FOR CONSIDERATION By the Committee on Criminal Justice

A bill to be entitled
An act relating to corrections; amending s. 216.136, F.S.; requiring the Criminal Justice Estimating Conference to develop projections of prison admissions and populations for elderly felony offenders; amending s. 944.151, F.S.; expanding the department’s security review committee functions; amending s. 944.275, F.S.; prohibiting an inmate from receiving incentive gain-time credits for completing the requirements for and receiving a general educational development certificate or vocational certificate if the inmate was convicted of a specified offense on or after a specified date; amending s. 944.31, F.S.; requiring that a copy of a written memorandum of understanding for notification and investigation of certain events between the Department of Corrections and the Department of Law Enforcement be provided in a timely manner to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring specialized training in certain circumstances; amending s. 944.331, F.S.; requiring the Department of Corrections to provide multiple private, internal avenues for the reporting by inmates of sexual abuse and sexual harassment; requiring the department, in consultation with the Correctional Medical Authority, to review inmate grievance procedures at each correctional institution and private correctional facility; amending s. 944.35, F.S.; requiring that correctional officers have
specialized training in the effective, nonforceful management of mentally ill inmates who may exhibit erratic behavior; requiring each institution to create and maintain a system to track the use of force episodes to determine if inmates need subsequent physical or mental health treatment; requiring annual reporting of use of force on the agency website; requiring that reports of physical force be signed under oath; prohibiting employees with notations regarding incidents involving the inappropriate use of force from working in close proximity with mentally ill inmates; providing an exception; expanding applicability of a current felony offense to include certain employees of private health care providers and private correctional facilities; defining the term “neglect of an inmate”; providing for the determination of neglect of an inmate; creating criminal penalties for certain employees who neglect an inmate in specified circumstances; providing for anonymous reporting of inmate abuse directly to the department’s Office of Inspector General; requiring that instruction on communication techniques related to crisis stabilization to avoid use of force be included in the correctional officer training program; directing the department to establish policies to protect inmates and employees from retaliation; requiring certain monitoring of the conduct and treatment of inmates; amending s. 944.8041, F.S.; requiring the department to report health care costs
for elderly inmates in its annual report; creating s. 944.805, F.S.; providing legislative intent relating
to specialized programs for veterans; requiring the
department to measure recidivism and report its
finding in that regard; amending s. 945.215, F.S.;
requiring that specified proceeds and certain funds be
deposited in the State Operated Institutions Inmate
Welfare Trust Fund; providing that the State Operated
Institutions Inmate Welfare Trust Fund is a trust held
by the Department of Corrections for the benefit and
welfare of certain inmates; prohibiting deposits into
the trust fund from exceeding $10 million per fiscal
year; requiring that deposits in excess of that amount
be deposited into the General Revenue Fund; requiring
that funds of the trust fund be used exclusively for
specified purposes at correctional facilities operated
by the department; requiring that funds from the trust
fund only be expended pursuant to legislative
appropriations; requiring the department to annually
compile a report, at the statewide and institutional
level documenting trust fund receipts and
expenditures; requiring the report be submitted by
September 1 for the previous fiscal year to specified
offices of the Legislature and to the Executive Office
of the Governor; providing a contingent effective
date; amending s. 945.48, F.S.; specifying
correctional officer staffing requirements pertaining
to inmates housed in mental health treatment
facilities; amending s. 945.6031, F.S.; changing the
frequency of required surveys; amending s. 945.6034, F.S.; requiring the department to consider the needs of inmates over 50 years of age and adopt health care standards for that population; amending s. 947.149, F.S.; defining the term “elderly and infirm inmate”; expanding eligibility for conditional medical release to include elderly and infirm inmates; amending ss. 921.0021 and 951.221. F.S.; conforming cross-references to changes made by the act; reenacting ss. 435.04(2)(uu) and 921.0022(3)(f), F.S., to incorporate the amendment made to s. 944.35, F.S., in references thereto; reenacting ss. 944.72(1), 945.21501(1), and 945.2151, F.S., to incorporate the amendment made to s. 945.215, F.S., in references thereto; reenacting s. 945.6035(6), F.S., to incorporate the amendment made to s. 945.6031, F.S., in a reference thereto; providing effective dates.

