

SPB 7020 by CJ; Corrections

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Gibson, Vice Chair

MEETING DATE: Monday, February 2, 2015
TIME: 4:00 —6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Evers, Chair; Senator Gibson, Vice Chair; Senators Bradley, Brandes, and Clemens

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Continuation of the presentation by Secretary Julie Jones, Florida Department of Corrections, on: A general status report on the department, including a report on the Office of Inspector General's FY 2013-14 Annual Report and the increase in the use of force incidents; and The recent departmental efforts to identify deficiencies and implement changes related to staffing, officer misconduct, facility maintenance and repair, inmate deaths, inmate health care, and inmate mental health treatment.		Presented
Consideration of proposed bill:			
2	SPB 7020	Corrections; Requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; requiring each institution to create and maintain a system to track the use of force episodes to determine if inmates need subsequent physical or mental health treatment, etc.	Not Considered
Other Related Meeting Documents			

Florida Department of Corrections



Update

Senate Committee on Criminal Justice
February 2, 2015

Julie Jones, Secretary

First 100 Days



- Continuing Ongoing Reforms
- Budget Emphasis:
 - Salary
 - Fixed Capital Outlay
 - Expense
- Fiscal Audit
- Public Records Emphasis
- Staffing and Positions Assessment / Update

First 100 Days



- Communications Plan: Internal and External
- Community Programs Initiative
- Use of Force Analysis
- Mental Healthcare Expansion
- Stakeholder Outreach

Inspector General Update



- Past:
 - 82 Investigations
- Present:
 - Annual Inspector General Report
- Future:
 - Memorandum of Understanding
 - Analytics
 - Policy and Procedure Review
 - Third Party Review Authorities

Use of Force

Department staff are authorized in accordance with 944.35, Florida Statutes and Rule 33-602.210, Florida Administrative Code to utilize physical force in response to inmate acts that require its use as a last resort to maintain order and a safe and secure environment for staff and inmates alike.

- Use of Force investigated by the Inspector General
- IG Office comprised of certified law enforcement
- Continuum of Use of Force
- Use of Force is a response to precipitating actions by inmates



Use of Force

During FY 2013-14 there was an increase of 1000 Use of Force incidents (16% increase) over the prior year. This increase occurred in three Use of Force incident types:

- Staff Use of Force in self defense
- Staff Use of Force to quell disturbances
- Staff Use of Force to manage inmate physical resistance to a lawful command

During this same time period there was an increase in the frequency of inmate misconduct. There were an additional 2,812 (18% increase) situations in which inmate actions necessitated these uses of force.



Use of Force

The Department is focused on developing methods and strategies to manage incidents that could lead to use of force. Examples of mitigation and strategies to reduce the frequency of Use of Force incidents are:

- Crisis Intervention Techniques (CIT)
- Incident Command System (ICS)



Results of Use of Force Review Process



In FY 12-13 of 6,332 Use of Force Incidents, 40 or (0.6%) incidents were violation of policy

In FY 13-14 of 7,349 Use of Force Incidents, only 27 or (0.37%) incidents were violation of policy

Moving Forward



- Fill all security, medical, education and correctional supervision positions
- Comprehensive staff survey and development of accountability measures
- Continue prison visits and hands-on assessments of Department facilities and staff
- Identify best management practices and process improvement
- Inform and educate all levels of staff of the behavioral and performance expectations of the Department



Thank You

Julie Jones, Secretary
(850) 717-3030



Florida Department of Corrections

Office of the Inspector General

Annual Report

Fiscal Year 2013-14



*Changing Lives to
Ensure a Safer Florida*

FLORIDA
DEPARTMENT of
CORRECTIONS

Governor

RICK SCOTT

Secretary

MICHAEL D. CREWS

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

September 29, 2014

Michael D. Crews
Secretary
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399-2500

Dear Secretary Crews:


I am pleased to present the Office of Inspector General (OIG) Annual Report for Fiscal Year 2013-14, provided pursuant to the mandate of Section 20.055(7), Florida Statutes. This report outlines the activities and accomplishments of the OIG for the fiscal year ending June 30, 2014.

A true measure of the value and services of the OIG can never be fully reflected in an annual report. The tangible results such as services performed, contracts audited, complaints referred, contract reviews and associated dollar impacts, and employees disciplined or convictions obtained as a result of an investigation can be readily reported. Our intangible services, however, including the deterrent effect of this office, are not always readily quantifiable in an annual report. This report documents the many activities that fall within the responsibility of this office and it reflects the high professional standards of each member of the OIG team.

I would like to take this opportunity to thank you for the support you have provided to this office. We look forward to continuing to work closely with you, your leadership team, and our fellow employees to promote economy, efficiency and effectiveness, and to help the Department accomplish its critical mission and initiatives in the months ahead. We remain committed to helping improve the operations and programs of the Department.

Please let me know if I may be of further assistance.

Respectfully submitted,


Jeffery T. Beasley
Inspector General

JTB/prs



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DEPARTMENT of
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September 29, 2014

Melinda M. Miguel,
Chief Inspector General
Office of the Chief Inspector General
Room 2103 - The Capitol
Tallahassee, FL 32399-0001

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Department Background

As the nation's third-largest prison system, the Florida Department of Corrections fulfills a primary role in enhancing the safety of Florida residents. Through a network of 56 state prisons (including seven private prisons), road prisons, work camps and community-based facilities, the department manages incarceration and care for approximately 100,000 inmates. It also supervises approximately 143,000 offenders through 122 probation offices statewide. The department employs approximately 21,000 employees, the majority of whom are Correctional Officers or Correctional Probation Officers who carry out this public safety mandate 24 hours a day, 7 days a week, 365 days a year.

Purpose of this Annual Report

Section 20.055, Florida Statutes, requires the Inspector General submit to the agency head, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General no later than September 30 of each year, an annual report summarizing the activities during the preceding fiscal year. This report provides departmental staff and other interested parties with an overview of the Office of the Inspector General's activities as related to its mission.



Vision

A safe and efficient Florida correctional system.

Mission

Promote leadership to ensure accountability, integrity, and efficiency within the Florida Department of Corrections.

General Goals

To add value to the department by:

1. Continuously identifying department needs & priorities.
2. Identifying risk and threats that impact public safety.
3. Promoting innovative solutions to address the department's needs.
4. Providing timely, accurate and pertinent information to decision makers.

Accomplishments

During the last fiscal year, the Office of the Inspector General (OIG) launched multiple operational improvements designed to increase efficiency and effectiveness, and enhance public safety and accountability:

- Regional Evidence Control Areas: Fiscal year 2013-2014 marked the completion of a three year endeavor to establish 10 new Regional Evidence Control Areas, and a new Evidence, Property, and Contraband, Collection, Preservation, and Disposition Procedure, for the Department of Corrections and the Office of Inspector General. The Regional Evidence Control Areas, with an Automated Property and Evidence System, coupled with the Evidence, Property, and Contraband, Collection, Preservation, and Disposition Procedure, will continue to ensure the security and integrity of evidence and/or property collected for evidentiary value. The Inspector General's ten Regional Evidence Control Areas are managed by one Evidence Manager and twenty Inspectors performing duties as Evidence Custodians throughout the state. The following Regional Evidence Control Areas are open and operational: Santa Rosa CI, North Florida Reception Center, Wakulla CI, Mayo CI, Florida State Prison, Lowell CI, Tomoka CI, Zephyrhills CI, Hardee CI and the South Florida Reception Center.
- K-9/Interdiction: The OIG Canine Units participated in the Southern Coast Canine Annual Drug Detection Seminar and canine competition in late 2013. Competing against 120 other drug detection canine teams, Canine Inspector ELizair Mares and his canine partner Tina took the top honors in the drug detection category of the competition.
- Cellular Phone Forensic Lab: With support of agency leadership, the OIG took steps to establish a Cellular Phone Forensic Lab. Construction of the new lab has been completed and all of the pertinent equipment required to conduct analysis on contraband cellular devices has been purchased and installed. Once fully implemented, the lab will allow analysts to garner information to further investigations being worked by the OIG as well as other law enforcement agencies. Information retrieved from cellular phones, as well as other electronic devices, will be used to combat criminal activity being committed by inmates who are aided by associates and co-conspirators outside the prison system. The lab will enable the OIG to collect intelligence information that will be used by the

Office of Institutions to enhance the security within the institutions. The Tallahassee based lab has the capability to service the needs of the OIG and institutions throughout the state of Florida

Specific Areas of Responsibility

Primary services provided by the Office of the Inspector General include the following:



1. The Office of the Inspector General facilitates an **automated management information network** to keep designated personnel informed of events that occur on department property or concerning department staff, inmates, offenders, and other activity throughout the state. This information network:
 - provides an incident/event reporting system for all areas of the department, enabling early identification of problems and timely allocation of investigative and corrective resources;
 - collects statewide data for use by key personnel in developing strategies to address areas of concern;
 - provides timely flow of information to management and, through the Public Information Office, to the public; and
 - leads department efforts to maintain cooperative working relationships with Florida Department of Law Enforcement (FDLE) and other law enforcement agencies.
2. **Certified law enforcement and correctional inspectors** conduct criminal and administrative investigations relating to inmates, offenders, visitors, department and contract staff, and vendors. Inspectors:
 - take an active role in locating and coordinating the arrest of fugitives by working closely with the staff in the Fugitive Unit;
 - investigate crimes occurring on department property and coordinate with other law enforcement agencies and prosecutorial entities; and
 - conduct administrative investigations into allegations of misconduct by staff, contractors, inmates, and offenders.
3. The **Intelligence Unit** collects and analyzes data to identify trends, contraband introduction methods, officer safety issues, and gang and criminal activities in department facilities. This information and intelligence is used by senior management, other state and local law enforcement offices and agencies, the Federal Bureau of Investigation, and the Department of Homeland Security.

4. The **Contraband Interdiction Unit** assists the Office of Institutions in providing a safe environment for employees, inmates, and visitors by deterring the introduction of weapons, cell phones, narcotics and other contraband into correctional facilities. Interdiction teams:
 - conduct unannounced interdiction operations, including searches for weapons and narcotics, in both state and private correctional facilities; and
 - review contraband control processes at state correctional facilities for compliance with department policy and procedure.
5. **Inspectors** safeguard the integrity of the state's correctional system. The department has 85 sworn law enforcement officers on the OIG investigative staff, two certified law enforcement analysts, and 48 certified correctional officer inspectors. Inspectors:
 - conduct criminal and administrative investigations into internal affairs involving department operations, contracts, staff, inmates, visitors, and volunteers;
 - ensure compliance with department rules and procedures;
 - track and direct recapture of fugitives from justice;
 - operate contraband interdiction;
 - provide critical intelligence and gang information to law enforcement agencies across the state and nation;
 - coordinate investigative efforts with FDLE and other law enforcement agencies;
 - work closely with prosecutorial entities to facilitate the prosecution of criminal cases; and
 - coordinate department activities required by the **Florida Whistle-blower's Act**.

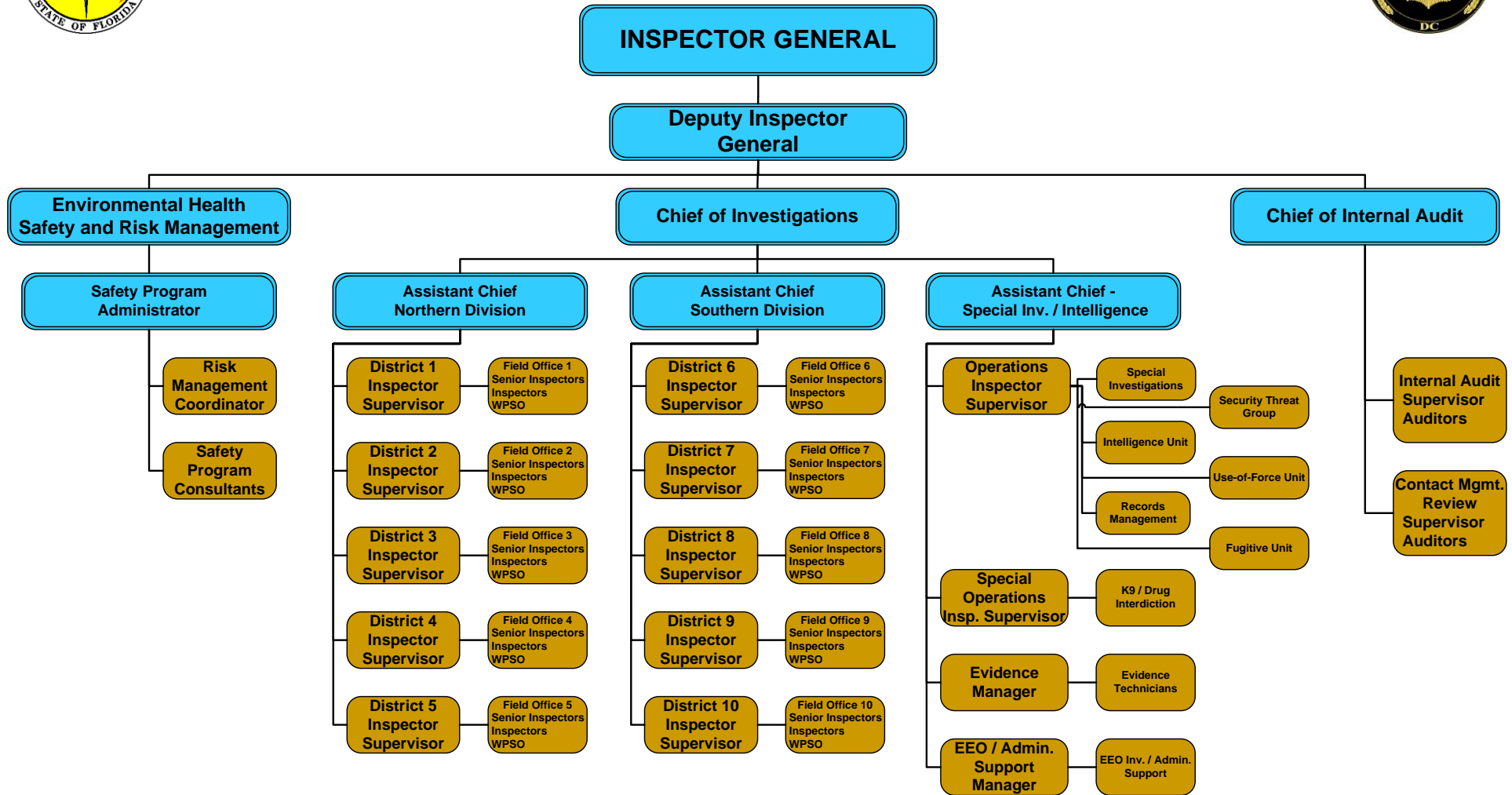
6. **Auditors** assess the efficiency and effectiveness of department programs and associated controls, measure compliance with laws and procedures, and serve to deter waste, fraud and abuse of department resources. Auditors:
- conduct compliance, performance and information technology audits in accordance with professional auditing standards and conduct reviews relating to department operations, contracts, staff, inmates, visitors and volunteers;
 - identify instances of fraud, abuse, and other deficiencies relating to department programs and operations, inform the Secretary of those conditions, recommend corrective action, and report on progress made in correcting deficiencies;
 - provide technical assistance with criminal and administrative investigations involving waste, fraud, or misappropriation of funds;
 - conduct contract management reviews to enhance accountability and oversight of the department's contracts for goods and services; and
 - serve as the department's liaison in coordinating audits and facilitating cooperation with external agencies including the Auditor General, Office of Program Policy Analysis and Government Accountability (OPPAGA), and FDLE.
7. **Environmental Health and Safety Officers** provide for the environmental health and safety of inmates, as well as department employees, volunteers and visitors. Areas of responsibility include:
- accompanying state fire protection specialists of the Division of State Fire Marshal during annual fire safety surveys;
 - conducting annual fire, environmental health and Occupational Safety and Health Administration (OSHA)-related safety inspections of new, renovated and current institutions, followed by the on-site verification of corrected violations;
 - conducting the environmental health, safety and risk management portion of the operational review process that is conducted every two years at all major correctional facilities;
 - conducting training sessions for Loss Control Management to include accident investigation, general safety awareness, damaged or lost property coverage, and a review of workers' compensation issues; and
 - receiving and processing all Risk Management claims to include property damage, general liability, auto, boiler and machinery, and missing or damaged inmate property.

Office of the Inspector General Organizational Chart

The Office of the Inspector General (OIG) consists of two bureaus: Investigations and Internal Audit, and one unit: Environmental Health, Safety, & Risk Management.



OFFICE OF THE INSPECTOR GENERAL



Bureau of Investigations

Investigations

The Bureau of Investigations is responsible for conducting criminal and administrative investigations and providing oversight of all use of force incidents.

When completed, criminal investigations, for which probable cause exists that a crime has occurred, are referred to the appropriate prosecutorial entity for consideration for prosecution. When administrative investigations are completed, they are referred to management for appropriate follow-up action.

More than 59,403 incidents were reported and reviewed by the OIG during Fiscal Year 2013-14. Of the incidents reviewed by OIG, the table below represents the numbers and types of cases the Office of Inspector General investigated:

Type of Case	Total Number Assigned
Administrative Cases	920
Criminal Cases	1253
Death Investigations	260
Investigative Assists	101
Inquiries	5047
Inquires – Use of Force	1044
Use of Forces	7435
Whistle Blower Determinations	26
TOTAL	16,086

Source: IGIS for 07/01/2013 to 06/30/2014.

Use of Force Unit

Established in 1999, the Use of Force Unit is responsible for reviewing all incidents involving the use of force at state and private correctional facilities, and those involving probation officers, to ensure compliance with established rules, procedures and statutes.

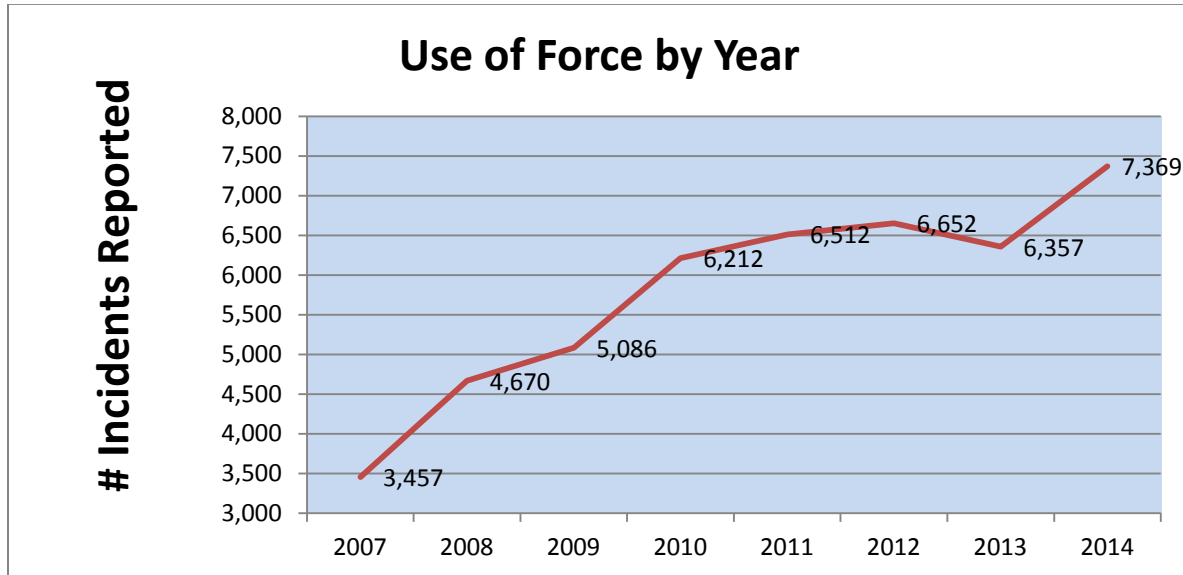
To accomplish this mission, the Use of Force Unit independently reviews and evaluates all use of force incident reports, associated documents and videotapes as required from each correctional facility or office. Evidence indicating possible procedural violations, inmate abuse, excessive/improper/unauthorized force, or battery by staff is referred to Investigations.

