

By Representative Brutus

1 A bill to be entitled
 2 An act relating to operations of correctional
 3 work programs; revising provisions relating to
 4 leased or managed work programs to conform to
 5 current operations and applications; amending
 6 ss. 946.502, 946.5025, 946.5026, 946.503,
 7 946.506, 946.509, 946.511, 946.514, 946.516,
 8 946.518, 946.520, F.S.; conforming internal
 9 cross-references; deleting obsolete provisions;
 10 clarifying a definition; changing a reporting
 11 date; amending s. 957.04, F.S., to conform a
 12 cross-reference; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsections (2), (3), and (4) of section
 17 946.502, Florida Statutes, are amended to read:

18 946.502 Legislative intent with respect to operation
 19 of correctional work programs.--

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

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

29 (4) It is further the intent of the Legislature that
 30 the state shall have a continuing interest in assuring
 31 continuity and stability in the operation of correctional work

1 programs and that this part ~~ss. 946.502-946.518~~ be construed
2 in furtherance of such goals.

3 Section 2. Section 946.5025, Florida Statutes, is
4 amended to read:

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

14 Section 3. Section 946.5026, Florida Statutes, is
15 amended to read:

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

21 Section 4. Section 946.503, Florida Statutes, is
22 amended to read:

23 946.503 Definitions to be used with respect to
24 correctional work programs.--As used in this part ~~ss.~~
25 ~~946.502-946.518~~, the term:

26 (1) "Corporation" means the private nonprofit
27 corporation established pursuant to s. 946.504(1), or a
28 private nonprofit corporation whose sole member is the private
29 nonprofit corporation established pursuant to s. 946.504(1),
30 whose board of directors is identical to the board of
31 directors of the private nonprofit corporation established

1 pursuant to s. 946.504(1), to carry out this part ~~ss.~~
2 ~~946.502-946.518.~~

3 (2) "Correctional work program" means any program
4 presently a part of the prison industries program operated by
5 the department or any other correctional work program carried
6 on at any state correctional facility presently or in the
7 future, but the term does not include any program authorized
8 by s. 945.091 or s. 946.40.

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

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

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

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

16 Section 5. Section 946.506, Florida Statutes, is
17 amended to read:

18 946.506 Modification or termination of correctional
19 work program by the corporation.--This part does Sections
20 ~~946.502-946.518 do~~ not prevent the corporation from modifying,
21 altering, or terminating any correctional work program, once
22 assumed, so long as the corporation is otherwise carrying out
23 the provisions of this part ~~ss. 946.502-946.518.~~

24 Section 6. Subsection (1) of section 946.509, Florida
25 Statutes, is amended to read:

26 946.509 Insurance of property leased or acquired by
27 the corporation.--

28 (1) The State Risk Management Trust Fund created under
29 s. 284.30 shall insure all property eligible for coverage
30 under part I of chapter 284 which is leased by the department
31 to the corporation or which is subsequently acquired and owned

1 or leased by the corporation and subject to the reversionary
2 ownership interest of the state established in s. 946.505.

3 Section 7. Subsection (1) of section 946.511, Florida
4 Statutes, is amended to read:

5 946.511 Provision of inmate labor to operate
6 correctional work programs; policies and procedures.--

7 (1) Inmates shall be evaluated and identified during
8 the reception process to determine basic literacy, employment
9 skills, academic skills, vocational skills, and remedial and
10 rehabilitative needs. The evaluation shall prescribe
11 education, work, and work-training for each inmate. Assignment
12 to programs shall be based on the evaluation and the length of
13 time the inmate will be in the custody of the department.
14 Assignment to programs shall be reviewed every 6 months to
15 ensure proper placement based on bed space availability.
16 Assignment of inmates shall be governed by the following
17 objectives and priorities:

18 (a) Inmates shall be assigned to meet the needs of the
19 work requirements of the Department of Corrections, including
20 essential operational functions and revenue-generating
21 contracts.

22 (b) Inmates shall be assigned to correctional
23 education.

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

27
28 As used in this subsection, the term "revenue-generating
29 contracts" includes contracts with the Department of
30 Transportation, the corporation authorized to conduct the
31 correctional work programs under this part ~~FF~~, the corporation

1 and private sector businesses operating programs authorized
2 under s. 946.523 ~~946.006(3)~~, and federal, state, or local
3 governmental entities or subdivisions authorized under s.
4 944.10(7).

5 Section 8. Subsections (1) and (2) of section 946.514,
6 Florida Statutes, are amended to read:

7 946.514 Civil rights of inmates; inmates not state
8 employees; liability of corporation for inmate injuries.--

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

12 (2) No inmate compensated under this part ~~ss.~~
13 ~~946.502-946.517~~ or by the corporation or the department shall
14 be considered as an employee of the state, the department, or
15 the corporation.

16 Section 9. Subsection (1) of section 946.516, Florida
17 Statutes, is amended to read:

18 946.516 Report to Governor, Legislature, and Auditor
19 General by the corporation; Department of Corrections report;
20 annual financial audit.--

21 (1) The corporation shall submit to the Governor and
22 the Legislature, on or before July ~~January~~ 1 of each year, a
23 report on the status of the correctional work programs,
24 including, but not limited to, the proposed use of the profits
25 from such programs, a breakdown of the amount of noninmate
26 labor used, work subcontracted to other vendors, use of
27 consultants, finished goods purchased for resale, and the
28 number of inmates working in the correctional work programs at
29 the time of such report. In addition, the corporation shall
30 submit to the department, the Governor, the Legislature, and
31 the Auditor General an annual financial audit report and such

1 other information as may be requested by the Legislature,
2 together with recommendations relating to provisions for
3 reasonable tax incentives to private enterprises which employ
4 inmates, parolees, or former inmates who have participated in
5 correctional work programs.

6 Section 10. Section 946.518, Florida Statutes, is
7 amended to read:

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

17 Section 11. Section 946.520, Florida Statutes, is
18 amended to read:

19 946.520 Assignment of inmates by Department of
20 Corrections.--

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

1 any correctional work program, or private sector business
2 authorized under this part ~~I of this chapter~~, within an
3 institution for any year in which, as of January 1 of that
4 year, the average years remaining before the tentative release
5 date of all inmates assigned to that institution exceeds 12
6 years.

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

16 Section 12. Paragraph (f) of subsection (1) of section
17 957.04, Florida Statutes, is amended to read:

18 957.04 Contract requirements.--

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

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

29 Section 13. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Revises and clarifies provisions relating to correctional
work programs operated by a private nonprofit
corporation. (See bill for details.)