

Amendment No. 02 (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---|---------------|----------------|--------------|
| 1 | | . | |
| 2 | | . | |
| 3 | | . | |
| 4 | | . | |

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Trovillion, Fasano, and Heyman offered the following:

Amendment (with title amendment)

On page 22, between lines 27 and 28,

insert: Section 17. 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.

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 18. 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

Amendment No. 02 (for drafter's use only)

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

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

16
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 19. 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.

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 20. 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.

25
26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1 line 2,
30 remove from the title of the bill: the entire title

31

Amendment No. 02 (for drafter's use only)

1 and insert in lieu thereof:

2 An act relating to correctional and detention
3 facilities; amending s. 945.215, F.S.; revising
4 and clarifying authorized uses of moneys in the
5 Inmates Welfare Trust Fund; providing
6 limitations; providing health care of inmates
7 in the state correctional system; providing
8 legislative intent with respect to the
9 Correctional Managed Health Care Pilot Program;
10 establishing the Correctional Managed Health
11 Care Pilot Program; specifying the correctional
12 facilities to be included in the pilot program;
13 requiring the Department of Corrections to
14 contract with a private health care vendor for
15 the purpose of providing health care services;
16 providing for a criminal history check of
17 individuals employed by or contracting with the
18 health care vendor; providing that sovereign
19 immunity does not apply to any vendor
20 performing services under the pilot program;
21 requiring that the vendor and any subcontractor
22 indemnify the state and the department against
23 any liability; requiring that the population of
24 inmates served under the pilot program be
25 similar to other inmates in the state
26 correctional system; providing for the prime
27 vendor pharmaceutical contract to be available
28 to the health care vendor operating the pilot
29 program; providing operations of correctional
30 work programs; revising provisions relating to
31 leased or managed work programs to conform to

1 current operations and applications; amending
2 ss. 946.502, 946.5025, 946.5026, 946.503,
3 946.506, 946.509, 946.511, 946.514, 946.515,
4 946.516, 946.518, and 946.520, F.S.; conforming
5 internal cross references; deleting obsolete
6 language; clarifying a definition; changing a
7 reporting date; amending s. 946.504, F.S.;
8 deleting certain obsolete work program lease
9 requirements; deleting a requirement that the
10 Department of Corrections remit certain funds
11 to a corporation established for correctional
12 work program purposes; deleting a prohibition
13 against transferring operating losses to the
14 corporation; deleting a requirement that the
15 corporation employ certain department
16 personnel; amending s. 957.04, F.S., to conform
17 a cross reference; providing for housing of
18 federal inmates or detainees; creating s.
19 944.1055, F.S.; amending ss. 943.13, 943.133
20 and 943.10; providing an effective date.

21
22
23
24
25
26
27
28
29
30
31