

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1875

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.
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1 The Conference Committee on HB 1875 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraphs (b) and (e) of subsection (6) of
6 section 20.315, Florida Statutes, are amended to read:

7 20.315 Department of Corrections.--There is created a
8 Department of Corrections.

9 (6) FLORIDA CORRECTIONS COMMISSION.--

10 (b) The primary functions of the commission are to:

11 1. Recommend major correctional policies for the
12 Governor's approval, and assure that approved policies and any
13 revisions thereto are properly executed.

14 2. Periodically review the status of the state
15 correctional system and recommend improvements therein to the
16 Governor and the Legislature.

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17 3. Annually perform an in-depth review of community-based
18 intermediate sanctions and recommend to the Governor and the
19 Legislature intergovernmental approaches through the Community
20 Corrections Partnership Act for planning and implementing such
21 sanctions and programs.

22 4. Perform an in-depth evaluation of the annual budget
23 request of the Department of Corrections, the comprehensive
24 correctional master plan, and the tentative construction program
25 for compliance with all applicable laws and established
26 departmental policies. The commission may not consider
27 individual construction projects, but shall consider methods of
28 accomplishing the department's goals in the most effective,
29 efficient, and businesslike manner.

30 5. Routinely monitor the financial status of the
31 Department of Corrections to assure that the department is
32 managing revenue and any applicable bond proceeds responsibly
33 and in accordance with law and established policy.

34 6. Evaluate, at least quarterly, the efficiency,
35 productivity, and management of the Department of Corrections,
36 using performance and production standards developed by the
37 department under former subsection (18).

38 7. Provide public education on corrections and criminal
39 justice issues.

40 8. Report to the President of the Senate, the Speaker of
41 the House of Representatives, and the Governor by November 1 of
42 each year.

43 9. Resolve disputes between the Department of Corrections
44 and the contractors for the private correctional facilities

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45 entered into under chapter 957 when a contractor proposes to
 46 waive a rule, policy, or procedure concerning operation
 47 standards.

48 (e) The commission shall appoint an executive director and
 49 an assistant executive director, who shall serve under the
 50 direction, supervision, and control of the commission. The
 51 executive director, with the consent of the commission, shall
 52 employ such staff as are necessary to perform adequately the
 53 functions of the commission, within budgetary limitations. All
 54 employees of the commission are exempt from part II of chapter
 55 110 and serve at the pleasure of the commission. The salaries
 56 and benefits of all employees of the commission shall be set in
 57 accordance with the Selected Exempt Service rules; however, the
 58 commission shall have complete authority for fixing the salaries
 59 of the executive director and the assistant executive director.
 60 ~~The executive director and staff of the Task Force for Review of~~
 61 ~~the Criminal Justice and Corrections System, created under~~
 62 ~~chapter 93-404, Laws of Florida, shall serve as the staff for~~
 63 ~~the commission until the commission hires an executive director.~~

64 Section 2. Subsection (17) is added to section 287.042,
 65 Florida Statutes, to read:

66 287.042 Powers, duties, and functions.--The department
 67 shall have the following powers, duties, and functions:

68 (17)(a) To enter into contracts pursuant to chapter 957,
 69 and to acquire the contractual rights and assume the contractual
 70 obligations of the Correctional Privatization Commission in
 71 contracts previously entered into pursuant to chapter 957, for
 72 the designing, financing, acquiring, leasing, constructing, or

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73 operating of private correctional facilities. The department
 74 shall enter into a contract or contracts with one contractor per
 75 facility for the designing, acquiring, financing, leasing,
 76 constructing, and operating of that facility or may, if
 77 specifically authorized by the Legislature, separately contract
 78 for any such services.

79 (b) To manage and enforce compliance with existing or
 80 future contracts entered into pursuant to chapter 957.

81
 82 The department may not delegate the responsibilities conferred
 83 by this subsection.

