

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Trujillo offered the following:

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

4 Remove everything after the enacting clause and insert:

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

6 Statutes, is amended to read:

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

9 (4) REGIONS.—

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

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

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

18 The directors must:

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

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

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

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

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

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

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

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

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

52 110.205 Career service; exemptions.—

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

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

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

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

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

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

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

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

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

83

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

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

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93 Selected Exempt Service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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171 in the past.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

222 (g)7. Employment background investigations.

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

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

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

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

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

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

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

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

250 Section 8. Paragraphs (d) and (e) of subsection (4) of
251 section 944.275, Florida Statutes, are amended to read:

252 944.275 Gain-time.—

253 (4)

254 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
255 ~~2.~~, the education program manager shall recommend, and the
256 Department of Corrections may grant, a one-time award of 60
257 additional days of incentive gain-time to an inmate who is
258 otherwise eligible and who successfully completes requirements
259 for and is awarded a high school equivalency diploma or
260 vocational certificate. This incentive gain-time award may be
261 granted to reduce any sentence for an offense committed on or
262 after October 1, 1995. However, this gain-time may not be
263 granted to reduce any sentence for an offense committed on or
264 after October 1, 1995, if the inmate is, or has previously been,
265 convicted of a violation of s. 794.011, s. 794.05, former s.
266 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
267 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
268 847.0145, or s. 985.701(1), or a forcible felony offense that is
269 specified in s. 776.08, except burglary as specified in s.
270 810.02(4). An inmate subject to the 85-percent minimum service
271 requirement pursuant to subparagraph (b)3. may not accumulate
272 gain-time awards at any point when the tentative release date is
273 the same as the 85-percent minimum service date of the sentence
274 imposed. Under no circumstances may an inmate receive more than

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275 60 days for educational attainment pursuant to this section.

276 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
277 for sentences imposed for offenses committed on or after October
278 1, 2014, the department may not grant incentive gain-time if the
279 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
280 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
281 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

282 Section 9. Section 944.31, Florida Statutes, is amended to
283 read:

284 944.31 Inspector general; inspectors; power and duties.—

285 (1) The inspector general shall be responsible for prison
286 inspection and investigation, internal affairs investigations,
287 and management reviews. The office of the inspector general
288 shall be charged with the duty of inspecting the penal and
289 correctional systems of the state. The office of the inspector
290 general shall inspect each correctional institution or any place
291 in which state prisoners are housed, worked, or kept within the
292 state, with reference to its physical conditions, cleanliness,
293 sanitation, safety, and comfort; the quality and supply of all
294 bedding; the quality, quantity, and diversity of food served and
295 the manner in which it is served; the number and condition of
296 the prisoners confined therein; and the general conditions of
297 each institution. The office of inspector general shall see that
298 all the rules and regulations issued by the department are
299 strictly observed and followed by all persons connected with the
300 correctional systems of the state. The office of the inspector

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301 general shall coordinate and supervise the work of inspectors
302 throughout the state. The inspector general and inspectors may
303 enter any place where prisoners in this state are kept and shall
304 be immediately admitted to such place as they desire and may
305 consult and confer with any prisoner privately and without
306 molestation. The inspector general and inspectors shall be
307 responsible for criminal and administrative investigation of
308 matters relating to the Department of Corrections. The secretary
309 may designate persons within the office of the inspector general
310 as law enforcement officers to conduct any criminal
311 investigation that occurs on property owned or leased by the
312 department or involves matters over which the department has
313 jurisdiction. A person designated as a law enforcement officer
314 must be certified pursuant to s. 943.1395 and must have a
315 minimum of 3 years' experience as an inspector in the inspector
316 general's office or as a law enforcement officer.

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

325 (3) During investigations, the inspector general and
326 inspectors may consult and confer with any prisoner or staff

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327 member privately and without molestation and persons designated
328 as law enforcement officers under this section shall have the
329 authority to arrest, with or without a warrant, any prisoner of
330 or visitor to a state correctional institution for a violation
331 of the criminal laws of the state involving an offense
332 classified as a felony that occurs on property owned or leased
333 by the department and may arrest offenders who have escaped or
334 absconded from custody. Persons designated as law enforcement
335 officers have the authority to arrest with or without a warrant
336 a staff member of the department, including any contract
337 employee, for a violation of the criminal laws of the state
338 involving an offense classified as a felony under this chapter
339 or chapter 893 on property owned or leased by the department. A
340 person designated as a law enforcement officer under this
341 section may make arrests of persons against whom arrest warrants
342 have been issued, including arrests of offenders who have
343 escaped or absconded from custody. The arrested person shall be
344 surrendered without delay to the sheriff of the county in which
345 the arrest is made, with a formal complaint subsequently made
346 against her or him in accordance with law.

