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1 A bill to be entitled
2 An act relating to corrections; amending s. 110.205,
3 F.S.; specifying employees and officers of the
4 Corrections Commission are exempt from career service;
5 amending s. 20.315, F.S.; revising the method of
6 appointment for the Secretary of Corrections; creating
7 the Florida Corrections Commission within the Justice
8 Administrative Commission; specifying that the
9 Corrections Commission shall not be subject to the
10 control or direction of the Justice Administrative
11 Commission but the employees shall be governed by the
12 classification plan and salary and benefits plan
13 approved by the Justice Administrative Commission;
14 providing for membership and terms of appointment for
15 commission members; prescribing duties and
16 responsibilities of the commission; prohibiting the
17 commission from entering into the department's
18 operation; establishing meeting and notice
19 requirements; requiring the commission to appoint an
20 executive director; authorizing reimbursement of per
21 diem and travel expenses for commission members;
22 prohibiting certain conflicts of interest among
23 commission members; providing for applicability;
24 amending s. 216.136, F.S.; requiring the Criminal
25 Justice Estimating Conference to develop projections
26 of prison admissions and populations for elderly
27 felony offenders; amending s. 43.16, F.S.; clarifying
28 the duties of the Justice Administrative Commission in
29 the operations of the Corrections Commission; amending

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30 s. 921.0021, F.S.; revising the definition of "victim
31 injury" by removing a prohibition on assessing certain
32 victim injury sentence points for sexual misconduct by
33 an employee of the Department of Corrections or a
34 private correctional facility with an inmate or an
35 offender supervised by the department; conforming a
36 provision to changes made by the act; amending s.
37 944.151, F.S.; expanding the department's security
38 review committee functions; ensuring physical
39 inspections of state and private buildings and
40 structures and prioritizing institutions for
41 inspection that meet certain criteria; amending s.
42 944.275, F.S.; prohibiting an inmate from receiving
43 incentive gain-time credits for completing the
44 requirements for and receiving a general educational
45 development certificate or vocational certificate if
46 the inmate was convicted of a specified offense on or
47 after a specified date; amending s. 944.31, F.S.;
48 requiring that a copy of a written memorandum of
49 understanding for notification and investigation of
50 certain events between the Department of Corrections
51 and the Department of Law Enforcement be provided in a
52 timely manner to the Governor, the President of the
53 Senate, and the Speaker of the House of
54 Representatives; requiring specialized training in
55 certain circumstances; amending s. 944.331, F.S.;
56 requiring the Department of Corrections to provide
57 multiple private, internal avenues for the reporting
58 by inmates of sexual abuse and sexual harassment;

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59 requiring the department, in consultation with the
60 Correctional Medical Authority, to review inmate
61 health care grievance procedures at each correctional
62 institution and private correctional facility;
63 requiring the department to review inmate grievance
64 procedures at each correctional institution and
65 private correctional facility; amending s. 944.35,
66 F.S.; requiring that correctional officers have
67 specialized training in the effective, nonforceful
68 management of mentally ill inmates who may exhibit
69 erratic behavior; requiring each institution to create
70 and maintain a system to track the use of force
71 episodes to determine if inmates need subsequent
72 physical or mental health treatment; requiring annual
73 reporting of use of force on the agency website;
74 requiring that reports of physical force be signed
75 under oath; prohibiting employees with notations
76 regarding incidents involving the inappropriate use of
77 force from being assigned to transitional care, crisis
78 stabilization, or corrections mental health treatment
79 facility housing; providing an exception; expanding
80 applicability of a current felony offense to include
81 certain employees of private providers and private
82 correctional facilities; creating criminal penalties
83 for employees who willfully or by culpable negligence
84 withhold food and water and other essential services;
85 providing for anonymous reporting of inmate abuse
86 directly to the department's Office of Inspector
87 General; requiring that instruction on communication

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88 techniques related to crisis stabilization to avoid
89 use of force be included in the correctional officer
90 training program; directing the department to
91 establish policies to protect inmates and employees
92 from retaliation; requiring the department to
93 establish policies relating to the use of chemical
94 agents; requiring all nonreactionary use of force
95 incidents using chemical agents be videotaped;
96 amending s. 944.8041, F.S.; requiring the department
97 to report health care costs for elderly inmates in its
98 annual report; creating s. 944.805, F.S.; providing
99 legislative intent relating to specialized programs
100 for veterans; requiring the department to measure
101 recidivism and report its finding in that regard;
102 amending s. 945.10, F.S.; authorizing the release of
103 certain confidential and exempt information to the
104 Florida Corrections Commission; amending s. 945.215,
105 F.S.; requiring that specified proceeds and certain
106 funds be deposited in the State Operated Institutions
107 Inmate Welfare Trust Fund; providing that the State
108 Operated Institutions Inmate Welfare Trust Fund is a
109 trust held by the Department of Corrections for the
110 benefit and welfare of certain inmates; prohibiting
111 deposits into the trust fund from exceeding \$5 million
112 per fiscal year; requiring that deposits in excess of
113 that amount be deposited into the General Revenue
114 Fund; requiring that funds of the trust fund be used
115 exclusively for specified purposes at correctional
116 facilities operated by the department; requiring that

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117 funds from the trust fund only be expended pursuant to
118 legislative appropriations; requiring the department
119 to annually compile a report, at the statewide and
120 institutional level documenting trust fund receipts
121 and expenditures; requiring that the report be
122 submitted by September 1 for the previous fiscal year
123 to specified offices of the Legislature and to the
124 Executive Office of the Governor; prohibiting the
125 purchase of weight-training equipment; providing a
126 contingent effective date; amending s. 945.48, F.S.;
127 specifying correctional officer staffing requirements
128 pertaining to inmates housed in mental health
129 treatment facilities; amending s. 945.6031, F.S.;
130 changing the frequency of required surveys; amending
131 s. 945.6033, F.S.; providing for damages in inmate
132 health care contracts; amending s. 945.6034, F.S.;
133 requiring the department to consider the needs of
134 inmates over 50 years of age and adopt health care
135 standards for that population; creating s. 945.6039,
136 F.S.; allowing an inmate's family, lawyer, and other
137 interested parties to hire and pay for an independent
138 medical evaluation; specifying the purpose for outside
139 evaluations; requiring the department to provide
140 reasonable and timely access to the inmate; amending
141 s. 947.149, F.S.; defining the term "elderly and
142 infirm inmate"; expanding eligibility for conditional
143 medical release to include elderly and infirm inmates;
144 amending ss. 948.10 and 951.221, F.S.; conforming
145 cross-references to changes made by the act; providing

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146 for applicability; reenacting ss. 435.04(2)(uu) and
147 921.0022(3)(f), F.S., relating to level 2 screening
148 standards and the Criminal Punishment Code and offense
149 severity ranking chart, respectively, to incorporate
150 the amendment made to s. 944.35, F.S., in references
151 thereto; reenacting ss. 944.72(1), 945.21501(1), and
152 945.2151, F.S., relating to the Privately Operated
153 Institutions Inmate Welfare Trust Fund, the Employee
154 Benefit Trust Fund, and the verification of social
155 security numbers, respectively, to incorporate the
156 amendment made to s. 945.215, F.S., in references
157 thereto; providing for appropriations to the
158 Corrections Commission; providing for appropriations
159 to the Correctional Medical Authority; providing for
160 appropriations to the Department of Corrections;
161 providing effective dates.

162
163 Be It Enacted by the Legislature of the State of Florida:

164
165 Section 1. Paragraph (x) of subsection (2) of section
166 110.205, Florida Statutes, is amended to read:

167 110.205 Career service; exemptions.—

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

170 (x) All officers and employees of the Justice
171 Administrative Commission, Office of the State Attorney, Office
172 of the Public Defender, regional offices of capital collateral
173 counsel, offices of criminal conflict and civil regional
174 counsel, ~~and~~ Statewide Guardian Ad Litem Office, including the

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175 circuit guardian ad litem programs, and the Florida Corrections
176 Commission.

