

Committee on Criminal Justice

CS/CS/HB 903 — Corrections

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Jacques and others
(CS/CS/SB 1604 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Martin)

The bill amends various sections of law to implement changes to the Department of Corrections (DOC), including, but not limited to, restructuring the Corrections Mental Health Act, revising requirements for inmates who file lawsuits, and providing for mandatory consecutive terms of imprisonment for specified crimes.

Corrections Mental Health Act and Emergency Treatment

The bill amends the Corrections Mental Health Act to streamline the process for the involuntary placement and involuntary treatment of inmates who have a mental illness by creating a process for treatment of certain inmates and a process for inmates to establish an advance directive.

Specifically, the bill:

- Amends and substantially rewords the Corrections Mental Health Act under ss. 945.41- 945.49, F.S., to provide updated, clarifying, or technical language, as well as provide substantial changes to the procedure for placement and treatment of inmates;
- Provides legislative intent and procedures for inmates engaging in self-injurious behavior;
- Authorizes a warden to directly petition the circuit court for an order compelling an inmate to submit to emergency surgical intervention or other medical services when an inmate is competent, engaging in self-injurious behavior, and refusing necessary treatment;
- Establishes inmate health care advance directives and creates a DOC ombudsman to serve as a proxy for an inmate without an advance directive;
- Authorizes the employees of the DOC to use of force in specified situations to effectuate the emergency treatment of an inmate and provides immunity from liability for such employees; and
- Outlines procedures to determine the capacity of an inmate.

Inmate Lawsuits

The bill makes various changes relating to inmate litigation. Specifically, the bill:

- Restricts a prisoner from pursuing civil action until all administrative remedies are fully exhausted to align with the Prison Litigation Reform Act which restricts a prisoner, or person on behalf of a prisoner, from filing a lawsuit relating to the conditions of confinement for a mental or emotional injury suffered while in custody without a prior showing of physical injury or the commission of a sexual act;
- Provides a one year statute of limitations for all petitions, extraordinary writs, tort actions, or other actions concerning any condition of confinement of a prisoner; and

- Specifies the deferral of prepayment of court costs and fees does not apply to challenges to prison disciplinary reports.

Crime

The bill provides exceptions to the crime of unlawful installation of a tracking device, and mandates consecutive sentences under the 10-20-Life statutes. Specifically, the bill:

- Exempts certain DOC and Department of Juvenile Justice personnel, and persons authorized by a court order from the criminal prohibitions of the installation and use of tracking devices and applications; and
- Clarifies that a court must sentence a person to consecutive mandatory minimum terms of imprisonment if that person is convicted of multiple qualifying crimes under the 10-20-Life statute. However, the court has the discretion to sentence such a person to a consecutive sentence for any crime that is committed at the same time but is not a qualifying crime under the 10-20-Life statute.

Other Provisions

The bill amends various other provisions relating to the death penalty, the DOC contracts, and the Parole Qualifications Committee. Specifically, the bill:

- Authorizes a death sentence to be executed by a method not deemed unconstitutional if the acquisition of chemicals necessary for lethal injection becomes impossible or impractical.
- Authorizes the DOC to exclude certain services from a contract for private correctional services and retain the responsibility for the delivery of such services when it is in the best interest of the state. Additionally, the requirement for each contract to include substantial minority participation is removed.
- Removes language requiring the participation of minority business enterprises.
- Eliminates the use of the Parole Qualifications Committee in the selection process for membership of the Florida Commission on Offender Review (FCOR) and allows the members to be directly selected and appointed by the Governor and Cabinet.
- Removes the requirement for the FCOR membership to include representation from minority persons.
- Repeals s. 947.021, F.S., regarding expedited appointments of the FCOR members to be consistent with the elimination of the Parole Qualifications Committee.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

Vote: Senate 26-11; House 83-33