

1 A bill to be entitled
2 An act relating to criminal justice; providing a short
3 title; amending s. 20.315, F.S.; requiring the
4 Department of Corrections to plan and administer its
5 program of services for security and institutional
6 operations through five regions; requiring the
7 Secretary of Corrections to appoint a director for
8 each region; requiring each director to perform
9 specified functions; amending s. 110.205, F.S.;
10 exempting all positions assigned to the department's
11 office of inspector general from the Career Service
12 System; providing an appropriation; amending s.
13 216.136, F.S.; requiring the Criminal Justice
14 Estimating Conference to develop projections of state
15 correctional facility admissions and populations for
16 elderly felony offenders; creating s. 903.015, F.S.;
17 limiting monetary bail to violent felony offenses;
18 amending s. 921.0021, F.S.; revising the definition of
19 the term "victim injury" by removing a prohibition on
20 assessing certain victim injury sentence points for
21 sexual misconduct by certain correctional employees
22 with inmates or offenders; creating s. 921.301, F.S.;
23 providing for motions to modify a sentence on the
24 ground that such sentence is greater than necessary to
25 achieve the purposes of sentencing; providing

26 | eligibility; providing procedures; providing for
27 | appeals; providing construction; providing
28 | applicability; creating s. 925.13, F.S.; creating the
29 | Florida Innocence Inquiry Commission; providing
30 | definitions; providing for membership; providing for
31 | administrative support; providing for a director and
32 | staff; providing duties; authorizing the commission to
33 | conduct inquiries into claims of factual innocence;
34 | providing procedures for inquiries; providing for
35 | review by a three-judge panel for certain cases;
36 | providing for relief; providing for eligibility for
37 | compensation in certain cases; requiring misconduct
38 | referrals to The Florida Bar in certain circumstances;
39 | providing for preservation of records; requiring an
40 | annual report; creating s. 944.0232, F.S.; providing
41 | for the creation of a risk and needs assessment system
42 | by the Department of Corrections; providing
43 | definitions; providing systems uses and requirements;
44 | requiring that the system be used for assigning
45 | evidence-based recidivism reduction programming and
46 | productive activities to inmates as well as housing an
47 | assignment decisions; providing incentive and rewards
48 | for participation in such a system; requiring periodic
49 | risk reassessments and level adjustments; providing
50 | for penalties for rules violations; requiring the

51 department to provide certain training for its staff;
52 requiring quality assurance; providing for dyslexia
53 screening for inmates; providing for partnerships with
54 outside organizations; providing for priority for
55 participation for certain inmates; requiring reports;
56 providing for expiration of certain reporting
57 provisions; providing for initial development and
58 implementation of the system; creating s. 944.101,
59 F.S.; requiring that the Department of Corrections
60 provide secure firearms storage for certain employees;
61 specifying storage requirements; creating s. 944.1415,
62 F.S.; requiring the Department of Corrections to
63 provide certain staff with deescalation training and
64 training in responding to incidents involving
65 individuals who have a mental illness or cognitive
66 deficits; amending s. 944.17, F.S.; requiring the
67 Department of Corrections to place prisoners as close
68 as practicable to the prisoner's primary residence;
69 providing that such designation of places of
70 imprisonment are not reviewable; amending s. 944.275,
71 F.S.; prohibiting an inmate from receiving incentive
72 gain-time credits for completing the requirements for
73 and receiving a high school equivalency diploma or
74 vocational certificate if the inmate was convicted of
75 a specified offense on or after a specified date;

76 | amending s. 944.31, F.S.; requiring that a copy of a
77 | written memorandum of understanding for notification
78 | and investigation of certain events between the
79 | Department of Corrections and the Department of Law
80 | Enforcement be provided to the Governor, the President
81 | of the Senate, and the Speaker of the House of
82 | Representatives; requiring specialized training for
83 | inspectors in certain circumstances; amending s.
84 | 944.35, F.S.; requiring the Criminal Justice Standards
85 | and Training Commission to include specialized
86 | training for management of mentally ill inmates in the
87 | correctional officer training program; requiring
88 | certain reports to be signed under oath; requiring the
89 | Department of Corrections to establish policies
90 | relating to the use of chemical agents; requiring all
91 | nonreactionary use-of-force incidents using chemical
92 | agents to be video recorded; providing an
93 | appropriation and authorizing positions; amending s.
94 | 947.1405, F.S.; conforming provisions to changes made
95 | by the act; creating s. 944.4732, F.S.; providing for
96 | prerelease custody for risk and needs assessment
97 | system participants; providing for eligibility;
98 | providing for types of prerelease custody; specifying
99 | conditions of release; providing consequences for
100 | violations of release; requiring the Department of

101 Corrections to develop certain guidelines; prohibiting
102 certain conditions of release; providing for effect
103 and application; creating s. 950.021, F.S.;
104 authorizing a court to sentence certain offenders to a
105 county jail for up to 24 months if the county has a
106 contract with the department; providing contractual
107 requirements; requiring and providing for specific
108 appropriations; requiring validation of per diem
109 rates; amending s. 944.151, F.S.; providing for the
110 privacy of certain communications between an attorney
111 and an inmate; requiring the department to implement a
112 body camera pilot program at Union Correctional
113 Institution; requiring the department to submit a
114 report to the Governor and Legislature; providing an
115 appropriation; requiring the Secretary of Corrections
116 to submit a report concerning the availability of and
117 the capacity of the Department of Corrections to treat
118 heroin and opioid abuse through evidence-based
119 programs; providing requirements for the report;
120 requiring the department to take certain steps;
121 requiring the Department of Juvenile Justice to
122 undertake certain pilot programs; requiring reports;
123 providing for future repeal; providing effective
124 dates.
125

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

127

128 Section 1. This act may be cited as the "Comprehensive
 129 Prison Reform and Redemption Act."

130 Section 2. Subsection (4) of section 20.315, Florida
 131 Statutes, is amended to read:

132 20.315 Department of Corrections.—There is created a
 133 Department of Corrections.

134 (4) REGIONS.—

135 (a) The department shall plan and administer its program
 136 of services for community corrections, ~~security,~~ and
 137 ~~institutional operations~~ through regions.

138 (b) The department shall plan and administer its program
 139 of services for security and institutional operations through
 140 five geographical regions. The secretary shall appoint a
 141 director for each of the five regions. A person may serve as the
 142 director for a specific region for up to 4 consecutive years.
 143 Each director must:

144 1. Ensure the policies of the department, particularly
 145 those policies associated with inmate grievances, the care of
 146 inmates, and contact with inmates, are appropriately implemented
 147 and enforced at each correctional facility within the region.

148 2. Review, recommend, and hold subordinate chain-of-
 149 command staff responsible for appropriate and measured
 150 disciplinary decisions.

151 3. Ensure that each correctional facility in the region
152 maintains a retaliation-free work environment.

153 4. Ensure each correctional facility in the region
154 maintains a retaliation-free custody environment for all
155 inmates.

156 5. Make at least two unannounced visits to each
157 correctional facility within the region on a quarterly basis.

158 6. Meet quarterly to review statistics and trends related
159 to uses of force, inmate grievances, employee discipline
160 reports, and calls received from the department's Office of
161 Citizen Services or its successor office involving inmate abuse.

162 Section 3. Paragraph (m) of subsection (2) of section
163 110.205, Florida Statutes, is amended to read:

164 110.205 Career service; exemptions.—

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

167 (m) All assistant division director, deputy division
168 director, and bureau chief positions in any department, and
169 those positions determined by the department to have managerial
170 responsibilities comparable to such positions, which include,
171 but are not limited to:

172 1. Positions in the Department of Health and the
173 Department of Children and Families which are assigned primary
174 duties of serving as the superintendent or assistant
175 superintendent of an institution.

176 2. Positions in the Department of Corrections which are
 177 assigned primary duties of serving as the warden, assistant
 178 warden, colonel, or major of an institution or that are assigned
 179 primary duties of serving as the circuit administrator or deputy
 180 circuit administrator and all positions assigned to the office
 181 of inspector general.

182 3. Positions in the Department of Transportation which are
 183 assigned primary duties of serving as regional toll managers and
 184 managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

185 4. Positions in the Department of Environmental Protection
 186 which are assigned the duty of an Environmental Administrator or
 187 program administrator.

188 5. Positions in the Department of Health which are
 189 assigned the duties of Environmental Administrator, Assistant
 190 County Health Department Director, and County Health Department
 191 Financial Administrator.

192 6. Positions in the Department of Highway Safety and Motor
 193 Vehicles which are assigned primary duties of serving as
 194 captains in the Florida Highway Patrol.

195
 196 Unless otherwise fixed by law, the department shall set the
 197 salary and benefits of the positions listed in this paragraph in
 198 accordance with the rules established for the Selected Exempt
 199 Service.

200 Section 4. For the 2020-2021 fiscal year, the sum of

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201 \$180,000 in recurring funds is appropriated from the General
202 Revenue Fund to the Department of Corrections to set the salary
203 and benefits of set positions assigned to the department's
204 office of inspector general in accordance with rules of the
205 Selected Exempt Service.

206 Section 5. Paragraph (d) is added to subsection (5) of
207 section 216.136, Florida Statutes, to read:

208 216.136 Consensus estimating conferences; duties and
209 principals.—

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

212 (d) Develop projections of state correctional facility
213 admissions and populations for elderly felony offenders.

214 Section 6. Section 903.015, Florida Statutes, is created
215 to read:

216 903.015 Chapter inapplicable to misdemeanor and nonviolent
217 offenses.—Monetary bail may not be required for:

218 (1) A misdemeanor offense.

219 (2) A felony offense, other than a violent felony, as
220 defined in s. 961.02.

221 Section 7. Subsection (7) of section 921.0021, Florida
222 Statutes, is amended to read:

223 921.0021 Definitions.—As used in this chapter, for any
224 felony offense, except any capital felony, committed on or after
225 October 1, 1998, the term:

226 (7) (a) "Victim injury" means the physical injury or death
227 suffered by a person as a direct result of the primary offense,
228 or any additional offense, for which an offender is convicted
229 and which is pending before the court for sentencing at the time
230 of the primary offense.

231 (b) Except as provided in paragraph (c): or paragraph (d),

232 1. If the conviction is for an offense involving sexual
233 contact that includes sexual penetration, the sexual penetration
234 must be scored in accordance with the sentence points provided
235 under s. 921.0024 for sexual penetration, regardless of whether
236 there is evidence of any physical injury.

237 2. If the conviction is for an offense involving sexual
238 contact that does not include sexual penetration, the sexual
239 contact must be scored in accordance with the sentence points
240 provided under s. 921.0024 for sexual contact, regardless of
241 whether there is evidence of any physical injury.

242
243 If the victim of an offense involving sexual contact suffers any
244 physical injury as a direct result of the primary offense or any
245 additional offense committed by the offender resulting in
246 conviction, such physical injury must be scored separately and
247 in addition to the points scored for the sexual contact or the
248 sexual penetration.

249 ~~(c) The sentence points provided under s. 921.0024 for~~
250 ~~sexual contact or sexual penetration may not be assessed for a~~

251 ~~violation of s. 944.35(3)(b)2.~~

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

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

259 Section 8. Effective upon this act becoming a law, section
260 921.301, Florida Statutes, is created to read:

261 921.301 Modification of sentence; purposes of sentencing.-
262 Upon motion of an eligible individual, the court in which
263 judgment was entered may reduce or modify the sentence on the
264 ground that such sentence is greater than necessary to achieve
265 the purposes of sentencing.

