

Bill No. HB 1875

Amendment No. ____ Barcode 592938

CHAMBER ACTION

Senate

House

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Senator Clary moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(6) FLORIDA CORRECTIONS COMMISSION.--

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

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

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

3. Annually perform an in-depth review of community-based intermediate sanctions and recommend to the Governor and the Legislature intergovernmental approaches

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1 through the Community Corrections Partnership Act for planning
2 and implementing such sanctions and programs.

3 4. Perform an in-depth evaluation of the annual budget
4 request of the Department of Corrections, the comprehensive
5 correctional master plan, and the tentative construction
6 program for compliance with all applicable laws and
7 established departmental policies. The commission may not
8 consider individual construction projects, but shall consider
9 methods of accomplishing the department's goals in the most
10 effective, efficient, and businesslike manner.

11 5. Routinely monitor the financial status of the
12 Department of Corrections to assure that the department is
13 managing revenue and any applicable bond proceeds responsibly
14 and in accordance with law and established policy.

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

19 7. Provide public education on corrections and
20 criminal justice issues.

21 8. Report to the President of the Senate, the Speaker
22 of the House of Representatives, and the Governor by November
23 1 of each year.

24 9. Resolved disputes between the Department of
25 Corrections and the contractors for the private correctional
26 facilities entered into under chapter 957 when a contractor
27 proposes to waive a rule, policy, or procedure concerning
28 operation standards.

29 (e) The commission shall appoint an executive director
30 and an assistant executive director, who shall serve under the
31 direction, supervision, and control of the commission. The

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1 executive director, with the consent of the commission, shall
2 employ such staff as are necessary to perform adequately the
3 functions of the commission, within budgetary limitations. All
4 employees of the commission are exempt from part II of chapter
5 110 and serve at the pleasure of the commission. The salaries
6 and benefits of all employees of the commission shall be set
7 in accordance with the Selected Exempt Service rules; however,
8 the commission shall have complete authority for fixing the
9 salaries of the executive director and the assistant executive
10 director. ~~The executive director and staff of the Task Force
11 for Review of the Criminal Justice and Corrections System,
12 created under chapter 93-404, Laws of Florida, shall serve as
13 the staff for the commission until the commission hires an
14 executive director.~~

15 Section 2. Subsection (17) is added to section
16 287.042, Florida Statutes, to read:

17 287.042 Powers, duties, and functions.--The department
18 shall have the following powers, duties, and functions:

19 (17)(a) To enter into contracts pursuant to chapter
20 957, and to acquire the contractual rights and assume the
21 contractual obligations of the Correctional Privatization
22 Commission in contracts previously entered into pursuant to
23 chapter 957, for the designing, financing, acquiring, leasing,
24 constructing, or operating of private correctional facilities.
25 The department shall enter into a contract or contracts with
26 one contractor per facility for the designing, acquiring,
27 financing, leasing, constructing, and operating of that
28 facility or may, if specifically authorized by the
29 Legislature, separately contract for any such services.

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

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

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

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

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

943.13 Officers' minimum qualifications for employment or appointment.--On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Services ~~Correctional Privatization Commission~~ shall:

- (1) Be at least 19 years of age.
- (2) Be a citizen of the United States, notwithstanding any law of the state to the contrary.
- (3) Be a high school graduate or its "equivalent" as the commission has defined the term by rule.

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1 (4) Not have been convicted of any felony or of a
2 misdemeanor involving perjury or a false statement, or have
3 received a dishonorable discharge from any of the Armed Forces
4 of the United States. Any person who, after July 1, 1981,
5 pleads guilty or nolo contendere to or is found guilty of any
6 felony or of a misdemeanor involving perjury or a false
7 statement is not eligible for employment or appointment as an
8 officer, notwithstanding suspension of sentence or withholding
9 of adjudication. Notwithstanding this subsection, any person
10 who has pled nolo contendere to a misdemeanor involving a
11 false statement, prior to December 1, 1985, and has had such
12 record sealed or expunged shall not be deemed ineligible for
13 employment or appointment as an officer.

14 (5) Have documentation of his or her processed
15 fingerprints on file with the employing agency or, if a
16 private correctional officer, have documentation of his or her
17 processed fingerprints on file with the Department of
18 Corrections or the Criminal Justice Standards and Training
19 Commission. If administrative delays are caused by the
20 department or the Federal Bureau of Investigation and the
21 person has complied with subsections (1)-(4) and (6)-(9), he
22 or she may be employed or appointed for a period not to exceed
23 1 calendar year from the date he or she was employed or
24 appointed or until return of the processed fingerprints
25 documenting noncompliance with subsections (1)-(4) or
26 subsection (7), whichever occurs first.