Uses of force are classified as major incidents whenever weapons, the chemical agent Ortho-Chlorobenzalmalononitrile “CS”, or electronic restraint devices are used, when force is used in a cell extraction, or when outside medical treatment is required for employees or inmates as a result of the use of force. Other physical contact with inmates, including use of the chemical agent Oleoresin Capsicum “OC”, is classified as minor. The following chart reflects use of force incidents reported to the unit in Fiscal Year 2013-14.

Classification	Reason Force Was Used	Number
27A	Self Defense	733
27B	Escape/Recapture	4
27C	Prevent Escape During Transport	3
27D	Prevent Property Damage	144
27E	Quell a Disturbance	2,402
27F	Physical Resistance to a Lawful Command	2,831
27G	Prevent Suicide	935
27H	Restrain Inmate for Medical Treatment	48
27I	Cell Extraction	215
27J	Mental Health Restraint	9
27K	Probation & Parole Handcuffing	0
27O	Other	45
TOTAL		7,369

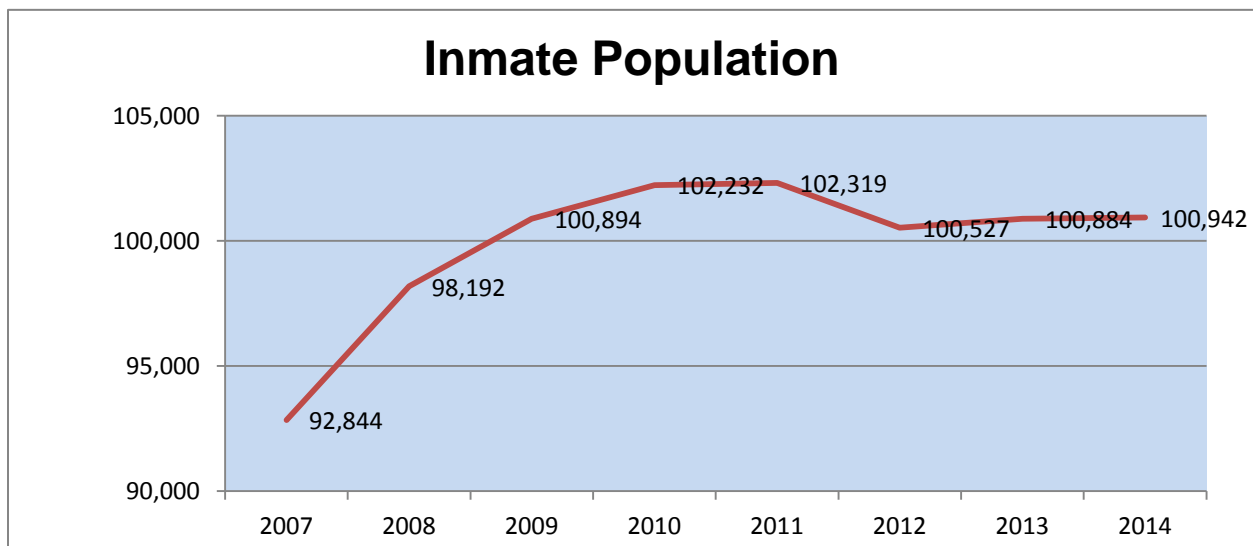
Source: MINS for 07/01/2013 to 06/30/2014

The number of use of force incidents reported increased between 2007 and 2012, rising more than 90% in five years, along with the increase in inmate population. The number of use of force incidents decreased by 4.4% in Fiscal Year 2012-13. *The reduction in the use of force incidents was a result of change in Florida Administrative Code (F.A.C.) Effective December 16, 2012, Chapter 33-602-210, F.A.C. no longer required four/five point medical restraints without force to be reported as a use of force incident.*



Source: MINS

As illustrated by these two charts, use of force incidents increased approximately 16% in the Fiscal Year 2013-14, while the inmate population increased less than 1% in the same period.



Source: Research and Data Analysis.

Intelligence Unit

The Intelligence Unit collects, analyzes, and utilizes data and information from multiple internal agency and external sources, which provide information to support investigative operations and to identify trends, contraband introduction methods, officer safety issues, gang activities, and criminal activity on department property. Programmatic and investigative statistical information, as requested, is also provided to senior management. The Intelligence Unit provides information to outside law enforcement upon request and, via the Florida Fusion Center, serves as liaison with the Federal Bureau of Investigation (FBI) and the Department of Homeland Security. Two Intelligence Unit members are FDLE certified crime analysts.

The Intelligence Unit is responsible for preparation of information and intelligence products on varied topics, including investigative caseload analysis, drug seizure data analysis, cellular telephone, and other contraband seizure analysis. Performance measures and monthly reporting data are maintained and prepared by the unit in addition to publishing the monthly Intelligence Bulletin.

The Corrections Intelligence Initiative (CII) is a program sponsored by the FBI designed to assist correctional facilities in their efforts to detect, deter, and disrupt efforts by terrorist or extremist groups who are trying to radicalize or recruit among inmate populations. The CII facilitates the flow of domestic and homeland security information to the FBI. The Intelligence Unit has been responsible for the creation of intelligence products shared nationally via the Department of Homeland Security and for reporting in eGuardian, the FBI national intelligence sharing system. Two Intelligence Unit members are ad hoc members of the North Florida Joint Terrorism Task Force and the North Florida Regional Domestic Security Task Force. To further support the CII, the OIG dedicates one full time position to the Joint Terrorism Task Force FBI's Miami field division.

Florida Fusion Center



The Florida Fusion Center, located in Tallahassee, Florida, serves as Florida's primary fusion center responsible for the gathering, processing, analyzing and disseminating terrorism, law enforcement, and homeland security information.

Intelligence Liaison Officers (ILOs) are vetted to participate in the fusion process and hold the appropriate security clearance with the Department of Homeland Security. The OIG has three liaison officers with the Florida Fusion Center - two from the Intelligence Unit and one from the Security Threat Group/Gang Unit. The Intelligence Unit represents the department at the Florida Fusion Center and serves as primary point of contact for the Corrections Intelligence Initiative.

Fugitive Unit



The Fugitive Unit, created in January 2007, is tasked to protect Florida's citizens by investigating escapes from State and private facilities. The unit tracks and locates the fugitive in question and coordinates with law enforcement to return the fugitive to custody. The Fugitive Unit provides criminal investigative assistance to other law enforcement agencies who may be seeking fugitives who have ties to Florida.

In 2008, the Fugitive Unit partnered with the FDLE as part of a collaborative initiative. Together these departments track down the most violent of Florida's fugitives and return them to custody. In 2009, the cooperative association with FDLE blossomed into an end-of-the-year holiday campaign designated the "12 Days of Fugitives." Florida Representative Connie Mack recognized the successful new initiative from the floor of the House of Representatives, commending the multi-agency project for its innovation. The long-term partnership with FDLE continues to produce positive results for the state.

In June 2012, the department joined with the Florida Association of Crime Stoppers, the Office of the Attorney General, and the FDLE to make it easier for inmates, probationers, and members of the public to anonymously provide crime tip information to law enforcement. Prominent posters displaying the toll-free number to the Florida Association of Crime Stoppers are located in each correctional facility and probation office. The department also created a new public-access web page to highlight Florida's "Ten Most Wanted" felons and has posted the images and names of the worst of Florida's fugitives and absconders. The Florida Association of Crime Stoppers displays these same felons on public billboards and in other types of print and electronic media throughout Florida.

In the Fall of 2013, the Office of the Inspector General dedicated a full-time inspector position to the United States Marshal Service. As a Special Deputy US Marshal, the inspector has become an integral part of the Florida Regional Fugitive Task Force, training with them and working side-by-side to return violent felons and sex offenders to custody.

During Fiscal Year 2013-14, there were two attempted and foiled escapes from Florida correctional institutions; there were two successful escapes from a secure perimeter as a result of fraudulent court documents mailed from the Orange County Clerk of Court. The two inmates were captured without incident. Security procedures have been instituted to detect and prevent such escape attempts.

The following table summarizes arrests and seizures generated by the OIG's canine teams and interdiction operations during Fiscal Year 2013-14.

K9/ Drug Interdiction Team Operations	FY 2013-14
Arrests:	
Employees	4
Visitors	26
Inmates	11
Contraband Seized:	
Alcohol (gallons)	
Commercial	21.67
Homemade	78.31
Drugs (grams)	
Marijuana	2342.37
Synthetic Cannabinoid	13360.65
Cocaine	54.3
Other	1001
Prescription drugs (dosage units)	1142
Weapons, Cell Phones, Money	
Firearms (in vehicles on state property)	15
Ammunition (rounds, in vehicles)	1099
Knives/sharps (entering or inside institution)	477
Cell phones or parts/accessories	1783
Cash (excessive or contraband)	\$5707

Source: K9/ Drug Interdiction Unit

Prison TIPS

The Intelligence Unit oversees the prison “TIPS” line which was accessed over 18,000 times this fiscal year. Phone calls made to the “TIPS” line are reviewed daily and the information provided is used to collect criminal intelligence on unsolved or ongoing criminal activity, both inside and outside of the department. The “TIPS” line also serves as the portal for Prison Rape Elimination Act (PREA) and fraud, waste, and abuse calls. Inmates, probationers, or any other callers that may have knowledge of these types of activities can use “TIPS” as an anonymous method to provide this information.

The “TIPS” line can be accessed from inmate phones within all department facilities or by a toll-free number (1-866-246-4412) from phones outside the facilities. This fiscal year the TIPS system was enhanced to allow access for hearing impaired inmates utilizing TTY technology. Information provided by callers is reviewed and forwarded to the appropriate department staff or to the law enforcement agency having jurisdiction over the reported activity.

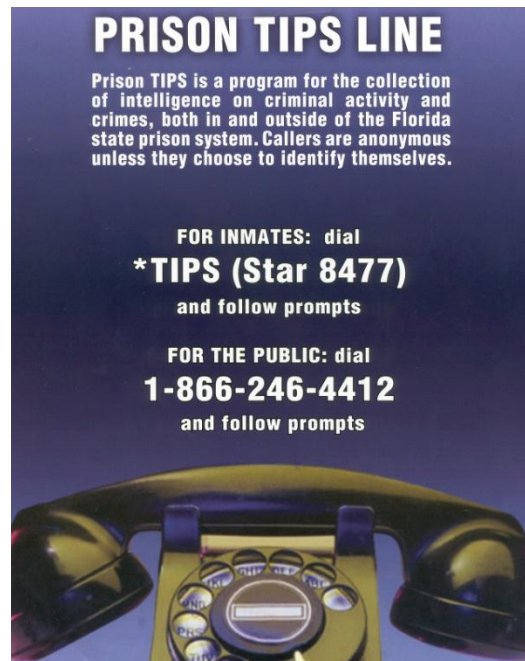
Callers have the option of establishing a voice mailbox, accessed by a unique pass code, which is provided upon the callers’ request. This provides a mechanism to exchange messages and information from the caller and Office of the Inspector General on the status of the information provided.

Security Threat Intelligence Unit

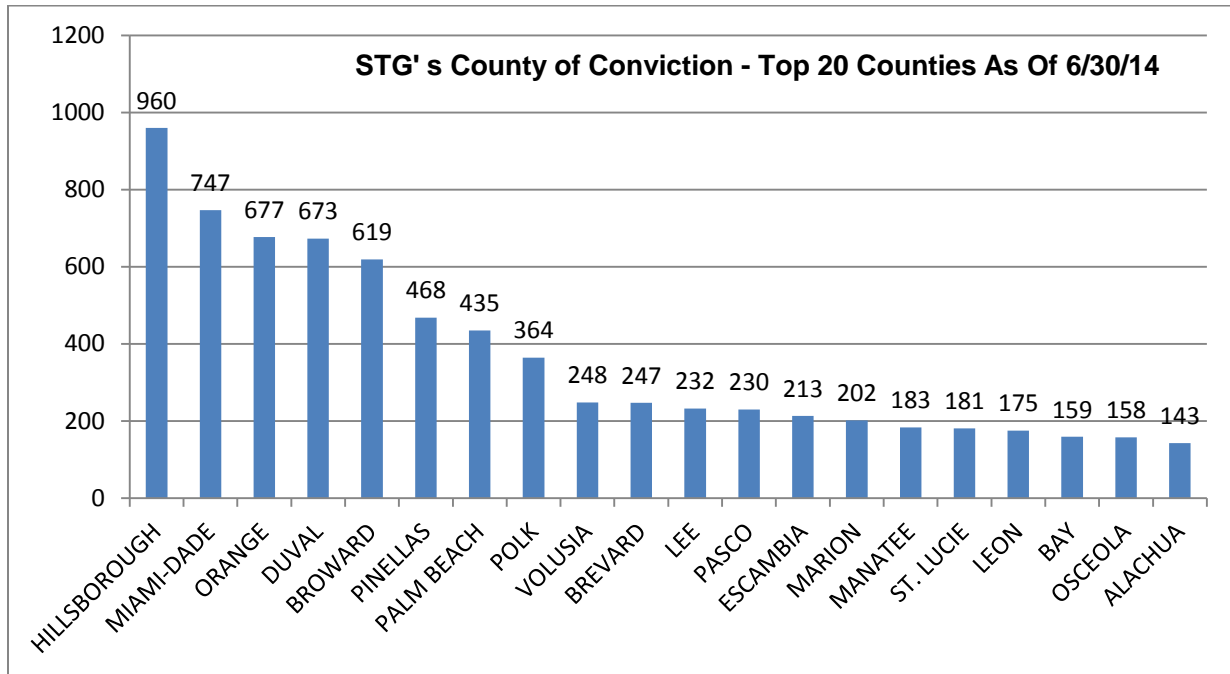
The Inspector General's Security Threat Intelligence Unit (STIU) collects, analyzes, and distributes intelligence related to criminal gang activity both within and outside the state correctional system. The STIU assists institutional staff by reviewing gang-related incidents as they occur in prison settings and making recommendations for relocating or restricting inmates based on their role in the incident.

The STIU not only assists local, county, state, and federal law enforcement agencies with identifying gang members, but it also provides training to the community. In the past year, the STIU has conducted over 10 trainings to schools, local community town hall meetings, and law enforcement agencies.

As of June 30, 2014, 9,139 of the department's 100,942 inmates (9%) were identified as gang members. Another 2,195 of the department's probationers have been identified as gang members.



Each year, gang members are sentenced to the department's custody from each of Florida's 67 counties. The top 20 counties as of June 30, 2014, are depicted in the table below:



Source: Security Threat Intelligence Unit

The STIU reviewed 54,000 incident reports in which over 7,000 of those incidents had an STIU member involved in some manner. In the last year, the STIU received over 200 emails and phone calls per month from department staff, law enforcement, college students, and concerned parents regarding gangs.

During the last fiscal year, the STIU sent out more than 2,200 notices to law enforcement agencies, informing them of pending releases of gang members from department custody back into their communities. The STIU also notifies law enforcement agencies monthly of gang members who are serving terms of probation in their jurisdictions.

Some gang tattoos and graffiti that identity gang members are displayed below:



Latin King tattoo



Satan Disciples graffiti on the back of inmate id card

EEO Investigative Unit

The Inspector General’s Equal Employment Opportunity (EEO) Investigative Unit is responsible for examining alleged violations of Title VII of the Civil Rights Act, Chapter 60L-36.004, F.A.C. and Chapter 110, Florida Statutes. EEO complaints are received through several channels, including the department's internal complaint procedure, the Florida Commission on Human Relations (FCHR), and the Equal Employment Opportunity Commission (EEOC). The EEO Investigative Unit is staffed by an Operations & Consultant Manager. EEO complaints are referred to appropriate staff for investigation.

During Fiscal Year 2013-14, 101 EEO complaints were investigated originating from the following sources:

FY 2012-13 EEO Complaints Filed	
Number	Complaint Source
29	Internal Department Process (formal and informal)
39	FCHR – includes whistle blowers
33	EEOC

Source: Civil Rights/EEO

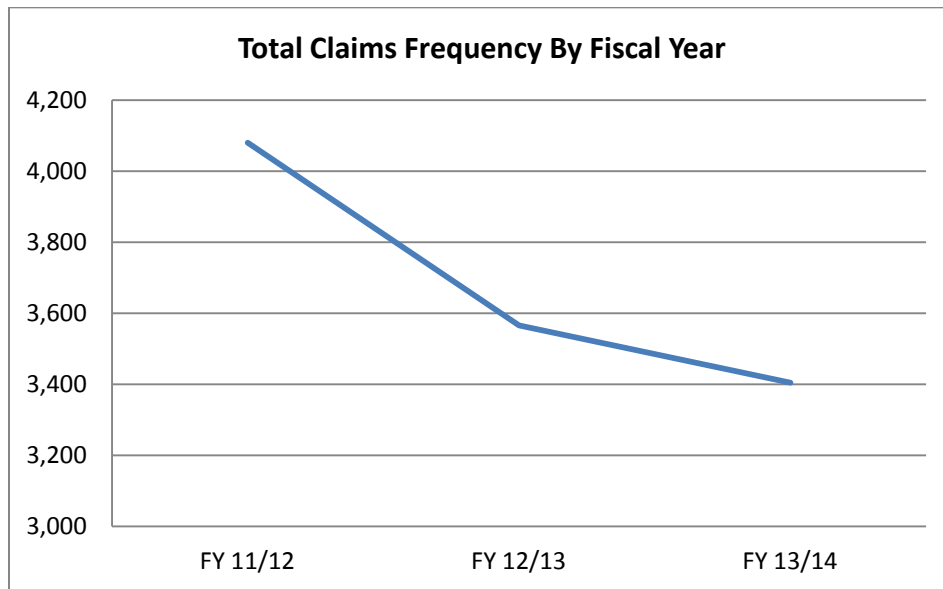
Whistle-blower Unit

The Whistle-blower Unit is the designated liaison between the Chief Inspector General's Office (CIG) and the OIG. The Whistle-blower Unit coordinates and conducts Whistle-blower investigations pursuant to Florida law. During Fiscal Year 2013-14, the Whistle-blower Unit processed 26 Whistle-blower cases.

Environmental Health, Safety, & Risk Management

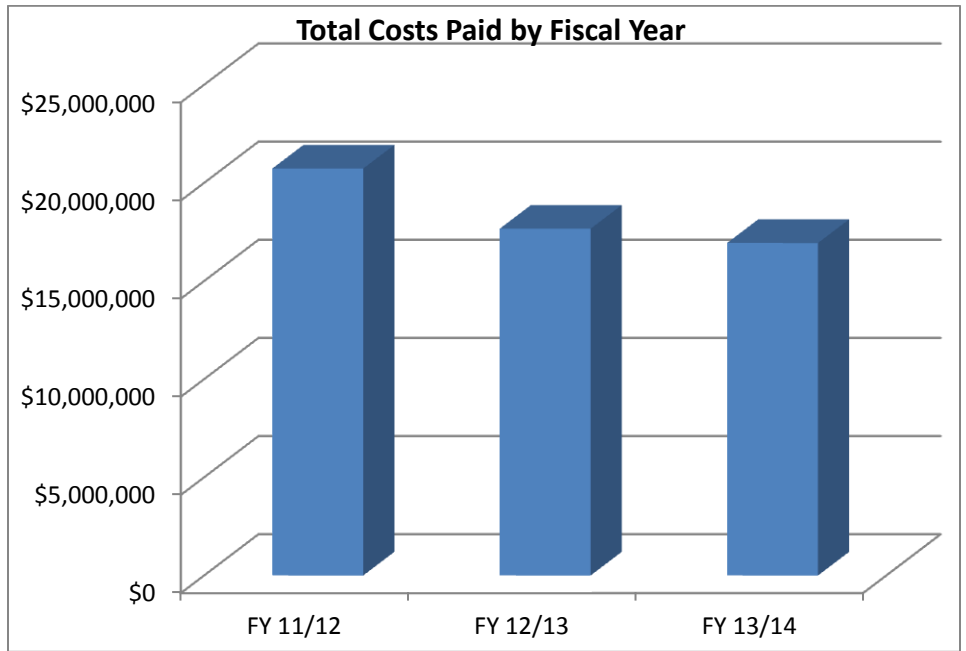
Due to its unique mission, the Department of Corrections must provide for the environmental health and safety of inmates, as well as its own employees, volunteers, and visitors. The department has a formal risk management program on file with the Department of Financial Services, Division of Risk Management. The program is implemented pursuant to the department's Environmental Health and Safety Manual. The goal of the Environmental Health and Safety Program is to reduce the frequency and severity of accidents through training, administrative guidelines, and aggressive promotion of safe work practices. Adherence to established health and safety guidelines is one of the most important responsibilities of every employee and inmate.

