

By the Committees on Appropriations; and Criminal Justice

576-02497A-15

20157020c1

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 Justice
6 Administrative Commission; providing for membership
7 and terms of appointment for commission members;
8 prescribing duties and responsibilities of the
9 commission; prohibiting the commission from entering
10 into the department's operation; establishing meeting
11 and notice requirements; requiring the commission to
12 appoint an executive director; authorizing
13 reimbursement of per diem and travel expenses for
14 commission members; prohibiting certain conflicts of
15 interest among commission members; providing for
16 applicability; amending s. 216.136, F.S.; requiring
17 the Criminal Justice Estimating Conference to develop
18 projections of prison admissions and populations for
19 elderly felony offenders; amending s. 921.0021, F.S.;
20 revising the definition of "victim injury" by removing
21 a prohibition on assessing certain victim injury
22 sentence points for sexual misconduct by an employee
23 of the Department of Corrections or a private
24 correctional facility with an inmate or an offender
25 supervised by the department; conforming a provision
26 to changes made by the act; amending s. 944.151, F.S.;
27 expanding the department's security review committee
28 functions; ensuring physical inspections of state and
29 private buildings and structures and prioritizing

576-02497A-15

20157020c1

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
58 erratic behavior; requiring each institution to create

576-02497A-15

20157020c1

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.
87 944.805, F.S.; providing legislative intent relating

576-02497A-15

20157020c1

88 to specialized programs for veterans; requiring the
89 department to measure recidivism and report its
90 finding in that regard; amending s. 945.10, F.S.;
91 authorizing the release of certain confidential and
92 exempt information to the Florida Corrections
93 Commission; amending s. 945.215, F.S.; requiring that
94 specified proceeds and certain funds be deposited in
95 the State Operated Institutions Inmate Welfare Trust
96 Fund; providing that the State Operated Institutions
97 Inmate Welfare Trust Fund is a trust held by the
98 Department of Corrections for the benefit and welfare
99 of certain inmates; prohibiting deposits into the
100 trust fund from exceeding \$5 million per fiscal year;
101 requiring that deposits in excess of that amount be
102 deposited into the General Revenue Fund; requiring
103 that funds of the trust fund be used exclusively for
104 specified purposes at correctional facilities operated
105 by the department; requiring that funds from the trust
106 fund only be expended pursuant to legislative
107 appropriations; requiring the department to annually
108 compile a report, at the statewide and institutional
109 level documenting trust fund receipts and
110 expenditures; requiring that the report be submitted
111 by September 1 for the previous fiscal year to
112 specified offices of the Legislature and to the
113 Executive Office of the Governor; prohibiting the
114 purchase of weight-training equipment; providing a
115 contingent effective date; amending s. 945.48, F.S.;
116 specifying correctional officer staffing requirements

576-02497A-15

20157020c1

117 pertaining to inmates housed in mental health
118 treatment facilities; amending s. 945.6031, F.S.;
119 changing the frequency of required surveys; amending
120 s. 945.6033, F.S.; providing for damages in inmate
121 health care contracts; amending s. 945.6034, F.S.;
122 requiring the department to consider the needs of
123 inmates over 50 years of age and adopt health care
124 standards for that population; creating s. 945.6039;
125 F.S.; allowing an inmate's family, lawyer, and other
126 interested parties to hire and pay for an independent
127 medical evaluation; specifying the purpose for outside
128 evaluations; requiring the department to provide
129 reasonable and timely access to the inmate; amending
130 s. 947.149, F.S.; defining the term "elderly and
131 infirm inmate"; expanding eligibility for conditional
132 medical release to include elderly and infirm inmates;
133 amending ss. 948.10 and 951.221, F.S.; conforming
134 cross-references to changes made by the act; providing
135 for applicability; reenacting ss. 435.04(2)(uu) and
136 921.0022(3)(f), F.S., relating to level 2 screening
137 standards and the Criminal Punishment Code and offense
138 severity ranking chart, respectively, to incorporate
139 the amendment made to s. 944.35, F.S., in references
140 thereto; reenacting ss. 944.72(1), 945.21501(1), and
141 945.2151, F.S., relating to the Privately Operated
142 Institutions Inmate Welfare Trust Fund, the Employee
143 Benefit Trust Fund, and the verification of social
144 security numbers, respectively, to incorporate the
145 amendment made to s. 945.215, F.S., in references

576-02497A-15

20157020c1

146 thereto; providing for appropriations to the
147 Corrections Commission; providing for appropriations
148 to the Correctional Medical Authority; providing for
149 appropriations to the Department of Corrections;
150 providing effective dates.

151
152 Be It Enacted by the Legislature of the State of Florida:

153
154 Section 1. Subsection (3) of section 20.315, Florida
155 Statutes, is amended, present subsections (4) through (12) of
156 that section are redesignated as subsections (5) through (13),
157 respectively, and a new subsection (4) is added to that section,
158 to read:

159 20.315 Department of Corrections.—There is created a
160 Department of Corrections.

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

174 (a) The secretary shall appoint a deputy secretary. The

576-02497A-15

20157020c1

175 deputy secretary shall be directly responsible to the secretary
176 and shall serve at the pleasure of the secretary.

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

180 (c) The secretary may appoint assistant secretaries,
181 directors, or other such persons that he or she deems are
182 necessary to accomplish the mission and goals of the department,
183 including, but not limited to, the following areas of program
184 responsibility:

185 1. Security and institutional operations, which shall
186 provide inmate work programs, offender programs, security
187 administration, emergency operations response, and operational
188 oversight of the regions.

189 2. Health services, which shall be headed by a physician
190 licensed under chapter 458 or an osteopathic physician licensed
191 under chapter 459, or a professionally trained health care
192 administrator with progressively responsible experience in
193 health care administration. This individual shall be responsible
194 for the delivery of health services to offenders within the
195 system and shall have direct professional authority over such
196 services.

197 3. Community corrections, which shall provide for
198 coordination of community alternatives to incarceration and
199 operational oversight of community corrections regions.

200 4. Administrative services, which shall provide budget and
201 accounting services within the department, including the
202 construction and maintenance of correctional institutions, human
203 resource management, research, planning and evaluation, and

576-02497A-15

20157020c1

204 technology.

205 5. Program, transition, and postrelease services, which
206 shall provide for the direct management and supervision of all
207 departmental programs, including the coordination and delivery
208 of education and job training to the offenders in the custody of
209 the department. In addition, this program shall provide for the
210 direct management and supervision of all programs that furnish
211 transition assistance to inmates who are or have recently been
212 in the custody of the department, including the coordination,
213 facilitation, and contract management of prerelease and
214 postrelease transition services provided by governmental and
215 private providers, including faith-based service groups.

