

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 "victim
7 injury" by removing a prohibition on assessing certain
8 victim injury sentence points for sexual misconduct by
9 an employee of the Department of Corrections or a
10 private correctional facility with an inmate or an
11 offender supervised by the department; conforming a
12 provision to changes made by the act; amending s.
13 944.151, F.S.; expanding the department's security
14 review committee functions; ensuring physical
15 inspections of state and private buildings and
16 structures and prioritizing institutions for
17 inspection that meet certain criteria; amending s.
18 944.275, F.S.; prohibiting an inmate from receiving
19 incentive gain-time credits for completing the
20 requirements for and receiving a general educational
21 development certificate or vocational certificate if
22 the inmate was convicted of a specified offense on or
23 after a specified date; amending s. 944.31, F.S.;
24 requiring that a copy of a written memorandum of
25 understanding for notification and investigation of
26 certain events between the Department of Corrections

27 | and the Department of Law Enforcement be provided in a
 28 | timely manner to the Governor, the President of the
 29 | Senate, and the Speaker of the House of
 30 | Representatives; requiring specialized training in
 31 | certain circumstances; providing an effective dates.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

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

37 | 216.136 Consensus estimating conferences; duties and
 38 | principals.—

39 | (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—The Criminal
 40 | Justice Estimating Conference shall:

41 | (d) Develop projections of prison admissions and
 42 | populations for elderly felony offenders.

43 | Section 2. Subsection (7) of section 921.0021, Florida
 44 | Statutes, is amended to read:

45 | 921.0021 Definitions.—As used in this chapter, for any
 46 | felony offense, except any capital felony, committed on or after
 47 | October 1, 1998, the term:

48 | (7) (a) "Victim injury" means the physical injury or death
 49 | suffered by a person as a direct result of the primary offense,
 50 | or any additional offense, for which an offender is convicted
 51 | and which is pending before the court for sentencing at the time
 52 | of the primary offense.

53 (b) Except as provided in paragraph (c) ~~or paragraph (d)~~,
 54 1. If the conviction is for an offense involving sexual
 55 contact that includes sexual penetration, the sexual penetration
 56 must be scored in accordance with the sentence points provided
 57 under s. 921.0024 for sexual penetration, regardless of whether
 58 there is evidence of any physical injury.

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

64
 65 If the victim of an offense involving sexual contact suffers any
 66 physical injury as a direct result of the primary offense or any
 67 additional offense committed by the offender resulting in
 68 conviction, such physical injury must be scored separately and
 69 in addition to the points scored for the sexual contact or the
 70 sexual penetration.

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

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

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

79 | the offender caused victim injury, sentence points for victim
 80 | injury may be assessed against the offender.

81 | Section 3. Section 944.151, Florida Statutes, is amended
 82 | to read:

83 | 944.151 Safety and security of correctional institutions
 84 | and facilities.—It is the intent of the Legislature that the
 85 | Department of Corrections shall be responsible for the safe
 86 | operation and security of the correctional institutions and
 87 | facilities. The safe operation and security of the state's
 88 | correctional institutions and facilities is critical to ensure
 89 | public safety and the safety of department employees and
 90 | offenders and to contain violent and chronic offenders until
 91 | offenders are otherwise released from the department's custody
 92 | pursuant to law. The Secretary of Corrections shall, at a
 93 | minimum:

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

103 | ~~(a) Establish a periodic schedule for the physical~~
 104 | ~~inspection of buildings and structures of each state and private~~

105 ~~correctional institution to determine security deficiencies. In~~
 106 ~~scheduling the inspections, priority shall be given to older~~
 107 ~~institutions, institutions that house a large proportion of~~
 108 ~~violent offenders, and institutions that have experienced a~~
 109 ~~significant number of escapes or escape attempts in the past.~~

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

120 (3) ~~(b)~~ Ensure that appropriate staff conducts ~~Conduct~~ or
 121 causes ~~cause~~ to be conducted announced and unannounced
 122 comprehensive safety and security audits of all state and
 123 private correctional institutions. In conducting the security
 124 audits, priority shall be given to older institutions,
 125 institutions that house a large proportion of violent offenders,
 126 institutions with a high level of inappropriate incidents of use
 127 of force on inmates, assaults on employees, or inmate sexual
 128 abuse, and institutions that have experienced a history of
 129 escapes or escape attempts. At a minimum, the audit shall
 130 include an evaluation of the physical plant, which shall include

131 the identification of blind spots or areas where staff or
 132 inmates may be isolated and the deployment of audio and video
 133 monitoring systems and other monitoring technologies in such
 134 areas, landscaping, fencing, security alarms and perimeter
 135 lighting, confinement, arsenal, key and lock, and entrance/exit
 136 ~~and inmate classification and staffing~~ policies. Each
 137 correctional institution shall be audited at least annually. ~~The~~
 138 ~~secretary shall~~

139 (4) Report the general survey findings annually to the
 140 Governor and the Legislature.

141 (5) Ensure appropriate staff investigates and evaluates
 142 the usefulness and dependability of existing safety and security
 143 technology at the institutions and new technology and video
 144 monitoring systems available and make periodic written
 145 recommendations to the secretary on the discontinuation or
 146 purchase of various safety and security devices.