266 (1) An individual is eligible for relief under this
267 section when he or she:

268 (a) Has been convicted, either by plea or verdict, of a
269 felony offense and is in the custody of the Department of
270 Corrections;

271 (b) Is more than 2 years away from release at the time of
272 filing the motion;

273 (c) Was sentenced to a term of 10 years or more;

274 (d) Has served at least one-third of the sentence;

275 (e) Is not currently serving a sentence for a violation of

276 s. 782.04 or s. 782.065, an offense requiring registration as a
277 sexual predator under s. 775.21; or an offense of terrorism, as
278 defined in s. 775.30;

279 (f) Is not currently serving a sentence for an offense
280 that included as an element the infliction of serious physical
281 injury; except that this subparagraph shall not apply when the
282 individual's criminal liability for the offense was based solely
283 on the physical actions or conduct of another pursuant to s.
284 777.011; or

285 (g) If an individual has appealed from a judgment or
286 sentence that is the subject of relief under this section, such
287 appeal has been finally determined. This paragraph does not
288 require that the individual has taken a direct appeal in order
289 to be eligible for relief under this section.

290 (2) Notwithstanding paragraph (b), an otherwise ineligible
291 individual shall be deemed eligible upon consent of the state
292 attorney.

293 (3) An individual who is serving the minimum sentence
294 permitted under statute is not be eligible under this section.

295 (4) A motion brought under this section shall be referred
296 for determination to the judge who imposed the original sentence
297 upon the individual. If, at the time of the application, the
298 original sentencing judge is no longer a judge of a court of
299 competent jurisdiction, then the application shall be assigned
300 to another judge of the court by the chief judge of the

301 applicable court.

302 (5) In deciding the motion, the court shall consider the
303 principles of rehabilitation, punishment, and deterrence; the
304 rehabilitation demonstrated by the individual; and the promotion
305 of the individual's successful reentry and reintegration into
306 society, as well as public safety. The court may consider any
307 facts or circumstances relevant to the imposition of a new
308 sentence which are submitted by such individual or the state
309 attorney, including, but not limited to:

310 (a) Age, personal circumstances, and medical condition,
311 including conditions that existed at the time of the original
312 sentencing.

313 (b) The individual's institutional record of confinement.

314 (c) Whether the individual has availed himself or herself
315 of educational, therapeutic, and vocational opportunities while
316 imprisoned.

317 (6) The court may not order a new presentence
318 investigation and report. The court shall offer the individual
319 an opportunity for a hearing. If the court finds that the
320 sentence is greater than necessary to achieve the purposes of
321 sentencing, the court shall grant the motion and enter an order
322 modifying the sentence to any lesser authorized term of
323 imprisonment. The order may also direct that the new sentence
324 run concurrently with any other term of imprisonment being
325 served by the individual. The court shall place its reasons on

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326 the record for modification of the sentence, or denial of
327 modification.

328 (7) If an individual is denied relief under this section,
329 or if the individual is denied the full reduction sought, he or
330 she may bring a new motion at any time after 3 years from the
331 date of denial of the previous motion.

332 (8) An appeal may be taken as of right from an order
333 denying a motion made pursuant to this section.

334 (9) An individual may not be required or permitted to
335 waive eligibility for relief under this section as part of a
336 plea of guilty, nolo contendere, sentence, or any agreement
337 related to a conviction, and any such waiver shall be deemed
338 void and unenforceable.

339 (10) An order modifying a sentence under this section does
340 not affect the validity or status of the underlying conviction.

341 Section 9. Section 921.301, Florida Statutes, as created
342 by this act, applies to offenses committed before, on, or after
343 its effective date.

344 Section 10. Section 925.13, Florida Statutes, is created
345 to read:

346 925.13 Florida Innocence Inquiry Commission.—

347 (1) DEFINITIONS.—As used in this section, the term:

348 (a) "Claim of factual innocence" means a claim on behalf
349 of a living person convicted of a felony in this state,
350 asserting the complete innocence of any criminal responsibility

351 for the felony for which the person was convicted and for any
352 other reduced level of criminal responsibility relating to the
353 crime, and for which there is some credible, verifiable evidence
354 of innocence that has not previously been presented at trial or
355 considered at a hearing granted through postconviction relief.

356 (b) "Claimant" means a person asserting that he or she is
357 completely innocent of any criminal responsibility for a felony
358 crime upon which the person was convicted and for any other
359 reduced level of criminal responsibility relating to the crime.

360 (c) "Commission" means the Florida Innocence Inquiry
361 Commission established by this section.

362 (d) "Director" means the Director of the Florida Innocence
363 Inquiry Commission.

364 (e) "Formal inquiry" means the stage of an investigation
365 when the commission has entered into a signed agreement with the
366 original claimant and the commission has made efforts to notify
367 the victim.

368 (f) "Victim" means the victim of the crime, or, if the
369 victim of the crime is deceased, the victim's next of kin.

370 (2) PURPOSE.—This section establishes an extraordinary
371 procedure to investigate and determine credible claims of
372 factual innocence that shall require an individual to
373 voluntarily waive rights and privileges as described in this
374 section.

375 (3) COMMISSION ESTABLISHED.—

376 (a) The Florida Innocence Inquiry Commission, a commission
377 as defined in s. 20.03(10), is created adjunct to the Justice
378 Administrative Commission. Except as otherwise provided in this
379 section, the commission shall operate in a manner consistent
380 with s. 20.052.

381 (b) The Justice Administrative Commission shall provide
382 administrative support to the commission as needed. The
383 executive director of the Justice Administrative Commission
384 shall not reduce or modify the budget of the commission or use
385 funds appropriated to the commission without the approval of the
386 commission. The Justice Administrative Commission shall conduct
387 an annual audit of the commission.

388 (4) MEMBERSHIP; CHAIR; MEETINGS; QUORUM.—

389 (a) The commission shall consist of eight voting members
390 as follows:

391 1. One shall be a circuit court judge.

392 2. One shall be a prosecuting attorney.

393 3. One shall be a victim advocate.

394 4. One shall be engaged in the practice of criminal
395 defense law.

396 5. One shall be a public member who is not an attorney and
397 who is not an officer or employee of the judiciary.

398 6. One shall be a sheriff holding office at the time of
399 his or her appointment.

400 7. The vocations of the two remaining appointed voting

401 members shall be at the discretion of the Chief Justice.

402

403 The Chief Justice of the Supreme Court shall appointment the
404 members.

405 (b) The Chief Justice shall also appoint alternate
406 commission members to serve in the event of scheduling
407 conflicts, conflicts of interest, disability, or other
408 disqualification arising in a particular case. The alternate
409 members shall have the same qualifications for appointment as
410 the original member. In making the appointments, the Chief
411 Justice shall make a good faith effort to appoint members with
412 different perspectives of the justice system. The Chief Justice
413 shall also consider geographical location, gender, and racial
414 diversity in making the appointments.

415 (c) The circuit court judge who is appointed as a member
416 shall serve as chair of the commission. The commission shall
417 have its initial meeting no later than January 31, 2021, at the
418 call of the chair. The commission shall meet at least once every
419 6 months and may meet more often at the call of the chair. The
420 commission shall meet at such time and place as designated by
421 the chair. Notice of the meetings shall be given at such time
422 and manner as provided by the rules of the commission. A
423 majority of the members shall constitute a quorum. All
424 commission votes shall be by majority vote.

425 (5) TERMS OF MEMBERS; COMPENSATION; EXPENSES.—

426 (a)1. Of the initial members, two appointments shall be
427 for 1-year terms, three appointments shall be for 2-year terms,
428 and three appointments shall be for 3-year terms. Thereafter,
429 all terms shall be for 3 years. Members of the commission shall
430 serve no more than two consecutive 3-year terms plus any initial
431 term of less than 3 years. Unless provided otherwise by this
432 section, all terms of members shall begin on January 1 and end
433 on December 31.

434 2. Members serving by virtue of elective or appointive
435 office, except for the sheriff, may serve only so long as the
436 officeholders hold those respective offices. The Chief Justice
437 may remove members, with cause. Vacancies occurring before the
438 expiration of a term shall be filled in the manner provided for
439 the members first appointed.

440 (b) Members of the commission shall receive no salary but
441 shall receive necessary per diem and travel expenses in
442 accordance with s. 112.061.

443 (6) DIRECTOR AND STAFF.—

444 (a) The commission shall employ a director. The director
445 shall report to the executive director of the Justice
446 Administrative Commission, who shall consult with the commission
447 chair. The director shall assist the commission in developing
448 rules and standards for cases accepted for review, coordinate
449 investigation of cases accepted for review, maintain records for
450 all case investigations, prepare reports outlining commission

451 investigations and recommendations to the trial court, and apply
452 for and accept on behalf of the commission any funds that may
453 become available from government grants, private gifts,
454 donations, or devises from any source.

455 (b) Subject to the approval of the chair, the director
456 shall employ such other staff and shall contract for services as
457 necessary to assist the commission in the performance of its
458 duties, and as funds permit.

459 (c) The Justice Administrative Commission shall provide
460 office space for the commission and the commission staff.

461 (7) DUTIES.—The commission shall have the following duties
462 and powers:

463 (a) To establish the criteria and screening process to be
464 used to determine which cases shall be accepted for review.

465 (b) To conduct inquiries into claims of factual innocence,
466 with priority to be given to those cases in which the convicted
467 person is currently incarcerated solely for the crime for which
468 he or she claims factual innocence.

469 (c) To coordinate the investigation of cases accepted for
470 review.

471 (d) To maintain records for all case investigations.

472 (e) To prepare written reports outlining commission
473 investigations and recommendations to the trial court at the
474 completion of each inquiry.

475 (f) To apply for and accept any funds that may become

476 available for the commission's work from government grants,
477 private gifts, donations, or devises from any source.

478 (8) CLAIMS OF INNOCENCE; WAIVER OF CONVICTED PERSON'S
479 PROCEDURAL SAFEGUARDS AND PRIVILEGES; FORMAL INQUIRY; VICTIM
480 NOTIFICATION.—

481 (a) A claim of factual innocence for any conviction may be
482 referred to the commission by any court, a state or local
483 agency, or a claimant's counsel. A claim of factual innocence
484 for convictions of a felony may also be made directly by the
485 claimant. The commission shall not consider a claim of factual
486 innocence if the convicted person is deceased. A claimant who
487 received notice pursuant to subparagraph (c)1. and did not make
488 a claim of factual innocence within a specified time is not
489 barred from investigation of claim of factual innocence under
490 any circumstances. The determination as to whether to grant a
491 formal inquiry regarding any other claim of factual innocence is
492 within the authority and jurisdiction of the commission. The
493 commission may not arbitrarily and capriciously dismiss a case
494 without just cause. The commission may informally screen and
495 dismiss a case summarily at its discretion.

496 (b)1. No formal inquiry into a claim of innocence shall be
497 made by the commission unless the director first obtains a
498 signed agreement from the convicted person in which the
499 convicted person waives his or her procedural safeguards and
500 privileges, agrees to cooperate with the commission, and agrees

501 to provide full disclosure regarding all inquiry requirements of
502 the commission. The waiver under this subsection does not apply
503 to matters unrelated to a convicted person's claim of innocence.
504 The convicted person shall have the right to advice of counsel
505 before the execution of the agreement and, if a formal inquiry
506 is granted, throughout the formal inquiry. If counsel represents
507 the convicted person, the convicted person's counsel must be
508 present at the signing of the agreement. If counsel does not
509 represent the convicted person, the commission chair shall
510 determine the convicted person's indigency status and, if
511 appropriate, enter an order for the appointment of counsel under
512 s. 27.40 for the purpose of advising the claimant concerning the
513 agreement. If the convicted person has requested a specific
514 attorney with knowledge of the case, the director shall inform
515 the appropriate office of that request for their consideration.