347 (4) The inspector general, and inspectors who conduct
348 sexual abuse investigations in confinement settings, shall
349 receive specialized training in conducting such investigations.
350 The department is responsible for providing the specialized
351 training. Specialized training shall include, but need not be
352 limited to, techniques for interviewing sexual abuse victims,

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353 proper use of Miranda and Garrity warnings, sexual abuse
354 evidence collection in confinement settings, and the criteria
355 and evidence required to substantiate a case for administrative
356 action or prosecution.

357 Section 10. Paragraph (a) of subsection (1) and
358 subsections (2) and (3) of section 944.35, Florida Statutes, are
359 amended, and subsection (5) is added to that section, to read:

360 944.35 Authorized use of force; malicious battery and
361 sexual misconduct prohibited; reporting required; penalties.—

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

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

367 2. To prevent a person from escaping from a state
368 correctional institution when the officer reasonably believes
369 that person is lawfully detained in such institution;

370 3. To prevent damage to property;

371 4. To quell a disturbance;

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

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

375 a. When treatment is necessary to protect the health of
376 other persons, as in the case of contagious or venereal
377 diseases; or

378 b. When treatment is offered in satisfaction of a duty to

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379 protect the inmate against self-inflicted injury or death.

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381 As part of the correctional officer training program, the
382 Criminal Justice Standards and Training Commission shall develop
383 a course specifically designed to explain the parameters of this
384 subsection and to teach the proper methods and techniques in
385 applying authorized physical force upon an inmate. Effective
386 October 1, 2015, this course shall include specialized training
387 for effectively managing in nonforceful ways mentally ill
388 inmates who may exhibit erratic behavior.

389 (2) Each employee of the department who either applies
390 physical force or was responsible for making the decision to
391 apply physical force upon an inmate or an offender supervised by
392 the department in the community pursuant to this subsection
393 shall prepare, date, and sign under oath an independent report
394 within 1 working day after ~~of~~ the incident. The report shall be
395 delivered to the warden or the circuit administrator, who shall
396 forward the report with all appropriate documentation to the
397 office of the inspector general. The inspector general shall
398 conduct a review and make recommendations regarding the
399 appropriateness or inappropriateness of the use of force. If the
400 inspector general finds that the use of force was appropriate,
401 the employee's report, together with the inspector general's
402 written determination of the appropriateness of the force used
403 and the reasons therefor, shall be forwarded to the circuit
404 administrator or warden upon completion of the review. If the

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405 inspector general finds that the use of force was inappropriate,
406 the inspector general shall conduct a complete investigation
407 into the incident and forward the findings of fact to the
408 appropriate regional director for further action. Copies of the
409 employee's report and the inspector general's review shall be
410 kept in the files of the inmate or the offender supervised by
411 the department in the community. A notation of each incident
412 involving use of force and the outcome based on the inspector
413 general's evaluation shall be kept in the employee's file.

414 (3) (a) 1. Any employee of the department, private provider,
415 or private correctional facility who, with malicious intent,
416 commits a battery upon an inmate or an offender supervised by
417 the department in the community, commits a misdemeanor of the
418 first degree, punishable as provided in s. 775.082 or s.
419 775.083.

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

428 (b) An employee of the department, private provider, or
429 private correctional facility commits a felony of the third
430 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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431 775.084, if such employee:

432 1. Knowingly, and with the intent to cause an inmate great
433 bodily harm, permanent disability, or permanent disfigurement,
434 withholds food, water, clothing, shelter, supervision, medicine,
435 or medical services from an inmate; and

436 2. Causes the inmate to suffer great bodily harm,
437 permanent disability, or permanent disfigurement by such action.

438 (c) ~~(b)~~1. As used in this paragraph, the term "sexual
439 misconduct" means the oral, anal, or vaginal penetration by, or
440 union with, the sexual organ of another or the anal or vaginal
441 penetration of another by any other object, but does not include
442 an act done for a bona fide medical purpose or an internal
443 search conducted in the lawful performance of the employee's
444 duty.

