

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to the state correctional
3 system; prohibiting certain contracts to house
4 out-of-state inmates without specific
5 legislative authorization; amending s. 944.40,
6 F.S.; prohibiting escape or attempted escape by
7 inmates in private correctional facilities
8 under contract with the state, county, or
9 municipality; providing penalties; amending s.
10 957.03, F.S.; increasing the membership on the
11 Correctional Privatization Commission; revising
12 membership requirements; eliminating the
13 restriction that no employee of the Department
14 of Corrections or the Department of Juvenile
15 Justice be appointed to the commission;
16 increasing the number of members appointed to
17 the commission who are employed by the private
18 sector; providing for staggered terms of
19 appointment; eliminating the requirement for
20 vacancies to be filled in same manner as the
21 original appointment and for the remainder of
22 the unexpired term; specifying circumstances
23 under which an act of the commission is
24 binding; eliminating the requirement for the
25 commission to include certain recidivism data
26 in the annual report to the Legislature;
27 permitting the commission to authorize
28 contractors to use inmate labor in facility
29 construction and in public work programs, under
30 specified circumstances; requiring the
31 department to assign available inmate work

1 crews at the request of the commission and the
2 contractor, under specified circumstances;
3 providing for approval of security procedures;
4 requiring the reporting of outcome performance
5 measures; creating s. 957.031, F.S.;
6 prohibiting specified conduct by a commission
7 member, employee, or consultant who reviews,
8 monitors, or approves private correctional
9 facility contracts, or otherwise advises the
10 commission with respect to private correctional
11 facilities; providing for construction;
12 amending s. 957.06, F.S.; removing provisions
13 relating to the cooperative transfer agreement;
14 providing that certain contracts do not
15 authorize development and implementation of
16 work programs; providing exceptions; creating
17 s. 957.061, F.S.; providing for cooperative
18 transfer agreements; amending s. 957.08, F.S.;
19 restricting the types of inmates to be assigned
20 and transferred to private correctional
21 facilities; amending s. 957.125, F.S.;
22 providing for applicability of certain program
23 requirements to contracted youthful offender
24 facilities; directing the Florida Corrections
25 Commission to conduct an in-depth analysis on
26 technology and private services contracts,
27 develop certain proposals, and report its
28 findings to the Legislature; authorizing the
29 commission, contingent upon appropriation, to
30 enter into a contract for a private
31 correctional facility designed to house female

1 inmates; providing legislative intent;
2 requiring the facility to have specified
3 capacities; requiring the commission to
4 contract with an academic researcher for fiscal
5 year 1998-1999 to produce a comparative
6 recidivism rate study; providing for
7 development by consensus and approval of a
8 methodology and sampling strategy by the
9 researcher, the director of the Division of
10 Economic and Demographic Research of the Joint
11 Legislative Management Committee, or successor
12 entity, and a Department of Corrections staff
13 person; prescribing certain uses of the
14 methodology and sampling strategy; providing
15 for a report to the Legislature; repealing s.
16 957.125(1), (3) and (4), F.S., relating to the
17 original authorization to enter into contracts
18 and transfer arrangements for youthful offender
19 facilities; removing obsolete provisions;
20 repealing s. 944.711, F.S., relating to
21 requests for proposals and construction of
22 certain departmental facilities; repealing s.
23 957.04(8), F.S., relating to an expenditure to
24 defray impact costs; removing obsolete
25 provisions; amending s. 945.603, F.S.;
26 authorizing the Correctional Medical Authority
27 to review and advise the Correctional
28 Privatization Commission on inmate health care;
29 revising powers and duties of the authority;
30 conforming terminology; amending s. 945.6031,
31 F.S.; revising responsibilities of the