516 2. Forensic testing and claimant interviews shall not be
517 conducted by the commission before obtaining a signed agreement
518 from the convicted person.

519 (c) If a formal inquiry regarding a claim of factual
520 innocence is granted, the director shall use all due diligence
521 to notify the victim in the case and explain the inquiry
522 process. The commission shall give the victim notice that the
523 victim has the right to present his or her views and concerns
524 throughout the commission's investigation.

525 1. Absent a showing of good cause and approval of the

526 commission chair, if a formal inquiry regarding a claim of
527 factual innocence is granted, the commission shall use any and
528 all due diligence to notify each and every codefendant of the
529 claim that an investigation will be conducted and that if the
530 codefendant or codefendants wishes to file their claim or claims
531 he or she, must do so within 180 days from receipt of the notice
532 or there may be a delay in initiating any future investigation
533 by the commission.

534 2. If a formal inquiry regarding a claim of factual
535 innocence is granted, the director shall provide a confidential
536 case status update for each case in formal inquiry to the state
537 attorney and the convicted person, or counsel, if any, at least
538 once every 6 months. If there is no defense counsel, the update
539 shall be provided to the state attorney, the convicted person,
540 and referring counsel, if any. The case status update shall
541 include a summary of the actions taken since the last update and
542 the results of any forensic testing that has been conducted.

543 (d) The commission may use any measure provided in the
544 Rules of Civil Procedure to obtain information necessary to its
545 inquiry. The commission may also issue process to compel the
546 attendance of witnesses and the production of evidence,
547 administer oaths, petition the circuit court of the original
548 jurisdiction for enforcement of process or for other relief, and
549 prescribe its own rules of procedure.

550 (e) While performing duties for the commission, the

551 director or the director's designee may serve subpoenas or other
552 process issued by the commission throughout the state in the
553 same manner and with the same effect as an officer authorized to
554 serve process.

555 (f) All state discovery and disclosure statutes in effect
556 at the time of formal inquiry shall be enforceable as if the
557 convicted person were currently being tried for the charge for
558 which the convicted person is claiming innocence.

559 (g) If, at any point during an inquiry, the convicted
560 person refuses to comply with requests of the commission or is
561 otherwise deemed to be uncooperative by the commission, the
562 commission shall discontinue the inquiry.

563 (9) COMMISSION PROCEEDINGS.—

564 (a) At the completion of a formal inquiry, all relevant
565 evidence shall be presented to the full commission in a public
566 hearing. Any public hearing held in accordance with this section
567 shall be subject to the commission's rules of operation. The
568 commission's rules of operation shall not exclude the state
569 attorney or defense counsel from any portion of the hearing.

570 1. The commission may compel the testimony of any witness.
571 If a witness asserts his or her privilege against self-
572 incrimination in a proceeding under this section, the chair, in
573 the chair's judicial capacity, may order the witness to testify
574 or produce other information if the chair determines that the
575 witness's testimony will likely be material to the investigation

576 and necessary to reach a correct factual determination in the
577 case at hand. However, the chair shall not order the witness to
578 testify or produce other information that would incriminate the
579 witness in the prosecution of any offense other than an offense
580 for which the witness is granted immunity under this subsection.
581 The order shall prevent a prosecutor from using the compelled
582 testimony, or evidence derived therefrom, to prosecute the
583 witness for previous false statements made under oath by the
584 witness in prior proceedings. The prosecutor has a right to be
585 heard by the chair before the chair issuing the order. Once
586 granted, the immunity shall apply throughout all proceedings
587 conducted pursuant to this section. The limited immunity granted
588 under this section shall not prohibit prosecution of statements
589 made under oath that are unrelated to the commission's formal
590 inquiry, false statements made under oath during proceedings
591 under this section, or prosecution for any other crimes.

592 2. The commission shall include, as part of its rules of
593 operation, the holding of a prehearing conference to be held at
594 least 10 days before any proceedings of the full commission.
595 Only the state attorney, or the state attorney's designee, of
596 the district in which the claimant was convicted of the felony
597 upon which the claim of factual innocence is based; the
598 claimant's counsel, if any; the chair of the commission; the
599 executive director of the Justice Administrative Commission; and
600 any commission staff designated by the director shall be

601 notified and authorized to attend the prehearing conference. The
602 state attorney, or the state attorney's designee, shall be
603 provided an opportunity to inspect any evidence that may be
604 presented to the commission that has not previously been
605 presented to any judicial officer or body and any information
606 that the state attorney, or the state attorney's designee, deems
607 relevant to the proceedings. At least 72 hours before any
608 commission proceedings, the state attorney or the state
609 attorney's designee may provide the commission with a written
610 statement, which shall be part of the record.

611 (b) The director shall use all due diligence to notify the
612 victim at least 30 days before any proceedings of the full
613 commission held in regard to the victim's case. The commission
614 shall notify the victim that the victim is permitted to attend
615 proceedings otherwise closed to the public, subject to any
616 limitations imposed by this section. If the victim plans to
617 attend proceedings otherwise closed to the public, he or she
618 shall notify the commission at least 10 days in advance of the
619 proceedings of his or her intent to attend.

620 (c)1. After hearing the evidence, the full commission
621 shall vote to establish further case disposition as provided by
622 this subsection. All eight voting members of the commission
623 shall participate in that vote.

624 2. Except in cases where the convicted person entered and
625 was convicted on a plea of guilty, if five or more of the eight

626 voting members of the commission conclude there is sufficient
627 evidence of factual innocence to merit judicial review, the case
628 shall be referred to the senior resident circuit court judge in
629 the district of original jurisdiction by filing with the clerk
630 of court the opinion of the commission with supporting findings
631 of fact, as well as the record in support of such opinion, with
632 service on the convicted person or the convicted person's
633 counsel, if any, and the state attorney in noncapital cases or
634 service on both the state attorney and Attorney General in
635 capital cases. In cases where the convicted person entered and
636 was convicted on a plea of guilty, if all of the eight voting
637 members of the commission conclude there is sufficient evidence
638 of factual innocence to merit judicial review, the case shall be
639 referred to the senior resident circuit court judge in the
640 district of original jurisdiction.

641 3. If fewer than five of the eight voting members of the
642 commission, or fewer than all of the eight voting members of the
643 commission in cases where the convicted person entered and was
644 convicted on a guilty plea, conclude there is sufficient
645 evidence of factual innocence to merit judicial review, the
646 commission shall conclude there is insufficient evidence of
647 factual innocence to merit judicial review. The commission shall
648 document that opinion, along with supporting findings of fact,
649 and file those documents and supporting materials with the clerk
650 of circuit court in the district of original jurisdiction, with

651 a copy provided to the convicted person or the convicted
652 person's counsel, if any, the state attorney, and the senior
653 resident circuit court judge.

654 4. The director of the commission shall use all due
655 diligence to immediately notify the victim of the commission's
656 conclusion in a case.

657 (d) Evidence of criminal acts, professional misconduct, or
658 other wrongdoing disclosed through formal inquiry or commission
659 proceedings shall be referred to the appropriate authority.
660 Evidence favorable to the convicted person disclosed through
661 formal inquiry or commission proceedings shall be disclosed to
662 the convicted person and the convicted person's counsel, if the
663 convicted person has counsel.

664 (e) All proceedings of the commission shall be recorded
665 and transcribed as part of the record. All votes of the
666 commission shall be recorded in the record. The supporting
667 records for the commission's conclusion that there is sufficient
668 evidence of factual innocence to merit judicial review,
669 including all files and materials considered by the commission
670 and a full transcript of the hearing before the commission,
671 shall become public when filed with the circuit court as
672 required in paragraph (c).

673 (f) At any point in the formal inquiry regarding a claim
674 of factual innocence, the state attorney and the convicted
675 person or the convicted person's counsel may agree that there is

676 sufficient evidence of factual innocence to merit judicial
677 review by the three-judge panel under subsection (10) and bypass
678 the eight-member panel. The director and the chair of the
679 commission shall be notified in writing of any such agreement.

680 (g) If the commission concludes there is sufficient
681 evidence of factual innocence to merit judicial review, the
682 commission shall make a copy of the entire file available to the
683 state attorney and defense counsel. Upon availability, the
684 commission shall provide the state attorney and defense counsel
685 a copy of the uncertified and certified transcript of the
686 commission's proceedings. Absent a judicial finding of malicious
687 conduct, the commission and commission staff shall not be
688 civilly liable for acting in compliance with this subsection.

689 (h) With respect to the evidence presented to the three-
690 judge panel, the state attorney and defense counsel may
691 determine which evidence, if any, will be presented to the
692 three-judge panel.

693 (10) POSTCOMMISSION THREE-JUDGE PANEL.—

694 (a) If the commission concludes or the state attorney and
695 the convicted person's counsel agree there is sufficient
696 evidence of factual innocence to merit judicial review, the
697 chair of the commission shall request the Chief Justice to
698 appoint a three-judge panel, not to include a trial judge that
699 has had substantial previous involvement in the case, and issue
700 commissions to the members of the three-judge panel to convene a

701 special session of the circuit court of the original
702 jurisdiction to hear evidence relevant to the commission's
703 recommendation. The senior judge of the panel shall preside. The
704 Chief Justice shall appoint the three-judge panel within 20 days
705 after the filing of the commission's opinion finding sufficient
706 evidence of factual innocence to merit judicial review.

707 (b) If the commission concludes that there is credible
708 evidence of prosecutorial misconduct in the case, the chair of
709 the commission may request the Attorney General to appoint a
710 special prosecutor to represent the state in lieu of the state
711 attorney of the district of conviction or the state attorney's
712 designee.

713 1. The request for the special prosecutor shall be made
714 within 20 days after the filing of the commission's opinion
715 finding sufficient evidence of innocence to merit judicial
716 review.

717 2. Upon receipt of a request under this subsection to
718 appoint a special prosecutor, the Attorney General may
719 temporarily assign a state attorney, assistant state attorney,
720 or other qualified attorney, to represent the state at the
721 hearing before the three-judge panel. However, the Attorney
722 General shall not appoint as special prosecutor an attorney who
723 prosecuted or assisted with the prosecution in the trial of the
724 convicted person, or is a prosecuting attorney in the district
725 in which the convicted person was tried. The appointment shall

726 be made no later than 20 days after the receipt of the request.

727 (c) The chief judge of the circuit of original
728 jurisdiction shall enter an order setting the case for hearing
729 and shall require the state to file a response to the
730 commission's opinion within 90 days after the date of the order.
731 Such response, at the time of original filing or through
732 amendment at any time before or during the proceedings, may
733 include joining the defense in a motion to dismiss the charges
734 with prejudice on the basis of innocence.

735 (d) The commission's entire file, including files obtained
736 from other agencies, shall be unencumbered by protective orders
737 when made available to the state attorney and defense counsel
738 under paragraph (i), unless either of the following apply:

739 1. The state attorney and defense counsel have consented
740 to a protective order over a portion of the file; or

741 2. The state attorney and defense counsel have been given
742 an opportunity to be heard by the senior judge of the three-
743 judge panel before a protective order is issued.

