

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Trujillo offered the following:

3
 4 **Amendment (with title amendment)**

5 Between lines 322 and 323, insert:

6 Section 7. Paragraph (a) of subsection (1) and subsection
 7 (2) of section 944.35, Florida Statutes, is amended to read, and
 8 subsection (5) is added to that section to read:

9 944.35 Authorized use of force; malicious battery and
 10 sexual misconduct prohibited; reporting required; penalties.—

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

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

16 2. To prevent a person from escaping from a state
 17 correctional institution when the officer reasonably believes

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18 that person is lawfully detained in such institution;

19 3. To prevent damage to property;

20 4. To quell a disturbance;

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

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

24 a. When treatment is necessary to protect the health of
25 other persons, as in the case of contagious or venereal
26 diseases; or

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

29
30 As part of the correctional officer training program, the
31 Criminal Justice Standards and Training Commission shall develop
32 a course specifically designed to explain the parameters of this
33 subsection and to teach the proper methods and techniques in
34 applying authorized physical force upon an inmate. Effective
35 October 1, 2015, this course shall include specialized training
36 for effectively managing in nonforceful ways mentally ill
37 inmates who may exhibit erratic behavior.

38 (2) Each employee of the department who either applies
39 physical force or was responsible for making the decision to
40 apply physical force upon an inmate or an offender supervised by
41 the department in the community pursuant to this subsection
42 shall prepare, date, and sign under oath an independent report
43 within 1 working day of the incident. The report shall be

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44 delivered to the warden or the circuit administrator, who shall
45 forward the report with all appropriate documentation to the
46 office of the inspector general. The inspector general shall
47 conduct a review and make recommendations regarding the
48 appropriateness or inappropriateness of the use of force. If the
49 inspector general finds that the use of force was appropriate,
50 the employee's report, together with the inspector general's
51 written determination of the appropriateness of the force used
52 and the reasons therefor, shall be forwarded to the circuit
53 administrator or warden upon completion of the review. If the
54 inspector general finds that the use of force was inappropriate,
55 the inspector general shall conduct a complete investigation
56 into the incident and forward the findings of fact to the
57 appropriate regional director for further action. Copies of the
58 employee's report and the inspector general's review shall be
59 kept in the files of the inmate or the offender supervised by
60 the department in the community. A notation of each incident
61 involving use of force and the outcome based on the inspector
62 general's evaluation shall be kept in the employee's file.

63 (5) The department shall establish a usage and inventory
64 policy to track, by institution, the use of chemical agents and
65 the disposal of expired, used, or damaged canisters of chemical
66 agents. The policy shall include, but not be limited to, a
67 requirement that a numbered seal be affixed to each chemical
68 agent canister in such a manner that the canister cannot be
69 removed from the carrier without breaking the seal. All

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70 canisters in the carriers will be checked out at the beginning
71 of each shift and checked back in at the end of the shift. The
72 shift supervisor should be charged with verifying the condition
73 of the numbered seals and periodically weighing random canisters
74 to insure that they have not been used without the required
75 documentation. All nonreactionary use of force incidents using
76 chemical agents shall be videotaped.
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79 **T I T L E A M E N D M E N T**

80 Remove line 38 and insert:

81 circumstances; amending s. 944.35, F.S.; requiring the Criminal
82 Justice Standards and Training Commission to include specialized
83 training for effectively managing in nonforceful ways mentally
84 ill inmates who may exhibit erratic behavior as part of the
85 correctional officer training program; requiring that reports of
86 physical force be signed under oath; requiring the department to
87 establish policies relating to the use of chemical agents;
88 requiring all nonreactionary use of force incidents using
89 chemical agents be videotaped; providing an appropriation;
90 amending s.