445 2. Any employee of the department or a private
446 correctional facility as defined in s. 944.710 who engages in
447 sexual misconduct with an inmate or an offender supervised by
448 the department in the community, without committing the crime of
449 sexual battery, commits a felony of the third degree, punishable
450 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

455 4. This paragraph does not apply to any employee of the
456 department or any employee of a private correctional facility

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457 who is legally married to an inmate or an offender supervised by
458 the department in the community, nor does it apply to any
459 employee who has no knowledge, and would have no reason to
460 believe, that the person with whom the employee has engaged in
461 sexual misconduct is an inmate or an offender under community
462 supervision of the department.

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

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

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483 which the incident occurred shall be notified.

484 (5) The department shall establish a usage and inventory
485 policy to track, by institution, the use of chemical agents and
486 the disposal of expired, used, or damaged canisters of chemical
487 agents. The policy shall include, but not be limited to, a
488 requirement that a numbered seal be affixed to each chemical
489 agent canister in such a manner that the canister cannot be
490 removed from the carrier without breaking the seal. All
491 canisters in the carriers shall be checked out at the beginning
492 of each shift and checked back in at the end of that shift.
493 Shift supervisors shall verify the condition of the numbered
494 seals and periodically weigh random canisters to ensure that
495 they have not been used without the required documentation. All
496 nonreactionary use-of-force incidents using chemical agents
497 shall be video recorded.

498 Section 11. Section 944.805, Florida Statutes, is created
499 to read:

500 944.805 Veterans programs in state and private
501 correctional institutions.-

502 (1) The Legislature finds and declares that specialized
503 programs for veterans offered in state and private correctional
504 institutions have the potential to facilitate inmate
505 institutional adjustment, help inmates assume personal
506 responsibility, and ease community reentry through the
507 availability of expanded community resources.

508 (2) The department shall measure recidivism rates for

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509 veterans who have participated in specialized dormitories and
510 for veterans who have received special assistance in community
511 reentry. The findings shall be included in the annual report
512 required under s. 20.315.

513 Section 12. Section 945.6033, Florida Statutes, is amended
514 to read:

515 945.6033 Continuing contracts with health care providers.—

516 (1) The Department of Corrections may enter into
517 continuing contracts with licensed health care providers,
518 including hospitals and health maintenance organizations, for
519 the provision of inmate health care services which the
520 department is unable to provide in its facilities.

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

524 Section 13. Paragraph (a) of subsection (2) of section
525 947.1405, Florida Statutes, is amended to read:

526 947.1405 Conditional release program.—

527 (2) Any inmate who:

528 (a) Is convicted of a crime committed on or after October
529 1, 1988, and before January 1, 1994, and any inmate who is
530 convicted of a crime committed on or after January 1, 1994,
531 which crime is or was contained in category 1, category 2,
532 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
533 Rules of Criminal Procedure (1993), and who has served at least
534 one prior felony commitment at a state or federal correctional

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535 | institution or a sentence of more than 364 days in county jail;
536 | shall, upon reaching the tentative release date or provisional
537 | release date, whichever is earlier, as established by the
538 | Department of Corrections, be released under supervision subject
539 | to specified terms and conditions, including payment of the cost
540 | of supervision pursuant to s. 948.09. Such supervision shall be
541 | applicable to all sentences within the overall term of sentences
542 | if an inmate's overall term of sentences includes one or more
543 | sentences that are eligible for conditional release supervision
544 | as provided herein. Effective July 1, 1994, and applicable for
545 | offenses committed on or after that date, the commission may
546 | require, as a condition of conditional release, that the
547 | releasee make payment of the debt due and owing to a county or
548 | municipal detention facility under s. 951.032 for medical care,
549 | treatment, hospitalization, or transportation received by the
550 | releasee while in that detention facility. The commission, in
551 | determining whether to order such repayment and the amount of
552 | such repayment, shall consider the amount of the debt, whether
553 | there was any fault of the institution for the medical expenses
554 | incurred, the financial resources of the releasee, the present
555 | and potential future financial needs and earning ability of the
556 | releasee, and dependents, and other appropriate factors. If any
557 | inmate placed on conditional release supervision is also subject
558 | to probation or community control, resulting from a probationary
559 | or community control split sentence within the overall term of
560 | sentences, the Department of Corrections shall supervise such