1 authority and guidelines for required reports
2 and surveys; requiring the authority to conduct
3 surveys of the physical and mental health care
4 system at private correctional facilities;
5 requiring certain reports; amending s.
6 945.6035, F.S.; requiring the authority and
7 either the Assistant Secretary of Health
8 Services of the department or the Executive
9 Director of the Correctional Privatization
10 Commission to attempt to expeditiously resolve
11 any disputes between the authority and the
12 department or the commission regarding the
13 physical and mental health care of inmates in
14 private prisons; providing for appeal, review,
15 and resolution; requiring the decision of the
16 Administration Commission to be final and
17 binding; amending s. 957.04, F.S.; eliminating
18 the requirement for the contract monitor to be
19 full time after the initial award; authorizing
20 the contract monitor to oversee more than one
21 facility, but no more than three, when the
22 facilities are within close proximity; creating
23 s. 957.041, F.S.; requiring the department to
24 notify the commission of the profile of the
25 inmates anticipated to be housed in a private
26 correctional facility; requiring the commission
27 to negotiate and enter into contracts for
28 private correctional services based upon the
29 inmate profile; creating s. 957.17, F.S.;
30 specifying that the commission is the legal
31 entity to authorize addenda to contracts;

1 prohibiting contract modifications which
2 provide for price level increases and the
3 retention by the vendor of certain proceeds;
4 creating s. 957.18, F.S.; requiring the
5 commission and the vendor to return to the
6 State Treasury certain revenues generated at
7 the private correctional facility; permitting
8 the funds returned to the State Treasury to be
9 credited to the vendor in achieving cost
10 savings requirement; providing effective dates.

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

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14 Section 1. Notwithstanding any other provision of law,
15 no private vendor operating a private correctional facility
16 located in the state shall enter into a contract with another
17 state to house out-of-state inmates unless specific
18 legislative authorization is provided.

19 Section 2. Section 944.40, Florida Statutes, is
20 amended to read:

21 944.40 Escapes; penalty.--Any prisoner confined in any
22 prison, jail, private correctional facility, road camp, or
23 other penal institution, whether state, county, or municipal
24 or by contract with the state, county, or municipality,
25 working upon the public roads, or being transported to or from
26 a place of confinement who escapes or attempts to escape from
27 such confinement commits ~~shall be guilty of~~ a felony of the
28 second degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084. The punishment of imprisonment imposed
30 under this section shall run consecutive to any former
31 sentence imposed upon any prisoner.

1 Section 3. Effective February 1, 1999, subsection (2)
2 and paragraphs (a) and (b) of subsection (3) of section
3 957.03, Florida Statutes, are amended to read:

4 957.03 Correctional Privatization Commission.--

5 (2) MEMBERS; QUALIFICATIONS.--The commission shall
6 consist of seven ~~five~~ members appointed by the Governor, ~~none~~
7 ~~of whom may be an employee of the Department of Corrections or~~
8 ~~the Department of Juvenile Justice,~~ one of whom must be a
9 minority person as defined in s. 288.703(3), and five ~~four~~ of
10 whom must be employed by the private sector. A commissioner
11 from the private sector may not have been an employee or a
12 contract vendor of or a consultant to the department or the
13 Department of Juvenile Justice, or an employee or a contract
14 vendor of or a consultant to a bidder, for 2 years prior to
15 appointment to the commission and may not become an employee
16 or a contract vendor of or a consultant to the department or
17 the Department of Juvenile Justice, or an employee or a
18 contract vendor of or a consultant to a bidder, for 2 years
19 following the termination of the appointment to the
20 commission.

21 (3) TERMS, ORGANIZATION, AND MEETINGS.--

22 (a) The term of office for a member of the commission
23 is 4 years except that, in order to create staggered terms,
24 when filling the vacancies created by the expiration of terms
25 in calendar year 2001, one person shall be appointed to a term
26 which shall expire January 31, 2002, two persons shall be
27 appointed to terms which shall expire January 31, 2004, and
28 two persons shall be appointed to terms expiring January 31,
29 2005.

1 (b) A vacancy shall be filled in the same manner as
2 the original appointment and shall be for the remainder of the
3 unexpired term ~~only~~.

