervisors if he or she submits a report as provided in
781 paragraph (e), the employee may anonymously and confidentially
782 report the inmate abuse or neglect directly to the department's
783 Office of Inspector General.

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784 (4) (a) Any employee required to report pursuant to this
785 section who knowingly or willfully fails to do so, or who
786 knowingly or willfully prevents another person from doing so,
787 commits a misdemeanor of the first degree, punishable as
788 provided in s. 775.082 or s. 775.083.

789 (b) Any person who knowingly or willfully submits
790 inaccurate, incomplete, or untruthful information with regard to
791 reports required in this section commits a misdemeanor of the
792 first degree, punishable as provided in s. 775.082 or s.
793 775.083.

794 (c) Any person who knowingly or willfully coerces or
795 threatens any other person with the intent to alter either
796 testimony or a written report regarding an incident where force
797 was used or an incident of sexual misconduct commits a felony of
798 the third degree, punishable as provided in s. 775.082, s.
799 775.083, or s. 775.084.

800

801 As part of the correctional officer training program, the
802 Criminal Justice Standards and Training Commission shall develop
803 course materials for inclusion in the appropriate required
804 course specifically designed to explain the parameters of this
805 subsection, teach communication techniques related to crisis
806 stabilization to avoid the use of force, and ~~to~~ teach sexual
807 assault identification and prevention methods and techniques.

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

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813 (6) The department shall establish a usage and inventory
814 policy to track, by institution, the use of chemical agents and
815 the disposal of expired, used, or damaged canisters of chemical
816 agents. The policy shall include, but not be limited to, a
817 requirement that a numbered seal be affixed to each chemical
818 agent canister in such a manner that the canister cannot be
819 removed from the carrier without breaking the seal. All
820 canisters in the carriers will be checked out at the beginning
821 of each shift and checked back in at the end of the shift. The
822 shift supervisor should be charged with verifying the condition
823 of the numbered seals and periodically weighing random canisters
824 to insure that they have not been used without the required
825 documentation.

826 Section 9. Section 944.8041, Florida Statutes, is amended
827 to read:

828 944.8041 Elderly offenders; annual review.-

829 (1) For the purpose of providing information to the
830 Legislature on elderly offenders within the correctional system,
831 the department and the Correctional Medical Authority shall each
832 submit annually a report on the status and treatment of elderly
833 offenders in the state-administered and private state
834 correctional systems and the department's geriatric facilities
835 and dorms. In order to adequately prepare the reports, the
836 department and the Department of Management Services shall grant
837 access to the Correctional Medical Authority that includes
838 access to the facilities, offenders, and any information the
839 agencies require to complete their reports. The review shall
840 also include an examination of promising geriatric policies,
841 practices, and programs currently implemented in other

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842 correctional systems within the United States. The reports, with
843 specific findings and recommendations for implementation, shall
844 be submitted to the President of the Senate and the Speaker of
845 the House of Representatives on or before December 31 of each
846 year.

847 (2) The department, in producing the annual report required
848 under s. 20.315, shall report the cost of health care provided
849 to elderly inmates. The report shall include, but need not be
850 limited to, the average cost per year to incarcerate an elderly
851 inmate and the types of health care delivered to elderly inmates
852 which result in the highest expenditures.

853 Section 10. Section 944.805, Florida Statutes, is created
854 to read:

855 944.805 Veterans programs in state and private correctional
856 institutions.-

857 (1) The Legislature finds and declares that specialized
858 programs for veterans offered in state and private correctional
859 institutions have the potential to facilitate inmate
860 institutional adjustment, help inmates assume personal
861 responsibility, and ease community reentry through the
862 availability of expanded community resources. For the purposes
863 of this section, the term "veteran" has the same meaning as it
864 is defined in s. 1.01(14).

865 (2) It is the intent of the Legislature that the department
866 expand the use of specialized dormitories for veterans. It is
867 also the intent of the Legislature that veterans housed in state
868 and private correctional institutions be provided special
869 assistance before their release by identifying benefits and
870 services available in the community where the veteran plans to

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871 reside.

872 (3) The department shall measure recidivism rates for
873 veterans who have participated in specialized dormitories and
874 for veterans who have received special assistance in community
875 reentry. The findings shall be included in the annual report
876 required under s. 20.315.

877 Section 11. Effective upon SB 540 or similar legislation
878 creating the "State Operated Institutions Inmate Welfare Trust
879 Fund" being adopted in the 2015 Regular Session or an extension
880 thereof and becoming law, subsection (1) of section 945.215,
881 Florida Statutes, is amended, present subsections (2) and (3)
882 are redesignated as subsections (3) and (4), respectively, and a
883 new subsection (2) is added to that section to read:

884 945.215 Inmate welfare and employee benefit trust funds.—

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

887 (a) The ~~From the~~ net proceeds from operating inmate
888 canteens, vending machines used primarily by inmates and
889 visitors, hobby shops, and other such facilities must be
890 deposited in the State Operated Institutions Inmate Welfare
891 Trust Fund or, as set forth in this section, in the General
892 Revenue Fund; however, funds necessary to purchase items for
893 resale at inmate canteens and vending machines must be deposited
894 into local bank accounts designated by the department.