216 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
217 Commission is created. The commission is assigned to the Justice
218 Administrative Commission for administrative and fiscal
219 accountability purposes, but it shall otherwise function
220 independently of the control, supervision, and direction of the
221 Justice Administrative Commission. The primary focus of the
222 Florida Corrections Commission shall be on matters relating to
223 corrections with an emphasis on the safe and effective
224 operations of major correctional institutions. However, in
225 instances in which the policies of other components of the
226 criminal justice system affect corrections, the commission shall
227 advise and make recommendations.

228 (a) The commission shall consist of nine members appointed
229 by the Governor and subject to confirmation by the Senate. The
230 initial members of the commission shall be appointed by October
231 1, 2015. Members of the commission shall be appointed for terms
232 of 4 years. However, to achieve staggered terms, four of the

576-02497A-15

20157020c1

233 initial members shall be appointed to 2-year terms. Members must
234 be appointed in a manner that ensures equitable representation
235 of different geographic regions of this state. Each member of
236 the commission must be a resident and a registered voter of this
237 state. A commission member must represent the state as a whole
238 and may not subordinate the needs of the state to those of a
239 particular region. The commission's membership should, to the
240 greatest extent possible, include a person with a background in
241 law enforcement or jail management, a person with a background
242 in criminal prosecution, a person with a background in criminal
243 defense, a pastor or former prison chaplain, a community leader,
244 and a business leader.

245 (b) The primary duties and responsibilities of the Florida
246 Corrections Commission include:

247 1. Conducting investigations, internal affairs
248 investigations, and criminal investigations.

249 2. Conducting announced and unannounced inspections of
250 correctional facilities, including facilities operated by
251 private contractors. The commission may enter any place where
252 prisoners in this state are kept and shall be immediately
253 admitted to such place as they desire and may consult and confer
254 with any prisoner privately and without molestation.

255 3. Identifying and monitoring high-risk and problematic
256 correctional facilities, and reporting findings and
257 recommendations relating to such facilities.

258 4. Continually monitoring on a statewide basis the
259 incidence of inmate-on-inmate and officer-on-inmate violence and
260 the introduction of contraband.

261 5. Submitting an annual report to the Governor, the

576-02497A-15

20157020c1

262 President of the Senate, and the Speaker of the House of
263 Representatives by each November 1, beginning in 2016.

264 6. Developing legislative, budgetary, and operational
265 recommendations for correctional system improvement.

266 7. Reviewing the annual Legislative Budget Request of the
267 department and making recommendations and comments on such
268 budgetary request to the Governor.

269 8. Convening public hearings, for which the commission is
270 authorized to issue subpoenas and take sworn testimony of
271 witnesses.

272 9. Conducting confidential interviews with staff, officers,
273 inmates, correctional health care professionals, citizens,
274 volunteers, and public officials relating to the operations and
275 conditions of correctional facilities.

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

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

289 (d) The commission shall hold a minimum of six regular
290 meetings annually. A majority of the membership of the

576-02497A-15

20157020c1

291 commission constitutes a quorum at any meeting of the
292 commission. The chair shall be elected from the commission's
293 membership. The chair shall direct that complete and accurate
294 minutes be kept of all commission meetings, which shall be open
295 for public inspection. Additional meetings may be held upon the
296 written request of at least four members, with at least 1 week's
297 notice of such meeting being given to all members and the public
298 by the chair pursuant to chapter 120. Emergency meetings may be
299 held without notice upon request of all members. Meetings of the
300 commission shall be held at major correctional facilities around
301 the state as determined by the chair.

302 (e) The commission shall appoint an executive director who
303 shall serve under the direction, supervision, and control of the
304 commission. The executive director, with consent of the
305 commission, shall employ staff as necessary to adequately
306 perform the functions of the commission.

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

310 (g) Commission members may not have an immediate family
311 member who works in the department or any private institution or
312 contractor under contract with the department and may not have
313 any interest, direct or indirect, in a contract, franchise,
314 privilege, or other benefit granted or awarded by the
315 department, or any of its contractors or subcontracts, while
316 serving as a member of the commission.

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

576-02497A-15

20157020c1

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

322 216.136 Consensus estimating conferences; duties and
323 principals.—

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

326 (d) Develop projections of prison admissions and
327 populations for elderly felony offenders.

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

330 921.0021 Definitions.—As used in this chapter, for any
331 felony offense, except any capital felony, committed on or after
332 October 1, 1998, the term:

333 (7) (a) "Victim injury" means the physical injury or death
334 suffered by a person as a direct result of the primary offense,
335 or any additional offense, for which an offender is convicted
336 and which is pending before the court for sentencing at the time
337 of the primary offense.

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

339 1. If the conviction is for an offense involving sexual
340 contact that includes sexual penetration, the sexual penetration
341 must be scored in accordance with the sentence points provided
342 under s. 921.0024 for sexual penetration, regardless of whether
343 there is evidence of any physical injury.

344 2. If the conviction is for an offense involving sexual
345 contact that does not include sexual penetration, the sexual
346 contact must be scored in accordance with the sentence points
347 provided under s. 921.0024 for sexual contact, regardless of
348 whether there is evidence of any physical injury.

576-02497A-15

20157020c1

349

350 If the victim of an offense involving sexual contact suffers any
351 physical injury as a direct result of the primary offense or any
352 additional offense committed by the offender resulting in
353 conviction, such physical injury must be scored separately and
354 in addition to the points scored for the sexual contact or the
355 sexual penetration.

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

359 ~~(c)~~ (d) If the conviction is for the offense described in s.
360 872.06, the sentence points provided under s. 921.0024 for
361 sexual contact or sexual penetration may not be assessed.

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

366 Section 5. Section 944.151, Florida Statutes, is amended to
367 read:

368 944.151 Safety and security of correctional institutions
369 and facilities.—It is the intent of the Legislature that the
370 Department of Corrections shall be responsible for the safe
371 operation and security of the correctional institutions and
372 facilities. The safe operation and security of the state's
373 correctional institutions and facilities is critical to ensure
374 public safety and the safety of department employees and
375 offenders and to contain violent and chronic offenders until
376 offenders are otherwise released from the department's custody
377 pursuant to law. The Secretary of Corrections shall, at a

576-02497A-15

20157020c1

378 minimum:

379 (1) Appoint and designate select staff to the a safety and
380 security review committee which shall, at a minimum, be composed
381 of: the inspector general, the statewide security coordinator,
382 the regional security coordinators, and three wardens and one
383 correctional officer. The safety and security review committee
384 shall evaluate new safety and security technology; review and
385 discuss issues impacting correctional facilities; review and
386 discuss current issues impacting correctional facilities; and
387 review and discuss other issues as requested by management.÷