The following table displays claims reported for the last three fiscal years. In Fiscal Year 2013-14, the department reduced total claims reported by 5% compared to the previous fiscal year.



Source: Environmental Health, Safety, & Risk Management

The total paid costs (Worker's Compensation costs, General Liability costs, Federal Civil Rights costs, Automobile Liability costs, and Malpractice costs) for the last three fiscal years is displayed below and demonstrates a decrease in total costs from the previous fiscal year:



Source: Environmental Health, Safety, & Risk Management

Bureau of Internal Audit

Mission

The mission of the Bureau of Internal Audit is to support the Secretary and the department by ensuring:

1. established objectives and goals are met;
2. resources are used consistent with laws, regulations, and policies;
3. resources are safeguarded against waste, loss, and misuse; and
4. reliable data is obtained, maintained, and fully disclosed.

Goals

The Bureau of Internal Audit's primary purpose is to proactively assist management in successfully meeting the department's mission and established objectives. To meet its purpose, the Bureau of Internal Audit has four key goals:

1. perform quality audits, reviews, studies, and investigations;
2. report results to management in a timely manner;
3. ensure department resources are used efficiently; and
4. provide adequate audit/review coverage to mitigate risks.

Bureau Organization and Responsibilities

The Bureau of Internal Audit comprises two sections: (1) Internal Audit and (2) Contract Management Review. These sections report to the Bureau Chief, a Certified Internal Auditor, who functions as the Director of Auditing. The Bureau of Internal Audit conducts compliance, performance, and information technology audits and contract reviews pursuant to section 20.055, Florida Statutes. Audits are conducted in accordance with the current *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors (IIA).

The internal audit staff possesses accounting and auditing experience, including information technology auditing experience. Staff members are required to maintain professional proficiency through continuing education and training. Staff are active in professional associations, the Institute of Internal Auditors (IIA), Information Systems Audit and Control Association (ISACA), the American Institute of Certified Public Accountants, the Florida Chapter of the National Association of Inspectors General, and the Association of Government Accountants.

Internal Audit Section

This section employs an audit supervisor and four auditors who perform compliance, performance, and information technology audits and reviews. Staff certifications include a Certified Internal Auditor (CIA), a Certified Public Accountant (CPA), and a Certified Government Auditing Professional (CGAP).

Projects Completed by Compliance/Performance/IT Section

During Fiscal Year 2013-14, the Internal Audit section completed sixteen audits, eight follow-up audits, and three reviews as listed in the following table by report date.

FY 2013-14 Audit Reports and Reviews		
Report Number	Project Title	Report Date
A13034F	Follow-up of Auditor General's Report #2013-074	7/17/13
A13012F	Follow-up of Employee Benefit Trust Fund Audit	8/1/13
A13022F	Follow-up of Audit of Offender Supervision	8/2/13
A13029	Inmate Release Gratuity Audit – Suwannee CI	8/15/13
A13015	Inmate Release Gratuity Audit – Baker CI	8/16/13
A13008	Data Backup and Recovery Audit	8/29/13
R13019	Quality Assessment Review	9/12/13
A14007F	Follow-up of Auditor General's Report #2013-133	9/13/13
A13030	Employee Benefit Trust Fund Audit – Taylor CI	9/27/13
A13024F	Follow-up of Audit of Phoenix Houses of Florida, Inc	10/3/13
A13009	Audit of Entering/Exiting DC Institutions	10/3/13
A13032	Inmate Release Gratuity Audit – Jefferson CI	10/17/13
A13033	Employee Benefit Trust Fund Audit – Jefferson CI	11/13/13
A14008F	Follow-up of Audit of Inmate Gain Time	12/11/13
A14009F	Follow-up of Audit of Inmate Grievances	1/24/14
R14013	Review of Dade CI Employee Benefit Trust Fund	2/18/14
A14001	Audit of Quarterly Performance Meas. Reported to the EOG	2/26/14
A14002	Audit of Department of Corrections Purchasing Card	3/5/14
A14004	Audit of Arsenal and Ready Room Equipment	3/12/14
A14003	Audit of Pharmacy Drug Inventory	3/25/14
A14014	Employee Benefit Trust Fund Audit – Jackson CI	4/10/14
A14011	Audit of Information Technology (IT) Mobile Computing	6/10/14
A14010	Audit of DC Reception Classification Process/Inmate Orientation	6/16/14
A14019F	Follow-up of Auditor General's Report #2014-066	6/16/14
A14018	Employee Benefit Trust Fund Audit – Calhoun CI	6/18/14
A14012	Audit of Inmate Drug Testing	6/19/14
R14015	Review of Inspector General Correspondence	6/27/14

Source: Bureau of Internal Audit

Selected Bureau Reports with System-Wide Impact

The Bureau of Internal Audit views its audit mandate as an opportunity to not only identify site specific deficiencies and problems with statewide impact, but also to identify areas that are well designed and are meeting management's goals. Reports with statewide impact conducted by the Bureau of Internal Audit in Fiscal Year 2013-14 included:

Audit of Department of Corrections (DC) Purchasing Card Program

Audit staff found, in general, the purchasing card program is operating in accordance with applicable laws, rules, and regulations and internal controls exist that adequately prevent, deter, and detect fraud. The purchasing card program has established transaction limits for cardholders, purchases are made from an approved vendor list, and monthly reconciliations are performed on all purchasing card transactions. Audit staff also found that at the time of fieldwork, all purchasing cards had been deactivated for terminated employees. Finally, the transactions selected for review by audit staff were in compliance with the applicable purchasing rules. However, one issue was identified that warranted management's attention:

Finding: The Bureau of Procurement and Supply has not conducted post-audits on purchasing card transactions since taking over the program in June 2013.

Audit of DC Reception Classification Process/Inmate Orientation

Audit staff found, in general, the department is in compliance with applicable laws, rules, policies, and procedures pertaining to the inmate orientation and inmate reception processes. Furthermore, internal controls exist to adequately detect, deter and prevent fraud. Of note were certain aspects of the processes that directly relate to the mission and vision of the department. Specifically, all inmates included in the sample were subject to educational testing, health screenings, and substance abuse assessments. In addition, PREA screenings were conducted in a timely manner. Also, the Biometric Identification System used to fingerprint incoming inmates was always utilized. Finally, inmate orientation materials such as videos and handbooks were on hand (in English and Spanish) at the 5 reception centers. However, audit staff identified one issue that warrants management's attention to ensure compliance with all aspects of the procedure and Florida law:

Finding: Canteen privileges were not always suspended for non-alien inmates that either refused or could not provide a valid social security number; and when social security numbers were provided, they were not always recorded in the Offender Based Information System (OBIS) and the Computer Assisted Reception Process (CARP).

Contract Management Review Section

The Contract Management Review (CMR) Section employs an audit supervisor and three auditors. Staff certifications include one staff member who is a Certified Internal

Auditor (CIA) and a Certified Inspector General Auditor (CIGA).

In Fiscal Year 2013-14, the CMR section completed twelve reviews. The review reports are listed by report date:

FY 2013-14 CMR Reports and Reviews		
Report Number	Project Title	Report Date
CMR13002	Capital One & Florida Power and Light	8/9/2013
CMR13004	Pride Enterprises	11/26/2013
CMR14002	Simplex Grinnell LP	12/19/2013
CMR14004	Tallahassee Community College	1/14/2014
CMR14008F	Bridges of America--Bradenton WRC Follow-Up	1/17/2014
CMR14007F	SMA Behavioral Health Follow-Up	2/6/2014
CMR14003	Time For Freedom, Inc	2/13/2014
CMR14006	Non-Secure Programs, Inc.	2/20/2014
CMR14009	Community Education Center	3/19/2014
CMR14005	Unlimited Path of Central Florida	6/10/2014
CMR14010	Shisa House West	6/26/2014
CMR14012	The Thoroughbred Foundation	6/26/2014

Source: Bureau of Internal Audit

Review of Time for Freedom, Inc.

Time for Freedom, Inc. provides eligible inmates with substance abuse and work release transitional re-entry services. The review indicated that overall service was rendered as required by the contract and invoices were in accordance with the contract terms and well documented. However, deficiencies were identified with regards to inmate employment programming, contract monitoring, inmate case files, and documenting food substitutions.

Review of Non-Secure Programs, Inc.

Non-Secure Programs, Inc. provides qualified staff to operate a probation and restitution center in Orange County, Florida. Services include housing, meals, employment, and program services for offenders on community supervision with the department and released inmates in need of transition services. The review focused on contract monitoring efforts by the department's contract management staff. Overall, contract management staff met monitoring requirements. However, the sample results and parameters used were not always documented during monitoring.



Jeffery T. Beasley
Inspector General

Ken Sumpter
Deputy Inspector General

(Vacant)
Chief of Investigations

Paul Strickland
Chief of Internal Audit

Patricia Perkins
(Acting) Operations & Management Consultant Manager

Florida Department of Corrections
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Tab 1

THE FLORIDA SENATE APPEARANCE RECORD

Spoke

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/15

Meeting Date

Topic Update

Bill Number _____
(if applicable)

Name Julie Jones

Amendment Barcode _____
(if applicable)

Job Title Secretary of Corrections

Address 501 South Calhoun Street
Street

Phone 850-717-3030

Tallahassee Florida 32399
City State Zip

E-mail Jones.Julie@mail.dc.state.fl.us

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

T-031

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Spoke

2/2/15
Meeting Date

Topic Update

Bill Number _____
(if applicable)

Name Jeffery Beasley

Amendment Barcode _____
(if applicable)

Job Title Inspector General

Address 501 South Calhoun Street
Street

Phone 850-488-9265

Tallahassee Florida 32399
City State Zip

E-mail beasley.jeff@mail.dc.state.fl.us

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

Tab 1

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/15
Meeting Date

Bill Number (if applicable)

Topic Prison health services

Did not speak

Amendment Barcode (if applicable)

Name Alisa LaPort

Job Title _____

Address PO Box 1344
Street

Phone 443-1319

TLH 32302
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Nurses Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SPB 7020

INTRODUCER: For consideration by the Criminal Justice Committee

SUBJECT: Corrections

DATE: January 30, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sumner	Cannon		Pre-meeting

I. Summary:

SPB 7020:

- Requires the Criminal Justice Estimating Conference to project prison admissions for elderly felony offenders;
- Expands the Department of Correction's (department/DOC) security review inspection process to include safety considerations, the identification of blind spots, and the use of video monitoring;
- Requires priority be given to inspecting those institutions with high incidents of use of force on inmates, assaults on employees, and sexual abuse of inmates;
- Expands the ability of an inmate to get a one-time award of gain-time for educational attainment without violating the requirement for every inmate to serve 85 percent of their court imposed sentence;
- Requires a Memorandum of Understanding between the Florida Department of Law Enforcement (FDLE) and DOC regarding external investigations of inmate deaths be written and requires notification to the Legislature;
- Requires inspector generals to have specialized training in sexual abuse investigations;
- Requires multiple internal ways for inmates to file a grievance; requires the Correctional Medical Authority (CMA) and DOC to review grievance procedures at each institution; and requires both entities to post their findings on their websites;
- Requires all correctional officer training programs to include specialized training for managing mentally ill inmates;
- Requires that each institution create and maintain a system to track the use of force incidents;
- Requires use of force reports written by employees to be under oath;
- Requires correctional officers who come in close proximity with mentally ill inmates or inmates taking psychotropic medications to have no more than one "use of force" incident in their personnel file. However, if an employee with two or more use of force incidents remains incident free for a significant period of time they may be permitted to work with these specialized populations;

- Includes private health care providers and employees of private correctional facilities to the list of persons who can be charged for a misdemeanor or felony for committing with malicious intent a battery or inflicting cruel or inhuman treatment by neglect;
- Creates a new third degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an elderly or disabled inmate;
- Creates a new second degree felony for DOC employees or employees of a private provider who willfully or by culpable negligence neglect an inmate and in so doing causes great bodily harm;
- Authorizes DOC employees or employees of a private provider who witness abuse or neglect to anonymously report directly to the inspector general's office;
- Requires the correctional officer training program to include instruction on communication techniques to avoid the use of force;
- Requires the department to establish a policy to protect from retaliation inmates and employees who report abuse or cooperate with investigations;
- Requires the department to collect and report inmate health cost information for elderly inmates;
- Provides legislative intent related to veterans programs in state and private correctional institutions and requires the department to measure recidivism rates for veterans who participate in programs;
- Recreates the inmate welfare trust fund for department operated institutions, caps the new trust fund at \$10 million, allows the funds to be used for education, chapels, visitation, libraries, wellness, and televisions, and requires expenditures through legislative appropriation;
- Requires correctional officers who have close contact with inmates housed in a mental health treatment facility to complete annual training in crisis intervention;
- Increases the frequency from every three years to every 18 months the mental and physical health care surveys conducted by the Correctional Medical Authority;
- Requires the department, in establishing minimum health care standards, to establish standards of care criteria for the needs of inmates over age 50; and
- Expands the existing conditional medical release program to include elderly and infirm inmates.

II. Present Situation:

Criminal Justice Estimating Conference

Consensus Estimating Conferences have statutory authority under ss. 216.133 – 216.138, F.S., to forecast economic, demographic, caseload, and revenue information for a variety of governmental planning and budgeting functions. This ensures that the “State meets the constitutional balanced budget requirement.”¹ The forecasts are “primarily used in the development of the constitutionally required Long-Range Financial Outlook, the Governor’s budget recommendations and General Appropriations Act. Economic and demographic forecasts are also used to support estimates of revenues and demands for state services.”²

¹ <http://edr.state.fl.us/Content/conferences/index.cfm>

² Id.

Specifically, the Criminal Justice Estimating Conference is statutorily tasked under s. 216.136(6), F.S., with developing forecasts of prison admissions and population and of supervised felony offender admissions and population; developing information relating to the number of eligible discharges and the projected number of civil commitments for determining needs for space; and developing information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring.

Security Audits of Correctional Facilities

The 1995 escape of six inmates from Glades Correctional Institute in Belle Glade resulted in the passage of legislation creating a security review committee to help to ensure public safety and contain violent and chronic offenders at correctional institutions and facilities.³ In addition, \$6.2 million was provided for 197 positions to help increase the relief factor and 4.7 million for 180 security staffing positions focusing in the areas of inmate movement, emergency response, searches, and confinement escort.⁴

The committee members are appointed by the Secretary and are composed of, at a minimum, the inspector general, the statewide security coordinator, the regional security coordinators, and three wardens, and one correctional officer.

The committee:

- Establishes a periodic schedule for the physical inspection of buildings and structures;
- Conducts or causes to be conducted announced and unannounced comprehensive security audits;
- Adopts and enforces minimum security standards and policies;
- Annually makes written prioritized budget recommendations to the secretary that identify critical security deficiencies at major correctional institutions;
- Investigates and evaluates the usefulness and dependability of existing security technology at the institutions and new technology available and makes periodic written recommendations to the secretary on the discontinuation or purchase of various security devices;
- Contracts, if deemed necessary, with security personnel, consulting engineers, architects, or other security experts; and
- Establishes a periodic schedule for conducting announced and unannounced escape simulation drills.

Education Gain-Time

Gain-time⁵

Gain-time is authorized in s. 944.275, F.S., and is a means by which eligible inmates can earn a reduction in the sentence that was imposed by the court. Current forms of gain-time are based

³ Section 944.151, F.S.

⁴ Florida Department of Corrections Timeline, available at <http://www.dc.state.fl.us/oth/timeline/1992-1995b.html> (last visited January 29, 2015).

⁵ Information in this section of the analysis is derived from “Frequently Asked Questions Regarding Gaintime,” <http://www.dc.state.fl.us/oth/inmates/gaintime.html#1>, viewed on January 28, 2015. Additional information regarding the

upon the department's assessment that the inmate has behaved satisfactorily and engaged in constructive activities. As such, gain-time is a tool by which the department can encourage good behavior and motivate inmates to participate in programs and work assignments. Inmates who are serving life sentences or certain minimum mandatory sentences are not eligible for gain-time during the portion of time that the mandatory sentences are in effect.

Incentive gain-time is awarded to inmates for institutional adjustment, work, and participation in programs.

Meritorious gain-time may be considered for an inmate who commits an outstanding deed. The maximum award is 60 days. Examples of outstanding deeds are saving a life or assisting in recapturing an escaped inmate, or in some manner performing an outstanding service.

Educational Achievement gain-time in the amount of 60 days may be awarded to an inmate who receives a General Education Development (GED) diploma or a certificate for completion of a vocational program. Inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

Department of Corrections Inspector General and Memorandum of Understanding with FDLE

In 2002, legislation passed requiring the department to maintain a Memorandum of Understanding with FDLE for the notification and investigation of mutually agreed-upon predicate events. The memorandum must include, but is not limited to, reporting and investigation of suspicious deaths and major organized criminal activity.⁶ This practice had been in place previous to this legislation but had not been codified in statute.⁷

Inmate Grievance Procedure and Prison Rape Elimination Act

The department is required to establish by rule an inmate grievance procedure that conforms to the Minimum Standards for Inmate Grievance Procedures as promulgated by the U. S. Department of Justice. This procedure is overseen by the department's Office of General Counsel. According to the department, the purpose for the procedure is to "provide inmates with a channel for the administrative settlement of a legitimate complaint."⁸

The Prison Rape Elimination Act of 2003 (PREA) was created to eliminate sexual abuse in confinement facilities including adult prisons and jails, lockup, community confinement facilities, and juvenile facilities. PREA consists of 43 standards defining three goals: to prevent; detect; and respond to sexual abuse.

The department established a zero-tolerance policy for all forms of sexual abuse, sexual battery, and sexual harassment. The policy governs inmates, staff members, contractors, and volunteers.

history of Florida's sentencing laws and policies can be found in "Historical Summary of Sentencing and Policy in Florida," <http://www.dc.state.fl.us/pub/history/>, viewed on January 28, 2015.

⁶ Ch. 2002.75 L.O.F.

⁷ See Senate Staff Analysis CS/SB 408, January 29, 2002.

⁸ Section 944.331, F.S.

The department has two PREA coordinators to help in developing, implementing, and monitoring compliance with the standards.⁹

Increase in Use of Force

In October 2014, a significant increase in the use-of-force cases in Florida correctional facilities prompted Secretary Crews (Secretary Crews resigned in November 2014) to order an independent audit of the agency's procedures and policies involving the use of force against inmates. There were 7,300 use of force cases by Florida correctional officers in the last fiscal year. This number has "roughly doubled since 2008."¹⁰

Section 944.35, F.S., authorizes employees of the department to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:

- To defend himself or herself or another against such other imminent use of unlawful force;
- To prevent a person from escaping;
- To prevent damage to property;
- To quell a disturbance;
- To overcome physical resistance to a lawful command; or
- To administer medical treatment only by or under the supervision of a physician.

