

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; requiring each director to
8 perform specified functions; amending s. 110.205,
9 F.S.; exempting all positions assigned to the
10 department's office of inspector general from the
11 Career Service System; providing an appropriation;
12 amending s. 216.136, F.S.; requiring the Criminal
13 Justice Estimating Conference to develop projections
14 of prison admissions and populations for elderly
15 felony offenders; amending s. 921.0021, F.S.; revising
16 the definition of the term "victim injury" by removing
17 a prohibition on assessing certain victim injury
18 sentence points for sexual misconduct by certain
19 correctional employees with inmates or offenders;
20 amending s. 944.151, F.S.; revising legislative intent
21 concerning safety and security; expanding the
22 department's security review committee functions to
23 include functions related to safe operation of
24 institutions and facilities; revising provisions
25 relating to physical inspections of state and private
26 buildings and structures and prioritizing institutions

27 | for inspection that meet certain criteria; revising
28 | provisions relating to duties of staff concerning
29 | safety and security; amending s. 944.275, F.S.;
30 | prohibiting an inmate from receiving incentive gain-
31 | time credits for completing the requirements for and
32 | receiving a high school equivalency diploma or
33 | vocational certificate if the inmate was convicted of
34 | a specified offense on or after a specified date;
35 | amending s. 944.31, F.S.; requiring that a copy of a
36 | written memorandum of understanding for notification
37 | and investigation of certain events between the
38 | Department of Corrections and the Department of Law
39 | Enforcement be provided to the Governor, the President
40 | of the Senate, and the Speaker of the House of
41 | Representatives; requiring specialized training for
42 | inspectors in certain circumstances; amending s.
43 | 944.35, F.S.; requiring the Criminal Justice Standards
44 | and Training Commission to include specialized
45 | training for management of mentally ill inmates in the
46 | correctional officer training program; requiring
47 | certain reports to be signed under oath; requiring the
48 | Department of Corrections to establish policies
49 | relating to the use of chemical agents; requiring all
50 | nonreactionary use-of-force incidents using chemical
51 | agents to be video recorded; providing an
52 | appropriation and authorizing positions; amending s.

53 947.1405, F.S.; conforming provisions to changes made
 54 by the act; creating s. 950.021, F.S.; authorizing a
 55 court to sentence certain offenders to a county jail
 56 for up to 24 months if the county has a contract with
 57 the department; providing contractual requirements;
 58 requiring and providing for specific appropriations;
 59 requiring validation of per diem rates; requiring the
 60 department to implement a body camera pilot program at
 61 Union Correctional Institution; requiring the
 62 department to submit a report to the Governor and
 63 Legislature; providing an appropriation; providing an
 64 effective date.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Subsection (4) of section 20.315, Florida
 69 Statutes, is amended to read:

70 20.315 Department of Corrections.—There is created a
 71 Department of Corrections.

72 (4) REGIONS.—

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

76 (b) The department shall plan and administer its program
 77 of services for security and institutional operations through
 78 five geographical regions. The secretary shall appoint a

79 director for each of the five regions. A person may serve as the
 80 director for a specific region for up to 4 consecutive years.

81 The directors must:

82 1. Ensure the policies of the department, particularly
 83 those policies associated with inmate grievances, the care of
 84 inmates, and contact with inmates, are appropriately implemented
 85 and enforced at each correctional facility within the director's
 86 assigned region.

87 2. Review, recommend, and hold subordinate chain-of-
 88 command staff responsible for appropriate and measured
 89 disciplinary decisions.

90 3. Ensure that each correctional facility in the
 91 director's assigned region maintains a retaliation-free work
 92 environment.

93 4. Ensure each correctional facility in the director's
 94 assigned region maintains a retaliation-free custody environment
 95 for all inmates.

96 5. Make at least two unannounced visits to each
 97 correctional facility within the director's assigned region on a
 98 quarterly basis.

99 6. Meet quarterly to review statistics and trends related
 100 to uses of force, inmate grievances, employee discipline
 101 reports, and calls received from the department's Office of
 102 Citizens' Services involving inmate abuse.

