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1                   A bill to be entitled  
2     An act relating to corrections; amending s. 110.205,  
3     F.S.; specifying employees and officers of the  
4     Corrections Commission are exempt from career service;  
5     amending s. 20.315, F.S.; revising the method of  
6     appointment for the Secretary of Corrections; creating  
7     the Florida Corrections Commission within the Justice  
8     Administrative Commission; specifying that the  
9     Corrections Commission shall not be subject to the  
10    control or direction of the Justice Administrative  
11    Commission but the employees shall be governed by the  
12    classification plan and salary and benefits plan  
13    approved by the Justice Administrative Commission;  
14    providing for membership and terms of appointment for  
15    commission members; prescribing duties and  
16    responsibilities of the commission; prohibiting the  
17    commission from entering into the department's  
18    operation; establishing meeting and notice  
19    requirements; requiring the commission to appoint an  
20    executive director; authorizing reimbursement of per  
21    diem and travel expenses for commission members;  
22    prohibiting certain conflicts of interest among  
23    commission members; providing for applicability;  
24    amending s. 216.136, F.S.; requiring the Criminal  
25    Justice Estimating Conference to develop projections  
26    of prison admissions and populations for elderly  
27    felony offenders; amending s. 43.16, F.S.; clarifying  
28    the duties of the Justice Administrative Commission in  
29    the operations of the Corrections Commission; amending

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30 s. 921.0021, F.S.; revising the definition of "victim  
31 injury" by removing a prohibition on assessing certain  
32 victim injury sentence points for sexual misconduct by  
33 an employee of the Department of Corrections or a  
34 private correctional facility with an inmate or an  
35 offender supervised by the department; conforming a  
36 provision to changes made by the act; amending s.  
37 944.151, F.S.; expanding the department's security  
38 review committee functions; ensuring physical  
39 inspections of state and private buildings and  
40 structures and prioritizing institutions for  
41 inspection that meet certain criteria; amending s.  
42 944.275, F.S.; prohibiting an inmate from receiving  
43 incentive gain-time credits for completing the  
44 requirements for and receiving a general educational  
45 development certificate or vocational certificate if  
46 the inmate was convicted of a specified offense on or  
47 after a specified date; amending s. 944.31, F.S.;  
48 requiring that a copy of a written memorandum of  
49 understanding for notification and investigation of  
50 certain events between the Department of Corrections  
51 and the Department of Law Enforcement be provided in a  
52 timely manner to the Governor, the President of the  
53 Senate, and the Speaker of the House of  
54 Representatives; requiring specialized training in  
55 certain circumstances; amending s. 944.331, F.S.;  
56 requiring the Department of Corrections to provide  
57 multiple private, internal avenues for the reporting  
58 by inmates of sexual abuse and sexual harassment;

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59 requiring the department, in consultation with the  
60 Correctional Medical Authority, to review inmate  
61 health care grievance procedures at each correctional  
62 institution and private correctional facility;  
63 requiring the department to review inmate grievance  
64 procedures at each correctional institution and  
65 private correctional facility; amending s. 944.35,  
66 F.S.; requiring that correctional officers have  
67 specialized training in the effective, nonforceful  
68 management of mentally ill inmates who may exhibit  
69 erratic behavior; requiring each institution to create  
70 and maintain a system to track the use of force  
71 episodes to determine if inmates need subsequent  
72 physical or mental health treatment; requiring annual  
73 reporting of use of force on the agency website;  
74 requiring that reports of physical force be signed  
75 under oath; prohibiting employees with notations  
76 regarding incidents involving the inappropriate use of  
77 force from being assigned to transitional care, crisis  
78 stabilization, or corrections mental health treatment  
79 facility housing; providing an exception; expanding  
80 applicability of a current felony offense to include  
81 certain employees of private providers and private  
82 correctional facilities; creating criminal penalties  
83 for employees who willfully or by culpable negligence  
84 withhold food and water and other essential services;  
85 providing for anonymous reporting of inmate abuse  
86 directly to the department's Office of Inspector  
87 General; requiring that instruction on communication

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88 techniques related to crisis stabilization to avoid  
89 use of force be included in the correctional officer  
90 training program; directing the department to  
91 establish policies to protect inmates and employees  
92 from retaliation; requiring the department to  
93 establish policies relating to the use of chemical  
94 agents; requiring all nonreactionary use of force  
95 incidents using chemical agents be videotaped;  
96 amending s. 944.8041, F.S.; requiring the department  
97 to report health care costs for elderly inmates in its  
98 annual report; creating s. 944.805, F.S.; providing  
99 legislative intent relating to specialized programs  
100 for veterans; requiring the department to measure  
101 recidivism and report its finding in that regard;  
102 amending s. 945.10, F.S.; authorizing the release of  
103 certain confidential and exempt information to the  
104 Florida Corrections Commission; amending s. 945.215,  
105 F.S.; requiring that specified proceeds and certain  
106 funds be deposited in the State Operated Institutions  
107 Inmate Welfare Trust Fund; providing that the State  
108 Operated Institutions Inmate Welfare Trust Fund is a  
109 trust held by the Department of Corrections for the  
110 benefit and welfare of certain inmates; prohibiting  
111 deposits into the trust fund from exceeding \$5 million  
112 per fiscal year; requiring that deposits in excess of  
113 that amount be deposited into the General Revenue  
114 Fund; requiring that funds of the trust fund be used  
115 exclusively for specified purposes at correctional  
116 facilities operated by the department; requiring that

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117 funds from the trust fund only be expended pursuant to  
118 legislative appropriations; requiring the department  
119 to annually compile a report, at the statewide and  
120 institutional level documenting trust fund receipts  
121 and expenditures; requiring that the report be  
122 submitted by September 1 for the previous fiscal year  
123 to specified offices of the Legislature and to the  
124 Executive Office of the Governor; prohibiting the  
125 purchase of weight-training equipment; providing a  
126 contingent effective date; amending s. 945.48, F.S.;  
127 specifying correctional officer staffing requirements  
128 pertaining to inmates housed in mental health  
129 treatment facilities; amending s. 945.6031, F.S.;  
130 changing the frequency of required surveys; amending  
131 s. 945.6033, F.S.; providing for damages in inmate  
132 health care contracts; amending s. 945.6034, F.S.;  
133 requiring the department to consider the needs of  
134 inmates over 50 years of age and adopt health care  
135 standards for that population; creating s. 945.6039,  
136 F.S.; allowing an inmate's family, lawyer, and other  
137 interested parties to hire and pay for an independent  
138 medical evaluation; specifying the purpose for outside  
139 evaluations; requiring the department to provide  
140 reasonable and timely access to the inmate; amending  
141 s. 947.149, F.S.; defining the term "elderly and  
142 infirm inmate"; expanding eligibility for conditional  
143 medical release to include elderly and infirm inmates;  
144 amending ss. 948.10 and 951.221, F.S.; conforming  
145 cross-references to changes made by the act; providing

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146 for applicability; reenacting ss. 435.04(2)(uu) and  
147 921.0022(3)(f), F.S., relating to level 2 screening  
148 standards and the Criminal Punishment Code and offense  
149 severity ranking chart, respectively, to incorporate  
150 the amendment made to s. 944.35, F.S., in references  
151 thereto; reenacting ss. 944.72(1), 945.21501(1), and  
152 945.2151, F.S., relating to the Privately Operated  
153 Institutions Inmate Welfare Trust Fund, the Employee  
154 Benefit Trust Fund, and the verification of social  
155 security numbers, respectively, to incorporate the  
156 amendment made to s. 945.215, F.S., in references  
157 thereto; providing for appropriations to the  
158 Corrections Commission; providing for appropriations  
159 to the Correctional Medical Authority; providing for  
160 appropriations to the Department of Corrections;  
161 providing effective dates.