The Criminal Justice Standards and Training Commission (CJSTC) is required to develop a course designed to explain and teach the parameters of the proper methods and techniques in applying authorized force.

Prior to any authorized use of force, Rule 33-602.210, F.A.C., requires the shift supervisor to review the Risk Assessment Form for Use of Chemical Restrain Agents and Electronic Immobilization Devices to determine whether the inmate has a medical condition that may exacerbate the intended force.

Criminal Justice Standards and Training Commission Advanced Training Program

In 2006, the CJSTC adopted in its Advanced Training Program a course entitled Managing and Communicating with Inmates and Offenders. It is a 40-hour course intended for law enforcement officers, corrections officers, and correctional probation officers. Officers completing this course may be eligible for a salary incentive under s. 943.22, F.S. Attendance in this course is voluntary. The goal of the course is to identify managing and communication skills relating to officer safety when dealing with offenders and inmates who have mental illness, substance abuse and co-occurring disorders and where such skills may increase the safety and security of a well-run facility. This course describes many of the different types of disorders an officer may encounter and provides various methods and techniques for de-escalation; and inmate/offender management.

⁹ See Florida Department of Corrections, Prison Elimination Act <http://www.dc.state.fl.us/oth/PREA/> (last visited January 28, 2015).

¹⁰ "Florida prison boss orders use-of-force audit" Miami Herald, 10/17/2014. <http://www.miamiherald.com/news/special-reports/florida-prisons/article2925586.html>

The Correctional Basic Recruit Training Program provides a lesson on communications and a separate lesson on inmates with mental illness. Neither lesson meets the intent of s. 944.35, F.S., as amended in this bill.¹¹

Criminal Penalties and Employee Misconduct

Employees of the department who, with malicious intent, commit a battery on an inmate supervised by the department, commits a first degree misdemeanor. Employees who, with malicious intent, commit a battery or inflict cruel or inhuman treatment by neglect causing great bodily harm, permanent disability, or permanent disfigurement to an inmate commits a third degree felony.¹²

Elderly Offenders

Section 944.8041, F.S., requires the department and the Correctional Medical Authority to each submit an annual report on the status and treatment of elderly offenders in the state-administered and private state correctional systems and the geriatric facilities and dorms. The report must also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. Inmates age 50 and older are classified as “aging or elderly” under the Florida Administrative Code.¹³

The department reported that the number of elderly inmates in state prison has steadily increased from 11,178 on June 30, 2006, to 20,753 on June 30, 2014, with an expectation of a continued increase over the next decade.¹⁴

The Correctional Medical Authority’s 2013-2014 Report on Elderly Offenders reported the following findings and recommendations concerning elderly offenders:

The CMA’s report on the status of elderly offenders continues to show that older inmates have more health problems and generally consume more health care services than younger inmates. The demands of caring for the elderly continue to have an impact on corrections’ health care costs. According to The National Institute of Corrections, the overall cost of incarceration for inmates over 50 is as much as three times higher than for the younger population mostly due to the difference in health care costs.¹⁵ Across the country the impact of rising health care costs, especially for elderly inmates, is similar to the impact in Florida.

Florida’s elderly prison population has increased almost 5% over the last 5 years and is expected to gain over 6,000 inmates by the end of the next fiscal year. Considering the trend of increasing elderly inmate populations and health care costs, the CMA supports medical passes and special accommodations (e.g., low bunks, special shoes, wheelchairs, etc.) provided to older inmates housed in DOC’s general population.

¹¹ 2015 FDLE Legislative Bill Analysis

¹² Section 944.35(3)(a), F.S.

¹³ R. 33-601-217, F.A.C.

¹⁴ <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html>

¹⁵ Florida TaxWatch Research Institute, Inc. (2014) Florida’s Aging Prisoner Problem (September 2014).

DOC policies ensuring periodic screenings, regularly scheduled clinic visits, and the establishment of specific facilities for elderly inmates in need of a higher level of care improves the health of elderly inmates. Improved health status within the aging population will serve as a positive cost-containment measure.

It is recommended that DOC continue to examine and consider the needs of inmates over 50 when establishing standards of care criteria for the private health care providers. Additionally, reporting of detailed health care costs for aging inmates would be beneficial for analysis of projected needs to adequately care for the elderly population in the coming years.

Elderly Inmates in prison on June 30, 2014

- The majority of elderly inmates in prison on June 30, 2014, were serving time for sex offenses (21.6%), murder/manslaughter (20.8%), or drug offenses (12.9%).
- The 20,753 elderly inmates in prison on June 30, 2014, represented 20.6% of the total inmate population.
- 94.6% of the elderly inmates in prison were male; 5.4% were female.
- 46.2% of the elderly inmates in prison had no prior prison commitments.
- On June 30, 2014, the department housed three inmates whose age was 92.

Most of the elderly inmates are housed separately from the general population for purposes of reducing the potential for predatory and abusive behavior by younger, more aggressive inmates and to promote efficient use of medical resources. There are three centers currently housing elderly inmates.

- Reception and Medical Center on-site in Lake Butler
- South Unit of the Central Florida Reception Center
- Zephyrhills Correctional Institution

Health Care Costs for Elderly Inmates

Florida TaxWatch in September 2014 reported¹⁶ that the department budget had grown by \$560 million (35 percent) from 2000-2012. The health care cost had grown by \$176 million or 76 percent. The report states that the elderly patients accounted for 49 percent of all hospital in days in 2012. By assuming that hospitalization is a representation of overall prison health care costs, the report states the elderly prison population is responsible for approximately half of the \$408 million in prisoner healthcare costs in 2012.

In addition, the Pew Center on Research estimated that the cost of managing elderly prisoners is \$70,000 annually which yields a per diem of \$192 compared to the average healthcare cost of \$10.96.¹⁷

¹⁶ "Florida's Aging Prisoner Problem," Florida TaxWatch, September 2014.

¹⁷ Florida Department of Corrections 2013-2014 Annual Report, Elderly Inmates at <http://www.dc.state.fl.us/pub/annual/1314/ar-additional-facts-elderly.html>

Veterans Programs in Correctional Facilities

In 2012, the department established Veteran's Dormitories at Santa Rosa, Gulf, Martin, Sumter, and Lowell Correctional Institutions that can house around a total of 400 inmates. These dormitories provide inmates the opportunity to participate in specialized pre-release services including cognitive thinking training, Post-Traumatic Stress Disorder (PTSD) counseling, improved access to Veteran's Affairs Benefits, and strict military standards.¹⁸

Inmate Welfare Trust Fund and Revenue Received from Canteen Sales

For many years prior to 2003, s. 945.215, F.S., created a trust fund that allowed the department to use revenue from the purchase of inmate canteen items and from inmate telephone calls to fund chapels, education, and wellness programs at publically operated correctional facilities. The source of the revenue was from family and friends of the inmate. Chapter 2003-179, L.O.F., eliminated the trust fund and required the revenue from inmate canteens and telephone usage to go directly into the General Revenue Fund. When s. 945.215, F.S., was amended to eliminate the Inmate Welfare Trust Fund for state operated correctional facilities, the Inmate Welfare Trust Fund for privately operated facilities was maintained in the law. Consequently, under current law, revenue from the purchase of canteen items and from telephone usage is deposited into General Revenue and not earmarked for inmate welfare or betterment programs.

According to a January 15, 2015, Auditor General audit¹⁹ of the department's canteen operations, from July 2012 through February 2014 sales in department institution canteens totaled approximately \$133.31 million and catalog sales totaled \$868,474. The department received MP3 program commissions from Keefe totaling approximately \$940,412 relating to MP3 program sales totaling approximately \$5.99 million.

Rights of Inmates Provided Mental Health Treatment

The Corrections Mental Health Act (ss. 945.40 through 945.49, F.S.) provides for the evaluation and appropriate treatment of mentally ill inmates who are in the department's custody. It establishes procedures that must be followed when an inmate is involuntarily placed into a hospital setting for the purpose of mental health treatment.

Section 945.48, F.S., provides that an inmate in a mental health treatment facility has the right to receive treatment that is suited to his or her needs and that is provided in a humane psychological environment. The inmate provided psychiatric treatment shall be asked to give express and informed written consent for the treatment. In addition, there are specific procedures for involuntary treatment of inmates and when and how hearings on involuntary treatment must be conducted.

¹⁸ Florida Department of Corrections Opens Five Veteran's Dormitories, November 9, 2011 at <http://www.dc.state.fl.us/secretary/press/2011/11-09VetDorms.html> (last visited January 29, 2015).

¹⁹ Report No. 2015-087, January 2015, "Department of Corrections Canteen Operations and Prior Audit Follow-up."

Correctional Medical Authority

The Correctional Medical Authority (CMA) was created in July 1986, while the state's prison healthcare system was under the jurisdiction of the federal court as a result of litigation that began in 1972. *Costello v. Wainwright* (430 U.S. 57 (1977)) was a class action suit brought by inmates alleging that their constitutional rights had been violated by inadequate medical care, insufficient staffing, overcrowding, and poor sanitation. The CMA was created as part of the settlement of that case and continues to serve as an independent monitoring body providing oversight of the systems in place to provide health care to inmates in the Department of Corrections. In the final order closing the *Costello* case, Judge Susan Black noted that the creation of the CMA made it possible for the Federal Court to relinquish the prison monitoring and oversight function it had performed for the prior twenty years. In light of "Florida's affirmation of its continued commitment to the CMA's independence" and the support from the Defendant and the State of Florida, the court found that the CMA was capable of "performing an oversight and monitoring function over the department in order to assure continued compliance with the orders entered in this case."²⁰

In December 2001, DOC entered into a settlement agreement in a lawsuit (*Osterback v. Crosby*, 16 Fla. Weekly Fed. D 513 (N.D. Fla. 2003)) involving mentally ill inmates housed in close management (CM). The purpose of close management is to confine inmates separate from the general inmate population for reasons of security and for the order and effective management of the prison system. The *Osterback* agreement included a stipulation that the CMA monitor provisions of the agreement including clinical, administrative, and security components of the program designed to ensure effective treatment of mental illness in the CM population. The CMA completed its special monitoring responsibilities pending the outcome of the federal court's hearing of the case. The department completed and complied with each component of the CM corrective action plan process. The court entered a final judgment ruling in favor of the department and the case was closed on March 28, 2008. Facilities with CM are now monitored as part of the regular CMA survey process. In the 2011 Legislative Session, the CMA lost its funding. Governor Rick Scott vetoed a conforming bill which would have eliminated the CMA from statute. In the 2012 Legislative Session, the Governor requested funding be restored. The Legislature concurred and funding was provided effective July 1, 2012. *Osterback*, along with the multitude of lawsuits related to the provision of correctional health care, serve as reminders of the CMA's important role in ensuring proper health and mental health care is provided to incarcerated members of society.²¹

The governing board of the authority is composed of nine persons appointed by the Governor subject to confirmation by the Senate. Members of the CMA are not compensated for performance of their duties but they are paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061, F.S.²²

Prior to July 1, 2011, the CMA was housed within the Department of Health (DOH) for administrative purposes. During the 2011 Legislative Session two bills designed to abolish the CMA

²⁰ State of Florida, Correctional Medical Authority 2012-2013 Annual Report and Report on Aging Inmates http://www.flgov.com/wp-content/uploads/pdfs/correctional_medical_authority_2012-2013_annual_report.pdf

²¹ *Id.*

²² *Id.*

passed both chambers and were sent to the Governor for approval, Ch. 2011-69, L.O.F., (the 2011 General Appropriations Act), which eliminated the funding and positions related to the authority, and HB 5305 which repealed the statutes related to the CMA. The Governor vetoed HB 5305, but not the General Appropriations Act, therefore the CMA did not have the funding to operate or perform its duties for the 2011-2012 fiscal year.

The CMA was funded again in 2012 as an independent state agency housed within the administrative structure of the Executive Office of the Governor.

Conditional Medical Release and Geriatric-Related Release Policies in Other States

In 1992, the Florida Legislature created the Conditional Medical Release Program (s. 947.149, F.S.) which is a discretionary release process allowing the Commission on Offender Review (Commission) to release inmates on supervision who are “terminally ill” or “permanently incapacitated” and who are not a danger to others. The department is charged with the responsibility of recommending to the Commission cases to be considered for conditional medical release. Upon release, the offender is subject to conditions of supervision set by the Commission. The Commission monitors the offender’s progress through periodic medical reviews. The supervision can be revoked and the offender returned to prison if the Commission determines that a willful and substantial violation of supervision has occurred or if their medical or physical condition improves. In FY 2013-14, the Commission granted eight of the 19 inmates recommended by the department for conditional medical release.

Under current law, Florida does not have a geriatric-based release policy as exists in many states. Of those states with geriatric-related release policies, one state considers inmates as young as 45 (Louisiana); 55 (Alabama); and 60 to 65 (Virginia, North Carolina, Colorado, Washington D.C., New Mexico, Maryland, Oklahoma, Wisconsin).²³ The federal system considers inmates for geriatric release at age 70.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 216.136, F.S., to require the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders.

Section 2 amends s. 944.151, F.S., to amend the legislative intent to include “safety” as part of the department’s responsibilities in operating the correctional institutions and facilities. It requires that the department ensure the safety of department employees and offenders. It also includes institutions with a high level of substantiated or unsubstantiated incidents of use of force on inmates, assaults on employees, or inmate sexual abuse as part of the department’s periodic physical inspections. In conducting announced and unannounced audits of all state and private correctional institutions, the bill requires that the evaluation include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of video monitoring systems and other monitoring technologies in such areas.

²³ “It’s About Time: Aging Prisoner, Increasing Cost, and Geriatric Release,” April 2010, Vera Institute of Justice.

²⁴ “Florida’s Aging Prisoner Problem,” September 2014, Florida Taxwatch.

Section 3 amends s. 944.275, F.S., to allow inmates sentenced for an offense committed on or after October 1, 1995, to be eligible for education attainment gain-time in the amount of 60 days. If this bill becomes law an inmate may receive a one-time award of 60 days of gain-time for receiving a General Education Development (GED) diploma or for earning a certificate for completion of a vocational program. Under current law, inmates whose offense was committed on or after October 1, 1995, are not eligible for this one-time award.

Section 4 amends s. 944.31, F.S., to require that memorandums of understanding (MOU) between the department and the Florida Department of Law Enforcement be in writing and that a copy of an active MOU be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Under current law MOU's are formed between the two agencies to, among other events, investigate suspicious deaths and organized criminal activity.

A new subsection (4) is created to require that the inspector general and inspectors who conduct sexual abuse investigations in confinement settings, shall receive specialized training in conducting the investigations. Specialized training shall include, techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution.

The Prison Rape Elimination Act (PREA) has set national standards for the prevention, detection, and response to sexual victimization. Each Department of Corrections' institution will be audited for compliance with the PREA standards. Failure to meet the PREA standards may result in the loss of federal grant funds. According to the department's legislative budget request for FY 2015-16, standard 115.34 requires all investigators to attend a specialized training to ensure sexual abuse investigations are conducted properly.

Section 5 amends s. 944.331, F.S., to require the department to provide multiple internal avenues for inmates to privately report sexual abuse and sexual harassment and any staff neglect of, or failure to perform, responsibilities which may have contributed to the incidents. The reports may be made orally, in writing, anonymously, or by third parties. Oral reports must be promptly documented in writing by the department or its designee.

The bill requires the department in consultation with the CMA to review inmate grievance procedures at each correctional institution and private correctional facility to determine the procedural soundness and effectiveness of the grievance process, to identify employees prone to misconduct, and to identify life-threatening inmate health and safety concerns.

Beginning October 1, 2016, the bill requires the department and the CMA to annually report their joint findings to their respective websites. The authority shall document findings on the:

- Effectiveness of inmate grievance procedures;
- Number of grievances filed by inmates, by institution and by region;
- Types of problems alleged by inmates; and
- Actions taken by the department or the authority as a result of its investigation of inmate grievances.

Section 6 amends s. 944.35, F.S., to require correctional officers to have specialized training in the effective, nonforceful management of mentally ill inmates who may exhibit erratic behavior.

The bill requires that each institution create and maintain a system to track episodes involving the use of force to determine if inmates require subsequent physical or mental health treatment. By October 1 of each year, the department shall post on the agency website a report documenting incidents involving the use of force during the previous fiscal year. The report shall include, but not be limited to:

- Descriptive statistics on the reason force was used and whether the use of force was deemed appropriate;
- Multi-year statistics documenting annual trends in the use of force;
- Information on the level of inmate or officer injury, including death, in incidents involving the use of force;
- A breakdown, by institution, of statistics on use of force; and
- Statistics on the number of employees who were disciplined or terminated because of their involvement in incidents involving the inappropriate use of force, based on notations of such incidents in their personnel files.

The bill prohibits an employee with two or more notations in the employee's file related to inappropriate use of force to work in close proximity with mentally ill inmates or inmates on psychotropic medications. It allows an employee with two or more notations in the employee's file who remains incident free for a significant period to be permitted to work with mentally ill inmates or inmates on psychotropic medications.

The bill clarifies that private health care providers and private correctional facilities along with any employee of the department can be prosecuted for committing certain misdemeanor or felony offenses by inflicting great bodily harm, permanent disability, or disfigurement to an inmate or an offender supervised by the department.

The bill defines "neglect of an inmate" as a failure or omission on the part of an employee of the department, private health care provider, or private correctional facility, to:

- Provide an inmate with the care, supervision, and services necessary to maintain the inmate's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the inmate; or
- Make a reasonable effort to protect an inmate from abuse, neglect, or exploitation by another person.

Determinations of neglect of an inmate may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury or risk of death.

The bill creates two new felony offenses; a third degree felony and a second degree felony. Employees of the department or private providers who willfully or by culpable negligence neglect an elderly or disabled inmate without causing great bodily harm could be prosecuted for a third degree felony, punishable by up to 5 years in state prison. Employees of the department or

private providers who willfully or by culpable negligence neglect an inmate and cause great bodily harm could be prosecuted for a second degree felony, punishable by up to 15 years in state prison.

The bill requires that instruction on communication techniques related to crisis stabilization to avoid use of force be included in the correctional officer training program. It requires the department to establish a policy to protect inmates and employees from retaliation by:

- Designating employees who are in charge of monitoring suspected acts;
- Including multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged abusive employees or alleged abusive inmates from contact with victims, and services for employees who fear retaliation for reporting abuse for cooperating with investigations; and
- For at least 90 days following a report of physical or sexual abuse, monitor the conduct and treatment of inmates and employees who reported the abuse.

According to FDLE, its Advanced Training Program course: Managing and Communicating with Inmates and Offenders, will have to be revised to incorporate additional techniques using non-forceful ways or the least amount of force necessary to effectively manage mentally ill inmates who exhibit erratic behavior. FDLE states that an extensive revision in these areas will be required, which may result in an increase in hours for the Correctional Basic Recruit Training Program. The program is currently 420 hours.

Section 7 amends s. 944.8041, F.S., by requiring the department to report the cost of health care to elderly inmates in the annual report. The report shall include the average incarceration cost per year and the types of health care delivered which result in the highest expenditures.

Section 8 creates s. 944.805, F.S., relating to veterans' programs in state and private correctional institutions. The bill provides legislative intent for specialized programs for veterans to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and ease community reentry through availability of expanded community resources. It also provides legislative intent that veterans housed in state and private correctional institutions be provided special assistance before their release by identifying benefits and services available in the community where the veteran plans to reside.

The bill requires the department to measure recidivism rates for veterans who have participated in specialized dormitories and who have received special assistance in community reentry and include the data in the annual report.

