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1 A bill to be entitled
2 An act relating to corrections; amending s. 216.136,
3 F.S.; requiring the Criminal Justice Estimating
4 Conference to develop projections of prison admissions
5 and populations for elderly felony offenders; amending
6 s. 921.0021, F.S.; revising the definition of the term
7 "victim injury" by removing a prohibition on assessing
8 certain victim injury sentence points for sexual
9 misconduct by certain correctional employees with
10 inmates or offenders; amending s. 944.151, F.S.;
11 revising legislative intent concerning safety and
12 security; expanding the department's security review
13 committee functions to include functions related to
14 safe operation of institutions and facilities;
15 revising provisions relating to physical inspections
16 of state and private buildings and structures and
17 prioritizing institutions for inspection that meet
18 certain criteria; revising provisions relating to
19 duties of staff concerning safety and security;
20 amending s. 944.275, F.S.; prohibiting an inmate from
21 receiving incentive gain-time credits for completing
22 the requirements for and receiving a high school
23 equivalency diploma or vocational certificate if the
24 inmate was convicted of a specified offense on or
25 after a specified date; amending s. 944.31, F.S.;
26 requiring that a copy of a written memorandum of

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27 understanding for notification and investigation of
 28 certain events between the Department of Corrections
 29 and the Department of Law Enforcement be provided to
 30 the Governor, the President of the Senate, and the
 31 Speaker of the House of Representatives; requiring
 32 specialized training for inspectors in certain
 33 circumstances; providing an effective date.

34

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

36

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

39 216.136 Consensus estimating conferences; duties and
 40 principals.—

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

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

45 Section 2. Subsection (7) of section 921.0021, Florida
 46 Statutes, is amended to read:

47 921.0021 Definitions.—As used in this chapter, for any
 48 felony offense, except any capital felony, committed on or after
 49 October 1, 1998, the term:

50 (7) (a) "Victim injury" means the physical injury or death
 51 suffered by a person as a direct result of the primary offense,
 52 or any additional offense, for which an offender is convicted

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53 and which is pending before the court for sentencing at the time
54 of the primary offense.

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

56 1. If the conviction is for an offense involving sexual
57 contact that includes sexual penetration, the sexual penetration
58 must be scored in accordance with the sentence points provided
59 under s. 921.0024 for sexual penetration, regardless of whether
60 there is evidence of any physical injury.

61 2. If the conviction is for an offense involving sexual
62 contact that does not include sexual penetration, the sexual
63 contact must be scored in accordance with the sentence points
64 provided under s. 921.0024 for sexual contact, regardless of
65 whether there is evidence of any physical injury.

66

67 If the victim of an offense involving sexual contact suffers any
68 physical injury as a direct result of the primary offense or any
69 additional offense committed by the offender resulting in
70 conviction, such physical injury must be scored separately and
71 in addition to the points scored for the sexual contact or the
72 sexual penetration.

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

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

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

83 Section 3. Section 944.151, Florida Statutes, is amended
 84 to read:

85 944.151 Safety and security of correctional institutions
 86 and facilities.—It is the intent of the Legislature that the
 87 Department of Corrections ~~shall~~ be responsible for the safe
 88 operation and security of the correctional institutions and
 89 facilities. The safe operation and security of the state's
 90 correctional institutions and facilities are ~~is~~ critical to
 91 ensure public safety and the safety of department employees and
 92 offenders and to contain violent and chronic offenders until
 93 offenders are otherwise released from the department's custody
 94 pursuant to law. The Secretary of Corrections shall, at a
 95 minimum:

96 (1) Appoint and designate select staff to the safety and a
 97 security review committee ~~which shall, at a minimum, be composed~~
 98 ~~of: the inspector general, the statewide security coordinator,~~
 99 ~~the regional security coordinators, and three wardens and one~~
 100 ~~correctional officer.~~ The safety and security review committee
 101 shall evaluate new safety and security technology, review and
 102 discuss current issues impacting correctional facilities, and
 103 review and discuss other issues as requested by management.÷

104 (2)~~(a)~~ Ensure that appropriate staff establishes ~~Establish~~

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105 a periodic schedule for the physical inspection of buildings and
 106 structures of each state and private correctional institution
 107 and facility to determine safety and security deficiencies. In
 108 scheduling the inspections, priority shall be given to older
 109 institutions, institutions that house a large proportion of
 110 violent offenders, institutions with a high level of
 111 inappropriate incidents of use of force on inmates, assaults on
 112 employees, or inmate sexual abuse, and institutions that have
 113 experienced a significant number of escapes or escape attempts
 114 in the past.

