

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to the state correctional
3 system; amending s. 196.199, F.S.; providing
4 that property leased to the Correctional
5 Privatization Commission is owned by the
6 commission pursuant to term of the lease for
7 certain purposes; amending s. 943.13, F.S.;
8 adding the Correctional Privatization
9 Commission as an entity to receive
10 documentation of processed fingerprints as part
11 of the certification process for correctional
12 officers; amending s. 944.40, F.S.; prohibiting
13 escape or attempted escape by inmates in
14 private correctional facilities under contract
15 with the state, county, or municipality;
16 providing penalties; amending s. 945.603, F.S.;
17 authorizing the Correctional Medical Authority
18 to review and advise the Correctional
19 Privatization Commission on inmate health care;
20 revising powers and duties of the authority;
21 conforming terminology; amending s. 945.6031,
22 F.S.; revising responsibilities of the
23 authority and guidelines for required reports
24 and surveys; requiring the authority to conduct
25 surveys of the physical and mental health care
26 system at private correctional facilities;
27 requiring certain reports; amending s.
28 945.6035, F.S.; requiring the authority and
29 either the Assistant Secretary of Health
30 Services of the department or the Executive
31 Director of the Correctional Privatization

1 Commission to attempt to expeditiously resolve
2 any disputes between the authority and the
3 department or the commission regarding the
4 physical and mental health care of inmates in
5 private prisons; providing for appeal, review,
6 and resolution; requiring the decision of the
7 Administration Commission to be final and
8 binding; amending s. 957.03, F.S.; increasing
9 the membership on the Correctional
10 Privatization Commission; revising membership
11 requirements; eliminating the restriction that
12 no employee of the Department of Corrections or
13 the Department of Juvenile Justice be appointed
14 to the commission; increasing the number of
15 members appointed to the commission who are
16 employed by the private sector; providing for
17 staggered terms of appointment; eliminating the
18 requirement for vacancies to be filled in same
19 manner as the original appointment and for the
20 remainder of the unexpired term; specifying
21 circumstances under which an act of the
22 commission is binding; eliminating the
23 requirement for the commission to include
24 certain recidivism data in the annual report to
25 the Legislature; permitting the commission to
26 authorize contractors to use inmate labor in
27 facility construction and in public work
28 programs, under specified circumstances;
29 requiring the department to assign available
30 inmate work; providing for approval of security
31 procedures; requiring the reporting of outcome

1 performance measures; creating s. 957.031,
2 F.S.; prohibiting specified conduct by a
3 commission member, employee, or consultant who
4 reviews, monitors, or approves private
5 correctional facility contracts, or otherwise
6 advises the commission with respect to private
7 correctional facilities; providing for
8 construction; amending s. 957.04, F.S.;
9 eliminating the requirement for the contract
10 monitor to be full time after the initial
11 award; authorizing the contract monitor to
12 oversee more than one facility, but no more
13 than three, when the facilities are within
14 close proximity; creating s. 957.041, F.S.;
15 requiring the department to notify the
16 commission of the profile of the inmates
17 anticipated to be housed in a private
18 correctional facility; requiring the commission
19 to negotiate and enter into contracts for
20 private correctional services based upon the
21 inmate profile; amending s. 957.05, F.S.;
22 requiring certification and minimum
23 qualifications for correctional officers at
24 private correctional facilities; requiring all
25 other employees at private correctional
26 facilities to meet the same training
27 requirements as employees in state-operated
28 correctional facilities; requiring the
29 commission to receive criminal background
30 information for certification by the Criminal
31 Justice Standards and Training Commission;