84 Section 3. Section 394.9151, Florida Statutes, is amended
 85 to read:

86 394.9151 Contract authority.--The Department of Children
 87 and Family Services may contract with a private entity or state
 88 agency for use of and operation of facilities to comply with the
 89 requirements of this act. The Department of Children and Family
 90 Services may also contract with the Department of Management
 91 Services ~~Correctional Privatization Commission as defined in~~
 92 ~~chapter 957~~ to issue a request for proposals and monitor
 93 contract compliance for these services.

94 Section 4. Section 943.13, Florida Statutes, is amended to
 95 read:

96 943.13 Officers' minimum qualifications for employment or
 97 appointment.--On or after October 1, 1984, any person employed
 98 or appointed as a full-time, part-time, or auxiliary law
 99 enforcement officer or correctional officer; on or after October
 100 1, 1986, any person employed as a full-time, part-time, or

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101 auxiliary correctional probation officer; and on or after
102 October 1, 1986, any person employed as a full-time, part-time,
103 or auxiliary correctional officer by a private entity under
104 contract to the Department of Corrections, to a county
105 commission, or to the Department of Management Services
106 ~~Correctional Privatization Commission~~ shall:

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

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

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

112 (4) Not have been convicted of any felony or of a
113 misdemeanor involving perjury or a false statement, or have
114 received a dishonorable discharge from any of the Armed Forces
115 of the United States. Any person who, after July 1, 1981, pleads
116 guilty or nolo contendere to or is found guilty of any felony or
117 of a misdemeanor involving perjury or a false statement is not
118 eligible for employment or appointment as an officer,
119 notwithstanding suspension of sentence or withholding of
120 adjudication. Notwithstanding this subsection, any person who
121 has pled nolo contendere to a misdemeanor involving a false
122 statement, prior to December 1, 1985, and has had such record
123 sealed or expunged shall not be deemed ineligible for employment
124 or appointment as an officer.

125 (5) Have documentation of his or her processed
126 fingerprints on file with the employing agency or, if a private
127 correctional officer, have documentation of his or her processed
128 fingerprints on file with the Department of Corrections or the

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129 Criminal Justice Standards and Training Commission. If
130 administrative delays are caused by the department or the
131 Federal Bureau of Investigation and the person has complied with
132 subsections (1)-(4) and(6)-(9), he or she may be employed or
133 appointed for a period not to exceed 1 calendar year from the
134 date he or she was employed or appointed or until return of the
135 processed fingerprints documenting noncompliance with
136 subsections (1)-(4) or subsection (7), whichever occurs first.

137 (6) Have passed a physical examination by a licensed
138 physician or physician assistant, based on specifications
139 established by the commission.

140 (7) Have a good moral character as determined by a
141 background investigation under procedures established by the
142 commission.

143 (8) Execute and submit to the employing agency or, if a
144 private correctional officer, submit to the appropriate
145 governmental entity an affidavit-of-applicant form, adopted by
146 the commission, attesting to his or her compliance with
147 subsections (1)-(7). The affidavit shall be executed under oath
148 and constitutes an official statement within the purview of s.
149 837.06. The affidavit shall include conspicuous language that
150 the intentional false execution of the affidavit constitutes a
151 misdemeanor of the second degree. The affidavit shall be
152 retained by the employing agency.

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

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156 (a) Completed a comparable basic recruit training program
157 for the applicable criminal justice discipline in another state
158 or for the Federal Government; and

159 (b) Served as a full-time sworn officer in another state
160 or for the Federal Government for at least 1 year provided there
161 is no more than an 8-year break in employment, as measured from
162 the separation date of the most recent qualifying employment to
163 the time a complete application is submitted for an exemption
164 under this section,

165
166 is exempt in accordance with s. 943.131(2) from completing the
167 commission-approved basic recruit training program.

168 (10) Achieve an acceptable score on the officer
169 certification examination for the applicable criminal justice
170 discipline.