Section 9 creates the State Operated Institutions Inmate Welfare Trust Fund contingent upon the passage of SB 540. The bill provides that the department hold this trust fund for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department. The deposits shall not exceed \$10 million in any fiscal year. Deposits for purchases in excess of \$10 million shall be deposited into the General Revenue Fund.

The funds shall be used exclusively for correctional facilities operated by the department:

- To provide literacy programs, vocational training programs, and educational programs;

- To operate inmate chapels, faith-based programs, visiting pavilions, visiting services and programs, family services and programs, and libraries;
- To provide inmate substance abuse treatment programs and transition and life skills training programs;
- To provide for the purchase, rental, maintenance or repair of electronic or audio visual equipment used by inmates; or
- To provide for the purchase, rental, maintenance or repair of recreation and wellness equipment.

Funds in the State Operated Institutions Inmate Welfare Trust Fund shall be expended only pursuant to legislative appropriation. Finally, the bill requires the department to annually compile a report.

Section 10 amends s. 945.48, F.S., to require annual training for correctional officers who have close contact with inmates housed in a mental health facility. Correctional officers who have two or more notations involving use of force in their personnel files may not work in close contact with mentally ill inmates or inmates on psychotropic medications.

Section 11 amends s. 945.6031, F.S., to change the frequency of surveys of the physical and mental health care system at each institution from triennially to every 18 months.

Section 12 amends s. 945.6034, F.S., to require the department to consider the needs of inmates over 50 years of age and adopt health care standards for that population.

Section 13 amends s. 947.149, F.S., to expand the eligibility for the conditional medical release program to include elder and infirm inmates. An “elderly and infirm inmate” is defined as an inmate who has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

Sections 14 and 15 amends s. 921.0021 and s. 921.221, F.S., by conforming cross-references to changes made by this act.

Sections 16, 17 and 18 reenacts certain sections and makes conforming changes.

Section 19 provides an effective date of October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

While no official estimates from the department, the Correctional Medical Authority, the Commission on Offender Review, or the Criminal Justice Estimating Conference were available at the writing of this report, it is anticipated that the following sections of the bill will present the most likely fiscal impact:

Section(s) of the Bill	Issue	Estimated Fiscal Impact
3	Expands use of education gain-time	Cost savings – The department projects average daily prison population to be reduced by 66 inmates over the course of the year
6	Creates two new criminal penalties for neglect of inmates	Most likely insignificant prison bed impact
4 and 6	Requires specialized training for sexual abuse investigations by DOC inspectors Requires officers with close contact with mentally ill inmates or inmates on psychotropic medications to receive annual crisis intervention training	Need for indeterminate increase in funding for the department
10	Requires the Criminal Justice Standards and Training Commission (within FDLE) to enhance the corrections basic recruit training program and revise the advance training program to avoid use of force on inmates and managing inmates who are mentally ill	According to FDLE, the additional workload may be absorbed within existing resources

Section(s) of the Bill	Issue	Estimated Fiscal Impact
9	Creates the inmates welfare trust fund for the department	Reduce by \$10 million funds deposited into GR, but will allow the department to fund \$10 million in inmate betterment programs
11	Increases the frequency of CMA surveys	Need for increase in funding and 6 additional FTEs to CMA
13	Expands the current conditional release program to include elderly and infirm inmates	Cost savings – has the potential to reduce average daily prison population slightly (97 inmates meet criteria). Additional workload by the Offender Review Commission may be able to be absorbed within existing resources

Education Gain-time

According to the preliminary projections by the department, approximately 650 inmates will immediately receive the one-time 60 day additional gain-time award for past educational attainments. It is estimated that approximately 60 of these inmates will be immediately released due to this award since this group is within 60 days of release. In terms of future impact on prison bed space, the department estimates 24,000 fewer inmate-days saved per year as a result of this bill. In other words, the average daily prison population is projected to be reduced by 66 inmates over the course of the year.

Elderly and Infirm Inmates

“Elderly and Infirm” Inmates Over the Age of 70 who are Eligible ²⁵ under the Bill to be Reviewed by the Commission and Possibly Released Under the Conditional Medical Release Program							
Age 70-plus	Current Medical Grade in the Department						
	Medical Grade Unknown	Routine care	Currently in Chronic Illness Clinic for six months	Currently in Chronic Illness Clinic for three months	Chronic Illness Clinic and Regular Health Contact	Long Term In-Patient Housing	Total Eligible Inmates as of 1-16-15
TOTAL	1	11	51	32	1	1	97

VI. Technical Deficiencies:

None.

²⁵ To be eligible for possible early release the 70-plus year old inmate must meet criminal history limitations in the bill (have no current or prior convictions for capital or first degree felonies and who has no current or prior convictions for sexual offenses or offenses against children).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 216.136, 944.151, 944.275, 944.31, 944.331, 944.35, 944.8041, 945.215, 945.48, 945.6031, 945.6034, 947.149, 921.0021, and 951.221.

This bill creates section 944.805 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 116 - 749

and insert:

Section 2. Section 944.151, Florida Statutes, is amended to read:

944.151 Safety and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and



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11 facilities. The safe operation and security of the state's
12 correctional institutions and facilities is critical to ensure
13 public safety and the safety of department employees and
14 offenders and to contain violent and chronic offenders until
15 offenders are otherwise released from the department's custody
16 pursuant to law. The Secretary of Corrections shall, at a
17 minimum:

18 (1) Appoint and designate select staff to the a safety and
19 security review committee which shall, at a minimum, be composed
20 of: the inspector general, the statewide security coordinator,
21 the regional security coordinators, and three wardens and one
22 correctional officer. The safety and security review committee
23 shall evaluate new safety and security technology; review and
24 discuss issues impacting correctional facilities; review and
25 discuss current issues impacting correctional facilities; and
26 review and discuss other issues as requested by management.†

27 ~~(a) Establish a periodic schedule for the physical~~
28 ~~inspection of buildings and structures of each state and private~~
29 ~~correctional institution to determine security deficiencies. In~~
30 ~~scheduling the inspections, priority shall be given to older~~
31 ~~institutions, institutions that house a large proportion of~~
32 ~~violent offenders, and institutions that have experienced a~~
33 ~~significant number of escapes or escape attempts in the past.~~

34 (2) Ensure that appropriate staff establishes a periodic
35 schedule for the physical inspection of buildings and structures
36 of each state and private correctional institution and facility
37 to determine safety and security deficiencies. In scheduling the
38 inspections, priority shall be given to older institutions,
39 institutions that house a large proportion of violent offenders,



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40 institutions with a high level of inappropriate incidents of use
41 of force on inmates, assaults on employees, or inmate sexual
42 abuse, and institutions that have experienced a significant
43 number of escapes or escape attempts in the past.

44 (a) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
45 causes ~~cause~~ to be conducted announced and unannounced
46 comprehensive safety and security audits of all state and
47 private correctional institutions. These audits shall give
48 priority to those institutions with a high level of
49 inappropriate incidents of use of force on inmates, assaults on
50 employees, or inmate sexual abuse. ~~In conducting the security~~
51 audits, ~~priority shall be given to older institutions,~~
52 ~~institutions that house a large proportion of violent offenders,~~
53 ~~and institutions that have experienced a history of escapes or~~
54 ~~escape attempts.~~ At a minimum, the audit shall include an
55 evaluation of the physical plant, which shall include the
56 identification of blind spots or areas where staff or inmates
57 may be isolated and the deployment of video monitoring systems
58 and other monitoring technologies in such areas, landscaping,
59 fencing, security alarms and perimeter lighting, confinement,
60 arsenal, key and lock, and entrance/exit ~~and inmate~~
61 classification and staffing policies. Each correctional
62 institution shall be audited at least annually. ~~The secretary~~
63 shall

64 (b) Report the general survey findings annually to the
65 Governor and the Legislature.

66 (c) Ensure appropriate staff investigates and evaluates the
67 usefulness and dependability of existing safety and security
68 technology at the institutions and new technology and video



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69 monitoring systems available and make periodic written
70 recommendations to the secretary on the discontinuation or
71 purchase of various safety and security devices.

72 (d) Contract, if deemed necessary, with security personnel,
73 consulting engineers, architects, or other safety and security
74 experts the department deems necessary for safety and security
75 consultant services.

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

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

83 (g) Ensure appropriate staff reviews staffing policies and
84 practices as needed.

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

87 1. Random monitoring of outgoing telephone calls by
88 inmates.

89 2. Maintenance of current photographs of all inmates.

90 3. Daily inmate counts at varied intervals.

91 4. Use of canine units, where appropriate.

92 5. Use of escape alarms and perimeter lighting.

93 6. Florida Crime Information Center/National Crime
94 Information Center capabilities.

95 7. Employment background investigations.

96 ~~(d) Annually make written prioritized budget~~
97 ~~recommendations to the secretary that identify critical security~~



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98 ~~deficiencies at major correctional institutions.~~

99 ~~(e) Investigate and evaluate the usefulness and~~
100 ~~dependability of existing security technology at the~~
101 ~~institutions and new technology available and make periodic~~
102 ~~written recommendations to the secretary on the discontinuation~~
103 ~~or purchase of various security devices.~~

104 ~~(f) Contract, if deemed necessary, with security personnel,~~
105 ~~consulting engineers, architects, or other security experts the~~
106 ~~committee deems necessary for security audits and security~~
107 ~~consultant services.~~

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

110 ~~(4)(2)~~ Direct staff to maintain and produce quarterly
111 reports with accurate escape statistics. For the purposes of
112 these reports, "escape" includes all possible types of escape,
113 regardless of prosecution by the state attorney, and including
114 offenders who walk away from nonsecure community facilities.

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

119 ~~(5)(4)~~ Direct staff to submit in the annual legislative
120 budget request a prioritized summary of critical safety and
121 security deficiencies, and repair and renovation ~~security~~ needs.

122 Section 3. Paragraphs (d) and (e) of subsection (4) of
123 section 944.275, Florida Statutes, are amended to read:

124 944.275 Gain-time.—

125 (4)

126 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~



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127 ~~2.~~, the education program manager shall recommend, and the
128 Department of Corrections may grant, a one-time award of 60
129 additional days of incentive gain-time to an inmate who is
130 otherwise eligible and who successfully completes requirements
131 for and is awarded a high school equivalency diploma or
132 vocational certificate. This incentive gain-time award may be
133 granted to reduce any sentence for an offense committed on or
134 after October 1, 1995. However, this gain-time may not be
135 granted to reduce any sentence for an offense committed on or
136 after October 1, 1995, if the inmate is, or has previously been,
137 convicted of a violation of s. 794.011, s. 794.05, former s.
138 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
139 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
140 847.0145, or s. 985.701(1), or a forcible felony offense that is
141 specified in s. 776.08, except burglary as specified in s.
142 810.02(4). An inmate subject to the 85 percent minimum service
143 requirement pursuant to subparagraph (b)3. may not accumulate
144 gain-time awards at any point when the tentative release date is
145 the same as the 85 percent minimum service date of the sentence
146 imposed. Under no circumstances may an inmate receive more than
147 60 days for educational attainment pursuant to this section.

148 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
149 for sentences imposed for offenses committed on or after October
150 1, 2014, the department may not grant incentive gain-time if the
151 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
152 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
153 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

154 Section 4. Section 944.31, Florida Statutes, is amended to
155 read:



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156 944.31 Inspector general; inspectors; power and duties.—
157 (1) The inspector general shall be responsible for prison
158 inspection and investigation, internal affairs investigations,
159 and management reviews. The office of the inspector general
160 shall be charged with the duty of inspecting the penal and
161 correctional systems of the state. The office of the inspector
162 general shall inspect each correctional institution or any place
163 in which state prisoners are housed, worked, or kept within the
164 state, with reference to its physical conditions, cleanliness,
165 sanitation, safety, and comfort; the quality and supply of all
166 bedding; the quality, quantity, and diversity of food served and
167 the manner in which it is served; the number and condition of
168 the prisoners confined therein; and the general conditions of
169 each institution. The office of inspector general shall see that
170 all the rules and regulations issued by the department are
171 strictly observed and followed by all persons connected with the
172 correctional systems of the state. The office of the inspector
173 general shall coordinate and supervise the work of inspectors
174 throughout the state. The inspector general and inspectors may
175 enter any place where prisoners in this state are kept and shall
176 be immediately admitted to such place as they desire and may
177 consult and confer with any prisoner privately and without
178 molestation. The inspector general and inspectors shall be
179 responsible for criminal and administrative investigation of
180 matters relating to the Department of Corrections. The secretary
181 may designate persons within the office of the inspector general
182 as law enforcement officers to conduct any criminal
183 investigation that occurs on property owned or leased by the
184 department or involves matters over which the department has



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185 jurisdiction. A person designated as a law enforcement officer
186 must be certified pursuant to s. 943.1395 and must have a
187 minimum of 3 years' experience as an inspector in the inspector
188 general's office or as a law enforcement officer.

189 (2) The department shall maintain a written memorandum of
190 understanding with the Department of Law Enforcement for the
191 notification and investigation of mutually agreed-upon predicate
192 events that shall include, but are not limited to, suspicious
193 deaths and organized criminal activity. A copy of an active
194 memorandum of understanding shall be provided in a timely manner
195 to the Governor, the President of the Senate, and the Speaker of
196 the House of Representatives.

197 (3) During investigations, the inspector general and
198 inspectors may consult and confer with any prisoner or staff
199 member privately and without molestation and persons designated
200 as law enforcement officers under this section shall have the
201 authority to arrest, with or without a warrant, any prisoner of
202 or visitor to a state correctional institution for a violation
203 of the criminal laws of the state involving an offense
204 classified as a felony that occurs on property owned or leased
205 by the department and may arrest offenders who have escaped or
206 absconded from custody. Persons designated as law enforcement
207 officers have the authority to arrest with or without a warrant
208 a staff member of the department, including any contract
209 employee, for a violation of the criminal laws of the state
210 involving an offense classified as a felony under this chapter
211 or chapter 893 on property owned or leased by the department. A
212 person designated as a law enforcement officer under this
213 section may make arrests of persons against whom arrest warrants



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214 have been issued, including arrests of offenders who have
215 escaped or absconded from custody. The arrested person shall be
216 surrendered without delay to the sheriff of the county in which
217 the arrest is made, with a formal complaint subsequently made
218 against her or him in accordance with law.

219 (4) The inspector general, and inspectors who conduct
220 sexual abuse investigations in confinement settings, shall
221 receive specialized training in conducting such investigations.
222 The department shall be responsible for providing the
223 specialized training. Specialized training shall include, but
224 need not be limited to, techniques for interviewing sexual abuse
225 victims, proper use of Miranda and Garrity warnings, sexual
226 abuse evidence collection in confinement settings, and the
227 criteria and evidence required to substantiate a case for
228 administrative action or prosecution.

229 Section 5. Section 944.331, Florida Statutes, is amended to
230 read:

231 944.331 Inmate grievance procedure.—

232 (1) The department shall establish by rule an inmate
233 grievance procedure, which ~~that~~ must conform to the Minimum
234 Standards for Inmate Grievance Procedures as promulgated by the
235 United States Department of Justice pursuant to 42 U.S.C. s.
236 1997e. The department's office of general counsel shall oversee
237 the grievance procedures established by the department.

238 (2) In establishing grievance procedures, the department
239 shall provide multiple internal avenues for inmates to privately
240 report sexual abuse and sexual harassment and any staff neglect
241 of, or failure to perform, responsibilities which may have
242 contributed to such incidents. The procedures must allow reports



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243 to be made in writing by third parties.

244 (3) The department, in consultation with the Correctional
245 Medical Authority, shall review inmate health care grievance
246 procedures at each correctional institution and private
247 correctional facility to determine the procedural soundness and
248 effectiveness of the current health care grievance process, to
249 identify employees prone to misconduct directly related to the
250 delivery of health care services, and to identify life-
251 threatening inmate health concerns. The review shall determine
252 whether inmate health care grievances are being properly
253 reported, transmitted, and processed; inmates are allowed
254 writing utensils and paper; multiple channels of communication
255 exist to report alleged abuse related to the delivery of health
256 care services; and protocols are being implemented to protect an
257 inmate who filed a grievance concerning the delivery of health
258 care from retaliation for filing a complaint alleging staff
259 misconduct.

260 (4) The department shall review inmate grievance procedures
261 at each correctional institution and private correctional
262 facility to determine the procedural soundness and effectiveness
263 of the current grievance process, to identify employees prone to
264 misconduct, and to identify life-threatening inmate safety
265 concerns. The review shall determine whether inmate grievances
266 are being properly reported, transmitted, and processed; inmates
267 are allowed writing utensils and paper; multiple channels of
268 communication exist to report alleged abuse; and protocols are
269 being implemented to protect an inmate who filed a grievance
270 from retaliation for filing a complaint alleging staff
271 misconduct.



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272 (5) Beginning October 1, 2016, the department in
273 consultation with the Correctional Medical Authority shall
274 annually report, and post to their respective websites, their
275 joint findings. The authority shall document in the report its
276 findings on the effectiveness of inmate health care grievance
277 procedures; cite the number of health care grievances filed by
278 inmates, by institution and by region; specify the types of
279 health care problems alleged by inmates; and summarize the
280 actions taken by the department or the authority as a result of
281 its investigation of inmate health care grievances.

282 Section 6. Section 944.35, Florida Statutes, is amended to
283 read:

284 944.35 Authorized use of force; malicious battery and
285 sexual misconduct prohibited; reporting required; penalties.—

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

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

291 2. To prevent a person from escaping from a state
292 correctional institution when the officer reasonably believes
293 that person is lawfully detained in such institution;

294 3. To prevent damage to property;

295 4. To quell a disturbance;

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

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

299 a. When treatment is necessary to protect the health of
300 other persons, as in the case of contagious or venereal



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301 diseases; or

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

304
305 As part of the correctional officer training program, the
306 Criminal Justice Standards and Training Commission shall develop
307 a course specifically designed to explain the parameters of this
308 subsection and to teach the proper methods and techniques in
309 applying authorized physical force upon an inmate. Effective
310 July 1, 2016, this course shall include specialized training for
311 effectively managing in nonforceful ways mentally ill inmates
312 who may exhibit erratic behavior.

313 (b) Following any use of force, a qualified health care
314 provider shall examine any person physically involved to
315 determine the extent of injury, if any, and shall prepare a
316 report which shall include, but not be limited to, a statement
317 of whether further examination by a physician is necessary. Any
318 noticeable physical injury shall be examined by a physician, and
319 the physician shall prepare a report documenting the extent and
320 probable cause of the injury and the treatment prescribed. Such
321 report shall be completed within 5 working days of the incident
322 and shall be submitted to the warden for appropriate
323 investigation.

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

327 (d) No later than October 1 of each year, the department
328 shall post on the agency website a report documenting incidents
329 involving the use of force during the previous fiscal year. The



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330 report shall include, but not be limited to:

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

333 2. Multi-year statistics documenting annual trends in the
334 use of force;

335 3. Statistical information on the level of inmate or
336 officer injury, including death, in incidents involving the use
337 of force;

338 4. A breakdown, by institution, of statistics on use of
339 force; and

340 5. Statistics on the number of employees who were
341 disciplined or terminated because of their involvement in
342 incidents involving the inappropriate use of force, based on
343 notations of such incidents in their personnel files.