388 ~~(a) Establish a periodic schedule for the physical~~
389 ~~inspection of buildings and structures of each state and private~~
390 ~~correctional institution to determine security deficiencies. In~~
391 ~~scheduling the inspections, priority shall be given to older~~
392 ~~institutions, institutions that house a large proportion of~~
393 ~~violent offenders, and institutions that have experienced a~~
394 ~~significant number of escapes or escape attempts in the past.~~

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

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

576-02497A-15

20157020c1

407 comprehensive safety and security audits of all state and
408 private correctional institutions. In conducting the security
409 audits, priority shall be given to older institutions,
410 institutions that house a large proportion of violent offenders,
411 institutions with a high level of inappropriate incidents of use
412 of force on inmates, assaults on employees, or inmate sexual
413 abuse, and institutions that have experienced a history of
414 escapes or escape attempts. At a minimum, the audit shall
415 include an evaluation of the physical plant, which shall include
416 the identification of blind spots or areas where staff or
417 inmates may be isolated and the deployment of audio and video
418 monitoring systems and other monitoring technologies in such
419 areas, landscaping, fencing, security alarms and perimeter
420 lighting, confinement, arsenal, key and lock, and entrance/exit
421 and inmate classification and staffing policies. Each
422 correctional institution shall be audited at least annually. ~~The~~
423 ~~secretary shall~~

424 (b) Report the general survey findings annually to the
425 Governor and the Legislature.

426 (c) Ensure appropriate staff investigates and evaluates the
427 usefulness and dependability of existing safety and security
428 technology at the institutions and new technology and video
429 monitoring systems available and make periodic written
430 recommendations to the secretary on the discontinuation or
431 purchase of various safety and security devices.

432 (d) Contract, if deemed necessary, with security personnel,
433 consulting engineers, architects, or other safety and security
434 experts the department deems necessary for safety and security
435 consultant services.

576-02497A-15

20157020c1

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

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

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

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

447 (a)1. Random monitoring of outgoing telephone calls by
448 inmates.

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

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

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

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

453 (f)6. Florida Crime Information Center/National Crime
454 Information Center capabilities.

455 (g)7. Employment background investigations.

456 ~~(d) Annually make written prioritized budget~~
457 ~~recommendations to the secretary that identify critical security~~
458 ~~deficiencies at major correctional institutions.~~

459 ~~(e) Investigate and evaluate the usefulness and~~
460 ~~dependability of existing security technology at the~~
461 ~~institutions and new technology available and make periodic~~
462 ~~written recommendations to the secretary on the discontinuation~~
463 ~~or purchase of various security devices.~~

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

576-02497A-15

20157020c1

465 consulting engineers, architects, or other security experts the
466 committee deems necessary for security audits and security
467 consultant services.

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

470 (4)~~(2)~~ Direct staff to maintain and produce quarterly
471 reports with accurate escape statistics. For the purposes of
472 these reports, "escape" includes all possible types of escape,
473 regardless of prosecution by the state attorney, and including
474 offenders who walk away from nonsecure community facilities.

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

479 (5)~~(4)~~ Direct staff to submit in the annual legislative
480 budget request a prioritized summary of critical safety and
481 security deficiencies, and repair and renovation ~~security~~ needs.

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

484 944.275 Gain-time.—

485 (4)

486 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
487 ~~2.~~, the education program manager shall recommend, and the
488 Department of Corrections may grant, a one-time award of 60
489 additional days of incentive gain-time to an inmate who is
490 otherwise eligible and who successfully completes requirements
491 for and is awarded a high school equivalency diploma or
492 vocational certificate. This incentive gain-time award may be
493 granted to reduce any sentence for an offense committed on or

576-02497A-15

20157020c1

494 after October 1, 1995. However, this gain-time may not be
495 granted to reduce any sentence for an offense committed on or
496 after October 1, 1995, if the inmate is, or has previously been,
497 convicted of a violation of s. 794.011, s. 794.05, former s.
498 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
499 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
500 847.0145, or s. 985.701(1), or a forcible felony offense that is
501 specified in s. 776.08, except burglary as specified in s.
502 810.02(4). An inmate subject to the 85 percent minimum service
503 requirement pursuant to subparagraph (b)3. may not accumulate
504 gain-time awards at any point when the tentative release date is
505 the same as the 85 percent minimum service date of the sentence
506 imposed. Under no circumstances may an inmate receive more than
507 60 days for educational attainment pursuant to this section.

508 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
509 for sentences imposed for offenses committed on or after October
510 1, 2014, the department may not grant incentive gain-time if the
511 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
512 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
513 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

514 Section 7. Section 944.31, Florida Statutes, is amended to
515 read:

516 944.31 Inspector general; inspectors; power and duties.—

517 (1) The inspector general shall be responsible for prison
518 inspection and investigation, internal affairs investigations,
519 and management reviews. The office of the inspector general
520 shall be charged with the duty of inspecting the penal and
521 correctional systems of the state. The office of the inspector
522 general shall inspect each correctional institution or any place

576-02497A-15

20157020c1

523 in which state prisoners are housed, worked, or kept within the
524 state, with reference to its physical conditions, cleanliness,
525 sanitation, safety, and comfort; the quality and supply of all
526 bedding; the quality, quantity, and diversity of food served and
527 the manner in which it is served; the number and condition of
528 the prisoners confined therein; and the general conditions of
529 each institution. The office of inspector general shall see that
530 all the rules and regulations issued by the department are
531 strictly observed and followed by all persons connected with the
532 correctional systems of the state. The office of the inspector
533 general shall coordinate and supervise the work of inspectors
534 throughout the state. The inspector general and inspectors may
535 enter any place where prisoners in this state are kept and shall
536 be immediately admitted to such place as they desire and may
537 consult and confer with any prisoner privately and without
538 molestation. The inspector general and inspectors shall be
539 responsible for criminal and administrative investigation of
540 matters relating to the Department of Corrections. The secretary
541 may designate persons within the office of the inspector general
542 as law enforcement officers to conduct any criminal
543 investigation that occurs on property owned or leased by the
544 department or involves matters over which the department has
545 jurisdiction. A person designated as a law enforcement officer
546 must be certified pursuant to s. 943.1395 and must have a
547 minimum of 3 years' experience as an inspector in the inspector
548 general's office or as a law enforcement officer.

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

576-02497A-15

20157020c1

552 notification and investigation of mutually agreed-upon predicate
553 events that shall include, but are not limited to, suspicious
554 deaths and organized criminal activity. A copy of an active
555 memorandum of understanding shall be provided in a timely manner
556 to the Governor, the President of the Senate, and the Speaker of
557 the House of Representatives.