171 (11) Comply with the continuing training or education
172 requirements of s. 943.135.

173 Section 5. Subsection (4) of section 944.02, Florida
174 Statutes, is amended to read:

175 944.02 Definitions.--The following words and phrases used
176 in this chapter shall, unless the context clearly indicates
177 otherwise, have the following meanings:

178 (4) "Elderly offender" means a prisoner age 50 or older in
179 a state correctional institution or facility operated by the
180 Department of Corrections or the Department of Management
181 Services Correctional Privatization Commission.

182 Section 6. Subsection (1) and paragraph (b) of subsection
183 (2) of section 944.115, Florida Statutes, are amended to read:

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184 944.115 Smoking prohibited inside state correctional
 185 facilities.--

186 (1) The purpose of this section is to protect the health,
 187 comfort, and environment of employees of the Department of
 188 Corrections, employees of privately operated correctional
 189 facilities, ~~employees of the Correctional Privatization~~
 190 ~~Commission~~, and inmates by prohibiting inmates from using
 191 tobacco products inside any office or building within state
 192 correctional facilities, and by ensuring that employees and
 193 visitors do not use tobacco products inside any office or
 194 building within state correctional facilities. Scientific
 195 evidence links the use of tobacco products with numerous
 196 significant health risks. The use of tobacco products by
 197 inmates, employees, or visitors is contrary to efforts by the
 198 Department of Corrections to reduce the cost of inmate health
 199 care and to limit unnecessary litigation. The Department of
 200 Corrections and the private vendors operating correctional
 201 facilities shall make smoking-cessation assistance available to
 202 inmates in order to implement this section. The Department of
 203 Corrections and the private vendors operating correctional
 204 facilities shall implement this section as soon as possible, and
 205 all provisions of this section must be fully implemented by
 206 January 1, 2000.

207 (2) As used in this section, the term:

208 (b) "Employee" means an employee of the department or a
 209 private vendor in a contractual relationship with either the
 210 Department of Corrections or the Department of Management
 211 Services ~~Correctional Privatization Commission~~, and includes

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212 persons such as contractors, volunteers, or law enforcement
213 officers who are within a state correctional facility to perform
214 a professional service.

215 Section 7. Subsection (1) of section 944.72, Florida
216 Statutes, is amended to read:

217 944.72 Privately Operated Institutions Inmate Welfare
218 Trust Fund.--

219 (1) There is hereby created in the Department of
220 Corrections the Privately Operated Institutions Inmate Welfare
221 Trust Fund. The purpose of the trust fund shall be the benefit
222 and welfare of inmates incarcerated in private correctional
223 facilities under contract with the department pursuant to
224 chapter 944 or the Department of Management Services
225 ~~Correctional Privatization Commission~~ pursuant to chapter 957.
226 Moneys shall be deposited in the trust fund and expenditures
227 made from the trust fund as provided in s. 945.215.

228 Section 8. Section 944.8041, Florida Statutes, is amended
229 to read:

230 944.8041 Elderly offenders; annual review.--For the
231 purpose of providing information to the Legislature on elderly
232 offenders within the correctional system, the Florida
233 Corrections Commission and the Correctional Medical Authority
234 shall each submit annually a report on the status and treatment
235 of elderly offenders in the state-administered and private state
236 correctional systems, as well as such information on the River
237 Junction Correctional Institution. In order to adequately
238 prepare the reports, the Department of Corrections and the
239 Department of Management Services ~~Correctional Privatization~~

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240 ~~Commission~~ shall grant access to the Florida Corrections
241 Commission and the Correctional Medical Authority which includes
242 access to the facilities, offenders, and any information the
243 agencies require to complete their reports. The review shall
244 also include an examination of promising geriatric policies,
245 practices, and programs currently implemented in other
246 correctional systems within the United States. The reports,
247 with specific findings and recommendations for implementation,
248 shall be submitted to the President of the Senate and the
249 Speaker of the House of Representatives on or before December 31
250 of each year.