177 Section 2. Subsection (3) of section 20.315, Florida
178 Statutes, is amended, present subsections (4) through (12) of
179 that section are redesignated as subsections (5) through (13),
180 respectively, and a new subsection (4) is added to that section,
181 to read:

182 20.315 Department of Corrections.—There is created a
183 Department of Corrections.

184 (3) SECRETARY OF CORRECTIONS.—The head of the Department of
185 Corrections is the Secretary of Corrections. The secretary shall
186 be ~~is~~ appointed by the Governor with the concurrence of three
187 members of the Cabinet, subject to confirmation by the Senate,
188 and shall serve at the pleasure of the Governor and Cabinet. The
189 secretary is responsible for planning, coordinating, and
190 managing the corrections system of the state. The secretary
191 shall ensure that the programs and services of the department
192 are administered in accordance with state and federal laws,
193 rules, and regulations, with established program standards, and
194 consistent with legislative intent. The secretary shall identify
195 the need for and recommend funding for the secure and efficient
196 operation of the state correctional system.

197 (a) The secretary shall appoint a deputy secretary. The
198 deputy secretary shall be directly responsible to the secretary
199 and shall serve at the pleasure of the secretary.

200 (b) The secretary shall appoint a general counsel and an
201 inspector general, who are exempt from part II of chapter 110
202 and are included in the Senior Management Service.

203 (c) The secretary may appoint assistant secretaries,

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204 directors, or other such persons that he or she deems are
205 necessary to accomplish the mission and goals of the department,
206 including, but not limited to, the following areas of program
207 responsibility:

208 1. Security and institutional operations, which shall
209 provide inmate work programs, offender programs, security
210 administration, emergency operations response, and operational
211 oversight of the regions.

212 2. Health services, which shall be headed by a physician
213 licensed under chapter 458 or an osteopathic physician licensed
214 under chapter 459, or a professionally trained health care
215 administrator with progressively responsible experience in
216 health care administration. This individual shall be responsible
217 for the delivery of health services to offenders within the
218 system and shall have direct professional authority over such
219 services.

220 3. Community corrections, which shall provide for
221 coordination of community alternatives to incarceration and
222 operational oversight of community corrections regions.

223 4. Administrative services, which shall provide budget and
224 accounting services within the department, including the
225 construction and maintenance of correctional institutions, human
226 resource management, research, planning and evaluation, and
227 technology.

228 5. Program, transition, and postrelease services, which
229 shall provide for the direct management and supervision of all
230 departmental programs, including the coordination and delivery
231 of education and job training to the offenders in the custody of
232 the department. In addition, this program shall provide for the

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233 direct management and supervision of all programs that furnish
234 transition assistance to inmates who are or have recently been
235 in the custody of the department, including the coordination,
236 facilitation, and contract management of prerelease and
237 postrelease transition services provided by governmental and
238 private providers, including faith-based service groups.

239 (4) FLORIDA CORRECTIONS COMMISSION.—The Florida Corrections
240 Commission is created. The primary focus of the commission shall
241 be on matters relating to corrections with an emphasis on the
242 safe and effective operations of major correctional
243 institutions. However, in instances in which the policies of
244 other components of the criminal justice system affect
245 corrections, the commission shall advise and make
246 recommendations. The Justice Administrative Commission shall
247 provide administrative support and service to the Florida
248 Corrections Commission to the extent requested by the Florida
249 Corrections Commission. The Florida Corrections Commission shall
250 not be subject to the control, supervision, or direction by
251 the Justice Administrative Commission in the performance of its
252 duties, but the employees of the Florida Corrections Commission
253 shall be governed by the classification plan and salary and
254 benefits plan approved by the Justice Administrative Commission.

255 (a) The commission shall be composed of nine members. The
256 President of the Senate, the Speaker of the House of
257 Representatives, the minority leader of the Senate, and the
258 minority leader of the House of Representatives shall each
259 provide a list of six nominees to the Governor for consideration
260 and initial appointment to the commission. The Governor may
261 appoint two members to the commission from each list. The

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262 Governor may also appoint a ninth member of his or her choosing.
263 The initial members of the commission shall be appointed by
264 October 1, 2015. Members of the commission shall be appointed
265 for terms of 4 years. However, to achieve staggered terms, four
266 of the initial members shall be appointed to 2-year terms.
267 Members must be appointed in a manner that ensures equitable
268 representation of different geographic regions and the ethnic
269 diversity of this state. Each member of the commission must be a
270 resident and a registered voter of this state. A commission
271 member must represent the state as a whole and may not
272 subordinate the needs of the state to those of a particular
273 region. The commission's membership should, to the greatest
274 extent possible, include a person with a background in law
275 enforcement or jail management, a person with a background in
276 criminal prosecution, a person with a background in criminal
277 defense, a pastor or former prison chaplain, a community leader,
278 and a business leader.

279 (b) The primary duties and responsibilities of the Florida
280 Corrections Commission include:

281 1. Conducting investigations, internal affairs
282 investigations, and criminal investigations.

283 2. Conducting announced and unannounced inspections of
284 correctional facilities, including facilities operated by
285 private contractors. The commission may enter any place where
286 prisoners in this state are kept and shall be immediately
287 admitted to such place as they desire and may consult and confer
288 with any prisoner privately and without molestation.

289 3. Identifying and monitoring high-risk and problematic
290 correctional facilities, and reporting findings and

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291 recommendations relating to such facilities.

292 4. Continually monitoring on a statewide basis the
293 incidence of inmate-on-inmate and officer-on-inmate violence and
294 the introduction of contraband.

295 5. Submitting an annual report to the Governor, the
296 President of the Senate, and the Speaker of the House of
297 Representatives by each November 1, beginning in 2016.

298 6. Developing legislative, budgetary, and operational
299 recommendations for correctional system improvement.

300 7. Reviewing the annual Legislative Budget Request of the
301 department and making recommendations and comments on such
302 budgetary request to the Governor.

303 8. Convening public hearings, for which the commission is
304 authorized to issue subpoenas and take sworn testimony of
305 witnesses.

306 9. Conducting confidential interviews with staff, officers,
307 inmates, correctional health care professionals, citizens,
308 volunteers, and public officials relating to the operations and
309 conditions of correctional facilities.

310 10. Developing and implementing a set of standards and
311 performance measures which establishes an accountability system
312 that allows each correctional institution or facility to be
313 individually measured annually for performance. The standards
314 and measures shall be primarily focused on inmate achievement,
315 inmate institutional adjustment, safe and secure prison
316 operations, officer safety, officer training, and inmate safety.
317 The Florida Corrections Commission shall maintain an
318 accountability system that tracks the department's progress
319 toward meeting specified goals at both regional and

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320 institutional levels.

321 (c) The commission may not enter into the day-to-day
322 operation of the department, but may conduct investigations.

323 (d) The commission shall hold a minimum of six regular
324 meetings annually. A majority of the membership of the
325 commission constitutes a quorum at any meeting of the
326 commission. The chair shall be elected from the commission's
327 membership. The chair shall direct that complete and accurate
328 minutes be kept of all commission meetings, which shall be open
329 for public inspection. Additional meetings may be held upon the
330 written request of at least four members, with at least 1 week's
331 notice of such meeting being given to all members and the public
332 by the chair pursuant to chapter 120. Emergency meetings may be
333 held without notice upon request of all members. Meetings of the
334 commission shall be held at major correctional facilities around
335 the state as determined by the chair.

336 (e) The commission shall appoint an executive director who
337 shall serve under the direction, supervision, and control of the
338 commission. The executive director, with consent of the
339 commission, shall employ staff as necessary to adequately
340 perform the functions of the commission.

341 (f) Commission members shall serve without compensation but
342 are entitled to receive reimbursement for per diem and travel
343 expenses as provided in s. 112.061.

344 (g) Commission members may not have an immediate family
345 member who works in the department or any private institution or
346 contractor under contract with the department and may not have
347 any interest, direct or indirect, in a contract, franchise,
348 privilege, or other benefit granted or awarded by the

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349 department, or any of its contractors or subcontracts, while
350 serving as a member of the commission.

