

1 A bill to be entitled
2 An act relating to Department of Corrections
3 Inmates; 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 requiring that the Correctional Medical
11 Authority inspect facilities operated under the
12 pilot program and report to the Governor and
13 Legislature; establishing the Correctional
14 Managed Health Care Pilot Program; specifying
15 the correctional facilities to be included in
16 the pilot program; requiring the Department of
17 Corrections to contract with a private health
18 care vendor for the purpose of providing health
19 care services; providing procedures under which
20 the private vendor may deviate from procedures
21 or protocols adopted by the department;
22 providing for a criminal history check of
23 individuals employed by or contracting with the
24 health care vendor; providing that sovereign
25 immunity does not apply to any vendor
26 performing services under the pilot program;
27 requiring that the vendor and any subcontractor
28 indemnify the state and the department against
29 any liability; requiring that the population of
30 inmates served under the pilot program be
31 similar to other inmates in the state

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

1 pilot program be similar to other inmates in
 2 the state correctional system; providing for
 3 the prime vendor pharmaceutical contract to be
 4 available to the health care vendor operating
 5 the pilot program; providing operations of
 6 correctional work programs; revising provisions
 7 relating to leased or managed work programs to
 8 conform to current operations and applications;
 9 amending ss. 946.502, 946.5025, 946.5026,
 10 946.503, 946.506, 946.509, 946.511, 946.514,
 11 946.515, 946.516, 946.518, and 946.520, F.S.;
 12 conforming internal cross references; deleting
 13 obsolete language; clarifying a definition;
 14 changing a reporting date; amending s. 946.504,
 15 F.S.; deleting certain obsolete work program
 16 lease requirements; deleting a requirement that
 17 the Department of Corrections remit certain
 18 funds to a corporation established for
 19 correctional work program purposes; deleting a
 20 prohibition against transferring operating
 21 losses to the corporation; deleting a
 22 requirement that the corporation employ certain
 23 department personnel; amending s. 957.04, F.S.,
 24 to conform a cross reference; providing an
 25 effective date.

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

28
 29 Section 1. Paragraphs (a), (b), (c), and (d) of
 30 subsection (1) of section 945.215, Florida Statutes, are
 31 amended to read:

1 945.215 Inmate welfare and employee benefit trust
2 funds.--

3 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF
4 CORRECTIONS.--

5 (a) The Inmate Welfare Trust Fund constitutes a trust
6 held by the department for the benefit and welfare of inmates
7 incarcerated in correctional facilities operated directly by
8 the department ~~and~~ for visitation and family programs and
9 services in such correctional facilities. Funds shall be
10 credited to the trust fund as follows:

11 1. All funds held in any auxiliary, canteen, welfare,
12 or similar fund in any correctional facility operated directly
13 by the department.

14 2. All net proceeds from operating inmate canteens,
15 vending machines used primarily by inmates and visitors, hobby
16 shops, and other such facilities; however, funds necessary to
17 purchase items for resale at inmate canteens and vending
18 machines must be deposited into local bank accounts designated
19 by the department.

20 3. All proceeds from contracted telephone commissions.
21 The department shall develop and update, as necessary,
22 administrative procedures to verify that:

23 a. Contracted telephone companies accurately record
24 and report all telephone calls made by inmates incarcerated in
25 correctional facilities under the department's jurisdiction;

26 b. Persons who accept collect calls from inmates are
27 charged the contracted rate; and

28 c. The department receives the contracted telephone
29 commissions.

30 4. Any funds that may be assigned by inmates or
31 donated to the department by the general public or an inmate

1 service organization; however, the department shall not accept
2 any donation from, or on behalf of, any individual inmate.

3 ~~5. Repayment of the one-time sum of \$500,000~~
4 ~~appropriated in fiscal year 1996-1997 from the Inmate Welfare~~
5 ~~Trust Fund for correctional work programs pursuant to s.~~
6 ~~946.008.~~

7 5.6. All proceeds from:

- 8 a. The confiscation and liquidation of any contraband
9 found upon, or in the possession of, any inmate;
10 b. Disciplinary fines imposed against inmates;
11 c. Forfeitures of inmate earnings; and
12 d. Unexpended balances in individual inmate trust fund
13 accounts of less than \$1.

