

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  
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;  
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  
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  
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, attorney, 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  
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  
 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  
 185 of Corrections is the Secretary of Corrections. The secretary  
 186 shall be ~~is~~ appointed by the Governor with the concurrence of  
 187 three members of the Cabinet, subject to confirmation by the  
 188 Senate, and shall serve at the pleasure of the Governor and  
 189 Cabinet. The secretary is responsible for planning,  
 190 coordinating, and managing the corrections system of the state.  
 191 The secretary shall ensure that the programs and services of the  
 192 department are administered in accordance with state and federal  
 193 laws, rules, and regulations, with established program  
 194 standards, and consistent with legislative intent. The secretary  
 195 shall identify the need for and recommend funding for the secure  
 196 and efficient 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,  
 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  
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  
240 Corrections Commission is created. The primary focus of the  
241 commission shall be on matters relating to corrections with an  
242 emphasis on the safe and effective operations of major  
243 correctional institutions. However, in instances in which the  
244 policies of other components of the criminal justice system  
245 affect 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 the  
251 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  
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, 2016. 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  
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 2017.

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,  
307 officers, inmates, correctional health care professionals,  
308 citizens, volunteers, and public officials relating to the  
309 operations and 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  
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  
342 but are entitled to receive reimbursement for per diem and  
343 travel 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  
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.  
352 20.315(3), Florida Statutes, do not apply to a Secretary of  
353 Corrections appointed before July 1, 2016.

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,

365 powers 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  
 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.

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  
429 s. 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  
436 to 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  
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  
494 Governor and the Legislature.

495 (c) Ensure appropriate staff investigates and evaluates  
 496 the 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  
 502 personnel, consulting engineers, architects, or other safety and  
 503 security experts the department deems necessary for safety and  
 504 security 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

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~~

534 ~~personnel, consulting engineers, architects, or other security~~

535 ~~experts the committee deems necessary for security audits and~~

536 ~~security 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  
 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

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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.  
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  
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  
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.

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  
691 procedures at each correctional institution and private  
692 correctional facility to determine the procedural soundness and  
693 effectiveness of the current grievance process, to identify  
694 employees prone to misconduct, and to identify life-threatening  
695 inmate safety concerns. The review shall determine whether  
696 inmate grievances are being properly reported, transmitted, and  
697 processed; inmates are allowed writing utensils and paper;  
698 multiple channels of communication exist to report alleged  
699 abuse; and protocols are being implemented to protect an inmate  
700 who filed a grievance from retaliation for filing a complaint  
701 alleging staff misconduct.

702 (5) Beginning October 1, 2016, 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  
713 to 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  
717 apply physical force upon an inmate only when and to the extent  
718 that 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;

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, 2016, 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

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  
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,  
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,  
832 permanent 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  
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  
846 correctional facility as defined in s. 944.710 who engages in  
847 sexual misconduct with an inmate or an offender supervised by  
848 the 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  
870 cause to suspect, that an inmate or an offender under the  
871 supervision of the department in the community has been  
872 unlawfully abused or is the subject of sexual misconduct  
873 pursuant to this subsection shall immediately prepare, date, and  
874 sign an independent report specifically describing the nature of  
875 the force used or the nature of the sexual misconduct, the  
876 location and time of the incident, and the persons involved. The  
877 report shall be delivered to the inspector general of the  
878 department with a copy to be delivered to the warden of the  
879 institution or the regional administrator. The inspector general  
880 shall immediately conduct an appropriate investigation, and, if  
881 probable cause is determined that a violation of this subsection  
882 has occurred, the respective state attorney in the circuit in  
883 which the incident 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  
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  
918 from retaliation inmates and employees who report physical or  
919 sexual abuse. This policy shall establish multiple protective  
920 measures for both inmates and employees relating to the  
921 reporting of abuse as well as designate a method of monitoring  
922 follow up.