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561 person according to the conditions imposed by the court and the
562 commission shall defer to such supervision. If the court revokes
563 probation or community control and resentsences the offender to a
564 term of incarceration, such revocation also constitutes a
565 sufficient basis for the revocation of the conditional release
566 supervision on any nonprobationary or noncommunity control
567 sentence without further hearing by the commission. If any such
568 supervision on any nonprobationary or noncommunity control
569 sentence is revoked, such revocation may result in a forfeiture
570 of all gain-time, and the commission may revoke the resulting
571 deferred conditional release supervision or take other action it
572 considers appropriate. If the term of conditional release
573 supervision exceeds that of the probation or community control,
574 then, upon expiration of the probation or community control,
575 authority for the supervision shall revert to the commission and
576 the supervision shall be subject to the conditions imposed by
577 the commission. A panel of no fewer than two commissioners shall
578 establish the terms and conditions of any such release. If the
579 offense was a controlled substance violation, the conditions
580 shall include a requirement that the offender submit to random
581 substance abuse testing intermittently throughout the term of
582 conditional release supervision, upon the direction of the
583 correctional probation officer as defined in s. 943.10(3). The
584 commission shall also determine whether the terms and conditions
585 of such release have been violated and whether such violation
586 warrants revocation of the conditional release.

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587 Section 14. Section 950.021, Florida Statutes, is created
588 to read:

589 950.021 Sentencing of offenders to county jail.-

590 (1) Notwithstanding s. 921.0024 or any other provision of
591 law, and effective for offenses committed on or after July 1,
592 2015, a court may sentence an offender to a term in the county
593 jail under the custody of the chief correctional officer in the
594 county where the offense was committed for up to 24 months if
595 the offender meets all of the following criteria:

596 (a) The offender's total sentence points score, as
597 provided in s. 921.0024, is more than 44 points but no more than
598 60 points.

599 (b) The offender's primary offense is not a forcible
600 felony as defined in s. 776.08; however, an offender whose
601 primary offense is a third degree felony under chapter 810 is
602 not ineligible to be sentenced to a county jail under this
603 paragraph.

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

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

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

612 (b) If the chief correctional officer of a county requests

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613 the Department of Corrections to enter into a contract that
614 allows offenders to be sentenced to the county jail pursuant to
615 subsection (1), subject to the restrictions of this paragraph
616 and subsections (3) and (6), the Department of Corrections must
617 enter into such a contract. The contract shall specifically
618 establish the maximum number of beds and the validated per diem
619 rate. The contract shall provide for per diem reimbursement for
620 occupied inmate days based on the contracting county's most
621 recent annual adult male custody or adult female custody per
622 diem rates, not to exceed \$60 per inmate.

623 (3) A contract under this section is contingent upon a
624 specific appropriation in the General Appropriations Act.
625 Contracts shall be awarded by the Department of Corrections on a
626 first-come, first-served basis up to the maximum appropriation
627 allowable in the General Appropriations Act for this purpose.
628 The maximum appropriation allowable consists of funds
629 appropriated in or transferred to the specific appropriation in
630 the Inmates Sentenced to County Jail appropriation category.
631 Before any transferred appropriation under this section, the
632 Inmates Sentenced to County Jail appropriation category provides
633 for estimated incremental appropriation for county jail beds
634 contracted under this section in excess of the Department of
635 Corrections' per diem for adult male and female inmates.

636 (4) The Department of Corrections shall transfer funds
637 pursuant to s. 216.177 from other appropriation categories
638 within the Adult Male Custody Operations or Adult and Youthful

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639 Offender Female Custody Operations budget entities to the
640 Inmates Sentenced to County Jail appropriation category in an
641 amount necessary to satisfy the requirements of each executed
642 contract but not to exceed the Department of Corrections'
643 average total per diem published for the preceding fiscal year
644 for adult male custody or adult and youthful offender female
645 custody inmates for each county jail bed contracted.

646 (5) The Department of Corrections shall assume maximum
647 annual value of each contract when determining the full use of
648 funds appropriated and to ensure that the maximum appropriation
649 allowable is not exceeded.

650 (6) All contractual per diem rates under this section as
651 well as the per diem rates used by the Department of Corrections
652 must be validated by the Auditor General before payments are
653 made.