103 Section 2. Paragraph (m) of subsection (2) of section
 104 110.205, Florida Statutes, is amended to read:

105 | 110.205 Career service; exemptions.—

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

108 | (m) All assistant division director, deputy division
109 | director, and bureau chief positions in any department, and
110 | those positions determined by the department to have managerial
111 | responsibilities comparable to such positions, which include,
112 | but are not limited to:

113 | 1. Positions in the Department of Health and the
114 | Department of Children and Families which are assigned primary
115 | duties of serving as the superintendent or assistant
116 | superintendent of an institution.

117 | 2. Positions in the Department of Corrections which are
118 | assigned primary duties of serving as the warden, assistant
119 | warden, colonel, or major of an institution or that are assigned
120 | primary duties of serving as the circuit administrator or deputy
121 | circuit administrator and all positions assigned to the office
122 | of inspector general.

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

126 | 4. Positions in the Department of Environmental Protection
127 | which are assigned the duty of an Environmental Administrator or
128 | program administrator.

129 | 5. Positions in the Department of Health which are
130 | assigned the duties of Environmental Administrator, Assistant

131 County Health Department Director, and County Health Department
 132 Financial Administrator.

133 6. Positions in the Department of Highway Safety and Motor
 134 Vehicles which are assigned primary duties of serving as
 135 captains in the Florida Highway Patrol.

136
 137 Unless otherwise fixed by law, the department shall set the
 138 salary and benefits of the positions listed in this paragraph in
 139 accordance with the rules established for the Selected Exempt
 140 Service.

141 Section 3. For the 2015-2016 fiscal year, the sum of
 142 \$180,000 in recurring funds is appropriated from the General
 143 Revenue Fund to the Department of Corrections to set the salary
 144 and benefits of set positions assigned to the department's
 145 office of inspector general in accordance with rules of the
 146 Selected Exempt Service.

147 Section 4. Paragraph (d) is added to subsection (5) of
 148 section 216.136, Florida Statutes, to read:

149 216.136 Consensus estimating conferences; duties and
 150 principals.—

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

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

155 Section 5. Subsection (7) of section 921.0021, Florida
 156 Statutes, is amended to read:

157 921.0021 Definitions.—As used in this chapter, for any
158 felony offense, except any capital felony, committed on or after
159 October 1, 1998, the term:

160 (7) (a) "Victim injury" means the physical injury or death
161 suffered by a person as a direct result of the primary offense,
162 or any additional offense, for which an offender is convicted
163 and which is pending before the court for sentencing at the time
164 of the primary offense.

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

166 1. If the conviction is for an offense involving sexual
167 contact that includes sexual penetration, the sexual penetration
168 must be scored in accordance with the sentence points provided
169 under s. 921.0024 for sexual penetration, regardless of whether
170 there is evidence of any physical injury.

171 2. If the conviction is for an offense involving sexual
172 contact that does not include sexual penetration, the sexual
173 contact must be scored in accordance with the sentence points
174 provided under s. 921.0024 for sexual contact, regardless of
175 whether there is evidence of any physical injury.

176
177 If the victim of an offense involving sexual contact suffers any
178 physical injury as a direct result of the primary offense or any
179 additional offense committed by the offender resulting in
180 conviction, such physical injury must be scored separately and
181 in addition to the points scored for the sexual contact or the
182 sexual penetration.

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

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

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

193 Section 6. Section 944.151, Florida Statutes, is amended
 194 to read:

195 944.151 Safety and security of correctional institutions
 196 and facilities.—It is the intent of the Legislature that the
 197 Department of Corrections ~~shall~~ be responsible for the safe
 198 operation and security of the correctional institutions and
 199 facilities. The safe operation and security of the state's
 200 correctional institutions and facilities are ~~is~~ critical to
 201 ensure public safety and the safety of department employees and
 202 offenders and to contain violent and chronic offenders until
 203 offenders are otherwise released from the department's custody
 204 pursuant to law. The Secretary of Corrections shall, at a
 205 minimum:

206 (1) Appoint and designate select staff to the safety and a
 207 security review committee ~~which shall, at a minimum, be composed~~
 208 ~~of: the inspector general, the statewide security coordinator,~~