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

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

576-02497A-15

20157020c1

581 sexual abuse investigations in confinement settings, shall
582 receive specialized training in conducting such investigations.
583 The department shall be responsible for providing the
584 specialized training. Specialized training shall include, but
585 need not be limited to, techniques for interviewing sexual abuse
586 victims, proper use of Miranda and Garrity warnings, sexual
587 abuse evidence collection in confinement settings, and the
588 criteria and evidence required to substantiate a case for
589 administrative action or prosecution.

590 Section 8. Section 944.331, Florida Statutes, is amended to
591 read:

592 944.331 Inmate grievance procedure.—

593 (1) The department shall establish by rule an inmate
594 grievance procedure, which ~~that~~ must conform to the Minimum
595 Standards for Inmate Grievance Procedures as promulgated by the
596 United States Department of Justice pursuant to 42 U.S.C. s.
597 1997e. The department's office of general counsel shall oversee
598 the grievance procedures established by the department.

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

605 (3) The department, in consultation with the Correctional
606 Medical Authority, shall review inmate health care grievance
607 procedures at each correctional institution and private
608 correctional facility to determine the procedural soundness and
609 effectiveness of the current health care grievance process, to

576-02497A-15

20157020c1

610 identify employees prone to misconduct directly related to the
611 delivery of health care services, and to identify life-
612 threatening inmate health concerns. The review shall determine
613 whether inmate health care grievances are being properly
614 reported, transmitted, and processed; inmates are allowed
615 writing utensils and paper; multiple channels of communication
616 exist to report alleged abuse related to the delivery of health
617 care services; and protocols are being implemented to protect an
618 inmate who filed a grievance concerning the delivery of health
619 care from retaliation for filing a complaint alleging staff
620 misconduct.

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

633 (5) Beginning October 1, 2015, the department in
634 consultation with the Correctional Medical Authority shall
635 annually report, and post to their respective websites, their
636 joint findings. The authority shall document in the report its
637 findings on the effectiveness of inmate health care grievance
638 procedures; cite the number of health care grievances filed by

576-02497A-15

20157020c1

639 inmates, by institution and by region; specify the types of
640 health care problems alleged by inmates; and summarize the
641 actions taken by the department or the authority as a result of
642 its investigation of inmate health care grievances.

643 Section 9. Section 944.35, Florida Statutes, is amended to
644 read:

645 944.35 Authorized use of force; malicious battery and
646 sexual misconduct prohibited; reporting required; penalties.—

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

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

652 2. To prevent a person from escaping from a state
653 correctional institution when the officer reasonably believes
654 that person is lawfully detained in such institution;

655 3. To prevent damage to property;

656 4. To quell a disturbance;

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

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

660 a. When treatment is necessary to protect the health of
661 other persons, as in the case of contagious or venereal
662 diseases; or

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

665

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

576-02497A-15

20157020c1

668 a course specifically designed to explain the parameters of this
669 subsection and to teach the proper methods and techniques in
670 applying authorized physical force upon an inmate. Effective
671 October 1, 2015, this course shall include specialized training
672 for effectively managing in nonforceful ways mentally ill
673 inmates who may exhibit erratic behavior.

674 (b) Following any use of force, a qualified health care
675 provider shall examine any person physically involved to
676 determine the extent of injury, if any, and shall prepare a
677 report which shall include, but not be limited to, a statement
678 of whether further examination by a physician is necessary. The
679 identity of the qualified health care provider on the report
680 shall be designated by using an employee identification number
681 in lieu of a name and signature. Any noticeable physical injury
682 shall be examined by a physician, and the physician shall
683 prepare a report documenting the extent and probable cause of
684 the injury and the treatment prescribed. Such report shall be
685 completed within 5 working days of the incident and shall be
686 submitted to the warden for appropriate investigation.

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

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

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

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

576-02497A-15

20157020c1

697 use of force;

698 3. Statistical information on the level of inmate or
699 officer injury, including death, in incidents involving the use
700 of force;

701 4. A breakdown, by institution, of statistics on use of
702 force; and

703 5. Statistics on the number of employees who were
704 disciplined or terminated because of their involvement in
705 incidents involving the inappropriate use of force, based on
706 notations of such incidents in their personnel files.

707 (2) Each employee of the department who either applies
708 physical force or was responsible for making the decision to
709 apply physical force upon an inmate or an offender supervised by
710 the department in the community pursuant to this subsection
711 shall prepare, date, and sign under oath an independent report
712 within 1 working day of the incident. The report shall be
713 delivered to the warden or the circuit administrator, who shall
714 forward the report with all appropriate documentation to the
715 office of the inspector general. The inspector general shall
716 conduct a review and make recommendations regarding the
717 appropriateness or inappropriateness of the use of force. If the
718 inspector general finds that the use of force was appropriate,
719 the employee's report, together with the inspector general's
720 written determination of the appropriateness of the force used
721 and the reasons therefor, shall be forwarded to the circuit
722 administrator or warden upon completion of the review. If the
723 inspector general finds that the use of force was inappropriate,
724 the inspector general shall conduct a complete investigation
725 into the incident and forward the findings of fact to the

576-02497A-15

20157020c1

726 appropriate regional director for further action. Copies of the
727 employee's report and the inspector general's review shall be
728 kept in the files of the inmate or the offender supervised by
729 the department in the community. A notation of each incident
730 involving use of force and the outcome based on the inspector
731 general's evaluation shall be kept in the employee's file. An
732 employee with two or more notations in the employee's file for
733 inappropriate use of force incidents, as specified in s. 944.35,
734 shall not be assigned to transitional care, crisis
735 stabilization, or corrections mental health treatment facility
736 inmate housing units as defined in Florida Administrative Code.
737 However, an employee with two or more notations in the
738 employee's file who remains free of inappropriate use of force
739 incidents for a significant period may be permitted to work in
740 the transitional care, crisis stabilization, or corrections
741 mental health treatment facility inmate housing units.

742 (3) (a) 1. Any employee of the department, private provider,
743 or private correctional facility who, with malicious intent,
744 commits a battery upon an inmate or an offender supervised by
745 the department in the community, commits a misdemeanor of the
746 first degree, punishable as provided in s. 775.082 or s.
747 775.083.

748 2. Any employee of the department, private provider, or
749 private correctional facility who, with malicious intent,
750 commits a battery or inflicts cruel or inhuman treatment by
751 neglect or otherwise, and in so doing causes great bodily harm,
752 permanent disability, or permanent disfigurement to an inmate or
753 an offender supervised by the department in the community,
754 commits a felony of the third degree, punishable as provided in

576-02497A-15

20157020c1

755 s. 775.082, s. 775.083, or s. 775.084.