654 Section 15. Body camera pilot program.—The Department of
655 Corrections shall implement a pilot program in which
656 correctional officers who work in the mental health units at
657 Union Correctional Institution are equipped with body cameras.
658 The pilot program shall expire June 30, 2016. The Department of
659 Corrections shall submit a report by January 1, 2017, to the
660 Executive Office of the Governor, the President of the Senate,
661 and the Speaker of the House of Representatives. The report must
662 compare the number of use-of-force incidents that occur in the
663 mental health units at Union Correctional Institution while the
664 pilot program is in effect with:

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

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

671 Section 16. For the 2015-2016 fiscal year, the sum of
672 \$121,110 in nonrecurring funds is appropriated from the General
673 Revenue Fund to the Department of Corrections for a body camera
674 pilot program in the mental health units at Union Correctional
675 Institution as required by this act.

676 Section 17. Section 951.22, Florida Statutes, is amended
677 to read:

678 951.22 County detention facilities; contraband articles.-

679 (1) It is unlawful, except through regular channels as
680 duly authorized by the sheriff or officer in charge, to
681 introduce into or possess upon the grounds of any county
682 detention facility as defined in s. 951.23 or to give to or
683 receive from any inmate of any such facility wherever said
684 inmate is located at the time or to take or to attempt to take
685 or send therefrom any of the following articles which are hereby
686 declared to be contraband for the purposes of this act, to wit:
687 Any written or recorded communication; any currency or coin; any
688 article of food or clothing; any tobacco products as defined in
689 s. 210.25(11); any cigarette as defined in s. 210.01(1); any
690 cigar; any intoxicating beverage or beverage which causes or may

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691 cause an intoxicating effect; any narcotic, hypnotic, or
692 excitative drug or drug of any kind or nature, including nasal
693 inhalators, sleeping pills, barbiturates, and controlled
694 substances as defined in s. 893.02(4); any firearm or any
695 instrumentality customarily used or which is intended to be used
696 as a dangerous weapon; any cellular telephone or other portable
697 communication device, as defined in s. 944.47; and any
698 instrumentality of any nature that may be or is intended to be
699 used as an aid in effecting or attempting to effect an escape
700 from a county facility.

701 (2) Whoever violates subsection (1) shall be guilty of a
702 felony of the third degree, punishable as provided in s.
703 775.082, s. 775.083, or s. 775.084.

704 Section 18. Subsection (1) of section 951.221, Florida
705 Statutes, is amended to read:

706 951.221 Sexual misconduct between detention facility
707 employees and inmates; penalties.—

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

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717 Section 19. For the purpose of incorporating the amendment
 718 made by this act to section 944.35, Florida Statutes, in a
 719 reference thereto, paragraph (uu) of subsection (2) of section
 720 435.04, Florida Statutes, is reenacted to read:

721 435.04 Level 2 screening standards.—

722 (2) The security background investigations under this
 723 section must ensure that no persons subject to the provisions of
 724 this section have been arrested for and are awaiting final
 725 disposition of, have been found guilty of, regardless of
 726 adjudication, or entered a plea of nolo contendere or guilty to,
 727 or have been adjudicated delinquent and the record has not been
 728 sealed or expunged for, any offense prohibited under any of the
 729 following provisions of state law or similar law of another
 730 jurisdiction:

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

733 Section 20. For the purpose of incorporating the amendment
 734 made by this act to section 944.35, Florida Statutes, in a
 735 reference thereto, paragraph (f) of subsection (3) of section
 736 921.0022, Florida Statutes, is reenacted to read:

737 921.0022 Criminal Punishment Code; offense severity
 738 ranking chart.—

739 (3) OFFENSE SEVERITY RANKING CHART

740 (f) LEVEL 6

741

Florida	Felony	Description
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	Statute	Degree	
742	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
743	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
744	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
745	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
746	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
747	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
748	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
749			

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750	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
751	784.041	3rd	Felony battery; domestic battery by strangulation.
752	784.048 (3)	3rd	Aggravated stalking; credible threat.
753	784.048 (5)	3rd	Aggravated stalking of person under 16.
754	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
755	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
756	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
757	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained

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person on visitor or other
detainee.

758

784.083(2) 2nd Aggravated assault on code
inspector.

