

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Governmental Operations offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 1, line 24,
16 remove from the bill: everything after the enacting clause
17
18 and insert in lieu thereof:

19 Section 1. (1) Notwithstanding any other provision of
20 law, no state agency or private vendor operating a
21 correctional facility located in the state shall enter into a
22 contract with any state, state agency, or private vendor
23 operating a correctional facility outside the state to house
24 inmates of correctional facilities from another state unless:

25 (a) Specific written preliminary approval to enter
26 into such contract is obtained from the regional planning
27 council established by chapter 186, Florida Statutes, for the
28 real property upon which the facility is located and such
29 other entities enumerated below, and

30 (b) Such contract is ratified by specific
31 authorization of the Legislature during the Regular Session

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1 immediately following preliminary approval by the regional
2 planning council.
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4 Prior to legislative ratification of contracts for the housing
5 of inmates from out-of-state, separate single subject
6 legislation related to the specific type or types of crimes of
7 the inmates related to such contracts must be approved by the
8 Legislature. In making its determination to grant or deny
9 preliminary approval to house inmates from another state in
10 correctional facilities within the state, the regional
11 planning council shall consider the risks which may be posed
12 to the citizens of Florida as well as the benefits to the
13 local community in which the institution is located. The
14 Correctional Privatization Commission is directed to develop
15 and distribute a listing of specific factors the regional
16 planning council should consider. In ratifying the
17 preliminary approval of a regional planning council, the
18 Legislature shall consider the interests of Florida as a whole
19 in addition to the factors considered by the regional planning
20 council.

21 (2)(a) Each proposed contract to house out-of-state
22 inmates shall be submitted for review and preliminary approval
23 in substantially final form to the Correctional Privatization
24 Commission and the appropriate regional planning council prior
25 to preliminary approval under paragraph (1)(a), and to the
26 Legislature prior to ratification under paragraph (1)(b).

27 (b) All proposed contracts and contract extensions
28 must state:

29 1. The maximum number of inmates to be housed within
30 the facility.

31 2. The per diem or other compensation to be paid.

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1 3. The custody level of the inmates to be housed,
2 expressed in terms substantially similar to the Florida
3 Department of Corrections standards for custody levels.

4
5 Approval for all contracts may be withdrawn by either the
6 Legislature or the Correctional Privatization Commission upon
7 a finding that the continued operation of the facility by the
8 agency or vendor poses a threat to public safety. Threats to
9 public safety include, but are not limited to: repeated
10 instances of escape; rioting at the facility which includes
11 occupation and control of a portion of the facility and the
12 endangering of the lives of one or more of the vendor's
13 employees or the general public; rioting which results in the
14 destruction of buildings outside the perimeter of the
15 facility; and destruction of a portion of the facility which
16 results in a perimeter which is not secure and cannot be made
17 secure again within a reasonable period of time.

18 (c) All contracts between this state, or its agencies
19 or private vendors operating facilities for the state, and
20 other states shall expressly prohibit the release from custody
21 in this state of any inmate convicted of and currently
22 incarcerated as a result of the commission of a crime in a
23 state other than Florida.

24 (3) Prior to the preliminary approval pursuant to
25 paragraph (1)(a), the vendor or agency must receive written
26 confirmation from the Correctional Privatization Commission
27 that the following conditions have been satisfied:

28 (a) A written plan approved by the Correctional
29 Privatization Commission has been developed for the
30 coordination of law enforcement activities in response to
31 escapes or other emergency situations. Such plan must require

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1 the reimbursement of all reasonable costs associated with the
2 apprehension of escapees from custody or a response to other
3 emergencies, as well as the immediate notification of the
4 Executive Director of the Correctional Privatization
5 Commission and local law enforcement agencies in the event of
6 an escape or other emergency. The plan must include the
7 written concurrence of the law enforcement agencies designated
8 to respond to escapes or other emergencies.

9 (b) An agreement has been made, in writing, which is
10 acceptable to the Correctional Privatization Commission and
11 the designated law enforcement agencies in form, substance,
12 and amount; which is effective upon the opening of the
13 institution to inmates from another state; and which
14 guarantees payment for all reasonable costs associated with
15 any escape or emergency plan.

16 (4) Private vendors seeking preliminary approval
17 pursuant to paragraph (1)(a) must enter into a preliminary
18 agreement with the Correctional Privatization Commission. The
19 preliminary agreement shall only become binding when the
20 authorization pursuant to paragraph (1)(a) is granted. The
21 agreement must contain provisions which impose the following
22 conditions and requirements:

23 (a) The design and construction of the facility must
24 be approved in writing by the Correctional Privatization
25 Commission as suitable for the custody classification of the
26 inmates to be housed in the facility. Information necessary
27 for a classification determination to be made by the
28 Department of Corrections shall be provided by the vendor
29 prior to the inmate entering Florida.

30 (b) The private correctional facility must receive
31 accreditation by the American Correctional Association within

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1 24 months following acceptance of inmates from another state
2 and must maintain continuous accredited status thereafter.
3 Failure to obtain or maintain the accreditation required in
4 this paragraph shall result in termination of the contract.

5 (c) Training requirements, including inservice
6 training requirements, for employees of private vendors shall
7 meet or exceed the applicable requirements for similar
8 employees of the Department of Corrections or the requirements
9 mandated for accreditation by the American Correctional
10 Association, whichever are deemed more stringent in the
11 opinion of the Correctional Privatization Commission.

12 (d) The private vendor shall reimburse the reasonable
13 costs incurred by the regional planning council in approving
14 and executing the documents required by this section.

15 (e) Private vendors shall indemnify and hold harmless
16 the state, including its officials and agents, against any and
17 all liability resulting from private vendors' operation of
18 correctional facilities.

19 (f) Private vendors operating correctional facilities
20 housing inmates from another state shall submit to the
21 Correctional Privatization Commission fingerprint cards for
22 all prospective employees for the purpose of obtaining
23 criminal history background checks by the Department of Law
24 Enforcement. The Department of Law Enforcement shall provide
25 to the Correctional Privatization Commission complete Florida
26 Criminal Information Center and National Criminal Information
27 Center reports on each employee. The reasonable direct cost
28 associated with this activity shall be the responsibility of
29 the private vendors.

30 (g) Employees of private vendors operating
31 correctional facilities housing inmates from another state or

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1 Federal Government shall have the same legal authority to rely
2 on deadly and nondeadly force as do similar employees of the
3 Department of Corrections.

4 (h) Any act or failure to act by an inmate from
5 another state housed in a correctional facility in this state
6 pursuant to the provisions of this section that constitutes a
7 criminal act under the laws of this state shall be chargeable
8 as if committed by an inmate confined in a correctional
9 institution of this state.

10 Section 2. This act shall take effect upon becoming a
11 law.

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

15 And the title is amended as follows:

16 On page 1, lines 2 through 20,
17 remove from the title of the bill: the entire title

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19 and insert in lieu thereof:

20 An act relating to correctional facilities; prohibiting
21 specified contracts to house inmates from another state in
22 correctional facilities within the state without preliminary
23 approval of the regional planning council and specific
24 legislative ratification; providing for submission of proposed
25 contracts to the regional planning council and the
26 Correctional Privatization Commission for review and
27 preliminary approval; providing for separate legislation
28 related to specific types of crimes; providing contract
29 restrictions; providing for approval withdraw for contracts;
30 providing contract requirements; providing for written
31 confirmation of specified compliance prior to contract

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1 approval; requiring private vendors to enter into a
2 preliminary agreement with the Correctional Privatization
3 Commission; providing conditions and requirements for
4 preliminary agreements; providing an effective date.
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