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

758 1. A failure or omission on the part of an employee of the
759 department, private provider, or private correctional facility,
760 to:

761 a. Provide an inmate with the care, supervision, and
762 services necessary to maintain the inmate's physical and mental
763 health, including, but not limited to, food, nutrition,
764 clothing, shelter, supervision, medicine, and medical services
765 that a prudent person would consider essential for the well-
766 being of the inmate; or

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

769 2. A determination of neglect of an inmate may be based on
770 repeated conduct or on a single incident or omission that
771 results in, or could reasonably be expected to result in,
772 serious physical or psychological injury, or a substantial risk
773 of death, to an inmate.

774 3. An employee of the department, private provider, or
775 private correctional facility who willfully or by culpable
776 negligence neglects an inmate and in so doing causes great
777 bodily harm, permanent disability, or permanent disfigurement to
778 the inmate commits a felony of the second degree, punishable as
779 provided in s. 775.082, s. 775.083, or s. 775.084.

780 4. Any employee of the department, private provider, or
781 private correctional facility who willfully or by culpable
782 negligence neglects an elderly or disabled inmate without
783 causing great bodily harm, permanent disability, or permanent

576-02497A-15

20157020c1

784 disfigurement to the inmate commits a felony of the third
785 degree, punishable as provided in s. 775.082, s. 775.083, or s.
786 775.084.

787 (c)~~(b)~~1. As used in this paragraph, the term "sexual
788 misconduct" means the oral, anal, or vaginal penetration by, or
789 union with, the sexual organ of another or the anal or vaginal
790 penetration of another by any other object, but does not include
791 an act done for a bona fide medical purpose or an internal
792 search conducted in the lawful performance of the employee's
793 duty.

794 2. Any employee of the department or a private correctional
795 facility as defined in s. 944.710 who engages in sexual
796 misconduct with an inmate or an offender supervised by the
797 department in the community, without committing the crime of
798 sexual battery, commits a felony of the third degree, punishable
799 as provided in s. 775.082, s. 775.083, or s. 775.084.

800 3. The consent of the inmate or offender supervised by the
801 department in the community to any act of sexual misconduct may
802 not be raised as a defense to a prosecution under this
803 paragraph.

804 4. This paragraph does not apply to any employee of the
805 department or any employee of a private correctional facility
806 who is legally married to an inmate or an offender supervised by
807 the department in the community, nor does it apply to any
808 employee who has no knowledge, and would have no reason to
809 believe, that the person with whom the employee has engaged in
810 sexual misconduct is an inmate or an offender under community
811 supervision of the department.

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

576-02497A-15

20157020c1

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

818 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
819 to suspect, that an inmate or an offender under the supervision
820 of the department in the community has been unlawfully abused or
821 is the subject of sexual misconduct pursuant to this subsection
822 shall immediately prepare, date, and sign an independent report
823 specifically describing the nature of the force used or the
824 nature of the sexual misconduct, the location and time of the
825 incident, and the persons involved. The report shall be
826 delivered to the inspector general of the department with a copy
827 to be delivered to the warden of the institution or the regional
828 administrator. The inspector general shall immediately conduct
829 an appropriate investigation, and, if probable cause is
830 determined that a violation of this subsection has occurred, the
831 respective state attorney in the circuit in which the incident
832 occurred shall be notified.

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

576-02497A-15

20157020c1

842 (4) (a) Any employee required to report pursuant to this
843 section who knowingly or willfully fails to do so, or who
844 knowingly or willfully prevents another person from doing so,
845 commits a misdemeanor of the first degree, punishable as
846 provided in s. 775.082 or s. 775.083.

847 (b) Any person who knowingly or willfully submits
848 inaccurate, incomplete, or untruthful information with regard to
849 reports required in this section commits a misdemeanor of the
850 first degree, punishable as provided in s. 775.082 or s.
851 775.083.

852 (c) Any person who knowingly or willfully coerces or
853 threatens any other person with the intent to alter either
854 testimony or a written report regarding an incident where force
855 was used or an incident of sexual misconduct commits a felony of
856 the third degree, punishable as provided in s. 775.082, s.
857 775.083, or s. 775.084.

858

859 As part of the correctional officer training program, the
860 Criminal Justice Standards and Training Commission shall develop
861 course materials for inclusion in the appropriate required
862 course specifically designed to explain the parameters of this
863 subsection, teach communication techniques related to crisis
864 stabilization to avoid the use of force, and ~~to~~ teach sexual
865 assault identification and prevention methods and techniques.

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

576-02497A-15

20157020c1

871 (6) The department shall establish a usage and inventory
872 policy to track, by institution, the use of chemical agents and
873 the disposal of expired, used, or damaged canisters of chemical
874 agents. The policy shall include, but not be limited to, a
875 requirement that a numbered seal be affixed to each chemical
876 agent canister in such a manner that the canister cannot be
877 removed from the carrier without breaking the seal. All
878 canisters in the carriers will be checked out at the beginning
879 of each shift and checked back in at the end of the shift. The
880 shift supervisor should be charged with verifying the condition
881 of the numbered seals and periodically weighing random canisters
882 to insure that they have not been used without the required
883 documentation.

884 Section 10. Section 944.8041, Florida Statutes, is amended
885 to read:

886 944.8041 Elderly offenders; annual review.—

887 (1) For the purpose of providing information to the
888 Legislature on elderly offenders within the correctional system,
889 the department and the Correctional Medical Authority shall each
890 submit annually a report on the status and treatment of elderly
891 offenders in the state-administered and private state
892 correctional systems and the department's geriatric facilities
893 and dorms. In order to adequately prepare the reports, the
894 department and the Department of Management Services shall grant
895 access to the Correctional Medical Authority that includes
896 access to the facilities, offenders, and any information the
897 agencies require to complete their reports. The review shall
898 also include an examination of promising geriatric policies,
899 practices, and programs currently implemented in other

576-02497A-15

20157020c1

900 correctional systems within the United States. The reports, with
901 specific findings and recommendations for implementation, shall
902 be submitted to the President of the Senate and the Speaker of
903 the House of Representatives on or before December 31 of each
904 year.

905 (2) The department, in producing the annual report required
906 under s. 20.315, shall report the cost of health care provided
907 to elderly inmates. The report shall include, but need not be
908 limited to, the average cost per year to incarcerate an elderly
909 inmate and the types of health care delivered to elderly inmates
910 which result in the highest expenditures.

911 Section 11. Section 944.805, Florida Statutes, is created
912 to read:

913 944.805 Veterans programs in state and private correctional
914 institutions.-

915 (1) The Legislature finds and declares that specialized
916 programs for veterans offered in state and private correctional
917 institutions have the potential to facilitate inmate
918 institutional adjustment, help inmates assume personal
919 responsibility, and ease community reentry through the
920 availability of expanded community resources. For the purposes
921 of this section, the term "veteran" has the same meaning as it
922 is defined in s. 1.01(14).