351 Section 3. The amendments made by this act to s. 20.315(3),
352 Florida Statutes, do not apply to a Secretary of Corrections
353 appointed before July 1, 2015.

354 Section 4. Paragraph (d) is added to subsection (5) of
355 section 216.136, Florida Statutes, to read:

356 216.136 Consensus estimating conferences; duties and
357 principals.—

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

360 (d) Develop projections of prison admissions and
361 populations for elderly felony offenders.

362 Section 5. Subsections (5) and (6) of section 43.16,
363 Florida Statutes, are amended to read:

364 43.16 Justice Administrative Commission; membership, powers
365 and duties.—

366 (5) The duties of the commission shall include, but not be
367 limited to, the following:

368 (a) The maintenance of a central state office for
369 administrative services and assistance when possible to and on
370 behalf of the state attorneys and public defenders of Florida,
371 the capital collateral regional counsel of Florida, the criminal
372 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
373 Program, and the Florida Corrections Commission.

374 (b) Each state attorney, public defender, and criminal
375 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
376 Program, and the Florida Corrections Commission shall continue
377 to prepare necessary budgets, vouchers that represent valid

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378 claims for reimbursement by the state for authorized expenses,
379 and other things incidental to the proper administrative
380 operation of the office, such as revenue transmittals to the
381 Chief Financial Officer and automated systems plans, but will
382 forward such items to the commission for recording and
383 submission to the proper state officer. However, when requested
384 by a state attorney, a public defender, a criminal conflict and
385 civil regional counsel, ~~or~~ the Guardian Ad Litem Program, or the
386 Florida Corrections Commission, the commission will either
387 assist in the preparation of budget requests, voucher schedules,
388 and other forms and reports or accomplish the entire project
389 involved.

390 (6) The provisions contained in this section shall be
391 supplemental to those of chapter 27, relating to state
392 attorneys, public defenders, criminal conflict and civil
393 regional counsel, and capital collateral regional counsel; to
394 those of chapter 39, relating to the Guardian Ad Litem Program;
395 to those of chapter 20, relating to the Florida Corrections
396 Commission, or to other laws pertaining hereto.

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

399 921.0021 Definitions.—As used in this chapter, for any
400 felony offense, except any capital felony, committed on or after
401 October 1, 1998, the term:

402 (7) (a) "Victim injury" means the physical injury or death
403 suffered by a person as a direct result of the primary offense,
404 or any additional offense, for which an offender is convicted
405 and which is pending before the court for sentencing at the time
406 of the primary offense.

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

408 1. If the conviction is for an offense involving sexual
409 contact that includes sexual penetration, the sexual penetration
410 must be scored in accordance with the sentence points provided
411 under s. 921.0024 for sexual penetration, regardless of whether
412 there is evidence of any physical injury.

413 2. If the conviction is for an offense involving sexual
414 contact that does not include sexual penetration, the sexual
415 contact must be scored in accordance with the sentence points
416 provided under s. 921.0024 for sexual contact, regardless of
417 whether there is evidence of any physical injury.

418
419 If the victim of an offense involving sexual contact suffers any
420 physical injury as a direct result of the primary offense or any
421 additional offense committed by the offender resulting in
422 conviction, such physical injury must be scored separately and
423 in addition to the points scored for the sexual contact or the
424 sexual penetration.

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

428 (c)~~(d)~~ If the conviction is for the offense described in s.
429 872.06, the sentence points provided under s. 921.0024 for
430 sexual contact or sexual penetration may not be assessed.

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

435 Section 7. Section 944.151, Florida Statutes, is amended to

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436 read:

437 944.151 Safety and security of correctional institutions
438 and facilities.—It is the intent of the Legislature that the
439 Department of Corrections shall be responsible for the safe
440 operation and security of the correctional institutions and
441 facilities. The safe operation and security of the state's
442 correctional institutions and facilities is critical to ensure
443 public safety and the safety of department employees and
444 offenders and to contain violent and chronic offenders until
445 offenders are otherwise released from the department's custody
446 pursuant to law. The Secretary of Corrections shall, at a
447 minimum:

448 (1) Appoint and designate select staff to the a safety and
449 security review committee ~~which shall, at a minimum, be composed~~
450 ~~of: the inspector general, the statewide security coordinator,~~
451 ~~the regional security coordinators, and three wardens and one~~
452 ~~correctional officer.~~ The safety and security review committee
453 shall evaluate new safety and security technology; review and
454 discuss issues impacting correctional facilities; review and
455 discuss current issues impacting correctional facilities; and
456 review and discuss other issues as requested by management.†

457 ~~(a) Establish a periodic schedule for the physical~~
458 ~~inspection of buildings and structures of each state and private~~
459 ~~correctional institution to determine security deficiencies. In~~
460 ~~scheduling the inspections, priority shall be given to older~~
461 ~~institutions, institutions that house a large proportion of~~
462 ~~violent offenders, and institutions that have experienced a~~
463 ~~significant number of escapes or escape attempts in the past.~~

464 (2) Ensure that appropriate staff establishes a periodic

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465 schedule for the physical inspection of buildings and structures
466 of each state and private correctional institution and facility
467 to determine safety and security deficiencies. In scheduling the
468 inspections, priority shall be given to older institutions,
469 institutions that house a large proportion of violent offenders,
470 institutions with a high level of inappropriate incidents of use
471 of force on inmates, assaults on employees, or inmate sexual
472 abuse, and institutions that have experienced a significant
473 number of escapes or escape attempts in the past.

474 (a) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
475 causes ~~cause~~ to be conducted announced and unannounced
476 comprehensive safety and security audits of all state and
477 private correctional institutions. In conducting the security
478 audits, priority shall be given to older institutions,
479 institutions that house a large proportion of violent offenders,
480 institutions with a high level of inappropriate incidents of use
481 of force on inmates, assaults on employees, or inmate sexual
482 abuse, and institutions that have experienced a history of
483 escapes or escape attempts. At a minimum, the audit shall
484 include an evaluation of the physical plant, which shall include
485 the identification of blind spots or areas where staff or
486 inmates may be isolated and the deployment of audio and video
487 monitoring systems and other monitoring technologies in such
488 areas, landscaping, fencing, security alarms and perimeter
489 lighting, confinement, arsenal, key and lock, and entrance/exit
490 and inmate classification and staffing policies. Each
491 correctional institution shall be audited at least annually. The
492 secretary shall

493 (b) Report the general survey findings annually to the

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494 Governor and the Legislature.

495 (c) Ensure appropriate staff investigates and evaluates the
496 usefulness and dependability of existing safety and security
497 technology at the institutions and new technology and video
498 monitoring systems available and make periodic written
499 recommendations to the secretary on the discontinuation or
500 purchase of various safety and security devices.

501 (d) Contract, if deemed necessary, with security personnel,
502 consulting engineers, architects, or other safety and security
503 experts the department deems necessary for safety and security
504 consultant services.

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

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

512 (g) Ensure appropriate staff reviews staffing policies,
513 classification, and practices as needed.

514 (3)~~(e)~~ Adopt and enforce minimum safety and security
515 standards and policies that include, but are not limited to:

516 (a)~~1.~~ Random monitoring of outgoing telephone calls by
517 inmates.

518 (b)~~2.~~ Maintenance of current photographs of all inmates.

519 (c)~~3.~~ Daily inmate counts at varied intervals.

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

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

522 (f)~~6.~~ Florida Crime Information Center/National Crime

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523 Information Center capabilities.

524 ~~(g)7.~~ Employment background investigations.