4 Section 4. Paragraph (f) of subsection (3) and
5 paragraph (c) of subsection (4) of section 957.03, Florida
6 Statutes, are amended, and paragraphs (d), (e), and (f) are
7 added to subsection (4) of said section, to read:

8 957.03 Correctional Privatization Commission.--

9 (3) TERMS, ORGANIZATION, AND MEETINGS.--

10 (f) The commission shall meet upon the call of the
11 chair or a majority of the members of the commission. A
12 majority of the members of the commission constitutes a
13 quorum. An action of the commission is not binding unless the
14 action is taken pursuant to an affirmative vote of a majority
15 of the members present, but not fewer than three members of
16 the commission must be present, and on or after February 1,
17 1999, not fewer than five members must be present. The vote
18 must be recorded in the minutes of the meeting.

19 (4) DUTIES.--

20 (c) The commission must report to the Speaker of the
21 House of Representatives and the President of the Senate by
22 December 1 each year on the status and effectiveness of the
23 facilities under its management. ~~Each report must also~~
24 ~~include a comparison of recidivism rates for inmates of~~
25 ~~private correctional facilities to the recidivism rates for~~
26 ~~inmates of comparable facilities managed by the department.~~

27 (d) In its request for proposals, the commission may
28 authorize the contractor to use inmate labor to assist in the
29 construction of the facility. The Department of Corrections
30 shall assign inmate work crews at the request of the
31 commission and the contractor.

1 (e) In the renegotiation or origination of contracts
2 on or after the effective date of this act, the commission may
3 authorize the contractors to use selected inmates in public
4 work programs pursuant to ss. 946.40 and 946.41. If inmates
5 are placed in public work programs, the private contractor
6 shall develop security procedures which shall ensure the
7 safety of the public, and the commission and the department
8 shall approve such procedures.

9 (f) In the renegotiation or origination of contracts
10 on or after the effective date of this act, the commission
11 shall require each contractor to develop and annually report
12 to the Legislature outcome performance measures similar to
13 those included in the General Appropriations Act for the
14 department pursuant to s. 216.0166.

15 Section 5. Section 957.031, Florida Statutes, is
16 created to read:

17 957.031 Prohibited conduct by commission member,
18 employee, consultant, or adviser.--

19 (1) Any commission member, employee, or consultant who
20 reviews, monitors, or approves private correctional facility
21 contracts, or who advises the commission in any manner with
22 respect to private correctional facilities, may not:

23 (a) Solicit or accept, directly or indirectly, any
24 personal benefit or promise of benefit from any bidders,
25 potential bidders, or contractors; or

26 (b) Be an officer, director, trustee, stockholder, or
27 investor in any business entity that:

28 1. Has a business relationship of any kind with the
29 commission;

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1 2. Is owned or controlled by a business entity that
2 has a business relationship of any kind with the commission;
3 or

4 3. Is owned or controlled by one or more individuals
5 or business entities who, separately or collectively, own or
6 control a business entity that has a business relationship of
7 any kind with the commission.

8 (2) This section shall not be construed to conflict
9 with s. 112.313, s. 112.3145, or s. 112.3148.

10 Section 6. Section 957.06, Florida Statutes, is
11 amended to read:

12 957.06 Powers and duties not delegable to
13 contractor.--A contract entered into under this chapter does
14 not authorize, allow, or imply a delegation of authority to
15 the contractor to:

16 (1) Make a final determination on the custody
17 classification of an inmate. The contractor may submit a
18 recommendation for a custody change on an inmate; however, any
19 recommendation made shall be in compliance with the
20 department's custody classification system.

21 (2) Choose the facility to which an inmate is
22 initially assigned or subsequently transferred. The contractor
23 may request, in writing, that an inmate be transferred to a
24 facility operated by the department. ~~The commission, the~~
25 ~~contractor, and a representative of the department shall~~
26 ~~develop and implement a cooperative agreement for transferring~~
27 ~~inmates between a correctional facility operated by the~~
28 ~~department and a private correctional facility. The~~
29 ~~department, the commission, and the contractor must comply~~
30 ~~with the cooperative agreement.~~

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1 (3) Develop or adopt disciplinary rules or penalties
2 that differ from the disciplinary rules and penalties that
3 apply to inmates housed in correctional facilities operated by
4 the department.