923 (6) The department shall establish a usage and inventory  
924 policy to track, by institution, the use of chemical agents and  
925 the disposal of expired, used, or damaged canisters of chemical  
926 agents. The policy shall include, but not be limited to, a  
927 requirement that a numbered seal be affixed to each chemical  
928 agent canister in such a manner that the canister cannot be  
929 removed from the carrier without breaking the seal. All  
930 canisters in the carriers will be checked out at the beginning  
931 of each shift and checked back in at the end of the shift. The  
932 shift supervisor should be charged with verifying the condition  
933 of the numbered seals and periodically weighing random canisters  
934 to insure that they have not been used without the required  
935 documentation. All nonreactionary use of force incidents using  
936 chemical agents shall be videotaped.

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

939 944.8041 Elderly offenders; annual review.—

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

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

963 inmates which result in the highest expenditures.

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

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

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

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

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

988 Section 14. Paragraph (h) is added to subsection (2) of

989 section 945.10, Florida Statutes, to read:

990 945.10 Confidential information.—

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

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

996  
 997 Records and information released under this subsection remain  
 998 confidential and exempt from the provisions of s. 119.07(1) and  
 999 s. 24(a), Art. I of the State Constitution when held by the  
 1000 receiving person or entity.

1001 Section 15. Effective upon HB 757 or similar legislation  
 1002 creating the "State-Operated Institutions Inmate Welfare Trust  
 1003 Fund" being adopted in the 2016 Regular Session or an extension  
 1004 thereof and becoming law, subsection (1) of section 945.215,  
 1005 Florida Statutes, is amended, present subsections (2) and (3)  
 1006 are redesignated as subsections (3) and (4), respectively, and a  
 1007 new subsection (2) is added to that section, to read:

1008 945.215 Inmate welfare and employee benefit trust funds.—

1009 (1) INMATE PURCHASES; DEPARTMENT OF CORRECTIONS; STATE-  
 1010 OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND.—

1011 (a) The ~~From the~~ net proceeds from operating inmate  
 1012 canteens, vending machines used primarily by inmates and  
 1013 visitors, hobby shops, and other such facilities must be  
 1014 deposited in the State-Operated Institutions Inmate Welfare

1015 Trust Fund or, as set forth in this section, in the General  
 1016 Revenue Fund; however, funds necessary to purchase items for  
 1017 resale at inmate canteens and vending machines must be deposited  
 1018 into local bank accounts designated by the department.

1019 (b) All proceeds from contracted telephone commissions  
 1020 must be deposited in the State-Operated Institutions Inmate  
 1021 Welfare Trust Fund or, as set forth in this section, in the  
 1022 General Revenue Fund. The department shall develop and update,  
 1023 as necessary, administrative procedures to verify that:

1024 1. Contracted telephone companies accurately record and  
 1025 report all telephone calls made by inmates incarcerated in  
 1026 correctional facilities under the department's jurisdiction;

1027 2. Persons who accept collect calls from inmates are  
 1028 charged the contracted rate; and

1029 3. The department receives the contracted telephone  
 1030 commissions.

1031 (c) Any funds that may be assigned by inmates or donated  
 1032 to the department by the general public or an inmate service  
 1033 organization must be deposited in the State-Operated  
 1034 Institutions Inmate Welfare Trust Fund or, as set forth in this  
 1035 section, in the General Revenue Fund; however, the department  
 1036 shall not accept any donation from, or on behalf of, any  
 1037 individual inmate.

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

1041 Revenue Fund:

- 1042 1. The confiscation and liquidation of any contraband
- 1043 found upon, or in the possession of, any inmate;
- 1044 2. Disciplinary fines imposed against inmates;
- 1045 3. Forfeitures of inmate earnings; and
- 1046 4. Unexpended balances in individual inmate trust fund
- 1047 accounts of less than \$1.

1048 (e) Items for resale at inmate canteens and vending  
 1049 machines maintained at the correctional facilities shall be  
 1050 priced comparatively with like items for retail sale at fair  
 1051 market prices.

1052 (f) Notwithstanding any other provision of law, inmates  
 1053 with sufficient balances in their individual inmate bank trust  
 1054 fund accounts, after all debts against the account are  
 1055 satisfied, shall be allowed to request a weekly draw of up to an  
 1056 amount set by the Secretary of Corrections, not to exceed \$100,  
 1057 to be expended for personal use on canteen and vending machine  
 1058 items.