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

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

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

905 3. The department receives the contracted telephone
906 commissions.

907 (c) Any funds that may be assigned by inmates or donated to
908 the department by the general public or an inmate service
909 organization must be deposited in the State Operated
910 Institutions Inmate Welfare Trust Fund or, as set forth in this
911 section, in the General Revenue Fund; however, the department
912 shall not accept any donation from, or on behalf of, any
913 individual inmate.

914 (d) All proceeds from the following sources must be
915 deposited in the State Operated Institutions Inmate Welfare
916 Trust Fund or, as set forth in this section, in the General
917 Revenue Fund:

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

920 2. Disciplinary fines imposed against inmates;

921 3. Forfeitures of inmate earnings; and

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

924 (e) Items for resale at inmate canteens and vending
925 machines maintained at the correctional facilities shall be
926 priced comparatively with like items for retail sale at fair
927 market prices.

928 (f) Notwithstanding any other provision of law, inmates

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929 with sufficient balances in their individual inmate bank trust
930 fund accounts, after all debts against the account are
931 satisfied, shall be allowed to request a weekly draw of up to an
932 amount set by the Secretary of Corrections, not to exceed \$100,
933 to be expended for personal use on canteen and vending machine
934 items.

935 (2) (a) The State Operated Institutions Inmate Welfare Trust
936 Fund constitutes a trust held by the department for the benefit
937 and welfare of inmates incarcerated in correctional facilities
938 operated directly by the department.

939 (b) Deposits into the State Operated Institutions Inmate
940 Welfare Trust Fund shall not exceed a total of \$5 million in any
941 fiscal year. Any proceeds or funds that would cause deposits
942 into the State Operated Institutions Inmate Welfare Trust Fund
943 to exceed this restriction shall be deposited into the General
944 Revenue Fund.

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

948 1. To provide literacy programs, vocational training
949 programs, and educational programs;

950 2. To operate inmate chapels, faith-based programs,
951 visiting pavilions, visiting services and programs, family
952 services and programs, and libraries;

953 3. To provide inmate substance abuse treatment programs and
954 transition and life skills training programs;

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

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

960 6. To provide for the purchase, rental, maintenance, or
961 repair of bicycles used by inmates traveling to and from
962 employment in the work-release program authorized in s.
963 945.091(1)(b).

964 (d) Funds in the State Operated Institutions Inmate Welfare
965 Trust Fund shall be expended only pursuant to legislative
966 appropriation.

967 (e) The department shall annually compile a report that
968 specifically documents State Operated Institutions Inmate
969 Welfare Trust Fund receipts and expenditures. This report shall
970 be compiled at both the statewide and institutional levels. The
971 department must submit this report for the previous fiscal year
972 by September 1 of each year to the chairs of the appropriate
973 substantive and fiscal committees of the Senate and the House of
974 Representatives and to the Executive Office of the Governor.

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

978 Section 12. Subsection (7) is added to section 945.48,
979 Florida Statutes, to read:

980 945.48 Rights of inmates provided mental health treatment;
981 procedure for involuntary treatment; correctional officer
982 staffing requirements.-

983 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer
984 who has close contact with inmates housed in a mental health
985 treatment facility shall annually complete training in crisis
986 intervention. An employee with two or more notations in the

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987 employee's file for inappropriate use of force incidents, as
988 specified in s. 944.35, may not be assigned to transitional
989 care, crisis stabilization, or corrections mental health
990 treatment facility inmate housing units as defined in Florida
991 Administrative Code. However, an employee with two or more
992 notations in the employee's file who remains free of
993 inappropriate use of force incidents, for a significant period
994 may be permitted to work in the transitional care, crisis
995 stabilization, or corrections mental health treatment facility
996 inmate housing units.

997 Section 13. Subsection (2) of section 945.6031, Florida
998 Statutes, is amended to read:

999 945.6031 Required reports and surveys.—

1000 (2) The authority shall conduct surveys of the physical and
1001 mental health care system at each correctional institution at
1002 least every 18 months ~~triennially~~ and shall report the survey
1003 findings for each institution to the Secretary of Corrections.

1004 Section 14. Section 945.6033, Florida Statutes, is amended
1005 to read:

1006 945.6033 Continuing contracts with health care providers.—

1007 (1) The Department of Corrections may enter into continuing
1008 contracts with licensed health care providers, including
1009 hospitals and health maintenance organizations, for the
1010 provision of inmate health care services which the department is
1011 unable to provide in its facilities.

1012 (2) The Department of Corrections, in negotiating contracts
1013 for the delivery of inmate health care, shall only enter into
1014 contracts which contain damage provisions.

1015 Section 15. Subsection (1) of section 945.6034, Florida

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1016 Statutes, is amended to read:

1017 945.6034 Minimum health care standards.—

1018 (1) The Assistant Secretary for Health Services is
1019 responsible for developing a comprehensive health care delivery
1020 system and promulgating all department health care standards.
1021 Such health care standards shall include, but are not limited
1022 to, rules relating to the management structure of the health
1023 care system and the provision of health care services to
1024 inmates, health care policies, health care plans, quality
1025 management systems and procedures, health service bulletins, and
1026 treatment protocols. In establishing standards of care, the
1027 department shall examine and consider the needs of inmates over
1028 50 years of age and adopt health care standards unique to this
1029 population.