162  
163 Be It Enacted by the Legislature of the State of Florida:

164  
165 Section 1. Paragraph (x) of subsection (2) of section  
166 110.205, Florida Statutes, is amended to read:

167 110.205 Career service; exemptions.—

168 (2) EXEMPT POSITIONS.—The exempt positions that are not  
169 covered by this part include the following:

170 (x) All officers and employees of the Justice  
171 Administrative Commission, Office of the State Attorney, Office  
172 of the Public Defender, regional offices of capital collateral  
173 counsel, offices of criminal conflict and civil regional  
174 counsel, ~~and~~ Statewide Guardian Ad Litem Office, including the

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175 circuit guardian ad litem programs, and the Florida Corrections  
176 Commission.

177 Section 2. Subsection (3) of section 20.315, Florida  
178 Statutes, is amended, present subsections (4) through (12) of  
179 that section are redesignated as subsections (5) through (13),  
180 respectively, and a new subsection (4) is added to that section,  
181 to read:

182 20.315 Department of Corrections.—There is created a  
183 Department of Corrections.

184 (3) SECRETARY OF CORRECTIONS.—The head of the Department of  
185 Corrections is the Secretary of Corrections. The secretary shall  
186 be ~~is~~ appointed by the Governor with the concurrence of three  
187 members of the Cabinet, subject to confirmation by the Senate,  
188 and shall serve at the pleasure of the Governor and Cabinet. The  
189 secretary is responsible for planning, coordinating, and  
190 managing the corrections system of the state. The secretary  
191 shall ensure that the programs and services of the department  
192 are administered in accordance with state and federal laws,  
193 rules, and regulations, with established program standards, and  
194 consistent with legislative intent. The secretary shall identify  
195 the need for and recommend funding for the secure and efficient  
196 operation of the state correctional system.

197 (a) The secretary shall appoint a deputy secretary. The  
198 deputy secretary shall be directly responsible to the secretary  
199 and shall serve at the pleasure of the secretary.

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

203 (c) The secretary may appoint assistant secretaries,

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204 directors, or other such persons that he or she deems are  
205 necessary to accomplish the mission and goals of the department,  
206 including, but not limited to, the following areas of program  
207 responsibility:

208 1. Security and institutional operations, which shall  
209 provide inmate work programs, offender programs, security  
210 administration, emergency operations response, and operational  
211 oversight of the regions.

212 2. Health services, which shall be headed by a physician  
213 licensed under chapter 458 or an osteopathic physician licensed  
214 under chapter 459, or a professionally trained health care  
215 administrator with progressively responsible experience in  
216 health care administration. This individual shall be responsible  
217 for the delivery of health services to offenders within the  
218 system and shall have direct professional authority over such  
219 services.

220 3. Community corrections, which shall provide for  
221 coordination of community alternatives to incarceration and  
222 operational oversight of community corrections regions.

223 4. Administrative services, which shall provide budget and  
224 accounting services within the department, including the  
225 construction and maintenance of correctional institutions, human  
226 resource management, research, planning and evaluation, and  
227 technology.

228 5. Program, transition, and postrelease services, which  
229 shall provide for the direct management and supervision of all  
230 departmental programs, including the coordination and delivery  
231 of education and job training to the offenders in the custody of  
232 the department. In addition, this program shall provide for the



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233 direct management and supervision of all programs that furnish  
234 transition assistance to inmates who are or have recently been  
235 in the custody of the department, including the coordination,  
236 facilitation, and contract management of prerelease and  
237 postrelease transition services provided by governmental and  
238 private providers, including faith-based service groups.

239 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections  
240 Commission is created. The primary focus of the commission shall  
241 be on matters relating to corrections with an emphasis on the  
242 safe and effective operations of major correctional  
243 institutions. However, in instances in which the policies of  
244 other components of the criminal justice system affect  
245 corrections, the commission shall advise and make  
246 recommendations. The Justice Administrative Commission shall  
247 provide administrative support and service to the Florida  
248 Corrections Commission to the extent requested by the Florida  
249 Corrections Commission. The Florida Corrections Commission shall  
250 not be subject to the control, supervision, or direction by  
251 the Justice Administrative Commission in the performance of its  
252 duties, but the employees of the Florida Corrections Commission  
253 shall be governed by the classification plan and salary and  
254 benefits plan approved by the Justice Administrative Commission.

255 (a) The commission shall be composed of nine members. The  
256 President of the Senate, the Speaker of the House of  
257 Representatives, the minority leader of the Senate, and the  
258 minority leader of the House of Representatives shall each  
259 provide a list of six nominees to the Governor for consideration  
260 and initial appointment to the commission. The Governor may  
261 appoint two members to the commission from each list. The

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262 Governor may also appoint a ninth member of his or her choosing.  
263 The initial members of the commission shall be appointed by  
264 October 1, 2015. Members of the commission shall be appointed  
265 for terms of 4 years. However, to achieve staggered terms, four  
266 of the initial members shall be appointed to 2-year terms.  
267 Members must be appointed in a manner that ensures equitable  
268 representation of different geographic regions and the ethnic  
269 diversity of this state. Each member of the commission must be a  
270 resident and a registered voter of this state. A commission  
271 member must represent the state as a whole and may not  
272 subordinate the needs of the state to those of a particular  
273 region. The commission's membership should, to the greatest  
274 extent possible, include a person with a background in law  
275 enforcement or jail management, a person with a background in  
276 criminal prosecution, a person with a background in criminal  
277 defense, a pastor or former prison chaplain, a community leader,  
278 and a business leader.

279 (b) The primary duties and responsibilities of the Florida  
280 Corrections Commission include:

281 1. Conducting investigations, internal affairs  
282 investigations, and criminal investigations.

283 2. Conducting announced and unannounced inspections of  
284 correctional facilities, including facilities operated by  
285 private contractors. The commission may enter any place where  
286 prisoners in this state are kept and shall be immediately  
287 admitted to such place as they desire and may consult and confer  
288 with any prisoner privately and without molestation.

289 3. Identifying and monitoring high-risk and problematic  
290 correctional facilities, and reporting findings and

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291 recommendations relating to such facilities.

292 4. Continually monitoring on a statewide basis the  
293 incidence of inmate-on-inmate and officer-on-inmate violence and  
294 the introduction of contraband.

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

298 6. Developing legislative, budgetary, and operational  
299 recommendations for correctional system improvement.

300 7. Reviewing the annual Legislative Budget Request of the  
301 department and making recommendations and comments on such  
302 budgetary request to the Governor.

303 8. Convening public hearings, for which the commission is  
304 authorized to issue subpoenas and take sworn testimony of  
305 witnesses.

306 9. Conducting confidential interviews with staff, officers,  
307 inmates, correctional health care professionals, citizens,  
308 volunteers, and public officials relating to the operations and  
309 conditions of correctional facilities.

310 10. Developing and implementing a set of standards and  
311 performance measures which establishes an accountability system  
312 that allows each correctional institution or facility to be  
313 individually measured annually for performance. The standards  
314 and measures shall be primarily focused on inmate achievement,  
315 inmate institutional adjustment, safe and secure prison  
316 operations, officer safety, officer training, and inmate safety.  
317 The Florida Corrections Commission shall maintain an  
318 accountability system that tracks the department's progress  
319 toward meeting specified goals at both regional and

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320 institutional levels.

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

323 (d) The commission shall hold a minimum of six regular  
324 meetings annually. A majority of the membership of the  
325 commission constitutes a quorum at any meeting of the  
326 commission. The chair shall be elected from the commission's  
327 membership. The chair shall direct that complete and accurate  
328 minutes be kept of all commission meetings, which shall be open  
329 for public inspection. Additional meetings may be held upon the  
330 written request of at least four members, with at least 1 week's  
331 notice of such meeting being given to all members and the public  
332 by the chair pursuant to chapter 120. Emergency meetings may be  
333 held without notice upon request of all members. Meetings of the  
334 commission shall be held at major correctional facilities around  
335 the state as determined by the chair.

336 (e) The commission shall appoint an executive director who  
337 shall serve under the direction, supervision, and control of the  
338 commission. The executive director, with consent of the  
339 commission, shall employ staff as necessary to adequately  
340 perform the functions of the commission.