1059 (2) (a) The State-Operated Institutions Inmate Welfare  
 1060 Trust Fund constitutes a trust held by the department for the  
 1061 benefit and welfare of inmates incarcerated in correctional  
 1062 facilities operated directly by the department.

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

1067 to exceed this restriction shall be deposited into the General  
 1068 Revenue Fund.

1069 (c) Funds in the State-Operated Institutions Inmate  
 1070 Welfare Trust Fund shall be used exclusively for the following  
 1071 purposes at correctional facilities operated by the department:

1072 1. To provide literacy programs, vocational training  
 1073 programs, and educational programs;

1074 2. To operate inmate chapels, faith-based programs,  
 1075 visiting pavilions, visiting services and programs, family  
 1076 services and programs, and libraries;

1077 3. To provide inmate substance abuse treatment programs  
 1078 and transition and life skills training programs;

1079 4. To provide for the purchase, rental, maintenance or  
 1080 repair of electronic or audio visual equipment used by inmates;

1081 5. To provide for the purchase, rental, maintenance or  
 1082 repair of recreation and wellness equipment; or

1083 6. To provide for the purchase, rental, maintenance, or  
 1084 repair of bicycles used by inmates traveling to and from  
 1085 employment in the work-release program authorized in s.  
 1086 945.091(1)(b).

1087 (d) Funds in the State-Operated Institutions Inmate  
 1088 Welfare Trust Fund shall be expended only pursuant to  
 1089 legislative appropriation.

1090 (e) The department shall annually compile a report that  
 1091 specifically documents State-Operated Institutions Inmate  
 1092 Welfare Trust Fund receipts and expenditures. This report shall

1093 be compiled at both the statewide and institutional levels. The  
 1094 department must submit this report for the previous fiscal year  
 1095 by September 1 of each year to the chairs of the appropriate  
 1096 substantive and fiscal committees of the Senate and the House of  
 1097 Representatives and to the Executive Office of the Governor.

1098 (f) Funds in the State-Operated Institutions Inmate  
 1099 Welfare Trust Fund or any other fund may not be used to purchase  
 1100 weight-training equipment.

1101 Section 16. Subsection (7) is added to section 945.48,  
 1102 Florida Statutes, to read:

1103 945.48 Rights of inmates provided mental health treatment;  
 1104 procedure for involuntary treatment; correctional officer  
 1105 staffing requirements.—

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

1119 inmate housing units.

1120 Section 17. Subsection (2) of section 945.6031, Florida  
1121 Statutes, is amended to read:

1122 945.6031 Required reports and surveys.—

1123 (2) The authority shall conduct surveys of the physical  
1124 and mental health care system at each correctional institution  
1125 at least every 18 months ~~triennially~~ and shall report the survey  
1126 findings for each institution to the Secretary of Corrections.

1127 Section 18. Section 945.6033, Florida Statutes, is amended  
1128 to read:

1129 945.6033 Continuing contracts with health care providers.—

1130 (1) The Department of Corrections may enter into  
1131 continuing contracts with licensed health care providers,  
1132 including hospitals and health maintenance organizations, for  
1133 the provision of inmate health care services which the  
1134 department is unable to provide in its facilities.

1135 (2) The Department of Corrections, in negotiating  
1136 contracts for the delivery of inmate health care, shall only  
1137 enter into contracts which contain damage provisions.

1138 Section 19. Subsection (1) of section 945.6034, Florida  
1139 Statutes, is amended to read:

1140 945.6034 Minimum health care standards.—

1141 (1) The Assistant Secretary for Health Services is  
1142 responsible for developing a comprehensive health care delivery  
1143 system and promulgating all department health care standards.  
1144 Such health care standards shall include, but are not limited

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1145 to, rules relating to the management structure of the health  
1146 care system and the provision of health care services to  
1147 inmates, health care policies, health care plans, quality  
1148 management systems and procedures, health service bulletins, and  
1149 treatment protocols. In establishing standards of care, the  
1150 department shall examine and consider the needs of inmates over  
1151 50 years of age and adopt health care standards unique to this  
1152 population.

