

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Trujillo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (4) of section 20.315, Florida

6 Statutes, is amended to read:

7 20.315 Department of Corrections.—There is created a
8 Department of Corrections.

9 (4) REGIONS.—

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

13 (b) The department shall plan and administer its program
14 of services for security and institutional operations through

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15 four geographical regions. The secretary shall appoint a
16 director for each of the four regions. A person may serve as the
17 director for a specific region for up to 4 consecutive years.

18 The directors must:

19 1. Ensure the policies of the department, particularly
20 those policies associated with inmate grievances, the care of
21 inmates, and contact with inmates, are appropriately implemented
22 and enforced at each correctional facility within the director's
23 assigned region.

24 2. Review, recommend, and hold subordinate chain-of-
25 command staff responsible for appropriate and measured
26 disciplinary decisions.

27 3. Ensure that each correctional facility in the
28 director's assigned region maintains a retaliation-free work
29 environment.

30 4. Ensure each correctional facility in the director's
31 assigned region maintains a retaliation-free custody environment
32 for all inmates.

33 5. Make at least two unannounced visits to each
34 correctional facility within the director's assigned region on a
35 quarterly basis.

36 6. Meet quarterly to review statistics and trends related
37 to uses of force, inmate grievances, employee discipline
38 reports, and calls received from the department's Office of
39 Citizens' Services involving inmate abuse.

40 Section 2. For the 2015-2016 fiscal year, the sums of

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41 \$1,258,256 in recurring funds and \$206,388 in nonrecurring funds
42 are appropriated from the General Revenue Fund to the Department
43 of Corrections, and ten full-time equivalent positions with
44 717,800 in salary rate are authorized, for staffing and all
45 operating expenses associated with establishing the additional
46 regional headquarters required by this act. The Department of
47 Corrections may submit budget amendments pursuant to chapter
48 216, Florida Statutes, to reallocate existing resources to
49 support the additional regional headquarters.

50 Section 3. Paragraph (m) of subsection (2) of section
51 110.205, Florida Statutes, is amended to read:

52 110.205 Career service; exemptions.—

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

55 (m) All assistant division director, deputy division
56 director, and bureau chief positions in any department, and
57 those positions determined by the department to have managerial
58 responsibilities comparable to such positions, which include,
59 but are not limited to:

60 1. Positions in the Department of Health and the
61 Department of Children and Families which are assigned primary
62 duties of serving as the superintendent or assistant
63 superintendent of an institution.

64 2. Positions in the Department of Corrections which are
65 assigned primary duties of serving as the warden, assistant
66 warden, colonel, or major of an institution or that are assigned

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67 primary duties of serving as the circuit administrator or deputy
68 circuit administrator and all positions assigned to the office
69 of inspector general.

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

73 4. Positions in the Department of Environmental Protection
74 which are assigned the duty of an Environmental Administrator or
75 program administrator.

76 5. Positions in the Department of Health which are
77 assigned the duties of Environmental Administrator, Assistant
78 County Health Department Director, and County Health Department
79 Financial Administrator.

80 6. Positions in the Department of Highway Safety and Motor
81 Vehicles which are assigned primary duties of serving as
82 captains in the Florida Highway Patrol.

83

84 Unless otherwise fixed by law, the department shall set the
85 salary and benefits of the positions listed in this paragraph in
86 accordance with the rules established for the Selected Exempt
87 Service.

88 Section 4. For the 2015-2016 fiscal year, the sum of
89 \$180,000 in recurring funds is appropriated from the General
90 Revenue Fund to the Department of Corrections to set the salary
91 and benefits of set positions assigned to the department's
92 office of inspector general in accordance with rules of the

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93 Selected Exempt Service.

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

96 216.136 Consensus estimating conferences; duties and
97 principals.—

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

100 (d) Develop projections of prison admissions and
101 populations for elderly felony offenders.

102 Section 6. Subsection (7) of section 921.0021, Florida
103 Statutes, is amended to read:

104 921.0021 Definitions.—As used in this chapter, for any
105 felony offense, except any capital felony, committed on or after
106 October 1, 1998, the term:

107 (7) (a) "Victim injury" means the physical injury or death
108 suffered by a person as a direct result of the primary offense,
109 or any additional offense, for which an offender is convicted
110 and which is pending before the court for sentencing at the time
111 of the primary offense.

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

113 1. If the conviction is for an offense involving sexual
114 contact that includes sexual penetration, the sexual penetration
115 must be scored in accordance with the sentence points provided
116 under s. 921.0024 for sexual penetration, regardless of whether
117 there is evidence of any physical injury.

118 2. If the conviction is for an offense involving sexual

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119 contact that does not include sexual penetration, the sexual
120 contact must be scored in accordance with the sentence points
121 provided under s. 921.0024 for sexual contact, regardless of
122 whether there is evidence of any physical injury.