14 6.7. All interest earnings and other proceeds derived
15 from investments of funds deposited in the trust fund. In the
16 manner authorized by law for fiduciaries, the secretary of the
17 department, or the secretary's designee, may invest any funds
18 in the trust fund when it is determined that such funds are
19 not needed for immediate use.

20 (b) Funds in the Inmate Welfare Trust Fund must be
21 used exclusively for the following purposes at correctional
22 facilities operated directly by the department:

- 23 1. To operate inmate canteens and vending machines,
24 including purchasing items for resale at inmate canteens and
25 vending machines; employing personnel and inmates to manage,
26 supervise, and operate inmate canteens and vending machines;
27 and covering other operating and fixed capital outlay expenses
28 associated with operating inmate canteens and vending
29 machines;
30 2. To employ personnel to manage and supervise the
31 proceeds from telephone commissions;

1 3. To develop, implement, and maintain the medical
2 copayment accounting system;

3 4. To provide literacy programs, vocational training
4 programs, and educational programs that comply with standards
5 of the Department of Education, including employing personnel
6 and covering other operating and fixed capital outlay expenses
7 associated with providing such programs;

8 5. To operate inmate chapels, faith-based programs,
9 visiting pavilions, visiting services and programs, family
10 services and programs, libraries, and law libraries, including
11 employing personnel and covering other operating and fixed
12 capital outlay expenses associated with operating inmate
13 chapels, faith-based programs, visiting pavilions, visiting
14 services and programs, family services and programs,
15 libraries, and law libraries;

16 6. To purchase and repair televisions and antennae to
17 be used in inmate common areas and visitation areas to provide
18 inmates and their visitors with limited access to non-cable
19 network programming.

20 ~~7.6.~~ To provide for expenses associated with various
21 inmate clubs;

22 ~~8.7.~~ To provide for expenses associated with legal
23 services for inmates;

24 ~~9.8.~~ To provide inmate substance abuse treatment
25 programs and transition and life skills training programs,
26 including employing personnel and covering other operating and
27 fixed capital outlay expenses associated with providing such
28 programs.

29 10. To purchase wellness equipment for use by inmates,
30 including equipment for team sports and fitness activities to
31 support wellness habits, to promote healthy behavior, and to

1 reduce idleness for better institutional management, but
2 excluding free weights.

3 (c) The Legislature shall annually appropriate the
4 funds deposited in the Inmate Welfare Trust Fund. It is the
5 intent of the Legislature that total annual expenditures for
6 providing literacy programs, vocational training programs, and
7 educational programs exceed the combined total annual
8 expenditures for operating inmate chapels, faith-based
9 programs, visiting pavilions, visiting services and programs,
10 televisions, television repairs, family services and programs,
11 libraries, and law libraries, covering expenses associated
12 with inmate clubs, and providing inmate substance abuse
13 treatment programs and transition and life skills training
14 programs.

15 (d) Funds in the Inmate Welfare Trust Fund or any
16 other fund may not be used to purchase cable television
17 service. Such funds may not generally be used, to rent or
18 purchase videocassettes or, videocassette recorders, ~~or other~~
19 ~~audiovisual or electronic equipment used primarily for~~
20 ~~recreation purposes.~~ This paragraph does not preclude the
21 purchase or rental of videocassettes or videocassette
22 recorders ~~electronic or audiovisual equipment~~ for inmate
23 training, ~~or~~ educational programs, or the amusement of
24 children in visitation areas.

25 Section 2. Section 945, Florida Statutes, is created
26 to read: Legislative intent; Correctional Managed Health Care
27 Pilot Program.--

28 (1) It is the intent of the Legislature that the
29 delivery of inmate health care be accomplished in accordance
30 with the commonly accepted standards within the professional
31 health community at large; be provided at a level comparable