1153 Section 20. Section 945.6039, Florida Statutes, is created  
1154 to read:

1155 945.6039 Independent medical evaluations and  
1156 examinations.—The department shall adopt rules and permit an  
1157 inmate's family member, attorney, or interested party to hire  
1158 and pay for an independent medical evaluation or examination by  
1159 a medical professional of an incarcerated inmate. The results of  
1160 the medical evaluation or examination shall be provided to the  
1161 department and to the Commission on Offender Review. The purpose  
1162 of these outside evaluations is to assist in the delivery of  
1163 medical care to the inmate and to assist the Commission on  
1164 Offender Review in considering an inmate for conditional medical  
1165 release. Inmates at all department facilities and the contracted  
1166 private correctional facilities are eligible for consideration  
1167 to arrange for these medical evaluations. The department's  
1168 contracted private health care providers may also provide such  
1169 medical evaluations. The department, the private correctional  
1170 facilities, and private health care providers shall provide

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1171 reasonable and timely access to the inmate once a family member,  
1172 attorney, or interested party provides a written request for  
1173 access.

1174 Section 21. Present paragraphs (a) and (b) of subsection  
1175 (1) of section 947.149, Florida Statutes, are redesignated as  
1176 paragraphs (b) and (c), respectively, and a new paragraph (a) is  
1177 added to that subsection, to read:

1178 947.149 Conditional medical release.—

1179 (1) The commission shall, in conjunction with the  
1180 department, establish the conditional medical release program.  
1181 An inmate is eligible for consideration for release under the  
1182 conditional medical release program when the inmate, because of  
1183 an existing medical or physical condition, is determined by the  
1184 department to be within one of the following designations:

1185 (a) "Elderly and infirm inmate," which means an inmate who  
1186 has no current or prior convictions for capital or first degree  
1187 felonies, who has no current or prior convictions for sexual  
1188 offenses or offenses against children, who is over 70 years of  
1189 age, and who has a condition caused by injury, disease, or  
1190 illness which, to a reasonable degree of medical certainty,  
1191 renders the inmate infirm or physically impaired to the extent  
1192 that the inmate does not constitute a danger to himself or  
1193 herself or others.

1194 Section 22. Subsection (5) of section 948.10, Florida  
1195 Statutes, is amended to read:

1196 948.10 Community control programs.—

1197 (5) In its annual report to the Governor, the President of  
 1198 the Senate, and the Speaker of the House of Representatives  
 1199 under s. 20.315(6) ~~s. 20.315(5)~~, the department shall include a  
 1200 detailed analysis of the community control program and the  
 1201 department's specific efforts to protect the public from  
 1202 offenders placed on community control. The analysis must  
 1203 include, but need not be limited to, specific information on the  
 1204 department's ability to meet minimum officer-to-offender contact  
 1205 standards, the number of crimes committed by offenders on  
 1206 community control, and the level of community supervision  
 1207 provided.

1208 Section 23. Subsection (1) of section 951.221, Florida  
 1209 Statutes, is amended to read:

1210 951.221 Sexual misconduct between detention facility  
 1211 employees and inmates; penalties.—

1212 (1) Any employee of a county or municipal detention  
 1213 facility or of a private detention facility under contract with  
 1214 a county commission who engages in sexual misconduct, as defined  
 1215 in s. 944.35(3)(c)1. ~~s. 944.35(3)(b)1.~~, with an inmate or an  
 1216 offender supervised by the facility without committing the crime  
 1217 of sexual battery commits a felony of the third degree,  
 1218 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1219 The consent of an inmate to any act of sexual misconduct may not  
 1220 be raised as a defense to prosecution under this section.

1221 Section 24. For the purpose of incorporating the amendment  
 1222 made by this act to section 944.35, Florida Statutes, in a

1223 reference thereto, paragraph (uu) of subsection (2) of section  
 1224 435.04, Florida Statutes, is reenacted to read:

1225 435.04 Level 2 screening standards.—

1226 (2) The security background investigations under this  
 1227 section must ensure that no persons subject to the provisions of  
 1228 this section have been arrested for and are awaiting final  
 1229 disposition of, have been found guilty of, regardless of  
 1230 adjudication, or entered a plea of nolo contendere or guilty to,  
 1231 or have been adjudicated delinquent and the record has not been  
 1232 sealed or expunged for, any offense prohibited under any of the  
 1233 following provisions of state law or similar law of another  
 1234 jurisdiction:

1235 (uu) Section 944.35(3), relating to inflicting cruel or  
 1236 inhuman treatment on an inmate resulting in great bodily harm.