123
124 If the victim of an offense involving sexual contact suffers any
125 physical injury as a direct result of the primary offense or any
126 additional offense committed by the offender resulting in
127 conviction, such physical injury must be scored separately and
128 in addition to the points scored for the sexual contact or the
129 sexual penetration.

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

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

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

140 Section 7. Section 944.151, Florida Statutes, is amended
141 to read:

142 944.151 Safety and security of correctional institutions
143 and facilities.—It is the intent of the Legislature that the
144 Department of Corrections ~~shall~~ be responsible for the safe

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145 operation and security of the correctional institutions and
146 facilities. The safe operation and security of the state's
147 correctional institutions and facilities are ~~is~~ critical to
148 ensure public safety and the safety of department employees and
149 offenders and to contain violent and chronic offenders until
150 offenders are otherwise released from the department's custody
151 pursuant to law. The Secretary of Corrections shall, at a
152 minimum:

153 (1) Appoint and designate select staff to the safety and a
154 security review committee ~~which shall, at a minimum, be composed~~
155 ~~of: the inspector general, the statewide security coordinator,~~
156 ~~the regional security coordinators, and three wardens and one~~
157 ~~correctional officer.~~ The safety and security review committee
158 shall evaluate new safety and security technology, review and
159 discuss current issues impacting correctional facilities, and
160 review and discuss other issues as requested by management.÷

161 ~~(2)(a)~~ Ensure that appropriate staff establishes ~~Establish~~
162 a periodic schedule for the physical inspection of buildings and
163 structures of each state and private correctional institution
164 and facility to determine safety and security deficiencies. In
165 scheduling the inspections, priority shall be given to older
166 institutions, institutions that house a large proportion of
167 violent offenders, institutions with a high level of
168 inappropriate incidents of use of force on inmates, assaults on
169 employees, or inmate sexual abuse, and institutions that have
170 experienced a significant number of escapes or escape attempts

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171 in the past.

172 (3)(b) Ensure that appropriate staff conducts ~~Conduct~~ or
173 causes ~~cause~~ to be conducted announced and unannounced
174 comprehensive safety and security audits of all state and
175 private correctional institutions. In conducting the safety and
176 security audits, priority shall be given to older institutions,
177 institutions that house a large proportion of violent offenders,
178 institutions with a high level of inappropriate incidents of use
179 of force on inmates, assaults on employees, or inmate sexual
180 abuse, and institutions that have experienced a history of
181 escapes or escape attempts. At a minimum, the audit shall
182 include an evaluation of the physical plant, which shall include
183 the identification of blind spots or areas where staff or
184 inmates may be isolated and the deployment of audio and video
185 monitoring systems and other monitoring technologies in such
186 areas; landscaping, fencing, security alarms, and perimeter
187 lighting; and confinement, arsenal, key and lock, and entrance
188 and exit ~~inmate classification and staffing~~ policies. Each
189 correctional institution shall be audited at least annually. ~~The~~
190 ~~secretary shall~~

191 (4) Report the general survey findings annually to the
192 Governor and the Legislature.

193 (5) Ensure that appropriate staff investigates and
194 evaluates the usefulness and dependability of existing safety
195 and security technology at the institutions and new technology
196 and video monitoring systems available and makes periodic

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197 written recommendations to the secretary on the discontinuation
198 or purchase of various safety and security devices.

199 (6) Contract, if deemed necessary, with security
200 personnel, consulting engineers, architects, or other safety and
201 security experts that the department deems necessary for safety
202 and security consultant services.

203 (7) Ensure that appropriate staff, in conjunction with the
204 regional offices, establishes a periodic schedule for conducting
205 announced and unannounced escape simulation drills.

206 (8) Adopt, enforce, and annually cause the evaluation of
207 emergency escape response procedures, which shall, at a minimum,
208 include the immediate notification and inclusion of local and
209 state law enforcement through mutual aid agreements.

210 (9) Ensure that appropriate staff reviews staffing
211 policies, classification, and practices as needed.

212 (10)-(e) Adopt and enforce minimum safety and security
213 standards and policies that include, but are not limited to:

214 (a)1. Random monitoring of outgoing telephone calls by
215 inmates.

216 (b)2. Maintenance of current photographs of all inmates.

217 (c)3. Daily inmate counts at varied intervals.

218 (d)4. Use of canine units, where appropriate.

219 (e)5. Use of escape alarms and perimeter lighting.

220 (f)6. Florida Crime Information Center/National Crime
221 Information Center capabilities.

222 (g)7. Employment background investigations.