5 (4) Make a final determination on a disciplinary
6 action that affects the liberty of an inmate. The contractor
7 may remove an inmate from the general prison population during
8 an emergency, before final resolution of a disciplinary
9 hearing, or in response to an inmate's request for assigned
10 housing in protective custody.

11 (5) Make a decision that affects the sentence imposed
12 upon or the time served by an inmate, including a decision to
13 award, deny, or forfeit gain-time.

14 (6) Make recommendations to the Parole Commission with
15 respect to the denial or granting of parole, control release,
16 conditional release, or conditional medical release. However,
17 the contractor may submit written reports to the Parole
18 Commission and must respond to a written request by the Parole
19 Commission for information.

20 (7) Develop and implement requirements that inmates
21 engage in any type of work or develop and implement any work
22 program, except to the extent provided by law or approved that
23 ~~those requirements are accepted~~ by the commission.

24 (8) Determine inmate eligibility for any form of
25 conditional, temporary, or permanent release from a
26 correctional facility.

27 Section 7. Section 957.061, Florida Statutes, is
28 created to read:

29 957.061 Cooperative transfer agreement.--The
30 commission, the contractor, and a representative of the
31 department shall develop and implement a cooperative transfer

1 agreement for each private correctional facility for
2 transferring inmates between a correctional facility operated
3 by the department and the private correctional facility. The
4 department, the commission, and the contractor must comply
5 with the cooperative transfer agreement.

6 Section 8. Section 957.08, Florida Statutes, is
7 amended to read:

8 957.08 Capacity requirements.--The department shall
9 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
10 determined by contract ~~the commission~~, to each private
11 correctional facility opened pursuant to this chapter in an
12 amount not less than 90 percent or more than 100 percent of
13 the capacity of the facility pursuant to the contract with the
14 commission. The types of inmates ~~prisoners~~ transferred by the
15 department shall conform to the cooperative transfer agreement
16 developed pursuant to s. 957.061 and represent a cross section
17 of the general inmate population, based on the grade of
18 custody or the offense of conviction, the physical and mental
19 health grade, and the level of education,at the most
20 comparable facility operated by the department.

21 Section 9. Subsection (2) of section 957.125, Florida
22 Statutes, is amended to read:

23 957.125 Correctional facilities for youthful
24 offenders.--

25 (2) ~~These~~ Youthful offender facilities contracted
26 under this chapter shall be designed to provide the optimum
27 capacity for programs for youthful offenders designed to
28 reduce recidivism, including, but not limited to: educational
29 and vocational programs, substance abuse and mental health
30 counseling, prerelease orientation and planning, job and
31 career counseling, physical exercise, dispute resolution, and

1 life skills training. In order to ensure this quality
2 programming, the commission shall give no more than 30 percent
3 weight to cost in evaluating proposals.

4 Section 10. The Corrections Commission shall conduct
5 an in-depth analysis and develop legislative proposals for the
6 fiscal year 1999-2000 on the future and expanded use of
7 technology and private services contracts in all aspects of
8 corrections ranging from prison management, mobile surgical
9 units, prison industry, health care, food services, inmate
10 transportation, pharmaceutical products, canteen services,
11 distance learning programs, victim notification hotlines,
12 satellite tracking of offenders, inmate legal services, and
13 community supervision. The analysis shall, at a minimum:
14 identify cost efficiencies, technological innovations, and
15 best corrections practices at both private and public
16 correctional programs; identify bureaucratic and legal
17 barriers that prevent or nullify effective cost containment
18 strategies in both private and public corrections; determine
19 ways to reduce inmate idleness through partnerships with
20 private industries; and produce plans for the most effective
21 use of general and specialized private sector services in
22 corrections. The Corrections Commission shall report its
23 findings and recommendations to the Governor and Legislature
24 in its 1998 annual report.

25 Section 11. Contingent upon legislative appropriation,
26 the Correctional Privatization Commission may enter into a
27 contract in fiscal year 1998-1999 for designing, financing,
28 acquiring, leasing, constructing, and operating one
29 correctional facility designed to house female inmates,
30 notwithstanding s. 957.07, Florida Statutes. The commission
31 shall specify the area in which the facility will be located.