27 (6) Have passed a physical examination by a licensed
28 physician or physician assistant, based on specifications
29 established by the commission.

30 (7) Have a good moral character as determined by a
31 background investigation under procedures established by the

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1 commission.

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

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

16 (a) Completed a comparable basic recruit training
17 program for the applicable criminal justice discipline in
18 another state or for the Federal Government; and

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

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

4 944.02 Definitions.--The following words and phrases
5 used in this chapter shall, unless the context clearly
6 indicates otherwise, have the following meanings:

7 (4) "Elderly offender" means a prisoner age 50 or
8 older in a state correctional institution or facility operated
9 by the Department of Corrections or the Department of
10 Management Services ~~Correctional Privatization Commission~~.

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

14 944.115 Smoking prohibited inside state correctional
15 facilities.--

16 (1) The purpose of this section is to protect the
17 health, comfort, and environment of employees of the
18 Department of Corrections, employees of privately operated
19 correctional facilities, ~~employees of the Correctional~~
20 ~~Privatization Commission~~, and inmates by prohibiting inmates
21 from using tobacco products inside any office or building
22 within state correctional facilities, and by ensuring that
23 employees and visitors do not use tobacco products inside any
24 office or building within state correctional facilities.
25 Scientific evidence links the use of tobacco products with
26 numerous significant health risks. The use of tobacco products
27 by inmates, employees, or visitors is contrary to efforts by
28 the Department of Corrections to reduce the cost of inmate
29 health care and to limit unnecessary litigation. The
30 Department of Corrections and the private vendors operating
31 correctional facilities shall make smoking-cessation

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1 assistance available to inmates in order to implement this
2 section. The Department of Corrections and the private vendors
3 operating correctional facilities shall implement this section
4 as soon as possible, and all provisions of this section must
5 be fully implemented by January 1, 2000.

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

7 (b) "Employee" means an employee of the department or
8 a private vendor in a contractual relationship with either the
9 Department of Corrections or the Department of Management
10 Services ~~Correctional Privatization Commission~~, and includes
11 persons such as contractors, volunteers, or law enforcement
12 officers who are within a state correctional facility to
13 perform a professional service.

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

16 944.72 Privately Operated Institutions Inmate Welfare
17 Trust Fund.--

18 (1) There is hereby created in the Department of
19 Corrections the Privately Operated Institutions Inmate Welfare
20 Trust Fund. The purpose of the trust fund shall be the benefit
21 and welfare of inmates incarcerated in private correctional
22 facilities under contract with the department pursuant to
23 chapter 944 or the Department of Management Services
24 ~~Correctional Privatization Commission~~ pursuant to chapter 957.
25 Moneys shall be deposited in the trust fund and expenditures
26 made from the trust fund as provided in s. 945.215.

27 Section 8. Section 944.8041, Florida Statutes, is
28 amended to read:

29 944.8041 Elderly offenders; annual review.--For the
30 purpose of providing information to the Legislature on elderly
31 offenders within the correctional system, the Florida

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1 Corrections Commission and the Correctional Medical Authority
 2 shall each submit annually a report on the status and
 3 treatment of elderly offenders in the state-administered and
 4 private state correctional systems, as well as such
 5 information on the River Junction Correctional Institution.
 6 In order to adequately prepare the reports, the Department of
 7 Corrections and the Department of Management Services
 8 ~~Correctional Privatization Commission~~ shall grant access to
 9 the Florida Corrections Commission and the Correctional
 10 Medical Authority which includes access to the facilities,
 11 offenders, and any information the agencies require to
 12 complete their reports. The review shall also include an
 13 examination of promising geriatric policies, practices, and
 14 programs currently implemented in other correctional systems
 15 within the United States. The reports, with specific findings
 16 and recommendations for implementation, shall be submitted to
 17 the President of the Senate and the Speaker of the House of
 18 Representatives on or before December 31 of each year.

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

21 945.215 Inmate welfare and employee benefit trust
 22 funds.--

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

25 (a) For purposes of this subsection, privately
 26 operated institutions or private correctional facilities are
 27 those correctional facilities under contract with the
 28 department pursuant to chapter 944 or the Department of
 29 Management Services ~~Correctional Privatization Commission~~
 30 pursuant to chapter 957.