251 Section 9. Paragraphs (a) and (c) of subsection (2) of
252 section 945.215, Florida Statutes, are amended to read:

253 945.215 Inmate welfare and employee benefit trust funds.--

254 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST
255 FUND; PRIVATE CORRECTIONAL FACILITIES.--

256 (a) For purposes of this subsection, privately operated
257 institutions or private correctional facilities are those
258 correctional facilities under contract with the department
259 pursuant to chapter 944 or the Department of Management Services
260 ~~Correctional Privatization Commission~~ pursuant to chapter 957.

261 (c) The Department of Management Services ~~Correctional~~
262 ~~Privatization Commission~~ shall annually compile a report that
263 documents Privately Operated Institutions Inmate Welfare Trust
264 Fund receipts and expenditures at each private correctional
265 facility. This report must specifically identify receipt sources
266 and expenditures. The Department of Management Services
267 ~~Correctional Privatization Commission~~ shall compile this report

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268 for the prior fiscal year and shall submit the report by
269 September 1 of each year to the chairs of the appropriate
270 substantive and fiscal committees of the Senate and House of
271 Representatives and to the Executive Office of the Governor.

272 Section 10. Section 957.01, Florida Statutes, is amended
273 to read:

274 957.01 Short title.--This chapter may be cited as the
275 "Correctional Privatization ~~Commission~~ Act."

276 Section 11. Effective July 1, 2005, section 957.02,
277 Florida Statutes, is amended to read:

278 957.02 Definitions.--As used in this chapter, :-

279 ~~(1) "Commission" means the Correctional Privatization~~
280 ~~Commission.~~

281 ~~(2)~~ "department" means the Department of Corrections.

282 Section 12. Effective July 1, 2005, section 957.03,
283 Florida Statutes, is repealed.

284 Section 13. Section 957.04, Florida Statutes, is amended
285 to read:

286 957.04 Contract requirements.--

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

290 (a) Be negotiated with the firm found most qualified.

291 However, a contract for private correctional services may not be
292 entered into by the Department of Management Services ~~commission~~
293 unless the Department of Management Services ~~commission~~
294 determines that the contractor has demonstrated that it has:

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295 1. The qualifications, experience, and management
296 personnel necessary to carry out the terms of the contract.

297 2. The ability to expedite the siting, design, and
298 construction of correctional facilities.

299 3. The ability to comply with applicable laws, court
300 orders, and national correctional standards.

301 (b) Indemnify the state and the department, including
302 their officials and agents, against any and all liability,
303 including, but not limited to, civil rights liability. Proof of
304 satisfactory insurance is required in an amount to be determined
305 by the Department of Management Services ~~commission, following~~
306 ~~consultation with the Division of Risk Management of the~~
307 ~~Department of Financial Services. Not less than 30 days prior~~
308 ~~to the release of each request for proposals by the commission,~~
309 ~~the commission shall request the written recommendation of the~~
310 ~~division regarding indemnification of the state and the~~
311 ~~department under this paragraph. Within 15 days after such~~
312 ~~request, the division shall provide a written recommendation to~~
313 ~~the commission regarding the amount and manner of such~~
314 ~~indemnification. The commission shall adopt the division's~~
315 ~~recommendation unless, based on substantial competent evidence,~~
316 ~~the commission determines a different amount and manner of~~
317 ~~indemnification is sufficient.~~

318 (c) Require that the contractor seek, obtain, and maintain
319 accreditation by the American Correctional Association for the
320 facility under that contract. Compliance with amendments to the
321 accreditation standards of the association is required upon the
322 approval of such amendments by the commission.

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323 (d) Require that the proposed facilities and the
324 management plans for the inmates meet applicable American
325 Correctional Association standards and the requirements of all
326 applicable court orders and state law.

