

## Committee Substitute for House Bill No. 253

An act relating to county and municipal jails; amending s. 951.04, F.S.; deleting provisions that require the board of county commissioners to provide a specified amount of money to a prisoner at the time of release; amending s. 951.21, F.S.; authorizing the board of county commissioners to discontinue or revise gain-time policies; deleting a provision requiring that the allowances awarded to county prisoners for good behavior be awarded according to the policy of the Department of Corrections for such awards for state prisoners; amending s. 951.23, F.S.; providing that it is a second degree misdemeanor for a prisoner to knowingly and willfully refuse to obey certain rules governing prisoner conduct; providing an effective date.

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

Section 1. Section 951.04, Florida Statutes, is amended to read:

951.04 Duty of county commissioners upon discharge of prisoner.—When a prisoner is discharged by reasons of having served his or her sentence, or upon receiving a pardon or parole, he or she shall be furnished transportation, or its equivalent in money, back to the place from which the prisoner was sentenced, ~~together with the sum of \$5, where the sentence is for 4 months or more, and the sum of \$3 where the sentence is for a lesser period than 4 months, in addition to his or her transportation, all of which shall be paid out of the general fund of the county in which he or she was convicted, and for the purpose of carrying out the provisions of this chapter, the clerk of the board of county commissioners of each county shall, under the directions of said board, issue a check on said fund with which to pay these amounts to the prisoners being discharged at the time of their release.~~

Section 2. Section 951.21, Florida Statutes, is amended to read:

951.21 Gain-time for good conduct for county prisoners.—

(1) Commutation of time for good conduct of county prisoners shall be granted by the board of county commissioners unless, by a majority vote of the board of county commissioners, the board elects to discontinue or revise gain-time policies for good conduct. If the board of commissioners authorizes commutation of time for good conduct, and the following deductions shall be made from the term of sentence when no charge of misconduct has been sustained against a county prisoner: up to 5 days per month off the first and second years of the sentence; up to 10 days per month off the third and fourth years of the sentence; up to 15 days per month off the fifth and all succeeding years of the sentence. Where no charge of misconduct is sustained against a county prisoner, the deduction shall be deemed earned and the prisoner shall be entitled to credit for a month as soon as the prisoner has served such time as, when added to the deduction allowable, will equal a month. A county prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence.

(2) For each sustained charge of escape or attempted escape, mutinous conduct, or other serious misconduct, all the commutation which shall have accrued in favor of a county prisoner up to that day shall be forfeited, except that in case of escape if the prisoner voluntarily returns without expense to the state or county then such forfeiture may be set aside by the board of county commissioners if in its judgment the prisoner's subsequent conduct entitles him or her thereto.

(3) The board of county commissioners, upon recommendation of the warden or sheriff, may adopt a policy to allow for county prisoners, in addition to time credits, an extra good-time allowance for meritorious conduct or exceptional industry not to exceed five days per month, ~~in accordance with the existing policy of the Department of Corrections for such awards for state prisoners.~~

(4) All or any part of the gain-time earned by a county prisoner and any extra gain-time allowed him or her, if any, shall be subject to forfeiture by the board of county commissioners upon recommendation of the sheriff or warden for violation of any law of the state or any rule or regulation of the board or institution.

Section 3. Subsection (11) is added to section 951.23, Florida Statutes, 1998 Supplement, to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(11) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for a county prisoner or a municipal prisoner in a county detention facility to knowingly, on two or more occasions, violate a posted jail rule governing the conduct of prisoners, if the rule prohibits any of the following acts:

- (a) Assaulting any person;
- (b) Fighting with another person;
- (c) Threatening another with bodily harm, or any offense against another person or property;
- (d) Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under threat of informing;
- (e) Engaging in sexual acts with others;
- (f) Making sexual proposals or threats to another;
- (g) Indecent exposure;
- (h) Escape;
- (i) Attempting or planning escape;

- (j) Wearing a disguise or mask;
- (k) Setting a fire;
- (l) Destroying, altering, damaging, or defacing government property or the property of another person;
- (m) Stealing (theft);
- (n) Tampering with or blocking any locking device;
- (o) Adulteration of any food or drink;
- (p) Possession or introduction of any explosive, ammunition, firearm or weapon;
- (q) Possession of contraband;
- (r) Misuse of authorized medication;
- (s) Loaning of property or anything of value for profit or increased return;
- (t) Possession of anything not authorized for retention or receipt by the inmate and not issued to them through regular institutional channels;
- (u) Mutilating or altering issued clothing, bedding, linen or mattresses;
- (v) Rioting;
- (w) Encouraging other to riot;
- (x) Engaging in or encouraging a group demonstration;
- (y) Refusing to work;
- (z) Encouraging others to refuse to work or participating in work stoppage;
- (aa) Refusing to obey a reasonable order of any staff member;
- (bb) Unexcused absence from work or any assignment;
- (cc) Malingering, feigning an illness or injury;
- (dd) Failing to perform work as instructed by a supervisor;
- (ee) Lying or providing a false statement to a staff member;
- (ff) Conduct which disrupts or interferes with the security or orderly running of the institution;
- (gg) Counterfeiting, forging, or unauthorized reproduction of any document, article, or identification, money, security, or official paper;
- (hh) Participating in an unauthorized meeting or gathering;

- (ii) Being in an unauthorized area;
- (jj) Failure to follow safety or sanitation regulations;
- (kk) Using any equipment or machinery contrary to instructions or posted safety standards;
- (ll) Failing to stand count;
- (mm) Interfering with the taking of count;
- (nn) Making intoxicants or being intoxicated;
- (oo) Smoking where prohibited;
- (pp) Using abusive or obscene language;
- (qq) Gambling, preparing or conducting a gambling pool, possession of gambling paraphernalia;
- (rr) Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards;
- (ss) Tattooing or self-mutilation;
- (tt) Unauthorized use of mail or telephone;
- (uu) Unauthorized contacts with the public;
- (vv) Correspondence or conduct with a visitor in violation of posted regulations;
- (ww) Giving or offering any official or staff member a bribe, or anything of value; or
- (xx) Giving money or anything of value to, or accepting money or anything of value from another inmate, a member of his or her family, or his or her friend.

Punishment for a violation of this subsection shall run consecutive to any other sentence.

Section 4. This act shall take effect July 1, 1999.

Approved by the Governor June 17, 1999.

Filed in Office Secretary of State June 17, 1999.