

By Representative Lacasa

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; providing an effective date.

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

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16 Section 1. Subsection (9) is added to section 957.04,
17 Florida Statutes, to read:

18 957.04 Contract requirements.--

19 (9) Notwithstanding any other provision of law to the
20 contrary, a contract for the private operation of a
21 correctional facility entered into on or after January 1,
22 1998, must provide that the facility will operate under the
23 same conditions as publicly operated facilities with regard to
24 air conditioning of inmate housing, use and acquisition of
25 recreational facilities, permitted reading materials, use of
26 televisions, and use of inmate labor for chain gangs and other
27 public works. Such contracts may not impose a maximum on the
28 cost of individual inmate health care.

29 Section 2. Section 957.061, Florida Statutes, is
30 created to read:

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1 957.061 Cooperative Transfer Agreement.--The
2 commission, the contractor and a representative of the
3 department shall develop and implement a cooperative transfer
4 agreement for each private correctional facility for
5 transferring inmates between a correctional facility operated
6 by the department and the private correctional facility. The
7 department, the commission, and the contractor must comply
8 with the cooperative transfer agreement. The Corrections
9 Commission shall routinely monitor and document compliance
10 with the agreement, mediate disputes between the department
11 and the commission, and make recommendations to the Governor
12 for final resolution.

13 Section 3. Section 957.08, Florida Statutes, is
14 amended to read:

15 957.08 Capacity requirements.--The department shall
16 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
17 determined by contract ~~the commission~~, to each private
18 correctional facility opened pursuant to this chapter in an
19 amount not less than 90 percent or more than 100 percent of
20 the capacity of the facility pursuant to the contract with the
21 commission. The types of inmates ~~prisoners~~ transferred by the
22 department must adhere to the cooperative transfer agreement
23 adopted pursuant to s. 957.06 (2) and ~~shall~~ represent a
24 statistical cross-section ~~cross-section~~ of the general inmate
25 population, based on the grade of custody or the offense of
26 conviction, the physical and mental health grade, and the
27 level of education, at the most comparable facility operated
28 by the department.

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

3 Section 5. This act shall take effect July 1, 1998.

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6 SENATE SUMMARY

7 Revises provisions related to the operation of private
8 correctional facilities. Requires such facilities to
9 operate under the same conditions as publicly operated
10 facilities. Prohibits such facilities from housing
11 certain violent inmates from other states. Provides for a
12 cooperative transfer agreement for transferring inmates
13 between a private facility and one operated by the state.
14 Revises standards for use in determining capacity
15 requirements of such facilities.

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