1 However, it is the intent of the Legislature that the facility
2 be located in or near a metropolitan area in the southern part
3 of the state close to the home communities of the female
4 inmates to assist in the most effective rehabilitation
5 efforts, including family visitation. The facility shall have
6 a maximum capacity of 800 beds and shall provide the optimum
7 capacity for programs for female inmates designed to reduce
8 recidivism, including, but not limited to, educational and
9 vocational programs, parenting and domestic violence
10 awareness, chaplaincy services, substance abuse treatment,
11 mental and physical health counseling, and prerelease
12 orientation and planning.

13 Section 12. For fiscal year 1998-1999, the
14 Correctional Privatization Commission shall contract with an
15 academic researcher to produce a study comparing recidivism
16 rates for inmates of private correctional facilities to
17 recidivism rates for inmates of comparable facilities managed
18 by the Department of Corrections. Beginning fiscal year
19 1998-1999, the methodology and sampling strategy shall be
20 developed by consensus and unanimously approved by the
21 director of the Division of Economic and Demographic Research
22 of the Joint Legislative Management Committee, or successor
23 entity, one professional staff person who has research
24 expertise from the Department of Corrections, and the academic
25 researcher retained by the Correctional Privatization
26 Commission. The methodology and sampling strategy developed
27 shall be adhered to in all subsequent and independent analyses
28 or reports produced for the commission on such recidivism
29 rates. The academic researcher under contract to the
30 commission as well as the researchers for the Department of
31 Corrections and the Division of Economic and Demographic

1 Research, or successor entity, shall independently analyze the
2 data collected pursuant to this section and shall collaborate
3 on a single report. This report shall be submitted to the
4 Speaker of the House of Representatives and the President of
5 the Senate not later than February 1, 1999. The December 1,
6 1998, report by the commission pursuant to s. 957.03(4)(c),
7 Florida Statutes, need not contain a comparison of recidivism
8 rates for inmates of private correctional facilities to the
9 recidivism rates for inmates of comparable facilities managed
10 by the Department of Corrections.

11 Section 13. Subsections (1), (3), and (4) of section
12 957.125, section 944.711, and subsection (8) of section
13 957.04, Florida Statutes, are repealed.

14 Section 14. Section 945.603, Florida Statutes, is
15 amended to read:

16 945.603 Powers and duties of authority.--The purpose
17 of the authority is to assist in the delivery of health care
18 services for inmates in the legal custody of the Department of
19 Corrections by advising the Secretary of Corrections and the
20 chairman of the Correctional Privatization Commission on the
21 professional conduct of primary, convalescent, dental, and
22 mental health care and the management of costs consistent with
23 quality care, by advising the Governor and the Legislature on
24 the status of the inmate ~~Department of Corrections~~ health
25 care delivery system, and by assuring that adequate standards
26 of physical and mental health care for inmates are maintained
27 at all Department of Corrections institutions and at all
28 private correctional facilities. For this purpose, the
29 authority has the authority to:

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- 1 (1) Review and advise the Secretary of Corrections on
2 cost containment measures the Department of Corrections could
3 implement.
- 4 (2) Review and make recommendations regarding health
5 care for the delivery of health care services including, but
6 not limited to, acute hospital-based services and facilities,
7 primary and tertiary care services, ancillary and clinical
8 services, dental services, mental health services, intake and
9 screening services, medical transportation services, and the
10 use of nurse practitioner and physician assistant personnel to
11 act as physician extenders as these relate to inmates in the
12 legal custody of the Department of Corrections.
- 13 (3) Develop and recommend to the Governor and the
14 Legislature an annual budget for all or part of the operation
15 of the State of Florida prison health care system.
- 16 (4) Review and advise the Secretary of Corrections and
17 the Correctional Privatization Commission on contracts between
18 the Department of Corrections or private vendors and third
19 parties for quality management programs.
- 20 (5) Review and advise the Secretary of Corrections and
21 the Correctional Privatization Commission on minimum standards
22 needed to ensure that an adequate physical and mental health
23 care delivery system is maintained by the Department of
24 Corrections and by the private vendors under contract pursuant
25 to chapters 957 and 944.
- 26 (6) Review and advise the Secretary of Corrections on
27 the sufficiency, adequacy, and effectiveness of the Department
28 of Corrections' Office of Health Services' quality management
29 program.
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1 (7) Review and advise the Secretary of Corrections on
2 the projected medical needs of the inmate population and the
3 types of programs and resources required to meet such needs.