344 (2) Each employee of the department who either applies
345 physical force or was responsible for making the decision to
346 apply physical force upon an inmate or an offender supervised by
347 the department in the community pursuant to this subsection
348 shall prepare, date, and sign under oath an independent report
349 within 1 working day of the incident. The report shall be
350 delivered to the warden or the circuit administrator, who shall
351 forward the report with all appropriate documentation to the
352 office of the inspector general. The inspector general shall
353 conduct a review and make recommendations regarding the
354 appropriateness or inappropriateness of the use of force. If the
355 inspector general finds that the use of force was appropriate,
356 the employee's report, together with the inspector general's
357 written determination of the appropriateness of the force used
358 and the reasons therefor, shall be forwarded to the circuit



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359 administrator or warden upon completion of the review. If the
360 inspector general finds that the use of force was inappropriate,
361 the inspector general shall conduct a complete investigation
362 into the incident and forward the findings of fact to the
363 appropriate regional director for further action. Copies of the
364 employee's report and the inspector general's review shall be
365 kept in the files of the inmate or the offender supervised by
366 the department in the community. A notation of each incident
367 involving use of force and the outcome based on the inspector
368 general's evaluation shall be kept in the employee's file. An
369 employee with two or more notations in the employee's file for
370 inappropriate use of force incidents, as specified in s. 944.35,
371 shall not be assigned to transitional care, crisis
372 stabilization, or corrections mental health treatment facility
373 inmate housing units as defined in Florida Administrative Code.
374 However, an employee with two or more notations in the
375 employee's file who remains free of inappropriate use of force
376 incidents, for a significant period may be permitted to work in
377 the transitional care, crisis stabilization, or corrections
378 mental health treatment facility inmate housing units.

379 (3) (a) 1. Any employee of the department, private provider,
380 or private correctional facility who, with malicious intent,
381 commits a battery upon an inmate or an offender supervised by
382 the department in the community, commits a misdemeanor of the
383 first degree, punishable as provided in s. 775.082 or s.
384 775.083.

385 2. Any employee of the department, private provider, or
386 private correctional facility who, with malicious intent,
387 commits a battery or inflicts cruel or inhuman treatment by



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388 neglect or otherwise, and in so doing causes great bodily harm,
389 permanent disability, or permanent disfigurement to an inmate or
390 an offender supervised by the department in the community,
391 commits a felony of the third degree, punishable as provided in
392 s. 775.082, s. 775.083, or s. 775.084.

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

395 1. A failure or omission on the part of an employee of the
396 department, private provider, or private correctional facility,
397 to:

398 a. Provide an inmate with the care, supervision, and
399 services necessary to maintain the inmate's physical and mental
400 health, including, but not limited to, food, nutrition,
401 clothing, shelter, supervision, medicine, and medical services
402 that a prudent person would consider essential for the well-
403 being of the inmate; or

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

406 2. A determination of neglect of an inmate may be based on
407 repeated conduct or on a single incident or omission that
408 results in, or could reasonably be expected to result in,
409 serious physical or psychological injury, or a substantial risk
410 of death, to an inmate.

411 3. An employee of the department, private provider, or
412 private correctional facility who willfully or by culpable
413 negligence neglects an inmate and in so doing causes great
414 bodily harm, permanent disability, or permanent disfigurement to
415 the inmate commits a felony of the second degree, punishable as
416 provided in s. 775.082, s. 775.083, or s. 775.084.



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417 4. Any employee of the department, private provider, or
418 private correctional facility who willfully or by culpable
419 negligence neglects an elderly or disabled inmate without
420 causing great bodily harm, permanent disability, or permanent
421 disfigurement to the inmate commits a felony of the third
422 degree, punishable as provided in s. 775.082, s. 775.083, or s.
423 775.084.

424 (c) ~~(b)~~1. As used in this paragraph, the term "sexual
425 misconduct" means the oral, anal, or vaginal penetration by, or
426 union with, the sexual organ of another or the anal or vaginal
427 penetration of another by any other object, but does not include
428 an act done for a bona fide medical purpose or an internal
429 search conducted in the lawful performance of the employee's
430 duty.

431 2. Any employee of the department or a private correctional
432 facility as defined in s. 944.710 who engages in sexual
433 misconduct with an inmate or an offender supervised by the
434 department in the community, without committing the crime of
435 sexual battery, commits a felony of the third degree, punishable
436 as provided in s. 775.082, s. 775.083, or s. 775.084.

437 3. The consent of the inmate or offender supervised by the
438 department in the community to any act of sexual misconduct may
439 not be raised as a defense to a prosecution under this
440 paragraph.

441 4. This paragraph does not apply to any employee of the
442 department or any employee of a private correctional facility
443 who is legally married to an inmate or an offender supervised by
444 the department in the community, nor does it apply to any
445 employee who has no knowledge, and would have no reason to



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446 believe, that the person with whom the employee has engaged in
447 sexual misconduct is an inmate or an offender under community
448 supervision of the department.

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

455 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
456 to suspect, that an inmate or an offender under the supervision
457 of the department in the community has been unlawfully abused or
458 is the subject of sexual misconduct pursuant to this subsection
459 shall immediately prepare, date, and sign an independent report
460 specifically describing the nature of the force used or the
461 nature of the sexual misconduct, the location and time of the
462 incident, and the persons involved. The report shall be
463 delivered to the inspector general of the department with a copy
464 to be delivered to the warden of the institution or the regional
465 administrator. The inspector general shall immediately conduct
466 an appropriate investigation, and, if probable cause is
467 determined that a violation of this subsection has occurred, the
468 respective state attorney in the circuit in which the incident
469 occurred shall be notified.

470 (f) If an employee of the department, private provider, or
471 private correctional facility who witnesses unlawful abuse or
472 neglect or has reasonable cause to suspect that an inmate has
473 been unlawfully abused or neglected, as the term "neglected" is
474 defined in paragraph (b), fears retaliation by coworkers or



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475 supervisors if he or she submits a report as provided in
476 paragraph (e), the employee may anonymously and confidentially
477 report the inmate abuse or neglect directly to the department's
478 Office of Inspector General.

479 (4) (a) Any employee required to report pursuant to this
480 section who knowingly or willfully fails to do so, or who
481 knowingly or willfully prevents another person from doing so,
482 commits a misdemeanor of the first degree, punishable as
483 provided in s. 775.082 or s. 775.083.

484 (b) Any person who knowingly or willfully submits
485 inaccurate, incomplete, or untruthful information with regard to
486 reports required in this section commits a misdemeanor of the
487 first degree, punishable as provided in s. 775.082 or s.
488 775.083.

489 (c) Any person who knowingly or willfully coerces or
490 threatens any other person with the intent to alter either
491 testimony or a written report regarding an incident where force
492 was used or an incident of sexual misconduct commits a felony of
493 the third degree, punishable as provided in s. 775.082, s.
494 775.083, or s. 775.084.

495
496 As part of the correctional officer training program, the
497 Criminal Justice Standards and Training Commission shall develop
498 course materials for inclusion in the appropriate required
499 course specifically designed to explain the parameters of this
500 subsection, teach communication techniques related to crisis
501 stabilization to avoid the use of force, and ~~to~~ teach sexual
502 assault identification and prevention methods and techniques.

503 (5) The department shall establish a policy to protect from



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504 retaliation inmates and employees who report physical or sexual
505 abuse. This policy shall establish multiple protective measures
506 for both inmates and employees relating to the reporting of
507 abuse as well as designate a method of monitoring follow up.

508 Section 7. Section 944.8041, Florida Statutes, is amended
509 to read:

510 944.8041 Elderly offenders; annual review.-

511 (1) For the purpose of providing information to the
512 Legislature on elderly offenders within the correctional system,
513 the department and the Correctional Medical Authority shall each
514 submit annually a report on the status and treatment of elderly
515 offenders in the state-administered and private state
516 correctional systems and the department's geriatric facilities
517 and dorms. In order to adequately prepare the reports, the
518 department and the Department of Management Services shall grant
519 access to the Correctional Medical Authority that includes
520 access to the facilities, offenders, and any information the
521 agencies require to complete their reports. The review shall
522 also include an examination of promising geriatric policies,
523 practices, and programs currently implemented in other
524 correctional systems within the United States. The reports, with
525 specific findings and recommendations for implementation, shall
526 be submitted to the President of the Senate and the Speaker of
527 the House of Representatives on or before December 31 of each
528 year.

529 (2) The department, in producing the annual report required
530 under s. 20.315, shall report the cost of health care provided
531 to elderly inmates. The report shall include, but need not be
532 limited to, the average cost per year to incarcerate an elderly



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533 inmate and the types of health care delivered to elderly inmates
534 which result in the highest expenditures.

535 Section 8. Section 944.805, Florida Statutes, is created to
536 read:

537 944.805 Veterans programs in state and private correctional
538 institutions.—

539 (1) The Legislature finds and declares that specialized
540 programs for veterans offered in state and private correctional
541 institutions have the potential to facilitate inmate
542 institutional adjustment, help inmates assume personal
543 responsibility, and ease community reentry through the
544 availability of expanded community resources. For the purposes
545 of this section, the term "veteran" has the same meaning as it
546 is defined in s. 1.01(14).

547 (2) It is the intent of the Legislature that the department
548 expand the use of specialized dormitories for veterans. It is
549 also the intent of the Legislature that veterans housed in state
550 and private correctional institutions be provided special
551 assistance before their release by identifying benefits and
552 services available in the community where the veteran plans to
553 reside.

554 (3) The department shall measure recidivism rates for
555 veterans who have participated in specialized dormitories and
556 for veterans who have received special assistance in community
557 reentry. The findings shall be included in the annual report
558 required under s. 20.315.

559 Section 9. Effective upon SB 540 or similar legislation
560 creating the "State Operated Institutions Inmate Welfare Trust
561 Fund" being adopted in the 2015 Regular Session or an extension



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562 thereof and becoming law, subsection (1) of section 945.215,
563 Florida Statutes, is amended, present subsections (2) and (3)
564 are redesignated as subsections (3) and (4), respectively, and a
565 new subsection (2) is added to that section to read:

566 945.215 Inmate welfare and employee benefit trust funds.—

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

569 (a) From the net proceeds from operating inmate canteens,
570 vending machines used primarily by inmates and visitors, hobby
571 shops, and other such facilities must be deposited in the State
572 Operated Institutions Inmate Welfare Trust Fund or in the
573 General Revenue Fund; however, funds necessary to purchase items
574 for resale at inmate canteens and vending machines must be
575 deposited into local bank accounts designated by the department.

576 (b) All proceeds from contracted telephone commissions must
577 be deposited in the State Operated Institutions Inmate Welfare
578 Trust Fund or in the General Revenue Fund. The department shall
579 develop and update, as necessary, administrative procedures to
580 verify that:

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

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

586 3. The department receives the contracted telephone
587 commissions.

588 (c) Any funds that may be assigned by inmates or donated to
589 the department by the general public or an inmate service
590 organization must be deposited in the State Operated



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591 Institutions Inmate Welfare Trust Fund or in the General Revenue
592 Fund; however, the department shall not accept any donation
593 from, or on behalf of, any individual inmate.

594 (d) All proceeds from the following sources must be
595 deposited in the State Operated Institutions Inmate Welfare
596 Trust Fund or in the General Revenue Fund:

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

599 2. Disciplinary fines imposed against inmates;

600 3. Forfeitures of inmate earnings; and

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

603 (e) Items for resale at inmate canteens and vending
604 machines maintained at the correctional facilities shall be
605 priced comparatively with like items for retail sale at fair
606 market prices.

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

614 (2) (a) The State Operated Institutions Inmate Welfare Trust
615 Fund constitutes a trust held by the department for the benefit
616 and welfare of inmates incarcerated in correctional facilities
617 operated directly by the department.

618 (b) Deposits into the State Operated Institutions Inmate
619 Welfare Trust Fund shall not exceed \$10 million in any fiscal



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620 year. Deposits for purchases pursuant to this section in excess
621 of \$10 million shall be deposited into the General Revenue Fund.

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

625 1. To provide literacy programs, vocational training
626 programs, and educational programs;

627 2. To operate inmate chapels, faith-based programs,
628 visiting pavilions, visiting services and programs, family
629 services and programs, and libraries;

630 3. To provide inmate substance abuse treatment programs and
631 transition and life skills training programs;

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

635 5. To provide for the purchase, rental, maintenance or
636 repair of recreation and wellness equipment.

637 (d) Funds in the State Operated Institutions Inmate Welfare
638 Trust Fund shall be expended only pursuant to legislative
639 appropriation.

640 (e) The department shall annually compile a report that
641 specifically documents State Operated Institutions Inmate
642 Welfare Trust Fund receipts and expenditures. This report shall
643 be compiled at both the statewide and institutional levels. The
644 department must submit this report for the previous fiscal year
645 by September 1 of each year to the chairs of the appropriate
646 substantive and fiscal committees of the Senate and the House of
647 Representatives and to the Executive Office of the Governor.

648 Section 10. Subsection (7) is added to section 945.48,



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649 Florida Statutes, to read:

650 945.48 Rights of inmates provided mental health treatment;
651 procedure for involuntary treatment; correctional officer
652 staffing requirements.-

653 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer
654 who has close contact with inmates housed in a mental health
655 treatment facility shall annually complete training in crisis
656 intervention. An employee with two or more notations in the
657 employee's file for inappropriate use of force incidents, as
658 specified in s. 944.35, may not be assigned to transitional
659 care, crisis stabilization, or corrections mental health
660 treatment facility inmate housing units as defined in Florida
661 Administrative Code. However, an employee with two or more
662 notations in the employee's file who remains free of
663 inappropriate use of force incidents, for a significant period
664 may be permitted to work in the transitional care, crisis
665 stabilization, or corrections mental health treatment facility
666 inmate housing units.

667
668 ===== T I T L E A M E N D M E N T =====

669 And the title is amended as follows:

670 Delete lines 6 - 87

671 and insert:

672 s. 944.151, F.S.; expanding the department's security
673 review committee functions; ensuring physical
674 inspections of state and private buildings and
675 structures and prioritizing institutions for
676 inspection that meet certain criteria; amending s.
677 944.275, F.S.; prohibiting an inmate from receiving



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678 incentive gain-time credits for completing the
679 requirements for and receiving a general educational
680 development certificate or vocational certificate if
681 the inmate was convicted of a specified offense on or
682 after a specified date; amending s. 944.31, F.S.;
683 requiring that a copy of a written memorandum of
684 understanding for notification and investigation of
685 certain events between the Department of Corrections
686 and the Department of Law Enforcement be provided in a
687 timely manner to the Governor, the President of the
688 Senate, and the Speaker of the House of
689 Representatives; requiring specialized training in
690 certain circumstances; amending s. 944.331, F.S.;
691 requiring the Department of Corrections to provide
692 multiple private, internal avenues for the reporting
693 by inmates of sexual abuse and sexual harassment;
694 requiring the department, in consultation with the
695 Correctional Medical Authority, to review inmate
696 health care grievance procedures at each correctional
697 institution and private correctional facility;
698 requiring the department to review inmate grievance
699 procedures at each correctional institution and
700 private correctional facility; amending s. 944.35,
701 F.S.; requiring that correctional officers have
702 specialized training in the effective, nonforceful
703 management of mentally ill inmates who may exhibit
704 erratic behavior; requiring each institution to create
705 and maintain a system to track the use of force
706 episodes to determine if inmates need subsequent



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707 physical or mental health treatment; requiring annual
708 reporting of use of force on the agency website;
709 requiring that reports of physical force be signed
710 under oath; prohibiting employees with notations
711 regarding incidents involving the inappropriate use of
712 force from being assigned to transitional care, crisis
713 stabilization, or corrections mental health treatment
714 facility housing; providing an exception; expanding
715 applicability of a current felony offense to include
716 certain employees of private providers and private
717 correctional facilities; defining the term "neglect of
718 an inmate"; providing for the determination of neglect
719 of an inmate; creating criminal penalties for certain
720 employees who neglect an inmate in specified
721 circumstances; providing for anonymous reporting of
722 inmate abuse directly to the department's Office of
723 Inspector General; requiring that instruction on
724 communication techniques related to crisis
725 stabilization to avoid use of force be included in the
726 correctional officer training program; directing the
727 department to establish policies to protect inmates
728 and employees from retaliation; amending s. 944.8041,
729 F.S.; requiring the department to report health care
730 costs for elderly inmates in its annual report;
731 creating s. 944.805, F.S.; providing legislative
732 intent relating to specialized programs for veterans;
733 requiring the department to measure recidivism and
734 report its finding in that regard; amending s.
735 945.215, F.S.; requiring that specified proceeds and



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736 certain funds be deposited in the State Operated
737 Institutions Inmate Welfare Trust Fund; providing that
738 the State Operated Institutions Inmate Welfare Trust
739 Fund is a trust held by the Department of Corrections
740 for the benefit and welfare of certain inmates;
741 prohibiting deposits into the trust fund from
742 exceeding \$10 million per fiscal year; requiring that
743 deposits in excess of that amount be deposited into
744 the General Revenue Fund; requiring that funds of the
745 trust fund be used exclusively for specified purposes
746 at correctional facilities operated by the department;
747 requiring that funds from the trust fund only be
748 expended pursuant to legislative appropriations;
749 requiring the department to annually compile a report,
750 at the statewide and institutional level documenting
751 trust fund receipts and expenditures; requiring the
752 report be submitted by September 1 for the previous
753 fiscal year to specified offices of the Legislature
754 and to the Executive Office of the Governor; providing
755 a contingent effective date; amending s. 945.48, F.S.;
756 specifying correctional officer staffing requirements
757 pertaining to inmates housed in mental health
758 treatment facilities; amending s. 945.6031, F.S.;
759 changing the
760



764290

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment to Amendment (459704)

Delete lines 47 - 83

and insert:

private correctional institutions. In conducting the security audits, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of inappropriate incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a history of



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11 escapes or escape attempts. At a minimum, the audit shall
12 include an evaluation of the physical plant, which shall include
13 the identification of blind spots or areas where staff or
14 inmates may be isolated and the deployment of video monitoring
15 systems and other monitoring technologies in such areas,
16 landscaping, fencing, security alarms and perimeter lighting,
17 confinement, arsenal, key and lock, and entrance/exit and inmate
18 classification and staffing policies. Each correctional
19 institution shall be audited at least annually. ~~The secretary~~
20 ~~shall~~

21 (b) Report the general survey findings annually to the
22 Governor and the Legislature.

23 (c) Ensure appropriate staff investigates and evaluates the
24 usefulness and dependability of existing safety and security
25 technology at the institutions and new technology and video
26 monitoring systems available and make periodic written
27 recommendations to the secretary on the discontinuation or
28 purchase of various safety and security devices.

29 (d) Contract, if deemed necessary, with security personnel,
30 consulting engineers, architects, or other safety and security
31 experts the department deems necessary for safety and security
32 consultant services.