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

344 (g) Commission members may not have an immediate family  
345 member who works in the department or any private institution or  
346 contractor under contract with the department and may not have  
347 any interest, direct or indirect, in a contract, franchise,  
348 privilege, or other benefit granted or awarded by the

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349 department, or any of its contractors or subcontracts, while  
350 serving as a member of the commission.

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

354 Section 4. Paragraph (d) is added to subsection (5) of  
355 section 216.136, Florida Statutes, to read:

356 216.136 Consensus estimating conferences; duties and  
357 principals.—

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

360 (d) Develop projections of prison admissions and  
361 populations for elderly felony offenders.

362 Section 5. Subsections (5) and (6) of section 43.16,  
363 Florida Statutes, are amended to read:

364 43.16 Justice Administrative Commission; membership, powers  
365 and duties.—

366 (5) The duties of the commission shall include, but not be  
367 limited to, the following:

368 (a) The maintenance of a central state office for  
369 administrative services and assistance when possible to and on  
370 behalf of the state attorneys and public defenders of Florida,  
371 the capital collateral regional counsel of Florida, the criminal  
372 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem  
373 Program, and the Florida Corrections Commission.

374 (b) Each state attorney, public defender, and criminal  
375 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem  
376 Program, and the Florida Corrections Commission shall continue  
377 to prepare necessary budgets, vouchers that represent valid

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378 claims for reimbursement by the state for authorized expenses,  
379 and other things incidental to the proper administrative  
380 operation of the office, such as revenue transmittals to the  
381 Chief Financial Officer and automated systems plans, but will  
382 forward such items to the commission for recording and  
383 submission to the proper state officer. However, when requested  
384 by a state attorney, a public defender, a criminal conflict and  
385 civil regional counsel, ~~or~~ the Guardian Ad Litem Program, or the  
386 Florida Corrections Commission, the commission will either  
387 assist in the preparation of budget requests, voucher schedules,  
388 and other forms and reports or accomplish the entire project  
389 involved.

390 (6) The provisions contained in this section shall be  
391 supplemental to those of chapter 27, relating to state  
392 attorneys, public defenders, criminal conflict and civil  
393 regional counsel, and capital collateral regional counsel; to  
394 those of chapter 39, relating to the Guardian Ad Litem Program;  
395 to those of chapter 20, relating to the Florida Corrections  
396 Commission, or to other laws pertaining hereto.

397 Section 6. Subsection (7) of section 921.0021, Florida  
398 Statutes, is amended to read:

399 921.0021 Definitions.—As used in this chapter, for any  
400 felony offense, except any capital felony, committed on or after  
401 October 1, 1998, the term:

402 (7) (a) "Victim injury" means the physical injury or death  
403 suffered by a person as a direct result of the primary offense,  
404 or any additional offense, for which an offender is convicted  
405 and which is pending before the court for sentencing at the time  
406 of the primary offense.

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

408 1. If the conviction is for an offense involving sexual  
409 contact that includes sexual penetration, the sexual penetration  
410 must be scored in accordance with the sentence points provided  
411 under s. 921.0024 for sexual penetration, regardless of whether  
412 there is evidence of any physical injury.

413 2. If the conviction is for an offense involving sexual  
414 contact that does not include sexual penetration, the sexual  
415 contact must be scored in accordance with the sentence points  
416 provided under s. 921.0024 for sexual contact, regardless of  
417 whether there is evidence of any physical injury.

418  
419 If the victim of an offense involving sexual contact suffers any  
420 physical injury as a direct result of the primary offense or any  
421 additional offense committed by the offender resulting in  
422 conviction, such physical injury must be scored separately and  
423 in addition to the points scored for the sexual contact or the  
424 sexual penetration.

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

428 (c)~~(d)~~ If the conviction is for the offense described in s.  
429 872.06, the sentence points provided under s. 921.0024 for  
430 sexual contact or sexual penetration may not be assessed.

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

435 Section 7. Section 944.151, Florida Statutes, is amended to

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436 read:

437 944.151 Safety and security of correctional institutions  
438 and facilities.—It is the intent of the Legislature that the  
439 Department of Corrections shall be responsible for the safe  
440 operation and security of the correctional institutions and  
441 facilities. The safe operation and security of the state's  
442 correctional institutions and facilities is critical to ensure  
443 public safety and the safety of department employees and  
444 offenders and to contain violent and chronic offenders until  
445 offenders are otherwise released from the department's custody  
446 pursuant to law. The Secretary of Corrections shall, at a  
447 minimum:

448 (1) Appoint and designate select staff to the a safety and  
449 security review committee ~~which shall, at a minimum, be composed~~  
450 ~~of: the inspector general, the statewide security coordinator,~~  
451 ~~the regional security coordinators, and three wardens and one~~  
452 ~~correctional officer.~~ The safety and security review committee  
453 shall evaluate new safety and security technology; review and  
454 discuss issues impacting correctional facilities; review and  
455 discuss current issues impacting correctional facilities; and  
456 review and discuss other issues as requested by management.†

457 ~~(a) Establish a periodic schedule for the physical~~  
458 ~~inspection of buildings and structures of each state and private~~  
459 ~~correctional institution to determine security deficiencies. In~~  
460 ~~scheduling the inspections, priority shall be given to older~~  
461 ~~institutions, institutions that house a large proportion of~~  
462 ~~violent offenders, and institutions that have experienced a~~  
463 ~~significant number of escapes or escape attempts in the past.~~

464 (2) Ensure that appropriate staff establishes a periodic



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465 schedule for the physical inspection of buildings and structures  
466 of each state and private correctional institution and facility  
467 to determine safety and security deficiencies. In scheduling the  
468 inspections, priority shall be given to older institutions,  
469 institutions that house a large proportion of violent offenders,  
470 institutions with a high level of inappropriate incidents of use  
471 of force on inmates, assaults on employees, or inmate sexual  
472 abuse, and institutions that have experienced a significant  
473 number of escapes or escape attempts in the past.

474 (a) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or  
475 causes ~~cause~~ to be conducted announced and unannounced  
476 comprehensive safety and security audits of all state and  
477 private correctional institutions. In conducting the security  
478 audits, priority shall be given to older institutions,  
479 institutions that house a large proportion of violent offenders,  
480 institutions with a high level of inappropriate incidents of use  
481 of force on inmates, assaults on employees, or inmate sexual  
482 abuse, and institutions that have experienced a history of  
483 escapes or escape attempts. At a minimum, the audit shall  
484 include an evaluation of the physical plant, which shall include  
485 the identification of blind spots or areas where staff or  
486 inmates may be isolated and the deployment of audio and video  
487 monitoring systems and other monitoring technologies in such  
488 areas, landscaping, fencing, security alarms and perimeter  
489 lighting, confinement, arsenal, key and lock, and entrance/exit  
490 and inmate classification and staffing policies. Each  
491 correctional institution shall be audited at least annually. The  
492 secretary shall

493 (b) Report the general survey findings annually to the

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494 Governor and the Legislature.

495 (c) Ensure appropriate staff investigates and evaluates the  
496 usefulness and dependability of existing safety and security  
497 technology at the institutions and new technology and video  
498 monitoring systems available and make periodic written  
499 recommendations to the secretary on the discontinuation or  
500 purchase of various safety and security devices.

501 (d) Contract, if deemed necessary, with security personnel,  
502 consulting engineers, architects, or other safety and security  
503 experts the department deems necessary for safety and security  
504 consultant services.

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

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

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

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

516 (a)~~1.~~ Random monitoring of outgoing telephone calls by  
517 inmates.

518 (b)~~2.~~ Maintenance of current photographs of all inmates.

519 (c)~~3.~~ Daily inmate counts at varied intervals.

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

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

522 (f)~~6.~~ Florida Crime Information Center/National Crime

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523 Information Center capabilities.

524 ~~(g)7.~~ Employment background investigations.