4 (8) Review and advise the Secretary of Corrections on
5 the adequacy of preservice, inservice, and continuing medical
6 education programs for all health care personnel and, if
7 necessary, recommend changes to such programs within the
8 Department of Corrections.

9 (9) Identify and recommend to the Secretary of
10 Corrections the professional incentives required to attract
11 and retain qualified professional health care staff within the
12 prison health care system.

13 (10) Coordinate the development of prospective payment
14 arrangements as described in s. 408.50 when appropriate for
15 the acquisition of inmate health care services.

16 (11) Review the Department of Corrections' health
17 services plan and advise the Secretary of Corrections on its
18 implementation.

19 (12) Sue and be sued in its own name and plead and be
20 impleaded.

21 (13) Make and execute agreements of lease, contracts,
22 deeds, mortgages, notes, and other instruments necessary or
23 convenient in the exercise of its powers and functions under
24 this act.

25 (14) Employ or contract with health care providers,
26 medical personnel, management consultants, consulting
27 engineers, architects, surveyors, attorneys, accountants,
28 financial experts, and such other employees, entities, or
29 agents as may be necessary in its judgment to carry out the
30 mandates of the Correctional Medical Authority and fix their
31 compensation.

1 (15) Recommend to the Legislature such performance and
2 financial audits of the Office of Health Services in the
3 Department of Corrections as the authority considers
4 advisable.

5 Section 15. Section 945.6031, Florida Statutes, is
6 amended to read:

7 945.6031 Required reports and surveys.--

8 (1) Not less than annually, the authority shall report
9 to the Governor and the Legislature the status of the
10 ~~Department of Corrections~~ health care delivery system
11 provided by the Department of Corrections and by vendors
12 operating private correctional facilities under contract
13 pursuant to chapters 957 and 944. The report must include,
14 but need not be limited to:

15 (a) Recommendations regarding cost containment
16 measures the Department of Corrections could implement; and

17 (b) Recommendations regarding performance and
18 financial audits of the Department of Corrections' Office of
19 Health Services.

20 (2) The authority shall conduct surveys of the
21 physical and mental health care system at each publicly
22 operated and privately operated correctional institution or
23 facility at least triennially and shall report the survey
24 findings for each institution to the Secretary of Corrections
25 or the Correctional Privatization Commission.

26 (3) Deficiencies found by the authority to be
27 life-threatening or otherwise serious shall be immediately
28 reported to the Secretary of Corrections or the Correctional
29 Privatization Commission. The Department of Corrections and
30 the Correctional Privatization Commission shall take immediate
31 action to correct life-threatening or otherwise serious

1 deficiencies identified by the authority and within 3 calendar
2 days file a written corrective action plan with the authority
3 indicating the actions that will be taken to address the
4 deficiencies. Within 60 calendar days following a survey, the
5 authority shall submit a report to the Secretary of
6 Corrections or the Correctional Privatization Commission
7 indicating deficiencies found at the institution or facility.

8 (4) Within 30 calendar days after the receipt of a
9 survey report from the authority, the Department of
10 Corrections shall file a written corrective action plan with
11 the authority, indicating the actions which will be taken to
12 address deficiencies determined by the authority to exist at
13 an institution or facility. Each plan shall set forth an
14 estimate of the time and resources needed to correct
15 identified deficiencies.

16 (5) The authority shall monitor the ~~Department of~~
17 ~~Corrections~~ implementation of corrective actions which have
18 been taken at each institution to address deficiencies related
19 to the ~~Department of Corrections~~ provision of physical and
20 mental health care services found to exist by the authority.

21 (6) ~~Failure of the Department of Corrections~~ to file a
22 corrective action plan or to timely implement the provisions
23 of a corrective action plan correcting identified deficiencies
24 may result in the initiation of the dispute resolution
25 procedures by the authority pursuant to s. 945.6035.