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

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



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40 (g) Ensure appropriate staff reviews staffing policies,
41 classification, and



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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 756 and 757

insert:

Section 12. Section 945.6033, Florida Statutes, is amended to read:

945.6033 Continuing contracts with health care providers.—

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



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

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

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete line 88

20 and insert:

21 frequency of required surveys; amending s. 945.6033,
22 F.S.; provides for damages in inmate health care
23 contracts; amending s. 945.6034,



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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 771 and 772

insert:

Section 13. Section 945.6039, Florida Statutes, is created to read:

945.6039 Independent Medical Evaluations and Examinations.-

(1) The department shall promulgate rules and permit an inmate's family member, lawyer, or interested party to hire and pay for an independent medical evaluation or examination by a



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11 medical professional of an incarcerated inmate. The results of
12 the medical evaluation or examination shall be provided to the
13 department and, if appropriate, to the Commission on Offender
14 Review. The purpose of these outside evaluations is to assist in
15 the delivery of medical care to the inmate and to assist the
16 Commission on Offender Review in considering an inmate for
17 conditional medical release. Inmates at all department
18 facilities and the contracted private correctional facilities
19 are eligible for consideration to arrange for these medical
20 evaluations. The department's contracted private health care
21 providers may also provide such medical evaluations. The
22 department, the private correctional facilities, and private
23 health care providers shall provide reasonable and timely access
24 to the inmate once a family member, lawyer, or interested party
25 provides a written request for access and such access is
26 approved.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 91

31 and insert:

32 standards for that population; creating s. 945.6039;
33 F.S.; allowing an inmate's family, lawyer, and other
34 interested parties to hire and pay for an independent
35 medical evaluation; specifying the purpose for outside
36 evaluations; requiring the department to provide
37 reasonable and timely access to the inmate; amending
38 s. 947.149,

FOR CONSIDERATION By the Committee on Criminal Justice

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1 A bill to be entitled
 2 An act relating to corrections; amending s. 216.136,
 3 F.S.; requiring the Criminal Justice Estimating
 4 Conference to develop projections of prison admissions
 5 and populations for elderly felony offenders; amending
 6 s. 944.151, F.S.; expanding the department's security
 7 review committee functions; amending s. 944.275, F.S.;
 8 prohibiting an inmate from receiving incentive gain-
 9 time credits for completing the requirements for and
 10 receiving a general educational development
 11 certificate or vocational certificate if the inmate
 12 was convicted of a specified offense on or after a
 13 specified date; amending s. 944.31, F.S.; requiring
 14 that a copy of a written memorandum of understanding
 15 for notification and investigation of certain events
 16 between the Department of Corrections and the
 17 Department of Law Enforcement be provided in a timely
 18 manner to the Governor, the President of the Senate,
 19 and the Speaker of the House of Representatives;
 20 requiring specialized training in certain
 21 circumstances; amending s. 944.331, F.S.; requiring
 22 the Department of Corrections to provide multiple
 23 private, internal avenues for the reporting by inmates
 24 of sexual abuse and sexual harassment; requiring the
 25 department, in consultation with the Correctional
 26 Medical Authority, to review inmate grievance
 27 procedures at each correctional institution and
 28 private correctional facility; amending s. 944.35,
 29 F.S.; requiring that correctional officers have

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30 specialized training in the effective, nonforceful
 31 management of mentally ill inmates who may exhibit
 32 erratic behavior; requiring each institution to create
 33 and maintain a system to track the use of force
 34 episodes to determine if inmates need subsequent
 35 physical or mental health treatment; requiring annual
 36 reporting of use of force on the agency website;
 37 requiring that reports of physical force be signed
 38 under oath; prohibiting employees with notations
 39 regarding incidents involving the inappropriate use of
 40 force from working in close proximity with mentally
 41 ill inmates; providing an exception; expanding
 42 applicability of a current felony offense to include
 43 certain employees of private health care providers and
 44 private correctional facilities; defining the term
 45 "neglect of an inmate"; providing for the
 46 determination of neglect of an inmate; creating
 47 criminal penalties for certain employees who neglect
 48 an inmate in specified circumstances; providing for
 49 anonymous reporting of inmate abuse directly to the
 50 department's Office of Inspector General; requiring
 51 that instruction on communication techniques related
 52 to crisis stabilization to avoid use of force be
 53 included in the correctional officer training program;
 54 directing the department to establish policies to
 55 protect inmates and employees from retaliation;
 56 requiring certain monitoring of the conduct and
 57 treatment of inmates; amending s. 944.8041, F.S.;
 58 requiring the department to report health care costs

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59 for elderly inmates in its annual report; creating s.
60 944.805, F.S.; providing legislative intent relating
61 to specialized programs for veterans; requiring the
62 department to measure recidivism and report its
63 finding in that regard; amending s. 945.215, F.S.;
64 requiring that specified proceeds and certain funds be
65 deposited in the State Operated Institutions Inmate
66 Welfare Trust Fund; providing that the State Operated
67 Institutions Inmate Welfare Trust Fund is a trust held
68 by the Department of Corrections for the benefit and
69 welfare of certain inmates; prohibiting deposits into
70 the trust fund from exceeding \$10 million per fiscal
71 year; requiring that deposits in excess of that amount
72 be deposited into the General Revenue Fund; requiring
73 that funds of the trust fund be used exclusively for
74 specified purposes at correctional facilities operated
75 by the department; requiring that funds from the trust
76 fund only be expended pursuant to legislative
77 appropriations; requiring the department to annually
78 compile a report, at the statewide and institutional
79 level documenting trust fund receipts and
80 expenditures; requiring the report be submitted by
81 September 1 for the previous fiscal year to specified
82 offices of the Legislature and to the Executive Office
83 of the Governor; providing a contingent effective
84 date; amending s. 945.48, F.S.; specifying
85 correctional officer staffing requirements pertaining
86 to inmates housed in mental health treatment
87 facilities; amending s. 945.6031, F.S.; changing the

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88 frequency of required surveys; amending s. 945.6034,
89 F.S.; requiring the department to consider the needs
90 of inmates over 50 years of age and adopt health care
91 standards for that population; amending s. 947.149,
92 F.S.; defining the term "elderly and infirm inmate";
93 expanding eligibility for conditional medical release
94 to include elderly and infirm inmates; amending ss.
95 921.0021 and 951.221. F.S.; conforming cross-
96 references to changes made by the act; reenacting ss.
97 435.04(2)(uu) and 921.0022(3)(f), F.S., to incorporate
98 the amendment made to s. 944.35, F.S., in references
99 thereto; reenacting ss. 944.72(1), 945.21501(1), and
100 945.2151, F.S., to incorporate the amendment made to
101 s. 945.215, F.S., in references thereto; reenacting s.
102 945.6035(6), F.S., to incorporate the amendment made
103 to s. 945.6031, F.S., in a reference thereto;
104 providing effective dates.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Paragraph (d) is added to subsection (5) of
109 section 216.136, Florida Statutes, to read:

110 216.136 Consensus estimating conferences; duties and
111 principals.—

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

114 (d) Develop projections of prison admissions and
115 populations for elderly felony offenders.

116 Section 2. Section 944.151, Florida Statutes, is amended to

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read:

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

(1) Appoint a safety and security review committee which shall, at a minimum, be composed of: the inspector general, the statewide safety and security coordinator, the regional safety and security coordinators, ~~and~~ three wardens, and one correctional officer. The safety and security review committee shall:

(a) Establish a periodic schedule for the physical inspection of buildings and structures of each state and private correctional institution to determine safety and security deficiencies. In scheduling the inspections, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of substantiated or unsubstantiated incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a significant number of escapes or escape attempts in the past.

(b) Conduct or cause to be conducted announced and

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unannounced comprehensive safety and security audits of all state and private correctional institutions. In conducting such ~~the security~~ audits, priority shall be given to older institutions, institutions that house a large proportion of violent offenders, institutions with a high level of substantiated or unsubstantiated incidents of use of force on inmates, assaults on employees, or inmate sexual abuse, and institutions that have experienced a history of escapes or escape attempts. At a minimum, the audit shall include an evaluation of the physical plant, which shall include the identification of blind spots or areas where staff or inmates may be isolated and the deployment of video monitoring systems and other monitoring technologies in such areas, landscaping, fencing, security alarms and perimeter lighting, and inmate classification and staffing policies. Each correctional institution shall be audited at least annually. The secretary shall report the general survey findings annually to the Governor and the Legislature.

(c) Adopt and enforce minimum safety and security standards and policies that include, but are not limited to:

1. Random monitoring of outgoing telephone calls by inmates.
2. Maintenance of current photographs of all inmates.
3. Daily inmate counts at varied intervals.
4. Use of canine units, where appropriate.
5. Use of escape alarms and perimeter lighting.
6. Florida Crime Information Center/National Crime Information Center capabilities.
7. Employment background investigations.

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175 (d) Annually make written prioritized budget
 176 recommendations to the secretary ~~which that~~ identify critical
 177 safety and security deficiencies at major correctional
 178 institutions.

179 (e) Investigate and evaluate the usefulness and
 180 dependability of existing safety and security technology at the
 181 institutions and new technology and video monitoring systems
 182 available and make periodic written recommendations to the
 183 secretary on the discontinuation or purchase of various security
 184 devices.

185 (f) Contract, if ~~deemed~~ necessary, with security personnel,
 186 consulting engineers, architects, or other security experts the
 187 committee determines are ~~deems~~ necessary for safety and security
 188 audits and safety and security consultant services.

189 (g) Establish a periodic schedule for conducting announced
 190 and unannounced escape simulation drills.

191 (2) Maintain and produce quarterly reports with accurate
 192 escape statistics. For the purposes of these reports, "escape"
 193 includes all possible types of escape, regardless of prosecution
 194 by the state attorney, and including offenders who walk away
 195 from nonsecure community facilities.

196 (3) Adopt, enforce, and annually evaluate the emergency
 197 escape response procedures, which shall at a minimum include the
 198 immediate notification and inclusion of local and state law
 199 enforcement through a mutual aid agreement.

200 (4) Submit in the annual legislative budget request a
 201 prioritized summary of critical repair and renovation security
 202 needs.

203 Section 3. Paragraphs (d) and (e) of subsection (4) of

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

205 944.275 Gain-time.—

206 (4)

207 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
 208 ~~2.~~, the education program manager shall recommend, and the
 209 Department of Corrections may grant, a one-time award of 60
 210 additional days of incentive gain-time to an inmate who is
 211 otherwise eligible and who successfully completes requirements
 212 for and is awarded a high school equivalency diploma or
 213 vocational certificate. This incentive gain-time award may be
 214 granted to reduce any sentence for an offense committed on or
 215 after October 1, 1995. However, this gain-time may not be
 216 granted to reduce any sentence for an offense committed on or
 217 after October 1, 1995, if the inmate is, or has previously been,
 218 convicted of a violation of s. 794.011, s. 794.05, former s.
 219 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
 220 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
 221 847.0145, or s. 985.701(1), or a forcible felony offense that is
 222 specified in s. 776.08, except burglary as specified in s.
 223 810.02(4). An inmate subject to the 85 percent minimum service
 224 requirement pursuant to subparagraph (b)3. may not accumulate
 225 gain-time awards at any point when the tentative release date is
 226 the same as the 85 percent minimum service date of the sentence
 227 imposed. Under no circumstances may an inmate receive more than
 228 60 days for educational attainment pursuant to this section.

229 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
 230 for sentences imposed for offenses committed on or after October
 231 1, 2014, the department may not grant incentive gain-time if the
 232 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.

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233 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
 234 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).
 235 Section 4. Section 944.31, Florida Statutes, is amended to
 236 read:
 237 944.31 Inspector general; inspectors; power and duties.—
 238 (1) The inspector general shall be responsible for prison
 239 inspection and investigation, internal affairs investigations,
 240 and management reviews. The office of the inspector general
 241 shall be charged with the duty of inspecting the penal and
 242 correctional systems of the state. The office of the inspector
 243 general shall inspect each correctional institution or any place
 244 in which state prisoners are housed, worked, or kept within the
 245 state, with reference to its physical conditions, cleanliness,
 246 sanitation, safety, and comfort; the quality and supply of all
 247 bedding; the quality, quantity, and diversity of food served and
 248 the manner in which it is served; the number and condition of
 249 the prisoners confined therein; and the general conditions of
 250 each institution. The office of inspector general shall see that
 251 all the rules and regulations issued by the department are
 252 strictly observed and followed by all persons connected with the
 253 correctional systems of the state. The office of the inspector
 254 general shall coordinate and supervise the work of inspectors
 255 throughout the state. The inspector general and inspectors may
 256 enter any place where prisoners in this state are kept and shall
 257 be immediately admitted to such place as they desire and may
 258 consult and confer with any prisoner privately and without
 259 molestation. The inspector general and inspectors shall be
 260 responsible for criminal and administrative investigation of
 261 matters relating to the Department of Corrections. The secretary

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262 may designate persons within the office of the inspector general
 263 as law enforcement officers to conduct any criminal
 264 investigation that occurs on property owned or leased by the
 265 department or involves matters over which the department has
 266 jurisdiction. A person designated as a law enforcement officer
 267 must be certified pursuant to s. 943.1395 and must have a
 268 minimum of 3 years' experience as an inspector in the inspector
 269 general's office or as a law enforcement officer.
 270 (2) The department shall maintain a written memorandum of
 271 understanding with the Department of Law Enforcement for the
 272 notification and investigation of mutually agreed-upon predicate
 273 events that shall include, but are not limited to, suspicious
 274 deaths and organized criminal activity. A copy of an active
 275 memorandum of understanding shall be provided in a timely manner
 276 to the Governor, the President of the Senate, and the Speaker of
 277 the House of Representatives.
 278 (3) During investigations, the inspector general and
 279 inspectors may consult and confer with any prisoner or staff
 280 member privately and without molestation and persons designated
 281 as law enforcement officers under this section shall have the
 282 authority to arrest, with or without a warrant, any prisoner of
 283 or visitor to a state correctional institution for a violation
 284 of the criminal laws of the state involving an offense
 285 classified as a felony that occurs on property owned or leased
 286 by the department and may arrest offenders who have escaped or
 287 absconded from custody. Persons designated as law enforcement
 288 officers have the authority to arrest with or without a warrant
 289 a staff member of the department, including any contract
 290 employee, for a violation of the criminal laws of the state

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291 involving an offense classified as a felony under this chapter
 292 or chapter 893 on property owned or leased by the department. A
 293 person designated as a law enforcement officer under this
 294 section may make arrests of persons against whom arrest warrants
 295 have been issued, including arrests of offenders who have
 296 escaped or absconded from custody. The arrested person shall be
 297 surrendered without delay to the sheriff of the county in which
 298 the arrest is made, with a formal complaint subsequently made
 299 against her or him in accordance with law.

300 (4) The inspector general, and inspectors who conduct
 301 sexual abuse investigations in confinement settings, shall
 302 receive specialized training in conducting such investigations.
 303 Specialized training shall include, but need not be limited to,
 304 techniques for interviewing sexual abuse victims, proper use of
 305 Miranda and Garrity warnings, sexual abuse evidence collection
 306 in confinement settings, and the criteria and evidence required
 307 to substantiate a case for administrative action or prosecution.

308 Section 5. Section 944.331, Florida Statutes, is amended to
 309 read:

310 944.331 Inmate grievance procedure.—

311 (1) The department shall establish by rule an inmate
 312 grievance procedure, ~~which that~~ must conform to the Minimum
 313 Standards for Inmate Grievance Procedures as promulgated by the
 314 United States Department of Justice pursuant to 42 U.S.C. s.
 315 1997e. The department's office of general counsel shall oversee
 316 the grievance procedures established by the department.

317 (2) In establishing grievance procedures, the department
 318 shall provide multiple internal avenues for inmates to privately
 319 report sexual abuse and sexual harassment and any staff neglect

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320 of, or failure to perform, responsibilities which may have
 321 contributed to such incidents. The procedures must allow reports
 322 to be made orally, in writing, anonymously, or by third parties,
 323 and must require that any oral report be promptly documented in
 324 writing by the department or its designee.

325 (3) The department, in consultation with the Correctional
 326 Medical Authority, shall review inmate grievance procedures at
 327 each correctional institution and private correctional facility
 328 to determine the procedural soundness and effectiveness of the
 329 current grievance process, to identify employees prone to
 330 misconduct, and to identify life-threatening inmate health and
 331 safety concerns. The review shall determine whether grievances
 332 are being properly reported, transmitted, and processed; inmates
 333 are allowed writing utensils and paper; multiple channels of
 334 communication exist to report alleged abuse; and protocols are
 335 being implemented to protect an inmate who filed a grievance
 336 from retaliation for filing a complaint alleging staff
 337 misconduct.

338 (4) Beginning October 1, 2016, the department and the
 339 Correctional Medical Authority shall annually report, and post
 340 to their respective websites, their joint findings. The
 341 authority shall document in the report its findings on the
 342 effectiveness of inmate grievance procedures; cite the number of
 343 grievances filed by inmates, by institution and by region;
 344 specify the types of problems alleged by inmates; and summarize
 345 the actions taken by the department or the authority as a result
 346 of its investigation of inmate grievances.

347 Section 6. Section 944.35, Florida Statutes, is amended to
 348 read:

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349 944.35 Authorized use of force; malicious battery and
350 sexual misconduct prohibited; reporting required; penalties.—

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

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

356 2. To prevent a person from escaping from a state
357 correctional institution when the officer reasonably believes
358 that person is lawfully detained in such institution;

359 3. To prevent damage to property;

360 4. To quell a disturbance;

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

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

364 a. When treatment is necessary to protect the health of
365 other persons, as in the case of contagious or venereal
366 diseases; or

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

369

370 As part of the correctional officer training program, the
371 Criminal Justice Standards and Training Commission shall develop
372 a course specifically designed to explain the parameters of this
373 subsection and to teach the proper methods and techniques in
374 applying authorized physical force upon an inmate. This course
375 shall include specialized training for effectively managing in
376 nonforceful ways mentally ill inmates who may exhibit erratic
377 behavior.

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378 (b) Following any use of force, a qualified health care
379 provider shall examine any person physically involved to
380 determine the extent of injury, if any, and shall prepare a
381 report which shall include, but not be limited to, a statement
382 of whether further examination by a physician is necessary. Any
383 noticeable physical injury shall be examined by a physician, and
384 the physician shall prepare a report documenting the extent and
385 probable cause of the injury and the treatment prescribed. Such
386 report shall be completed within 5 working days of the incident
387 and shall be submitted to the warden for appropriate
388 investigation.

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

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

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

398 2. Multi-year statistics documenting annual trends in the
399 use of force;

400 3. Information on the level of inmate or officer injury,
401 including death, in incidents involving the use of force;

402 4. A breakdown, by institution, of statistics on use of
403 force; and

404 5. Statistics on the number of employees who were
405 disciplined or terminated because of their involvement in
406 incidents involving the inappropriate use of force, based on

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407 notations of such incidents in their personnel files.
 408 (2) Each employee of the department who either applies
 409 physical force or was responsible for making the decision to
 410 apply physical force upon an inmate or an offender supervised by
 411 the department in the community pursuant to this subsection
 412 shall prepare, date, and sign under oath an independent report
 413 within 1 working day of the incident. The report shall be
 414 delivered to the warden or the circuit administrator, who shall
 415 forward the report with all appropriate documentation to the
 416 office of the inspector general. The inspector general shall
 417 conduct a review and make recommendations regarding the
 418 appropriateness or inappropriateness of the use of force. If the
 419 inspector general finds that the use of force was appropriate,
 420 the employee's report, together with the inspector general's
 421 written determination of the appropriateness of the force used
 422 and the reasons therefor, shall be forwarded to the circuit
 423 administrator or warden upon completion of the review. If the
 424 inspector general finds that the use of force was inappropriate,
 425 the inspector general shall conduct a complete investigation
 426 into the incident and forward the findings of fact to the
 427 appropriate regional director for further action. Copies of the
 428 employee's report and the inspector general's review shall be
 429 kept in the files of the inmate or the offender supervised by
 430 the department in the community. A notation of each incident
 431 involving use of force and the outcome based on the inspector
 432 general's evaluation shall be kept in the employee's file. An
 433 employee with two or more notations in the employee's file
 434 related to incidents involving the inappropriate use of force
 435 may not work in close proximity with mentally ill inmates or

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436 inmates on psychotropic medications. However, an employee with
 437 two or more notations in the employee's file who remains
 438 incident free for a significant period may be permitted to work
 439 with mentally ill inmates or inmates on psychotropic
 440 medications.
 441 (3) (a) 1. Any employee of the department, private health
 442 care provider, or private correctional facility who, with
 443 malicious intent, commits a battery upon an inmate or an
 444 offender supervised by the department in the community, commits
 445 a misdemeanor of the first degree, punishable as provided in s.
 446 775.082 or s. 775.083.
 447 2. Any employee of the department, private health care
 448 provider, or private correctional facility who, with malicious
 449 intent, commits a battery or inflicts cruel or inhuman treatment
 450 by neglect or otherwise, and in so doing causes great bodily
 451 harm, permanent disability, or permanent disfigurement to an
 452 inmate or an offender supervised by the department in the
 453 community, commits a felony of the third degree, punishable as
 454 provided in s. 775.082, s. 775.083, or s. 775.084.
 455 (b) As used in this paragraph, the term "neglect of an
 456 inmate" means:
 457 1. A failure or omission on the part of an employee of the
 458 department, private health care provider, or private
 459 correctional facility, to:
 460 a. Provide an inmate with the care, supervision, and
 461 services necessary to maintain the inmate's physical and mental
 462 health, including, but not limited to, food, nutrition,
 463 clothing, shelter, supervision, medicine, and medical services
 464 that a prudent person would consider essential for the well-

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465 being of the inmate; or

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

468 2. A determination of neglect of an inmate may be based on
 469 repeated conduct or on a single incident or omission that
 470 results in, or could reasonably be expected to result in,
 471 serious physical or psychological injury, or a substantial risk
 472 of death, to an inmate.