1 to a Medicaid-service level of care, enhanced to include
2 dental, mental health, and pharmacy programs that are at least
3 equivalent to the level of care provided by the Office of
4 Health Services of the Department of Corrections; and be
5 provided in the most cost-effective manner possible. It is
6 also the intent of the Legislature to reduce and control the
7 escalating costs of inmate health care by implementing, in a
8 pilot project, the managed health care approach described in
9 this section and specifically authorized in the 2000-2001
10 General Appropriations Act. In managing the contract for the
11 Correctional Managed Health Care Pilot Program contract, the
12 Department of Corrections shall safeguard the state's interest
13 in providing lawfully adequate health care to inmates. When
14 surveying a facility within the pilot program, the
15 Correctional Medical Authority shall immediately report
16 life-threatening or otherwise serious deficiencies to the
17 Secretary of Corrections and the private health care vendor
18 performing the services under the Correctional Managed Health
19 Care Pilot Program. The private health care vendor shall take
20 immediate action to correct life-threatening or otherwise
21 serious deficiencies identified by the board and, within 3
22 calendar days, file a written corrective action plan with the
23 Secretary of Corrections, the department's contract manager,
24 and the board which indicates the actions that will be taken
25 to address the deficiencies.

26 (b) The Correctional Medical Authority shall inspect
27 and survey the facilities under the pilot program at least
28 once each year and shall submit a report to the Governor, the
29 President of the Senate, and the Speaker of the House within
30 60 days after the inspection.

31

1 (c) The Correctional Medical Authority shall address
2 and resolve any request for changes submitted by the private
3 health care vendor under paragraph (3)(b).

4 (3)(a) The Correctional Managed Health Care Pilot
5 Program is established for the purpose of providing inmate
6 health care, including primary, convalescent, dental, and
7 mental health care, to inmates housed by the Department of
8 Corrections at the prisons located in the region designated by
9 the department as Region IV on March 1, 2000. The pilot
10 program shall:

11 1. Commence with a contract awarded to a private
12 health care vendor by the Department of Corrections, at the
13 department's discretion. The private health care vendor shall
14 provide services to inmates, except inmates housed in
15 institutions authorized under chapter 957, Florida Statutes,
16 at a level that is comparable to the level of care provided
17 under Medicaid. In addition, services shall be enhanced to
18 include dental, mental health, and pharmacy programs that are
19 at least equivalent to the level of care provided by the
20 Office of Health Services of the Department of Corrections.
21 The contract for the pilot project shall be terminated no
22 later than December 31, 2003.

23 2. Maintain lawfully adequate levels of inmate health
24 care and provide access to health care while achieving
25 substantial cost savings.

26 3. Adhere to the health care procedures, health care
27 plans, health service bulletins, and treatment protocols
28 relating to the provision of inmate health care services
29 adopted by the Department of Corrections.

30 (b) If there is a need to deviate from the procedures,
31 plans, bulletins, or protocols adopted by the Department of

1 Corrections, the private health care vendor shall file a
 2 request for change with the chairperson of the Correctional
 3 Medical Authority which states the reasons for the request for
 4 change and the alternative protocol the pilot program would
 5 implement, if approved, the Correctional Medical Authority
 6 review the request for change at the next scheduled meeting of
 7 the authority and submit a recommendation to the Secretary of
 8 Corrections to approve or deny the request. All documentation
 9 considered by the board shall be provided to the Secretary of
 10 Corrections for a final decision.

11 (c) The private health care vendor shall provide the
 12 names, addresses, and social security numbers and, upon
 13 request, a complete set of fingerprints taken by an authorized
 14 law enforcement agency, of all individuals who will be
 15 employed by, or contracting with, the vendor within the
 16 state's correctional system for the purpose of a background
 17 check. The Department of Law Enforcement may accept such
 18 fingerprints for the purpose of conducting a statewide and
 19 national criminal history check and, to the extent provided by
 20 law, to exchange state, multistate, and federal criminal
 21 history records with the Department of Corrections.

22 (d) The Department of Corrections shall provide
 23 training to the private health care vendor, any
 24 subcontractors, and their respective employees with regard to
 25 security requirements and health care recordkeeping to be
 26 maintained by the vendor, subcontractor, or employees while
 27 working within the state's correctional system. The
 28 Correctional Medical Authority shall be available to assist
 29 the private vendor in meeting the health care standards set
 30 forth by the Department of Corrections.

31

1 (4) Section 768.28(10)(a), Florida Statutes, does not
2 apply to any vendor performing services under the Correctional
3 Managed Health Care Pilot Program. The vendor entering into a
4 contract under this section is liable in tort with respect to
5 the care of inmates under the Correctional Managed Health Care
6 Pilot Program and for any breach of contract. Sovereign
7 immunity may not be raised by a vendor, subcontractor, or
8 employee of the vendor or subcontractor, or by the insurer of
9 the vendor, subcontractor, or employee on their behalf, as a
10 defense in any action arising out of the performance of any
11 service under the terms of any contract entered under this
12 section or as a defense in tort, or any other application,
13 with respect to the care of inmates and for any breach of
14 contract.