327 (e) Establish operations standards for correctional
328 facilities subject to the contract. However, if the department
329 and the contractor disagree with an operations standard, the
330 contractor ~~The commission~~ may propose to waive any rule, policy,
331 or procedure of the department related to the operations
332 standards of correctional facilities which is that are
333 inconsistent with the mission of the contractor ~~commission~~ to
334 establish cost-effective, privately operated correctional
335 facilities. The Florida Corrections Commission shall be
336 responsible for considering all proposals from the contractor to
337 wave any rule, policy, or procedure and shall render a final
338 decision granting or denying such request.

339 (f) Require the contractor to be responsible for a range
340 of dental, medical, and psychological services; diet; education;
341 and work programs at least equal to those provided by the
342 department in comparable facilities. The work and education
343 programs must be designed to reduce recidivism, and include
344 opportunities to participate in such work programs as authorized
345 pursuant to s. 946.523.

346 (g) Require the selection and appointment of a full-time
347 contract monitor. The contract monitor shall be appointed and
348 supervised by the Department of Management Services ~~commission~~.
349 The contractor is required to reimburse the Department of
350 Management Services ~~commission~~ for the salary and expenses of

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351 the contract monitor. It is the obligation of the contractor to
 352 provide suitable office space for the contract monitor at the
 353 correctional facility. The contract monitor shall have unlimited
 354 access to the correctional facility.

355 (h) Be for a period of 3 years and may be renewed for
 356 successive 2-year periods thereafter. However, the state is not
 357 obligated for any payments to the contractor beyond current
 358 annual appropriations.

359 (2) Each contract entered into for the design and
 360 construction of a private correctional facility or juvenile
 361 commitment facility must include:

362 (a) Notwithstanding any provision of chapter 255 to the
 363 contrary, a specific provision authorizing the use of tax-exempt
 364 financing through the issuance of tax-exempt bonds, certificates
 365 of participation, lease-purchase agreements, or other tax-exempt
 366 financing methods. Pursuant to s. 255.25, approval is hereby
 367 provided for the lease-purchase of up to two private
 368 correctional facilities and any other facility authorized by the
 369 General Appropriations Act.

370 (b) A specific provision requiring the design and
 371 construction of the proposed facilities to meet the applicable
 372 standards of the American Correctional Association and the
 373 requirements of all applicable court orders and state law.

374 (c) A specific provision requiring the contractor, and not
 375 the Department of Management Services ~~commission~~, to obtain the
 376 financing required to design and construct the private
 377 correctional facility or juvenile commitment facility built
 378 under this chapter.

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379 (d) A specific provision stating that the state is not
380 obligated for any payments that exceed the amount of the current
381 annual appropriation.

382 (3)(a) Each contract for the designing, financing,
383 acquiring, leasing, constructing, and operating of a private
384 correctional facility shall be subject to ss. 255.2502 and
385 255.2503.

386 (b) Each contract for the designing, financing, acquiring,
387 leasing, and constructing of a private juvenile commitment
388 facility shall be subject to ss. 255.2502 and 255.2503.

389 (4) A contract entered into under this chapter does not
390 accord third-party beneficiary status to any inmate or juvenile
391 offender or to any member of the general public.

392 (5) Each contract entered into by the Department of
393 Management Services ~~commission~~ must include substantial minority
394 participation unless demonstrated by evidence, after a good
395 faith effort, as impractical and must also include any other
396 requirements the Department of Management Services ~~commission~~
397 considers necessary and appropriate for carrying out the
398 purposes of this chapter.

399 (6) Notwithstanding s. 253.025(7), the Board of Trustees
400 of the Internal Improvement Trust Fund need not approve a lease-
401 purchase agreement negotiated by the Department of Management
402 Services ~~commission~~ if the Department of Management Services
403 ~~commission~~ finds that there is a need to expedite the lease-
404 purchase.