1237 Section 25. For the purpose of incorporating the amendment  
 1238 made by this act to section 944.35, Florida Statutes, in a  
 1239 reference thereto, paragraph (f) of subsection (3) of section  
 1240 921.0022, Florida Statutes, is reenacted to read:

1241 921.0022 Criminal Punishment Code; offense severity  
 1242 ranking chart.—

1243 (3) OFFENSE SEVERITY RANKING CHART

1244 (f) LEVEL 6

1245

Florida	Felony	
Statute	Degree	Description

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1247	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1248	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1249	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
1250	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
1251	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
1252	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1253	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly

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1254			weapon without intent to kill.
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
1255			
	784.041	3rd	Felony battery; domestic battery by strangulation.
1256			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
1257			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
1258			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1259			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1260			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1261			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.

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1262	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1263	784.083 (2)	2nd	Aggravated assault on code inspector.
1264	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1265	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
1266	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1267	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1268	790.19	2nd	Shooting or throwing deadly

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			missiles into dwellings, vessels, or vehicles.
1269	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1270	794.05(1)	2nd	Unlawful sexual activity with specified minor.
1271	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.
1272	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1273	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1274	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
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1276	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1277	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1278	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1279	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1280	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1281	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 cellular telephones.

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1282	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1283	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1284	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1285	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1286	827.03 (2) (c)	3rd	Abuse of a child.
1287	827.03 (2) (d)	3rd	Neglect of a child.
1288	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1289	836.05	2nd	Threats; extortion.
1290	836.10	2nd	Written threats to kill or do

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1291			bodily injury.
	843.12	3rd	Aids or assists person to escape.
1292			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
1293			
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1294			
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1295			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1296			
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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1297 supervision, resulting in great  
bodily harm.

1298 944.40 2nd Escapes.

1299 944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

1300 944.47(1)(a)5. 2nd Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

1301 951.22(1) 3rd Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

1302 Section 26. For the purpose of incorporating the amendment  
1303 made by this act to section 945.215, Florida Statutes, in a  
1304 reference thereto, subsection (1) of section 944.72, Florida  
1305 Statutes, is reenacted to read:

1306 944.72 Privately Operated Institutions Inmate Welfare  
1307 Trust Fund.—

1308 (1) There is hereby created in the Department of  
1309 Corrections the Privately Operated Institutions Inmate Welfare  
1310 Trust Fund. The purpose of the trust fund shall be the benefit  
1311 and welfare of inmates incarcerated in private correctional

1312 facilities under contract with the department pursuant to this  
 1313 chapter or the Department of Management Services pursuant to  
 1314 chapter 957. Moneys shall be deposited in the trust fund and  
 1315 expenditures made from the trust fund as provided in s. 945.215.

1316 Section 27. For the purpose of incorporating the amendment  
 1317 made by this act to section 945.215, Florida Statutes, in a  
 1318 reference thereto, subsection (1) of section 945.21501, Florida  
 1319 Statutes, is reenacted to read:

1320 945.21501 Employee Benefit Trust Fund.—

1321 (1) There is hereby created in the Department of  
 1322 Corrections the Employee Benefit Trust Fund. The purpose of the  
 1323 trust fund shall be to:

1324 (a) Construct, operate, and maintain training and  
 1325 recreation facilities at correctional facilities for the  
 1326 exclusive use of department employees. Any facility constructed  
 1327 using funds from the Employee Benefit Trust Fund is the property  
 1328 of the department and must provide the maximum benefit to all  
 1329 interested employees, regardless of gender.

1330 (b) Provide funding for employee appreciation programs and  
 1331 activities designed to enhance the morale of employees.