525 ~~(d) Annually make written prioritized budget~~  
526 ~~recommendations to the secretary that identify critical security~~  
527 ~~deficiencies at major correctional institutions.~~

528 ~~(e) Investigate and evaluate the usefulness and~~  
529 ~~dependability of existing security technology at the~~  
530 ~~institutions and new technology available and make periodic~~  
531 ~~written recommendations to the secretary on the discontinuation~~  
532 ~~or purchase of various security devices.~~

533 ~~(f) Contract, if deemed necessary, with security personnel,~~  
534 ~~consulting engineers, architects, or other security experts the~~  
535 ~~committee deems necessary for security audits and security~~  
536 ~~consultant services.~~

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

539 ~~(4)(2)~~ Direct staff to maintain and produce quarterly  
540 reports with accurate escape statistics. For the purposes of  
541 these reports, "escape" includes all possible types of escape,  
542 regardless of prosecution by the state attorney, and including  
543 offenders who walk away from nonsecure community facilities.

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

548 ~~(5)(4)~~ Direct staff to submit in the annual legislative  
549 budget request a prioritized summary of critical safety and  
550 security deficiencies, and repair and renovation ~~security~~ needs.

551 Section 8. Paragraphs (d) and (e) of subsection (4) of

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552 section 944.275, Florida Statutes, are amended to read:

553 944.275 Gain-time.—

554 (4)

555 (d) Notwithstanding paragraph (b) subparagraphs (b)1. and  
556 2., the education program manager shall recommend, and the  
557 Department of Corrections may grant, a one-time award of 60  
558 additional days of incentive gain-time to an inmate who is  
559 otherwise eligible and who successfully completes requirements  
560 for and is awarded a high school equivalency diploma or  
561 vocational certificate. This incentive gain-time award may be  
562 granted to reduce any sentence for an offense committed on or  
563 after October 1, 1995. However, this gain-time may not be  
564 granted to reduce any sentence for an offense committed on or  
565 after October 1, 1995, if the inmate is, or has previously been,  
566 convicted of a violation of s. 794.011, s. 794.05, former s.  
567 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.  
568 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.  
569 847.0145, or s. 985.701(1), or a forcible felony offense that is  
570 specified in s. 776.08, except burglary as specified in s.  
571 810.02(4). An inmate subject to the 85 percent minimum service  
572 requirement pursuant to subparagraph (b)3. may not accumulate  
573 gain-time awards at any point when the tentative release date is  
574 the same as the 85 percent minimum service date of the sentence  
575 imposed. Under no circumstances may an inmate receive more than  
576 60 days for educational attainment pursuant to this section.

577 (e) Notwithstanding subparagraph (b)3. and paragraph (d),  
578 for sentences imposed for offenses committed on or after October  
579 1, 2014, the department may not grant incentive gain-time if the  
580 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.

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581 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.  
582 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

583 Section 9. Section 944.31, Florida Statutes, is amended to  
584 read:

585 944.31 Inspector general; inspectors; power and duties.—

586 (1) The inspector general shall be responsible for prison  
587 inspection and investigation, internal affairs investigations,  
588 and management reviews. The office of the inspector general  
589 shall be charged with the duty of inspecting the penal and  
590 correctional systems of the state. The office of the inspector  
591 general shall inspect each correctional institution or any place  
592 in which state prisoners are housed, worked, or kept within the  
593 state, with reference to its physical conditions, cleanliness,  
594 sanitation, safety, and comfort; the quality and supply of all  
595 bedding; the quality, quantity, and diversity of food served and  
596 the manner in which it is served; the number and condition of  
597 the prisoners confined therein; and the general conditions of  
598 each institution. The office of inspector general shall see that  
599 all the rules and regulations issued by the department are  
600 strictly observed and followed by all persons connected with the  
601 correctional systems of the state. The office of the inspector  
602 general shall coordinate and supervise the work of inspectors  
603 throughout the state. The inspector general and inspectors may  
604 enter any place where prisoners in this state are kept and shall  
605 be immediately admitted to such place as they desire and may  
606 consult and confer with any prisoner privately and without  
607 molestation. The inspector general and inspectors shall be  
608 responsible for criminal and administrative investigation of  
609 matters relating to the Department of Corrections. The secretary

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610 may designate persons within the office of the inspector general  
611 as law enforcement officers to conduct any criminal  
612 investigation that occurs on property owned or leased by the  
613 department or involves matters over which the department has  
614 jurisdiction. A person designated as a law enforcement officer  
615 must be certified pursuant to s. 943.1395 and must have a  
616 minimum of 3 years' experience as an inspector in the inspector  
617 general's office or as a law enforcement officer.

618 (2) The department, after consultation with the Florida  
619 Corrections Commission, shall maintain a written memorandum of  
620 understanding with the Department of Law Enforcement for the  
621 notification and investigation of mutually agreed-upon predicate  
622 events that shall include, but are not limited to, suspicious  
623 deaths and organized criminal activity. A copy of an active  
624 memorandum of understanding shall be provided in a timely manner  
625 to the Governor, the President of the Senate, and the Speaker of  
626 the House of Representatives.

627 (3) During investigations, the inspector general and  
628 inspectors may consult and confer with any prisoner or staff  
629 member privately and without molestation and persons designated  
630 as law enforcement officers under this section shall have the  
631 authority to arrest, with or without a warrant, any prisoner of  
632 or visitor to a state correctional institution for a violation  
633 of the criminal laws of the state involving an offense  
634 classified as a felony that occurs on property owned or leased  
635 by the department and may arrest offenders who have escaped or  
636 absconded from custody. Persons designated as law enforcement  
637 officers have the authority to arrest with or without a warrant  
638 a staff member of the department, including any contract

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639 employee, for a violation of the criminal laws of the state  
640 involving an offense classified as a felony under this chapter  
641 or chapter 893 on property owned or leased by the department. A  
642 person designated as a law enforcement officer under this  
643 section may make arrests of persons against whom arrest warrants  
644 have been issued, including arrests of offenders who have  
645 escaped or absconded from custody. The arrested person shall be  
646 surrendered without delay to the sheriff of the county in which  
647 the arrest is made, with a formal complaint subsequently made  
648 against her or him in accordance with law.

649 (4) The inspector general, and inspectors who conduct  
650 sexual abuse investigations in confinement settings, shall  
651 receive specialized training in conducting such investigations.  
652 The department shall be responsible for providing the  
653 specialized training. Specialized training shall include, but  
654 need not be limited to, techniques for interviewing sexual abuse  
655 victims, proper use of Miranda and Garrity warnings, sexual  
656 abuse evidence collection in confinement settings, and the  
657 criteria and evidence required to substantiate a case for  
658 administrative action or prosecution.

659 Section 10. Section 944.331, Florida Statutes, is amended  
660 to read:

661 944.331 Inmate grievance procedure.—

662 (1) The department shall establish by rule an inmate  
663 grievance procedure, which ~~that~~ must conform to the Minimum  
664 Standards for Inmate Grievance Procedures as promulgated by the  
665 United States Department of Justice pursuant to 42 U.S.C. s.  
666 1997e. The department's office of general counsel shall oversee  
667 the grievance procedures established by the department.

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

674       (3) The department, in consultation with the Correctional  
675 Medical Authority, shall review inmate health care grievance  
676 procedures at each correctional institution and private  
677 correctional facility to determine the procedural soundness and  
678 effectiveness of the current health care grievance process, to  
679 identify employees prone to misconduct directly related to the  
680 delivery of health care services, and to identify life-  
681 threatening inmate health concerns. The review shall determine  
682 whether inmate health care grievances are being properly  
683 reported, transmitted, and processed; inmates are allowed  
684 writing utensils and paper; multiple channels of communication  
685 exist to report alleged abuse related to the delivery of health  
686 care services; and protocols are being implemented to protect an  
687 inmate who filed a grievance concerning the delivery of health  
688 care from retaliation for filing a complaint alleging staff  
689 misconduct.

690       (4) The department shall review inmate grievance procedures  
691 at each correctional institution and private correctional  
692 facility to determine the procedural soundness and effectiveness  
693 of the current grievance process, to identify employees prone to  
694 misconduct, and to identify life-threatening inmate safety  
695 concerns. The review shall determine whether inmate grievances  
696 are being properly reported, transmitted, and processed; inmates



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697 are allowed writing utensils and paper; multiple channels of  
698 communication exist to report alleged abuse; and protocols are  
699 being implemented to protect an inmate who filed a grievance  
700 from retaliation for filing a complaint alleging staff  
701 misconduct.