759

787.02(2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

760

790.115(2)(d) 2nd Discharging firearm or weapon
on school property.

761

790.161(2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

762

790.164(1) 2nd False report of deadly
explosive, weapon of mass
destruction, or act of arson or
violence to state property.

763

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

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764	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
765	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
766	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.
767	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
768	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
769	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
770	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent

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offense.

771

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

772

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

773

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

774

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

775

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

776

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

777

825.102 (1) 3rd Abuse of an elderly person or

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disabled adult.

778

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

779

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

780

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

781

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

782

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

783

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

784

836.05 2nd Threats; extortion.

785

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

786

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787	843.12	3rd	Aids or assists person to escape.
788	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
789	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
790	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
791	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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809 director for each region; requiring each director to
810 perform specified functions; providing an
811 appropriation and authorizing positions; amending s.
812 110.205, F.S.; exempting all positions assigned to the
813 department's office of inspector general from the
814 Career Service System; providing an appropriation;
815 amending s. 216.136, F.S.; requiring the Criminal
816 Justice Estimating Conference to develop projections
817 of prison admissions and populations for elderly
818 felony offenders; amending s. 921.0021, F.S.; revising
819 the definition of the term "victim injury" by removing
820 a prohibition on assessing certain victim injury
821 sentence points for sexual misconduct by certain
822 correctional employees with inmates or offenders;
823 amending s. 944.151, F.S.; revising legislative intent
824 concerning safety and security; expanding the
825 department's security review committee functions to
826 include functions related to safe operation of
827 institutions and facilities; revising provisions
828 relating to physical inspections of state and private
829 buildings and structures and prioritizing institutions
830 for inspection that meet certain criteria; revising
831 provisions relating to duties of staff concerning
832 safety and security; amending s. 944.275, F.S.;
833 prohibiting an inmate from receiving incentive gain-
834 time credits for completing the requirements for and

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835 receiving a high school equivalency diploma or
836 vocational certificate if the inmate was convicted of
837 a specified offense on or after a specified date;
838 amending s. 944.31, F.S.; requiring that a copy of a
839 written memorandum of understanding for notification
840 and investigation of certain events between the
841 Department of Corrections and the Department of Law
842 Enforcement be provided to the Governor, the President
843 of the Senate, and the Speaker of the House of
844 Representatives; requiring specialized training for
845 inspectors in certain circumstances; amending s.
846 944.35, F.S.; requiring the Criminal Justice Standards
847 and Training Commission to include specialized
848 training for management of mentally ill inmates in the
849 correctional officer training program; requiring
850 certain reports to be signed under oath; expanding
851 applicability of a current felony offense to include
852 certain employees of private providers and private
853 correctional facilities; creating criminal penalties
854 for employees who willfully or by culpable negligence
855 withhold food and water and essential services;
856 requiring the Department of Corrections to establish
857 policies relating to the use of chemical agents;
858 requiring all nonreactionary use-of-force incidents
859 using chemical agents to be video recorded; creating
860 s. 944.805, F.S.; providing legislative intent

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861 relating to specialized programs for veterans;
862 requiring the department to measure recidivism;
863 requiring reporting; amending s. 945.6033, F.S.;
864 requiring damage provisions in inmate health care
865 contracts; amending s. 947.1405, F.S.; conforming
866 provisions to changes made by the act; creating s.
867 950.021, F.S.; authorizing a court to sentence certain
868 offenders to a county jail for up to 24 months if the
869 county has a contract with the department; providing
870 contractual requirements; requiring and providing for
871 specific appropriations; requiring validation of per
872 diem rates; requiring the department to implement a
873 body camera pilot program at Union Correctional
874 Institution; requiring the department to submit a
875 report to the Governor and Legislature; providing an
876 appropriation; amending s. 951.22, F.S.; including
877 cellular telephones and portable communication devices
878 as contraband for purposes of county detention
879 facilities; providing criminal penalties for
880 introduction of such contraband; amending s. 951.221,
881 F.S.; conforming a cross-reference; reenacting ss.
882 435.04(2)(uu) and 921.0022(3)(f), F.S., relating to
883 level 2 screening standards and the Criminal
884 Punishment Code and offense severity ranking chart,
885 respectively, to incorporate the amendment made to s.
886 944.35, F.S., in references thereto; providing an

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effective date.

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