744 (e) The state attorney of the district of conviction, or
745 the state attorney's designee, shall represent the state at the
746 hearing before the three-judge panel, except as otherwise
747 provided by this section.

748 (f) The three-judge panel shall conduct an evidentiary
749 hearing. At the hearing, the court, and the defense and
750 prosecution through the court, may compel the testimony of any

751 witness, including the convicted person. All credible,
752 verifiable evidence relevant to the case, even if considered by
753 a jury or judge in a prior proceeding, may be presented during
754 the hearing. The convicted person may not assert any privilege
755 or prevent a witness from testifying. The convicted person has a
756 right to be present at the evidentiary hearing and to be
757 represented by counsel. A waiver of the right to be present
758 shall be in writing.

759 (g) The chief judge of the circuit in the district of
760 original jurisdiction shall determine the convicted person's
761 indigency status and, if appropriate, enter an order for the
762 appointment of counsel under s. 27.40. If the convicted person
763 has requested a specific attorney with knowledge of the case,
764 the director shall inform the appropriate office of that request
765 for their consideration. The court may also enter an order
766 relieving an indigent convicted person of all or a portion of
767 the costs of the proceedings.

768 (h) The clerk of court shall provide written notification
769 to the victim 30 days before any case-related hearings.

770 (i) Upon the motion of either party, the senior judge of
771 the panel may direct the attorneys for the parties to appear
772 before him or her for a conference on any matter in the case.

773 (j) The three-judge panel shall rule as to whether the
774 convicted person has proved by clear and convincing evidence
775 that the convicted person is innocent of the charges. Such a

776 determination shall require a unanimous vote. If the vote is
777 unanimous, the panel shall enter dismissal of all or any of the
778 charges. If the vote is not unanimous, the panel shall deny
779 relief.

780 (k) Notwithstanding any other law, a person who is
781 determined by the three-judge panel to be innocent of all
782 charges and against whom the charges are dismissed pursuant to
783 this section is eligible for compensation under chapter 961.

784 (l) If the commission determines that there is a
785 reasonable probability that an attorney engaged in misconduct in
786 the course of a prosecution, the commission shall provide
787 information concerning such alleged misconduct to The Florida
788 Bar for its investigation.

789 (11) NO RIGHT TO FURTHER REVIEW OF DECISION BY COMMISSION
790 OR THREE-JUDGE PANEL; CONVICTED PERSON RETAINS RIGHT TO OTHER
791 POSTCONVICTION RELIEF.—

792 (a) Unless otherwise authorized by this section, the
793 decisions of the commission and of the three-judge panel are
794 final and are not subject to further review by appeal,
795 certification, writ, motion, or otherwise.

796 (b) A claim of factual innocence asserted through the
797 Innocence Inquiry Commission shall not adversely affect the
798 convicted person's rights to other postconviction relief.

799 (12) PRESERVATION OF FILES AND EVIDENCE; PRODUCTION OF
800 FILES AND EVIDENCE; FORENSIC AND DNA TESTING.—

801 (a) Upon receiving written notice from the commission of a
802 commission inquiry, the state shall preserve all files and
803 evidence subject to disclosure under chapter 119. Once the
804 commission provides written notice to the state that the
805 commission's inquiry is complete, the duty to preserve under
806 this section shall cease; however, other preservation
807 requirements may be applicable.

808 (b) The commission is entitled to a copy of all records
809 preserved under paragraph (a), including access to inspect and
810 examine all physical evidence.

811 (c) Upon request of the commission, the state shall
812 transfer custody of physical evidence to the director, or the
813 director's designee, for forensic and DNA testing. The
814 commission shall preserve evidence in a manner reasonably
815 calculated to prevent contamination or degradation of any
816 biological evidence that might be present, while subject to a
817 continuous chain of custody and securely retained with
818 sufficient official documentation to locate the evidence. At or
819 before the completion of the commission's inquiry, the
820 commission shall return all remaining evidence.

821 (d) The commission shall have the right to subject
822 physical evidence to forensic and DNA testing, including
823 consumption of biological material, as necessary for the
824 commission's inquiry. If testing complies with FBI requirements
825 and the data meets the criteria of national DNA index system,

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826 profiles obtained from the testing shall be searched and
827 uploaded to the Federal Bureau of Investigation's Combined DNA
828 Index System. The commission shall incur all costs associated
829 with ensuring compliance with FBI requirements and national DNA
830 index system criteria.

831 (13) REPORT.—The commission shall report annually by
832 February 1 of each year on its activities the Governor, the
833 President of the Senate, and the Speaker of the House of
834 Representatives. The report may contain recommendations for any
835 needed legislative changes related to the activities of the
836 commission.

837 Section 11. Section 944.0232, Florida Statutes, is created
838 to read:

839 944.0232 Risk and needs assessment system.—

840 (1) DEFINITIONS.—As used in this section, the term:

841 (a) "Dyslexia" means an unexpected difficulty in reading
842 for an individual who has the intelligence to be a much better
843 reader, most commonly caused by a difficulty in phonological
844 processing or the appreciation of the individual sounds of
845 spoken language, which affects the ability of an individual to
846 speak, read, and spell.

847 (b) "Dyslexia screening program" means a screening program
848 for dyslexia that is evidence-based, as defined in s. 8101(21)
849 of the Elementary and Secondary Education Act of 1965, 20 U.S.C.
850 s. 7801(21), with proven psychometrics for validity; that is

851 efficient and low-cost and readily available.

852 (c) "Evidence-based recidivism reduction program" means
853 either a group or individual activity that:

854 1. Has been shown by empirical evidence to reduce
855 recidivism or is based on research indicating that it is likely
856 to be effective in reducing recidivism;

857 2. Is designed to help prisoners succeed in their
858 communities upon release from state correctional facility; and

859 3. May include any of the following:

860 a. Social learning and communication, interpersonal, anti-
861 bullying, rejection response, and other life skills.

862 b. Family relationship building, structured parent-child
863 interaction, and parenting skills.

864 c. Classes on morals or ethics.

865 d. Academic classes.

866 e. Cognitive behavioral treatment.

867 f. Mentoring.

868 g. Substance abuse treatment.

869 h. Vocational training.

870 i. Faith-based classes or services.

871 j. Civic engagement and reintegrative community services.

872 k. A state correctional facility job, including through a
873 state correctional facility work program.

874 l. Victim impact classes or other restorative justice
875 programs.

876 m. Trauma counseling and trauma-informed support programs.

877 (d) "Productive activities" means either group or
878 individual activities that are designed to allow prisoners
879 determined as having a minimum or low risk of recidivating to
880 remain productive and thereby maintain a minimum or low risk of
881 recidivating, and may include the delivery of evidence-based
882 recidivism reduction programs to other prisoners.

883 (e) "Risk and needs assessment tool" means an objective
884 and statistically validated method through which information is
885 collected and evaluated to determine:

886 1. As part of the intake process, the risk that a prisoner
887 will recidivate upon release from state correctional facility.

888 2. The recidivism reduction programs that will best
889 minimize the risk that the prisoner will recidivate upon release
890 from state correctional facility.

891 3. The periodic reassessment of risk that a prisoner will
892 recidivate upon release from state correctional facility, based
893 on factors including indicators of progress and of regression,
894 which are dynamic and that can reasonably be expected to change
895 while in a state correctional facility.

896 (2) IN GENERAL.—Not later than March 1, 2022, the
897 secretary shall develop and release publicly on the department's
898 website a risk and needs assessment system, ("system") which
899 shall be used to:

900 (a) Determine the recidivism risk of each prisoner as part

901 of the intake process and classify each prisoner as having
902 minimum, low, medium, or high risk for recidivism.

903 (b) Assess and determine, to the extent practicable, the
904 risk of violent or serious misconduct of each prisoner.

905 (c) Determine the type and amount of evidence-based
906 recidivism reduction programming that is appropriate for each
907 prisoner and assign each prisoner to such programming
908 accordingly, based on the prisoner's specific criminogenic
909 needs, and in accordance with subsection (3).

910 (d) Reassess the recidivism risk of each prisoner
911 periodically, based on factors including indicators of progress
912 and regression, which are dynamic and which can reasonably be
913 expected to change while in a state correctional facility.

914 (e) Reassign the prisoner to appropriate evidence-based
915 recidivism reduction programs or productive activities based on
916 the revised determination to ensure that:

917 1. All prisoners at each risk level have a meaningful
918 opportunity to reduce their classification during the period of
919 incarceration.

920 2. The specific criminogenic needs of the prisoner are
921 addressed.

922 3. All prisoners are able to successfully participate in
923 such programs.

924 (f) Determine when to provide incentives and rewards for
925 successful participation in evidence-based recidivism reduction

926 programs or productive activities in accordance with subsection
927 (5).

928 (g) Determine when a prisoner is ready to transfer into
929 prerelease custody or supervised release in accordance with s.
930 944.4732.

931 (h) Determine the appropriate use of audio technology for
932 program course materials with an understanding of dyslexia. In
933 carrying out this subsection, the secretary may use existing
934 risk and needs assessment tools, as appropriate.

935 (3) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM REDUCTION
936 PROGRAMS.—The system shall provide guidance on the type, amount,
937 and intensity of evidence-based recidivism reduction programming
938 and productive activities that shall be assigned for each
939 prisoner, including:

940 (a) Programs in which the department shall assign the
941 prisoner to participate, according to the prisoner's specific
942 criminogenic needs.

943 (b) Information on the best ways that the department can
944 tailor the programs to the specific criminogenic needs of each
945 prisoner so as to most effectively lower each prisoner's risk of
946 recidivism.

947 (4) HOUSING AND ASSIGNMENT DECISIONS.—The system shall
948 provide guidance on program grouping and housing assignment
949 determinations and, after accounting for the safety of each
950 prisoner and other individuals at the state correctional

951 facility, group together in housing and assignments prisoners
952 with a similar risk level to the extent practicable.

953 (5) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES
954 AND PRODUCTIVE ACTIVITIES REWARDS.—The system shall provide
955 incentives and rewards for prisoners to participate in and
956 complete evidence-based recidivism reduction programs as
957 follows:

958 (a) A prisoner who is successfully participating in an
959 evidence-based recidivism reduction program shall receive:

960 1. Phone privileges, or, if available, video conferencing
961 privileges, for up to 30 minutes per day, and up to 510 minutes
962 per month.

963 2. Additional time for visitation at the state
964 correctional facility, as determined by the warden of the state
965 correctional facility.

966 (b) A prisoner who is successfully participating in an
967 evidence-based recidivism reduction program shall be considered
968 by the department for placement in a facility closer to the
969 state correctional prisoner's release residence upon request
970 from the prisoner and subject to:

971 1. Bed availability at the transfer facility.

972 2. The prison's security designation.

973 3. The recommendation from the warden of the state
974 correctional facility at which the prisoner is incarcerated at
975 the time of making the request.

976 (c) The department shall develop additional policies to
977 provide appropriate incentives for successful participation and
978 completion of evidence-based recidivism reduction programming.

979 The incentives shall include at least two of the following:

980 1. Increased commissary spending limits and product
981 offerings.

982 2. Extended opportunities to access the email system.

983 3. Consideration of transfer to preferred housing units,
984 including transfer to different state correctional facility
985 facilities.

986 4. Other incentives solicited from prisoners and
987 determined appropriate by the department.

