

Bill No. CS for SB 2108

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 8, between lines 10 and 11,

insert:

Section 2. Section 944.1055, Florida Statutes is created to read:

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

1. The location, intended use, and description of the facility has been approved by resolution of the legislative authority of the local governmental entity in which the facility is to be located after a public notice and meeting in accordance with applicable law; and

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

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1 Provided that if a private entity meeting the
2 requirements of this section elects exclusively to use
3 correctional officers and security supervision staff certified
4 pursuant to s. 943.1395, such officers and staff may use
5 necessary force in a manner consistent with the authority
6 granted to private correctional officers under s. 957.05.

7 Section 3. Section 943.13, Florida Statutes, is
8 amended to read:

9 943.13 Officers' minimum qualifications for employment
10 or appointment.--On or after October 1, 1984, any person
11 employed or appointed as a full-time, part-time, or auxiliary
12 law enforcement officer or correctional officer; on or after
13 October 1, 1986, any person employed as a full-time,
14 part-time, or auxiliary correctional probation officer; and on
15 or after October 1, 1986, any person employed as a full-time,
16 part-time, or auxiliary correctional officer by a private
17 entity under contract to the Department of Corrections, to a
18 county commission, or to the Correctional Privatization
19 Commission or by a private entity electing exclusively to use
20 certified correctional officers operating a facility for the
21 exclusive housing of federal inmates or detainees shall:

22 (1) Be at least 19 years of age.

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

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

27 (4) Not have been convicted of any felony or of a
28 misdemeanor involving perjury or a false statement, or have
29 received a dishonorable discharge from any of the Armed Forces
30 of the United States. Any person who, after July 1, 1981,
31 pleads guilty or nolo contendere to or is found guilty of any

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1 felony or of a misdemeanor involving perjury or a false
2 statement is not eligible for employment or appointment as an
3 officer, notwithstanding suspension of sentence or withholding
4 of adjudication. Notwithstanding this subsection, any person
5 who has pled nolo contendere to a misdemeanor involving a
6 false statement, prior to December 1, 1985, and has had such
7 record sealed or expunged shall not be deemed ineligible for
8 employment or appointment as an officer.

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

22 (6) Have passed a physical examination by a licensed
23 physician, based on specifications established by the
24 commission.

25 (7) Have a good moral character as determined by a
26 background investigation under procedures established by the
27 commission.

28 (8) Execute and submit to the employing agency or, if
29 a private correctional officer, submit to the appropriate
30 governmental entity an affidavit-of-applicant form, adopted by
31 the commission, attesting to his or her compliance with

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1 subsections (1)-(7). The affidavit shall be executed under
2 oath and constitutes an official statement within the purview
3 of s. 837.06. The affidavit shall include conspicuous language
4 that the intentional false execution of the affidavit
5 constitutes a misdemeanor of the second degree. The affidavit
6 shall be retained by the employing agency.

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

11 (a) Completed a comparable basic recruit training
12 program for the applicable criminal justice discipline in
13 another state or for the Federal Government; and

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

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

19 (10) Achieve an acceptable score on the officer
20 certification examination for the applicable criminal justice
21 discipline.

22 (11) Comply with the continuing training or education
23 requirements of s. 943.135.

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

26 943.133 Responsibilities of employing agency,
27 commission, and program with respect to compliance with
28 employment qualifications and the conduct of background
29 investigations; injunctive relief.--

30 (4)(a) When the employing agency is a private entity
31 under contract to the county or the state pursuant to s.

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1 944.105, s. 951.062, or chapter 957, the contracting agency
2 shall be responsible for meeting the requirements of
3 subsections (1), (2), and (3).

4 (b) When the employer of a certified correctional
5 officer is a private entity electing to use certified
6 correctional officers operating a facility for the exclusive
7 housing of federal inmates or detainees, the employer shall be
8 responsible for meeting the requirements of subsection (1),
9 (2), and (3).

10 Section 5. Subsection (4) of section 943.10, Florida
11 Statutes is amended to read:

12 943.10 Definitions; ss. 943.085-943.255.--The
13 following words and phrases as used in ss. 943.085-943.255 are
14 defined as follows:

15 (4) "Employing agency" means any agency or unit of
16 government or any municipality or the state or any political
17 subdivision thereof, or any agent thereof, which has
18 constitutional or statutory authority to employ or appoint
19 persons as officers. The term also includes any private entity
20 which has contracted with the state or county for the
21 operation and maintenance of a nonjuvenile detention facility.
22 The term also includes any private entity electing exclusively
23 to use certified correctional officers operating a facility
24 for the exclusive housing of federal inmates or detainees.

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26 (Redesignate subsequent sections.)

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

30 And the title is amended as follows:

31 On page 2, between lines 7 and 8,

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1 insert:
2 creating s. 944.1055, F.S.; prohibiting a
3 private person or entity from operating a
4 private correctional facility for the exclusive
5 housing of federal inmates unless the facility
6 is approved by resolution of the local
7 governing authority; providing personnel
8 training requirements; amending ss. 943.13,
9 943.133, and 943.10, F.S.; providing personnel
10 certification and employer requirements;

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