1 amending s. 957.06, F.S.; removing provisions
2 relating to the cooperative transfer agreement;
3 providing that certain contracts do not
4 authorize development and implementation of
5 work programs; providing exceptions; creating
6 s. 957.061, F.S.; providing for cooperative
7 transfer agreements; amending s. 957.08, F.S.;
8 restricting the types of inmates to be assigned
9 and transferred to private correctional
10 facilities; amending s. 957.08, F.S.; revising
11 language with respect to capacity requirement;
12 amending s. 957.125, F.S.; providing for
13 applicability of certain program requirements
14 to contracted youthful offender facilities;
15 amending s. 957.13, F.S.; authorizing the
16 Florida Department of Law Enforcement to submit
17 fingerprint cards to the Federal Bureau of
18 Investigation for the purpose of conducting
19 background checks on employees of private
20 correctional facilities; requiring the Florida
21 Department of Law Enforcement to accept
22 fingerprints of persons applying for employment
23 in private correctional facilities for the
24 purpose of background checks; requiring the
25 Florida Department of Law Enforcement to
26 exchange state, multistate, and federal
27 criminal history records of persons applying
28 for employment in private correctional
29 facilities; 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; providing
3 that no private vendor shall enter into a
4 contract with another state to house
5 out-of-state inmates unless specified
6 legislative authorization is provided;
7 directing the Florida Corrections Commission to
8 conduct an in-depth analysis on technology and
9 private services contracts, develop certain
10 proposals, and report its findings to the
11 Legislature; requiring the commission to
12 contract with an academic researcher for fiscal
13 year 1999-2000 to produce a comparative
14 recidivism rate study; providing for
15 development by consensus and approval of a
16 methodology and sampling strategy by the
17 researcher, the director of the Office of
18 Economic and Demographic Research and a
19 Department of Corrections staff person;
20 prescribing certain uses of the methodology and
21 sampling strategy; providing for a report to
22 the Legislature; repealing s. 957.125(1), (3),
23 and (4), F.S., relating to the original
24 authorization to enter into contracts and
25 transfer arrangements for youthful offender
26 facilities; removing obsolete provisions;
27 repealing s. 944.711, F.S., relating to
28 requests for proposals and construction of
29 certain departmental facilities; repealing s.
30 957.04(8), F.S., relating to an expenditure to
31

1 defray impact costs; removing obsolete
2 provisions; providing an effective date.

3

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

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6 Section 1. Subsection (11) is added to section
7 196.199, Florida Statutes, to read:

8

196.199 Government property exemption.--

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10 (11) Building and other improvements to real property
11 which are financed under the provisions of s. 957.04(2)(a) and
12 which are leased to the Correctional Privatization Commission
13 shall be deemed owned by the Correctional Privatization
14 Commission for the purposes of this section where, by the
15 terms of the lease, the building and other improvements will
16 become the property of the Correctional Privatization
17 Commission or the State of Florida at the expiration of the
18 lease.

18

Section 2. Subsection (5) of section 943.13, Florida
19 Statutes, is amended to read:

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21 943.13 Officers' minimum qualifications for employment
22 or appointment.--On or after October 1, 1984, any person
23 employed or appointed as a full-time, part-time, or auxiliary
24 law enforcement officer or correctional officer; on or after
25 October 1, 1986, any person employed as a full-time,
26 part-time, or auxiliary correctional probation officer; and on
27 or after October 1, 1986, any person employed as a full-time,
28 part-time, or auxiliary correctional officer by a private
29 entity under contract to the Department of Corrections, to a
30 county commission, or to the Correctional Privatization
31 Commission shall:

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1 (5) Have documentation of his or her processed
2 fingerprints on file with the employing agency or, if a
3 private correctional officer, have documentation of his or her
4 processed fingerprints on file with the Department of
5 Corrections, the Correctional Privatization Commission, or the
6 Criminal Justice Standards and Training Commission. If
7 administrative delays are caused by the department, the
8 Correctional Privatization Commission, or the Federal Bureau
9 of Investigation and the person has complied with subsections
10 (1)-(4) and (6)-(9), he or she may be employed or appointed
11 for a period not to exceed 1 calendar year from the date he or
12 she was employed or appointed or until return of the processed
13 fingerprints documenting noncompliance with subsections
14 (1)-(4) or subsection (7), whichever occurs first.

15 Section 3. Section 944.40, Florida Statutes, is
16 amended to read:

17 944.40 Escapes; penalty.--Any prisoner confined in any
18 prison, jail, private correctional facility, road camp, or
19 other penal institution, whether state, county, or municipal
20 or by contract with the state, county, or municipality,
21 working upon the public roads, or being transported to or from
22 a place of confinement who escapes or attempts to escape from
23 such confinement commits ~~shall be guilty of~~ a felony of the
24 second degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084. The punishment of imprisonment imposed
26 under this section shall run consecutive to any former
27 sentence imposed upon any prisoner.

