

1 A bill to be entitled
2 An act relating to corrections; amending s. 20.315,
3 F.S.; requiring the Department of Corrections to plan
4 and administer its program of services for security
5 and institutional operations through five regions;
6 requiring the Secretary of Corrections to appoint a
7 director for each region; amending s. 216.136, F.S.;
8 requiring the Criminal Justice Estimating Conference
9 to develop projections of prison admissions and
10 populations for elderly felony offenders; amending s.
11 921.0021, F.S.; revising the definition of the term
12 "victim injury" by removing a prohibition on assessing
13 certain victim injury sentence points for sexual
14 misconduct by certain correctional employees with
15 inmates or offenders; amending s. 944.151, F.S.;
16 revising legislative intent concerning safety and
17 security; expanding the department's security review
18 committee functions to include functions related to
19 safe operation of institutions and facilities;
20 revising provisions relating to physical inspections
21 of state and private buildings and structures and
22 prioritizing institutions for inspection that meet
23 certain criteria; revising provisions relating to
24 duties of staff concerning safety and security;
25 amending s. 944.275, F.S.; prohibiting an inmate from
26 receiving incentive gain-time credits for completing

27 the requirements for and receiving a high school
28 equivalency diploma or vocational certificate if the
29 inmate was convicted of a specified offense on or
30 after a specified date; amending s. 944.31, F.S.;
31 requiring that a copy of a written memorandum of
32 understanding for notification and investigation of
33 certain events between the Department of Corrections
34 and the Department of Law Enforcement be provided to
35 the Governor, the President of the Senate, and the
36 Speaker of the House of Representatives; requiring
37 specialized training for inspectors in certain
38 circumstances; providing an appropriation; amending s.
39 947.1405, F.S.; conforming provisions to changes made
40 by the act; creating s. 950.021, F.S.; authorizing a
41 court to sentence certain offenders to a county jail
42 for up to 24 months if the county has a contract with
43 the Department of Corrections; providing contractual
44 requirements; requiring and providing for specific
45 appropriations; requiring validation of per diem
46 rates; providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsection (4) of section 20.315, Florida
51 Statutes, is amended to read:

52 20.315 Department of Corrections.—There is created a
53 Department of Corrections.

54 (4) REGIONS.—The department shall plan and administer its
55 program of services for community corrections, ~~security, and~~
56 ~~institutional operations~~ through regions. The department shall
57 plan and administer its program of services for security and
58 institutional operations through five geographical regions. The
59 secretary shall appoint a director for each of the five regions.

60 Section 2. Paragraph (d) is added to subsection (5) of
61 section 216.136, Florida Statutes, to read:

62 216.136 Consensus estimating conferences; duties and
63 principals.—

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

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

68 Section 3. Subsection (7) of section 921.0021, Florida
69 Statutes, is amended to read:

70 921.0021 Definitions.—As used in this chapter, for any
71 felony offense, except any capital felony, committed on or after
72 October 1, 1998, the term:

73 (7) (a) "Victim injury" means the physical injury or death
74 suffered by a person as a direct result of the primary offense,
75 or any additional offense, for which an offender is convicted
76 and which is pending before the court for sentencing at the time
77 of the primary offense.

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

79 1. If the conviction is for an offense involving sexual
 80 contact that includes sexual penetration, the sexual penetration
 81 must be scored in accordance with the sentence points provided
 82 under s. 921.0024 for sexual penetration, regardless of whether
 83 there is evidence of any physical injury.

84 2. If the conviction is for an offense involving sexual
 85 contact that does not include sexual penetration, the sexual
 86 contact must be scored in accordance with the sentence points
 87 provided under s. 921.0024 for sexual contact, regardless of
 88 whether there is evidence of any physical injury.

89
 90 If the victim of an offense involving sexual contact suffers any
 91 physical injury as a direct result of the primary offense or any
 92 additional offense committed by the offender resulting in
 93 conviction, such physical injury must be scored separately and
 94 in addition to the points scored for the sexual contact or the
 95 sexual penetration.