525 ~~(d) Annually make written prioritized budget~~
526 ~~recommendations to the secretary that identify critical security~~
527 ~~deficiencies at major correctional institutions.~~

528 ~~(e) Investigate and evaluate the usefulness and~~
529 ~~dependability of existing security technology at the~~
530 ~~institutions and new technology available and make periodic~~
531 ~~written recommendations to the secretary on the discontinuation~~
532 ~~or purchase of various security devices.~~

533 ~~(f) Contract, if deemed necessary, with security personnel,~~
534 ~~consulting engineers, architects, or other security experts the~~
535 ~~committee deems necessary for security audits and security~~
536 ~~consultant services.~~

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

539 ~~(4)2)~~ Direct staff to maintain and produce quarterly
540 reports with accurate escape statistics. For the purposes of
541 these reports, "escape" includes all possible types of escape,
542 regardless of prosecution by the state attorney, and including
543 offenders who walk away from nonsecure community facilities.

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

548 ~~(5)4)~~ Direct staff to submit in the annual legislative
549 budget request a prioritized summary of critical safety and
550 security deficiencies, and repair and renovation ~~security~~ needs.

551 Section 8. Paragraphs (d) and (e) of subsection (4) of

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

553 944.275 Gain-time.—

554 (4)

555 (d) Notwithstanding paragraph (b) subparagraphs (b)1. and
556 2., the education program manager shall recommend, and the
557 Department of Corrections may grant, a one-time award of 60
558 additional days of incentive gain-time to an inmate who is
559 otherwise eligible and who successfully completes requirements
560 for and is awarded a high school equivalency diploma or
561 vocational certificate. This incentive gain-time award may be
562 granted to reduce any sentence for an offense committed on or
563 after October 1, 1995. However, this gain-time may not be
564 granted to reduce any sentence for an offense committed on or
565 after October 1, 1995, if the inmate is, or has previously been,
566 convicted of a violation of s. 794.011, s. 794.05, former s.
567 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
568 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
569 847.0145, or s. 985.701(1), or a forcible felony offense that is
570 specified in s. 776.08, except burglary as specified in s.
571 810.02(4). An inmate subject to the 85 percent minimum service
572 requirement pursuant to subparagraph (b)3. may not accumulate
573 gain-time awards at any point when the tentative release date is
574 the same as the 85 percent minimum service date of the sentence
575 imposed. Under no circumstances may an inmate receive more than
576 60 days for educational attainment pursuant to this section.

577 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
578 for sentences imposed for offenses committed on or after October
579 1, 2014, the department may not grant incentive gain-time if the
580 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.

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581 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
582 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

583 Section 9. Section 944.31, Florida Statutes, is amended to
584 read:

585 944.31 Inspector general; inspectors; power and duties.—

586 (1) The inspector general shall be responsible for prison
587 inspection and investigation, internal affairs investigations,
588 and management reviews. The office of the inspector general
589 shall be charged with the duty of inspecting the penal and
590 correctional systems of the state. The office of the inspector
591 general shall inspect each correctional institution or any place
592 in which state prisoners are housed, worked, or kept within the
593 state, with reference to its physical conditions, cleanliness,
594 sanitation, safety, and comfort; the quality and supply of all
595 bedding; the quality, quantity, and diversity of food served and
596 the manner in which it is served; the number and condition of
597 the prisoners confined therein; and the general conditions of
598 each institution. The office of inspector general shall see that
599 all the rules and regulations issued by the department are
600 strictly observed and followed by all persons connected with the
601 correctional systems of the state. The office of the inspector
602 general shall coordinate and supervise the work of inspectors
603 throughout the state. The inspector general and inspectors may
604 enter any place where prisoners in this state are kept and shall
605 be immediately admitted to such place as they desire and may
606 consult and confer with any prisoner privately and without
607 molestation. The inspector general and inspectors shall be
608 responsible for criminal and administrative investigation of
609 matters relating to the Department of Corrections. The secretary

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610 may designate persons within the office of the inspector general
611 as law enforcement officers to conduct any criminal
612 investigation that occurs on property owned or leased by the
613 department or involves matters over which the department has
614 jurisdiction. A person designated as a law enforcement officer
615 must be certified pursuant to s. 943.1395 and must have a
616 minimum of 3 years' experience as an inspector in the inspector
617 general's office or as a law enforcement officer.

618 (2) The department, after consultation with the Florida
619 Corrections Commission, shall maintain a written memorandum of
620 understanding with the Department of Law Enforcement for the
621 notification and investigation of mutually agreed-upon predicate
622 events that shall include, but are not limited to, suspicious
623 deaths and organized criminal activity. A copy of an active
624 memorandum of understanding shall be provided in a timely manner
625 to the Governor, the President of the Senate, and the Speaker of
626 the House of Representatives.

627 (3) During investigations, the inspector general and
628 inspectors may consult and confer with any prisoner or staff
629 member privately and without molestation and persons designated
630 as law enforcement officers under this section shall have the
631 authority to arrest, with or without a warrant, any prisoner of
632 or visitor to a state correctional institution for a violation
633 of the criminal laws of the state involving an offense
634 classified as a felony that occurs on property owned or leased
635 by the department and may arrest offenders who have escaped or
636 absconded from custody. Persons designated as law enforcement
637 officers have the authority to arrest with or without a warrant
638 a staff member of the department, including any contract

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639 employee, for a violation of the criminal laws of the state
640 involving an offense classified as a felony under this chapter
641 or chapter 893 on property owned or leased by the department. A
642 person designated as a law enforcement officer under this
643 section may make arrests of persons against whom arrest warrants
644 have been issued, including arrests of offenders who have
645 escaped or absconded from custody. The arrested person shall be
646 surrendered without delay to the sheriff of the county in which
647 the arrest is made, with a formal complaint subsequently made
648 against her or him in accordance with law.

649 (4) The inspector general, and inspectors who conduct
650 sexual abuse investigations in confinement settings, shall
651 receive specialized training in conducting such investigations.
652 The department shall be responsible for providing the
653 specialized training. Specialized training shall include, but
654 need not be limited to, techniques for interviewing sexual abuse
655 victims, proper use of Miranda and Garrity warnings, sexual
656 abuse evidence collection in confinement settings, and the
657 criteria and evidence required to substantiate a case for
658 administrative action or prosecution.

659 Section 10. Section 944.331, Florida Statutes, is amended
660 to read:

661 944.331 Inmate grievance procedure.—

662 (1) The department shall establish by rule an inmate
663 grievance procedure, which ~~that~~ must conform to the Minimum
664 Standards for Inmate Grievance Procedures as promulgated by the
665 United States Department of Justice pursuant to 42 U.S.C. s.
666 1997e. The department's office of general counsel shall oversee
667 the grievance procedures established by the department.

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668 (2) In establishing grievance procedures, the department
669 shall provide multiple internal avenues for inmates to privately
670 report sexual abuse and sexual harassment and any staff neglect
671 of, or failure to perform, responsibilities which may have
672 contributed to such incidents. The procedures must allow reports
673 to be made in writing by third parties.

674 (3) The department, in consultation with the Correctional
675 Medical Authority, shall review inmate health care grievance
676 procedures at each correctional institution and private
677 correctional facility to determine the procedural soundness and
678 effectiveness of the current health care grievance process, to
679 identify employees prone to misconduct directly related to the
680 delivery of health care services, and to identify life-
681 threatening inmate health concerns. The review shall determine
682 whether inmate health care grievances are being properly
683 reported, transmitted, and processed; inmates are allowed
684 writing utensils and paper; multiple channels of communication
685 exist to report alleged abuse related to the delivery of health
686 care services; and protocols are being implemented to protect an
687 inmate who filed a grievance concerning the delivery of health
688 care from retaliation for filing a complaint alleging staff
689 misconduct.

690 (4) The department shall review inmate grievance procedures
691 at each correctional institution and private correctional
692 facility to determine the procedural soundness and effectiveness
693 of the current grievance process, to identify employees prone to
694 misconduct, and to identify life-threatening inmate safety
695 concerns. The review shall determine whether inmate grievances
696 are being properly reported, transmitted, and processed; inmates

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697 are allowed writing utensils and paper; multiple channels of
698 communication exist to report alleged abuse; and protocols are
699 being implemented to protect an inmate who filed a grievance
700 from retaliation for filing a complaint alleging staff
701 misconduct.