988 (d)1. Notwithstanding any other law, a prisoner, except
989 for an ineligible prisoner under subparagraph 4., who
990 successfully completes evidence-based recidivism reduction
991 programming or productive activities shall earn gain time
992 credits as follows:

993 a. A prisoner shall earn 10 days of gain time credits for
994 every 30 days of successful participation in evidence-based
995 recidivism reduction programming or productive activities.

996 b. A prisoner determined by the department to be at a
997 minimum or low risk for recidivating, who, over two consecutive
998 assessments, has not increased their risk of recidivism, shall
999 earn an additional 5 days of gain time credits for every 30 days
1000 of successful participation in evidence-based recidivism

1001 reduction programming or productive activities.

1002 2. A prisoner may not earn gain time credits under this

1003 subparagraph for an evidence-based recidivism reduction program

1004 that the prisoner successfully completed:

1005 a. Before July 1, 2020; or

1006 b. During official detention before the date that the

1007 prisoner's sentence commences.

1008 3. Gain time credits earned under this paragraph by

1009 prisoners who successfully participate in recidivism reduction

1010 programs or productive activities shall be applied toward time

1011 in prerelease custody or supervised release. The director shall

1012 transfer eligible prisoners, as determined under s. 944.4732,

1013 into prerelease custody or supervised release.

1014 4. A prisoner is ineligible to receive gain time credits

1015 under this paragraph if the prisoner is serving a sentence for a

1016 conviction under any of the following:

1017 a. An offense listed in s. 775.084(1)(c)1.

1018 b. An offense listed in s. 775.21(4)(a)1.

1019 c. An offense listed in s. 943.0435(1)(h)1.a.

1020 d. An offense listed s. 921.0022(3)(i) or (j).

1021 e. An offense punishable by a term of imprisonment for

1022 life.

1023 (e)1. A prisoner is ineligible to apply gain time credits

1024 under paragraph (c) if the prisoner is the subject of a final

1025 order of removal under any provision of the immigration laws, as

1026 defined in s. 101(a)(17) of the Immigration and Nationality Act,
1027 8 U.S.C. s. 1101(a)(17).

1028 2. The secretary shall ensure that any alien described in
1029 s. 212 or s. 237 of the Immigration and Nationality Act, 8
1030 U.S.C. s. 1182 or s. 1227, who seeks to earn gain time credits
1031 are subject to proceedings described in s. 238(a) of that act, 8
1032 U.S.C. s. 1228(a), at a date as early as practicable during the
1033 prisoner's incarceration.

1034 (6) RISK REASSESSMENTS AND LEVEL ADJUSTMENT.—A prisoner
1035 who successfully participates in evidence-based recidivism
1036 reduction programming or productive activities shall receive
1037 periodic risk reassessments, at least annually, and a prisoner
1038 determined to be at a medium or high risk of recidivating and
1039 who has less than 5 years until his or her projected release
1040 date shall receive more frequent risk reassessments. If the
1041 reassessment shows that the prisoner's risk of recidivating or
1042 specific needs have changed, the department shall update the
1043 determination of the prisoner's risk of recidivating or
1044 information regarding the prisoner's specific needs and reassign
1045 the prisoner to appropriate evidence-based recidivism reduction
1046 programming or productive activities based on such changes.

1047 (7) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives
1048 described in this section shall be in addition to any other
1049 rewards or incentives for which a prisoner may be eligible.

1050 (8) PENALTIES.—The department shall develop guidelines for

1051 the reduction of rewards and incentives earned under subsection
1052 (5) for prisoners who violate state correctional facility rules
1053 or evidence-based recidivism reduction program or productive
1054 activity rules, which shall provide:

1055 (a) General levels of violations and resulting reductions.

1056 (b) That any reduction that includes the loss of gain time
1057 credits shall require written notice to the prisoner, shall be
1058 limited to gain time credits that a prisoner earned as of the
1059 date of the prisoner's rule violation, and shall not include any
1060 future gain time credits that the prisoner may earn.

1061 (c) A procedure to restore gain time credits that a
1062 prisoner lost as a result of a rule violation, based on the
1063 prisoner's individual progress after the date of the rule
1064 violation.

1065 (9) TRAINING.—The department shall develop and implement
1066 training programs for the officers and employees responsible for
1067 administering the system, which shall include:

1068 (a) Initial training to educate officers and employees on
1069 how to use the System in an appropriate and consistent
1070 manner, as well as the reasons for using the system.

1071 (b) Continuing education.

1072 (c) Periodic training updates.

1073 (d) A requirement that such officers and employees
1074 demonstrate competence in administering the system, including
1075 interrater reliability, on a biannual basis.

1076 (10) QUALITY ASSURANCE.—In order to ensure that the
1077 department is using the system in an appropriate and consistent
1078 manner, the secretary shall monitor and assess the use of the
1079 system, which shall include conducting annual audits of the
1080 department regarding the use of the system.

1081 (11) DYSLEXIA SCREENING.—

1082 (a) The department shall incorporate a dyslexia screening
1083 program into the system, including by screening for dyslexia
1084 during:

1085 1. The intake process.

1086 2. Each periodic risk reassessment of a prisoner.

1087 (b) The department shall incorporate programs designed to
1088 treat dyslexia into the evidence-based recidivism reduction
1089 programs or productive activities required to be implemented
1090 under this section. The department may also incorporate programs
1091 designed to treat other learning disabilities.

1092 (12) PARTNERSHIPS.—In order to expand evidence-based
1093 recidivism reduction programs and productive activities, the
1094 department shall develop policies for the warden of each prison
1095 to enter into partnerships, subject to the availability of
1096 appropriations, with any of the following:

1097 (a) Nonprofit and other private organizations, including
1098 faith-based, art, and community-based organizations that will
1099 deliver recidivism reduction programming on a paid or volunteer
1100 basis.

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1101 (b) Institutions of higher education that will deliver
1102 instruction on a paid or volunteer basis.

1103 (c) Private entities that will:

1104 1. Deliver vocational training and certifications;

1105 2. Provide equipment to facilitate vocational training or
1106 employment opportunities for prisoners;

1107 3. Employ prisoners; or

1108 4. Assist prisoners in prerelease custody or supervised
1109 release in finding employment.

1110 (d) Industry-sponsored organizations that will deliver
1111 workforce development and training on a paid or volunteer basis.

1112 (13) PRIORITIES.—The department shall provide all
1113 prisoners with the opportunity to actively participate in
1114 evidence-based recidivism reduction programs or productive
1115 activities, according to their specific criminogenic needs,
1116 throughout their entire term of incarceration. Priority for
1117 participation in recidivism reduction programs shall be given to
1118 medium-risk and high-risk prisoners, with access to productive
1119 activities given to minimum-risk and low-risk prisoners.

1120 (14) REPORT.—Beginning July 1, 2023, and annually
1121 thereafter for a period of 5 years, the secretary shall submit a
1122 report to the Governor, the President of the Senate, and the
1123 Speaker of the House of Representatives which contains the
1124 following:

1125 (a) A summary of the activities and accomplishments of the

1126 secretary in carrying out this section.

1127 (b) A summary and assessment of the types and
1128 effectiveness of the evidence-based recidivism reduction
1129 programs and productive activities in state correctional
1130 facilities operated by the department, including:

1131 1. Evidence about which programs have been shown to reduce
1132 recidivism.

1133 2. The capacity of each program and activity at each state
1134 correctional facility, including the number of prisoners along
1135 with the recidivism risk of each prisoner enrolled in each
1136 program.

1137 3. Identification of any gaps or shortages in capacity of
1138 such programs and activities.

1139 (c) Rates of recidivism among individuals who have been
1140 released from state correctional facilities, based on the
1141 following criteria:

1142 1. The primary offense of conviction.

1143 2. The length of the sentence imposed and served.

1144 3. The facility or facilities in which the prisoner's
1145 sentence was served.

1146 4. The evidence-based recidivism reduction programming
1147 that the prisoner successfully completed, if any.

1148 5. The prisoner's assessed and reassessed risk of
1149 recidivism.

1150 6. The productive activities that the prisoner

1151 successfully completed, if any.

1152 (d) The status of state correctional facility work
1153 programs at facilities operated by the department, including:

1154 1. A strategy to expand the availability of such programs
1155 without reducing job opportunities for workers in the state who
1156 are not in the custody of the department, including the
1157 feasibility of prisoners manufacturing products purchased by
1158 state agencies that are manufactured overseas.

1159 2. An assessment of the feasibility of expanding such
1160 programs, consistent with the strategy required under
1161 subparagraph 1., with the goal that by July 1 2025, at least 75
1162 percent of eligible minimum- and low-risk offenders have the
1163 opportunity to participate in a state correctional facility work
1164 program for at least 20 hours per week.

1165 3. A detailed discussion of legal authorities that would
1166 be useful or necessary to achieve the goals described in
1167 subparagraphs 1. and 2.

1168 (e) An assessment of the department's compliance with this
1169 section.

1170 (f) An assessment of progress made toward carrying out the
1171 purposes of this section, including any savings associated with:

1172 1. The transfer of prisoners into prerelease custody or
1173 supervised release under s. 944.4732, including savings
1174 resulting from the avoidance or deferral of future construction,
1175 acquisition, and operations costs.

1176 2. Any decrease in recidivism that may be attributed to
1177 the system or the increase in evidence-based recidivism
1178 reduction programs required under this section.

1179 (g) An assessment of budgetary savings resulting from this
1180 section, including:

1181 1. A summary of the amount of savings resulting from the
1182 transfer of prisoners into prerelease custody under this
1183 section, including savings resulting from the avoidance or
1184 deferral of future construction, acquisition, or operations
1185 costs.

1186 2. A summary of the amount of savings resulting from any
1187 decrease in recidivism that may be attributed to the
1188 implementation of the risk and needs assessment system or the
1189 increase in recidivism reduction programs and productive
1190 activities required by this section.

1191 3. A strategy to reinvest the savings described in
1192 subparagraphs 1. and 2. in other:

1193 a. State and local law enforcement activities.

1194 b. Expansions of recidivism reduction programs and
1195 productive activities in the department.

1196 4. A description of how the reduced expenditures on
1197 section are currently being used and will be used to:

1198 a. Increase investment in law enforcement and crime
1199 prevention to combat gangs of national significance and high-
1200 level drug traffickers.

1201 b. Hire, train, and equip law enforcement officers and
 1202 prosecutors.

1203 c. Promote crime reduction programs using evidence-based
 1204 practices and strategic planning to help reduce crime and
 1205 criminal recidivism.

1206 (h) Statistics on:

1207 1. The prevalence of dyslexia among prisoners in state
 1208 correctional facilities.

1209 2. Any change in the effectiveness of dyslexia mitigation
 1210 programs among such prisoners that may be attributed to the
 1211 incorporation of dyslexia screening into the system and of
 1212 dyslexia treatment into the evidence-based recidivism reduction
 1213 programs, as required under this section.

1214 (i) This subsection expires July 1, 2028.

1215 Section 12. Development of the risk and needs assessment
 1216 system.—

1217 (1) Before releasing the risk and needs assessment system
 1218 pursuant to s. 944.0232, Florida Statutes, the Secretary of
 1219 Corrections shall:

1220 (a) Review the effectiveness of evidence-based recidivism
 1221 reduction programs that exist as of the effective date of this
 1222 act in state correctional facilities operated by the department.

1223 (b) Review available information regarding the
 1224 effectiveness of evidence-based recidivism reduction programs
 1225 and productive activities that exist in state-operated state

1226 correctional facilities throughout the United States.