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

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

102 (d)~~(e)~~ Notwithstanding paragraph (a), if the conviction is
 103 for an offense described in s. 316.027 and the court finds that

104 the offender caused victim injury, sentence points for victim
 105 injury may be assessed against the offender.

106 Section 4. Section 944.151, Florida Statutes, is amended
 107 to read:

108 944.151 Safety and security of correctional institutions
 109 and facilities.—It is the intent of the Legislature that the
 110 Department of Corrections ~~shall~~ be responsible for the safe
 111 operation and security of the correctional institutions and
 112 facilities. The safe operation and security of the state's
 113 correctional institutions and facilities are ~~is~~ critical to
 114 ensure public safety and the safety of department employees and
 115 offenders and to contain violent and chronic offenders until
 116 offenders are otherwise released from the department's custody
 117 pursuant to law. The Secretary of Corrections shall, at a
 118 minimum:

119 (1) Appoint and designate select staff to the safety and a
 120 security review committee ~~which shall, at a minimum, be composed~~
 121 ~~of: the inspector general, the statewide security coordinator,~~
 122 ~~the regional security coordinators, and three wardens and one~~
 123 ~~correctional officer.~~ The safety and security review committee
 124 shall evaluate new safety and security technology, review and
 125 discuss current issues impacting correctional facilities, and
 126 review and discuss other issues as requested by management.÷

127 (2)(a) Ensure that appropriate staff establishes ~~Establish~~
 128 a periodic schedule for the physical inspection of buildings and
 129 structures of each state and private correctional institution

130 and facility to determine safety and security deficiencies. In
131 scheduling the inspections, priority shall be given to older
132 institutions, institutions that house a large proportion of
133 violent offenders, institutions with a high level of
134 inappropriate incidents of use of force on inmates, assaults on
135 employees, or inmate sexual abuse, and institutions that have
136 experienced a significant number of escapes or escape attempts
137 in the past.

138 ~~(3)(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
139 causes ~~cause~~ to be conducted announced and unannounced
140 comprehensive safety and security audits of all state and
141 private correctional institutions. In conducting the safety and
142 security audits, priority shall be given to older institutions,
143 institutions that house a large proportion of violent offenders,
144 institutions with a high level of inappropriate incidents of use
145 of force on inmates, assaults on employees, or inmate sexual
146 abuse, and institutions that have experienced a history of
147 escapes or escape attempts. At a minimum, the audit shall
148 include an evaluation of the physical plant, which shall include
149 the identification of blind spots or areas where staff or
150 inmates may be isolated and the deployment of audio and video
151 monitoring systems and other monitoring technologies in such
152 areas; landscaping, fencing, security alarms, and perimeter
153 lighting; ~~7~~ and confinement, arsenal, key and lock, and entrance
154 and exit ~~inmate classification and staffing~~ policies. Each
155 correctional institution shall be audited at least annually. ~~The~~

156 ~~secretary shall~~

157 (4) Report the general survey findings annually to the
 158 Governor and the Legislature.

159 (5) Ensure that appropriate staff investigates and
 160 evaluates the usefulness and dependability of existing safety
 161 and security technology at the institutions and new technology
 162 and video monitoring systems available and makes periodic
 163 written recommendations to the secretary on the discontinuation
 164 or purchase of various safety and security devices.

165 (6) Contract, if deemed necessary, with security
 166 personnel, consulting engineers, architects, or other safety and
 167 security experts that the department deems necessary for safety
 168 and security consultant services.

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

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

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

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

180 (a)1. Random monitoring of outgoing telephone calls by
 181 inmates.

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

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

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

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

186 (f)6. Florida Crime Information Center/National Crime
187 Information Center capabilities.

188 (g)7. Employment background investigations.