923 (2) It is the intent of the Legislature that the department
924 expand the use of specialized dormitories for veterans. It is
925 also the intent of the Legislature that veterans housed in state
926 and private correctional institutions be provided special
927 assistance before their release by identifying benefits and
928 services available in the community where the veteran plans to

576-02497A-15

20157020c1

929 reside.

930 (3) The department shall measure recidivism rates for
931 veterans who have participated in specialized dormitories and
932 for veterans who have received special assistance in community
933 reentry. The findings shall be included in the annual report
934 required under s. 20.315.

935 Section 12. Paragraph (h) is added to subsection (2) of
936 section 945.10, Florida Statutes, to read:

937 945.10 Confidential information.—

938 (2) The records and information specified in paragraphs
939 (1) (a)-(h) may be released as follows unless expressly
940 prohibited by federal law:

941 (h) Information specified in paragraphs (1) (a)-(h) to the
942 Florida Corrections Commission.

943

944 Records and information released under this subsection remain
945 confidential and exempt from the provisions of s. 119.07(1) and
946 s. 24(a), Art. I of the State Constitution when held by the
947 receiving person or entity.

948 Section 13. Effective upon SB 540 or similar legislation
949 creating the "State Operated Institutions Inmate Welfare Trust
950 Fund" being adopted in the 2015 Regular Session or an extension
951 thereof and becoming law, subsection (1) of section 945.215,
952 Florida Statutes, is amended, present subsections (2) and (3)
953 are redesignated as subsections (3) and (4), respectively, and a
954 new subsection (2) is added to that section, to read:

955 945.215 Inmate welfare and employee benefit trust funds.—

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

576-02497A-15

20157020c1

958 (a) ~~The From the~~ net proceeds from operating inmate
959 canteens, vending machines used primarily by inmates and
960 visitors, hobby shops, and other such facilities must be
961 deposited in the State Operated Institutions Inmate Welfare
962 Trust Fund or, as set forth in this section, in the General
963 Revenue Fund; however, funds necessary to purchase items for
964 resale at inmate canteens and vending machines must be deposited
965 into local bank accounts designated by the department.

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

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

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

976 3. The department receives the contracted telephone
977 commissions.

978 (c) Any funds that may be assigned by inmates or donated to
979 the department by the general public or an inmate service
980 organization must be deposited in the State Operated
981 Institutions Inmate Welfare Trust Fund or, as set forth in this
982 section, in the General Revenue Fund; however, the department
983 shall not accept any donation from, or on behalf of, any
984 individual inmate.

985 (d) All proceeds from the following sources must be
986 deposited in the State Operated Institutions Inmate Welfare

576-02497A-15

20157020c1

987 Trust Fund or, as set forth in this section, in the General
988 Revenue Fund:

- 989 1. The confiscation and liquidation of any contraband found
990 upon, or in the possession of, any inmate;
991 2. Disciplinary fines imposed against inmates;
992 3. Forfeitures of inmate earnings; and
993 4. Unexpended balances in individual inmate trust fund
994 accounts of less than \$1.

995 (e) Items for resale at inmate canteens and vending
996 machines maintained at the correctional facilities shall be
997 priced comparatively with like items for retail sale at fair
998 market prices.

999 (f) Notwithstanding any other provision of law, inmates
1000 with sufficient balances in their individual inmate bank trust
1001 fund accounts, after all debts against the account are
1002 satisfied, shall be allowed to request a weekly draw of up to an
1003 amount set by the Secretary of Corrections, not to exceed \$100,
1004 to be expended for personal use on canteen and vending machine
1005 items.

1006 (2) (a) The State Operated Institutions Inmate Welfare Trust
1007 Fund constitutes a trust held by the department for the benefit
1008 and welfare of inmates incarcerated in correctional facilities
1009 operated directly by the department.

1010 (b) Deposits into the State Operated Institutions Inmate
1011 Welfare Trust Fund shall not exceed a total of \$5 million in any
1012 fiscal year. Any proceeds or funds that would cause deposits
1013 into the State Operated Institutions Inmate Welfare Trust Fund
1014 to exceed this restriction shall be deposited into the General
1015 Revenue Fund.

576-02497A-15

20157020c1

1016 (c) Funds in the State Operated Institutions Inmate Welfare
1017 Trust Fund shall be used exclusively for the following purposes
1018 at correctional facilities operated by the department:

1019 1. To provide literacy programs, vocational training
1020 programs, and educational programs;

1021 2. To operate inmate chapels, faith-based programs,
1022 visiting pavilions, visiting services and programs, family
1023 services and programs, and libraries;

1024 3. To provide inmate substance abuse treatment programs and
1025 transition and life skills training programs;

1026 4. To provide for the purchase, rental, maintenance or
1027 repair of electronic or audio visual equipment used by inmates;

1028 5. To provide for the purchase, rental, maintenance or
1029 repair of recreation and wellness equipment; or

1030 6. To provide for the purchase, rental, maintenance, or
1031 repair of bicycles used by inmates traveling to and from
1032 employment in the work-release program authorized in s.
1033 945.091(1)(b).

1034 (d) Funds in the State Operated Institutions Inmate Welfare
1035 Trust Fund shall be expended only pursuant to legislative
1036 appropriation.

1037 (e) The department shall annually compile a report that
1038 specifically documents State Operated Institutions Inmate
1039 Welfare Trust Fund receipts and expenditures. This report shall
1040 be compiled at both the statewide and institutional levels. The
1041 department must submit this report for the previous fiscal year
1042 by September 1 of each year to the chairs of the appropriate
1043 substantive and fiscal committees of the Senate and the House of
1044 Representatives and to the Executive Office of the Governor.

576-02497A-15

20157020c1

1045 (f) Funds in the State Operated Institutions Inmate Welfare
1046 Trust Fund or any other fund may not be used to purchase weight-
1047 training equipment.

1048 Section 14. Subsection (7) is added to section 945.48,
1049 Florida Statutes, to read:

1050 945.48 Rights of inmates provided mental health treatment;
1051 procedure for involuntary treatment; correctional officer
1052 staffing requirements.-

1053 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer
1054 who has close contact with inmates housed in a mental health
1055 treatment facility shall annually complete training in crisis
1056 intervention. An employee with two or more notations in the
1057 employee's file for inappropriate use of force incidents, as
1058 specified in s. 944.35, may not be assigned to transitional
1059 care, crisis stabilization, or corrections mental health
1060 treatment facility inmate housing units as defined in the
1061 Florida Administrative Code. However, an employee with two or
1062 more notations in the employee's file who remains free of
1063 inappropriate use of force incidents for a significant period
1064 may be permitted to work in the transitional care, crisis
1065 stabilization, or corrections mental health treatment facility
1066 inmate housing units.

