

1 A bill to be entitled
 2 An act relating to treatment of inmates; amending s.
 3 944.09, F.S.; requiring rules of the Department of
 4 Corrections to include certain inmate rights;
 5 providing requirements for disciplinary confinement of
 6 inmates; creating s. 944.092, F.S.; specifying basic
 7 prisoner rights; amending s. 947.149, F.S.; creating a
 8 presumption that inmates who meet specified conditions
 9 are permanently incapacitated for purposes of
 10 consideration for conditional medical release;
 11 requiring the Department of Corrections to conduct a
 12 study; requiring a report; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (a) of subsection (1) and subsection
 18 (2) of section 944.09, Florida Statutes, are amended to read:
 19 944.09 Rules of the department; offenders, probationers,
 20 and parolees.—

21 (1) The department has authority to adopt rules pursuant
 22 to ss. 120.536(1) and 120.54 to implement its statutory
 23 authority. The rules must include rules relating to:

24 (a) The rights of inmates, including those provided in s.
 25 944.092.

26 (2) It is the duty of the wardens to supervise the
 27 governance, discipline, and policy of the state correctional
 28 institutions and to enforce all orders and rules. The warden's
 29 approval must be obtained before an inmate is placed in
 30 disciplinary confinement.

31 Section 2. Section 944.092, Florida Statutes, is created
 32 to read:

33 944.092 Basic rights of prisoners.—All prisoners have the
 34 following basic rights:

35 (1) To be treated with decency, respect, and fairness.
 36 Staff must exercise alternative resolutions in lieu of
 37 disciplinary confinement if possible and in the prisoner's best
 38 interests. Disciplinary confinement must be a last resort unless
 39 such confinement is for the safe operation of the institution to
 40 prevent any further violations of the rules of conduct.

41 (2) To have proper ventilation in their housing units,
 42 including, but not limited to, bay-style dorms, two-person-cell
 43 dorms, open-population units, and confinement units.

44 (3) To have a minimum of 20 minutes to eat a meal. All
 45 medical requests relating to meals which are approved by a
 46 health care provider must be accommodated.

47 (4) To attend educational programs, including, but not
 48 limited to, vocational and academic programs.

49 (5) To have proper and adequate canteen privileges.

50 Section 3. Subsection (3) of section 947.149, Florida

51 Statutes, is amended to read:

52 947.149 Conditional medical release.—

53 (3) (a) The authority and whether ~~or not~~ to grant
 54 conditional medical release and establish additional conditions
 55 of conditional medical release rests solely within the
 56 discretion of the commission, in accordance with ~~the provisions~~
 57 ~~of~~ this section, together with the authority to approve the
 58 release plan to include necessary medical care and attention.
 59 The department shall identify inmates who may be eligible for
 60 conditional medical release based upon available medical
 61 information and shall refer them to the commission for
 62 consideration. In considering an inmate for conditional medical
 63 release, the commission may require that additional medical
 64 evidence be produced or that additional medical examinations be
 65 conducted, and may require such other investigations to be made
 66 as may be warranted.

67 (b) An inmate eligible for conditional medical release is
 68 presumed to be permanently incapacitated if he or she:

- 69 1. Has chronic obstructive pulmonary disease;
- 70 2. Is 85 years of age or older and has served one-third of
 71 his or her sentence or is eligible for parole;
- 72 3. Has a physical disability, is incapable of physical
 73 labor, and has served more than one-half of his or her sentence;
- 74 or
- 75 4. Is determined unfit for physical labor after a medical

76 examination and is incapable of posing a danger to society due
77 to a chronic disabling medical condition.

78 Section 4. The Department of Corrections shall conduct a
79 study to determine the most cost-effective, meaningful, proven,
80 and workable solution to ensure that inmates have employment
81 opportunities upon their release and the steps necessary to
82 implement such solution statewide. The department shall provide
83 a report of its findings to the Governor, the President of the
84 Senate, and the Speaker of the House of Representatives by June
85 30, 2021.

86 Section 5. This act shall take effect July 1, 2020.