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223 ~~(d) Annually make written prioritized budget~~
224 ~~recommendations to the secretary that identify critical security~~
225 ~~deficiencies at major correctional institutions.~~

226 ~~(e) Investigate and evaluate the usefulness and~~
227 ~~dependability of existing security technology at the~~
228 ~~institutions and new technology available and make periodic~~
229 ~~written recommendations to the secretary on the discontinuation~~
230 ~~or purchase of various security devices.~~

231 ~~(f) Contract, if deemed necessary, with security~~
232 ~~personnel, consulting engineers, architects, or other security~~
233 ~~experts the committee deems necessary for security audits and~~
234 ~~security consultant services.~~

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

237 ~~(11)(2) Direct staff to maintain and produce quarterly~~
238 ~~reports with accurate escape statistics. For the purposes of~~
239 ~~these reports, "escape" includes all possible types of escape,~~
240 ~~regardless of prosecution by the state attorney, and includes~~
241 ~~including offenders who walk away from nonsecure community~~
242 ~~facilities.~~

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

247 ~~(12)(4) Direct staff to submit in the annual legislative~~
248 ~~budget request a prioritized summary of critical safety and~~

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249 security deficiencies and repair and renovation ~~security~~ needs.

250 Section 8. Section 944.31, Florida Statutes, is amended to
251 read:

252 944.31 Inspector general; inspectors; power and duties.—

253 (1) The inspector general shall be responsible for prison
254 inspection and investigation, internal affairs investigations,
255 and management reviews. The office of the inspector general
256 shall be charged with the duty of inspecting the penal and
257 correctional systems of the state. The office of the inspector
258 general shall inspect each correctional institution or any place
259 in which state prisoners are housed, worked, or kept within the
260 state, with reference to its physical conditions, cleanliness,
261 sanitation, safety, and comfort; the quality and supply of all
262 bedding; the quality, quantity, and diversity of food served and
263 the manner in which it is served; the number and condition of
264 the prisoners confined therein; and the general conditions of
265 each institution. The office of inspector general shall see that
266 all the rules and regulations issued by the department are
267 strictly observed and followed by all persons connected with the
268 correctional systems of the state. The office of the inspector
269 general shall coordinate and supervise the work of inspectors
270 throughout the state. The inspector general and inspectors may
271 enter any place where prisoners in this state are kept and shall
272 be immediately admitted to such place as they desire and may
273 consult and confer with any prisoner privately and without
274 molestation. The inspector general and inspectors shall be

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275 responsible for criminal and administrative investigation of
276 matters relating to the Department of Corrections. The secretary
277 may designate persons within the office of the inspector general
278 as law enforcement officers to conduct any criminal
279 investigation that occurs on property owned or leased by the
280 department or involves matters over which the department has
281 jurisdiction. A person designated as a law enforcement officer
282 must be certified pursuant to s. 943.1395 and must have a
283 minimum of 3 years' experience as an inspector in the inspector
284 general's office or as a law enforcement officer.

285 (2) The department shall maintain a written memorandum of
286 understanding with the Department of Law Enforcement for the
287 notification and investigation of mutually agreed-upon predicate
288 events that shall include, but are not limited to, suspicious
289 deaths and organized criminal activity. A copy of an active
290 memorandum of understanding shall be provided in a timely manner
291 to the Governor, the President of the Senate, and the Speaker of
292 the House of Representatives.

293 (3) During investigations, the inspector general and
294 inspectors may consult and confer with any prisoner or staff
295 member privately and without molestation and persons designated
296 as law enforcement officers under this section shall have the
297 authority to arrest, with or without a warrant, any prisoner of
298 or visitor to a state correctional institution for a violation
299 of the criminal laws of the state involving an offense
300 classified as a felony that occurs on property owned or leased

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301 by the department and may arrest offenders who have escaped or
302 absconded from custody. Persons designated as law enforcement
303 officers have the authority to arrest with or without a warrant
304 a staff member of the department, including any contract
305 employee, for a violation of the criminal laws of the state
306 involving an offense classified as a felony under this chapter
307 or chapter 893 on property owned or leased by the department. A
308 person designated as a law enforcement officer under this
309 section may make arrests of persons against whom arrest warrants
310 have been issued, including arrests of offenders who have
311 escaped or absconded from custody. The arrested person shall be
312 surrendered without delay to the sheriff of the county in which
313 the arrest is made, with a formal complaint subsequently made
314 against her or him in accordance with law.

315 (4) The inspector general, and inspectors who conduct
316 sexual abuse investigations in confinement settings, shall
317 receive specialized training in conducting such investigations.
318 The department is responsible for providing the specialized
319 training. Specialized training shall include, but need not be
320 limited to, techniques for interviewing sexual abuse victims,
321 proper use of Miranda and Garrity warnings, sexual abuse
322 evidence collection in confinement settings, and the criteria
323 and evidence required to substantiate a case for administrative
324 action or prosecution.