28 Section 4. Section 945.603, Florida Statutes, is
29 amended to read:

30 945.603 Powers and duties of authority.--The purpose
31 of the authority is to assist in the delivery of health care

1 services for inmates in the legal custody of the Department of
2 Corrections by advising the Secretary of Corrections and the
3 Correctional Privatization Commission on the professional
4 conduct of primary, convalescent, dental, and mental health
5 care and the management of costs consistent with quality care,
6 by advising the Governor and the Legislature on the status of
7 the inmate ~~Department of Corrections~~ health care delivery
8 system, and by assuring that adequate standards of physical
9 and mental health care for inmates are maintained at all
10 Department of Corrections institutions and all private
11 correctional facilities. For this purpose, the authority has
12 the authority to:

13 (1) Review and advise the Secretary of Corrections on
14 cost containment measures the Department of Corrections could
15 implement.

16 (2) Review and make recommendations regarding health
17 care for the delivery of health care services including, but
18 not limited to, acute hospital-based services and facilities,
19 primary and tertiary care services, ancillary and clinical
20 services, dental services, mental health services, intake and
21 screening services, medical transportation services, and the
22 use of nurse practitioner and physician assistant personnel to
23 act as physician extenders as these relate to inmates in the
24 legal custody of the Department of Corrections.

25 (3) Develop and recommend to the Governor and the
26 Legislature an annual budget for all or part of the operation
27 of the State of Florida prison health care system.

28 (4) Review and advise the Secretary of Corrections and
29 the Correctional Privatization Commission on contracts between
30 the Department of Corrections or private vendors and third
31 parties for quality management programs.

1 (5) Review and advise the Secretary of Corrections and
2 the Correctional Privatization Commission on minimum standards
3 needed to ensure that an adequate physical and mental health
4 care delivery system is maintained by the Department of
5 Corrections and by private vendors under contract pursuant to
6 chapters 944 and 957.

7 (6) Review and advise the Secretary of Corrections on
8 the sufficiency, adequacy, and effectiveness of the Department
9 of Corrections' Office of Health Services' quality management
10 program.

11 (7) Review and advise the Secretary of Corrections on
12 the projected medical needs of the inmate population and the
13 types of programs and resources required to meet such needs.

14 (8) Review and advise the Secretary of Corrections on
15 the adequacy of preservice, inservice, and continuing medical
16 education programs for all health care personnel and, if
17 necessary, recommend changes to such programs within the
18 Department of Corrections.

19 (9) Identify and recommend to the Secretary of
20 Corrections the professional incentives required to attract
21 and retain qualified professional health care staff within the
22 prison health care system.

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

26 (11) Review the Department of Corrections' health
27 services plan and advise the Secretary of Corrections on its
28 implementation.

29 (12) Sue and be sued in its own name and plead and be
30 impleaded.

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1 (13) Make and execute agreements of lease, contracts,
2 deeds, mortgages, notes, and other instruments necessary or
3 convenient in the exercise of its powers and functions under
4 this act.

5 (14) Employ or contract with health care providers,
6 medical personnel, management consultants, consulting
7 engineers, architects, surveyors, attorneys, accountants,
8 financial experts, and such other employees, entities, or
9 agents as may be necessary in its judgment to carry out the
10 mandates of the Correctional Medical Authority and fix their
11 compensation.

12 (15) Recommend to the Legislature such performance and
13 financial audits of the Office of Health Services in the
14 Department of Corrections as the authority considers
15 advisable.

16 Section 5. Section 945.6031, Florida Statutes, is
17 amended to read:

18 945.6031 Required reports and surveys.--

19 (1) Not less than annually, the authority shall report
20 to the Governor and the Legislature the status of the
21 ~~Department of Corrections~~ health care delivery system
22 provided by the Department of Corrections and by vendors
23 operating private correctional facilities under contract
24 pursuant to chapters 957 and 944. The report must include,
25 but need not be limited to:

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

28 (b) Recommendations regarding performance and
29 financial audits of the Department of Corrections' Office of
30 Health Services.

31

1 (2) The authority shall conduct surveys of the
2 physical and mental health care system at each publicly
3 operated and privately operated correctional institution or
4 facility at least triennially and shall report the survey
5 findings for each institution to the Secretary of Corrections
6 or the Correctional Privatization Commission.

7 (3) Deficiencies found by the authority to be
8 life-threatening or otherwise serious shall be immediately
9 reported to the Secretary of Corrections or the Correctional
10 Privatization Commission. The Department of Corrections and
11 the Correctional Privatization Commission shall take immediate
12 action to correct life-threatening or otherwise serious
13 deficiencies identified by the authority and within 3 calendar
14 days file a written corrective action plan with the authority
15 indicating the actions that will be taken to address the
16 deficiencies. Within 60 calendar days following a survey, the
17 authority shall submit a report to the Secretary of
18 Corrections or the Correctional Privatization Commission
19 indicating deficiencies found at the institution or facility.