209 ~~the regional security coordinators, and three wardens and one~~
210 ~~correctional officer.~~ The safety and security review committee
211 shall evaluate new safety and security technology, review and
212 discuss current issues impacting correctional facilities, and
213 review and discuss other issues as requested by management.†

214 (2)(a) Ensure that appropriate staff establishes ~~Establish~~
215 a periodic schedule for the physical inspection of buildings and
216 structures of each state and private correctional institution
217 and facility to determine safety and security deficiencies. In
218 scheduling the inspections, priority shall be given to older
219 institutions, institutions that house a large proportion of
220 violent offenders, institutions with a high level of
221 inappropriate incidents of use of force on inmates, assaults on
222 employees, or inmate sexual abuse, and institutions that have
223 experienced a significant number of escapes or escape attempts
224 in the past.

225 (3)(b) Ensure that appropriate staff conducts ~~Conduct~~ or
226 causes ~~cause~~ to be conducted announced and unannounced
227 comprehensive safety and security audits of all state and
228 private correctional institutions. In conducting the safety and
229 security audits, priority shall be given to older institutions,
230 institutions that house a large proportion of violent offenders,
231 institutions with a high level of inappropriate incidents of use
232 of force on inmates, assaults on employees, or inmate sexual
233 abuse, and institutions that have experienced a history of
234 escapes or escape attempts. At a minimum, the audit shall

235 | include an evaluation of the physical plant, which shall include
 236 | the identification of blind spots or areas where staff or
 237 | inmates may be isolated and the deployment of audio and video
 238 | monitoring systems and other monitoring technologies in such
 239 | areas; landscaping, fencing, security alarms, and perimeter
 240 | lighting;~~7~~ and confinement, arsenal, key and lock, and entrance
 241 | and exit inmate classification and staffing policies. Each
 242 | correctional institution shall be audited at least annually. ~~The~~
 243 | ~~secretary shall~~

244 | (4) Report the general survey findings annually to the
 245 | Governor and the Legislature.

246 | (5) Ensure that appropriate staff investigates and
 247 | evaluates the usefulness and dependability of existing safety
 248 | and security technology at the institutions and new technology
 249 | and video monitoring systems available and makes periodic
 250 | written recommendations to the secretary on the discontinuation
 251 | or purchase of various safety and security devices.

252 | (6) Contract, if deemed necessary, with security
 253 | personnel, consulting engineers, architects, or other safety and
 254 | security experts that the department deems necessary for safety
 255 | and security consultant services.

256 | (7) Ensure that appropriate staff, in conjunction with the
 257 | regional offices, establishes a periodic schedule for conducting
 258 | announced and unannounced escape simulation drills.

259 | (8) Adopt, enforce, and annually cause the evaluation of
 260 | emergency escape response procedures, which shall, at a minimum,

261 include the immediate notification and inclusion of local and
262 state law enforcement through mutual aid agreements.

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

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

267 (a)1. Random monitoring of outgoing telephone calls by
268 inmates.

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

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

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

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

273 (f)6. Florida Crime Information Center/National Crime
274 Information Center capabilities.

275 (g)7. Employment background investigations.

276 ~~(d) Annually make written prioritized budget~~
277 ~~recommendations to the secretary that identify critical security~~
278 ~~deficiencies at major correctional institutions.~~

279 ~~(e) Investigate and evaluate the usefulness and~~
280 ~~dependability of existing security technology at the~~
281 ~~institutions and new technology available and make periodic~~
282 ~~written recommendations to the secretary on the discontinuation~~
283 ~~or purchase of various security devices.~~

284 ~~(f) Contract, if deemed necessary, with security~~
285 ~~personnel, consulting engineers, architects, or other security~~
286 ~~experts the committee deems necessary for security audits and~~

287 ~~security consultant services.~~

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

290 (11)(2) Direct staff to maintain and produce quarterly
291 reports with accurate escape statistics. For the purposes of
292 these reports, "escape" includes all possible types of escape,
293 regardless of prosecution by the state attorney, and includes
294 ~~including~~ offenders who walk away from nonsecure community
295 facilities.

