

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Harrington and Trovillion offered the following:

**Amendment (with title amendment)**

On page 8, line between lines 30 and 31,

insert:

Section 4. Paragraphs (a), (b), (c), and (d) of subsection (1) of section 945.215, Florida Statutes, are amended to read:

945.215 Inmate welfare and employee benefit trust funds.--

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

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

1. All funds held in any auxiliary, canteen, welfare,

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1 or similar fund in any correctional facility operated directly  
2 by the department.

3 2. All net proceeds from operating inmate canteens,  
4 vending machines used primarily by inmates and visitors, hobby  
5 shops, and other such facilities; however, funds necessary to  
6 purchase items for resale at inmate canteens and vending  
7 machines must be deposited into local bank accounts designated  
8 by the department.

9 3. All proceeds from contracted telephone commissions.  
10 The department shall develop and update, as necessary,  
11 administrative procedures to verify that:

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

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

17 c. The department receives the contracted telephone  
18 commissions.

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

23 ~~5. Repayment of the one-time sum of \$500,000~~  
24 ~~appropriated in fiscal year 1996-1997 from the Inmate Welfare~~  
25 ~~Trust Fund for correctional work programs pursuant to s.~~  
26 ~~946.008.~~

27 ~~5.6.~~ All proceeds from:

28 a. The confiscation and liquidation of any contraband  
29 found upon, or in the possession of, any inmate;

30 b. Disciplinary fines imposed against inmates;

31 c. Forfeitures of inmate earnings; and

1           d. Unexpended balances in individual inmate trust fund  
2 accounts of less than \$1.

3           ~~6.7.~~ All interest earnings and other proceeds derived  
4 from investments of funds deposited in the trust fund. In the  
5 manner authorized by law for fiduciaries, the secretary of the  
6 department, or the secretary's designee, may invest any funds  
7 in the trust fund when it is determined that such funds are  
8 not needed for immediate use.

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

12           1. To operate inmate canteens and vending machines,  
13 including purchasing items for resale at inmate canteens and  
14 vending machines; employing personnel and inmates to manage,  
15 supervise, and operate inmate canteens and vending machines;  
16 and covering other operating and fixed capital outlay expenses  
17 associated with operating inmate canteens and vending  
18 machines;

19           2. To employ personnel to manage and supervise the  
20 proceeds from telephone commissions;

21           3. To develop, implement, and maintain the medical  
22 copayment accounting system;

23           4. To provide literacy programs, vocational training  
24 programs, and educational programs that comply with standards  
25 of the Department of Education, including employing personnel  
26 and covering other operating and fixed capital outlay expenses  
27 associated with providing such programs;

28           5. To operate inmate chapels, faith-based programs,  
29 visiting pavilions, visiting services and programs, family  
30 services and programs, libraries, and law libraries, including  
31 employing personnel and covering other operating and fixed

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1 capital outlay expenses associated with operating inmate  
2 chapels, faith-based programs, visiting pavilions, visiting  
3 services and programs, family services and programs,  
4 libraries, and law libraries;

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

9 ~~7.6.~~ To provide for expenses associated with various  
10 inmate clubs;

11 ~~8.7.~~ To provide for expenses associated with legal  
12 services for inmates;

13 ~~9.8.~~ To provide inmate substance abuse treatment  
14 programs and transition and life skills training programs,  
15 including employing personnel and covering other operating and  
16 fixed capital outlay expenses associated with providing such  
17 programs.

18 10. To purchase wellness equipment for use by inmates,  
19 including equipment for team sports and fitness activities to  
20 support wellness habits, to promote healthy behavior, and to  
21 reduce idleness for better institutional management, but  
22 excluding free weights.