15 (5) Each primary vendor or subcontractor entering into
16 an agreement under this section shall defend and indemnify the
17 state and the Department of Corrections, including their
18 officials, employees and agents, against any claim, loss,
19 damage, cost, charge, or expense arising out of any act,
20 action, neglect, or omission by the vendor or its agents or
21 employees during the performance of the contract, whether
22 direct or indirect, including, but not limited to, any tort or
23 civil rights liability. Proof of satisfactory insurance is
24 required in the request for proposal and resulting contract,
25 if any is awarded. The vendor shall provide a performance bond
26 in an amount to be specified in the request for proposal.

27 (6)(a) The population of inmates housed in
28 correctional facilities within which the Correctional Managed
29 Health Care Pilot Program is operated shall be of a
30 substantially similar composition as those inmates who are
31 housed in similar facilities in the remainder of the state

1 correctional system with respect to their overall health, age,
2 mental health, and dental requirements.

3 (b) The Correctional Medical Authority shall have the
4 same rights, powers, and duties set forth in Chapter 945 with
5 respect to the facilities within the pilot program as in all
6 other Department of Corrections institutions, except as
7 otherwise provided in this section.

8 (7) The prime vendor pharmaceutical contract of the
9 state shall be available to the private health care vendor
10 selected to operate the Correctional Managed Health Care Pilot
11 Program. However, the private health care vendor is not
12 required to use the state's prime vendor pharmaceutical
13 contract.

14 Section 3. Subsections (2), (3), and (4) of section
15 946.502, Florida Statutes, are amended to read:

16 946.502 Legislative intent with respect to operation
17 of correctional work programs.--

18 (2) It is further the intent of the Legislature that,
19 once one such nonprofit corporation is organized, no other
20 nonprofit corporation be organized for the purpose of carrying
21 out this part ~~ss. 946.502-946.518~~. In carrying out this part
22 ~~ss. 946.502-946.518~~, the corporation is not an "agency" within
23 the meaning of s. 20.03(11).

24 (3) It is further the intent of the Legislature that,
25 ~~by July 1, 1985,~~ the corporation shall lease ~~have leased~~ all
26 correctional work programs from the department.

27 (4) It is further the intent of the Legislature that
28 the state shall have a continuing interest in assuring
29 continuity and stability in the operation of correctional work
30 programs and that this part ~~ss. 946.502-946.518~~ be construed
31 in furtherance of such goals.

1 Section 4. Section 946.5025, Florida Statutes, is
2 amended to read:

3 946.5025 Authorization of corporation to enter into
4 contracts.--The corporation established under this part
5 ~~chapter~~ may enter into contracts to operate correctional work
6 programs with any county or municipal authority that operates
7 a correctional facility or with a contractor authorized under
8 chapter 944 or chapter 957 to operate a private correctional
9 facility. The corporation has the same powers, privileges, and
10 immunities in carrying out such contracts as it has under this
11 chapter.

12 Section 5. Section 946.5026, Florida Statutes, is
13 amended to read:

14 946.5026 Sovereign immunity in tort actions.--The
15 provisions of s. 768.28 shall be applicable to the corporation
16 established under this part pursuant to s. 946.504(1), which
17 is deemed to be a corporation primarily acting as an
18 instrumentality of the state.

19 Section 6. Section 946.503, Florida Statutes, is
20 amended to read:

21 946.503 Definitions to be used with respect to
22 correctional work programs.--As used in this part ~~ss.~~
23 ~~946.502-946.518~~, the term:

24 (1) "Corporation" means the private nonprofit
25 corporation established pursuant to s. 946.504(1), or a
26 private nonprofit corporation whose sole member is the private
27 nonprofit corporation established pursuant to s. 946.504(1),
28 whose board of directors is identical to the board of
29 directors of the private nonprofit corporation established
30 pursuant to s. 946.504(1), to carry out this part ~~ss.~~
31 ~~946.502-946.518.~~

1 (2) "Correctional work program" means any program
2 presently a part of the prison industries program operated by
3 the department or any other correctional work program carried
4 on at any state correctional facility presently or in the
5 future, but the term does not include any program authorized
6 by s. 945.091 or s. 946.40.