405 (7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever
406 the Department of Management Services ~~commission~~ finds it to be

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407 in the best interest of timely site acquisition, it may contract
408 without the need for competitive selection with one or more
409 appraisers whose names are contained on the list of approved
410 appraisers maintained by the Division of State Lands of the
411 Department of Environmental Protection in accordance with s.
412 253.025(6)(b). In those instances when the Department of
413 Management Services ~~commission~~ directly contracts for appraisal
414 services, it shall also contract with an approved appraiser who
415 is not employed by the same appraisal firm for review services.

416 (b) Notwithstanding s. 253.025(6), the Department of
417 Management Services ~~commission~~ may negotiate and enter into
418 lease-purchase agreements before an appraisal is obtained. Any
419 such agreement must state that the final purchase price cannot
420 exceed the maximum value allowed by law.

421 (8) Notwithstanding s. 957.03(4), the Department of
422 Management Services shall be the successor agency for the
423 Correctional Privatization Commission in all contracts entered
424 into pursuant to this chapter which are in effect on July 1,
425 2004. Buildings and other improvements to real property which
426 are financed under paragraph (2)(a) and which are leased to the
427 Correctional Privatization Commission are considered to be owned
428 by the Correctional Privatization Commission for the purposes of
429 this section whereby the terms of the lease, the buildings, and
430 other improvements will become the property of the state at the
431 expiration of the lease. For any facility that is bid and built
432 under the authority of requests for proposals made by the
433 Correctional Privatization Commission between December 1993 and
434 October 1994 and that is operated by a private vendor, a payment

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435 ~~in lieu of taxes, from funds appropriated for the Correctional~~
436 ~~Privatization Commission, shall be paid until the expiration of~~
437 ~~the lease to local taxing authorities in the local government in~~
438 ~~which the facility is located in an amount equal to the ad~~
439 ~~valorem taxes assessed by counties, municipalities, school~~
440 ~~districts, and special districts.~~

441 Section 14. Subsections (2) and (7) of section 957.06,
442 Florida Statutes, are amended to read:

443 957.06 Powers and duties not delegable to contractor.--A
444 contract entered into under this chapter does not authorize,
445 allow, or imply a delegation of authority to the contractor to:

446 (2) Choose the facility to which an inmate is initially
447 assigned or subsequently transferred. The contractor may
448 request, in writing, that an inmate be transferred to a facility
449 operated by the department. The Department of Management
450 Services ~~commission~~, the contractor, and ~~a representative of the~~
451 department shall develop and implement a cooperative agreement
452 for transferring inmates between a correctional facility
453 operated by the department and a private correctional facility.
454 The department, the Department of Management Services
455 ~~commission~~, and the contractor must comply with the cooperative
456 agreement.

457 (7) Develop and implement requirements that inmates engage
458 in any type of work, ~~except to the extent that those~~
459 ~~requirements are accepted by the commission.~~

460 Section 15. Subsection (1) and paragraph (d) of subsection
461 (5) of section 957.07, Florida Statutes, are amended to read:

462 957.07 Cost-saving requirements.--

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463 (1) The Department of Management Services ~~commission~~ may
464 not enter into a contract or series of contracts unless the
465 department ~~commission~~ determines that the contract or series of
466 contracts in total for the facility will result in a cost
467 savings to the state of at least 7 percent over the public
468 provision of a similar facility. Such cost savings as determined
469 by the Department of Management Services ~~commission~~ must be
470 based upon the actual costs associated with the construction and
471 operation of similar facilities or services as determined by the
472 Department of Corrections and certified by the Auditor General.
473 The Department of Corrections shall calculate all of the cost
474 components that determine the inmate per diem in correctional
475 facilities of a substantially similar size, type, and location
476 that are operated by the Department of Corrections, including
477 administrative costs associated with central administration.
478 Services that are provided to the Department of Corrections by
479 other governmental agencies at no direct cost to the department
480 shall be assigned an equivalent cost and included in the per
481 diem.

