

Bill No. SB 1432

Amendment No. ____

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

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13 **Senate Amendment (with title amendment)**

14 On page 7, before line 1,

15

16 insert:

17 Section 6. Section 944.1055, Florida Statutes is

18 created to read:

19 No private entity may develop or operate a private

20 correctional or detention facility for the exclusive housing

21 of federal inmates or detainees, unless:

22 1. The location, intended use, and description of the

23 facility has been approved by resolution of the legislative

24 authority of the local governmental entity in which the

25 facility is to be located after a public notice and meeting in

26 accordance with applicable law; and

27 2. All correctional officers and security supervisory

28 staff prior to being employed at the facility have completed a

29 training curriculum that meets or exceeds the then current

30 training standards for a correctional officer employed by the

31 state.

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1 Provided that if a private entity meeting the
2 requirements of this section elects exclusively to use
3 correctional officers and security supervision staff certified
4 pursuant to s. 943.1395, such officers and staff may use
5 necessary force in a manner consistent with the authority
6 granted to private correctional officers under s. 957.05.

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

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

22 (1) Be at least 19 years of age.

23 (2) Be a citizen of the United States, notwithstanding
24 any law of the state to the contrary.

25 (3) Be a high school graduate or its "equivalent" as
26 the commission has defined the term by rule.

27 (4) Not have been convicted of any felony or of a
28 misdemeanor involving perjury or a false statement, or have
29 received a dishonorable discharge from any of the Armed Forces
30 of the United States. Any person who, after July 1, 1981,
31 pleads guilty or nolo contendere to or is found guilty of any

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

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

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

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

28 (8) Execute and submit to the employing agency or, if
29 a private correctional officer, submit to the appropriate
30 governmental entity an affidavit-of-applicant form, adopted by
31 the commission, attesting to his or her compliance with

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1 subsections (1)-(7). The affidavit shall be executed under
2 oath and constitutes an official statement within the purview
3 of s. 837.06. The affidavit shall include conspicuous language
4 that the intentional false execution of the affidavit
5 constitutes a misdemeanor of the second degree. The affidavit
6 shall be retained by the employing agency.

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

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

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

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

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

22 (11) Comply with the continuing training or education
23 requirements of s. 943.135.

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

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

30 (4)(a) When the employing agency is a private entity
31 under contract to the county or the state pursuant to s.

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1 944.105, s. 951.062, or chapter 957, the contracting agency
2 shall be responsible for meeting the requirements of
3 subsections (1), (2), and (3).

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

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

12 943.10 Definitions; ss. 943.085-943.255.--The
13 following words and phrases as used in ss. 943.085-943.255 are
14 defined as follows:

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

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26 (Redesignate subsequent sections.)

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

30 And the title is amended as follows:

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

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1 and insert:

2 A bill to be entitled

3 An act relating to correctional and detention

4 facilities; creating the "Protection Against

5 Sexual Violence in Florida Jails and Prisons

6 Act"; amending ss. 944.35, 951.23, F.S.;

7 requiring the Criminal Justice Standards and

8 Training Commission to develop a course

9 relating to sexual assault identification and

10 prevention as part of the correctional-officer

11 training program; authorizing the department

12 and county and municipal detention facilities

13 to provide an orientation program and

14 counseling; creating s. 951.221, F.S.;

15 prohibiting sexual misconduct by employees of

16 county or municipal detention facilities;

17 providing for termination of employment under

18 certain circumstances; providing penalties;

19 creating s. 951.223, F.S.; prohibiting an

20 officer or employee of a county or municipal

21 detention facility from receiving any gift or

22 other compensation from a prisoner or making

23 any gift or present to a prisoner without the

24 permission of the administrator of the

25 facility; providing penalties; creating s.

26 944.1055, F.S.; prohibiting a private person or

27 entity from operating a private correctional

28 facility for the exclusive housing of federal

29 inmates unless the facility is approved by

30 resolution of the local governing authority;

31 providing personnel training requirements;

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1 amending ss. 943.13, 943.133, and 943.10, F.S. ;
2 providing personnel certification and employer
3 requirements; providing an effective date.
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