1227 (c) Identify the most effective evidence-based recidivism
1228 reduction programs.

1229 (d) Review the policies for entering into evidence-based
1230 recidivism reduction partnerships.

1231 (e) Direct the Department of Corrections regarding:

1232 1. Evidence-based recidivism reduction programs.

1233 2. The ability for faith-based organizations to function
1234 as a provider of educational evidence-based programs outside of
1235 the religious classes and services provided through the
1236 chaplaincy.

1237 3. The addition of any new effective evidence-based
1238 recidivism reduction programs that the secretary finds.

1239 (2) In carrying out subsection (1), the secretary shall
1240 consider the prevalence and mitigation of dyslexia in state
1241 correctional facilities, including by:

1242 (a) Reviewing statistics on the prevalence of dyslexia,
1243 and the effectiveness of any programs implemented to mitigate
1244 the effects of dyslexia, in state correctional facilities
1245 operated by the department and state-operated state correctional
1246 facilities throughout the United States.

1247 (b) Incorporating the findings of the secretary under
1248 paragraph (a) into any directives given to the department
1249 concerning dyslexia treatment.

1250 (3) This section expires March 1, 2021.

1251 Section 13. Implementation of system and recommendations.-

1252 (1) Not later than 180 days after the Secretary of
1253 Corrections completes and releases the risk and needs assessment
1254 system ("system") developed pursuant to s. 944.0232, Florida
1255 Statutes, as created by this act, the Department of Corrections
1256 shall, in accordance with that section:

1257 (a) Implement and complete the initial intake risk and
1258 needs assessment for each prisoner, including for each prisoner
1259 who was a prisoner before July 1 , 2020, regardless of the
1260 prisoner's length of imposed term of imprisonment, and begin to
1261 assign prisoners to appropriate evidence-based recidivism
1262 reduction programs based on that determination.

1263 (b) Begin to expand the effective evidence-based
1264 recidivism reduction programs and productive activities the
1265 department offers and add any new evidence-based recidivism
1266 reduction programs and productive activities necessary to
1267 effectively implement the system.

1268 (c) Begin to implement the other risk and needs assessment
1269 tools necessary to effectively implement the system over time,
1270 while prisoners are participating in and completing the
1271 effective evidence-based recidivism reduction programs and
1272 productive activities.

1273 (2) In order to carry out subsection (1), so that every
1274 prisoner has the opportunity to participate in and complete the
1275 type and amount of evidence-based recidivism reduction programs

1276 or productive activities they need, and be reassessed for
1277 recidivism risk as necessary to effectively implement the
1278 system, the department shall:

1279 (a) Provide such evidence-based recidivism reduction
1280 programs and productive activities for all prisoners before the
1281 date that is 2 years after the date on which the Department of
1282 Corrections completes a risk and needs assessment for each
1283 prisoner under paragraph (1) (a).

1284 (b) Develop and validate the risk and needs assessment
1285 tool to be used in the reassessments of risk of recidivism,
1286 while prisoners are participating in and completing evidence-
1287 based recidivism reduction programs and productive activities.

1288 (3) During the 2-year period described in paragraph
1289 (2) (a), the priority for such programs and activities shall be
1290 accorded based on a prisoner's proximity to release date.

1291 (4) Beginning on July 1, 2020, the Department of
1292 Corrections may begin to expand any evidence-based recidivism
1293 reduction programs and productive activities that exist at a
1294 prison as of such date, and may offer to prisoners who
1295 successfully participate in such programs and activities the
1296 incentives and rewards described in s. 944.0232, Florida
1297 Statutes.

1298 (5) This section expires July 1, 2020.

1299 Section 14. Section 944.101, Florida Statutes, is created
1300 to read:

1301 944.101 Secure firearms storage for employees.-
 1302 (1) DEFINITIONS.-As used in this section, the term:
 1303 (a) "Correctional officer" has the same meaning as
 1304 provided in s. 943.10(2).
 1305 (b) "Firearm" has the same meaning as provided in s.
 1306 790.001.
 1307 (2) SECURE FIREARMS STORAGE.-The department shall ensure
 1308 that each state correctional institution:
 1309 (a) Provides a secure storage area located outside of the
 1310 secure perimeter of the institution for correctional officers to
 1311 store firearms; or
 1312 (b) Allows correctional officers to store firearms in a
 1313 vehicle lockbox approved by the department.
 1314 (3) Notwithstanding any other provision of law,
 1315 correctional officers may carry concealed firearms on the
 1316 premises of a state correctional institution outside of the
 1317 secure perimeter of the institution.
 1318 Section 15. Section 944.1415, Florida Statutes, is created
 1319 to read:
 1320 944.1415 Officer training; deescalation ; persons with
 1321 mental illness or cogitative deficits.-By July 1 2021, as part
 1322 of the correctional officer training program, the Criminal
 1323 Justice Standards and Training Commission shall incorporate into
 1324 training programs provided to correctional officers specialized
 1325 and comprehensive training in procedures to:

1326 (1) Deescalate encounters between officers or employees
1327 and civilians or prisoners.

1328 (2) Identify and appropriately respond to incidents that
1329 involve the unique needs of individuals who have a mental
1330 illness or cognitive deficit.

1331 Section 16. Subsection (9) is added to section 944.17,
1332 Florida Statutes, to read:

1333 944.17 Commitments and classification; transfers.—

1334 (9) (a) Subject to bed availability, the prisoner's security
1335 designation, the prisoner's programmatic needs, the prisoner's
1336 mental and medical health needs, any request made by the
1337 prisoner related to faith-based needs, recommendations of the
1338 sentencing court, and other security concerns of the department,
1339 the department shall place each prisoner in a facility as close
1340 as practicable to the prisoner's primary residence and, to the
1341 extent practicable, in a facility within 500 driving miles of
1342 that residence. Subject to consideration of the factors
1343 described in this paragraph and the prisoner's preference for
1344 staying at his or her current facility or being transferred, the
1345 department shall transfer prisoners to facilities that are
1346 closer to the prisoner's primary residence even if the prisoner
1347 is already in a facility within 500 driving miles of that
1348 residence.

1349 (b) Notwithstanding any other provision of law, a
1350 designation of a place of imprisonment under this subsection is

1351 not reviewable by any court.

1352 Section 17. Paragraphs (d) and (e) of subsection (4) of
 1353 section 944.275, Florida Statutes, are amended to read:

1354 944.275 Gain-time.—

1355 (4)

1356 (d) Notwithstanding the monthly maximum awards of
 1357 incentive gain-time under paragraph (b) ~~subparagraphs (b)1.,~~
 1358 ~~2., and 3.,~~ the education program manager shall recommend, and
 1359 the Department of Corrections may grant, a one-time award of 60
 1360 additional days of incentive gain-time to an inmate who is
 1361 otherwise eligible and who successfully completes requirements
 1362 for and is, or has been during the current commitment, awarded a
 1363 high school equivalency diploma or vocational certificate. This
 1364 incentive gain-time award may be granted to reduce any sentence
 1365 for an offense committed on or after October 1, 1995. However,
 1366 this gain-time may not be granted to reduce any sentence for an
 1367 offense committed on or after October 1, 1995, if the inmate is,
 1368 or has previously been, convicted of a violation of s. 794.011,
 1369 s. 794.05, former s. 796.03, former s. 796.035, s. 800.04, s.
 1370 825.1025, s. 827.03, s. 827.071, s. 847.0133, s. 847.0135, s.
 1371 847.0137, s. 847.0138, s. 847.0145, or s. 985.701(1), or a
 1372 forcible felony offense that is specified in s. 776.08, except
 1373 burglary as specified in s. 810.02(4). An inmate subject to the
 1374 85-percent minimum service requirement pursuant to subparagraph
 1375 (b)3. may not accumulate gain-time awards at any point when the

1376 tentative release date is the same as the 85-percent minimum
 1377 service date of the sentence imposed. Under no circumstances may
 1378 an inmate receive more than 60 days for educational attainment
 1379 pursuant to this section.

1380 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
 1381 for sentences imposed for offenses committed on or after October
 1382 1, 2014, the department may not grant incentive gain-time if the
 1383 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
 1384 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
 1385 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

1386 Section 18. Section 944.31, Florida Statutes, is amended
 1387 to read:

1388 944.31 Inspector general; inspectors; power and duties.—

1389 (1) The inspector general shall be responsible for prison
 1390 inspection and investigation, internal affairs investigations,
 1391 and management reviews. The office of the inspector general
 1392 shall be charged with the duty of inspecting the penal and
 1393 correctional systems of the state. The office of the inspector
 1394 general shall inspect each correctional institution or any place
 1395 in which state prisoners are housed, worked, or kept within the
 1396 state, with reference to its physical conditions, cleanliness,
 1397 sanitation, safety, and comfort; the quality and supply of all
 1398 bedding; the quality, quantity, and diversity of food served and
 1399 the manner in which it is served; the number and condition of
 1400 the prisoners confined therein; and the general conditions of

1401 each institution. The office of inspector general shall see that
1402 all the rules and regulations issued by the department are
1403 strictly observed and followed by all persons connected with the
1404 correctional systems of the state. The office of the inspector
1405 general shall coordinate and supervise the work of inspectors
1406 throughout the state. The inspector general and inspectors may
1407 enter any place where prisoners in this state are kept and shall
1408 be immediately admitted to such place as they desire and may
1409 consult and confer with any prisoner privately and without
1410 molestation. The inspector general and inspectors shall be
1411 responsible for criminal and administrative investigation of
1412 matters relating to the Department of Corrections. The secretary
1413 may designate persons within the office of the inspector general
1414 as law enforcement officers to conduct any criminal
1415 investigation that occurs on property owned or leased by the
1416 department or involves matters over which the department has
1417 jurisdiction. A person designated as a law enforcement officer
1418 must be certified pursuant to s. 943.1395 and must have a
1419 minimum of 3 years' experience as an inspector in the inspector
1420 general's office or as a law enforcement officer.

1421 (2) The department shall maintain a written memorandum of
1422 understanding with the Department of Law Enforcement for the
1423 notification and investigation of mutually agreed-upon predicate
1424 events that shall include, but are not limited to, suspicious
1425 deaths and organized criminal activity. A copy of an active

1426 memorandum of understanding shall be provided in a timely manner
1427 to the Governor, the President of the Senate, and the Speaker of
1428 the House of Representatives.

1429 (3) During investigations, the inspector general and
1430 inspectors may consult and confer with any prisoner or staff
1431 member privately and without molestation and persons designated
1432 as law enforcement officers under this section shall have the
1433 authority to arrest, with or without a warrant, any prisoner of
1434 or visitor to a state correctional institution for a violation
1435 of the criminal laws of the state involving an offense
1436 classified as a felony that occurs on property owned or leased
1437 by the department and may arrest offenders who have escaped or
1438 absconded from custody. Persons designated as law enforcement
1439 officers have the authority to arrest with or without a warrant
1440 a staff member of the department, including any contract
1441 employee, for a violation of the criminal laws of the state
1442 involving an offense classified as a felony under this chapter
1443 or chapter 893 on property owned or leased by the department. A
1444 person designated as a law enforcement officer under this
1445 section may make arrests of persons against whom arrest warrants
1446 have been issued, including arrests of offenders who have
1447 escaped or absconded from custody. The arrested person shall be
1448 surrendered without delay to the sheriff of the county in which
1449 the arrest is made, with a formal complaint subsequently made
1450 against her or him in accordance with law.