1067 Section 15. Subsection (2) of section 945.6031, Florida
1068 Statutes, is amended to read:

1069 945.6031 Required reports and surveys.-

1070 (2) The authority shall conduct surveys of the physical and
1071 mental health care system at each correctional institution at
1072 least every 18 months ~~triennially~~ and shall report the survey
1073 findings for each institution to the Secretary of Corrections.

576-02497A-15

20157020c1

1074 Section 16. Section 945.6033, Florida Statutes, is amended
1075 to read:

1076 945.6033 Continuing contracts with health care providers.—

1077 (1) The Department of Corrections may enter into continuing
1078 contracts with licensed health care providers, including
1079 hospitals and health maintenance organizations, for the
1080 provision of inmate health care services which the department is
1081 unable to provide in its facilities.

1082 (2) The Department of Corrections, in negotiating contracts
1083 for the delivery of inmate health care, shall only enter into
1084 contracts which contain damage provisions.

1085 Section 17. Subsection (1) of section 945.6034, Florida
1086 Statutes, is amended to read:

1087 945.6034 Minimum health care standards.—

1088 (1) The Assistant Secretary for Health Services is
1089 responsible for developing a comprehensive health care delivery
1090 system and promulgating all department health care standards.
1091 Such health care standards shall include, but are not limited
1092 to, rules relating to the management structure of the health
1093 care system and the provision of health care services to
1094 inmates, health care policies, health care plans, quality
1095 management systems and procedures, health service bulletins, and
1096 treatment protocols. In establishing standards of care, the
1097 department shall examine and consider the needs of inmates over
1098 50 years of age and adopt health care standards unique to this
1099 population.

1100 Section 18. Section 945.6039, Florida Statutes, is created
1101 to read:

1102 945.6039 Independent Medical Evaluations and Examinations.—

576-02497A-15

20157020c1

1103 The department shall promulgate rules and permit an inmate's
1104 family member, lawyer, or interested party to hire and pay for
1105 an independent medical evaluation or examination by a medical
1106 professional of an incarcerated inmate. The results of the
1107 medical evaluation or examination shall be provided to the
1108 department and to the Commission on Offender Review. The purpose
1109 of these outside evaluations is to assist in the delivery of
1110 medical care to the inmate and to assist the Commission on
1111 Offender Review in considering an inmate for conditional medical
1112 release. Inmates at all department facilities and the contracted
1113 private correctional facilities are eligible for consideration
1114 to arrange for these medical evaluations. The department's
1115 contracted private health care providers may also provide such
1116 medical evaluations. The department, the private correctional
1117 facilities, and private health care providers shall provide
1118 reasonable and timely access to the inmate once a family member,
1119 lawyer, or interested party provides a written request for
1120 access.

1121 Section 19. Present paragraphs (a) and (b) of subsection
1122 (1) of section 947.149, Florida Statutes, are redesignated as
1123 paragraphs (b) and (c), respectively, and a new paragraph (a) is
1124 added to that subsection, to read:

1125 947.149 Conditional medical release.—

1126 (1) The commission shall, in conjunction with the
1127 department, establish the conditional medical release program.
1128 An inmate is eligible for consideration for release under the
1129 conditional medical release program when the inmate, because of
1130 an existing medical or physical condition, is determined by the
1131 department to be within one of the following designations:

576-02497A-15

20157020c1

1132 (a) "Elderly and infirm inmate," which means an inmate who
1133 has no current or prior convictions for capital or first degree
1134 felonies, who has no current or prior convictions for sexual
1135 offenses or offenses against children, who is over 70 years of
1136 age, and who has a condition caused by injury, disease, or
1137 illness which, to a reasonable degree of medical certainty,
1138 renders the inmate infirm or physically impaired to the extent
1139 that the inmate does not constitute a danger to himself or
1140 herself or others.

1141 Section 20. Subsection (5) of section 948.10, Florida
1142 Statutes, is amended to read:

1143 948.10 Community control programs.—

1144 (5) In its annual report to the Governor, the President of
1145 the Senate, and the Speaker of the House of Representatives
1146 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
1147 detailed analysis of the community control program and the
1148 department's specific efforts to protect the public from
1149 offenders placed on community control. The analysis must
1150 include, but need not be limited to, specific information on the
1151 department's ability to meet minimum officer-to-offender contact
1152 standards, the number of crimes committed by offenders on
1153 community control, and the level of community supervision
1154 provided.

1155 Section 21. Subsection (1) of section 951.221, Florida
1156 Statutes, is amended to read:

1157 951.221 Sexual misconduct between detention facility
1158 employees and inmates; penalties.—

1159 (1) Any employee of a county or municipal detention
1160 facility or of a private detention facility under contract with

576-02497A-15

20157020c1

1161 a county commission who engages in sexual misconduct, as defined
1162 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
1163 offender supervised by the facility without committing the crime
1164 of sexual battery commits a felony of the third degree,
1165 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1166 The consent of an inmate to any act of sexual misconduct may not
1167 be raised as a defense to prosecution under this section.

1168 Section 22. For the purpose of incorporating the amendment
1169 made by this act to section 944.35, Florida Statutes, in a
1170 reference thereto, paragraph (uu) of subsection (2) of section
1171 435.04, Florida Statutes, is reenacted to read:

1172 435.04 Level 2 screening standards.—

1173 (2) The security background investigations under this
1174 section must ensure that no persons subject to the provisions of
1175 this section have been arrested for and are awaiting final
1176 disposition of, have been found guilty of, regardless of
1177 adjudication, or entered a plea of nolo contendere or guilty to,
1178 or have been adjudicated delinquent and the record has not been
1179 sealed or expunged for, any offense prohibited under any of the
1180 following provisions of state law or similar law of another
1181 jurisdiction:

1182 (uu) Section 944.35(3), relating to inflicting cruel or
1183 inhuman treatment on an inmate resulting in great bodily harm.

1184 Section 23. For the purpose of incorporating the amendment
1185 made by this act to section 944.35, Florida Statutes, in a
1186 reference thereto, paragraph (f) of subsection (3) of section
1187 921.0022, Florida Statutes, is reenacted to read:

1188 921.0022 Criminal Punishment Code; offense severity ranking
1189 chart.—

576-02497A-15

20157020c1

1190 (3) OFFENSE SEVERITY RANKING CHART
 1191 (f) LEVEL 6

1192	Florida Statute	Felony Degree	Description
1193	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1194	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1195	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
1196	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
1197	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1198	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1199	784.021 (1) (a)	3rd	Aggravated assault;

576-02497A-15

20157020c1

1200

deadly weapon without
intent to kill.

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

1201

784.041

3rd

Felony battery; domestic
battery by
strangulation.

1202

784.048 (3)

3rd

Aggravated stalking;
credible threat.

