

1 A bill to be entitled
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 for a feasibility study
21 on secure private sector long-term care
22 facilities; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraphs (a), (b), (c), and (d) of
27 subsection (1) of section 945.215, Florida Statutes, are
28 amended to read:

29 945.215 Inmate welfare and employee benefit trust
30 funds.--

31

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

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

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

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

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

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

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

26 c. The department receives the contracted telephone
27 commissions.

28 4. Any funds that may be assigned by inmates or
29 donated to the department by the general public or an inmate
30 service organization; however, the department shall not accept
31 any donation from, or on behalf of, any individual inmate.

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

5 5.6. All proceeds from:

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

12 6.7. All interest earnings and other proceeds derived
13 from investments of funds deposited in the trust fund. In the
14 manner authorized by law for fiduciaries, the secretary of the
15 department, or the secretary's designee, may invest any funds
16 in the trust fund when it is determined that such funds are
17 not needed for immediate use.

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

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

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

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

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

18 ~~7.6.~~ To provide for expenses associated with various
19 inmate clubs;

20 ~~8.7.~~ To provide for expenses associated with legal
21 services for inmates;

22 ~~9.8.~~ To provide inmate substance abuse treatment
23 programs and transition and life skills training programs,
24 including employing personnel and covering other operating and
25 fixed capital outlay expenses associated with providing such
26 programs.

27 10. To purchase wellness equipment for use by inmates,
28 including equipment for team sports and fitness activities to
29 support wellness habits, to promote healthy behavior, and to
30 reduce idleness for better institutional management, but
31 excluding free weights.

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

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

23 Section 2. Section 945, Florida Statutes, is created
24 to read: Legislative intent--

25 (1) It is the intent of the Legislature that the
26 delivery of inmate health care be accomplished in accordance
27 with the commonly accepted standards within the professional
28 health community at large; be provided at a level comparable
29 to a Medicaid-service level of care, enhanced to include
30 dental, mental health, and pharmacy programs that are at least
31 equivalent to the level of care provided by the Office of

1 Health Services of the Department of Corrections; and be
2 provided in the most cost-effective manner possible. It is
3 also the intent of the Legislature to reduce and control the
4 escalating costs of inmate health care by implementing, in a
5 pilot project, the managed health care approach described in
6 this section and specifically authorized in the 2000-2001
7 General Appropriations Act. In managing the contract for the
8 Correctional Managed Health Care Pilot Program contract, the
9 Department of Corrections shall safeguard the state's interest
10 in providing lawfully adequate health care to inmates.

11 (2) Notwithstanding section 945.6031(2), Florida
12 Statutes, the Correctional Medical Authority shall conduct
13 surveys of the physical and mental health care system of each
14 prison that participates in the Correctional Managed Health
15 Care Pilot Program and shall report the survey findings to the
16 Governor, the President of the Senate, the Speaker of the
17 House of Representatives, and the Secretary of Corrections no
18 later than March 1, 2003.

19 (3)(a) The Correctional Managed Health Care Pilot
20 Program is established for the purpose of providing inmate
21 health care, including primary, convalescent, dental, and
22 mental health care, to inmates housed by the Department of
23 Corrections at the prisons located in the region designated by
24 the department as Region IV on March 1, 2000. The pilot
25 program shall:

26 1. Commence with a contract awarded to a private
27 health care vendor by the Department of Corrections, at the
28 department's discretion. The private health care vendor shall
29 provide services to inmates, except inmates housed in
30 institutions authorized under chapter 957, Florida Statutes,
31 at a level that is comparable to the level of care provided

1 under Medicaid. In addition, services shall be enhanced to
2 include dental, mental health, and pharmacy programs that are
3 at least equivalent to the level of care provided by the
4 Office of Health Services of the Department of Corrections.
5 The contract for the pilot project shall be terminated no
6 later than December 31, 2003.

7 2. Maintain lawfully adequate levels of inmate health
8 care and provide access to health care while achieving
9 substantial cost savings.

10 3. Adhere to the health care procedures, health care
11 plans, health service bulletins, and treatment protocols
12 relating to the provision of inmate health care services
13 adopted by the Department of Corrections.

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

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

1 the private vendor in meeting the health care standards set
2 forth by the Department of Corrections.

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

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

29 (6) The population of inmates housed in correctional
30 facilities within which the Correctional Managed Health Care
31 Pilot Program is operated shall be of a substantially similar

1 composition as those inmates who are housed in similar
2 facilities in the remainder of the state correctional system
3 with respect to their overall health, age, mental health, and
4 dental requirements.

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

11 Section 3. Subsections (2), (3), and (4) of section
12 946.502, Florida Statutes, are amended to read:

13 946.502 Legislative intent with respect to operation
14 of correctional work programs.--

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

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

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

29 Section 4. Section 946.5025, Florida Statutes, is
30 amended to read:

31

1 946.5025 Authorization of corporation to enter into
2 contracts.--The corporation established under this part
3 ~~chapter~~ may enter into contracts to operate correctional work
4 programs with any county or municipal authority that operates
5 a correctional facility or with a contractor authorized under
6 chapter 944 or chapter 957 to operate a private correctional
7 facility. The corporation has the same powers, privileges, and
8 immunities in carrying out such contracts as it has under this
9 chapter.