1451 (4) The inspector general and inspectors who conduct
1452 sexual abuse investigations in confinement settings shall
1453 receive specialized training in conducting such investigations.
1454 The department is responsible for providing the specialized
1455 training. Specialized training shall include, but need not be
1456 limited to, techniques for interviewing sexual abuse victims,
1457 proper use of Miranda and Garrity warnings, sexual abuse
1458 evidence collection in confinement settings, and the criteria
1459 and evidence required to substantiate a case for administrative
1460 action or prosecution.

1461 Section 19. Paragraph (a) of subsection (1) and subsection
1462 (2) of section 944.35, Florida Statutes, are amended, and
1463 subsection (5) is added to that section, to read:

1464 944.35 Authorized use of force; malicious battery and
1465 sexual misconduct prohibited; reporting required; penalties.—

1466 (1) (a) An employee of the department is authorized to
1467 apply physical force upon an inmate only when and to the extent
1468 that it reasonably appears necessary:

1469 1. To defend himself or herself or another against such
1470 other imminent use of unlawful force;

1471 2. To prevent a person from escaping from a state
1472 correctional institution when the officer reasonably believes
1473 that person is lawfully detained in such institution;

1474 3. To prevent damage to property;

1475 4. To quell a disturbance;

1476 5. To overcome physical resistance to a lawful command; or
 1477 6. To administer medical treatment only by or under the
 1478 supervision of a physician or his or her designee and only:

1479 a. When treatment is necessary to protect the health of
 1480 other persons, as in the case of contagious or venereal
 1481 diseases; or

1482 b. When treatment is offered in satisfaction of a duty to
 1483 protect the inmate against self-inflicted injury or death.
 1484

1485 As part of the correctional officer training program, the
 1486 Criminal Justice Standards and Training Commission shall develop
 1487 a course specifically designed to explain the parameters of this
 1488 subsection and to teach the proper methods and techniques in
 1489 applying authorized physical force upon an inmate. Effective
 1490 October 1, 2020, this course shall include specialized training
 1491 for effectively managing in nonforceful ways inmates with mental
 1492 illness who may exhibit erratic behavior.

1493 (2) Each employee of the department who either applies
 1494 physical force or was responsible for making the decision to
 1495 apply physical force upon an inmate or an offender supervised by
 1496 the department in the community pursuant to this subsection
 1497 shall prepare, date, and sign under oath an independent report
 1498 within 1 working day after ~~of~~ the incident. The report shall be
 1499 delivered to the warden or the circuit administrator, who shall
 1500 forward the report with all appropriate documentation to the

1501 office of the inspector general. The inspector general shall
1502 conduct a review and make recommendations regarding the
1503 appropriateness or inappropriateness of the use of force. If the
1504 inspector general finds that the use of force was appropriate,
1505 the employee's report, together with the inspector general's
1506 written determination of the appropriateness of the force used
1507 and the reasons therefor, shall be forwarded to the circuit
1508 administrator or warden upon completion of the review. If the
1509 inspector general finds that the use of force was inappropriate,
1510 the inspector general shall conduct a complete investigation
1511 into the incident and forward the findings of fact to the
1512 appropriate regional director for further action. Copies of the
1513 employee's report and the inspector general's review shall be
1514 kept in the files of the inmate or the offender supervised by
1515 the department in the community. A notation of each incident
1516 involving use of force and the outcome based on the inspector
1517 general's evaluation shall be kept in the employee's file.

1518 (5) The department shall establish a usage and inventory
1519 policy to track, by institution, the use of chemical agents and
1520 the disposal of expired, used, or damaged canisters of chemical
1521 agents. The policy shall include, but not be limited to, a
1522 requirement that a numbered seal be affixed to each chemical
1523 agent canister in such a manner that the canister cannot be
1524 removed from the carrier without breaking the seal. All
1525 canisters in the carriers shall be checked out at the beginning

1526 of each shift and checked back in at the end of that shift.
1527 Shift supervisors shall verify the condition of the numbered
1528 seals and periodically weigh random canisters to ensure that
1529 canisters have not been used without the required documentation.
1530 All nonreactionary use-of-force incidents using chemical agents
1531 shall be video recorded.

1532 Section 20. For the 2020-2021 fiscal year, the sums of
1533 \$1,258,256 in recurring funds and \$206,388 in nonrecurring funds
1534 are appropriated from the General Revenue Fund to the Department
1535 of Corrections, and ten full-time equivalent positions with
1536 717,800 in salary rate are authorized, for staffing and all
1537 operating expenses associated with establishing the additional
1538 regional headquarters required by this act. The Department of
1539 Corrections may submit budget amendments pursuant to chapter
1540 216, Florida Statutes, to reallocate existing resources to
1541 support the additional regional headquarters.

1542 Section 21. Paragraph (a) of subsection (2) of section
1543 947.1405, Florida Statutes, is amended to read:

1544 947.1405 Conditional release program.—

1545 (2) Any inmate who:

1546 (a) Is convicted of a crime committed on or after October
1547 1, 1988, and before January 1, 1994, and any inmate who is
1548 convicted of a crime committed on or after January 1, 1994,
1549 which crime is or was contained in category 1, category 2,
1550 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida

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1551 Rules of Criminal Procedure (1993), and who has served at least
1552 one prior felony commitment at a state or federal correctional
1553 institution or a sentence of more than 364 days in county jail;
1554
1555 shall, upon reaching the tentative release date or provisional
1556 release date, whichever is earlier, as established by the
1557 Department of Corrections, be released under supervision subject
1558 to specified terms and conditions, including payment of the cost
1559 of supervision pursuant to s. 948.09. Such supervision shall be
1560 applicable to all sentences within the overall term of sentences
1561 if an inmate's overall term of sentences includes one or more
1562 sentences that are eligible for conditional release supervision
1563 as provided herein. Effective July 1, 1994, and applicable for
1564 offenses committed on or after that date, the commission may
1565 require, as a condition of conditional release, that the
1566 releasee make payment of the debt due and owing to a county or
1567 municipal detention facility under s. 951.032 for medical care,
1568 treatment, hospitalization, or transportation received by the
1569 releasee while in that detention facility. The commission, in
1570 determining whether to order such repayment and the amount of
1571 such repayment, shall consider the amount of the debt, whether
1572 there was any fault of the institution for the medical expenses
1573 incurred, the financial resources of the releasee, the present
1574 and potential future financial needs and earning ability of the
1575 releasee, and dependents, and other appropriate factors. If any

1576 inmate placed on conditional release supervision is also subject
1577 to probation or community control, resulting from a probationary
1578 or community control split sentence within the overall term of
1579 sentences, the Department of Corrections shall supervise such
1580 person according to the conditions imposed by the court and the
1581 commission shall defer to such supervision. If the court revokes
1582 probation or community control and resentences the offender to a
1583 term of incarceration, such revocation also constitutes a
1584 sufficient basis for the revocation of the conditional release
1585 supervision on any nonprobationary or noncommunity control
1586 sentence without further hearing by the commission. If any such
1587 supervision on any nonprobationary or noncommunity control
1588 sentence is revoked, such revocation may result in a forfeiture
1589 of all gain-time, and the commission may revoke the resulting
1590 deferred conditional release supervision or take other action it
1591 considers appropriate. If the term of conditional release
1592 supervision exceeds that of the probation or community control,
1593 then, upon expiration of the probation or community control,
1594 authority for the supervision shall revert to the commission and
1595 the supervision shall be subject to the conditions imposed by
1596 the commission. A panel of no fewer than two commissioners shall
1597 establish the terms and conditions of any such release. If the
1598 offense was a controlled substance violation, the conditions
1599 shall include a requirement that the offender submit to random
1600 substance abuse testing intermittently throughout the term of

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1601 conditional release supervision, upon the direction of the
1602 correctional probation officer as defined in s. 943.10(3). The
1603 commission shall also determine whether the terms and conditions
1604 of such release have been violated and whether such violation
1605 warrants revocation of the conditional release.

1606 Section 22. Section 944.4732, Florida Statutes, is created
1607 to read:

1608 944.4732 Prerelease custody or supervised release for risk
1609 and needs assessment system participants.-

1610 (1) ELIGIBILITY.-This section applies in the case of a
1611 prisoner who:

1612 (a) Has earned gain time credits under the risk and needs
1613 assessment system under s. 944.0232 in an amount that is equal
1614 to the remainder of the prisoner's imposed term of imprisonment.

1615 (b) Has shown through the periodic risk reassessments a
1616 demonstrated recidivism risk reduction or has maintained a
1617 minimum or low recidivism risk during the prisoner's term of
1618 imprisonment.

1619 (c) Has had the remainder of the prisoner's imposed term
1620 of imprisonment computed under applicable law.

1621 (d)1. In the case of a prisoner being placed in prerelease
1622 custody, the prisoner:

1623 a. Has been determined under the risk and needs assessment
1624 system to be a minimum or low risk to recidivate pursuant to
1625 the last two reassessments of the prisoner; or

1626 b. Has had a petition to be transferred to prerelease
 1627 custody or supervised release approved by the warden of the
 1628 prison, after the warden's determination that:

1629 (I) the prisoner would not be a danger to society if
 1630 transferred to prerelease custody or supervised release;

1631 (II) the prisoner has made a good faith effort to lower
 1632 their recidivism risk through participation in recidivism
 1633 reduction programs or productive activities; and

1634 (III) the prisoner is unlikely to recidivate; or

1635 c. In the case of a prisoner being placed in supervised
 1636 release, the prisoner has been determined under the risk and
 1637 needs assessment system to be a minimum risk or low risk to
 1638 recidivate pursuant to the last assessment of the prisoner.

1639 (2) TYPES OF PRERELEASE CUSTODY.—A prisoner shall be
 1640 placed in prerelease custody as follows:

1641 (a)1. A prisoner placed in prerelease custody pursuant to
 1642 this subsection who is placed in home confinement shall:

1643 a. Be subject to 24-hour electronic monitoring that
 1644 enables the prompt identification of the prisoner, location,
 1645 and time, in the case of any violation of subparagraph b.

1646 b. Remain in the prisoner's residence, except that subject
 1647 to the approval of the department, the prisoner may leave his or
 1648 her home in order to:

1649 (I) Perform a job or job-related activities, including an
 1650 apprenticeship, or participate in job-seeking activities;

1651 (II) Participate in evidence-based recidivism reduction
1652 programming or productive activities assigned by the risk and
1653 needs assessment system, or similar activities;

1654 (III) Perform community service;
1655 (IV) Participate in crime victim restoration activities;
1656 (V) Receive medical treatment;
1657 (VI) Attend religious activities; or
1658 (VII) Participate in other family-related activities that
1659 facilitate the prisoner's successful reentry such as a family
1660 funeral, a family wedding, or to visit a family member who is
1661 seriously ill; and

1662 c. Comply with such other conditions as the department
1663 determines appropriate.

1664 (b) If the electronic monitoring of a prisoner described
1665 in paragraph (a) is infeasible for technical or religious
1666 reasons, the department may use alternative means of monitoring
1667 a prisoner placed in home confinement that the department
1668 determines are as effective or more effective than electronic
1669 monitoring.

1670 (c) The department may modify the conditions described in
1671 paragraph (a) if the department determines that a compelling
1672 reason exists to do so, and that the prisoner has demonstrated
1673 exemplary compliance with such conditions.

1674 (d) Except as provided in subsection (4), a prisoner who
1675 is placed in home confinement shall remain in home confinement

1676 until the prisoner has served at least 85 percent of the
1677 prisoner's imposed term of imprisonment.