1030 Section 16. Section 945.6039, Florida Statutes, is created
1031 to read:

1032 945.6039 Independent Medical Evaluations and Examinations.—

1033 (1) The department shall promulgate rules and permit an
1034 inmate's family member, lawyer, or interested party to hire and
1035 pay for an independent medical evaluation or examination by a
1036 medical professional of an incarcerated inmate. The results of
1037 the medical evaluation or examination shall be provided to the
1038 department and to the Commission on Offender Review. The purpose
1039 of these outside evaluations is to assist in the delivery of
1040 medical care to the inmate and to assist the Commission on
1041 Offender Review in considering an inmate for conditional medical
1042 release. Inmates at all department facilities and the contracted
1043 private correctional facilities are eligible for consideration
1044 to arrange for these medical evaluations. The department's

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1045 contracted private health care providers may also provide such
1046 medical evaluations. The department, the private correctional
1047 facilities, and private health care providers shall provide
1048 reasonable and timely access to the inmate once a family member,
1049 lawyer, or interested party provides a written request for
1050 access.

1051 Section 17. Present paragraphs (a) and (b) of subsection
1052 (1) of section 947.149, Florida Statutes, are redesignated as
1053 paragraphs (b) and (c), respectively, and a new paragraph (a) is
1054 added to that subsection, to read:

1055 947.149 Conditional medical release.—

1056 (1) The commission shall, in conjunction with the
1057 department, establish the conditional medical release program.
1058 An inmate is eligible for consideration for release under the
1059 conditional medical release program when the inmate, because of
1060 an existing medical or physical condition, is determined by the
1061 department to be within one of the following designations:

1062 (a) "Elderly and infirm inmate," which means an inmate who
1063 has no current or prior convictions for capital or first degree
1064 felonies, who has no current or prior convictions for sexual
1065 offenses or offenses against children, who is over 70 years of
1066 age, and who has a condition caused by injury, disease, or
1067 illness which, to a reasonable degree of medical certainty,
1068 renders the inmate infirm or physically impaired to the extent
1069 that the inmate does not constitute a danger to himself or
1070 herself or others.

1071 Section 18. Paragraph (c) of subsection (7) of section
1072 921.0021, Florida Statutes, is amended to read:

1073 921.0021 Definitions.—As used in this chapter, for any

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1074 felony offense, except any capital felony, committed on or after
1075 October 1, 1998, the term:

1076 (7)

1077 (c) The sentence points provided under s. 921.0024 for
1078 sexual contact or sexual penetration may not be assessed for a
1079 violation of s. 944.35(3)(c)2. ~~s. 944.35(3)(b)2.~~

1080 Section 19. Subsection (5) of section 948.10, Florida
1081 Statutes, is amended to read:

1082 948.10 Community control programs.—

1083 (5) In its annual report to the Governor, the President of
1084 the Senate, and the Speaker of the House of Representatives
1085 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
1086 detailed analysis of the community control program and the
1087 department's specific efforts to protect the public from
1088 offenders placed on community control. The analysis must
1089 include, but need not be limited to, specific information on the
1090 department's ability to meet minimum officer-to-offender contact
1091 standards, the number of crimes committed by offenders on
1092 community control, and the level of community supervision
1093 provided.

1094 Section 20. Subsection (1) of section 951.221, Florida
1095 Statutes, is amended to read:

1096 951.221 Sexual misconduct between detention facility
1097 employees and inmates; penalties.—

1098 (1) Any employee of a county or municipal detention
1099 facility or of a private detention facility under contract with
1100 a county commission who engages in sexual misconduct, as defined
1101 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
1102 offender supervised by the facility without committing the crime

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1103 of sexual battery commits a felony of the third degree,
1104 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1105 The consent of an inmate to any act of sexual misconduct may not
1106 be raised as a defense to prosecution under this section.

1107 Section 21. Paragraph (uu) of subsection (2) of s. 435.04
1108 and paragraph (f) of subsection (3) of s. 921.0022, Florida
1109 Statutes, are reenacted for the purpose of incorporating the
1110 amendment made by this act to s. 944.35, Florida Statutes, in
1111 references thereto.

1112 Section 22. Subsection (1) of s. 944.72, subsection (1) of
1113 s. 945.21501, and s. 945.2151, Florida Statutes, are reenacted
1114 for the purpose of incorporating the amendment made by this act
1115 to s. 945.215, Florida Statutes, in references thereto.

1116 Section 23. Subsection (6) of s. 945.6035, Florida Statutes,
1117 is reenacted for the purpose of incorporating the amendment made
1118 by this act to s. 945.6031, Florida Statutes, in a reference
1119 thereto.

1120 Section 24. Except as otherwise provided in this act, this
1121 act shall take effect July 1, 2015.