23 (c) The Legislature shall annually appropriate the  
24 funds deposited in the Inmate Welfare Trust Fund. It is the  
25 intent of the Legislature that total annual expenditures for  
26 providing literacy programs, vocational training programs, and  
27 educational programs exceed the combined total annual  
28 expenditures for operating inmate chapels, faith-based  
29 programs, visiting pavilions, visiting services and programs,  
30 televisions, television repairs, family services and programs,  
31 libraries, and law libraries, covering expenses associated

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1 with inmate clubs, and providing inmate substance abuse  
2 treatment programs and transition and life skills training  
3 programs.

4 (d) Funds in the Inmate Welfare Trust Fund or any  
5 other fund may not be used to purchase cable television  
6 service. Such funds may not generally be used to rent or  
7 purchase videocassettes or videocassette recorders, or other  
8 audiovisual or electronic equipment used primarily for  
9 recreation purposes. This paragraph does not preclude the  
10 purchase or rental of videocassettes or videocassette  
11 recorders electronic or audiovisual equipment for inmate  
12 training, or educational programs, or the amusement of  
13 children in visitation areas.

14 Section 5. 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.

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1           Section 6. 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 7. 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 8. 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.~~

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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 9. 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

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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 ~~Department of Management Services~~ to reach and  
11 enter into an agreement for the lease of each correctional  
12 work program proposed by the corporation. The facilities to  
13 be leased and the amount of rental for such facilities shall  
14 be agreed upon by the department ~~Department of Management~~  
15 ~~Services~~ and the corporation, ~~with consultation with the~~  
16 ~~department~~. The length of such lease shall be mutually agreed  
17 upon among the department, ~~the Department of Management~~  
18 ~~Services~~, and the corporation; ~~however, the initial lease may~~  
19 ~~not exceed 7 years. The department shall continue to manage~~  
20 ~~and operate the various correctional work programs until the~~  
21 ~~lease between the 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 2. The articles of incorporation of the corporation



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1 have been approved by the Governor; and

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

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

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

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

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

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

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

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

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

5 Section 10. Section 946.506, Florida Statutes, is  
6 amended to read:

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

13 Section 11. Subsection (1) of section 946.509, Florida  
14 Statutes, is amended to read:

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

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

24 Section 12. Subsection (1) of section 946.511, Florida  
25 Statutes, is amended to read:

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

28 (1) Inmates shall be evaluated and identified during  
29 the reception process to determine basic literacy, employment  
30 skills, academic skills, vocational skills, and remedial and  
31 rehabilitative needs. The evaluation shall prescribe

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

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

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

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

17  
18 As used in this subsection, the term "revenue-generating  
19 contracts" includes contracts with the Department of  
20 Transportation, the corporation authorized to conduct the  
21 correctional work programs under this part ~~¶~~, the corporation  
22 and private sector businesses operating programs authorized  
23 under s. 946.523 ~~946.006(3)~~, and federal, state, or local  
24 governmental entities or subdivisions authorized under s.  
25 944.10(7).

26 Section 13. Subsections (1) and (2) of section  
27 946.514, Florida Statutes, are amended to read:

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

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

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1 inmates.

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

6 Section 14. Subsection (7) of section 946.515, Florida  
7 Statutes, is amended to read:

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

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

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

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

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

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1 correctional work programs.

2 Section 16. Section 946.518, Florida Statutes, is  
3 amended to read:

4 946.518 Sale of goods made by prisoners; when  
5 prohibited, when permitted.--Goods, wares, or merchandise  
6 manufactured or mined in whole or in part by prisoners (except  
7 prisoners on parole or probation) may not be sold or offered  
8 for sale in this state by any person or by any federal  
9 authority or state or political subdivision thereof; however,  
10 this section does and ~~s. 946.21~~ do not forbid the sale,  
11 exchange, or disposition of such goods within the limitations  
12 set forth in ~~s. 946.006(3)~~, s. 946.515, s. 946.523, or s.  
13 946.524 ~~946.519~~.

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

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

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

1 year, the average years remaining before the tentative release  
2 date of all inmates assigned to that institution exceeds 12  
3 years.