7 (3) "Department" means the Department of Corrections.

8 (4) "Facilities" means the buildings and land used in
9 the operation of an industry program on state property.

10 (5) "Inmate" means any person incarcerated within any
11 state, county, municipal, or private correctional facility.

12 (6) "Private correctional facility" means a facility
13 authorized by chapter 944 or chapter 957.

14 Section 7. Section 946.504, Florida Statutes, is
15 amended to read:

16 946.504 Organization of corporation to operate
17 correctional work programs; lease of facilities.--

18 (1) The department shall lease buildings and land to
19 the nonprofit corporation authorized to operate the
20 correctional work programs, the members of which are appointed
21 by the Governor and confirmed by the Senate. The same
22 appointment process shall be followed to fill any vacancy. The
23 corporation shall be organized pursuant to chapter 617 and
24 shall possess all the powers granted by that chapter. The
25 Board of Trustees of the Internal Improvement Trust Fund shall
26 enter into leases directly with the corporation, for a period
27 of at least 20 years, for the lease of the lands that are
28 currently under sublease with the department and used by the
29 corporation for correctional work programs and that are
30 identified as subject to lease numbers 3513, 2946, 2675, 2937,
31 2673, and 2671 with the Board of Trustees of the Internal

1 Improvement Trust Fund. Any additional improvements to such
2 property leased by the corporation from the Board of Trustees
3 must have the prior approval of the Board of Trustees of the
4 Internal Improvement Trust Fund.

5 (2) No sublease for land from any other agency of
6 state government shall be in excess of that amount for which
7 the department is obligated to pay under any lease agreement
8 with any other agency of state government.

9 (3) The corporation shall negotiate with the
10 Department of Management Services to reach and enter into an
11 agreement for the lease of each correctional work program
12 proposed by the corporation. The facilities to be leased and
13 the amount of rental for such facilities shall be agreed upon
14 by the Department of Management Services and the corporation,
15 with consultation with the department. The length of such
16 lease shall be mutually agreed upon among the department, ~~the~~
17 ~~Department of Management Services,~~ and the corporation ~~;~~
18 ~~however, the initial lease may not exceed 7 years. The~~
19 ~~department shall continue to manage and operate the various~~
20 ~~correctional work programs until the lease between the~~
21 ~~department and the corporation is effective.~~

22 (4) If the department leases a single correctional
23 work program at any correctional institution to the
24 corporation, the corporation shall lease all such correctional
25 work programs at that institution.

26 (5)(a) Prior to entering into any lease or other
27 separate contract or agreement between the department and the
28 corporation, the department shall determine that:

29 1. The members of the corporation were appointed by
30 the Governor and confirmed by the Senate;

31

1 2. The articles of incorporation of the corporation
2 have been approved by the Governor; and

3 3. The articles of incorporation contain a provision
4 that prohibits any director from voting on any matter that
5 comes before the board of directors that would result in a
6 direct monetary gain to any director or any entity in which
7 any director has an interest.

8 ~~(b) The lease must be submitted to the Attorney
9 General for his or her approval as to form and legality.~~

10 (b)(c) All leases of land shall be subject to the
11 approval of the Board of Trustees of the Internal Improvement
12 Trust Fund.

13 ~~(6)(a) Upon the effective date of each lease of each
14 correctional work program, the department shall cause to be
15 remitted to the corporation all funds appropriated for,
16 associated with, or budgeted for the operation of that
17 correctional work program, as agreed upon among the
18 department, the Department of Management Services, and the
19 corporation.~~

20 ~~(b) No operating loss of any type may be transferred
21 to the corporation.~~

22 ~~(7) When it leases any correctional work program, the
23 corporation shall exercise a reasonable effort to employ the
24 personnel of the department who are currently involved in the
25 correctional work programs being leased to the corporation.~~

26 (6)(8) Notwithstanding any provision to the contrary,
27 the corporation is authorized to use tax-exempt financing
28 through the issuance of tax-exempt bonds, certificates of
29 participation, lease-purchase agreements, or other tax-exempt
30 financing methods for the purpose of constructing facilities
31 or making capital improvements for correctional work programs