115 (3) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
 116 causes ~~cause~~ to be conducted announced and unannounced
 117 comprehensive safety and security audits of all state and
 118 private correctional institutions. In conducting the safety and
 119 security audits, priority shall be given to older institutions,
 120 institutions that house a large proportion of violent offenders,
 121 institutions with a high level of inappropriate incidents of use
 122 of force on inmates, assaults on employees, or inmate sexual
 123 abuse, and institutions that have experienced a history of
 124 escapes or escape attempts. At a minimum, the audit shall
 125 include an evaluation of the physical plant, which shall include
 126 the identification of blind spots or areas where staff or
 127 inmates may be isolated and the deployment of audio and video
 128 monitoring systems and other monitoring technologies in such
 129 areas; landscaping, fencing, security alarms, and perimeter
 130 lighting; ~~;~~ and confinement, arsenal, key and lock, and entrance

131 and exit inmate classification and staffing policies. Each
132 correctional institution shall be audited at least annually. ~~The~~
133 ~~secretary shall~~

134 (4) Report the general survey findings annually to the
135 Governor and the Legislature.

136 (5) Ensure that appropriate staff investigates and
137 evaluates the usefulness and dependability of existing safety
138 and security technology at the institutions and new technology
139 and video monitoring systems available and makes periodic
140 written recommendations to the secretary on the discontinuation
141 or purchase of various safety and security devices.

142 (6) Contract, if deemed necessary, with security
143 personnel, consulting engineers, architects, or other safety and
144 security experts that the department deems necessary for safety
145 and security consultant services.

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

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

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

155 (10) ~~(e)~~ Adopt and enforce minimum safety and security
156 standards and policies that include, but are not limited to:

- 157 (a)~~1.~~ Random monitoring of outgoing telephone calls by
 158 inmates.
- 159 (b)~~2.~~ Maintenance of current photographs of all inmates.
- 160 (c)~~3.~~ Daily inmate counts at varied intervals.
- 161 (d)~~4.~~ Use of canine units, where appropriate.
- 162 (e)~~5.~~ Use of escape alarms and perimeter lighting.
- 163 (f)~~6.~~ Florida Crime Information Center/National Crime
 164 Information Center capabilities.
- 165 (g)~~7.~~ Employment background investigations.
- 166 ~~(d) Annually make written prioritized budget~~
 167 ~~recommendations to the secretary that identify critical security~~
 168 ~~deficiencies at major correctional institutions.~~
- 169 ~~(e) Investigate and evaluate the usefulness and~~
 170 ~~dependability of existing security technology at the~~
 171 ~~institutions and new technology available and make periodic~~
 172 ~~written recommendations to the secretary on the discontinuation~~
 173 ~~or purchase of various security devices.~~
- 174 ~~(f) Contract, if deemed necessary, with security~~
 175 ~~personnel, consulting engineers, architects, or other security~~
 176 ~~experts the committee deems necessary for security audits and~~
 177 ~~security consultant services.~~
- 178 ~~(g) Establish a periodic schedule for conducting announced~~
 179 ~~and unannounced escape simulation drills.~~
- 180 (11)~~(2)~~ Direct staff to maintain and produce quarterly
 181 reports with accurate escape statistics. For the purposes of
 182 these reports, "escape" includes all possible types of escape,

183 regardless of prosecution by the state attorney, and includes
 184 ~~including~~ offenders who walk away from nonsecure community
 185 facilities.

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

190 (12)(4) Direct staff to submit in the annual legislative
 191 budget request a prioritized summary of critical safety and
 192 security deficiencies and repair and renovation ~~security~~ needs.

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

195 944.275 Gain-time.—

196 (4)

197 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
 198 ~~2.~~, the education program manager shall recommend, and the
 199 Department of Corrections may grant, a one-time award of 60
 200 additional days of incentive gain-time to an inmate who is
 201 otherwise eligible and who successfully completes requirements
 202 for and is awarded a high school equivalency diploma or
 203 vocational certificate. This incentive gain-time award may be
 204 granted to reduce any sentence for an offense committed on or
 205 after October 1, 1995. However, this gain-time may not be
 206 granted to reduce any sentence for an offense committed on or
 207 after October 1, 1995, if the inmate is, or has previously been,
 208 convicted of a violation of s. 794.011, s. 794.05, former s.