325 Section 9. Paragraph (a) of subsection (1) and subsections
326 (2) and (3) of section 944.35, Florida Statutes, are amended,

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327 and subsection (5) is added to that section, to read:

328 944.35 Authorized use of force; malicious battery and
329 sexual misconduct prohibited; reporting required; penalties.-

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

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

335 2. To prevent a person from escaping from a state
336 correctional institution when the officer reasonably believes
337 that person is lawfully detained in such institution;

338 3. To prevent damage to property;

339 4. To quell a disturbance;

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

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

343 a. When treatment is necessary to protect the health of
344 other persons, as in the case of contagious or venereal
345 diseases; or

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

348
349 As part of the correctional officer training program, the
350 Criminal Justice Standards and Training Commission shall develop
351 a course specifically designed to explain the parameters of this
352 subsection and to teach the proper methods and techniques in

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353 applying authorized physical force upon an inmate. Effective
354 October 1, 2015, this course shall include specialized training
355 for effectively managing in nonforceful ways mentally ill
356 inmates who may exhibit erratic behavior.

357 (2) Each employee of the department who either applies
358 physical force or was responsible for making the decision to
359 apply physical force upon an inmate or an offender supervised by
360 the department in the community pursuant to this subsection
361 shall prepare, date, and sign under oath an independent report
362 within 1 working day after ~~of~~ the incident. The report shall be
363 delivered to the warden or the circuit administrator, who shall
364 forward the report with all appropriate documentation to the
365 office of the inspector general. The inspector general shall
366 conduct a review and make recommendations regarding the
367 appropriateness or inappropriateness of the use of force. If the
368 inspector general finds that the use of force was appropriate,
369 the employee's report, together with the inspector general's
370 written determination of the appropriateness of the force used
371 and the reasons therefor, shall be forwarded to the circuit
372 administrator or warden upon completion of the review. If the
373 inspector general finds that the use of force was inappropriate,
374 the inspector general shall conduct a complete investigation
375 into the incident and forward the findings of fact to the
376 appropriate regional director for further action. Copies of the
377 employee's report and the inspector general's review shall be
378 kept in the files of the inmate or the offender supervised by

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379 the department in the community. A notation of each incident
380 involving use of force and the outcome based on the inspector
381 general's evaluation shall be kept in the employee's file.

382 (3) (a) 1. Any employee of the department, private provider,
383 or private correctional facility who, with malicious intent,
384 commits a battery upon an inmate or an offender supervised by
385 the department in the community, commits a misdemeanor of the
386 first degree, punishable as provided in s. 775.082 or s.
387 775.083.

388 2. Any employee of the department, private provider, or
389 private correctional facility who, with malicious intent,
390 commits a battery or inflicts cruel or inhuman treatment by
391 neglect or otherwise, and in so doing causes great bodily harm,
392 permanent disability, or permanent disfigurement to an inmate or
393 an offender supervised by the department in the community,
394 commits a felony of the third degree, punishable as provided in
395 s. 775.082, s. 775.083, or s. 775.084.

396 (b) An employee of the department, private provider, or
397 private correctional facility commits a felony of the third
398 degree, punishable as provided in s. 775.082, s. 775.083, or s.
399 775.084, if such employee:

400 1. Knowingly, and with the intent to cause an inmate great
401 bodily harm, permanent disability, or permanent disfigurement,
402 withholds food, water, clothing, shelter, supervision, medicine,
403 or medical services from an inmate; and

404 2. Causes the inmate to suffer great bodily harm,

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405 permanent disability, or permanent disfigurement by such action.

406 (c)-(b)1. As used in this paragraph, the term "sexual
407 misconduct" means the oral, anal, or vaginal penetration by, or
408 union with, the sexual organ of another or the anal or vaginal
409 penetration of another by any other object, but does not include
410 an act done for a bona fide medical purpose or an internal
411 search conducted in the lawful performance of the employee's
412 duty.

413 2. Any employee of the department or a private
414 correctional facility as defined in s. 944.710 who engages in
415 sexual misconduct with an inmate or an offender supervised by
416 the department in the community, without committing the crime of
417 sexual battery, commits a felony of the third degree, punishable
418 as provided in s. 775.082, s. 775.083, or s. 775.084.

419 3. The consent of the inmate or offender supervised by the
420 department in the community to any act of sexual misconduct may
421 not be raised as a defense to a prosecution under this
422 paragraph.

423 4. This paragraph does not apply to any employee of the
424 department or any employee of a private correctional facility
425 who is legally married to an inmate or an offender supervised by
426 the department in the community, nor does it apply to any
427 employee who has no knowledge, and would have no reason to
428 believe, that the person with whom the employee has engaged in
429 sexual misconduct is an inmate or an offender under community
430 supervision of the department.