10 Section 5. Section 946.5026, Florida Statutes, is
11 amended to read:

12 946.5026 Sovereign immunity in tort actions.--The
13 provisions of s. 768.28 shall be applicable to the corporation
14 established under this part pursuant to s. ~~946.504(1)~~, which
15 is deemed to be a corporation primarily acting as an
16 instrumentality of the state.

17 Section 6. Section 946.503, Florida Statutes, is
18 amended to read:

19 946.503 Definitions to be used with respect to
20 correctional work programs.--As used in this part ~~ss.~~
21 ~~946.502-946.518~~, the term:

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

30 (2) "Correctional work program" means any program
31 presently a part of the prison industries program operated by

1 the department or any other correctional work program carried
2 on at any state correctional facility presently or in the
3 future, but the term does not include any program authorized
4 by s. 945.091 or s. 946.40.

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

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

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

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

12 Section 7. Section 946.504, Florida Statutes, is
13 amended to read:

14 946.504 Organization of corporation to operate
15 correctional work programs; lease of facilities.--

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

1 must have the prior approval of the Board of Trustees of the
2 Internal Improvement Trust Fund.

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

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

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

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

27 1. The members of the corporation were appointed by
28 the Governor and confirmed by the Senate;

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

31

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

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

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

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

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

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

24 (6)(8) Notwithstanding any provision to the contrary,
25 the corporation is authorized to use tax-exempt financing
26 through the issuance of tax-exempt bonds, certificates of
27 participation, lease-purchase agreements, or other tax-exempt
28 financing methods for the purpose of constructing facilities
29 or making capital improvements for correctional work programs
30 and prison industry enhancement programs on state-owned land
31 within state correctional institutions. Such tax-exempt

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

1 vacated, the corporation will refund the proportionate share
2 of the state's initial investment, as adjusted by
3 depreciation.

4 Section 8. Section 946.506, Florida Statutes, is
5 amended to read:

6 946.506 Modification or termination of correctional
7 work program by the corporation.--This part does Sections
8 ~~946.502-946.518~~ do not prevent the corporation from modifying,
9 altering, or terminating any correctional work program, once
10 assumed, so long as the corporation is otherwise carrying out
11 the provisions of this part ~~ss. 946.502-946.518~~.

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

14 946.509 Insurance of property leased or acquired by
15 the corporation.--

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

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

25 946.511 Provision of inmate labor to operate
26 correctional work programs; policies and procedures.--

27 (1) Inmates shall be evaluated and identified during
28 the reception process to determine basic literacy, employment
29 skills, academic skills, vocational skills, and remedial and
30 rehabilitative needs. The evaluation shall prescribe
31 education, work, and work-training for each inmate. Assignment

1 to programs shall be based on the evaluation and the length of
2 time the inmate will be in the custody of the department.
3 Assignment to programs shall be reviewed every 6 months to
4 ensure proper placement based on bed space availability.
5 Assignment of inmates shall be governed by the following
6 objectives and priorities:

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

11 (b) Inmates shall be assigned to correctional
12 education.

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

16
17 As used in this subsection, the term "revenue-generating
18 contracts" includes contracts with the Department of
19 Transportation, the corporation authorized to conduct the
20 correctional work programs under this part ~~FF~~, the corporation
21 and private sector businesses operating programs authorized
22 under s. 946.523 ~~946.006(3)~~, and federal, state, or local
23 governmental entities or subdivisions authorized under s.
24 944.10(7).

25 Section 11. Subsections (1) and (2) of section
26 946.514, Florida Statutes, are amended to read:

27 946.514 Civil rights of inmates; inmates not state
28 employees; liability of corporation for inmate injuries.--

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

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

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

7 946.515 Use of goods and services produced in
8 correctional work programs.--

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

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

13 946.516 Report to Governor, Legislature, and Auditor
14 General by the corporation; Department of Corrections report;
15 annual financial audit.--

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

1 Section 14. Section 946.518, Florida Statutes, is
2 amended to read:

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

13 Section 15. Section 946.520, Florida Statutes, is
14 amended to read:

15 946.520 Assignment of inmates by Department of
16 Corrections.--

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

1 date of all inmates assigned to that institution exceeds 12
2 years.

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

12 Section 16. Paragraph (f) of subsection (1) of section
13 957.04, Florida Statutes, is amended to read:

14 957.04 Contract requirements.--

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

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

25 Section 17. Section 944.1055, Florida Statutes is
26 created to read:

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

30 1. The location, intended use, and description of the
31 facility has been approved by resolution of the legislative

1 authority of the local governmental entity in which the
2 facility is to be located after a public notice and meeting in
3 accordance with applicable law; and

4 2. All correctional officers and security supervisory
5 staff prior to being employed at the facility have completed a
6 training curriculum that meets or exceeds the then current
7 training standards for a correctional officer employed by the
8 state.

9 Provided that if a private entity meeting the
10 requirements of this section elects exclusively to use
11 correctional officers and security supervision staff certified
12 pursuant to s. 943.1395, such officers and staff may use
13 necessary force in a manner consistent with the authority
14 granted to private correctional officers under s. 957.05.