702 (5) Beginning October 1, 2015, the department in
703 consultation with the Correctional Medical Authority shall
704 annually report, and post to their respective websites, their
705 joint findings. The authority shall document in the report its
706 findings on the effectiveness of inmate health care grievance
707 procedures; cite the number of health care grievances filed by
708 inmates, by institution and by region; specify the types of
709 health care problems alleged by inmates; and summarize the
710 actions taken by the department or the authority as a result of
711 its investigation of inmate health care grievances.

712 Section 11. Section 944.35, Florida Statutes, is amended to
713 read:

714 944.35 Authorized use of force; malicious battery and
715 sexual misconduct prohibited; reporting required; penalties.—

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

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

721 2. To prevent a person from escaping from a state
722 correctional institution when the officer reasonably believes
723 that person is lawfully detained in such institution;

724 3. To prevent damage to property;

725 4. To quell a disturbance;

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

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

729 a. When treatment is necessary to protect the health of
730 other persons, as in the case of contagious or venereal
731 diseases; or

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

734
735 As part of the correctional officer training program, the
736 Criminal Justice Standards and Training Commission shall develop
737 a course specifically designed to explain the parameters of this
738 subsection and to teach the proper methods and techniques in
739 applying authorized physical force upon an inmate. Effective
740 October 1, 2015, this course shall include specialized training
741 for effectively managing in nonforceful ways mentally ill
742 inmates who may exhibit erratic behavior.

743 (b) Following any use of force, a qualified health care
744 provider shall examine any person physically involved to
745 determine the extent of injury, if any, and shall prepare a
746 report which shall include, but not be limited to, a statement
747 of whether further examination by a physician is necessary. The
748 identity of the qualified health care provider on the report
749 shall be designated by using an employee identification number
750 in lieu of a name and signature. Any noticeable physical injury
751 shall be examined by a physician, and the physician shall
752 prepare a report documenting the extent and probable cause of
753 the injury and the treatment prescribed. Such report shall be
754 completed within 5 working days of the incident and shall be

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755 submitted to the warden for appropriate investigation.

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

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

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

765 2. Multi-year statistics documenting annual trends in the
766 use of force;

767 3. Statistical information on the level of inmate or
768 officer injury, including death, in incidents involving the use
769 of force;

770 4. A breakdown, by institution, of statistics on use of
771 force; and

772 5. Statistics on the number of employees who were
773 disciplined or terminated because of their involvement in
774 incidents involving the inappropriate use of force, based on
775 notations of such incidents in their personnel files.

776 (2) Each employee of the department who either applies
777 physical force or was responsible for making the decision to
778 apply physical force upon an inmate or an offender supervised by
779 the department in the community pursuant to this subsection
780 shall prepare, date, and sign under oath an independent report
781 within 1 working day of the incident. The report shall be
782 delivered to the warden or the circuit administrator, who shall
783 forward the report with all appropriate documentation to the

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784 office of the inspector general. The inspector general shall
785 conduct a review and make recommendations regarding the
786 appropriateness or inappropriateness of the use of force. If the
787 inspector general finds that the use of force was appropriate,
788 the employee's report, together with the inspector general's
789 written determination of the appropriateness of the force used
790 and the reasons therefor, shall be forwarded to the circuit
791 administrator or warden upon completion of the review. If the
792 inspector general finds that the use of force was inappropriate,
793 the inspector general shall conduct a complete investigation
794 into the incident and forward the findings of fact to the
795 appropriate regional director for further action. Copies of the
796 employee's report and the inspector general's review shall be
797 kept in the files of the inmate or the offender supervised by
798 the department in the community. A notation of each incident
799 involving use of force and the outcome based on the inspector
800 general's evaluation shall be kept in the employee's file. An
801 employee with two or more notations in the employee's file for
802 inappropriate use of force incidents, as specified in s. 944.35,
803 shall not be assigned to transitional care, crisis
804 stabilization, or corrections mental health treatment facility
805 inmate housing units as defined in Florida Administrative Code.
806 However, an employee with two or more notations in the
807 employee's file who remains free of inappropriate use of force
808 incidents for a significant period may be permitted to work in
809 the transitional care, crisis stabilization, or corrections
810 mental health treatment facility inmate housing units.

811 (3) (a) 1. Any employee of the department, private provider,
812 or private correctional facility who, with malicious intent,

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813 commits a battery upon an inmate or an offender supervised by
814 the department in the community, commits a misdemeanor of the
815 first degree, punishable as provided in s. 775.082 or s.
816 775.083.

817 2. Any employee of the department, private provider, or
818 private correctional facility who, with malicious intent,
819 commits a battery or inflicts cruel or inhuman treatment by
820 neglect or otherwise, and in so doing causes great bodily harm,
821 permanent disability, or permanent disfigurement to an inmate or
822 an offender supervised by the department in the community,
823 commits a felony of the third degree, punishable as provided in
824 s. 775.082, s. 775.083, or s. 775.084.

825 (b)1. An employee of the department, private provider, or
826 private correctional facility who:

827 a. Willfully or by culpable negligence withholds food,
828 water, clothing, shelter, supervision, medicine, or medical
829 services from an inmate that a prudent person would consider
830 essential for the well-being of the inmate; and

831 b. Causes the inmate to suffer great bodily harm, permanent
832 disability, or permanent disfigurement by such action;

833
834 commits a felony of the third degree, punishable as provided in
835 s. 775.082, s. 775.083, or s. 775.084.

836 2. This section does not preclude prosecution for a
837 criminal act under any other law.

838 (c)~~(b)~~1. As used in this paragraph, the term "sexual
839 misconduct" means the oral, anal, or vaginal penetration by, or
840 union with, the sexual organ of another or the anal or vaginal
841 penetration of another by any other object, but does not include

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842 an act done for a bona fide medical purpose or an internal
843 search conducted in the lawful performance of the employee's
844 duty.

845 2. Any employee of the department or a private correctional
846 facility as defined in s. 944.710 who engages in sexual
847 misconduct with an inmate or an offender supervised by the
848 department in the community, without committing the crime of
849 sexual battery, commits a felony of the third degree, punishable
850 as provided in s. 775.082, s. 775.083, or s. 775.084.

851 3. The consent of the inmate or offender supervised by the
852 department in the community to any act of sexual misconduct may
853 not be raised as a defense to a prosecution under this
854 paragraph.

855 4. This paragraph does not apply to any employee of the
856 department or any employee of a private correctional facility
857 who is legally married to an inmate or an offender supervised by
858 the department in the community, nor does it apply to any
859 employee who has no knowledge, and would have no reason to
860 believe, that the person with whom the employee has engaged in
861 sexual misconduct is an inmate or an offender under community
862 supervision of the department.

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

869 (e)~~(d)~~ Each employee who witnesses, or has reasonable cause
870 to suspect, that an inmate or an offender under the supervision

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871 of the department in the community has been unlawfully abused or
872 is the subject of sexual misconduct pursuant to this subsection
873 shall immediately prepare, date, and sign an independent report
874 specifically describing the nature of the force used or the
875 nature of the sexual misconduct, the location and time of the
876 incident, and the persons involved. The report shall be
877 delivered to the inspector general of the department with a copy
878 to be delivered to the warden of the institution or the regional
879 administrator. The inspector general shall immediately conduct
880 an appropriate investigation, and, if probable cause is
881 determined that a violation of this subsection has occurred, the
882 respective state attorney in the circuit in which the incident
883 occurred shall be notified.

884 (f) If an employee of the department, private provider, or
885 private correctional facility who witnesses unlawful abuse or
886 neglect or has reasonable cause to suspect that an inmate has
887 been unlawfully abused or neglected, as prohibited by this
888 section, fears retaliation by coworkers or supervisors if he or
889 she submits a report as provided in this section, the employee
890 may anonymously and confidentially report the inmate abuse or
891 neglect directly to the department's Office of Inspector
892 General.