20 (4) Within 30 calendar days after the receipt of a
21 survey report from the authority, the Department of
22 Corrections or the Correctional Privatization Commission shall
23 file a written corrective action plan with the authority,
24 indicating the actions which will be taken to address
25 deficiencies determined by the authority to exist at an
26 institution or facility. Each plan shall set forth an
27 estimate of the time and resources needed to correct
28 identified deficiencies.

29 (5) The authority shall monitor the ~~Department of~~
30 ~~Corrections~~ implementation of corrective actions which have
31 been taken at each institution or facility to address

1 deficiencies related to the ~~Department of Corrections~~
2 provision of physical and mental health care services found to
3 exist by the authority.

4 (6) ~~Failure of the Department of Corrections~~ to file a
5 corrective action plan or to timely implement the provisions
6 of a corrective action plan correcting identified deficiencies
7 may result in the initiation of the dispute resolution
8 procedures by the authority pursuant to s. 945.6035.

9 Section 6. Section 945.6035, Florida Statutes, is
10 amended to read:

11 945.6035 Dispute resolution.--

12 (1) The authority and the Assistant Secretary for
13 Health Services or the Executive Director of the Correctional
14 Privatization Commission, whoever is appropriate, shall
15 attempt to expeditiously resolve any disputes arising between
16 the authority and the department or the Correctional
17 Privatization Commission regarding the physical and mental
18 health care of inmates.

19 (2) If the authority and the Assistant Secretary for
20 Health Services or the Executive Director of the Correctional
21 Privatization Commission are unable to resolve a dispute
22 regarding inmate physical or mental health care, the authority
23 may submit a written notice to the Assistant Secretary for
24 Health Services or the Executive Director of the Correctional
25 Privatization Commission, setting forth each issue in
26 controversy and the position of the authority. The Assistant
27 Secretary for Health Services or the Executive Director of the
28 Correctional Privatization Commission shall respond to the
29 authority within 30 days after receipt of such written notice.
30 The authority shall place the assistant secretary's or the
31 executive director's response on the agenda of the next

1 regularly scheduled meeting of the authority. If the dispute
2 remains unresolved, the authority may submit a written report
3 to the secretary of the Department of Corrections or the chair
4 of the Correctional Privatization Commission detailing the
5 authority's objections. The Assistant Secretary for Health
6 Services or the Executive Director of the Correctional
7 Privatization Commission shall submit a written report setting
8 forth his or her position to the secretary or the chair of the
9 Correctional Privatization Commission on the issue or issues
10 raised by the authority within 5 working days after receipt of
11 the submission by the authority.

12 (3) The secretary or the chair of the Correctional
13 Privatization Commission shall review any disputes between the
14 authority and the Assistant Secretary for Health Services or
15 the Executive Director of the Correctional Privatization
16 Commission, and shall provide written notice to the authority
17 of his or her decision regarding such disputes within 40 days
18 after the date when the authority provides written notice of
19 the dispute to the secretary or the Executive Director of the
20 Correctional Privatization Commission.

21 (4) If, at the end of the 40-day period, no resolution
22 has been reached, the authority is authorized to appeal to the
23 Administration Commission for a review and resolution of the
24 dispute between the department or the chair of the
25 Correctional Privatization Commission and the authority.

26 (5) The authority, within 30 days after receiving
27 written notice of the action of the secretary or of the chair
28 of the Correctional Privatization Commission or, if no
29 response is received, within 30 days after the secretary's or
30 the chair's response is due pursuant to subsection (3), may
31 file an appeal by petition to the Administration Commission,

1 filed with the Secretary of the Administration Commission.
2 The petition shall set forth the issues in controversy between
3 the authority and the Correctional Privatization Commission or
4 the department, in the form and manner prescribed by the
5 Administration Commission, and shall contain the reasons for
6 the appeal. The department or the the Correctional
7 Privatization Commission has 5 days after delivery of a copy
8 of any such petition to file its reply with the Secretary of
9 the Administration Commission, and the department or the
10 Correctional Privatization Commission shall also deliver a
11 copy of its reply to the authority.