15 Section 18. Section 943.13, Florida Statutes, is
16 amended to read:

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

- 30 (1) Be at least 19 years of age.

31

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

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

5 (4) Not have been convicted of any felony or of a
6 misdemeanor involving perjury or a false statement, or have
7 received a dishonorable discharge from any of the Armed Forces
8 of the United States. Any person who, after July 1, 1981,
9 pleads guilty or nolo contendere to or is found guilty of any
10 felony or of a misdemeanor involving perjury or a false
11 statement is not eligible for employment or appointment as an
12 officer, notwithstanding suspension of sentence or withholding
13 of adjudication. Notwithstanding this subsection, any person
14 who has pled nolo contendere to a misdemeanor involving a
15 false statement, prior to December 1, 1985, and has had such
16 record sealed or expunged shall not be deemed ineligible for
17 employment or appointment as an officer.

18 (5) Have documentation of his or her processed
19 fingerprints on file with the employing agency or, if a
20 private correctional officer, have documentation of his or her
21 processed fingerprints on file with the Department of
22 Corrections or the Criminal Justice Standards and Training
23 Commission. If administrative delays are caused by the
24 department or the Federal Bureau of Investigation and the
25 person has complied with subsections (1)-(4) and (6)-(9), he
26 or she may be employed or appointed for a period not to exceed
27 1 calendar year from the date he or she was employed or
28 appointed or until return of the processed fingerprints
29 documenting noncompliance with subsections (1)-(4) or
30 subsection (7), whichever occurs first.

31

1 (6) Have passed a physical examination by a licensed
2 physician, based on specifications established by the
3 commission.

4 (7) Have a good moral character as determined by a
5 background investigation under procedures established by the
6 commission.

7 (8) Execute and submit to the employing agency or, if
8 a private correctional officer, submit to the appropriate
9 governmental entity an affidavit-of-applicant form, adopted by
10 the commission, attesting to his or her compliance with
11 subsections (1)-(7). The affidavit shall be executed under
12 oath and constitutes an official statement within the purview
13 of s. 837.06. The affidavit shall include conspicuous language
14 that the intentional false execution of the affidavit
15 constitutes a misdemeanor of the second degree. The affidavit
16 shall be retained by the employing agency.

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

21 (a) Completed a comparable basic recruit training
22 program for the applicable criminal justice discipline in
23 another state or for the Federal Government; and

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

26
27 is exempt in accordance with s. 943.131(2) from completing the
28 commission-approved basic recruit training program.

29 (10) Achieve an acceptable score on the officer
30 certification examination for the applicable criminal justice
31 discipline.

1 (11) Comply with the continuing training or education
2 requirements of s. 943.135.

3 Section 19. Subsection (4) of section 943.133, Florida
4 Statutes, is amended to read:

5 943.133 Responsibilities of employing agency,
6 commission, and program with respect to compliance with
7 employment qualifications and the conduct of background
8 investigations; injunctive relief.--

9 (4)(a) When the employing agency is a private entity
10 under contract to the county or the state pursuant to s.
11 944.105, s. 951.062, or chapter 957, the contracting agency
12 shall be responsible for meeting the requirements of
13 subsections (1), (2), and (3).

14 (b) When the employer of a certified correctional
15 officer is a private entity electing to use certified
16 correctional officers operating a facility for the exclusive
17 housing of federal inmates or detainees, the employer shall be
18 responsible for meeting the requirements of subsection (1),
19 (2), and (3).

20 Section 20. Subsection (4) of section 943.10, Florida
21 Statutes is amended to read:

22 943.10 Definitions; ss. 943.085-943.255.--The
23 following words and phrases as used in ss. 943.085-943.255 are
24 defined as follows:

25 (4) "Employing agency" means any agency or unit of
26 government or any municipality or the state or any political
27 subdivision thereof, or any agent thereof, which has
28 constitutional or statutory authority to employ or appoint
29 persons as officers. The term also includes any private entity
30 which has contracted with the state or county for the
31 operation and maintenance of a nonjuvenile detention facility.

1 The term also includes any private entity electing exclusively
2 to use certified correctional officers operating a facility
3 for the exclusive housing of federal inmates or detainees.

4 The Agency for Health Care Administration, with the
5 assistance of the Department of Corrections, shall conduct a
6 feasibility study on the placement of aged, infirm or disabled
7 correctional inmates into secure private sector long-term care
8 facilities. The feasibility study shall determine whether
9 such placements would result in cost-savings for the state,
10 what alternative fiscal resources would be available for these
11 placements, and whether such placements would be in the
12 interest of the general public and the inmates. The study
13 shall be completed and presented, along with any
14 recommendations resulting therefrom, to the Legislature by
15 November 1, 2000. The agency shall include public members and
16 representatives of the long-term care industry in an advisory
17 committee to assist in the study and preparation of the report
18 to the Legislature. Members of the advisory committee shall
19 pay their own expenses and the agency shall staff the
20 committee from its existing resources.

21 Section 21. This act shall take effect July 1, 2000.
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