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

437 ~~(e)(d)~~ Each employee who witnesses, or has reasonable
438 cause to suspect, that an inmate or an offender under the
439 supervision of the department in the community has been
440 unlawfully abused or is the subject of sexual misconduct
441 pursuant to this subsection shall immediately prepare, date, and
442 sign an independent report specifically describing the nature of
443 the force used or the nature of the sexual misconduct, the
444 location and time of the incident, and the persons involved. The
445 report shall be delivered to the inspector general of the
446 department with a copy to be delivered to the warden of the
447 institution or the regional administrator. The inspector general
448 shall immediately conduct an appropriate investigation, and, if
449 probable cause is determined that a violation of this subsection
450 has occurred, the respective state attorney in the circuit in
451 which the incident occurred shall be notified.

452 (5) The department shall establish a usage and inventory
453 policy to track, by institution, the use of chemical agents and
454 the disposal of expired, used, or damaged canisters of chemical
455 agents. The policy shall include, but not be limited to, a
456 requirement that a numbered seal be affixed to each chemical

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457 agent canister in such a manner that the canister cannot be
458 removed from the carrier without breaking the seal. All
459 canisters in the carriers shall be checked out at the beginning
460 of each shift and checked back in at the end of that shift.
461 Shift supervisors shall verify the condition of the numbered
462 seals and periodically weigh random canisters to ensure that
463 they have not been used without the required documentation. All
464 nonreactionary use-of-force incidents using chemical agents
465 shall be video recorded.

466 Section 10. Section 944.805, Florida Statutes, is created
467 to read:

468 944.805 Veterans programs in state and private
469 correctional institutions.-

470 (1) The Legislature finds and declares that specialized
471 programs for veterans offered in state and private correctional
472 institutions have the potential to facilitate inmate
473 institutional adjustment, help inmates assume personal
474 responsibility, and ease community reentry through the
475 availability of expanded community resources.

476 (2) The department shall measure recidivism rates for
477 veterans who have participated in specialized dormitories and
478 for veterans who have received special assistance in community
479 reentry. The findings shall be included in the annual report
480 required under s. 20.315.

481 Section 11. Section 945.6033, Florida Statutes, is amended
482 to read:

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483 945.6033 Continuing contracts with health care providers.-

484 (1) The Department of Corrections may enter into
485 continuing contracts with licensed health care providers,
486 including hospitals and health maintenance organizations, for
487 the provision of inmate health care services which the
488 department is unable to provide in its facilities.

489 (2) The Department of Corrections, in negotiating
490 contracts for the delivery of inmate health care, may only enter
491 into contracts that contain damage provisions.

492 Section 12. Paragraph (a) of subsection (2) of section
493 947.1405, Florida Statutes, is amended to read:

494 947.1405 Conditional release program.-

495 (2) Any inmate who:

496 (a) Is convicted of a crime committed on or after October
497 1, 1988, and before January 1, 1994, and any inmate who is
498 convicted of a crime committed on or after January 1, 1994,
499 which crime is or was contained in category 1, category 2,
500 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
501 Rules of Criminal Procedure (1993), and who has served at least
502 one prior felony commitment at a state or federal correctional
503 institution or a sentence of more than 364 days in county jail;
504 shall, upon reaching the tentative release date or provisional
505 release date, whichever is earlier, as established by the
506 Department of Corrections, be released under supervision subject
507 to specified terms and conditions, including payment of the cost
508 of supervision pursuant to s. 948.09. Such supervision shall be

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509 applicable to all sentences within the overall term of sentences
510 if an inmate's overall term of sentences includes one or more
511 sentences that are eligible for conditional release supervision
512 as provided herein. Effective July 1, 1994, and applicable for
513 offenses committed on or after that date, the commission may
514 require, as a condition of conditional release, that the
515 releasee make payment of the debt due and owing to a county or
516 municipal detention facility under s. 951.032 for medical care,
517 treatment, hospitalization, or transportation received by the
518 releasee while in that detention facility. The commission, in
519 determining whether to order such repayment and the amount of
520 such repayment, shall consider the amount of the debt, whether
521 there was any fault of the institution for the medical expenses
522 incurred, the financial resources of the releasee, the present
523 and potential future financial needs and earning ability of the
524 releasee, and dependents, and other appropriate factors. If any
525 inmate placed on conditional release supervision is also subject
526 to probation or community control, resulting from a probationary
527 or community control split sentence within the overall term of
528 sentences, the Department of Corrections shall supervise such
529 person according to the conditions imposed by the court and the
530 commission shall defer to such supervision. If the court revokes
531 probation or community control and resentsences the offender to a
532 term of incarceration, such revocation also constitutes a
533 sufficient basis for the revocation of the conditional release
534 supervision on any nonprobationary or noncommunity control