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

14 (a) Adoption or implementation by the department or
15 the Correctional Privatization Commission of a health care
16 standard which does not conform to the standard of care
17 generally accepted in the professional health community at
18 large.

19 (b) Failure of the department or the Commission to
20 comply with an adopted health care standard.

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

25 (d) Failure to implement a corrective action plan
26 filed pursuant to s. 945.6031.

27 (7) Within 30 days after receipt of a petition from
28 the authority, the Secretary of the Administration Commission,
29 or his or her designee, shall conduct an informal hearing to
30 consider the matters presented in the petition and the reply,
31 and after the informal hearing shall promptly submit a report

1 of the findings and recommendations to the Administration
2 Commission. Within 30 days after the informal hearing, the
3 Administration Commission shall approve either the position of
4 the authority or that of the Correctional Privatization
5 Commission or the department. If the position of the
6 authority is approved, the Administration Commission shall set
7 forth whatever remedial measures it deems appropriate and the
8 department or the Correctional Privatization Commission shall
9 implement such remedial measures. The decision of the
10 Administration Commission is final and binding on the
11 authority and on either the department or the Correctional
12 Privatization Commission and shall not be subject to appeal
13 pursuant to s. 120.68.

14 Section 7. Effective February 1, 2000, subsection (2)
15 and paragraphs (a) and (b) of subsection (3) of section
16 957.03, Florida Statutes, are amended, to read:

17 957.03 Correctional Privatization Commission.--

18 (2) MEMBERS; QUALIFICATIONS.--The commission shall
19 consist of seven ~~five~~ members appointed by the Governor, ~~none~~
20 ~~of whom may be an employee of the Department of Corrections or~~
21 ~~the Department of Juvenile Justice, two~~ one of whom must be a
22 minority persons ~~person~~ as defined in s. 288.703(3), and five
23 ~~four~~ of whom must be employed by the private sector. A
24 commissioner from the private sector may not have been an
25 employee or a contract vendor of or a consultant to the
26 department or the Department of Juvenile Justice, or an
27 employee or a contract vendor of or a consultant to a bidder,
28 for 2 years prior to appointment to the commission and may not
29 become an employee or a contract vendor of or a consultant to
30 the department or the Department of Juvenile Justice, or an
31 employee or a contract vendor of or a consultant to a bidder,

1 for 2 years following the termination of the appointment to
2 the commission.

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

4 (a) The term of office for a member of the commission
5 is 4 years except that, in order to create staggered terms,
6 when filling the vacancies created by the expiration of terms
7 in calendar year 2001, one person shall be appointed to a term
8 which shall expire January 31, 2002, two persons shall be
9 appointed to terms which shall expire January 31, 2004, and
10 two persons shall be appointed to terms expiring January 31,
11 2005.

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

15 Section 8. Paragraph (f) of subsection (3) and
16 paragraph (c) of subsection (4) of section 957.03, Florida
17 Statutes, are amended, and paragraphs (d), (e), and (f) are
18 added to subsection (4) of said section, to read:

19 957.03 Correctional Privatization Commission.--

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

21 (f) The commission shall meet upon the call of the
22 chair or a majority of the members of the commission. A
23 majority of the members of the commission constitutes a
24 quorum. An action of the commission is not binding unless the
25 action is taken pursuant to an affirmative vote of a majority
26 of the members present, but not fewer than three members of
27 the commission must be present, and on or after February 1,
28 2000, not fewer than five members must be present. The vote
29 must be recorded in the minutes of the meeting.

30 (4) DUTIES.--

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1 (c) The commission must report to the Speaker of the
2 House of Representatives and the President of the Senate by
3 December 1 each year on the status and effectiveness of the
4 facilities under its management. ~~Each report must also~~
5 ~~include a comparison of recidivism rates for inmates of~~
6 ~~private correctional facilities to the recidivism rates for~~
7 ~~inmates of comparable facilities managed by the department.~~

8 (d) In its request for proposals, the commission may
9 authorize the contractor to use inmate labor to assist in the
10 construction of the facility. The Department of Corrections
11 shall assign inmate work crews at the request of the
12 commission and the contractor.

13 (e) In the renegotiation or origination of contracts
14 on or after the effective date of this act, the commission may
15 authorize the contractors to use selected inmates in public
16 work programs pursuant to ss. 946.40 and 946.41. If inmates
17 are placed in public work programs, the private contractor
18 shall develop security procedures which shall ensure the
19 safety of the public, and the commission and the department
20 shall approve such procedures.