1332  
 1333 Moneys shall be deposited in the trust fund as provided in s.  
 1334 945.215.

1335 Section 28. For the purpose of incorporating the amendment  
 1336 made by this act to section 945.215, Florida Statutes, in a  
 1337 reference thereto, section 945.2151, Florida Statutes, is

1338 reenacted to read:

1339       945.2151 Verifying social security numbers.—Prior to  
1340 opening a canteen account pursuant to s. 945.215, an inmate who  
1341 is eligible to receive a social security number must report his  
1342 or her social security number. The department shall, in  
1343 adherence with its agreement with the Social Security  
1344 Administration and in a timely manner, submit sufficient and  
1345 necessary information to verify that the reported inmate's  
1346 social security number is accurate and properly belongs to the  
1347 inmate. If the Social Security Administration is unable to  
1348 verify a reported social security number for an inmate, the  
1349 department shall prohibit canteen purchases by the inmate if the  
1350 department concludes that the inmate was deceptive in reporting  
1351 the social security number. The prohibition against purchasing  
1352 canteen items will remain in effect until a verified social  
1353 security number is obtained.

1354       Section 29. The sum of \$808,709 is appropriated to the  
1355 Corrections Commission from recurring general revenue funds for  
1356 the 2016-2017 fiscal year and eight full-time equivalent  
1357 positions are authorized with salary of \$525,000 and associated  
1358 salary rate of 525,000, benefits of \$204,650, and standard  
1359 expenses of \$79,059. The sum of \$400,000 is appropriated to the  
1360 commission from recurring general revenue funds for the 2016-  
1361 2017 fiscal year, which funds shall be used for travel and  
1362 expenses of the commissioners and commission employees. The sum  
1363 of \$96,000 is appropriated to the commission from nonrecurring

1364 general revenue for the 2016-2017 fiscal year, which funds shall  
1365 be used to purchase vehicles for use by employees of the  
1366 commission.

1367 Section 30. The sum of \$439,548 is appropriated to the  
1368 Correctional Medical Authority from recurring general revenue  
1369 funds for the 2016-2017 fiscal year and an additional six full-  
1370 time equivalent positions are authorized with salary of \$276,000  
1371 and associated salary rate of 276,000, benefits of \$103,260, and  
1372 standard expenses of \$60,288. The sum of \$350,000 is  
1373 appropriated to the authority from recurring general revenue  
1374 funds for the 2016-2017 fiscal year for health surveyor contract  
1375 fees.

1376 Section 31. The sum of \$1 million is appropriated to the  
1377 Department of Corrections from recurring general revenue for the  
1378 2016-2017 fiscal year for expenses to provide crisis  
1379 intervention training for correctional officers who have close  
1380 contact with inmates housed in a mental health treatment  
1381 facility, as required by this act.

1382 Section 32. The sum of \$5 million in recurring funds is  
1383 appropriated from the State-Operated Institutions Inmate Welfare  
1384 Trust Fund to the Department of Corrections for the following  
1385 purposes:

1386 (1) To provide literacy programs, vocational training  
1387 programs, and educational programs;

1388 (2) To operate inmate chapels, faith-based programs,  
1389 visiting pavilions, visiting services and programs, family

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1390 services and programs, and libraries;

1391 (3) To provide inmate substance abuse treatment programs  
1392 and transition and life skills training programs;

1393 (4) To provide for the purchase, rental, maintenance or  
1394 repair of electronic or audio visual equipment used by inmates;

1395 (5) To provide for the purchase, rental, maintenance or  
1396 repair of recreation and wellness equipment; or

1397 (6) To provide for the purchase, rental, maintenance, or  
1398 repair of bicycles used by inmates traveling to and from  
1399 employment in the work-release program authorized in s.  
1400 945.091(1)(b), Florida Statutes.

1401  
1402 This appropriation is contingent on HB 757 or similar  
1403 legislation creating the "State-Operated Institutions Inmate  
1404 Welfare Trust Fund" being adopted in the 2016 Regular Session or  
1405 an extension thereof and becoming law.

1406 Section 33. Except as otherwise provided in this act, this  
1407 act shall take effect July 1, 2016.