26 Section 16. Section 945.6035, Florida Statutes, is
27 amended to read:

28 945.6035 Dispute resolution.--

29 (1) The authority and either the Assistant Secretary
30 for Health Services or the Executive Director of the
31 Correctional Privatization Commission, whoever is appropriate,

1 shall attempt to expeditiously resolve any disputes arising
2 between the authority and the department or the Correctional
3 Privatization Commission regarding the physical and mental
4 health care of inmates.

5 (2) If the authority and either the Assistant
6 Secretary for Health Services or the Executive Director of the
7 Correctional Privatization Commission are unable to resolve a
8 dispute regarding inmate physical or mental health care, the
9 authority may submit a written notice to the Assistant
10 Secretary for Health Services or the Executive Director of the
11 Correctional Privatization Commission, setting forth each
12 issue in controversy and the position of the authority. The
13 Assistant Secretary for Health Services or the Executive
14 Director of the Correctional Privatization Commission shall
15 respond to the authority within 30 days after receipt of such
16 written notice. The authority shall place the assistant
17 secretary's or the executive director's response on the agenda
18 of the next regularly scheduled meeting of the authority. If
19 the dispute remains unresolved, the authority may submit a
20 written report to the secretary detailing the authority's
21 objections. The Assistant Secretary for Health Services or
22 the Executive Director of the Correctional Privatization
23 Commission shall submit a written report setting forth his or
24 her position to the secretary on the issue or issues raised by
25 the authority within 5 working days after receipt of the
26 submission by the authority.

27 (3) The secretary or the chair of the Correctional
28 Privatization Commission shall review any disputes between the
29 authority and the Assistant Secretary for Health Services or
30 the Executive Director of the Correctional Privatization
31 Commission, and shall provide written notice to the authority

1 of his or her decision regarding such disputes within 40 days
2 after the date when the authority provides written notice of
3 the dispute to the secretary or to the chair of the
4 Correctional Privatization Commission.

5 (4) If, at the end of the 40-day period, no resolution
6 has been reached, the authority is authorized to appeal to the
7 Administration Commission for a review and resolution of the
8 dispute between the department or the Correctional
9 Privatization Commission and the authority.

10 (5) The authority, within 30 days after receiving
11 written notice of the action of the secretary or of the chair
12 of the Correctional Privatization Commission or, if no
13 response is received, within 30 days after the secretary's or
14 the chair's response is due pursuant to subsection (3), may
15 file an appeal by petition to the Administration Commission,
16 filed with the Secretary of the Administration Commission.
17 The petition shall set forth the issues in controversy between
18 the authority and either the Correctional Privatization
19 Commission or the department, in the form and manner
20 prescribed by the Administration Commission, and shall contain
21 the reasons for the appeal. The department or the
22 Correctional Privatization Commission has 5 days after
23 delivery of a copy of any such petition to file its reply with
24 the Secretary of the Administration Commission, and the
25 department or the Correctional Privatization Commission shall
26 also deliver a copy of its reply to the authority.

27 (6) The issues which may be raised by the authority on
28 appeal to the Administration Commission are:

29 (a) Adoption or implementation by the department or by
30 the Correctional Privatization Commission of a health care
31 standard which does not conform to the standard of care

1 generally accepted in the professional health community at
2 large.

3 (b) Failure of the department or the commission to
4 comply with an adopted health care standard.

5 (c) Failure to timely file a corrective action plan
6 regarding all deficiencies which are determined by the
7 authority to exist at an institution or facility, as required
8 pursuant to s. 945.6031.

9 (d) Failure to implement a corrective action plan
10 filed pursuant to s. 945.6031.