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

300 (12)(4) Direct staff to submit in the annual legislative
301 budget request a prioritized summary of critical safety and
302 security deficiencies and repair and renovation ~~security~~ needs.

303 Section 7. Paragraphs (d) and (e) of subsection (4) of
304 section 944.275, Florida Statutes, are amended to read:

305 944.275 Gain-time.—

306 (4)

307 (d) Notwithstanding paragraph (b) ~~subparagraphs (b)1. and~~
308 ~~2.~~, the education program manager shall recommend, and the
309 Department of Corrections may grant, a one-time award of 60
310 additional days of incentive gain-time to an inmate who is
311 otherwise eligible and who successfully completes requirements
312 for and is awarded a high school equivalency diploma or

313 vocational certificate. This incentive gain-time award may be
314 granted to reduce any sentence for an offense committed on or
315 after October 1, 1995. However, this gain-time may not be
316 granted to reduce any sentence for an offense committed on or
317 after October 1, 1995, if the inmate is, or has previously been,
318 convicted of a violation of s. 794.011, s. 794.05, former s.
319 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
320 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
321 847.0145, or s. 985.701(1), or a forcible felony offense that is
322 specified in s. 776.08, except burglary as specified in s.
323 810.02(4). An inmate subject to the 85-percent minimum service
324 requirement pursuant to subparagraph (b)3. may not accumulate
325 gain-time awards at any point when the tentative release date is
326 the same as the 85-percent minimum service date of the sentence
327 imposed. Under no circumstances may an inmate receive more than
328 60 days for educational attainment pursuant to this section.

329 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
330 for sentences imposed for offenses committed on or after October
331 1, 2014, the department may not grant incentive gain-time if the
332 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
333 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
334 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

335 Section 8. Section 944.31, Florida Statutes, is amended to
336 read:

337 944.31 Inspector general; inspectors; power and duties.—

338 (1) The inspector general shall be responsible for prison

339 inspection and investigation, internal affairs investigations,
340 and management reviews. The office of the inspector general
341 shall be charged with the duty of inspecting the penal and
342 correctional systems of the state. The office of the inspector
343 general shall inspect each correctional institution or any place
344 in which state prisoners are housed, worked, or kept within the
345 state, with reference to its physical conditions, cleanliness,
346 sanitation, safety, and comfort; the quality and supply of all
347 bedding; the quality, quantity, and diversity of food served and
348 the manner in which it is served; the number and condition of
349 the prisoners confined therein; and the general conditions of
350 each institution. The office of inspector general shall see that
351 all the rules and regulations issued by the department are
352 strictly observed and followed by all persons connected with the
353 correctional systems of the state. The office of the inspector
354 general shall coordinate and supervise the work of inspectors
355 throughout the state. The inspector general and inspectors may
356 enter any place where prisoners in this state are kept and shall
357 be immediately admitted to such place as they desire and may
358 consult and confer with any prisoner privately and without
359 molestation. The inspector general and inspectors shall be
360 responsible for criminal and administrative investigation of
361 matters relating to the Department of Corrections. The secretary
362 may designate persons within the office of the inspector general
363 as law enforcement officers to conduct any criminal
364 investigation that occurs on property owned or leased by the

365 department or involves matters over which the department has
366 jurisdiction. A person designated as a law enforcement officer
367 must be certified pursuant to s. 943.1395 and must have a
368 minimum of 3 years' experience as an inspector in the inspector
369 general's office or as a law enforcement officer.

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

378 (3) During investigations, the inspector general and
379 inspectors may consult and confer with any prisoner or staff
380 member privately and without molestation and persons designated
381 as law enforcement officers under this section shall have the
382 authority to arrest, with or without a warrant, any prisoner of
383 or visitor to a state correctional institution for a violation
384 of the criminal laws of the state involving an offense
385 classified as a felony that occurs on property owned or leased
386 by the department and may arrest offenders who have escaped or
387 absconded from custody. Persons designated as law enforcement
388 officers have the authority to arrest with or without a warrant
389 a staff member of the department, including any contract
390 employee, for a violation of the criminal laws of the state

391 involving an offense classified as a felony under this chapter
392 or chapter 893 on property owned or leased by the department. A
393 person designated as a law enforcement officer under this
394 section may make arrests of persons against whom arrest warrants
395 have been issued, including arrests of offenders who have
396 escaped or absconded from custody. The arrested person shall be
397 surrendered without delay to the sheriff of the county in which
398 the arrest is made, with a formal complaint subsequently made
399 against her or him in accordance with law.