147 (6) Contract, if deemed necessary, with security
 148 personnel, consulting engineers, architects, or other safety and
 149 security experts the department deems necessary for safety and
 150 security consultant services.

151 (7) Ensure appropriate staff, in conjunction with the
 152 regional offices, establishes a periodic schedule for conducting
 153 announced and unannounced escape simulation drills.

154 (8) Adopt, enforce, and annually cause the evaluation of
 155 the emergency escape response procedures, which shall at a
 156 minimum include the immediate notification and inclusion of

157 | local and state law enforcement through mutual aid agreements.

158 | (9) Ensure appropriate staff reviews staffing policies,
 159 | classification, and practices as needed.

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

162 | (a)1. Random monitoring of outgoing telephone calls by
 163 | inmates.

164 | (b)2. Maintenance of current photographs of all inmates.

165 | (c)3. Daily inmate counts at varied intervals.

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

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

168 | (f)6. Florida Crime Information Center/National Crime
 169 | Information Center capabilities.

170 | (g)7. Employment background investigations.

171 | ~~(d) Annually make written prioritized budget~~
 172 | ~~recommendations to the secretary that identify critical security~~
 173 | ~~deficiencies at major correctional institutions.~~

174 | ~~(e) Investigate and evaluate the usefulness and~~
 175 | ~~dependability of existing security technology at the~~
 176 | ~~institutions and new technology available and make periodic~~
 177 | ~~written recommendations to the secretary on the discontinuation~~
 178 | ~~or purchase of various security devices.~~

179 | ~~(f) Contract, if deemed necessary, with security~~
 180 | ~~personnel, consulting engineers, architects, or other security~~
 181 | ~~experts the committee deems necessary for security audits and~~
 182 | ~~security consultant services.~~

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

185 (11)-(2) Direct staff to maintain and produce quarterly
 186 reports with accurate escape statistics. For the purposes of
 187 these reports, "escape" includes all possible types of escape,
 188 regardless of prosecution by the state attorney, and including
 189 offenders who walk away from nonsecure community facilities.

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

194 (12)-(4) Direct staff to submit in the annual legislative
 195 budget request a prioritized summary of critical safety and
 196 security deficiencies, and repair and renovation ~~security~~ needs.

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

199 944.275 Gain-time.—

200 (4)

201 (d) Notwithstanding paragraph (b) subparagraphs ~~(b)1. and~~
 202 ~~2.~~, the education program manager shall recommend, and the
 203 Department of Corrections may grant, a one-time award of 60
 204 additional days of incentive gain-time to an inmate who is
 205 otherwise eligible and who successfully completes requirements
 206 for and is awarded a high school equivalency diploma or
 207 vocational certificate. This incentive gain-time award may be
 208 granted to reduce any sentence for an offense committed on or

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209 after October 1, 1995. However, this gain-time may not be
210 granted to reduce any sentence for an offense committed on or
211 after October 1, 1995, if the inmate is, or has previously been,
212 convicted of a violation of s. 794.011, s. 794.05, former s.
213 796.03, former s. 796.035, s. 800.04, s. 825.1025, s. 827.03, s.
214 827.071, s. 847.0133, s. 847.0135, s. 847.0137, s. 847.0138, s.
215 847.0145, or s. 985.701(1), or a forcible felony offense that is
216 specified in s. 776.08, except burglary as specified in s.
217 810.02(4). An inmate subject to the 85 percent minimum service
218 requirement pursuant to subparagraph (b)3. may not accumulate
219 gain-time awards at any point when the tentative release date is
220 the same as the 85 percent minimum service date of the sentence
221 imposed. Under no circumstances may an inmate receive more than
222 60 days for educational attainment pursuant to this section.

223 (e) Notwithstanding subparagraph (b)3. and paragraph (d),
224 for sentences imposed for offenses committed on or after October
225 1, 2014, the department may not grant incentive gain-time if the
226 offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2.
227 or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
228 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

229 Section 5. Section 944.31, Florida Statutes, is amended to
230 read:

231 944.31 Inspector general; inspectors; power and duties.—

232 (1) The inspector general shall be responsible for prison
233 inspection and investigation, internal affairs investigations,
234 and management reviews. The office of the inspector general

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

261 must be certified pursuant to s. 943.1395 and must have a
 262 minimum of 3 years' experience as an inspector in the inspector
 263 general's office or as a law enforcement officer.

264 (2) The department shall maintain a written memorandum of
 265 understanding with the Department of Law Enforcement for the
 266 notification and investigation of mutually agreed-upon predicate
 267 events that shall include, but are not limited to, suspicious
 268 deaths and organized criminal activity. A copy of an active
 269 memorandum of understanding shall be provided in a timely manner
 270 to the Governor, the President of the Senate, and the Speaker of
 271 the House of Representatives.

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

287 person designated as a law enforcement officer under this
288 section may make arrests of persons against whom arrest warrants
289 have been issued, including arrests of offenders who have
290 escaped or absconded from custody. The arrested person shall be
291 surrendered without delay to the sheriff of the county in which
292 the arrest is made, with a formal complaint subsequently made
293 against her or him in accordance with law.

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

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