

Bill No. SB 1432

Amendment No. ____

| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 7, before line 1,

insert:

Section 6. Section 944.1055, Florida Statutes is created to read:

No private entity may develop or operate a private correctional or detention facility for the exclusive housing of federal inmates or detainees, unless:

1. The location, intended use, and description of the facility has been approved by resolution of the legislative authority of the local governmental entity in which the facility is to be located after a public notice and meeting in accordance with applicable law; and

2. All correctional officers and security supervisory staff prior to being employed at the facility have completed a training curriculum that meets or exceeds the then current training standards for a correctional officer employed by the state, and have been certified pursuant to s. 943.1395.

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1 Provided that correctional officers and security
2 supervision staff are certified pursuant to s. 943.1395, such
3 officers and staff may use necessary force in a manner
4 consistent with the authority granted to private correctional
5 officers under s. 957.05.

6 Section 7. Section 943.13, Florida Statutes, is
7 amended to read:

8 943.13 Officers' minimum qualifications for employment
9 or appointment.--On or after October 1, 1984, any person
10 employed or appointed as a full-time, part-time, or auxiliary
11 law enforcement officer or correctional officer; on or after
12 October 1, 1986, any person employed as a full-time,
13 part-time, or auxiliary correctional probation officer; and on
14 or after October 1, 1986, any person employed as a full-time,
15 part-time, or auxiliary correctional officer by a private
16 entity under contract to the Department of Corrections, to a
17 county commission, or to the Correctional Privatization
18 Commission or by a private entity operating a facility for the
19 exclusive housing of federal inmates or detainees shall:

- 20 (1) Be at least 19 years of age.
- 21 (2) Be a citizen of the United States, notwithstanding
22 any law of the state to the contrary.
- 23 (3) Be a high school graduate or its "equivalent" as
24 the commission has defined the term by rule.
- 25 (4) Not have been convicted of any felony or of a
26 misdemeanor involving perjury or a false statement, or have
27 received a dishonorable discharge from any of the Armed Forces
28 of the United States. Any person who, after July 1, 1981,
29 pleads guilty or nolo contendere to or is found guilty of any
30 felony or of a misdemeanor involving perjury or a false
31 statement is not eligible for employment or appointment as an

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1 officer, notwithstanding suspension of sentence or withholding
2 of adjudication. Notwithstanding this subsection, any person
3 who has pled nolo contendere to a misdemeanor involving a
4 false statement, prior to December 1, 1985, and has had such
5 record sealed or expunged shall not be deemed ineligible for
6 employment or appointment as an officer.

7 (5) Have documentation of his or her processed
8 fingerprints on file with the employing agency or, if a
9 private correctional officer, have documentation of his or her
10 processed fingerprints on file with the Department of
11 Corrections or the Criminal Justice Standards and Training
12 Commission. If administrative delays are caused by the
13 department or the Federal Bureau of Investigation and the
14 person has complied with subsections (1)-(4) and (6)-(9), he
15 or she may be employed or appointed for a period not to exceed
16 1 calendar year from the date he or she was employed or
17 appointed or until return of the processed fingerprints
18 documenting noncompliance with subsections (1)-(4) or
19 subsection (7), whichever occurs first.

20 (6) Have passed a physical examination by a licensed
21 physician, based on specifications established by the
22 commission.

23 (7) Have a good moral character as determined by a
24 background investigation under procedures established by the
25 commission.

26 (8) Execute and submit to the employing agency or, if
27 a private correctional officer, submit to the appropriate
28 governmental entity an affidavit-of-applicant form, adopted by
29 the commission, attesting to his or her compliance with
30 subsections (1)-(7). The affidavit shall be executed under
31 oath and constitutes an official statement within the purview

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1 of s. 837.06. The affidavit shall include conspicuous language
2 that the intentional false execution of the affidavit
3 constitutes a misdemeanor of the second degree. The affidavit
4 shall be retained by the employing agency.

5 (9) Complete a commission-approved basic recruit
6 training program for the applicable criminal justice
7 discipline, unless exempt under this subsection. An applicant
8 who has:

9 (a) Completed a comparable basic recruit training
10 program for the applicable criminal justice discipline in
11 another state or for the Federal Government; and

12 (b) Served as a full-time sworn officer in another
13 state or for the Federal Government for at least one year

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15 is exempt in accordance with s. 943.131(2) from completing the
16 commission-approved basic recruit training program.

17 (10) Achieve an acceptable score on the officer
18 certification examination for the applicable criminal justice
19 discipline.

20 (11) Comply with the continuing training or education
21 requirements of s. 943.135.

22 Section 8. Subsection (4) of section 943.133, Florida
23 Statutes, is amended to read:

24 943.133 Responsibilities of employing agency,
25 commission, and program with respect to compliance with
26 employment qualifications and the conduct of background
27 investigations; injunctive relief.--

28 (4)(a) When the employing agency is a private entity
29 under contract to the county or the state pursuant to s.
30 944.105, s. 951.062, or chapter 957, the contracting agency
31 shall be responsible for meeting the requirements of

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1 subsections (1), (2), and (3).

2 (b) When the employer of a certified correctional
3 officer is a private entity operating a facility for the
4 exclusive housing of federal inmates or detainees, the
5 employer shall be responsible for meeting the requirements of
6 subsection (1), (2), and (3).

7 Section 9. Subsection (4) of section 943.10, Florida
8 Statutes is amended to read:

9 943.10 Definitions; ss. 943.085-943.255.--The
10 following words and phrases as used in ss. 943.085-943.255 are
11 defined as follows:

12 (4) "Employing agency" means any agency or unit of
13 government or any municipality or the state or any political
14 subdivision thereof, or any agent thereof, which has
15 constitutional or statutory authority to employ or appoint
16 persons as officers. The term also includes any private entity
17 which has contracted with the state or county for the
18 operation and maintenance of a nonjuvenile detention facility.
19 The term also includes any private entity operating a facility
20 for the exclusive housing of federal inmates or detainees.

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22 (Redesignate subsequent sections.)

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, lines 1-24, delete those lines

28
29 and insert:

30 A bill to be entitled
31 An act relating to correctional and detention

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1 facilities; creating the "Protection Against
2 Sexual Violence in Florida Jails and Prisons
3 Act"; amending ss. 944.35, 951.23, F.S.;
4 requiring the Criminal Justice Standards and
5 Training Commission to develop a course
6 relating to sexual assault identification and
7 prevention as part of the correctional-officer
8 training program; authorizing the department
9 and county and municipal detention facilities
10 to provide an orientation program and
11 counseling; creating s. 951.221, F.S.;
12 prohibiting sexual misconduct by employees of
13 county or municipal detention facilities;
14 providing for termination of employment under
15 certain circumstances; providing penalties;
16 creating s. 951.223, F.S.; prohibiting an
17 officer or employee of a county or municipal
18 detention facility from receiving any gift or
19 other compensation from a prisoner or making
20 any gift or present to a prisoner without the
21 permission of the administrator of the
22 facility; providing penalties; creating s.
23 944.1055, F.S.; prohibiting a private person or
24 entity from operating a private correctional
25 facility for the exclusive housing of federal
26 inmates unless the facility is approved by
27 resolution of the local governing authority;
28 providing personnel training requirements;
29 amending ss. 943.13, 943.133, and 943.10, F.S.;
30 providing personnel certification and employer
31 requirements; providing an effective date.