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

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

216.136 Consensus estimating conferences; duties and principals.—

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

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

Section 2. Section 944.151, Florida Statutes, is amended to
944.151 Safety and security of correctional institutions and facilities.—It is the intent of the Legislature that the Department of Corrections shall be responsible for the safe operation and security of the correctional institutions and facilities. The safe operation and security of the state’s correctional institutions and facilities is critical to ensure public safety and the safety of department employees and offenders and to contain violent and chronic offenders until offenders are otherwise released from the department’s custody pursuant to law. The Secretary of Corrections shall, at a minimum:

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

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

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

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

1. Random monitoring of outgoing telephone calls by inmates.
2. Maintenance of current photographs of all inmates.
3. Daily inmate counts at varied intervals.
4. Use of canine units, where appropriate.
5. Use of escape alarms and perimeter lighting.
7. Employment background investigations.
(d) Annually make written prioritized budget recommendations to the secretary which identify critical safety and security deficiencies at major correctional institutions.

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

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

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

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

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

(4) Submit in the annual legislative budget request a prioritized summary of critical repair and renovation security needs.
section 944.275, Florida Statutes, are amended to read:

944.275 Gain-time.—

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

(e) Notwithstanding subparagraph (b)3. and paragraph (d), for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
Section 4. Section 944.31, Florida Statutes, is amended to read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison inspection and investigation, internal affairs investigations, and management reviews. The office of the inspector general shall be charged with the duty of inspecting the penal and correctional systems of the state. The office of the inspector general shall inspect each correctional institution or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution. The office of inspector general shall see that all the rules and regulations issued by the department are strictly observed and followed by all persons connected with the correctional systems of the state. The office of the inspector general shall coordinate and supervise the work of inspectors throughout the state. The inspector general and inspectors may enter any place where prisoners in this state are kept and shall be immediately admitted to such place as they desire and may consult and confer with any prisoner privately and without molestation. The inspector general and inspectors shall be responsible for criminal and administrative investigation of matters relating to the Department of Corrections. The secretary
may designate persons within the office of the inspector general as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. A person designated as a law enforcement officer must be certified pursuant to s. 943.1395 and must have a minimum of 3 years' experience as an inspector in the inspector general’s office or as a law enforcement officer.

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

(3) During investigations, the inspector general and inspectors may consult and confer with any prisoner or staff member privately and without molestation and persons designated as law enforcement officers under this section shall have the authority to arrest, with or without a warrant, any prisoner of or visitor to a state correctional institution for a violation of the criminal laws of the state involving an offense classified as a felony that occurs on property owned or leased by the department and may arrest offenders who have escaped or absconded from custody. Persons designated as law enforcement officers have the authority to arrest with or without a warrant a staff member of the department, including any contract employee, for a violation of the criminal laws of the state
involving an offense classified as a felony under this chapter or chapter 893 on property owned or leased by the department. A person designated as a law enforcement officer under this section may make arrests of persons against whom arrest warrants have been issued, including arrests of offenders who have escaped or absconded from custody. The arrested person shall be surrendered without delay to the sheriff of the county in which the arrest is made, with a formal complaint subsequently made against her or him in accordance with law.

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

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

944.331 Inmate grievance procedure.—

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

(2) In establishing grievance procedures, the department shall provide multiple internal avenues for inmates to privately report sexual abuse and sexual harassment and any staff neglect.
of, or failure to perform, responsibilities which may have contributed to such incidents. The procedures must allow reports to be made orally, in writing, anonymously, or by third parties, and must require that any oral report be promptly documented in writing by the department or its designee.

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

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

Section 6. Section 944.35, Florida Statutes, is amended to read:
944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—
(1)(a) An employee of the department is authorized to apply physical force upon an inmate only when and to the extent that it reasonably appears necessary:
1. To defend himself or herself or another against such other imminent use of unlawful force;
2. To prevent a person from escaping from a state correctional institution when the officer reasonably believes that person is lawfully detained in such institution;
3. To prevent damage to property;
4. To quell a disturbance;
5. To overcome physical resistance to a lawful command; or
6. To administer medical treatment only by or under the supervision of a physician or his or her designee and only:
a. When treatment is necessary to protect the health of other persons, as in the case of contagious or venereal diseases; or
b. When treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death.

As part of the correctional officer training program, the Criminal Justice Standards and Training Commission shall develop a course specifically designed to explain the parameters of this subsection and to teach the proper methods and techniques in applying authorized physical force upon an inmate. This course shall include specialized training for effectively managing in nonforceful ways mentally ill inmates who may exhibit erratic behavior.
(b) Following any use of force, a qualified health care provider shall examine any person physically involved to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician, and the physician shall prepare a report documenting the extent and probable cause of the injury and the treatment prescribed. Such report shall be completed within 5 working days of the incident and shall be submitted to the warden for appropriate investigation.