400 (4) The inspector general, and inspectors who conduct
401 sexual abuse investigations in confinement settings, shall
402 receive specialized training in conducting such investigations.
403 The department is responsible for providing the specialized
404 training. Specialized training shall include, but need not be
405 limited to, techniques for interviewing sexual abuse victims,
406 proper use of Miranda and Garrity warnings, sexual abuse
407 evidence collection in confinement settings, and the criteria
408 and evidence required to substantiate a case for administrative
409 action or prosecution.

410 Section 9. Paragraph (a) of subsection (1) and subsection
411 (2) of section 944.35, Florida Statutes, are amended, and
412 subsection (5) is added to that section, to read:

413 944.35 Authorized use of force; malicious battery and
414 sexual misconduct prohibited; reporting required; penalties.—

415 (1) (a) An employee of the department is authorized to
416 apply physical force upon an inmate only when and to the extent

417 that it reasonably appears necessary:

- 418 1. To defend himself or herself or another against such
- 419 other imminent use of unlawful force;
- 420 2. To prevent a person from escaping from a state
- 421 correctional institution when the officer reasonably believes
- 422 that person is lawfully detained in such institution;
- 423 3. To prevent damage to property;
- 424 4. To quell a disturbance;
- 425 5. To overcome physical resistance to a lawful command; or
- 426 6. To administer medical treatment only by or under the
- 427 supervision of a physician or his or her designee and only:
 - 428 a. When treatment is necessary to protect the health of
 - 429 other persons, as in the case of contagious or venereal
 - 430 diseases; or
 - 431 b. When treatment is offered in satisfaction of a duty to
 - 432 protect the inmate against self-inflicted injury or death.

433

434 As part of the correctional officer training program, the

435 Criminal Justice Standards and Training Commission shall develop

436 a course specifically designed to explain the parameters of this

437 subsection and to teach the proper methods and techniques in

438 applying authorized physical force upon an inmate. Effective

439 October 1, 2015, this course shall include specialized training

440 for effectively managing in nonforceful ways mentally ill

441 inmates who may exhibit erratic behavior.

442 (2) Each employee of the department who either applies

443 physical force or was responsible for making the decision to
444 apply physical force upon an inmate or an offender supervised by
445 the department in the community pursuant to this subsection
446 shall prepare, date, and sign under oath an independent report
447 within 1 working day after ~~of~~ the incident. The report shall be
448 delivered to the warden or the circuit administrator, who shall
449 forward the report with all appropriate documentation to the
450 office of the inspector general. The inspector general shall
451 conduct a review and make recommendations regarding the
452 appropriateness or inappropriateness of the use of force. If the
453 inspector general finds that the use of force was appropriate,
454 the employee's report, together with the inspector general's
455 written determination of the appropriateness of the force used
456 and the reasons therefor, shall be forwarded to the circuit
457 administrator or warden upon completion of the review. If the
458 inspector general finds that the use of force was inappropriate,
459 the inspector general shall conduct a complete investigation
460 into the incident and forward the findings of fact to the
461 appropriate regional director for further action. Copies of the
462 employee's report and the inspector general's review shall be
463 kept in the files of the inmate or the offender supervised by
464 the department in the community. A notation of each incident
465 involving use of force and the outcome based on the inspector
466 general's evaluation shall be kept in the employee's file.