702 (5) Beginning October 1, 2015, the department in  
703 consultation with the Correctional Medical Authority shall  
704 annually report, and post to their respective websites, their  
705 joint findings. The authority shall document in the report its  
706 findings on the effectiveness of inmate health care grievance  
707 procedures; cite the number of health care grievances filed by  
708 inmates, by institution and by region; specify the types of  
709 health care problems alleged by inmates; and summarize the  
710 actions taken by the department or the authority as a result of  
711 its investigation of inmate health care grievances.

712 Section 11. Section 944.35, Florida Statutes, is amended to  
713 read:

714 944.35 Authorized use of force; malicious battery and  
715 sexual misconduct prohibited; reporting required; penalties.—

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

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

721 2. To prevent a person from escaping from a state  
722 correctional institution when the officer reasonably believes  
723 that person is lawfully detained in such institution;

724 3. To prevent damage to property;

725 4. To quell a disturbance;

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

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

729 a. When treatment is necessary to protect the health of  
730 other persons, as in the case of contagious or venereal  
731 diseases; or

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

734  
735 As part of the correctional officer training program, the  
736 Criminal Justice Standards and Training Commission shall develop  
737 a course specifically designed to explain the parameters of this  
738 subsection and to teach the proper methods and techniques in  
739 applying authorized physical force upon an inmate. Effective  
740 October 1, 2015, this course shall include specialized training  
741 for effectively managing in nonforceful ways mentally ill  
742 inmates who may exhibit erratic behavior.

743 (b) Following any use of force, a qualified health care  
744 provider shall examine any person physically involved to  
745 determine the extent of injury, if any, and shall prepare a  
746 report which shall include, but not be limited to, a statement  
747 of whether further examination by a physician is necessary. The  
748 identity of the qualified health care provider on the report  
749 shall be designated by using an employee identification number  
750 in lieu of a name and signature. Any noticeable physical injury  
751 shall be examined by a physician, and the physician shall  
752 prepare a report documenting the extent and probable cause of  
753 the injury and the treatment prescribed. Such report shall be  
754 completed within 5 working days of the incident and shall be

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755 submitted to the warden for appropriate investigation.

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

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

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

765 2. Multi-year statistics documenting annual trends in the  
766 use of force;

767 3. Statistical information on the level of inmate or  
768 officer injury, including death, in incidents involving the use  
769 of force;

770 4. A breakdown, by institution, of statistics on use of  
771 force; and

772 5. Statistics on the number of employees who were  
773 disciplined or terminated because of their involvement in  
774 incidents involving the inappropriate use of force, based on  
775 notations of such incidents in their personnel files.

776 (2) Each employee of the department who either applies  
777 physical force or was responsible for making the decision to  
778 apply physical force upon an inmate or an offender supervised by  
779 the department in the community pursuant to this subsection  
780 shall prepare, date, and sign under oath an independent report  
781 within 1 working day of the incident. The report shall be  
782 delivered to the warden or the circuit administrator, who shall  
783 forward the report with all appropriate documentation to the

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784 office of the inspector general. The inspector general shall  
785 conduct a review and make recommendations regarding the  
786 appropriateness or inappropriateness of the use of force. If the  
787 inspector general finds that the use of force was appropriate,  
788 the employee's report, together with the inspector general's  
789 written determination of the appropriateness of the force used  
790 and the reasons therefor, shall be forwarded to the circuit  
791 administrator or warden upon completion of the review. If the  
792 inspector general finds that the use of force was inappropriate,  
793 the inspector general shall conduct a complete investigation  
794 into the incident and forward the findings of fact to the  
795 appropriate regional director for further action. Copies of the  
796 employee's report and the inspector general's review shall be  
797 kept in the files of the inmate or the offender supervised by  
798 the department in the community. A notation of each incident  
799 involving use of force and the outcome based on the inspector  
800 general's evaluation shall be kept in the employee's file. An  
801 employee with two or more notations in the employee's file for  
802 inappropriate use of force incidents, as specified in s. 944.35,  
803 shall not be assigned to transitional care, crisis  
804 stabilization, or corrections mental health treatment facility  
805 inmate housing units as defined in Florida Administrative Code.  
806 However, an employee with two or more notations in the  
807 employee's file who remains free of inappropriate use of force  
808 incidents for a significant period may be permitted to work in  
809 the transitional care, crisis stabilization, or corrections  
810 mental health treatment facility inmate housing units.

811 (3) (a) 1. Any employee of the department, private provider,  
812 or private correctional facility who, with malicious intent,

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813 commits a battery upon an inmate or an offender supervised by  
814 the department in the community, commits a misdemeanor of the  
815 first degree, punishable as provided in s. 775.082 or s.  
816 775.083.

817 2. Any employee of the department, private provider, or  
818 private correctional facility who, with malicious intent,  
819 commits a battery or inflicts cruel or inhuman treatment by  
820 neglect or otherwise, and in so doing causes great bodily harm,  
821 permanent disability, or permanent disfigurement to an inmate or  
822 an offender supervised by the department in the community,  
823 commits a felony of the third degree, punishable as provided in  
824 s. 775.082, s. 775.083, or s. 775.084.

825 (b)1. An employee of the department, private provider, or  
826 private correctional facility who:

827 a. Willfully or by culpable negligence withholds food,  
828 water, clothing, shelter, supervision, medicine, or medical  
829 services from an inmate that a prudent person would consider  
830 essential for the well-being of the inmate; and

831 b. Causes the inmate to suffer great bodily harm, permanent  
832 disability, or permanent disfigurement by such action;

833  
834 commits a felony of the third degree, punishable as provided in  
835 s. 775.082, s. 775.083, or s. 775.084.

836 2. This section does not preclude prosecution for a  
837 criminal act under any other law.

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

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842 an act done for a bona fide medical purpose or an internal  
843 search conducted in the lawful performance of the employee's  
844 duty.

845 2. Any employee of the department or a private correctional  
846 facility as defined in s. 944.710 who engages in sexual  
847 misconduct with an inmate or an offender supervised by the  
848 department in the community, without committing the crime of  
849 sexual battery, commits a felony of the third degree, punishable  
850 as provided in s. 775.082, s. 775.083, or s. 775.084.

851 3. The consent of the inmate or offender supervised by the  
852 department in the community to any act of sexual misconduct may  
853 not be raised as a defense to a prosecution under this  
854 paragraph.

855 4. This paragraph does not apply to any employee of the  
856 department or any employee of a private correctional facility  
857 who is legally married to an inmate or an offender supervised by  
858 the department in the community, nor does it apply to any  
859 employee who has no knowledge, and would have no reason to  
860 believe, that the person with whom the employee has engaged in  
861 sexual misconduct is an inmate or an offender under community  
862 supervision of the department.

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

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

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871 of the department in the community has been unlawfully abused or  
872 is the subject of sexual misconduct pursuant to this subsection  
873 shall immediately prepare, date, and sign an independent report  
874 specifically describing the nature of the force used or the  
875 nature of the sexual misconduct, the location and time of the  
876 incident, and the persons involved. The report shall be  
877 delivered to the inspector general of the department with a copy  
878 to be delivered to the warden of the institution or the regional  
879 administrator. The inspector general shall immediately conduct  
880 an appropriate investigation, and, if probable cause is  
881 determined that a violation of this subsection has occurred, the  
882 respective state attorney in the circuit in which the incident  
883 occurred shall be notified.

884 (f) If an employee of the department, private provider, or  
885 private correctional facility who witnesses unlawful abuse or  
886 neglect or has reasonable cause to suspect that an inmate has  
887 been unlawfully abused or neglected, as prohibited by this  
888 section, fears retaliation by coworkers or supervisors if he or  
889 she submits a report as provided in this section, the employee  
890 may anonymously and confidentially report the inmate abuse or  
891 neglect directly to the department's Office of Inspector  
892 General.