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

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

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

(2) Each employee of the department who either applies physical force or was responsible for making the decision to apply physical force upon an inmate or an offender supervised by the department in the community pursuant to this subsection shall prepare, date, and sign **under oath** an independent report within 1 working day of the incident. The report shall be delivered to the warden or the circuit administrator, who shall forward the report with all appropriate documentation to the office of the inspector general. The inspector general shall conduct a review and make recommendations regarding the appropriateness or inappropriateness of the use of force. If the inspector general finds that the use of force was appropriate, the employee’s report, together with the inspector general’s written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the inspector general finds that the use of force was inappropriate, the inspector general shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director for further action. Copies of the employee’s report and the inspector general’s review shall be kept in the files of the inmate or the offender supervised by the department in the community. A notation of each incident involving use of force and the outcome based on the inspector general’s evaluation shall be kept in the employee’s file. An employee with two or more notations in the employee’s file related to incidents involving the inappropriate use of force may not work in close proximity with mentally ill inmates or
inmates on psychotropic medications. However, an employee with
two or more notations in the employee’s file who remains
incident free for a significant period may be permitted to work
with mentally ill inmates or inmates on psychotropic
medications.

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

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

(b) As used in this paragraph, the term “neglect of an
inmate” means:

1. A failure or omission on the part of an employee of the
department, private health care provider, or private
correctional facility, to:
   a. Provide an inmate with the care, supervision, and
services necessary to maintain the inmate’s physical and mental
health, including, but not limited to, food, nutrition,
clothing, shelter, supervision, medicine, and medical services
that a prudent person would consider essential for the well-
being of the inmate; or

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

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

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

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

(c)(b-1. As used in this paragraph, the term “sexual misconduct” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee’s duty.
2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

(b) Any person who knowingly or willfully submits inaccurate, incomplete, or untruthful information with regard to reports required in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
(c) Any person who knowingly or willfully coerces or threatens any other person with the intent to alter either testimony or a written report regarding an incident where force was used or an incident of sexual misconduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

(c) For at least 90 days following a report of physical or sexual abuse, monitor the conduct and treatment of inmates and
employees who reported the abuse and of inmates who were
reported to have suffered abuse to determine if there are
changes that may suggest possible retaliation by inmates or
employees. The department shall act promptly to remedy any such
retaliation. In the course of such monitoring, the department
may review inmate disciplinary reports or housing or program
changes, and any negative performance review or reassignment of
employees. The department shall continue such monitoring beyond
90 days if the initial monitoring indicates the need for
extended monitoring. The department’s obligation to continue the
monitoring terminates if the department determines that the
allegation that prompted the monitoring is unfounded.

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

944.8041 Elderly offenders; annual review.—
(1) For the purpose of providing information to the
Legislature on elderly offenders within the correctional system,
the department and the Correctional Medical Authority shall each
submit annually a report on the status and treatment of elderly
offenders in the state-administered and private state
correctional systems and the department’s geriatric facilities
and dorms. In order to adequately prepare the reports, the
department and the Department of Management Services shall grant
access to the Correctional Medical Authority that includes
access to the facilities, offenders, and any information the
agencies require to complete their reports. The review shall
also include an examination of promising geriatric policies,
practices, and programs currently implemented in other
correctional systems within the United States. The reports, with
specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

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

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

944.805 Veterans programs in state and private correctional institutions.—

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

(2) It is the intent of the Legislature that the department expand the use of specialized dormitories for veterans. It is also the intent of the Legislature that veterans housed in state and private correctional institutions be provided special assistance before their release by identifying benefits and services available in the community where the veteran plans to reside.
(3) The department shall measure recidivism rates for veterans who have participated in specialized dormitories and for veterans who have received special assistance in community reentry. The findings shall be included in the annual report required under s. 20.315.

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

945.215 Inmate welfare and employee benefit trust funds.—

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

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

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

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

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

3. The department receives the contracted telephone commissions.

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

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

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

2. Disciplinary fines imposed against inmates;

3. Forfeitures of inmate earnings; and

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

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

(f) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed $100,
(2)(a) The State Operated Institutions Inmate Welfare Trust Fund constitutes a trust held by the department for the benefit and welfare of inmates incarcerated in correctional facilities operated directly by the department.

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

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

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

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

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

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

945.48 Rights of inmates provided mental health treatment; procedure for involuntary treatment; correctional officer staffing requirements.—

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

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

945.6031 Required reports and surveys.—

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

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

945.6034 Minimum health care standards.—

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

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

947.149 Conditional medical release.—

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

(a) “Elderly and infirm inmate,” which means an inmate who
has no current or prior convictions for capital or first degree felonies, who has no current or prior convictions for sexual offenses or offenses against children, who is over 70 years of age, and who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate infirm or physically impaired to the extent that the inmate does not constitute a danger to himself or herself or others.

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

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

(7)

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

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

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

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

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

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

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

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