467 (5) The department shall establish a usage and inventory
468 policy to track, by institution, the use of chemical agents and

469 the disposal of expired, used, or damaged canisters of chemical
470 agents. The policy shall include, but not be limited to, a
471 requirement that a numbered seal be affixed to each chemical
472 agent canister in such a manner that the canister cannot be
473 removed from the carrier without breaking the seal. All
474 canisters in the carriers shall be checked out at the beginning
475 of each shift and checked back in at the end of that shift.
476 Shift supervisors shall verify the condition of the numbered
477 seals and periodically weigh random canisters to ensure that
478 they have not been used without the required documentation. All
479 nonreactionary use-of-force incidents using chemical agents
480 shall be video recorded.

481 Section 10. For the 2015-2016 fiscal year, the sums of
482 \$1,258,256 in recurring funds and \$206,388 in nonrecurring funds
483 are appropriated from the General Revenue Fund to the Department
484 of Corrections, and ten full-time equivalent positions with
485 717,800 in salary rate are authorized, for staffing and all
486 operating expenses associated with establishing the additional
487 regional headquarters required by this act. The Department of
488 Corrections may submit budget amendments pursuant to chapter
489 216, Florida Statutes, to reallocate existing resources to
490 support the additional regional headquarters.

491 Section 11. Paragraph (a) of subsection (2) of section
492 947.1405, Florida Statutes, is amended to read:

493 947.1405 Conditional release program.—

494 (2) Any inmate who:

495 (a) Is convicted of a crime committed on or after October
496 1, 1988, and before January 1, 1994, and any inmate who is
497 convicted of a crime committed on or after January 1, 1994,
498 which crime is or was contained in category 1, category 2,
499 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
500 Rules of Criminal Procedure (1993), and who has served at least
501 one prior felony commitment at a state or federal correctional
502 institution or a sentence of more than 364 days in county jail;
503
504 shall, upon reaching the tentative release date or provisional
505 release date, whichever is earlier, as established by the
506 Department of Corrections, be released under supervision subject
507 to specified terms and conditions, including payment of the cost
508 of supervision pursuant to s. 948.09. Such supervision shall be
509 applicable to all sentences within the overall term of sentences
510 if an inmate's overall term of sentences includes one or more
511 sentences that are eligible for conditional release supervision
512 as provided herein. Effective July 1, 1994, and applicable for
513 offenses committed on or after that date, the commission may
514 require, as a condition of conditional release, that the
515 releasee make payment of the debt due and owing to a county or
516 municipal detention facility under s. 951.032 for medical care,
517 treatment, hospitalization, or transportation received by the
518 releasee while in that detention facility. The commission, in
519 determining whether to order such repayment and the amount of
520 such repayment, shall consider the amount of the debt, whether

521 | there was any fault of the institution for the medical expenses
522 | incurred, the financial resources of the releasee, the present
523 | and potential future financial needs and earning ability of the
524 | releasee, and dependents, and other appropriate factors. If any
525 | inmate placed on conditional release supervision is also subject
526 | to probation or community control, resulting from a probationary
527 | or community control split sentence within the overall term of
528 | sentences, the Department of Corrections shall supervise such
529 | person according to the conditions imposed by the court and the
530 | commission shall defer to such supervision. If the court revokes
531 | probation or community control and resentsences the offender to a
532 | term of incarceration, such revocation also constitutes a
533 | sufficient basis for the revocation of the conditional release
534 | supervision on any nonprobationary or noncommunity control
535 | sentence without further hearing by the commission. If any such
536 | supervision on any nonprobationary or noncommunity control
537 | sentence is revoked, such revocation may result in a forfeiture
538 | of all gain-time, and the commission may revoke the resulting
539 | deferred conditional release supervision or take other action it
540 | considers appropriate. If the term of conditional release
541 | supervision exceeds that of the probation or community control,
542 | then, upon expiration of the probation or community control,
543 | authority for the supervision shall revert to the commission and
544 | the supervision shall be subject to the conditions imposed by
545 | the commission. A panel of no fewer than two commissioners shall
546 | establish the terms and conditions of any such release. If the

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547 offense was a controlled substance violation, the conditions
548 shall include a requirement that the offender submit to random
549 substance abuse testing intermittently throughout the term of
550 conditional release supervision, upon the direction of the
551 correctional probation officer as defined in s. 943.10(3). The
552 commission shall also determine whether the terms and conditions
553 of such release have been violated and whether such violation
554 warrants revocation of the conditional release.