482 (5)

483 (d) If a private vendor chooses not to renew the contract
484 at the appropriated level, the Department of Management Services
485 ~~commission~~ shall terminate the contract as provided in s.
486 957.14.

487 Section 16. Section 957.08, Florida Statutes, is amended
488 to read:

489 957.08 Capacity requirements.--The Department of
490 Corrections shall transfer and assign prisoners, ~~at a rate to be~~

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491 ~~determined by the commission,~~ to each private correctional
492 facility opened pursuant to this chapter in an amount not less
493 than 90 percent or more than 100 percent of the capacity of the
494 facility pursuant to the contract with the Department of
495 Management Services ~~commission~~. The prisoners transferred by
496 the Department of Corrections shall represent a cross section of
497 the general inmate population, based on the grade of custody or
498 the offense of conviction, at the most comparable facility
499 operated by the department.

500 Section 17. Subsection (2) of section 957.13, Florida
501 Statutes, is amended to read:

502 957.13 Background checks.--

503 (2) The Florida Department of Law Enforcement may, to the
504 extent provided for by federal law, provide for the exchange of
505 state, multistate, and federal criminal history records of
506 individuals who apply for employment at a private correctional
507 facility ~~with the Correctional Privatization Commission~~ for the
508 purpose of conducting background checks as required by law or
509 contract ~~the commission~~.

510 Section 18. Section 957.14, Florida Statutes, is amended
511 to read:

512 957.14 Contract termination and control of a correctional
513 facility by the department.--A detailed plan shall be provided
514 by a private vendor under which the department shall assume
515 temporary control of a private correctional facility upon
516 termination of the contract. The Department of Management
517 Services ~~commission~~ may terminate the contract with cause after
518 written notice of material deficiencies and after 60 workdays in

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519 order to correct the material deficiencies. If any event occurs
520 that involves the noncompliance with or violation of contract
521 terms and that presents a serious threat to the safety, health,
522 or security of the inmates, employees, or the public, the
523 department may temporarily assume control of the private
524 correctional facility, with the approval of the Department of
525 Management Services ~~commission~~. A plan shall also be provided by
526 a private vendor for the purchase and temporary assumption of
527 operations of a correctional facility by the department in the
528 event of bankruptcy or the financial insolvency of the private
529 vendor. The private vendor shall provide an emergency plan to
530 address inmate disturbances, employee work stoppages, strikes,
531 or other serious events in accordance with standards of the
532 American Correctional Association.

533 Section 19. Section 957.15, Florida Statutes, is amended
534 to read:

535 957.15 Funding of contracts for operation, maintenance,
536 and lease-purchase of private correctional facilities.--The
537 request for appropriation of funds to make payments pursuant to
538 contracts entered into by the Department of Management Services
539 ~~commission~~ for the operation, maintenance, and lease-purchase of
540 the private correctional facilities authorized by this chapter
541 shall be made by the Department of Management Services
542 ~~commission~~ in a request to the department. The department shall
543 include such request in its budget request to the Legislature as
544 a separately identified item and shall forward the request of
545 the Department of Management Services ~~commission~~ without change.
546 After an appropriation has been made by the Legislature to the

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547 department for the private correctional facilities ~~commission~~,
548 the department shall have no authority over such funds other
549 than to pay from such appropriation to the appropriate private
550 vendor such amounts as are certified for payment by the
551 Department of Management Services ~~commission~~.

552 Section 20. Section 957.16, Florida Statutes, is amended
553 to read:

554 957.16 Expanding capacity.--The Department of Management
555 Services ~~commission~~ is authorized to modify and execute
556 agreements with contractors to expand up to the total capacity
557 of contracted correctional facilities. Total capacity means the
558 design capacity of all contracted correctional facilities
559 increased by one-half as described under s. 944.023(1)(b). Any
560 additional beds authorized under this section must comply with
561 the cost-saving requirements set forth in s. 957.07. Any
562 additional beds authorized as a result of expanded capacity
563 under this section are contingent upon specified appropriations.