893 (4) (a) Any employee required to report pursuant to this
894 section who knowingly or willfully fails to do so, or who
895 knowingly or willfully prevents another person from doing so,
896 commits a misdemeanor of the first degree, punishable as
897 provided in s. 775.082 or s. 775.083.

898 (b) Any person who knowingly or willfully submits
899 inaccurate, incomplete, or untruthful information with regard to

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900 reports required in this section commits a misdemeanor of the
901 first degree, punishable as provided in s. 775.082 or s.
902 775.083.

903 (c) Any person who knowingly or willfully coerces or
904 threatens any other person with the intent to alter either
905 testimony or a written report regarding an incident where force
906 was used or an incident of sexual misconduct commits a felony of
907 the third degree, punishable as provided in s. 775.082, s.
908 775.083, or s. 775.084.

909
910 As part of the correctional officer training program, the
911 Criminal Justice Standards and Training Commission shall develop
912 course materials for inclusion in the appropriate required
913 course specifically designed to explain the parameters of this
914 subsection, teach communication techniques related to crisis
915 stabilization to avoid the use of force, and ~~to~~ teach sexual
916 assault identification and prevention methods and techniques.

917 (5) The department shall establish a policy to protect from
918 retaliation inmates and employees who report physical or sexual
919 abuse. This policy shall establish multiple protective measures
920 for both inmates and employees relating to the reporting of
921 abuse as well as designate a method of monitoring follow up.

922 (6) The department shall establish a usage and inventory
923 policy to track, by institution, the use of chemical agents and
924 the disposal of expired, used, or damaged canisters of chemical
925 agents. The policy shall include, but not be limited to, a
926 requirement that a numbered seal be affixed to each chemical
927 agent canister in such a manner that the canister cannot be
928 removed from the carrier without breaking the seal. All

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929 canisters in the carriers will be checked out at the beginning
930 of each shift and checked back in at the end of the shift. The
931 shift supervisor should be charged with verifying the condition
932 of the numbered seals and periodically weighing random canisters
933 to insure that they have not been used without the required
934 documentation. All nonreactionary use of force incidents using
935 chemical agents shall be videotaped.

936 Section 12. Section 944.8041, Florida Statutes, is amended
937 to read:

938 944.8041 Elderly offenders; annual review.—

939 (1) For the purpose of providing information to the
940 Legislature on elderly offenders within the correctional system,
941 the department and the Correctional Medical Authority shall each
942 submit annually a report on the status and treatment of elderly
943 offenders in the state-administered and private state
944 correctional systems and the department's geriatric facilities
945 and dorms. In order to adequately prepare the reports, the
946 department and the Department of Management Services shall grant
947 access to the Correctional Medical Authority that includes
948 access to the facilities, offenders, and any information the
949 agencies require to complete their reports. The review shall
950 also include an examination of promising geriatric policies,
951 practices, and programs currently implemented in other
952 correctional systems within the United States. The reports, with
953 specific findings and recommendations for implementation, shall
954 be submitted to the President of the Senate and the Speaker of
955 the House of Representatives on or before December 31 of each
956 year.

957 (2) The department, in producing the annual report required

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958 under s. 20.315, shall report the cost of health care provided
959 to elderly inmates. The report shall include, but need not be
960 limited to, the average cost per year to incarcerate an elderly
961 inmate and the types of health care delivered to elderly inmates
962 which result in the highest expenditures.

963 Section 13. Section 944.805, Florida Statutes, is created
964 to read:

965 944.805 Veterans programs in state and private correctional
966 institutions.-

967 (1) The Legislature finds and declares that specialized
968 programs for veterans offered in state and private correctional
969 institutions have the potential to facilitate inmate
970 institutional adjustment, help inmates assume personal
971 responsibility, and ease community reentry through the
972 availability of expanded community resources. For the purposes
973 of this section, the term "veteran" has the same meaning as it
974 is defined in s. 1.01(14).

975 (2) It is the intent of the Legislature that the department
976 expand the use of specialized dormitories for veterans. It is
977 also the intent of the Legislature that veterans housed in state
978 and private correctional institutions be provided special
979 assistance before their release by identifying benefits and
980 services available in the community where the veteran plans to
981 reside.

982 (3) The department shall measure recidivism rates for
983 veterans who have participated in specialized dormitories and
984 for veterans who have received special assistance in community
985 reentry. The findings shall be included in the annual report
986 required under s. 20.315.

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987 Section 14. Paragraph (h) is added to subsection (2) of
988 section 945.10, Florida Statutes, to read:

989 945.10 Confidential information.—

990 (2) The records and information specified in paragraphs
991 (1) (a)-(h) may be released as follows unless expressly
992 prohibited by federal law:

993 (h) Information specified in paragraphs (1) (a)-(h) to the
994 Florida Corrections Commission.

995

996 Records and information released under this subsection remain
997 confidential and exempt from the provisions of s. 119.07(1) and
998 s. 24(a), Art. I of the State Constitution when held by the
999 receiving person or entity.

1000 Section 15. Effective upon SB 540 or similar legislation
1001 creating the "State Operated Institutions Inmate Welfare Trust
1002 Fund" being adopted in the 2015 Regular Session or an extension
1003 thereof and becoming law, subsection (1) of section 945.215,
1004 Florida Statutes, is amended, present subsections (2) and (3)
1005 are redesignated as subsections (3) and (4), respectively, and a
1006 new subsection (2) is added to that section, to read:

1007 945.215 Inmate welfare and employee benefit trust funds.—

1008 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE
1009 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

1010 (a) The ~~From the~~ net proceeds from operating inmate
1011 canteens, vending machines used primarily by inmates and
1012 visitors, hobby shops, and other such facilities must be
1013 deposited in the State Operated Institutions Inmate Welfare
1014 Trust Fund or, as set forth in this section, in the General
1015 Revenue Fund; however, funds necessary to purchase items for

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1016 resale at inmate canteens and vending machines must be deposited
1017 into local bank accounts designated by the department.

1018 (b) All proceeds from contracted telephone commissions must
1019 be deposited in the State Operated Institutions Inmate Welfare
1020 Trust Fund or, as set forth in this section, in the General
1021 Revenue Fund. The department shall develop and update, as
1022 necessary, administrative procedures to verify that:

1023 1. Contracted telephone companies accurately record and
1024 report all telephone calls made by inmates incarcerated in
1025 correctional facilities under the department's jurisdiction;

1026 2. Persons who accept collect calls from inmates are
1027 charged the contracted rate; and

1028 3. The department receives the contracted telephone
1029 commissions.

1030 (c) Any funds that may be assigned by inmates or donated to
1031 the department by the general public or an inmate service
1032 organization must be deposited in the State Operated
1033 Institutions Inmate Welfare Trust Fund or, as set forth in this
1034 section, in the General Revenue Fund; however, the department
1035 shall not accept any donation from, or on behalf of, any
1036 individual inmate.

1037 (d) All proceeds from the following sources must be
1038 deposited in the State Operated Institutions Inmate Welfare
1039 Trust Fund or, as set forth in this section, in the General
1040 Revenue Fund:

1041 1. The confiscation and liquidation of any contraband found
1042 upon, or in the possession of, any inmate;

1043 2. Disciplinary fines imposed against inmates;

1044 3. Forfeitures of inmate earnings; and

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1045 4. Unexpended balances in individual inmate trust fund
1046 accounts of less than \$1.

1047 (e) Items for resale at inmate canteens and vending
1048 machines maintained at the correctional facilities shall be
1049 priced comparatively with like items for retail sale at fair
1050 market prices.

1051 (f) Notwithstanding any other provision of law, inmates
1052 with sufficient balances in their individual inmate bank trust
1053 fund accounts, after all debts against the account are
1054 satisfied, shall be allowed to request a weekly draw of up to an
1055 amount set by the Secretary of Corrections, not to exceed \$100,
1056 to be expended for personal use on canteen and vending machine
1057 items.

1058 (2) (a) The State Operated Institutions Inmate Welfare Trust
1059 Fund constitutes a trust held by the department for the benefit
1060 and welfare of inmates incarcerated in correctional facilities
1061 operated directly by the department.

