

By Senator Kurth

15-907A-98

1 A bill to be entitled
 2 An act relating to privately operated
 3 correctional facilities; amending s. 957.04,
 4 F.S.; requiring such facilities to operate
 5 under the same conditions as publicly operated
 6 facilities; creating s. 957.061, F.S.;
 7 requiring the creation of a cooperative
 8 transfer agreement; amending s. 957.08, F.S.;
 9 revising standards for use in determining
 10 capacity requirements for such facilities;
 11 prohibiting such facilities from housing
 12 certain inmates; creating s. 957.035, F.S.;
 13 prohibiting certain conduct by commission
 14 members, employees, and consultants; providing
 15 an effective date.
 16
 17 WHEREAS, this state has the highest crime rate in the
 18 nation, and
 19 WHEREAS, residents of this state deserve to be
 20 protected from the violent criminals who prey on them, and
 21 have repeatedly sent the message that they want the
 22 Legislature to be tough on crime, and
 23 WHEREAS, this state has mandated that prisoners in
 24 public prisons be deprived of amenities, including air
 25 conditioning, televisions, and recreational equipment, and
 26 that they be forced to work in chain gangs and other public
 27 work situations, and
 28 WHEREAS, prisoners housed in private prisons live in
 29 air-conditioned comfort, have televisions and recreational
 30 equipment, and are not required to work in chain gangs or
 31 perform other public work, and

1 WHEREAS, this state has specified that criminals in
2 public prisons should not live in a "country club" atmosphere
3 and be coddled, but they are nevertheless allowed such
4 treatment in privately run correctional facilities, and

5 WHEREAS, private correctional companies can import
6 dangerous criminals, including murders, rapists, and child
7 molesters, from other states and further endanger our
8 residents, and

9 WHEREAS, private correctional facilities are allowed to
10 choose the healthiest and best-behaved inmates, while public
11 correctional facilities are left with the remaining inmates,
12 creating a need for public and private facilities to take a
13 statistically equivalent cross-section of inmates, and

14 WHEREAS, there is a need for a fair and accurate
15 comparison of private and public state correctional facilities
16 but comparisons cannot be made without equivalent operating
17 rules and conditions, NOW, THEREFORE,

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (9) is added to section 957.04,
22 Florida Statutes, to read:

23 957.04 Contract requirements.--

24 (9) Notwithstanding any other provision of law to the
25 contrary, a contract for the private operation of a
26 correctional facility entered into on or after January 1,
27 1998, must provide that the facility will operate under the
28 same conditions as publicly operated facilities with regard to
29 air conditioning of inmate housing, use and acquisition of
30 recreational facilities, permitted reading materials, use of
31 televisions, and use of inmate labor for chain gangs and other

1 public works. Such contracts may not impose a maximum on the
2 cost of individual inmate health care.

3 Section 2. Section 957.061, Florida Statutes, is
4 created to read:

5 957.061 Cooperative Transfer Agreement.--The
6 commission, the contractor and a representative of the
7 department shall develop and implement a cooperative transfer
8 agreement for each private correctional facility for
9 transferring inmates between a correctional facility operated
10 by the department and the private correctional facility. The
11 department, the commission, and the contractor must comply
12 with the cooperative transfer agreement. The Corrections
13 Commission shall routinely monitor and document compliance
14 with the agreement, mediate disputes between the department
15 and the commission, and make recommendations to the Governor
16 for final resolution.

17 Section 3. Section 957.08, Florida Statutes, is
18 amended to read:

19 957.08 Capacity requirements.--The department shall
20 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
21 determined by contract ~~the commission~~, to each private
22 correctional facility opened pursuant to this chapter in an
23 amount not less than 90 percent or more than 100 percent of
24 the capacity of the facility pursuant to the contract with the
25 commission. The types of inmates ~~prisoners~~ transferred by the
26 department must adhere to the cooperative transfer agreement
27 adopted pursuant to s. 957.06 (2) and shall represent a
28 statistical cross-section ~~cross-section~~ of the general inmate
29 population, based on the grade of custody or the offense of
30 conviction, the physical and mental health grade, and the
31

1 level of education,at the most comparable facility operated
2 by the department.

3 Section 4. A private correctional facility in this
4 state may not house inmates from outside this state who were
5 convicted of violent crimes, including murder, rape, child
6 molestation, or sexual battery.

7 Section 5. Section 957.035, Florida Statutes, is
8 created to read:

9 957.035 Prohibited conduct by commission members,
10 employees, and consultants.--

11 (1) Any commission member, employee, or consultant who
12 reviews, monitors, or approves private correctional facility
13 contracts may not:

14 (a) Solicit or accept, directly or indirectly, any
15 personal benefit or promise of benefit from any bidders,
16 potential bidders, or contractors; or

17 (b) Serve on any corporate board that may be a
18 subsidiary of, or financially associated with, any corporation
19 with which the commission may have a business relationship.

20 (2) This section may not be construed to conflict with
21 s. 112.313, s. 112.3145, or s. 112.3148.

22 Section 6. This act shall take effect July 1, 1998.

23
24 *****

25 SENATE SUMMARY

26 Revises provisions related to the operation of private
27 correctional facilities. Requires such facilities to
28 operate under the same conditions as publicly operated
29 facilities. Prohibits such facilities from housing
30 certain violent inmates from other states. Provides for a
31 cooperative transfer agreement for transferring inmates
between a private facility and one operated by the state.
Revises standards for use in determining capacity
requirements of such facilities. Prohibits certain
conduct by commission members, employees, and
consultants.