

By Senator Mitchell

4-594A-99

1 A bill to be entitled
 2 An act relating to correctional facilities;
 3 amending s. 944.40, F.S.; providing that it is
 4 a second-degree felony to escape or attempt to
 5 escape from a private correctional facility or
 6 other correctional facility operated by a
 7 governmental entity or under contract with a
 8 governmental entity; amending s. 957.04, F.S.;
 9 requiring such facilities to operate under the
 10 same conditions as publicly operated
 11 facilities; creating s. 957.061, F.S.;
 12 requiring the creation of a cooperative
 13 transfer agreement; amending s. 957.08, F.S.;
 14 revising standards for use in determining
 15 capacity requirements for such facilities;
 16 prohibiting such facilities from housing
 17 certain inmates; authorizing a law enforcement
 18 agency to charge a private correctional
 19 facility for the costs incurred in apprehending
 20 an out-of-state inmate who escapes from the
 21 facility; creating s. 957.035, F.S.;
 22 prohibiting certain conduct by commission
 23 members, employees, and consultants; providing
 24 an effective date.

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

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 28 Section 1. Section 944.40, Florida Statutes, is
 29 amended to read:
 30 944.40 Escapes; penalty.--Any prisoner confined in any
 31 prison, jail, private correctional facility, road camp, or

1 other penal institution, whether operated by the state, a
2 county, or a municipality, or operated under a contract with
3 the state, a county, or a municipality ~~municipal~~, working upon
4 the public roads, or being transported to or from a place of
5 confinement who escapes or attempts to escape from such
6 confinement commits ~~shall be guilty of~~ a felony of the second
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084. The punishment of imprisonment imposed under this
9 section shall run consecutive to any former sentence imposed
10 upon any prisoner.

11 Section 2. Subsection (9) is added to section 957.04,
12 Florida Statutes, to read:

13 957.04 Contract requirements.--

14 (9) Notwithstanding any other law to the contrary, a
15 contract for the private operation of a correctional facility
16 entered into on or after July 1, 1999, must provide that the
17 facility will operate under the same conditions as publicly
18 operated facilities with regard to air conditioning of inmate
19 housing, use and acquisition of recreational facilities,
20 permitted reading materials, use of televisions, and use of
21 inmate labor for chain gangs and other public works. Such
22 contracts may not impose a maximum on the cost of individual
23 inmate health care.

24 Section 3. Section 957.061, Florida Statutes, is
25 created to read:

26 957.061 Cooperative transfer agreement.--The
27 commission, the contractor, and a representative of the
28 department shall develop and implement a cooperative transfer
29 agreement for each private correctional facility for
30 transferring inmates between a correctional facility operated
31 by the department and the private correctional facility. The

1 department, the commission, and the contractor must comply
2 with the cooperative transfer agreement. The Florida
3 Corrections Commission shall routinely monitor and document
4 compliance with the agreement, mediate disputes between the
5 department and the commission, and make recommendations to the
6 Governor for final resolution.

7 Section 4. Section 957.08, Florida Statutes, is
8 amended to read:

9 957.08 Capacity requirements.--The department shall
10 transfer and assign inmates ~~prisoners~~, at a rate ~~to be~~
11 determined by contract ~~the commission~~, to each private
12 correctional facility opened pursuant to this chapter in an
13 amount not less than 90 percent or more than 100 percent of
14 the capacity of the facility pursuant to the contract with the
15 commission. The types of inmates ~~prisoners~~ transferred by the
16 department must adhere to the cooperative transfer agreement
17 adopted pursuant to s. 957.06(2) and shall represent a
18 statistical cross-section ~~cross-section~~ of the general inmate
19 population, based on the grade of custody or the offense of
20 conviction, the physical and mental health grade, and the
21 level of education, at the most comparable facility operated
22 by the department.

23 Section 5. (1) A private correctional facility in
24 this state may not house inmates from outside this state who
25 were convicted of violent crimes, including murder, rape,
26 child molestation, or sexual battery.

27 (2) A law enforcement agency may assess a charge
28 against the contractor that operates a private correctional
29 facility to cover the costs incurred by the agency in
30 apprehending any out-of-state inmate who escapes from the
31 private correctional facility.

1 Section 6. Section 957.035, Florida Statutes, is
2 created to read:

3 957.035 Prohibited conduct by commission members,
4 employees, and consultants.--

5 (1) Any commission member, employee, or consultant who
6 reviews, monitors, or approves private correctional facility
7 contracts may not:

8 (a) Solicit or accept, directly or indirectly, any
9 personal benefit or promise of benefit from any bidder,
10 potential bidder, or contractor; or

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

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

16 Section 7. This act shall take effect July 1, 1999.

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19 SENATE SUMMARY

20 Clarifies that it is a second-degree felony for a
21 prisoner to escape or attempt to escape from a private
22 correctional facility; a correctional facility operated
23 by the state, a county, or a municipality; or a facility
24 operated under a contract with the state, a county, or a
25 municipality. Revises provisions related to the operation
26 of private correctional facilities. Requires such
27 facilities to operate under the same conditions as
28 publicly operated facilities. Prohibits such facilities
29 from housing certain violent inmates from other states.
30 Provides that a law enforcement agency may charge a
31 private correctional facility for the costs incurred in
 apprehending an out-of-state inmate who escapes from the
 facility. Provides for a 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 members of the Correctional
 Privatization Commission and its employees and
 consultants.