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535 sentence without further hearing by the commission. If any such
536 supervision on any nonprobationary or noncommunity control
537 sentence is revoked, such revocation may result in a forfeiture
538 of all gain-time, and the commission may revoke the resulting
539 deferred conditional release supervision or take other action it
540 considers appropriate. If the term of conditional release
541 supervision exceeds that of the probation or community control,
542 then, upon expiration of the probation or community control,
543 authority for the supervision shall revert to the commission and
544 the supervision shall be subject to the conditions imposed by
545 the commission. A panel of no fewer than two commissioners shall
546 establish the terms and conditions of any such release. If the
547 offense was a controlled substance violation, the conditions
548 shall include a requirement that the offender submit to random
549 substance abuse testing intermittently throughout the term of
550 conditional release supervision, upon the direction of the
551 correctional probation officer as defined in s. 943.10(3). The
552 commission shall also determine whether the terms and conditions
553 of such release have been violated and whether such violation
554 warrants revocation of the conditional release.

555 Section 13. Section 950.021, Florida Statutes, is created
556 to read:

557 950.021 Sentencing of offenders to county jail.-

558 (1) Notwithstanding s. 921.0024 or any other provision of
559 law, and effective for offenses committed on or after July 1,
560 2015, a court may sentence an offender to a term in the county

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561 jail under the custody of the chief correctional officer in the
562 county where the offense was committed for up to 24 months if
563 the offender meets all of the following criteria:

564 (a) The offender's total sentence points score, as
565 provided in s. 921.0024, is more than 44 points but no more than
566 60 points.

567 (b) The offender's primary offense is not a forcible
568 felony as defined in s. 776.08; however, an offender whose
569 primary offense is a third degree felony under chapter 810 is
570 not ineligible to be sentenced to a county jail under this
571 paragraph.

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

574 (d) Offenders sentenced under this section must serve a
575 minimum of 85 percent of their sentences.

576 (2) (a) The court may only sentence an offender to a county
577 jail pursuant to this section if there is a contractual
578 agreement between the chief correctional officer of that county
579 and the Department of Corrections.

580 (b) If the chief correctional officer of a county requests
581 the Department of Corrections to enter into a contract that
582 allows offenders to be sentenced to the county jail pursuant to
583 subsection (1), subject to the restrictions of this paragraph
584 and subsections (3) and (6), the Department of Corrections must
585 enter into such a contract. The contract shall specifically
586 establish the maximum number of beds and the validated per diem

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587 rate. The contract shall provide for per diem reimbursement for
588 occupied inmate days based on the contracting county's most
589 recent annual adult male custody or adult female custody per
590 diem rates, not to exceed \$60 per inmate.

591 (3) A contract under this section is contingent upon a
592 specific appropriation in the General Appropriations Act.
593 Contracts shall be awarded by the Department of Corrections on a
594 first-come, first-served basis up to the maximum appropriation
595 allowable in the General Appropriations Act for this purpose.
596 The maximum appropriation allowable consists of funds
597 appropriated in or transferred to the specific appropriation in
598 the Inmates Sentenced to County Jail appropriation category.
599 Before any transferred appropriation under this section, the
600 Inmates Sentenced to County Jail appropriation category provides
601 for estimated incremental appropriation for county jail beds
602 contracted under this section in excess of the Department of
603 Corrections' per diem for adult male and female inmates.

604 (4) The Department of Corrections shall transfer funds
605 pursuant to s. 216.177 from other appropriation categories
606 within the Adult Male Custody Operations or Adult and Youthful
607 Offender Female Custody Operations budget entities to the
608 Inmates Sentenced to County Jail appropriation category in an
609 amount necessary to satisfy the requirements of each executed
610 contract but not to exceed the Department of Corrections'
611 average total per diem published for the preceding fiscal year
612 for adult male custody or adult and youthful offender female

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613 custody inmates for each county jail bed contracted.

614 (5) The Department of Corrections shall assume maximum
615 annual value of each contract when determining the full use of
616 funds appropriated and to ensure that the maximum appropriation
617 allowable is not exceeded.

618 (6) All contractual per diem rates under this section as
619 well as the per diem rates used by the Department of Corrections
620 must be validated by the Auditor General before payments are
621 made.