1 and prison industry enhancement programs on state-owned land
2 within state correctional institutions. Such tax-exempt
3 financing may be funded by the General Appropriations Act. If
4 the corporation obtains tax-exempt financing, the state
5 retains a secured interest by holding a lien against any
6 structure or improvement for which tax-exempt financing or
7 state funds are used. The corporation shall include a
8 provision in its financing contract requiring that a lien be
9 filed by the Department of Corrections, on behalf of the
10 state, in order to procure the issuance of tax-exempt bonds or
11 certificates of participation; to enter into lease-purchase
12 agreements; or to obtain any other tax-exempt financing
13 methods for the construction or renovation of facilities
14 related to correctional work programs or prison industry
15 enhancement programs. The lien shall be against the property
16 where any facility or structure is located which has been
17 constructed or substantially renovated, in whole or in part,
18 through the use of state funds. However, there is no
19 requirement for the Department of Corrections to file a lien
20 if the amount of state funds does not exceed \$25,000 or 10
21 percent of the contract amount, whichever is less. The lien
22 must be recorded, upon the execution of the contract
23 authorizing such construction or renovation, in the county
24 where the property is located. The lien must specify that the
25 Department of Corrections has a financial interest in the
26 property equal to the pro rata portion of the state's original
27 investment of the then-fair-market value of the construction.
28 The lien must also specify that the Department of Corrections'
29 financial interest is proportionately reduced and subsequently
30 vacated over a 20-year period of depreciation. The contract
31 must include a provision that as a condition of receipt of

1 state funding for this purpose, the corporation agrees that,
2 if it disposes of the property before the state's interest is
3 vacated, the corporation will refund the proportionate share
4 of the state's initial investment, as adjusted by
5 depreciation.

6 Section 8. Section 946.506, Florida Statutes, is
7 amended to read:

8 946.506 Modification or termination of correctional
9 work program by the corporation.--This part does Sections
10 ~~946.502-946.518~~ do not prevent the corporation from modifying,
11 altering, or terminating any correctional work program, once
12 assumed, so long as the corporation is otherwise carrying out
13 the provisions of this part ~~ss. 946.502-946.518~~.

14 Section 9. Subsection (1) of section 946.509, Florida
15 Statutes, is amended to read:

16 946.509 Insurance of property leased or acquired by
17 the corporation.--

18 (1) The State Property Insurance Trust Fund created
19 under s. 284.01 shall insure all property eligible for
20 coverage under part I of chapter 284 which is leased by the
21 department to the corporation or which is subsequently
22 acquired and owned or leased by the corporation and subject to
23 the reversionary ownership interest of the state established
24 in s. 946.505.

25 Section 10. Subsection (1) of section 946.511, Florida
26 Statutes, is amended to read:

27 946.511 Provision of inmate labor to operate
28 correctional work programs; policies and procedures.--

29 (1) Inmates shall be evaluated and identified during
30 the reception process to determine basic literacy, employment
31 skills, academic skills, vocational skills, and remedial and

1 rehabilitative needs. The evaluation shall prescribe
2 education, work, and work-training for each inmate. Assignment
3 to programs shall be based on the evaluation and the length of
4 time the inmate will be in the custody of the department.
5 Assignment to programs shall be reviewed every 6 months to
6 ensure proper placement based on bed space availability.
7 Assignment of inmates shall be governed by the following
8 objectives and priorities:

9 (a) Inmates shall be assigned to meet the needs of the
10 work requirements of the Department of Corrections, including
11 essential operational functions and revenue-generating
12 contracts.

13 (b) Inmates shall be assigned to correctional
14 education.

15 (c) Inmates shall be assigned to meet all other work
16 requirements of the department, including remaining
17 operational functions and nonrevenue-generating contracts.
18

19 As used in this subsection, the term "revenue-generating
20 contracts" includes contracts with the Department of
21 Transportation, the corporation authorized to conduct the
22 correctional work programs under this part ~~FF~~, the corporation
23 and private sector businesses operating programs authorized
24 under s. 946.523 ~~946.006(3)~~, and federal, state, or local
25 governmental entities or subdivisions authorized under s.
26 944.10(7).