564 Section 21. Paragraph (h) is added to subsection (1) of
565 section 944.516, Florida Statutes, to read:

566 944.516 Money or other property received for personal use
567 or benefit of inmate; deposit; disposition of unclaimed trust
568 funds.--The Department of Corrections shall protect the
569 financial interest of the state with respect to claims which the
570 state may have against inmates in state institutions under its
571 supervision and control and shall administer money and other
572 property received for the personal benefit of such inmates. In
573 carrying out the provisions of this section, the department may
574 delegate any of its enumerated powers and duties affecting

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575 inmates of an institution to the warden or regional director who
576 shall personally, or through designated employees of his or her
577 personal staff under his or her direct supervision, exercise
578 such powers or perform such duties.

579 (1) The Department of Corrections may:

580 (h) Charge an administrative processing fee of up to \$6
581 each month to inmates for banking services. Such fees shall be
582 deposited into the department's Grants and Donations Trust Fund
583 and shall be used to offset the cost of the department's
584 operations. If the inmate account has a zero balance at the end
585 of the billing cycle, a hold will be established to collect the
586 processing fee when available.

587 Section 22. Except as otherwise provided in this act, this
588 act shall take effect July 1, 2004.

589

590

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

592 Remove the entire title and insert:

593 A bill to be entitled

594 An act relating to the operational authority for state
595 correctional facilities; amending s. 20.315, F.S.,
596 relating to the Florida Corrections Commission; requiring
597 the commission to resolve certain disputes between the
598 Department of Corrections and a contractor; deleting
599 obsolete provisions concerning the staff of the
600 commission; amending s. 287.042, F.S.; authorizing the
601 Department of Management Services to enter into certain
602 contracts, acquire contractual rights and obligations, and

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603 | manage and enforce compliance with contracts of the
604 | Correctional Privatization Commission; amending s.
605 | 394.9151, F.S.; authorizing the Department of Children and
606 | Family Services to contract with the Department of
607 | Management Services for the operation of facilities for
608 | sexually violent predators; amending s. 943.13, F.S.,
609 | relating to the qualifications for correctional officers;
610 | conforming provisions to changes made by the act; amending
611 | ss. 944.02, 944.115, 944.72, 944.8041, and 945.215, F.S.,
612 | relating to the state correctional system; requiring the
613 | Department of Management Services to assume the duties and
614 | responsibilities of the Correctional Privatization
615 | Commission; amending s. 957.01, F.S.; redesignating ch.
616 | 957, F.S., as the "Correctional Privatization Act";
617 | amending ss. 957.02, 957.04, 957.06, 957.07, 957.08,
618 | 957.13, 957.14, 957.15, and 957.16, F.S., and repealing s.
619 | 957.03, F.S.; providing contract requirements for the
620 | Department of Management Services with respect to the
621 | operation of private correctional facilities; specifying
622 | duties of the Florida Corrections Commission; providing
623 | for the Department of Management Services to be the
624 | successor agency to the Correctional Privatization
625 | Commission with respect to contracts under ch. 957, F.S.,
626 | which are in effect on a specified date; requiring certain
627 | cooperative agreements between the Department of
628 | Management Services, contractors, and the Department of
629 | Corrections; specifying duties of the Department of
630 | Management Services with respect to the operation,

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631 maintenance, and lease-purchase of private correctional
632 facilities and contract termination; providing for the
633 modification and execution of agreements with contractors
634 to conform to changes made by the act; amending s.
635 944.516, F.S.; authorizing the department to charge
636 inmates a monthly administrative processing fee for
637 banking services; specifying a maximum amount; providing
638 for deposit and use of such fees; providing effective
639 dates.

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