21 (f) In the renegotiation or origination of contracts
22 on or after the effective date of this act, the commission
23 shall require each contractor to develop and annually report
24 to the Legislature outcome performance measures similar to
25 those included in the General Appropriations Act for the
26 department pursuant to s. 216.0166.

27 Section 9. Section 957.031, Florida Statutes, is
28 created to read:

29 957.031 Prohibited conduct by commission member,
30 employee, consultant, or adviser.--

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

5 (a) Solicit or accept, directly or indirectly, any
6 personal benefit or promise of benefit from any bidders,
7 potential bidders, or contractors; or

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

10 1. Has a business relationship of any kind with the
11 commission;

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

15 3. Is owned or controlled by one or more individuals
16 or business entities who, separately or collectively, own or
17 control a business entity that has a business relationship of
18 any kind with the commission.

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

21 Section 10. Paragraph (g) of subsection (1) of section
22 957.04, Florida Statutes, is amended to read:

23 957.04 Contract requirements.--

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

27 (g) Require the selection and appointment of a
28 full-time contract monitor for the initial contract award.
29 However, the contract monitor position may be less than
30 full-time after 1 year, if deemed appropriate by the
31 commission. After the first year, the contract monitor may

1 oversee more than one facility, but no more than three, when
2 such facilities are within close proximity.The contract
3 monitor shall be appointed and supervised by the commission.
4 The contractor is required to reimburse the commission for the
5 salary and expenses of the contract monitor. It is the
6 obligation of the contractor to provide suitable office space
7 for the contract monitor at the correctional facility. The
8 contract monitor shall have unlimited access to the
9 correctional facility.

10 Section 11. Section 957.041, Florida Statutes, is
11 created to read:

12 957.041 Requirement for department to provide notice
13 of anticipated inmate profile.--

14 (1) Prior to the commission issuing a request for
15 proposals, the department shall notify the commission, in
16 writing, of the projected profile of the inmates anticipated
17 to be housed in the private correctional facility. The
18 anticipated inmate profile shall include, but not be limited
19 to the following factors:

- 20 (a) Education grade and literacy level;
21 (b) Gender;
22 (c) Custody grades;
23 (d) Medical and psychological grades and
24 (e) Age range.

25 (2) The commission shall negotiate and enter into
26 contracts for private correctional services based upon the
27 anticipated inmate profile provided by the department.

28 Section 12. Paragraph (a) of subsection (2) of section
29 957.05, Florida Statutes, is amended to read:

30 957.05 Requirements for contractors operating private
31 correctional facilities.--

1 (2)(a) The commission shall require the certification
2 of private correctional officers at the private vendor's
3 expense under s. 943.1395, and all such officers must meet the
4 minimum qualifications established in s. 943.13. All other
5 employees of the private vendor who perform their duties at
6 the private correctional facility shall receive, at a minimum,
7 the same quality and quantity of training as that required by
8 the state for employees of state-operated correctional
9 facilities. All training expenses shall be the responsibility
10 of the private vendor. The commission shall be the
11 contributor and recipient of all criminal background
12 information necessary for certification by the Criminal
13 Justice Standards and Training Commission.~~The training~~
14 ~~requirements, including inservice training requirements, for~~
15 ~~employees of a contractor that assumes the responsibility for~~
16 ~~the operation and maintenance of a private correctional~~
17 ~~facility must meet or exceed the requirements for similar~~
18 ~~employees of the department or the training requirements~~
19 ~~mandated for accreditation by the American Correctional~~
20 ~~Association, whichever of those requirements are the more~~
21 ~~demanding. All employee training expenses are the~~
22 ~~responsibility of the contractor.~~

23 Section 13. Subsections (2) and (7) of section 957.06,
24 Florida Statutes, are amended to read:

25 957.06 Powers and duties not delegable to
26 contractor.--A contract entered into under this chapter does
27 not authorize, allow, or imply a delegation of authority to
28 the contractor to:

29 (2) Choose the facility to which an inmate is
30 initially assigned or subsequently transferred. The contractor
31 may request, in writing, that an inmate be transferred to a

1 facility operated by the department. ~~The commission, the~~
2 ~~contractor, and a representative of the department shall~~
3 ~~develop and implement a cooperative agreement for transferring~~
4 ~~inmates between a correctional facility operated by the~~
5 ~~department and a private correctional facility. The~~
6 ~~department, the commission, and the contractor must comply~~
7 ~~with the cooperative agreement.~~

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

12 Section 14. Section 957.061, Florida Statutes, is
13 created to read:

14 957.061 Cooperative transfer agreement.--The
15 commission, the contractor, and a representative of the
16 department shall develop and implement a cooperative transfer
17 agreement for each private correctional facility for
18 transferring inmates between a correctional facility operated
19 by the department and a private correctional facility. The
20 department, the commission, and the contractor must comply
21 with the cooperative transfer agreement.