27 Section 11. Subsections (1) and (2) of section
28 946.514, Florida Statutes, are amended to read:

29 946.514 Civil rights of inmates; inmates not state
30 employees; liability of corporation for inmate injuries.--
31

1 (1) Nothing contained in this part ~~ss. 946.502-946.517~~
2 is intended to restore in whole or in part the civil rights of
3 inmates.

4 (2) No inmate compensated under this part ~~ss.~~
5 ~~946.502-946.517~~ or by the corporation or the department shall
6 be considered as an employee of the state, the department, or
7 the corporation.

8 Section 12. Subsection (7) of section 946.515, Florida
9 Statutes, is amended to read:

10 946.515 Use of goods and services produced in
11 correctional work programs.--

12 (7) The provisions of ~~s. ss. 946.21~~ and 946.518 do not
13 apply to this section.

14 Section 13. Subsection (1) of section 946.516, Florida
15 Statutes, is amended to read:

16 946.516 Report to Governor, Legislature, and Auditor
17 General by the corporation; Department of Corrections report;
18 annual financial audit.--

19 (1) The corporation shall submit to the Governor and
20 the Legislature, on or before July ~~January~~ 1 of each year, a
21 report on the status of the correctional work programs,
22 including, but not limited to, the proposed use of the profits
23 from such programs, a breakdown of the amount of noninmate
24 labor used, work subcontracted to other vendors, use of
25 consultants, finished goods purchased for resale, and the
26 number of inmates working in the correctional work programs at
27 the time of such report. In addition, the corporation shall
28 submit to the department, the Governor, the Legislature, and
29 the Auditor General an annual financial audit report and such
30 other information as may be requested by the Legislature,
31 together with recommendations relating to provisions for

1 reasonable tax incentives to private enterprises which employ
2 inmates, parolees, or former inmates who have participated in
3 correctional work programs.

4 Section 14. Section 946.518, Florida Statutes, is
5 amended to read:

6 946.518 Sale of goods made by prisoners; when
7 prohibited, when permitted.--Goods, wares, or merchandise
8 manufactured or mined in whole or in part by prisoners (except
9 prisoners on parole or probation) may not be sold or offered
10 for sale in this state by any person or by any federal
11 authority or state or political subdivision thereof; however,
12 this section does and ~~s. 946.21~~ do not forbid the sale,
13 exchange, or disposition of such goods within the limitations
14 set forth in ~~s. 946.006(3)~~, s. 946.515, s. 946.523, or s.
15 946.524 ~~946.519~~.

16 Section 15. Section 946.520, Florida Statutes, is
17 amended to read:

18 946.520 Assignment of inmates by Department of
19 Corrections.--

20 (1) The department shall exert its best efforts to
21 assign inmates to the corporation, or the private sector
22 business authorized under this part ~~of this chapter~~, who
23 have not less than 1 nor more than 5 years remaining before
24 their tentative release dates. Beginning January 1, 1998, the
25 department shall maintain the assignment of at least 60
26 percent of inmates to all correctional work programs
27 collectively to the corporation, or to the private sector
28 business authorized under this part ~~of this chapter~~, who
29 have less than 10 years remaining before their tentative
30 release dates. This 60-percent requirement does not apply to
31 any correctional work program, or private sector business

1 authorized under this part ~~of this chapter~~, within an
2 institution for any year in which, as of January 1 of that
3 year, the average years remaining before the tentative release
4 date of all inmates assigned to that institution exceeds 12
5 years.

6 (2) The department may not remove an inmate once
7 assigned to the corporation or to the private sector business
8 authorized under this part ~~of this chapter~~, except upon
9 request of or consent of such corporation or private sector
10 business or for the purposes of population management, for
11 inmate conduct that may subject the inmate to disciplinary
12 confinement or loss of gain-time, or for security and safety
13 concerns specifically set forth in writing to the corporation
14 or private sector business.

15 Section 16. Paragraph (f) of subsection (1) of section
16 957.04, Florida Statutes, is amended to read:

17 957.04 Contract requirements.--

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

21 (f) Require the contractor to be responsible for a
22 range of dental, medical, and psychological services; diet;
23 education; and work programs at least equal to those provided
24 by the department in comparable facilities. The work and
25 education programs must be designed to reduce recidivism, and
26 include opportunities to participate in such work programs as
27 authorized pursuant to s. 946.523 ~~946.006~~.

28 Section 17. This act shall take effect July 1, 2000.
29
30
31