11 (7) Within 30 days after receipt of a petition from
12 the authority, the Secretary of the Administration Commission,
13 or his or her designee, shall conduct an informal hearing to
14 consider the matters presented in the petition and the reply,
15 and after the informal hearing shall promptly submit a report
16 of the findings and recommendations to the Administration
17 Commission. Within 30 days after the informal hearing, the
18 Administration Commission shall approve either the position of
19 the authority or that of the Correctional Privatization
20 Commission or the department. If the position of the
21 authority is approved, the Administration Commission shall set
22 forth whatever remedial measures it deems appropriate and the
23 department shall implement such remedial measures. The
24 decision of the Administration Commission is final and binding
25 on the authority and on either the department or the
26 Correctional Privatization Commission and shall not be subject
27 to appeal pursuant to s. 120.68.

28 Section 17. Paragraph (g) of subsection (1) of section
29 957.04, Florida Statutes, is amended to read:

30 957.04 Contract requirements.--
31

1 (1) A contract entered into under this chapter for the
2 operation of private correctional facilities shall maximize
3 the cost savings of such facilities and shall:

4 (g) Require the selection and appointment of a
5 full-time contract monitor for the initial contract award.
6 However, the contract monitor position may be less than
7 full-time after 1 year, if deemed appropriate by the
8 commission. After the first year, the contract monitor may
9 oversee more than one facility, but no more than three, when
10 such facilities are within close proximity.The contract
11 monitor shall be appointed and supervised by the commission.
12 The contractor is required to reimburse the commission for the
13 salary and expenses of the contract monitor. It is the
14 obligation of the contractor to provide suitable office space
15 for the contract monitor at the correctional facility. The
16 contract monitor shall have unlimited access to the
17 correctional facility.

18 Section 18. Section 957.041, Florida Statutes, is
19 created to read:

20 957.041 Requirement for department to provide notice
21 of anticipated inmate profile.--

22 (1) Prior to the commission issuing a request for
23 proposals, the department shall notify the commission, in
24 writing, of the projected profile of the inmates anticipated
25 to be housed in the private correctional facility. The
26 anticipated inmate profile shall include, but not be limited
27 to, the:

28 (a) Education grade and literacy level;

29 (b) Gender;

30 (c) Custody grades;

31

1 (d) Medical and psychological grades and
2 classification; and

3 (e) Age range.
4

5 The commission shall negotiate and enter into contracts for
6 private correctional services based upon the anticipated
7 inmate profile provided by the department.

8 Section 19. Section 957.17, Florida Statutes, is
9 created to read:

10 957.17 Addenda to contracts; unauthorized contracts in
11 excess of appropriations.--

12 (1) The commission, as a whole, is the only entity
13 legally recognized to authorize an amendment or addendum to
14 any contract entered into by the commission under this
15 chapter. Pursuant to s. 216.311, the commission, in
16 authorizing or approving contract modifications, may not:

17 (a) Provide for any price level increases or any other
18 upward adjustments to per diem rates, either directly or
19 indirectly; or

20 (b) Provide for the retention by the vendor, or
21 reductions to the state, of any revenue generated at the
22 facility that is required to be returned to the State
23 Treasury, including, but not limited to, proceeds from
24 telephone commissions, profits from the commissary, medical
25 copayments, and incarceration reimbursements pursuant to s.
26 946.006(3)(a);

27
28 unless specific funding or authorization is provided by the
29 Legislature. This section shall not preclude the commission
30 from negotiating lower per diem levels whenever possible.
31

1 Section 20. Section 957.18, Florida Statutes, is
2 created to read:

3 957.18 Revenues generated returned to State
4 Treasury.--

5 (1) The commission shall require the vendors to return
6 to the State Treasury any revenue generated at the private
7 correctional facility from:

8 (a) Profits from inmate commissaries and telephone
9 commissions;

10 (b) Inmate copayments pursuant to s. 945.6037;

11 (c) Incarceration reimbursements pursuant to s.
12 946.006(3)(a); and

13 (d) Any other revenue generated from inmate labor or
14 from purchases deemed appropriate by the commission which has
15 the potential to reduce state costs.

16 (2) Revenues generated by the vendor and returned to
17 the State Treasury pursuant to subsection (1) shall be
18 credited to the vendor in achieving the costs saving
19 requirement in accordance with s. 957.07.

20 Section 21. Except as otherwise provided herein, this
21 act shall take effect upon becoming a law.

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