893 (4) (a) Any employee required to report pursuant to this  
894 section who knowingly or willfully fails to do so, or who  
895 knowingly or willfully prevents another person from doing so,  
896 commits a misdemeanor of the first degree, punishable as  
897 provided in s. 775.082 or s. 775.083.

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

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900 reports required in this section commits a misdemeanor of the  
901 first degree, punishable as provided in s. 775.082 or s.  
902 775.083.

903 (c) Any person who knowingly or willfully coerces or  
904 threatens any other person with the intent to alter either  
905 testimony or a written report regarding an incident where force  
906 was used or an incident of sexual misconduct commits a felony of  
907 the third degree, punishable as provided in s. 775.082, s.  
908 775.083, or s. 775.084.

909  
910 As part of the correctional officer training program, the  
911 Criminal Justice Standards and Training Commission shall develop  
912 course materials for inclusion in the appropriate required  
913 course specifically designed to explain the parameters of this  
914 subsection, teach communication techniques related to crisis  
915 stabilization to avoid the use of force, and ~~to~~ teach sexual  
916 assault identification and prevention methods and techniques.

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

922 (6) The department shall establish a usage and inventory  
923 policy to track, by institution, the use of chemical agents and  
924 the disposal of expired, used, or damaged canisters of chemical  
925 agents. The policy shall include, but not be limited to, a  
926 requirement that a numbered seal be affixed to each chemical  
927 agent canister in such a manner that the canister cannot be  
928 removed from the carrier without breaking the seal. All



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929 canisters in the carriers will be checked out at the beginning  
930 of each shift and checked back in at the end of the shift. The  
931 shift supervisor should be charged with verifying the condition  
932 of the numbered seals and periodically weighing random canisters  
933 to insure that they have not been used without the required  
934 documentation. All nonreactionary use of force incidents using  
935 chemical agents shall be videotaped.

936 Section 12. Section 944.8041, Florida Statutes, is amended  
937 to read:

938 944.8041 Elderly offenders; annual review.—

939 (1) For the purpose of providing information to the  
940 Legislature on elderly offenders within the correctional system,  
941 the department and the Correctional Medical Authority shall each  
942 submit annually a report on the status and treatment of elderly  
943 offenders in the state-administered and private state  
944 correctional systems and the department's geriatric facilities  
945 and dorms. In order to adequately prepare the reports, the  
946 department and the Department of Management Services shall grant  
947 access to the Correctional Medical Authority that includes  
948 access to the facilities, offenders, and any information the  
949 agencies require to complete their reports. The review shall  
950 also include an examination of promising geriatric policies,  
951 practices, and programs currently implemented in other  
952 correctional systems within the United States. The reports, with  
953 specific findings and recommendations for implementation, shall  
954 be submitted to the President of the Senate and the Speaker of  
955 the House of Representatives on or before December 31 of each  
956 year.

957 (2) The department, in producing the annual report required

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958 under s. 20.315, shall report the cost of health care provided  
959 to elderly inmates. The report shall include, but need not be  
960 limited to, the average cost per year to incarcerate an elderly  
961 inmate and the types of health care delivered to elderly inmates  
962 which result in the highest expenditures.

963 Section 13. Section 944.805, Florida Statutes, is created  
964 to read:

965 944.805 Veterans programs in state and private correctional  
966 institutions.-

967 (1) The Legislature finds and declares that specialized  
968 programs for veterans offered in state and private correctional  
969 institutions have the potential to facilitate inmate  
970 institutional adjustment, help inmates assume personal  
971 responsibility, and ease community reentry through the  
972 availability of expanded community resources. For the purposes  
973 of this section, the term "veteran" has the same meaning as it  
974 is defined in s. 1.01(14).

975 (2) It is the intent of the Legislature that the department  
976 expand the use of specialized dormitories for veterans. It is  
977 also the intent of the Legislature that veterans housed in state  
978 and private correctional institutions be provided special  
979 assistance before their release by identifying benefits and  
980 services available in the community where the veteran plans to  
981 reside.

982 (3) The department shall measure recidivism rates for  
983 veterans who have participated in specialized dormitories and  
984 for veterans who have received special assistance in community  
985 reentry. The findings shall be included in the annual report  
986 required under s. 20.315.

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987 Section 14. Paragraph (h) is added to subsection (2) of  
988 section 945.10, Florida Statutes, to read:

989 945.10 Confidential information.—

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

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

995

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

1000 Section 15. Effective upon SB 540 or similar legislation  
1001 creating the "State Operated Institutions Inmate Welfare Trust  
1002 Fund" being adopted in the 2015 Regular Session or an extension  
1003 thereof and becoming law, subsection (1) of section 945.215,  
1004 Florida Statutes, is amended, present subsections (2) and (3)  
1005 are redesignated as subsections (3) and (4), respectively, and a  
1006 new subsection (2) is added to that section, to read:

1007 945.215 Inmate welfare and employee benefit trust funds.—

1008 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE  
1009 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

1010 (a) The ~~From the~~ net proceeds from operating inmate  
1011 canteens, vending machines used primarily by inmates and  
1012 visitors, hobby shops, and other such facilities must be  
1013 deposited in the State Operated Institutions Inmate Welfare  
1014 Trust Fund or, as set forth in this section, in the General  
1015 Revenue Fund; however, funds necessary to purchase items for

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1016 resale at inmate canteens and vending machines must be deposited  
1017 into local bank accounts designated by the department.

1018 (b) All proceeds from contracted telephone commissions must  
1019 be deposited in the State Operated Institutions Inmate Welfare  
1020 Trust Fund or, as set forth in this section, in the General  
1021 Revenue Fund. The department shall develop and update, as  
1022 necessary, administrative procedures to verify that:

1023 1. Contracted telephone companies accurately record and  
1024 report all telephone calls made by inmates incarcerated in  
1025 correctional facilities under the department's jurisdiction;

1026 2. Persons who accept collect calls from inmates are  
1027 charged the contracted rate; and

1028 3. The department receives the contracted telephone  
1029 commissions.

1030 (c) Any funds that may be assigned by inmates or donated to  
1031 the department by the general public or an inmate service  
1032 organization must be deposited in the State Operated  
1033 Institutions Inmate Welfare Trust Fund or, as set forth in this  
1034 section, in the General Revenue Fund; however, the department  
1035 shall not accept any donation from, or on behalf of, any  
1036 individual inmate.

1037 (d) All proceeds from the following sources must be  
1038 deposited in the State Operated Institutions Inmate Welfare  
1039 Trust Fund or, as set forth in this section, in the General  
1040 Revenue Fund:

1041 1. The confiscation and liquidation of any contraband found  
1042 upon, or in the possession of, any inmate;

1043 2. Disciplinary fines imposed against inmates;

1044 3. Forfeitures of inmate earnings; and

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1045 4. Unexpended balances in individual inmate trust fund  
1046 accounts of less than \$1.

1047 (e) Items for resale at inmate canteens and vending  
1048 machines maintained at the correctional facilities shall be  
1049 priced comparatively with like items for retail sale at fair  
1050 market prices.

1051 (f) Notwithstanding any other provision of law, inmates  
1052 with sufficient balances in their individual inmate bank trust  
1053 fund accounts, after all debts against the account are  
1054 satisfied, shall be allowed to request a weekly draw of up to an  
1055 amount set by the Secretary of Corrections, not to exceed \$100,  
1056 to be expended for personal use on canteen and vending machine  
1057 items.

1058 (2) (a) The State Operated Institutions Inmate Welfare Trust  
1059 Fund constitutes a trust held by the department for the benefit  
1060 and welfare of inmates incarcerated in correctional facilities  
1061 operated directly by the department.

1062 (b) Deposits into the State Operated Institutions Inmate  
1063 Welfare Trust Fund shall not exceed a total of \$5 million in any  
1064 fiscal year. Any proceeds or funds that would cause deposits  
1065 into the State Operated Institutions Inmate Welfare Trust Fund  
1066 to exceed this restriction shall be deposited into the General  
1067 Revenue Fund.