555 Section 12. Section 950.021, Florida Statutes, is created
556 to read:

557 950.021 Sentencing of offenders to county jail.—

558 (1) Notwithstanding s. 921.0024 or any other provision of
559 law, and effective for offenses committed on or after July 1,
560 2015, a court may sentence an offender to a term in the county
561 jail under the custody of the chief correctional officer in the
562 county where the offense was committed for up to 24 months if
563 the offender meets all of the following criteria:

564 (a) The offender's total sentence points score, as
565 provided in s. 921.0024, is more than 44 points but no more than
566 60 points.

567 (b) The offender's primary offense is not a forcible
568 felony as defined in s. 776.08; however, an offender whose
569 primary offense is a third degree felony under chapter 810 is
570 not ineligible to be sentenced to a county jail under this
571 paragraph.

572 (c) The offender's primary offense is not punishable by a

573 minimum mandatory sentence of more than 24 months.

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

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

580 (b) If the chief correctional officer of a county requests
581 the Department of Corrections to enter into a contract that
582 allows offenders to be sentenced to the county jail pursuant to
583 subsection (1), subject to the restrictions of this paragraph
584 and subsections (3) and (6), the Department of Corrections must
585 enter into such a contract. The contract shall specifically
586 establish the maximum number of beds and the validated per diem
587 rate. The contract shall provide for per diem reimbursement for
588 occupied inmate days based on the contracting county's most
589 recent annual adult male custody or adult female custody per
590 diem rates, not to exceed \$60 per inmate.

591 (3) A contract under this section is contingent upon a
592 specific appropriation in the General Appropriations Act.
593 Contracts shall be awarded by the Department of Corrections on a
594 first-come, first-served basis up to the maximum appropriation
595 allowable in the General Appropriations Act for this purpose.
596 The maximum appropriation allowable consists of funds
597 appropriated in or transferred to the specific appropriation in
598 the Inmates Sentenced to County Jail appropriation category.

599 Before any transferred appropriation under this section, the
600 Inmates Sentenced to County Jail appropriation category provides
601 for estimated incremental appropriation for county jail beds
602 contracted under this section in excess of the Department of
603 Corrections' per diem for adult male and female inmates.

604 (4) The Department of Corrections shall transfer funds
605 pursuant to s. 216.177 from other appropriation categories
606 within the Adult Male Custody Operations or Adult and Youthful
607 Offender Female Custody Operations budget entities to the
608 Inmates Sentenced to County Jail appropriation category in an
609 amount necessary to satisfy the requirements of each executed
610 contract but not to exceed the Department of Corrections'
611 average total per diem published for the preceding fiscal year
612 for adult male custody or adult and youthful offender female
613 custody inmates for each county jail bed contracted.

614 (5) The Department of Corrections shall assume maximum
615 annual value of each contract when determining the full use of
616 funds appropriated and to ensure that the maximum appropriation
617 allowable is not exceeded.

618 (6) All contractual per diem rates under this section as
619 well as the per diem rates used by the Department of Corrections
620 must be validated by the Auditor General before payments are
621 made.

622 Section 13. Body camera pilot program.—The Department of
623 Corrections shall implement a pilot program in which
624 correctional officers who work in the mental health units at

625 Union Correctional Institution are equipped with body cameras.
626 The pilot program shall expire June 30, 2016. The Department of
627 Corrections shall submit a report by January 1, 2017, to the
628 Executive Office of the Governor, the President of the Senate,
629 and the Speaker of the House of Representatives. The report must
630 compare the number of use-of-force incidents that occur in the
631 mental health units at Union Correctional Institution while the
632 pilot program is in effect with:

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

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

639 Section 14. For the 2015-2016 fiscal year, the sum of
640 \$121,110 in nonrecurring funds is appropriated from the General
641 Revenue Fund to the Department of Corrections for a body camera
642 pilot program in the mental health units at Union Correctional
643 Institution as required by this act.

644 Section 15. This act shall take effect July 1, 2015.