622 Section 14. Body camera pilot program.—The Department of
623 Corrections shall implement a pilot program in which
624 correctional officers who work in the mental health units at
625 Union Correctional Institution are equipped with body cameras.
626 The pilot program shall expire June 30, 2016. The Department of
627 Corrections shall submit a report by January 1, 2017, to the
628 Executive Office of the Governor, the President of the Senate,
629 and the Speaker of the House of Representatives. The report must
630 compare the number of use-of-force incidents that occur in the
631 mental health units at Union Correctional Institution while the
632 pilot program is in effect with:

633 (1) The number of use-of-force incidents that occurred in
634 the mental health units at Union Correctional Institution during
635 the preceding 5 years; and

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

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639 Section 15. For the 2015-2016 fiscal year, the sum of
640 \$121,110 in nonrecurring funds is appropriated from the General
641 Revenue Fund to the Department of Corrections for a body camera
642 pilot program in the mental health units at Union Correctional
643 Institution as required by this act.

644 Section 16. Section 951.22, Florida Statutes, is amended
645 to read:

646 951.22 County detention facilities; contraband articles.—

647 (1) It is unlawful, except through regular channels as
648 duly authorized by the sheriff or officer in charge, to
649 introduce into or possess upon the grounds of any county
650 detention facility as defined in s. 951.23 or to give to or
651 receive from any inmate of any such facility wherever said
652 inmate is located at the time or to take or to attempt to take
653 or send therefrom any of the following articles which are hereby
654 declared to be contraband for the purposes of this act, to wit:
655 Any written or recorded communication; any currency or coin; any
656 article of food or clothing; any tobacco products as defined in
657 s. 210.25(11); any cigarette as defined in s. 210.01(1); any
658 cigar; any intoxicating beverage or beverage which causes or may
659 cause an intoxicating effect; any narcotic, hypnotic, or
660 excitative drug or drug of any kind or nature, including nasal
661 inhalators, sleeping pills, barbiturates, and controlled
662 substances as defined in s. 893.02(4); any firearm or any
663 instrumentality customarily used or which is intended to be used
664 as a dangerous weapon; any cellular telephone or other portable

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665 communication device, as defined in s. 944.47; and any
666 instrumentality of any nature that may be or is intended to be
667 used as an aid in effecting or attempting to effect an escape
668 from a county facility.

669 (2) Whoever violates subsection (1) shall be guilty of a
670 felony of the third degree, punishable as provided in s.
671 775.082, s. 775.083, or s. 775.084.

672 Section 17. Subsection (1) of section 951.221, Florida
673 Statutes, is amended to read:

674 951.221 Sexual misconduct between detention facility
675 employees and inmates; penalties.—

676 (1) Any employee of a county or municipal detention
677 facility or of a private detention facility under contract with
678 a county commission who engages in sexual misconduct, as defined
679 in s. 944.35(3)(c)1. ~~944.35(3)(b)1.~~, with an inmate or an
680 offender supervised by the facility without committing the crime
681 of sexual battery commits a felony of the third degree,
682 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
683 The consent of an inmate to any act of sexual misconduct may not
684 be raised as a defense to prosecution under this section.

685 Section 18. For the purpose of incorporating the amendment
686 made by this act to section 944.35, Florida Statutes, in a
687 reference thereto, paragraph (uu) of subsection (2) of section
688 435.04, Florida Statutes, is reenacted to read:

689 435.04 Level 2 screening standards.—

690 (2) The security background investigations under this

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691 section must ensure that no persons subject to the provisions of
 692 this section have been arrested for and are awaiting final
 693 disposition of, have been found guilty of, regardless of
 694 adjudication, or entered a plea of nolo contendere or guilty to,
 695 or have been adjudicated delinquent and the record has not been
 696 sealed or expunged for, any offense prohibited under any of the
 697 following provisions of state law or similar law of another
 698 jurisdiction:

699 (uu) Section 944.35(3), relating to inflicting cruel or
 700 inhuman treatment on an inmate resulting in great bodily harm.

701 Section 19. For the purpose of incorporating the amendment
 702 made by this act to section 944.35, Florida Statutes, in a
 703 reference thereto, paragraph (f) of subsection (3) of section
 704 921.0022, Florida Statutes, is reenacted to read:

705 921.0022 Criminal Punishment Code; offense severity
 706 ranking chart.—

707 (3) OFFENSE SEVERITY RANKING CHART

708 (f) LEVEL 6

709

Florida	Felony	Description
Statute	Degree	
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.

710

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712	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
713	499.0051(3)	2nd	Knowing forgery of pedigree papers.
714	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
715	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
716	775.0875(1)	3rd	Taking firearm from law enforcement officer.
717	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
718	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
719	784.041	3rd	Felony battery; domestic battery by strangulation.

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720	784.048 (3)	3rd	Aggravated stalking; credible threat.
721	784.048 (5)	3rd	Aggravated stalking of person under 16.
722	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
723	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
724	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
725	784.081 (2)	2nd	Aggravated assault on specified official or employee.
726	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
727	784.083 (2)	2nd	Aggravated assault on code inspector.