1068 (c) Funds in the State Operated Institutions Inmate Welfare  
1069 Trust Fund shall be used exclusively for the following purposes  
1070 at correctional facilities operated by the department:

1071 1. To provide literacy programs, vocational training  
1072 programs, and educational programs;

1073 2. To operate inmate chapels, faith-based programs,

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1074 visiting pavilions, visiting services and programs, family  
1075 services and programs, and libraries;

1076 3. To provide inmate substance abuse treatment programs and  
1077 transition and life skills training programs;

1078 4. To provide for the purchase, rental, maintenance or  
1079 repair of electronic or audio visual equipment used by inmates;

1080 5. To provide for the purchase, rental, maintenance or  
1081 repair of recreation and wellness equipment; or

1082 6. To provide for the purchase, rental, maintenance, or  
1083 repair of bicycles used by inmates traveling to and from  
1084 employment in the work-release program authorized in s.

1085 945.091(1)(b).

1086 (d) Funds in the State Operated Institutions Inmate Welfare  
1087 Trust Fund shall be expended only pursuant to legislative  
1088 appropriation.

1089 (e) The department shall annually compile a report that  
1090 specifically documents State Operated Institutions Inmate  
1091 Welfare Trust Fund receipts and expenditures. This report shall  
1092 be compiled at both the statewide and institutional levels. The  
1093 department must submit this report for the previous fiscal year  
1094 by September 1 of each year to the chairs of the appropriate  
1095 substantive and fiscal committees of the Senate and the House of  
1096 Representatives and to the Executive Office of the Governor.

1097 (f) Funds in the State Operated Institutions Inmate Welfare  
1098 Trust Fund or any other fund may not be used to purchase weight-  
1099 training equipment.

1100 Section 16. Subsection (7) is added to section 945.48,  
1101 Florida Statutes, to read:

1102 945.48 Rights of inmates provided mental health treatment;

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1103 procedure for involuntary treatment; correctional officer  
1104 staffing requirements.—

1105 (7) CORRECTIONAL OFFICER STAFFING.—A correctional officer  
1106 who has close contact with inmates housed in a mental health  
1107 treatment facility shall annually complete training in crisis  
1108 intervention. An employee with two or more notations in the  
1109 employee's file for inappropriate use of force incidents, as  
1110 specified in s. 944.35, may not be assigned to transitional  
1111 care, crisis stabilization, or corrections mental health  
1112 treatment facility inmate housing units as defined in the  
1113 Florida Administrative Code. However, an employee with two or  
1114 more notations in the employee's file who remains free of  
1115 inappropriate use of force incidents for a significant period  
1116 may be permitted to work in the transitional care, crisis  
1117 stabilization, or corrections mental health treatment facility  
1118 inmate housing units.

1119 Section 17. Subsection (2) of section 945.6031, Florida  
1120 Statutes, is amended to read:

1121 945.6031 Required reports and surveys.—

1122 (2) The authority shall conduct surveys of the physical and  
1123 mental health care system at each correctional institution at  
1124 least every 18 months ~~triennially~~ and shall report the survey  
1125 findings for each institution to the Secretary of Corrections.

1126 Section 18. Section 945.6033, Florida Statutes, is amended  
1127 to read:

1128 945.6033 Continuing contracts with health care providers.—

1129 (1) The Department of Corrections may enter into continuing  
1130 contracts with licensed health care providers, including  
1131 hospitals and health maintenance organizations, for the

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1132 provision of inmate health care services which the department is  
1133 unable to provide in its facilities.

1134 (2) The Department of Corrections, in negotiating contracts  
1135 for the delivery of inmate health care, shall only enter into  
1136 contracts which contain damage provisions.

1137 Section 19. Subsection (1) of section 945.6034, Florida  
1138 Statutes, is amended to read:

1139 945.6034 Minimum health care standards.—

1140 (1) The Assistant Secretary for Health Services is  
1141 responsible for developing a comprehensive health care delivery  
1142 system and promulgating all department health care standards.  
1143 Such health care standards shall include, but are not limited  
1144 to, rules relating to the management structure of the health  
1145 care system and the provision of health care services to  
1146 inmates, health care policies, health care plans, quality  
1147 management systems and procedures, health service bulletins, and  
1148 treatment protocols. In establishing standards of care, the  
1149 department shall examine and consider the needs of inmates over  
1150 50 years of age and adopt health care standards unique to this  
1151 population.

1152 Section 20. Section 945.6039, Florida Statutes, is created  
1153 to read:

1154 945.6039 Independent Medical Evaluations and Examinations.—  
1155 The department shall promulgate rules and permit an inmate's  
1156 family member, lawyer, or interested party to hire and pay for  
1157 an independent medical evaluation or examination by a medical  
1158 professional of an incarcerated inmate. The results of the  
1159 medical evaluation or examination shall be provided to the  
1160 department and to the Commission on Offender Review. The purpose



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1161 of these outside evaluations is to assist in the delivery of  
1162 medical care to the inmate and to assist the Commission on  
1163 Offender Review in considering an inmate for conditional medical  
1164 release. Inmates at all department facilities and the contracted  
1165 private correctional facilities are eligible for consideration  
1166 to arrange for these medical evaluations. The department's  
1167 contracted private health care providers may also provide such  
1168 medical evaluations. The department, the private correctional  
1169 facilities, and private health care providers shall provide  
1170 reasonable and timely access to the inmate once a family member,  
1171 lawyer, or interested party provides a written request for  
1172 access.

1173 Section 21. Present paragraphs (a) and (b) of subsection  
1174 (1) of section 947.149, Florida Statutes, are redesignated as  
1175 paragraphs (b) and (c), respectively, and a new paragraph (a) is  
1176 added to that subsection, to read:

1177 947.149 Conditional medical release.—

1178 (1) The commission shall, in conjunction with the  
1179 department, establish the conditional medical release program.  
1180 An inmate is eligible for consideration for release under the  
1181 conditional medical release program when the inmate, because of  
1182 an existing medical or physical condition, is determined by the  
1183 department to be within one of the following designations:

1184 (a) "Elderly and infirm inmate," which means an inmate who  
1185 has no current or prior convictions for capital or first degree  
1186 felonies, who has no current or prior convictions for sexual  
1187 offenses or offenses against children, who is over 70 years of  
1188 age, and who has a condition caused by injury, disease, or  
1189 illness which, to a reasonable degree of medical certainty,

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1190 renders the inmate infirm or physically impaired to the extent  
1191 that the inmate does not constitute a danger to himself or  
1192 herself or others.

1193 Section 22. Subsection (5) of section 948.10, Florida  
1194 Statutes, is amended to read:

1195 948.10 Community control programs.—

1196 (5) In its annual report to the Governor, the President of  
1197 the Senate, and the Speaker of the House of Representatives  
1198 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a  
1199 detailed analysis of the community control program and the  
1200 department's specific efforts to protect the public from  
1201 offenders placed on community control. The analysis must  
1202 include, but need not be limited to, specific information on the  
1203 department's ability to meet minimum officer-to-offender contact  
1204 standards, the number of crimes committed by offenders on  
1205 community control, and the level of community supervision  
1206 provided.

1207 Section 23. Subsection (1) of section 951.221, Florida  
1208 Statutes, is amended to read:

1209 951.221 Sexual misconduct between detention facility  
1210 employees and inmates; penalties.—

1211 (1) Any employee of a county or municipal detention  
1212 facility or of a private detention facility under contract with  
1213 a county commission who engages in sexual misconduct, as defined  
1214 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an  
1215 offender supervised by the facility without committing the crime  
1216 of sexual battery commits a felony of the third degree,  
1217 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1218 The consent of an inmate to any act of sexual misconduct may not

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1219 be raised as a defense to prosecution under this section.