1062 (b) Deposits into the State Operated Institutions Inmate
1063 Welfare Trust Fund shall not exceed a total of \$5 million in any
1064 fiscal year. Any proceeds or funds that would cause deposits
1065 into the State Operated Institutions Inmate Welfare Trust Fund
1066 to exceed this restriction shall be deposited into the General
1067 Revenue Fund.

1068 (c) Funds in the State Operated Institutions Inmate Welfare
1069 Trust Fund shall be used exclusively for the following purposes
1070 at correctional facilities operated by the department:

1071 1. To provide literacy programs, vocational training
1072 programs, and educational programs;

1073 2. To operate inmate chapels, faith-based programs,

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1074 visiting pavilions, visiting services and programs, family
1075 services and programs, and libraries;

1076 3. To provide inmate substance abuse treatment programs and
1077 transition and life skills training programs;

1078 4. To provide for the purchase, rental, maintenance or
1079 repair of electronic or audio visual equipment used by inmates;

1080 5. To provide for the purchase, rental, maintenance or
1081 repair of recreation and wellness equipment; or

1082 6. To provide for the purchase, rental, maintenance, or
1083 repair of bicycles used by inmates traveling to and from
1084 employment in the work-release program authorized in s.

1085 945.091(1)(b).

1086 (d) Funds in the State Operated Institutions Inmate Welfare
1087 Trust Fund shall be expended only pursuant to legislative
1088 appropriation.

1089 (e) The department shall annually compile a report that
1090 specifically documents State Operated Institutions Inmate
1091 Welfare Trust Fund receipts and expenditures. This report shall
1092 be compiled at both the statewide and institutional levels. The
1093 department must submit this report for the previous fiscal year
1094 by September 1 of each year to the chairs of the appropriate
1095 substantive and fiscal committees of the Senate and the House of
1096 Representatives and to the Executive Office of the Governor.

1097 (f) Funds in the State Operated Institutions Inmate Welfare
1098 Trust Fund or any other fund may not be used to purchase weight-
1099 training equipment.

1100 Section 16. Subsection (7) is added to section 945.48,
1101 Florida Statutes, to read:

1102 945.48 Rights of inmates provided mental health treatment;

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1103 procedure for involuntary treatment; correctional officer
1104 staffing requirements.—

1105 (7) CORRECTIONAL OFFICER STAFFING.—A correctional officer
1106 who has close contact with inmates housed in a mental health
1107 treatment facility shall annually complete training in crisis
1108 intervention. An employee with two or more notations in the
1109 employee's file for inappropriate use of force incidents, as
1110 specified in s. 944.35, may not be assigned to transitional
1111 care, crisis stabilization, or corrections mental health
1112 treatment facility inmate housing units as defined in the
1113 Florida Administrative Code. However, an employee with two or
1114 more notations in the employee's file who remains free of
1115 inappropriate use of force incidents for a significant period
1116 may be permitted to work in the transitional care, crisis
1117 stabilization, or corrections mental health treatment facility
1118 inmate housing units.

1119 Section 17. Subsection (2) of section 945.6031, Florida
1120 Statutes, is amended to read:

1121 945.6031 Required reports and surveys.—

1122 (2) The authority shall conduct surveys of the physical and
1123 mental health care system at each correctional institution at
1124 least every 18 months ~~triennially~~ and shall report the survey
1125 findings for each institution to the Secretary of Corrections.

1126 Section 18. Section 945.6033, Florida Statutes, is amended
1127 to read:

1128 945.6033 Continuing contracts with health care providers.—

1129 (1) The Department of Corrections may enter into continuing
1130 contracts with licensed health care providers, including
1131 hospitals and health maintenance organizations, for the

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1132 provision of inmate health care services which the department is
1133 unable to provide in its facilities.

1134 (2) The Department of Corrections, in negotiating contracts
1135 for the delivery of inmate health care, shall only enter into
1136 contracts which contain damage provisions.

1137 Section 19. Subsection (1) of section 945.6034, Florida
1138 Statutes, is amended to read:

1139 945.6034 Minimum health care standards.—

1140 (1) The Assistant Secretary for Health Services is
1141 responsible for developing a comprehensive health care delivery
1142 system and promulgating all department health care standards.
1143 Such health care standards shall include, but are not limited
1144 to, rules relating to the management structure of the health
1145 care system and the provision of health care services to
1146 inmates, health care policies, health care plans, quality
1147 management systems and procedures, health service bulletins, and
1148 treatment protocols. In establishing standards of care, the
1149 department shall examine and consider the needs of inmates over
1150 50 years of age and adopt health care standards unique to this
1151 population.

1152 Section 20. Section 945.6039, Florida Statutes, is created
1153 to read:

1154 945.6039 Independent Medical Evaluations and Examinations.—
1155 The department shall promulgate rules and permit an inmate's
1156 family member, lawyer, or interested party to hire and pay for
1157 an independent medical evaluation or examination by a medical
1158 professional of an incarcerated inmate. The results of the
1159 medical evaluation or examination shall be provided to the
1160 department and to the Commission on Offender Review. The purpose

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1161 of these outside evaluations is to assist in the delivery of
1162 medical care to the inmate and to assist the Commission on
1163 Offender Review in considering an inmate for conditional medical
1164 release. Inmates at all department facilities and the contracted
1165 private correctional facilities are eligible for consideration
1166 to arrange for these medical evaluations. The department's
1167 contracted private health care providers may also provide such
1168 medical evaluations. The department, the private correctional
1169 facilities, and private health care providers shall provide
1170 reasonable and timely access to the inmate once a family member,
1171 lawyer, or interested party provides a written request for
1172 access.

1173 Section 21. Present paragraphs (a) and (b) of subsection
1174 (1) of section 947.149, Florida Statutes, are redesignated as
1175 paragraphs (b) and (c), respectively, and a new paragraph (a) is
1176 added to that subsection, to read:

1177 947.149 Conditional medical release.—

1178 (1) The commission shall, in conjunction with the
1179 department, establish the conditional medical release program.
1180 An inmate is eligible for consideration for release under the
1181 conditional medical release program when the inmate, because of
1182 an existing medical or physical condition, is determined by the
1183 department to be within one of the following designations:

1184 (a) "Elderly and infirm inmate," which means an inmate who
1185 has no current or prior convictions for capital or first degree
1186 felonies, who has no current or prior convictions for sexual
1187 offenses or offenses against children, who is over 70 years of
1188 age, and who has a condition caused by injury, disease, or
1189 illness which, to a reasonable degree of medical certainty,

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1190 renders the inmate infirm or physically impaired to the extent
1191 that the inmate does not constitute a danger to himself or
1192 herself or others.

1193 Section 22. Subsection (5) of section 948.10, Florida
1194 Statutes, is amended to read:

1195 948.10 Community control programs.—

1196 (5) In its annual report to the Governor, the President of
1197 the Senate, and the Speaker of the House of Representatives
1198 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a
1199 detailed analysis of the community control program and the
1200 department's specific efforts to protect the public from
1201 offenders placed on community control. The analysis must
1202 include, but need not be limited to, specific information on the
1203 department's ability to meet minimum officer-to-offender contact
1204 standards, the number of crimes committed by offenders on
1205 community control, and the level of community supervision
1206 provided.

1207 Section 23. Subsection (1) of section 951.221, Florida
1208 Statutes, is amended to read:

1209 951.221 Sexual misconduct between detention facility
1210 employees and inmates; penalties.—

1211 (1) Any employee of a county or municipal detention
1212 facility or of a private detention facility under contract with
1213 a county commission who engages in sexual misconduct, as defined
1214 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an
1215 offender supervised by the facility without committing the crime
1216 of sexual battery commits a felony of the third degree,
1217 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1218 The consent of an inmate to any act of sexual misconduct may not

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1219 be raised as a defense to prosecution under this section.