189 ~~(d) Annually make written prioritized budget~~
190 ~~recommendations to the secretary that identify critical security~~
191 ~~deficiencies at major correctional institutions.~~

192 ~~(e) Investigate and evaluate the usefulness and~~
193 ~~dependability of existing security technology at the~~
194 ~~institutions and new technology available and make periodic~~
195 ~~written recommendations to the secretary on the discontinuation~~
196 ~~or purchase of various security devices.~~

197 ~~(f) Contract, if deemed necessary, with security~~
198 ~~personnel, consulting engineers, architects, or other security~~
199 ~~experts the committee deems necessary for security audits and~~
200 ~~security consultant services.~~

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

203 (11)-(2) Direct staff to maintain and produce quarterly
204 reports with accurate escape statistics. For the purposes of
205 these reports, "escape" includes all possible types of escape,
206 regardless of prosecution by the state attorney, and includes
207 ~~including~~ offenders who walk away from nonsecure community

208 facilities.

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

213 (12)(4) Direct staff to submit in the annual legislative
 214 budget request a prioritized summary of critical safety and
 215 security deficiencies and repair and renovation ~~security~~ needs.

216 Section 5. Paragraphs (d) and (e) of subsection (4) of
 217 section 944.275, Florida Statutes, are amended to read:

218 944.275 Gain-time.—

219 (4)

220 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
 221 ~~2.~~, the education program manager shall recommend, and the
 222 Department of Corrections may grant, a one-time award of 60
 223 additional days of incentive gain-time to an inmate who is
 224 otherwise eligible and who successfully completes requirements
 225 for and is awarded a high school equivalency diploma or
 226 vocational certificate. This incentive gain-time award may be
 227 granted to reduce any sentence for an offense committed on or
 228 after October 1, 1995. However, this gain-time may not be
 229 granted to reduce any sentence for an offense committed on or
 230 after October 1, 1995, if the inmate is, or has previously been,
 231 convicted of a violation of s. 794.011, s. 794.05, former s.
 232 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
 233 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.

234 847.0145, or s. 985.701(1), or a forcible felony offense that is
235 specified in s. 776.08, except burglary as specified in s.
236 810.02(4). An inmate subject to the 85-percent minimum service
237 requirement pursuant to subparagraph (b)3. may not accumulate
238 gain-time awards at any point when the tentative release date is
239 the same as the 85-percent minimum service date of the sentence
240 imposed. Under no circumstances may an inmate receive more than
241 60 days for educational attainment pursuant to this section.

242 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
243 for sentences imposed for offenses committed on or after October
244 1, 2014, the department may not grant incentive gain-time if the
245 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
246 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
247 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

248 Section 6. Section 944.31, Florida Statutes, is amended to
249 read:

250 944.31 Inspector general; inspectors; power and duties.—

251 (1) The inspector general shall be responsible for prison
252 inspection and investigation, internal affairs investigations,
253 and management reviews. The office of the inspector general
254 shall be charged with the duty of inspecting the penal and
255 correctional systems of the state. The office of the inspector
256 general shall inspect each correctional institution or any place
257 in which state prisoners are housed, worked, or kept within the
258 state, with reference to its physical conditions, cleanliness,
259 sanitation, safety, and comfort; the quality and supply of all

260 bedding; the quality, quantity, and diversity of food served and
261 the manner in which it is served; the number and condition of
262 the prisoners confined therein; and the general conditions of
263 each institution. The office of inspector general shall see that
264 all the rules and regulations issued by the department are
265 strictly observed and followed by all persons connected with the
266 correctional systems of the state. The office of the inspector
267 general shall coordinate and supervise the work of inspectors
268 throughout the state. The inspector general and inspectors may
269 enter any place where prisoners in this state are kept and shall
270 be immediately admitted to such place as they desire and may
271 consult and confer with any prisoner privately and without
272 molestation. The inspector general and inspectors shall be
273 responsible for criminal and administrative investigation of
274 matters relating to the Department of Corrections. The secretary
275 may designate persons within the office of the inspector general
276 as law enforcement officers to conduct any criminal
277 investigation that occurs on property owned or leased by the
278 department or involves matters over which the department has
279 jurisdiction. A person designated as a law enforcement officer
280 must be certified pursuant to s. 943.1395 and must have a
281 minimum of 3 years' experience as an inspector in the inspector
282 general's office or as a law enforcement officer.