1220 Section 24. For the purpose of incorporating the amendment  
 1221 made by this act to section 944.35, Florida Statutes, in a  
 1222 reference thereto, paragraph (uu) of subsection (2) of section  
 1223 435.04, Florida Statutes, is reenacted to read:

1224 435.04 Level 2 screening standards.—

1225 (2) The security background investigations under this  
 1226 section must ensure that no persons subject to the provisions of  
 1227 this section have been arrested for and are awaiting final  
 1228 disposition of, have been found guilty of, regardless of  
 1229 adjudication, or entered a plea of nolo contendere or guilty to,  
 1230 or have been adjudicated delinquent and the record has not been  
 1231 sealed or expunged for, any offense prohibited under any of the  
 1232 following provisions of state law or similar law of another  
 1233 jurisdiction:

1234 (uu) Section 944.35(3), relating to inflicting cruel or  
 1235 inhuman treatment on an inmate resulting in great bodily harm.

1236 Section 25. For the purpose of incorporating the amendment  
 1237 made by this act to section 944.35, Florida Statutes, in a  
 1238 reference thereto, paragraph (f) of subsection (3) of section  
 1239 921.0022, Florida Statutes, is reenacted to read:

1240 921.0022 Criminal Punishment Code; offense severity ranking  
 1241 chart.—

1242 (3) OFFENSE SEVERITY RANKING CHART

1243 (f) LEVEL 6

1244

Florida	Felony	
Statute	Degree	Description

1245

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1246	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1247	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1248	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
1249	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
1250	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1251	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1252	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1253	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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1254	784.041	3rd	Felony battery; domestic battery by strangulation.
1255	784.048 (3)	3rd	Aggravated stalking; credible threat.
1256	784.048 (5)	3rd	Aggravated stalking of person under 16.
1257	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1258	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1259	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1260	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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1261			detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.
1262			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1263			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
1264			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1265			
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1266			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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1267	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1268	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
1269	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.
1270	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1271	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1272	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1273			

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1274	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1275	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1276	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1277	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1278	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1279	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned



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1280			cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1281			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1282			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1283			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1284			
	827.03 (2) (c)	3rd	Abuse of a child.
1285			
	827.03 (2) (d)	3rd	Neglect of a child.
1286			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1287			

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1288	836.05	2nd	Threats; extortion.
1289	836.10	2nd	Written threats to kill or do bodily injury.
1290	843.12	3rd	Aids or assists person to escape.
1291	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
1292	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1293	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily

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1294			injury.
	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.
1295			
	944.40	2nd	Escapes.
1296			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1297			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
1298			
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
1299			
1300			

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1301 Section 26. For the purpose of incorporating the amendment  
1302 made by this act to section 945.215, Florida Statutes, in a  
1303 reference thereto, subsection (1) of section 944.72, Florida  
1304 Statutes, is reenacted to read:

1305 944.72 Privately Operated Institutions Inmate Welfare Trust  
1306 Fund.—

1307 (1) There is hereby created in the Department of  
1308 Corrections the Privately Operated Institutions Inmate Welfare  
1309 Trust Fund. The purpose of the trust fund shall be the benefit  
1310 and welfare of inmates incarcerated in private correctional  
1311 facilities under contract with the department pursuant to this  
1312 chapter or the Department of Management Services pursuant to  
1313 chapter 957. Moneys shall be deposited in the trust fund and  
1314 expenditures made from the trust fund as provided in s. 945.215.

1315 Section 27. For the purpose of incorporating the amendment  
1316 made by this act to section 945.215, Florida Statutes, in a  
1317 reference thereto, subsection (1) of section 945.21501, Florida  
1318 Statutes, is reenacted to read:

1319 945.21501 Employee Benefit Trust Fund.—

1320 (1) There is hereby created in the Department of  
1321 Corrections the Employee Benefit Trust Fund. The purpose of the  
1322 trust fund shall be to:

1323 (a) Construct, operate, and maintain training and  
1324 recreation facilities at correctional facilities for the  
1325 exclusive use of department employees. Any facility constructed  
1326 using funds from the Employee Benefit Trust Fund is the property  
1327 of the department and must provide the maximum benefit to all  
1328 interested employees, regardless of gender.

1329 (b) Provide funding for employee appreciation programs and

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1330 activities designed to enhance the morale of employees.

1331

1332 Moneys shall be deposited in the trust fund as provided in s.

1333 945.215.

1334 Section 28. For the purpose of incorporating the amendment

1335 made by this act to section 945.215, Florida Statutes, in a

1336 reference thereto, section 945.2151, Florida Statutes, is

1337 reenacted to read:

1338 945.2151 Verifying social security numbers.—Prior to

1339 opening a canteen account pursuant to s. 945.215, an inmate who

1340 is eligible to receive a social security number must report his

1341 or her social security number. The department shall, in

1342 adherence with its agreement with the Social Security

1343 Administration and in a timely manner, submit sufficient and

1344 necessary information to verify that the reported inmate's

1345 social security number is accurate and properly belongs to the

1346 inmate. If the Social Security Administration is unable to

1347 verify a reported social security number for an inmate, the

1348 department shall prohibit canteen purchases by the inmate if the

1349 department concludes that the inmate was deceptive in reporting

1350 the social security number. The prohibition against purchasing

1351 canteen items will remain in effect until a verified social

1352 security number is obtained.

1353 Section 29. The sum of \$808,709 is appropriated to the

1354 Corrections Commission from recurring general revenue funds for

1355 the 2015-2016 fiscal year and eight full-time equivalent

1356 positions are authorized with salary of \$525,000 and associated

1357 salary rate of 525,000, benefits of \$204,650, and standard

1358 expenses of \$79,059. The sum of \$400,000 is appropriated to the

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1359 commission from recurring general revenue funds for the 2015-  
1360 2016 fiscal year, which funds shall be used for travel and  
1361 expenses of the commissioners and commission employees. The sum  
1362 of \$96,000 is appropriated to the commission from nonrecurring  
1363 general revenue for the 2015-2016 fiscal year, which funds shall  
1364 be used to purchase vehicles for use by employees of the  
1365 commission.

1366 Section 30. The sum of \$439,548 is appropriated to the  
1367 Correctional Medical Authority from recurring general revenue  
1368 funds for the 2015-2016 fiscal year and an additional six full-  
1369 time equivalent positions are authorized with salary of \$276,000  
1370 and associated salary rate of 276,000, benefits of \$103,260, and  
1371 standard expenses of \$60,288. The sum of \$350,000 is  
1372 appropriated to the authority from recurring general revenue  
1373 funds for the 2015-2016 fiscal year for health surveyor contract  
1374 fees.

1375 Section 31. The sum of \$1,000,000 is appropriated to the  
1376 Department of Corrections from recurring general revenue for the  
1377 2015-2016 fiscal year for expenses to provide crisis  
1378 intervention training for correctional officers who have close  
1379 contact with inmates housed in a mental health treatment  
1380 facility, as required by this act.

1381 Section 32. The sum of \$5,000,000 in recurring funds is  
1382 appropriated from the State Operated Institutions Inmate Welfare  
1383 Trust Fund to the Department of Corrections for the following  
1384 purposes:

- 1385 1. To provide literacy programs, vocational training  
1386 programs, and educational programs;
- 1387 2. To operate inmate chapels, faith-based programs,

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1388 visiting pavilions, visiting services and programs, family  
1389 services and programs, and libraries;

1390 3. To provide inmate substance abuse treatment programs and  
1391 transition and life skills training programs;

1392 4. To provide for the purchase, rental, maintenance or  
1393 repair of electronic or audio visual equipment used by inmates;

1394 5. To provide for the purchase, rental, maintenance or  
1395 repair of recreation and wellness equipment; or

1396 6. To provide for the purchase, rental, maintenance, or  
1397 repair of bicycles used by inmates traveling to and from  
1398 employment in the work-release program authorized in s.  
1399 945.091(1)(b).

1400

1401 This appropriation is contingent on SB 540 or similar  
1402 legislation creating the "State Operated Institutions Inmate  
1403 Welfare Trust Fund" being adopted in the 2015 Regular Session or  
1404 an extension thereof and becoming law.

1405 Section 33. Except as otherwise provided in this act, this  
1406 act shall take effect July 1, 2015.