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209 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
210 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
211 847.0145, or s. 985.701(1), or a forcible felony offense that is
212 specified in s. 776.08, except burglary as specified in s.
213 810.02(4). An inmate subject to the 85-percent minimum service
214 requirement pursuant to subparagraph (b)3. may not accumulate
215 gain-time awards at any point when the tentative release date is
216 the same as the 85-percent minimum service date of the sentence
217 imposed. Under no circumstances may an inmate receive more than
218 60 days for educational attainment pursuant to this section.

219 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
220 for sentences imposed for offenses committed on or after October
221 1, 2014, the department may not grant incentive gain-time if the
222 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
223 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
224 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

225 Section 5. Section 944.31, Florida Statutes, is amended to
226 read:

227 944.31 Inspector general; inspectors; power and duties.—

228 (1) The inspector general shall be responsible for prison
229 inspection and investigation, internal affairs investigations,
230 and management reviews. The office of the inspector general
231 shall be charged with the duty of inspecting the penal and
232 correctional systems of the state. The office of the inspector
233 general shall inspect each correctional institution or any place
234 in which state prisoners are housed, worked, or kept within the

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235 state, with reference to its physical conditions, cleanliness,
236 sanitation, safety, and comfort; the quality and supply of all
237 bedding; the quality, quantity, and diversity of food served and
238 the manner in which it is served; the number and condition of
239 the prisoners confined therein; and the general conditions of
240 each institution. The office of inspector general shall see that
241 all the rules and regulations issued by the department are
242 strictly observed and followed by all persons connected with the
243 correctional systems of the state. The office of the inspector
244 general shall coordinate and supervise the work of inspectors
245 throughout the state. The inspector general and inspectors may
246 enter any place where prisoners in this state are kept and shall
247 be immediately admitted to such place as they desire and may
248 consult and confer with any prisoner privately and without
249 molestation. The inspector general and inspectors shall be
250 responsible for criminal and administrative investigation of
251 matters relating to the Department of Corrections. The secretary
252 may designate persons within the office of the inspector general
253 as law enforcement officers to conduct any criminal
254 investigation that occurs on property owned or leased by the
255 department or involves matters over which the department has
256 jurisdiction. A person designated as a law enforcement officer
257 must be certified pursuant to s. 943.1395 and must have a
258 minimum of 3 years' experience as an inspector in the inspector
259 general's office or as a law enforcement officer.

260 (2) The department shall maintain a written memorandum of

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261 understanding with the Department of Law Enforcement for the
262 notification and investigation of mutually agreed-upon predicate
263 events that shall include, but are not limited to, suspicious
264 deaths and organized criminal activity. A copy of an active
265 memorandum of understanding shall be provided in a timely manner
266 to the Governor, the President of the Senate, and the Speaker of
267 the House of Representatives.

268 (3) During investigations, the inspector general and
269 inspectors may consult and confer with any prisoner or staff
270 member privately and without molestation and persons designated
271 as law enforcement officers under this section shall have the
272 authority to arrest, with or without a warrant, any prisoner of
273 or visitor to a state correctional institution for a violation
274 of the criminal laws of the state involving an offense
275 classified as a felony that occurs on property owned or leased
276 by the department and may arrest offenders who have escaped or
277 absconded from custody. Persons designated as law enforcement
278 officers have the authority to arrest with or without a warrant
279 a staff member of the department, including any contract
280 employee, for a violation of the criminal laws of the state
281 involving an offense classified as a felony under this chapter
282 or chapter 893 on property owned or leased by the department. A
283 person designated as a law enforcement officer under this
284 section may make arrests of persons against whom arrest warrants
285 have been issued, including arrests of offenders who have
286 escaped or absconded from custody. The arrested person shall be

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287 surrendered without delay to the sheriff of the county in which
288 the arrest is made, with a formal complaint subsequently made
289 against her or him in accordance with law.

290 (4) The inspector general, and inspectors who conduct
291 sexual abuse investigations in confinement settings, shall
292 receive specialized training in conducting such investigations.
293 The department is responsible for providing the specialized
294 training. Specialized training shall include, but need not be
295 limited to, techniques for interviewing sexual abuse victims,
296 proper use of Miranda and Garrity warnings, sexual abuse
297 evidence collection in confinement settings, and the criteria
298 and evidence required to substantiate a case for administrative
299 action or prosecution.

300 Section 6. This act shall take effect July 1, 2015.