283 (2) The department shall maintain a written memorandum of
284 understanding with the Department of Law Enforcement for the
285 notification and investigation of mutually agreed-upon predicate

286 events that shall include, but are not limited to, suspicious
287 deaths and organized criminal activity. A copy of an active
288 memorandum of understanding shall be provided in a timely manner
289 to the Governor, the President of the Senate, and the Speaker of
290 the House of Representatives.

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

312 against her or him in accordance with law.

313 (4) The inspector general, and inspectors who conduct
314 sexual abuse investigations in confinement settings, shall
315 receive specialized training in conducting such investigations.
316 The department is responsible for providing the specialized
317 training. Specialized training shall include, but need not be
318 limited to, techniques for interviewing sexual abuse victims,
319 proper use of Miranda and Garrity warnings, sexual abuse
320 evidence collection in confinement settings, and the criteria
321 and evidence required to substantiate a case for administrative
322 action or prosecution.

323 Section 7. For the 2015-2016 fiscal year, the sums of
324 \$1,258,256 in recurring funds and \$206,388 in nonrecurring funds
325 are appropriated from the General Revenue Fund to the Department
326 of Corrections, and ten full-time equivalent positions with
327 717,800 in salary rate are authorized, for staffing and all
328 operating expenses associated with establishing the additional
329 regional headquarters required by this act. The Department of
330 Corrections may submit budget amendments pursuant to chapter
331 216, Florida Statutes, to reallocate existing resources to
332 support the additional regional headquarters.

333 Section 8. Paragraph (a) of subsection (2) of section
334 947.1405, Florida Statutes, is amended to read:

335 947.1405 Conditional release program.—

336 (2) Any inmate who:

337 (a) Is convicted of a crime committed on or after October

338 1, 1988, and before January 1, 1994, and any inmate who is
339 convicted of a crime committed on or after January 1, 1994,
340 which crime is or was contained in category 1, category 2,
341 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
342 Rules of Criminal Procedure (1993), and who has served at least
343 one prior felony commitment at a state or federal correctional
344 institution or a sentence of more than 364 days in county jail;
345
346 shall, upon reaching the tentative release date or provisional
347 release date, whichever is earlier, as established by the
348 Department of Corrections, be released under supervision subject
349 to specified terms and conditions, including payment of the cost
350 of supervision pursuant to s. 948.09. Such supervision shall be
351 applicable to all sentences within the overall term of sentences
352 if an inmate's overall term of sentences includes one or more
353 sentences that are eligible for conditional release supervision
354 as provided herein. Effective July 1, 1994, and applicable for
355 offenses committed on or after that date, the commission may
356 require, as a condition of conditional release, that the
357 releasee make payment of the debt due and owing to a county or
358 municipal detention facility under s. 951.032 for medical care,
359 treatment, hospitalization, or transportation received by the
360 releasee while in that detention facility. The commission, in
361 determining whether to order such repayment and the amount of
362 such repayment, shall consider the amount of the debt, whether
363 there was any fault of the institution for the medical expenses

364 incurred, the financial resources of the releasee, the present
365 and potential future financial needs and earning ability of the
366 releasee, and dependents, and other appropriate factors. If any
367 inmate placed on conditional release supervision is also subject
368 to probation or community control, resulting from a probationary
369 or community control split sentence within the overall term of
370 sentences, the Department of Corrections shall supervise such
371 person according to the conditions imposed by the court and the
372 commission shall defer to such supervision. If the court revokes
373 probation or community control and resentences the offender to a
374 term of incarceration, such revocation also constitutes a
375 sufficient basis for the revocation of the conditional release
376 supervision on any nonprobationary or noncommunity control
377 sentence without further hearing by the commission. If any such
378 supervision on any nonprobationary or noncommunity control
379 sentence is revoked, such revocation may result in a forfeiture
380 of all gain-time, and the commission may revoke the resulting
381 deferred conditional release supervision or take other action it
382 considers appropriate. If the term of conditional release
383 supervision exceeds that of the probation or community control,
384 then, upon expiration of the probation or community control,
385 authority for the supervision shall revert to the commission and
386 the supervision shall be subject to the conditions imposed by
387 the commission. A panel of no fewer than two commissioners shall
388 establish the terms and conditions of any such release. If the
389 offense was a controlled substance violation, the conditions