473 3. An employee of the department, private health care
 474 provider, or private correctional facility who willfully or by
 475 culpable negligence neglects an inmate and in so doing causes
 476 great bodily harm, permanent disability, or permanent
 477 disfigurement to the inmate commits a felony of the second
 478 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 479 775.084.

480 4. Any employee of the department, private health care
 481 provider, or private correctional facility who willfully or by
 482 culpable negligence neglects an elderly or disabled inmate
 483 without causing great bodily harm, permanent disability, or
 484 permanent disfigurement to the inmate commits a felony of the
 485 third degree, punishable as provided in s. 775.082, s. 775.083,
 486 or s. 775.084.

487 (c)(b)1. As used in this paragraph, the term "sexual
 488 misconduct" means the oral, anal, or vaginal penetration by, or
 489 union with, the sexual organ of another or the anal or vaginal
 490 penetration of another by any other object, but does not include
 491 an act done for a bona fide medical purpose or an internal
 492 search conducted in the lawful performance of the employee's
 493 duty.

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494 2. Any employee of the department or a private correctional
 495 facility as defined in s. 944.710 who engages in sexual
 496 misconduct with an inmate or an offender supervised by the
 497 department in the community, without committing the crime of
 498 sexual battery, commits a felony of the third degree, punishable
 499 as provided in s. 775.082, s. 775.083, or s. 775.084.

500 3. The consent of the inmate or offender supervised by the
 501 department in the community to any act of sexual misconduct may
 502 not be raised as a defense to a prosecution under this
 503 paragraph.

504 4. This paragraph does not apply to any employee of the
 505 department or any employee of a private correctional facility
 506 who is legally married to an inmate or an offender supervised by
 507 the department in the community, nor does it apply to any
 508 employee who has no knowledge, and would have no reason to
 509 believe, that the person with whom the employee has engaged in
 510 sexual misconduct is an inmate or an offender under community
 511 supervision of the department.

512 (d)(e) Notwithstanding prosecution, any violation of the
 513 provisions of this subsection, as determined by the Public
 514 Employees Relations Commission, shall constitute sufficient
 515 cause under s. 110.227 for dismissal from employment with the
 516 department, and such person shall not again be employed in any
 517 capacity in connection with the correctional system.

518 (e)(d) Each employee who witnesses, or has reasonable cause
 519 to suspect, that an inmate or an offender under the supervision
 520 of the department in the community has been unlawfully abused or
 521 is the subject of sexual misconduct pursuant to this subsection
 522 shall immediately prepare, date, and sign an independent report

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523 specifically describing the nature of the force used or the
 524 nature of the sexual misconduct, the location and time of the
 525 incident, and the persons involved. The report shall be
 526 delivered to the inspector general of the department with a copy
 527 to be delivered to the warden of the institution or the regional
 528 administrator. The inspector general shall immediately conduct
 529 an appropriate investigation, and, if probable cause is
 530 determined that a violation of this subsection has occurred, the
 531 respective state attorney in the circuit in which the incident
 532 occurred shall be notified.

533 (f) If an employee of the department, private health care
 534 provider, or private correctional facility who witnesses
 535 unlawful abuse or neglect or has reasonable cause to suspect
 536 that an inmate has been unlawfully abused or neglected, as the
 537 term "neglected" is defined in paragraph (b), fears retaliation
 538 by coworkers or supervisors if he or she submits a report as
 539 provided in paragraph (e), the employee may anonymously and
 540 confidentially report the inmate abuse or neglect directly to
 541 the department's Office of Inspector General.

542 (4) (a) Any employee required to report pursuant to this
 543 section who knowingly or willfully fails to do so, or who
 544 knowingly or willfully prevents another person from doing so,
 545 commits a misdemeanor of the first degree, punishable as
 546 provided in s. 775.082 or s. 775.083.

547 (b) Any person who knowingly or willfully submits
 548 inaccurate, incomplete, or untruthful information with regard to
 549 reports required in this section commits a misdemeanor of the
 550 first degree, punishable as provided in s. 775.082 or s.
 551 775.083.

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552 (c) Any person who knowingly or willfully coerces or
 553 threatens any other person with the intent to alter either
 554 testimony or a written report regarding an incident where force
 555 was used or an incident of sexual misconduct commits a felony of
 556 the third degree, punishable as provided in s. 775.082, s.
 557 775.083, or s. 775.084.

558
 559 As part of the correctional officer training program, the
 560 Criminal Justice Standards and Training Commission shall develop
 561 course materials for inclusion in the appropriate required
 562 course specifically designed to explain the parameters of this
 563 subsection, teach communication techniques related to crisis
 564 stabilization to avoid the use of force, and ~~to~~ teach sexual
 565 assault identification and prevention methods and techniques.

566 (5) The department shall establish a policy to protect from
 567 retaliation inmates and employees who report physical or sexual
 568 abuse or who cooperate with investigations. This policy shall
 569 protect inmates and employees from retaliation by other inmates
 570 or employees. As part of this policy, the department shall:

571 (a) Designate the employees who are charged with monitoring
 572 suspected acts of retaliation.

573 (b) Include multiple protection measures, such as housing
 574 changes or transfers for inmate victims or abusers, removal of
 575 alleged abusive employees or alleged abusive inmates from
 576 contact with victims, and services for employees who fear
 577 retaliation for reporting abuse or for cooperating with
 578 investigations.

579 (c) For at least 90 days following a report of physical or
 580 sexual abuse, monitor the conduct and treatment of inmates and

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581 employees who reported the abuse and of inmates who were
 582 reported to have suffered abuse to determine if there are
 583 changes that may suggest possible retaliation by inmates or
 584 employees. The department shall act promptly to remedy any such
 585 retaliation. In the course of such monitoring, the department
 586 may review inmate disciplinary reports or housing or program
 587 changes, and any negative performance review or reassignment of
 588 employees. The department shall continue such monitoring beyond
 589 90 days if the initial monitoring indicates the need for
 590 extended monitoring. The department's obligation to continue the
 591 monitoring terminates if the department determines that the
 592 allegation that prompted the monitoring is unfounded.

593 Section 7. Section 944.8041, Florida Statutes, is amended
 594 to read:

595 944.8041 Elderly offenders; annual review.—

596 (1) For the purpose of providing information to the
 597 Legislature on elderly offenders within the correctional system,
 598 the department and the Correctional Medical Authority shall each
 599 submit annually a report on the status and treatment of elderly
 600 offenders in the state-administered and private state
 601 correctional systems and the department's geriatric facilities
 602 and dorms. In order to adequately prepare the reports, the
 603 department and the Department of Management Services shall grant
 604 access to the Correctional Medical Authority that includes
 605 access to the facilities, offenders, and any information the
 606 agencies require to complete their reports. The review shall
 607 also include an examination of promising geriatric policies,
 608 practices, and programs currently implemented in other
 609 correctional systems within the United States. The reports, with

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610 specific findings and recommendations for implementation, shall
 611 be submitted to the President of the Senate and the Speaker of
 612 the House of Representatives on or before December 31 of each
 613 year.

614 (2) The department, in producing the annual report required
 615 under s. 20.315, shall report the cost of health care provided
 616 to elderly inmates. The report shall include, but need not be
 617 limited to, the average cost per year to incarcerate an elderly
 618 inmate and the types of health care delivered to elderly inmates
 619 which result in the highest expenditures.

620 Section 8. Section 944.805, Florida Statutes, is created to
 621 read:

622 944.805 Veterans programs in state and private correctional
 623 institutions.—

624 (1) The Legislature finds and declares that specialized
 625 programs for veterans offered in state and private correctional
 626 institutions have the potential to facilitate inmate
 627 institutional adjustment, help inmates assume personal
 628 responsibility, and ease community reentry through the
 629 availability of expanded community resources. For the purposes
 630 of this section, the term "veteran" has the same meaning as it
 631 is defined in s. 1.01(14).

632 (2) It is the intent of the Legislature that the department
 633 expand the use of specialized dormitories for veterans. It is
 634 also the intent of the Legislature that veterans housed in state
 635 and private correctional institutions be provided special
 636 assistance before their release by identifying benefits and
 637 services available in the community where the veteran plans to
 638 reside.

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639 (3) The department shall measure recidivism rates for
 640 veterans who have participated in specialized dormitories and
 641 for veterans who have received special assistance in community
 642 reentry. The findings shall be included in the annual report
 643 required under s. 20.315.

644 Section 9. Effective upon SB ___ or similar legislation
 645 creating the "State Operated Institutions Inmate Welfare Trust
 646 Fund" being adopted in the 2015 Regular Session or an extension
 647 thereof and becoming law, subsection (1) of section 945.215,
 648 Florida Statutes, is amended, present subsections (2) and (3)
 649 are redesignated as subsections (3) and (4), respectively, and a
 650 new subsection (2) is added to that section to read:

651 945.215 Inmate welfare and employee benefit trust funds.-

652 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE
 653 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.-

654 (a) From the net proceeds from operating inmate canteens,
 655 vending machines used primarily by inmates and visitors, hobby
 656 shops, and other such facilities must be deposited in the State
 657 Operated Institutions Inmate Welfare Trust Fund or in the
 658 General Revenue Fund; however, funds necessary to purchase items
 659 for resale at inmate canteens and vending machines must be
 660 deposited into local bank accounts designated by the department.

661 (b) All proceeds from contracted telephone commissions must
 662 be deposited in the State Operated Institutions Inmate Welfare
 663 Trust Fund or in the General Revenue Fund. The department shall
 664 develop and update, as necessary, administrative procedures to
 665 verify that:

666 1. Contracted telephone companies accurately record and
 667 report all telephone calls made by inmates incarcerated in

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668 correctional facilities under the department's jurisdiction;

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

671 3. The department receives the contracted telephone
 672 commissions.

673 (c) Any funds that may be assigned by inmates or donated to
 674 the department by the general public or an inmate service
 675 organization must be deposited in the State Operated
 676 Institutions Inmate Welfare Trust Fund or in the General Revenue
 677 Fund; however, the department shall not accept any donation
 678 from, or on behalf of, any individual inmate.

679 (d) All proceeds from the following sources must be
 680 deposited in the State Operated Institutions Inmate Welfare
 681 Trust Fund or in the General Revenue Fund:

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

684 2. Disciplinary fines imposed against inmates;

685 3. Forfeitures of inmate earnings; and

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

688 (e) Items for resale at inmate canteens and vending
 689 machines maintained at the correctional facilities shall be
 690 priced comparatively with like items for retail sale at fair
 691 market prices.

692 (f) Notwithstanding any other provision of law, inmates
 693 with sufficient balances in their individual inmate bank trust
 694 fund accounts, after all debts against the account are
 695 satisfied, shall be allowed to request a weekly draw of up to an
 696 amount set by the Secretary of Corrections, not to exceed \$100,

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697 to be expended for personal use on canteen and vending machine
698 items.

699 (2) (a) The State Operated Institutions Inmate Welfare Trust
700 Fund constitutes a trust held by the department for the benefit
701 and welfare of inmates incarcerated in correctional facilities
702 operated directly by the department.

703 (b) Deposits into the State Operated Institutions Inmate
704 Welfare Trust Fund shall not exceed \$10 million in any fiscal
705 year. Deposits for purchases pursuant to this section in excess
706 of \$10 million shall be deposited into the General Revenue Fund.

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

710 1. To provide literacy programs, vocational training
711 programs, and educational programs;

712 2. To operate inmate chapels, faith-based programs,
713 visiting pavilions, visiting services and programs, family
714 services and programs, and libraries;

715 3. To provide inmate substance abuse treatment programs and
716 transition and life skills training programs;

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

720 5. To provide for the purchase, rental, maintenance or
721 repair of recreation and wellness equipment.

722 (d) Funds in the State Operated Institutions Inmate Welfare
723 Trust Fund shall be expended only pursuant to legislative
724 appropriation.

725 (e) The department shall annually compile a report that

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726 specifically documents State Operated Institutions Inmate
727 Welfare Trust Fund receipts and expenditures. This report shall
728 be compiled at both the statewide and institutional levels. The
729 department must submit this report for the previous fiscal year
730 by September 1 of each year to the chairs of the appropriate
731 substantive and fiscal committees of the Senate and the House of
732 Representatives and to the Executive Office of the Governor.

733 Section 10. Subsection (7) is added to section 945.48,
734 Florida Statutes, to read:

735 945.48 Rights of inmates provided mental health treatment;
736 procedure for involuntary treatment; correctional officer
737 staffing requirements.-

738 (7) CORRECTIONAL OFFICER STAFFING.-A correctional officer
739 who has close contact with inmates housed in a mental health
740 treatment facility shall annually complete training in crisis
741 intervention. A correctional officer whose personnel file
742 includes two or more notations of his or her involvement in an
743 incident involving use of force, as specified in s. 944.35, may
744 not work in close contact with mentally ill inmates or inmates
745 on psychotropic medications. However, a correctional officer
746 with two or more notations in the employee's file who remains
747 incident free for a significant period may be permitted to work
748 with mentally ill inmates or inmates on psychotropic
749 medications.

750 Section 11. Subsection (2) of section 945.6031, Florida
751 Statutes, is amended to read:

752 945.6031 Required reports and surveys.-

753 (2) The authority shall conduct surveys of the physical and
754 mental health care system at each correctional institution at

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755 least every 18 months ~~triennially~~ and shall report the survey
756 findings for each institution to the Secretary of Corrections.

757 Section 12. Subsection (1) of section 945.6034, Florida
758 Statutes, is amended to read:

759 945.6034 Minimum health care standards.—

760 (1) The Assistant Secretary for Health Services is
761 responsible for developing a comprehensive health care delivery
762 system and promulgating all department health care standards.
763 Such health care standards shall include, but are not limited
764 to, rules relating to the management structure of the health
765 care system and the provision of health care services to
766 inmates, health care policies, health care plans, quality
767 management systems and procedures, health service bulletins, and
768 treatment protocols. In establishing standards of care, the
769 department shall examine and consider the needs of inmates over
770 50 years of age and adopt health care standards unique to this
771 population.

772 Section 13. Present paragraphs (a) and (b) of subsection
773 (1) of section 947.149, Florida Statutes, are redesignated as
774 paragraphs (b) and (c), respectively, and a new paragraph (a) is
775 added to that subsection, to read:

776 947.149 Conditional medical release.—

777 (1) The commission shall, in conjunction with the
778 department, establish the conditional medical release program.
779 An inmate is eligible for consideration for release under the
780 conditional medical release program when the inmate, because of
781 an existing medical or physical condition, is determined by the
782 department to be within one of the following designations:

783 (a) "Elderly and infirm inmate," which means an inmate who

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784 has no current or prior convictions for capital or first degree
785 felonies, who has no current or prior convictions for sexual
786 offenses or offenses against children, who is over 70 years of
787 age, and who has a condition caused by injury, disease, or
788 illness which, to a reasonable degree of medical certainty,
789 renders the inmate infirm or physically impaired to the extent
790 that the inmate does not constitute a danger to himself or
791 herself or others.

792 Section 14. Paragraph (c) of subsection (7) of section
793 921.0021, Florida Statutes, is amended to read:

794 921.0021 Definitions.—As used in this chapter, for any
795 felony offense, except any capital felony, committed on or after
796 October 1, 1998, the term:

797 (7)

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

801 Section 15. Subsection (1) of section 951.221, Florida
802 Statutes, is amended to read:

803 951.221 Sexual misconduct between detention facility
804 employees and inmates; penalties.—

805 (1) Any employee of a county or municipal detention
806 facility or of a private detention facility under contract with
807 a county commission who engages in sexual misconduct, as defined
808 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
809 offender supervised by the facility without committing the crime
810 of sexual battery commits a felony of the third degree,
811 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
812 The consent of an inmate to any act of sexual misconduct may not

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

814 Section 16. Paragraph (uu) of subsection (2) of s. 435.04
815 and paragraph (f) of subsection (3) of s. 921.0022, Florida
816 Statutes, are reenacted for the purpose of incorporating the
817 amendment made by this act to s. 944.35, Florida Statutes, in
818 references thereto.

819 Section 17. Subsection (1) of s. 944.72, subsection (1) of
820 s. 945.21501, and s. 945.2151, Florida Statutes, are reenacted
821 for the purpose of incorporating the amendment made by this act
822 to s. 945.215, Florida Statutes, in references thereto.

823 Section 18. Subsection (6) of s. 945.6035, Florida Statutes,
824 is reenacted for the purpose of incorporating the amendment made
825 by this act to s. 945.6031, Florida Statutes, in a reference
826 thereto.

827 Section 19. Except as otherwise provided in this act, this
828 act shall take effect October 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-7-15
Meeting Date

SPB 7020
Bill Number (if applicable)

Topic Corrections

Amendment Barcode (if applicable)

Name Deborah Brodsky

Job Title Director, FSU Project on Accountable Justice

Address Institute of Gov't.

Phone 850 566 8944

Street Florida State

Email dbrodsky@fsu.edu

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: SenatorSenate Criminal Justice Committee

Judge:

Started: 2/2/2015 4:00:49 PM

Ends: 2/2/2015 5:55:56 PM Length: 01:55:08

4:04:04 PM Meeting called to order
4:04:32 PM Tab 1 Status Report on Florida Dept. of Corrections by Secretary Julia Jones
4:21:36 PM Senator Bradley asked a question of Ms. Jones
4:22:38 PM Secretary Jones responded
4:28:09 PM Senator Clemens asked a question
4:28:27 PM Secretary Jones responded
4:37:01 PM Senator Gibson asked a question
4:37:22 PM Secretary Jones responded
4:45:24 PM Senator Brandes asked a question
4:45:44 PM Secretary Jones responded
4:51:14 PM Senator Bradley asks a question and requests some information
4:52:02 PM Senator Clemens makes a statement about the report
4:52:22 PM Secretary Jones responded
4:56:37 PM Senator Brandes asked a question
4:56:52 PM Secretary Jones responded
4:58:09 PM Jeffrey Beasley, Inspector General speaks
4:58:54 PM Senator Evers requests Secretary Jones come back to answer a question on medical care
5:06:54 PM Senator Bradley speaks on accountability
5:07:49 PM Senator Evers speaks on cleaning supplies and batteries
5:14:16 PM Senator Gibson mentioned the organizational chart
5:14:48 PM Secretary Jones responded
5:16:56 PM Senator Evers spoke on conflict of interest matters
5:20:11 PM Jeffrey Beasley was called back to speak
5:20:32 PM Senator Clemons asked a question about chemical agents and use of force or covering up
5:21:13 PM Mr. Beasley responded
5:28:12 PM Senator Brandes asks a question about having access to videos
5:28:45 PM Mr. Beasley responds
5:36:52 PM Senator Evers asks Mr. Beasley questions about whistle blowers and ghost staffing
5:37:14 PM Mr. Beasley responds
5:47:56 PM Senator Clemens asked a question
5:48:15 PM Mr. Beasley responded
5:55:41 PM Meeting adjourned