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728	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
729	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
730	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
731	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
732	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
733	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
	794.05 (1)	2nd	Unlawful sexual activity with

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specified minor.

734

800.04 (5) (d) 3rd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

735

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

736

806.031 (2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

737

810.02 (3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

738

810.145 (8) (b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

739

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

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741	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
742	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
743	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
744	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
745	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
746	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
747	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation

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of an elderly person or
disabled adult.

748

825.103(3)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

749

827.03(2)(c) 3rd Abuse of a child.

750

827.03(2)(d) 3rd Neglect of a child.

751

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

752

836.05 2nd Threats; extortion.

753

836.10 2nd Written threats to kill or do
bodily injury.

754

843.12 3rd Aids or assists person to
escape.

755

847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene

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materials depicting minors.

756

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

757

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

758

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

759

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

760

944.40 2nd Escapes.

761

944.46 3rd Harboring, concealing, aiding escaped prisoners.

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944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

763

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

764

Section 20. This act shall take effect July 1, 2015.

765

766

767

768

T I T L E A M E N D M E N T

769

Remove everything before the enacting clause and insert:

770

771

A bill to be entitled

772

An act relating to corrections; amending s. 20.315,

773

F.S.; requiring the Department of Corrections to plan

774

and administer its program of services for security

775

and institutional operations through four regions;

776

requiring the Secretary of Corrections to appoint a

777

director for each region; requiring each director to

778

perform specified functions; providing an

779

appropriation and authorizing positions; amending s.

780

110.205, F.S.; exempting all positions assigned to the

781

department's office of inspector general from the

782

Career Service System; providing an appropriation;

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783 amending s. 216.136, F.S.; requiring the Criminal
784 Justice Estimating Conference to develop projections
785 of prison admissions and populations for elderly
786 felony offenders; amending s. 921.0021, F.S.; revising
787 the definition of the term "victim injury" by removing
788 a prohibition on assessing certain victim injury
789 sentence points for sexual misconduct by certain
790 correctional employees with inmates or offenders;
791 amending s. 944.151, F.S.; revising legislative intent
792 concerning safety and security; expanding the
793 department's security review committee functions to
794 include functions related to safe operation of
795 institutions and facilities; revising provisions
796 relating to physical inspections of state and private
797 buildings and structures and prioritizing institutions
798 for inspection that meet certain criteria; revising
799 provisions relating to duties of staff concerning
800 safety and security; amending s. 944.31, F.S.;
801 requiring that a copy of a written memorandum of
802 understanding for notification and investigation of
803 certain events between the Department of Corrections
804 and the Department of Law Enforcement be provided to
805 the Governor, the President of the Senate, and the
806 Speaker of the House of Representatives; requiring
807 specialized training for inspectors in certain
808 circumstances; amending s. 944.35, F.S.; requiring the

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809 Criminal Justice Standards and Training Commission to
810 include specialized training for management of
811 mentally ill inmates in the correctional officer
812 training program; requiring certain reports to be
813 signed under oath; expanding applicability of a
814 current felony offense to include certain employees of
815 private providers and private correctional facilities;
816 creating criminal penalties for employees who
817 knowingly, and with intent to cause specified harm,
818 withhold food and water and essential services;
819 requiring the Department of Corrections to establish
820 policies relating to the use of chemical agents;
821 requiring all nonreactionary use-of-force incidents
822 using chemical agents to be video recorded; creating
823 s. 944.805, F.S.; providing legislative intent
824 relating to specialized programs for veterans;
825 requiring the department to measure recidivism;
826 requiring reporting; amending s. 945.6033, F.S.;
827 requiring damage provisions in inmate health care
828 contracts; amending s. 947.1405, F.S.; conforming
829 provisions to changes made by the act; creating s.
830 950.021, F.S.; authorizing a court to sentence certain
831 offenders to a county jail for up to 24 months if the
832 county has a contract with the department; providing
833 contractual requirements; requiring and providing for
834 specific appropriations; requiring validation of per

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835 diem rates; requiring the department to implement a
836 body camera pilot program at Union Correctional
837 Institution; requiring the department to submit a
838 report to the Governor and Legislature; providing an
839 appropriation; amending s. 951.22, F.S.; including
840 cellular telephones and portable communication devices
841 as contraband for purposes of county detention
842 facilities; providing criminal penalties for
843 introduction of such contraband; amending s. 951.221,
844 F.S.; conforming a cross-reference; reenacting ss.
845 435.04(2)(uu) and 921.0022(3)(f), F.S., relating to
846 level 2 screening standards and the Criminal
847 Punishment Code and offense severity ranking chart,
848 respectively, to incorporate the amendment made to s.
849 944.35, F.S., in references thereto; providing an
850 effective date.

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