390 shall include a requirement that the offender submit to random
391 substance abuse testing intermittently throughout the term of
392 conditional release supervision, upon the direction of the
393 correctional probation officer as defined in s. 943.10(3). The
394 commission shall also determine whether the terms and conditions
395 of such release have been violated and whether such violation
396 warrants revocation of the conditional release.

397 Section 9. Section 950.021, Florida Statutes, is created
398 to read:

399 950.021 Sentencing of offenders to county jail.-

400 (1) Notwithstanding s. 921.0024 or any other provision of
401 law, and effective for offenses committed on or after July 1,
402 2015, a court may sentence an offender to a term in the county
403 jail under the custody of the chief correctional officer in the
404 county where the offense was committed for up to 24 months if
405 the offender meets all of the following criteria:

406 (a) The offender's total sentence points score, as
407 provided in s. 921.0024, is more than 44 points but no more than
408 60 points.

409 (b) The offender's primary offense is not a forcible
410 felony as defined in s. 776.08; however, an offender whose
411 primary offense is a third degree felony under chapter 810 is
412 not ineligible to be sentenced to a county jail under this
413 paragraph.

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

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

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

422 (b) If the chief correctional officer of a county requests
423 the Department of Corrections to enter into a contract that
424 allows offenders to be sentenced to the county jail pursuant to
425 subsection (1), subject to the restrictions of this paragraph
426 and subsections (3) and (6), the Department of Corrections must
427 enter into such a contract. The contract shall specifically
428 establish the maximum number of beds and the validated per diem
429 rate. The contract shall provide for per diem reimbursement for
430 occupied inmate days based on the contracting county's most
431 recent annual adult male custody or adult female custody per
432 diem rates, not to exceed \$60 per inmate.

433 (3) A contract under this section is contingent upon a
434 specific appropriation in the General Appropriations Act.
435 Contracts shall be awarded by the Department of Corrections on a
436 first-come, first-served basis up to the maximum appropriation
437 allowable in the General Appropriations Act for this purpose.
438 The maximum appropriation allowable consists of funds
439 appropriated in or transferred to the specific appropriation in
440 the Inmates Sentenced to County Jail appropriation category.
441 Before any transferred appropriation under this section, the

442 Inmates Sentenced to County Jail appropriation category provides
443 for estimated incremental appropriation for county jail beds
444 contracted under this section in excess of the Department of
445 Corrections' per diem for adult male and female inmates.

446 (4) The Department of Corrections shall transfer funds
447 pursuant to s. 216.177 from other appropriation categories
448 within the Adult Male Custody Operations or Adult and Youthful
449 Offender Female Custody Operations budget entities to the
450 Inmates Sentenced to County Jail appropriation category in an
451 amount necessary to satisfy the requirements of each executed
452 contract but not to exceed the Department of Corrections'
453 average total per diem published for the preceding fiscal year
454 for adult male custody or adult and youthful offender female
455 custody inmates for each county jail bed contracted.

456 (5) The Department of Corrections shall assume maximum
457 annual value of each contract when determining the full use of
458 funds appropriated and to ensure that the maximum appropriation
459 allowable is not exceeded.

460 (6) All contractual per diem rates under this section as
461 well as the per diem rates used by the Department of Corrections
462 must be validated by the Auditor General before payments are
463 made.

464 Section 10. This act shall take effect July 1, 2015.