1678 (3) CONDITIONS.—A prisoner placed in prerelease custody
1679 under this section who is placed at a residential reentry center
1680 shall be subject to such conditions as the department determines
1681 appropriate.

1682 (4) SUPERVISED RELEASE.—If the sentencing court required
1683 as a part of the prisoner's sentence that the prisoner be placed
1684 on a term of supervised release after imprisonment, the
1685 department may transfer the prisoner to begin any such term of
1686 supervised release at an earlier date, not to exceed 12 months,
1687 based on the application of gain time credits under s. 944.4732.

1688 (5) APPROPRIATE CONDITIONS.—In determining appropriate
1689 conditions for prisoners placed in prerelease custody under this
1690 section, the department shall, to the extent practicable,
1691 provide that increasingly less restrictive conditions shall be
1692 imposed on prisoners who demonstrate continued compliance with
1693 the conditions of such prerelease custody, so as to most
1694 effectively prepare such prisoners for reentry.

1695 (6) VIOLATIONS.—If a prisoner violates a condition of the
1696 prisoner's prerelease custody, the department may impose such
1697 additional conditions on the prisoner's prerelease custody as
1698 the it determines appropriate, or revoke the prisoner's
1699 prerelease custody and require the prisoner to serve the
1700 remainder of the term of imprisonment to which the prisoner was

1701 sentenced, or any portion thereof, in prison. If the violation
1702 is nontechnical in nature, the department shall revoke the
1703 prisoner's prerelease custody.

1704 (7) GUIDELINES.—The department shall issue guidelines for
1705 determining:

1706 (a) The appropriate type of prerelease custody or
1707 supervised release and level of supervision for a prisoner
1708 placed on prerelease custody pursuant to this subsection.

1709 (b) Consequences for a violation of a condition of such
1710 prerelease custody by such a prisoner, including a return to
1711 prison and a reassessment of evidence-based recidivism risk
1712 level under the risk and needs assessment system.

1713 (8) PROHIBITED RESTRICTIONS.—Any prerelease custody into
1714 which a prisoner is placed under this subsection may not include
1715 a condition prohibiting the prisoner from receiving mentoring,
1716 reentry, or spiritual services from a person who provided such
1717 services to the prisoner while the prisoner was incarcerated,
1718 except that the warden of the facility at which the prisoner was
1719 incarcerated may waive the requirement under this paragraph if
1720 the warden finds that the provision of such services would pose
1721 a significant security risk to the prisoner, persons who provide
1722 such services, or any other person. The warden shall provide
1723 written notice of any such waiver to the person providing such
1724 services and to the prisoner.

1725 (9) CAPACITY.—The department shall, subject to legislative

1726 appropriations, ensure there is sufficient prerelease custody
1727 capacity to accommodate all eligible prisoners.

1728 Section 23. (1) Section 944.4732, Florida Statutes, shall
1729 take effect beginning on the date that the Secretary of
1730 Corrections completes and releases the risk and needs assessment
1731 system under s. 944.0232, Florida Statutes, as created by this
1732 act.

1733 (2) Section 944.4732, Florida Statutes, shall apply with
1734 respect to offenses committed before, on, or after the effective
1735 date of this act.

1736 Section 24. Section 950.021, Florida Statutes, is created
1737 to read:

1738 950.021 Sentencing of offenders to county jail.-

1739 (1) Notwithstanding s. 921.0024 or any other provision of
1740 law, and effective for offenses committed on or after July 1,
1741 2020, a court may sentence an offender to a term in the county
1742 jail under the custody of the chief correctional officer in the
1743 county in which the offense was committed for up to 24 months if
1744 the offender meets all of the following criteria:

1745 (a) The offender's total sentence points score, as
1746 provided in s. 921.0024, is more than 44 points but no more than
1747 60 points.

1748 (b) The offender's primary offense is not a forcible
1749 felony as defined in s. 776.08; however, an offender whose
1750 primary offense is a third degree felony under chapter 810 is

1751 not ineligible to be sentenced to a county jail under this
1752 paragraph.

1753 (c) The offender's primary offense is not punishable by a
1754 minimum mandatory sentence of more than 24 months.

1755 (d) An offender sentenced under this section must serve a
1756 minimum of 85 percent of his or her sentences.

1757 (2) (a) The court may only sentence an offender to a county
1758 jail under this section if there is a contractual agreement
1759 between the chief correctional officer of that county and the
1760 Department of Corrections.

1761 (b) If the chief correctional officer of a county requests
1762 the Department of Corrections to enter into a contract that
1763 allows offenders to be sentenced to the county jail under
1764 subsection (1), subject to the restrictions of this paragraph
1765 and subsections (3) and (6), the Department of Corrections must
1766 enter into such a contract. The contract shall specifically
1767 establish the maximum number of beds and the validated per diem
1768 rate. The contract shall provide for per diem reimbursement for
1769 occupied inmate days based on the contracting county's most
1770 recent annual adult male custody or adult female custody per
1771 diem rates, not to exceed \$60 per inmate.

1772 (3) A contract under this section is contingent upon a
1773 specific appropriation in the General Appropriations Act.
1774 Contracts shall be awarded by the Department of Corrections on a
1775 first-come, first-served basis up to the maximum appropriation

1776 allowable in the General Appropriations Act for this purpose.
1777 The maximum appropriation allowable consists of funds
1778 appropriated in or transferred to the specific appropriation in
1779 the Inmates Sentenced to County Jail appropriation category.
1780 Before any transferred appropriation under this section, the
1781 Inmates Sentenced to County Jail appropriation category provides
1782 for estimated incremental appropriation for county jail beds
1783 contracted under this section in excess of the Department of
1784 Corrections' per diem for adult male and female inmates.

1785 (4) The Department of Corrections shall transfer funds
1786 pursuant to s. 216.177 from other appropriation categories
1787 within the Adult Male Custody Operations or Adult and Youthful
1788 Offender Female Custody Operations budget entities to the
1789 Inmates Sentenced to County Jail appropriation category in an
1790 amount necessary to satisfy the requirements of each executed
1791 contract but not to exceed the Department of Corrections'
1792 average total per diem published for the preceding fiscal year
1793 for adult male custody or adult and youthful offender female
1794 custody inmates for each county jail bed contracted.

1795 (5) The Department of Corrections shall assume maximum
1796 annual value of each contract when determining the full use of
1797 funds appropriated and to ensure that the maximum appropriation
1798 allowable is not exceeded.

1799 (6) All contractual per diem rates under this section as
1800 well as the per diem rates used by the Department of Corrections

1801 must be validated by the Auditor General before payments are
1802 made.

1803 Section 25. Paragraph (a) of subsection (10) of section
1804 944.151, Florida Statutes, is amended to read:

1805 944.151 Safe operation and security of correctional
1806 institutions and facilities.—It is the intent of the Legislature
1807 that the Department of Corrections shall be responsible for the
1808 safe operation and security of the correctional institutions and
1809 facilities. The safe operation and security of the state's
1810 correctional institutions and facilities are critical to ensure
1811 public safety and the safety of department employees and
1812 offenders, and to contain violent and chronic offenders until
1813 offenders are otherwise released from the department's custody
1814 pursuant to law. The Secretary of Corrections shall, at a
1815 minimum:

1816 (10) Direct appropriate department staff to adopt and
1817 enforce minimum safety and security standards and policies that
1818 include, but are not limited to:

1819 (a) Random monitoring of outgoing telephone calls by
1820 inmates; however, a telephone communication between an attorney
1821 representing an inmate and the inmate may not be monitored by
1822 the department.

1823 Section 26. Body camera pilot program.—The Department of
1824 Corrections shall implement a pilot program in which
1825 correctional officers who work in the mental health units at

1826 Union Correctional Institution are equipped with body cameras.
1827 The pilot program shall expire June 30, 2021. The Department of
1828 Corrections shall submit a report by January 1, 2022, to the
1829 Executive Office of the Governor, the President of the Senate,
1830 and the Speaker of the House of Representatives. The report must
1831 compare the number of use-of-force incidents that occur in the
1832 mental health units at Union Correctional Institution while the
1833 pilot program is in effect with:

1834 (1) The number of use-of-force incidents that occurred in
1835 the mental health units at Union Correctional Institution during
1836 the preceding 5 years.

1837 (2) The number of use-of-force incidents that occur in the
1838 mental health units of other correctional institutions while the
1839 pilot program is in effect.

1840 Section 27. For the 2020-2021 fiscal year, the sum of
1841 \$121,110 in nonrecurring funds is appropriated from the General
1842 Revenue Fund to the Department of Corrections for a body camera
1843 pilot program in the mental health units at Union Correctional
1844 Institution as required by this act.

1845 Section 28. By September 29, 2020, the Secretary of
1846 Corrections shall submit to the President of the Senate and the
1847 Speaker of the House of Representatives a report assessing the
1848 availability of and the capacity of the Department of
1849 Corrections to treat heroin and opioid abuse through evidence-
1850 based programs, including medication-assisted treatment where

1851 appropriate. In preparing the report, the secretary shall
1852 consider medication-assisted treatment as a strategy to assist
1853 in treatment where appropriate and not as a replacement for
1854 holistic and other drug-free approaches. The report shall
1855 include a description of plans to expand access to evidence-
1856 based treatment for heroin and opioid abuse for prisoners,
1857 including access to medication-assisted treatment in appropriate
1858 cases. The report shall also assess the availability of and
1859 capacity for the provision of medication-assisted treatment for
1860 opioid and heroin abuse by treatment service providers serving
1861 prisoners who are serving a term of supervised release, and
1862 including a description of plans to expand access to medication-
1863 assisted treatment for heroin and opioid abuse whenever
1864 appropriate among prisoners under supervised release. Following
1865 submission, the department shall take steps to implement these
1866 plans.

1867 Section 29. The Department of Juvenile Justice shall
1868 establish each of the following pilot programs for 5 years, in
1869 at least 10 facilities:

1870 (1) MENTORSHIP FOR YOUTH.—A program to pair juveniles with
1871 volunteers from faith-based or community organizations, which
1872 may include formerly incarcerated offenders, who have relevant
1873 experience or expertise in mentoring and a willingness to serve
1874 as a mentor in such a capacity.

1875 (2) SERVICE TO ABANDONED, RESCUED, OR OTHERWISE VULNERABLE

1876 ANIMALS.—A program to equip juveniles with the skills to provide
1877 training and therapy to animals seized by law enforcement under
1878 asset forfeiture authority and to organizations that provide
1879 shelter and similar services to abandoned, rescued, or otherwise
1880 vulnerable animals.

1881 (3) REPORTING REQUIREMENT.—Not later than 1 year after the
1882 conclusion of the pilot programs, the department shall report to
1883 The Governor, the President of the Senate, and the Speaker of
1884 the House of Representatives on the results of the pilot
1885 programs under this section. Such report shall include cost
1886 savings, numbers of participants, and information about
1887 recidivism rates among participants.

1888 (4) DEFINITION.—As used in this act, the term "juvenile"
1889 means a child who was 21 years of age or younger at the time of
1890 the commission or alleged commission of the criminal offense for
1891 which the individual is being prosecuted or otherwise in the
1892 custody of the department, as the case may be.

1893 (5) REPEAL.—This section is repealed upon submission of
1894 the report required under subsection (3).

1895 Section 30. Except as otherwise expressly provided in this
1896 act and except for this section, which shall take effect upon
1897 becoming a law, this act shall take effect July 1, 2020.