22 Section 15. Section 957.08, Florida Statutes, is
23 amended to read:

24 957.08 Capacity requirements.--The department shall
25 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
26 determined by contract ~~the commission~~, to each private
27 correctional facility opened pursuant to this chapter in an
28 amount not less than 90 percent or more than 100 percent of
29 the capacity of the facility pursuant to the contract with the
30 commission. The types of inmates ~~prisoners~~ transferred by the
31 department shall conform to the cooperative transfer agreement

1 developed pursuant to s. 957.061 and represent a cross section
2 of the general inmate population, based on the grade of
3 custody or the offense of conviction, the physical and mental
4 health grade, and the level of education,at the most
5 comparable facility operated by the department.

6 Section 16. Subsection (2) of section 957.125, Florida
7 Statutes, is amended to read:

8 957.125 Correctional facilities for youthful
9 offenders.--

10 (2) ~~These~~ Youthful offender facilities contracted
11 under this chapter shall be designed to provide the optimum
12 capacity for programs for youthful offenders designed to
13 reduce recidivism, including, but not limited to: educational
14 and vocational programs, substance abuse and mental health
15 counseling, prerelease orientation and planning, job and
16 career counseling, physical exercise, dispute resolution, and
17 life skills training. In order to ensure this quality
18 programming, the commission shall give no more than 30 percent
19 weight to cost in evaluating proposals.

20 Section 17. Section 957.13, Florida Statutes, is
21 amended to read:

22 957.13 Background checks.--

23 (1) The Correctional Privatization Commission shall
24 require a background investigation of each applicant for
25 employment at a private correctional facility under contract
26 with the commission by means of fingerprint checks by the
27 Florida Department of Law Enforcement and the Federal Bureau
28 of Investigation. The commission shall submit the completed
29 fingerprint card to the Florida Department of Law Enforcement,
30 which is authorized to submit the fingerprints to the Federal
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1 Bureau of Investigation for a national criminal history record
2 check.

3 (2) The Florida Department of Law Enforcement shall
4 ~~may~~ accept fingerprints of individuals who apply for
5 employment at a private correctional facility and who are
6 required to have background checks under the provisions of
7 this chapter.

8 (3)~~(2)~~ The Florida Department of Law Enforcement shall
9 ~~may, to the extent provided for by federal law, exchange~~
10 state, multistate, and federal criminal history records of
11 individuals who apply for employment at a private correctional
12 facility with the Correctional Privatization Commission for
13 the purpose of conducting background checks as required by the
14 commission.

15 Section 18. Section 957.17, Florida Statutes, is
16 created to read:

17 957.17 Addenda to contracts; unauthorized contracts in
18 excess of appropriations.--The commission, as a whole, is the
19 only entity legally recognized to authorize an amendment or
20 addendum to any contract entered into by the commission under
21 this chapter. Pursuant to s. 216.311, the commission, in
22 authorizing or approving contract modifications, may not
23 provide for any price level increases or any other upward
24 adjustments to per diem rates, either directly or indirectly
25 unless specific funding or authorization is provided by the
26 Legislature. This section shall not preclude the commission
27 from negotiating lower per diem levels whenever possible.

28 Section 19. Notwithstanding any other provision of
29 law, no private vendor operating a private correctional
30 facility located in the state shall enter into a contract with
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1 another state to house out-of-state inmates unless specific
2 legislative authorization is provided.