1220 Section 24. For the purpose of incorporating the amendment
 1221 made by this act to section 944.35, Florida Statutes, in a
 1222 reference thereto, paragraph (uu) of subsection (2) of section
 1223 435.04, Florida Statutes, is reenacted to read:

1224 435.04 Level 2 screening standards.—

1225 (2) The security background investigations under this
 1226 section must ensure that no persons subject to the provisions of
 1227 this section have been arrested for and are awaiting final
 1228 disposition of, have been found guilty of, regardless of
 1229 adjudication, or entered a plea of nolo contendere or guilty to,
 1230 or have been adjudicated delinquent and the record has not been
 1231 sealed or expunged for, any offense prohibited under any of the
 1232 following provisions of state law or similar law of another
 1233 jurisdiction:

1234 (uu) Section 944.35(3), relating to inflicting cruel or
 1235 inhuman treatment on an inmate resulting in great bodily harm.

1236 Section 25. For the purpose of incorporating the amendment
 1237 made by this act to section 944.35, Florida Statutes, in a
 1238 reference thereto, paragraph (f) of subsection (3) of section
 1239 921.0022, Florida Statutes, is reenacted to read:

1240 921.0022 Criminal Punishment Code; offense severity ranking
 1241 chart.—

1242 (3) OFFENSE SEVERITY RANKING CHART

1243 (f) LEVEL 6

1244

Florida	Felony	
Statute	Degree	Description

1245

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1246	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1247	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1248	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
1249	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
1250	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1251	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1252	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1253	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

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1254	784.041	3rd	Felony battery; domestic battery by strangulation.
1255	784.048 (3)	3rd	Aggravated stalking; credible threat.
1256	784.048 (5)	3rd	Aggravated stalking of person under 16.
1257	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1258	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1259	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1260	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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1261			detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.
1262			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1263			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
1264			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1265			
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1266			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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1267	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1268	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
1269	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.
1270	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1271	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1272	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1273			

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1274	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1275	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1276	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1277	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1278	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1279	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned

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1280			cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1281			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1282			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1283			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1284			
	827.03 (2) (c)	3rd	Abuse of a child.
1285			
	827.03 (2) (d)	3rd	Neglect of a child.
1286			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1287			

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1288	836.05	2nd	Threats; extortion.
1289	836.10	2nd	Written threats to kill or do bodily injury.
1290	843.12	3rd	Aids or assists person to escape.
1291	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
1292	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1293	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily

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1294	944.35 (3) (a) 2.	3rd	injury. Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
1295	944.40	2nd	Escapes.
1296	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1297	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
1298	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
1299			
1300			

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1301 Section 26. For the purpose of incorporating the amendment
1302 made by this act to section 945.215, Florida Statutes, in a
1303 reference thereto, subsection (1) of section 944.72, Florida
1304 Statutes, is reenacted to read:

1305 944.72 Privately Operated Institutions Inmate Welfare Trust
1306 Fund.—

1307 (1) There is hereby created in the Department of
1308 Corrections the Privately Operated Institutions Inmate Welfare
1309 Trust Fund. The purpose of the trust fund shall be the benefit
1310 and welfare of inmates incarcerated in private correctional
1311 facilities under contract with the department pursuant to this
1312 chapter or the Department of Management Services pursuant to
1313 chapter 957. Moneys shall be deposited in the trust fund and
1314 expenditures made from the trust fund as provided in s. 945.215.

1315 Section 27. For the purpose of incorporating the amendment
1316 made by this act to section 945.215, Florida Statutes, in a
1317 reference thereto, subsection (1) of section 945.21501, Florida
1318 Statutes, is reenacted to read:

1319 945.21501 Employee Benefit Trust Fund.—

1320 (1) There is hereby created in the Department of
1321 Corrections the Employee Benefit Trust Fund. The purpose of the
1322 trust fund shall be to:

1323 (a) Construct, operate, and maintain training and
1324 recreation facilities at correctional facilities for the
1325 exclusive use of department employees. Any facility constructed
1326 using funds from the Employee Benefit Trust Fund is the property
1327 of the department and must provide the maximum benefit to all
1328 interested employees, regardless of gender.

1329 (b) Provide funding for employee appreciation programs and

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1330 activities designed to enhance the morale of employees.

1331

1332 Moneys shall be deposited in the trust fund as provided in s.

1333 945.215.

1334 Section 28. For the purpose of incorporating the amendment

1335 made by this act to section 945.215, Florida Statutes, in a

1336 reference thereto, section 945.2151, Florida Statutes, is

1337 reenacted to read:

1338 945.2151 Verifying social security numbers.—Prior to

1339 opening a canteen account pursuant to s. 945.215, an inmate who

1340 is eligible to receive a social security number must report his

1341 or her social security number. The department shall, in

1342 adherence with its agreement with the Social Security

1343 Administration and in a timely manner, submit sufficient and

1344 necessary information to verify that the reported inmate's

1345 social security number is accurate and properly belongs to the

1346 inmate. If the Social Security Administration is unable to

1347 verify a reported social security number for an inmate, the

1348 department shall prohibit canteen purchases by the inmate if the

1349 department concludes that the inmate was deceptive in reporting

1350 the social security number. The prohibition against purchasing

1351 canteen items will remain in effect until a verified social

1352 security number is obtained.

1353 Section 29. The sum of \$808,709 is appropriated to the

1354 Corrections Commission from recurring general revenue funds for

1355 the 2015-2016 fiscal year and eight full-time equivalent

1356 positions are authorized with salary of \$525,000 and associated

1357 salary rate of 525,000, benefits of \$204,650, and standard

1358 expenses of \$79,059. The sum of \$400,000 is appropriated to the

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1359 commission from recurring general revenue funds for the 2015-
1360 2016 fiscal year, which funds shall be used for travel and
1361 expenses of the commissioners and commission employees. The sum
1362 of \$96,000 is appropriated to the commission from nonrecurring
1363 general revenue for the 2015-2016 fiscal year, which funds shall
1364 be used to purchase vehicles for use by employees of the
1365 commission.

1366 Section 30. The sum of \$439,548 is appropriated to the
1367 Correctional Medical Authority from recurring general revenue
1368 funds for the 2015-2016 fiscal year and an additional six full-
1369 time equivalent positions are authorized with salary of \$276,000
1370 and associated salary rate of 276,000, benefits of \$103,260, and
1371 standard expenses of \$60,288. The sum of \$350,000 is
1372 appropriated to the authority from recurring general revenue
1373 funds for the 2015-2016 fiscal year for health surveyor contract
1374 fees.

1375 Section 31. The sum of \$1,000,000 is appropriated to the
1376 Department of Corrections from recurring general revenue for the
1377 2015-2016 fiscal year for expenses to provide crisis
1378 intervention training for correctional officers who have close
1379 contact with inmates housed in a mental health treatment
1380 facility, as required by this act.

1381 Section 32. The sum of \$5,000,000 in recurring funds is
1382 appropriated from the State Operated Institutions Inmate Welfare
1383 Trust Fund to the Department of Corrections for the following
1384 purposes:

1385 1. To provide literacy programs, vocational training
1386 programs, and educational programs;

1387 2. To operate inmate chapels, faith-based programs,

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1388 visiting pavilions, visiting services and programs, family
1389 services and programs, and libraries;

1390 3. To provide inmate substance abuse treatment programs and
1391 transition and life skills training programs;

1392 4. To provide for the purchase, rental, maintenance or
1393 repair of electronic or audio visual equipment used by inmates;

1394 5. To provide for the purchase, rental, maintenance or
1395 repair of recreation and wellness equipment; or

1396 6. To provide for the purchase, rental, maintenance, or
1397 repair of bicycles used by inmates traveling to and from
1398 employment in the work-release program authorized in s.
1399 945.091(1)(b).

1400
1401 This appropriation is contingent on SB 540 or similar
1402 legislation creating the "State Operated Institutions Inmate
1403 Welfare Trust Fund" being adopted in the 2015 Regular Session or
1404 an extension thereof and becoming law.

1405 Section 33. Except as otherwise provided in this act, this
1406 act shall take effect July 1, 2015.