1203

784.048 (5)

3rd

Aggravated stalking of
person under 16.

1204

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

1205

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

1206

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

1207

784.081 (2)

2nd

Aggravated assault on

576-02497A-15

20157020c1

1208

specified official or
employee.

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

1209

784.083 (2)

2nd

Aggravated assault on
code inspector.

1210

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

1211

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

1212

790.161 (2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

1213

790.164 (1)

2nd

False report of deadly
explosive, weapon of
mass destruction, or act
of arson or violence to

576-02497A-15

20157020c1

1214

state property.

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

1215

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

1216

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

1217

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
than 18 years.

1218

800.04 (6) (b)

2nd

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

1219

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other

576-02497A-15

20157020c1

			person.
1220	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1221	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1222	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1223	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1224	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1225	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1226	812.13 (2) (c)	2nd	Robbery, no firearm or

576-02497A-15

20157020c1

1227

other weapon (strong-arm robbery).

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

1228

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

1229

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

1230

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

1231

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

1232

827.03 (2) (c)

3rd

Abuse of a child.

1233

827.03 (2) (d)

3rd

Neglect of a child.

576-02497A-15

20157020c1

1234

827.071(2) & (3)

2nd

Use or induce a child in a sexual performance, or promote or direct such performance.

1235

836.05

2nd

Threats; extortion.

1236

836.10

2nd

Written threats to kill or do bodily injury.

1237

843.12

3rd

Aids or assists person to escape.

1238

847.011

3rd

Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

1239

847.012

3rd

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

1240

847.0135(2)

3rd

Facilitates sexual conduct of or with a minor or the visual

576-02497A-15

20157020c1

1241

depiction of such
conduct.

914.23

2nd

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

1242

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.

1243

944.40

2nd

Escapes.

1244

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

1245

944.47 (1) (a) 5.

2nd

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

1246

576-02497A-15

20157020c1

951.22(1)

3rd

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

1247

1248

1249

1250

1251

1252

1253

1254

1255

1256

1257

1258

1259

1260

1261

1262

1263

1264

1265

1266

1267

1268

1269

1270

1271

Section 24. 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:

944.72 Privately Operated Institutions Inmate Welfare Trust Fund.—

(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.

Section 25. 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 945.21501, Florida Statutes, is reenacted to read:

945.21501 Employee Benefit Trust Fund.—

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

(a) Construct, operate, and maintain training and

576-02497A-15

20157020c1

1272 recreation facilities at correctional facilities for the
1273 exclusive use of department employees. Any facility constructed
1274 using funds from the Employee Benefit Trust Fund is the property
1275 of the department and must provide the maximum benefit to all
1276 interested employees, regardless of gender.

1277 (b) Provide funding for employee appreciation programs and
1278 activities designed to enhance the morale of employees.

1279

1280 Moneys shall be deposited in the trust fund as provided in s.
1281 945.215.

1282 Section 26. For the purpose of incorporating the amendment
1283 made by this act to section 945.215, Florida Statutes, in a
1284 reference thereto, section 945.2151, Florida Statutes, is
1285 reenacted to read:

1286 945.2151 Verifying social security numbers.—Prior to
1287 opening a canteen account pursuant to s. 945.215, an inmate who
1288 is eligible to receive a social security number must report his
1289 or her social security number. The department shall, in
1290 adherence with its agreement with the Social Security
1291 Administration and in a timely manner, submit sufficient and
1292 necessary information to verify that the reported inmate's
1293 social security number is accurate and properly belongs to the
1294 inmate. If the Social Security Administration is unable to
1295 verify a reported social security number for an inmate, the
1296 department shall prohibit canteen purchases by the inmate if the
1297 department concludes that the inmate was deceptive in reporting
1298 the social security number. The prohibition against purchasing
1299 canteen items will remain in effect until a verified social
1300 security number is obtained.

576-02497A-15

20157020c1

1301 Section 27. The sum of \$808,709 is appropriated to the
1302 Corrections Commission from recurring general revenue funds for
1303 the 2015-2016 fiscal year and eight full-time equivalent
1304 positions are authorized with salary of \$525,000 and associated
1305 salary rate of 525,000, benefits of \$204,650, and standard
1306 expenses of \$79,059. The sum of \$400,000 is appropriated to the
1307 commission from recurring general revenue funds for the 2015-
1308 2016 fiscal year, which funds shall be used for travel and
1309 expenses of the commissioners and commission employees. The sum
1310 of \$96,000 is appropriated to the commission from nonrecurring
1311 general revenue for the 2015-2016 fiscal year, which funds shall
1312 be used to purchase vehicles for use by employees of the
1313 commission.

1314 Section 28. The sum of \$439,548 is appropriated to the
1315 Correctional Medical Authority from recurring general revenue
1316 funds for the 2015-2016 fiscal year and an additional six full-
1317 time equivalent positions are authorized with salary of \$276,000
1318 and associated salary rate of 276,000, benefits of \$103,260, and
1319 standard expenses of \$60,288. The sum of \$350,000 is
1320 appropriated to the authority from recurring general revenue
1321 funds for the 2015-2016 fiscal year for health surveyor contract
1322 fees.

1323 Section 29. The sum of \$1,000,000 is appropriated to the
1324 Department of Corrections from recurring general revenue for the
1325 2015-2016 fiscal year for expenses to provide crisis
1326 intervention training for correctional officers who have close
1327 contact with inmates housed in a mental health treatment
1328 facility, as required by this act.

1329 Section 30. The sum of \$5,000,000 in recurring funds is

576-02497A-15

20157020c1

1330 appropriated from the State Operated Institutions Inmate Welfare
1331 Trust Fund to the Department of Corrections for the following
1332 purposes:

1333 1. To provide literacy programs, vocational training
1334 programs, and educational programs;

1335 2. To operate inmate chapels, faith-based programs,
1336 visiting pavilions, visiting services and programs, family
1337 services and programs, and libraries;

1338 3. To provide inmate substance abuse treatment programs and
1339 transition and life skills training programs;

1340 4. To provide for the purchase, rental, maintenance or
1341 repair of electronic or audio visual equipment used by inmates;

1342 5. To provide for the purchase, rental, maintenance or
1343 repair of recreation and wellness equipment; or

1344 6. To provide for the purchase, rental, maintenance, or
1345 repair of bicycles used by inmates traveling to and from
1346 employment in the work-release program authorized in s.
1347 945.091(1)(b).

1348
1349 This appropriation is contingent on SB 540 or similar
1350 legislation creating the "State Operated Institutions Inmate
1351 Welfare Trust Fund" being adopted in the 2015 Regular Session or
1352 an extension thereof and becoming law.

1353 Section 31. Except as otherwise provided in this act, this
1354 act shall take effect July 1, 2015.