3 Section 20. The Corrections Commission shall conduct
4 an in-depth analysis and develop legislative proposals for the
5 fiscal year 2000-2001 on the future and expanded use of
6 technology and private services contracts in all aspects of
7 corrections ranging from prison management, mobile surgical
8 units, prison industry, health care, food services, inmate
9 transportation, pharmaceutical products, canteen services,
10 distance learning programs, victim notification hotlines,
11 satellite tracking of offenders, inmate legal services, and
12 community supervision. The analysis shall, at a minimum:
13 identify cost efficiencies, technological innovations, and the
14 best corrections practices at both public and private
15 correctional programs; identify bureaucratic and legal
16 barriers that prevent or nullify effective cost containment
17 strategies in both public and private corrections; determine
18 ways to reduce inmate idleness through partnerships with
19 private industries; and produce plans for the most effective
20 use of general and specialized private sector services in
21 corrections. The Corrections Commission shall report its
22 findings and recommendations to the Governor and Legislature
23 in its 1999 annual report.

24 Section 21. For fiscal year 1999-2000, the
25 Correctional Privatization Commission shall contract with an
26 academic researcher to produce a study comparing recidivism
27 rates for inmates of private correctional facilities to
28 recidivism rates for inmates of comparable facilities managed
29 by the Department of Corrections. Beginning fiscal year
30 1999-2000, the methodology and sampling strategy shall be
31 developed by consensus and unanimously approved by the

1 director of the Office of Economic and Demographic Research,
2 one professional staff person who has research expertise from
3 the Department of Corrections, and the academic researcher
4 retained by the Correctional Privatization Commission. The
5 methodology and sampling strategy developed shall be adhered
6 to in all subsequent and independent analyses or reports
7 produced for the commission on such recidivism rates. The
8 academic researcher under contract to the commission as well
9 as the researchers for the Department of Corrections and the
10 Office of Economic and Demographic Research shall
11 independently analyze the data collected pursuant to this
12 section and shall collaborate on a single report. This report
13 shall be submitted to the Governor, the President of the
14 Senate, and the Speaker of the House of Representatives not
15 later than February 1, 2000. The December 1, 1999, report by
16 the commission pursuant to s. 957.03(4)(c), Florida Statutes,
17 need not contain a comparison of recidivism rates for inmates
18 of private correctional facilities to the recidivism rates for
19 inmates of comparable facilities managed by the Department of
20 Corrections.

21 Section 22. Subsections (1), (3), and (4) of section
22 957.125, Florida Statutes, section 944.711, Florida Statutes,
23 and subsection (8) of section 957.04, Florida Statutes, are
24 repealed.

25 Section 23. Except as otherwise provided herein, this
26 act shall take effect upon becoming a law.

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HOUSE SUMMARY

Revises provisions of law relating to the state
correctional system to:

1. Provide, with respect to a provision of law governing government property tax exemptions that property leased to the Correctional Privatization Commission is owned by the commission pursuant to the lease for described purposes.

2. Include the Correctional Privatization Commission as an entity to receive documentation of processed fingerprints as part of the certification process for law enforcement officers.

3. Prohibit the escape or attempted escape by inmates in private correctional facilities under contract with the state, county, or municipality and provide penalties with respect to such escapes or attempts to escape.

4. Authorize the Correctional Medical Authority to review and advise the Correctional Privatization Commission on inmate health care and require the authority to conduct surveys of the physical and mental health care system at private correctional facilities.

5. Provide for the resolution of disputes between the authority and the Department of Corrections or the Correctional Privatization Commission and to require the decision of the Administration Commission to be final and binding.

6. Revise membership on the Correctional Privatization Commission and revise the duties of the commission.

7. Prohibit described conduct by a commission member, employee, or consultant who reviews, monitors, or approves private correctional facility contracts or who otherwise advises the commission with respect to private correctional facilities.

8. Revise provisions with respect to contract monitors.

9. Require the department to notify the commission of the profile of the inmates to be housed in a private correctional facility and to require the commission to negotiate and enter into contracts for private correctional services based upon inmate profiles.

10. Require certification and minimum qualifications for correctional officers at private correctional facilities.

11. Provide for cooperative transfer agreements and to restrict the types of inmates to be assigned and

1 transferred to private correctional facilities.
2 12. Authorize the Department of Law Enforcement to
3 submit fingerprint cards to the FBI for the purpose of
4 conducting background checks on employees of private
5 correctional facilities.
6 13. Provide that the Correctional Privatization
7 Commission is the legal entity to authorize addenda to
8 contracts, to prohibit contract modifications which
9 provide for price level increases and to provide that no
10 private vendor shall enter into a contract with another
11 state to house out-of-state inmates in Florida unless
12 specific legislative authorization is provided.
13 14. Provide for an in-depth analysis on technology
14 and private services contracts and report to the
15 Legislature.
16 See bill for details.
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