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

13 Section 18. Paragraph (f) of subsection (1) of section  
14 957.04, Florida Statutes, is amended to read:

15 957.04 Contract requirements.--

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

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

26 Section 19. Section 944.1055, Florida Statutes is  
27 created to read:

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

31 1. The location, intended use, and description of the

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1 facility has been approved by resolution of the legislative  
2 authority of the local governmental entity in which the  
3 facility is to be located after a public notice and meeting in  
4 accordance with applicable law; and

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

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

16 Section 20. Section 943.13, Florida Statutes, is  
17 amended to read:

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

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



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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           (6) Have passed a physical examination by a licensed

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1 physician, based on specifications established by the  
2 commission.

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

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

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

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

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

25  
26 is exempt in accordance with s. 943.131(2) from completing the  
27 commission-approved basic recruit training program.

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

31 (11) Comply with the continuing training or education

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1 requirements of s. 943.135.

2 Section 21. Subsection (4) of section 943.133, Florida  
3 Statutes, is amended to read:

4 943.133 Responsibilities of employing agency,  
5 commission, and program with respect to compliance with  
6 employment qualifications and the conduct of background  
7 investigations; injunctive relief.--

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

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

19 Section 22. Subsection (4) of section 943.10, Florida  
20 Statutes is amended to read:

21 943.10 Definitions; ss. 943.085-943.255.--The  
22 following words and phrases as used in ss. 943.085-943.255 are  
23 defined as follows:

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

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

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

23 And the title is amended as follows:

24 On page 1, line 2,  
25 remove from the title of the bill: the entire title

26  
27 and insert in lieu thereof:

28 An act relating to correctional and detention  
29 facilities; creating s. 784.078, F.S.; defining the terms  
30 "facility" and "employee"; defining the offense of battery of  
31 facility employee by throwing, tossing, or expelling certain

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1 fluids or materials on an employee of a correctional facility  
2 of the state or local government or a secure facility operated  
3 and maintained by the Department of Corrections or the  
4 Department of Juvenile Justice or other facility employee, so  
5 as to cause or attempt to cause such employee to come into  
6 contact with the fluid or material; providing penalties;  
7 amending s. 921.0022, F.S.; providing for ranking the offense  
8 of battery of a facility employee for purposes of the Criminal  
9 Punishment Code offense severity ranking chart; amending s.  
10 945.35, F.S.; providing an educational requirement for  
11 correctional facility inmates on communicable diseases;  
12 providing, upon the request of a correctional officer or other  
13 employee or any unincarcerated person lawfully present in a  
14 correctional facility, for testing of such persons and any  
15 inmate who may have transmitted a communicable disease to such  
16 persons; providing for results to be communicated to affected  
17 parties; providing for access to health care; providing that  
18 test results are inadmissible in court cases; requiring the  
19 department to adopt rules; amending s. 945.215, F.S.; revising  
20 and clarifying authorized uses of moneys in the Inmates  
21 Welfare Trust Fund; providing operations of correctional work  
22 programs; revising provisions relating to leased or managed  
23 work programs to conform to current operations and  
24 applications; amending ss. 946.502, 946.5025, 946.5026,  
25 946.503, 946.506, 946.509, 946.511, 946.514, 946.515, 946.516,  
26 946.518, and 946.520, F.S.; conforming internal cross  
27 references; deleting obsolete language; clarifying a  
28 definition; changing a reporting date; amending s. 946.504,  
29 F.S.; deleting certain obsolete work program lease  
30 requirements; deleting a requirement that the Department of  
31 Corrections remit certain funds to a corporation established

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1 for correctional work program purposes; deleting a prohibition  
2 against transferring operating losses to the corporation;  
3 deleting a requirement that the corporation employ certain  
4 department personnel; amending s. 957.04, F.S., to conform a  
5 cross reference; providing for housing of federal inmates or  
6 detainees; creating s. 944.1055, F.S.; amending ss. 943.13,  
7 943.133 and 943.10; providing for a feasibility study on  
8 secure private sector long-term care facilities; providing an  
9 effective date.

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