

By the Committee on Corrections and Representative  
Trovillion

1                                   A bill to be entitled  
2           An act relating to correctional facilities;  
3           prohibiting specified contracts to house  
4           inmates from another state in correctional  
5           facilities within the state without approval of  
6           the regional planning council or specific  
7           legislative authorization; providing for  
8           submission of proposed contracts to the  
9           regional planning council and the Correctional  
10          Privatization Commission for review and  
11          approval; providing contract restrictions;  
12          providing for approval withdrawn for contracts;  
13          providing contract requirements; providing for  
14          written confirmation of specified compliance  
15          prior to contract approval; requiring private  
16          vendors to enter into a preliminary agreement  
17          with the Correctional Privatization Commission;  
18          providing conditions and requirements for  
19          preliminary agreements; providing an effective  
20          date.

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22   Be It Enacted by the Legislature of the State of Florida:

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24           Section 1. (1) Notwithstanding any other provision of  
25 law, no state agency or private vendor operating a  
26 correctional facility located in the state shall enter into a  
27 contract with any state, state agency, or private vendor  
28 operating a correctional facility outside the state to house  
29 inmates of correctional facilities from another state unless:  
30           (a) Specific written authorization to enter into such  
31 contract is obtained from the regional planning council

1 established by chapter 186, Florida Statutes, for the real  
2 property upon which the facility is located and such other  
3 entities enumerated below, or

4 (b) Such contract is established by specific  
5 authorization of the Legislature.

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7 In making its determination to approve or disapprove contracts  
8 to house inmates from another state in correctional facilities  
9 within the state, the regional planning council or the  
10 Legislature shall consider the risks which may be posed to the  
11 citizens of Florida as well as the benefits to the local  
12 community in which the institution is located. The  
13 Correctional Privatization Commission is directed to develop  
14 and distribute a listing of specific factors the regional  
15 planning council should consider.

16 (2)(a) Each proposed contract to house out-of-state  
17 inmates shall be submitted for review and approval in  
18 substantially final form to the Correctional Privatization  
19 Commission and the appropriate regional planning council if  
20 approval is sought under paragraph (1)(a), or the Legislature  
21 if approval is sought under paragraph (1)(b).

22 (b) All contracts and contract extensions must state:

23 1. The maximum number of inmates to be housed within  
24 the facility.

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

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

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30 Approval for all contracts may be withdrawn by either the  
31 Legislature or the Correctional Privatization Commission upon

1 a finding that the continued operation of the facility by the  
2 agency or vendor poses a threat to public safety. Threats to  
3 public safety include, but are not limited to: repeated  
4 instances of escape; rioting at the facility which includes  
5 occupation and control of a portion of the facility and the  
6 endangering of the lives of one or more of the vendor's  
7 employees or the general public; rioting which results in the  
8 destruction of buildings outside the perimeter of the  
9 facility; and destruction of a portion of the facility which  
10 results in a perimeter which is not secure and cannot be made  
11 secure again within a reasonable period of time.

12 (c) All contracts between this state, or its agencies  
13 or private vendors operating facilities for the state, and  
14 other states shall expressly prohibit the release from custody  
15 in this state of any inmate convicted of and currently  
16 incarcerated as a result of the commission of a crime in a  
17 state other than Florida.

18 (3) Prior to the approval of any contract pursuant to  
19 paragraph (1)(a), the vendor or agency must receive written  
20 confirmation from the Correctional Privatization Commission  
21 that the following conditions have been satisfied:

22 (a) A written plan approved by the Correctional  
23 Privatization Commission has been developed for the  
24 coordination of law enforcement activities in response to  
25 escapes or other emergency situations. Such plan must require  
26 the reimbursement of all reasonable costs associated with the  
27 apprehension of escapees from custody or a response to other  
28 emergencies, as well as the immediate notification of the  
29 Executive Director of the Correctional Privatization  
30 Commission and local law enforcement agencies in the event of  
31 an escape or other emergency. The plan must include the

1 written concurrence of the law enforcement agencies designated  
2 to respond to escapes or other emergencies.

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

10 (4) Private vendors seeking contract approval pursuant  
11 to paragraph (1)(a) must enter into a preliminary agreement  
12 with the Correctional Privatization Commission. The  
13 preliminary agreement shall only become binding when the  
14 authorization pursuant to paragraph (1)(a) is granted. The  
15 agreement must contain provisions which impose the following  
16 conditions and requirements:

17 (a) The design and construction of the facility must  
18 be approved in writing by the Correctional Privatization  
19 Commission as suitable for the custody classification of the  
20 inmates to be housed in the facility. Information necessary  
21 for a classification determination to be made by the  
22 Department of Corrections shall be provided by the vendor  
23 prior to the inmate entering Florida.

24 (b) The private correctional facility must receive  
25 accreditation by the American Correctional Association within  
26 24 months following acceptance of inmates from another state  
27 and must maintain continuous accredited status thereafter.  
28 Failure to obtain or maintain the accreditation required in  
29 this paragraph shall result in termination of the contract.

30 (c) Training requirements, including inservice  
31 training requirements, for employees of private vendors shall

1 meet or exceed the applicable requirements for similar  
2 employees of the Department of Corrections or the requirements  
3 mandated for accreditation by the American Correctional  
4 Association, whichever are deemed more stringent in the  
5 opinion of the Correctional Privatization Commission.

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

9 (e) Private vendors shall indemnify and hold harmless  
10 the state, including its officials and agents, against any and  
11 all liability resulting from private vendors' operation of  
12 correctional facilities.

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

24 (g) Employees of private vendors operating  
25 correctional facilities housing inmates from another state  
26 shall have the same legal authority to rely on deadly and  
27 nondeadly force as do similar employees of the Department of  
28 Corrections.

29 (h) Any act or failure to act by an inmate from  
30 another state housed in a correctional facility in this state  
31 pursuant to the provisions of this section that constitutes a

1 criminal act under the laws of this state shall be chargeable  
2 as if committed by an inmate confined in a correctional  
3 institution of this state.

4 Section 2. This act shall take effect upon becoming a  
5 law.

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8 HOUSE SUMMARY

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10 Prohibits any state agency or private vendor operating a  
11 correctional facility located in the state from entering  
12 into a contract with any state, state agency, or private  
13 vendor operating a correctional facility outside the  
14 state to house inmates from another state unless specific  
written authorization to enter into such a contract is  
obtained from the regional planning council for the real  
property upon which the facility is located, or the  
contract is established by specific authorization of the  
Legislature. See bill for details.

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