31 (c) The Department of Management Services ~~Correctional~~

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1 ~~Privatization Commission~~ shall annually compile a report that
 2 documents Privately Operated Institutions Inmate Welfare Trust
 3 Fund receipts and expenditures at each private correctional
 4 facility. This report must specifically identify receipt
 5 sources and expenditures. The Department of Management
 6 Services ~~Correctional Privatization Commission~~ shall compile
 7 this report for the prior fiscal year and shall submit the
 8 report by September 1 of each year to the chairs of the
 9 appropriate substantive and fiscal committees of the Senate
 10 and House of Representatives and to the Executive Office of
 11 the Governor.

12 Section 10. Section 957.01, Florida Statutes, is
 13 amended to read:

14 957.01 Short title.--This chapter may be cited as the
 15 "Correctional Privatization ~~Commission~~ Act."

16 Section 11. Section 957.02, Florida Statutes, is
 17 amended to read:

18 957.02 Definitions.--As used in this chapter, ~~+~~

19 ~~(1) "Commission" means the Correctional Privatization~~
 20 ~~Commission.~~

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

22 Section 12. Section 957.03, Florida Statutes, is
 23 repealed.

24 Section 13. Section 957.04, Florida Statutes, is
 25 amended to read:

26 957.04 Contract requirements.--

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

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

31 However, a contract for private correctional services may not

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1 be entered into by the Department of Management Services
2 ~~commission~~ unless the Department of Management Services
3 ~~commission~~ determines that the contractor has demonstrated
4 that it has:

5 1. The qualifications, experience, and management
6 personnel necessary to carry out the terms of the contract.
7 2. The ability to expedite the siting, design, and
8 construction of correctional facilities.
9 3. The ability to comply with applicable laws, court
10 orders, and national correctional standards.

11 (b) Indemnify the state and the department, including
12 their officials and agents, against any and all liability,
13 including, but not limited to, civil rights liability. Proof
14 of satisfactory insurance is required in an amount to be
15 determined by the Department of Management Services
16 ~~commission, following consultation with the Division of Risk~~
17 ~~Management of the Department of Financial Services. Not less~~
18 ~~than 30 days prior to the release of each request for~~
19 ~~proposals by the commission, the commission shall request the~~
20 ~~written recommendation of the division regarding~~
21 ~~indemnification of the state and the department under this~~
22 ~~paragraph. Within 15 days after such request, the division~~
23 ~~shall provide a written recommendation to the commission~~
24 ~~regarding the amount and manner of such indemnification. The~~
25 ~~commission shall adopt the division's recommendation unless,~~
26 ~~based on substantial competent evidence, the commission~~
27 ~~determines a different amount and manner of indemnification is~~
28 ~~sufficient.~~

29 (c) Require that the contractor seek, obtain, and
30 maintain accreditation by the American Correctional
31 Association for the facility under that contract. Compliance

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1 with amendments to the accreditation standards of the
2 association is required upon the approval of such amendments
3 by the commission.

4 (d) Require that the proposed facilities and the
5 management plans for the inmates meet applicable American
6 Correctional Association standards and the requirements of all
7 applicable court orders and state law.

8 (e) Establish operations standards for correctional
9 facilities subject to the contract. However, if the department
10 and the contractor disagree with an operations standard, the
11 contractor ~~The commission~~ may propose to waive any rule,
12 policy, or procedure of the department related to the
13 operations standards of correctional facilities which is that
14 ~~are~~ inconsistent with the mission of the contractor ~~commission~~
15 to establish cost-effective, privately operated correctional
16 facilities. The Florida Corrections Commission shall be
17 responsible for considering all proposals from the contractor
18 to waive any rule, policy, or procedure and shall render a
19 final decision granting or denying such request.

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

27 (g) Require the selection and appointment of a
28 full-time contract monitor. The contract monitor shall be
29 appointed and supervised by the Department of Management
30 Services ~~commission~~. The contractor is required to reimburse
31 the Department of Management Services ~~commission~~ for the

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1 salary and expenses of the contract monitor. It is the
2 obligation of the contractor to provide suitable office space
3 for the contract monitor at the correctional facility. The
4 contract monitor shall have unlimited access to the
5 correctional facility.

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

10 (2) Each contract entered into for the design and
11 construction of a private correctional facility or juvenile
12 commitment facility must include:

13 (a) Notwithstanding any provision of chapter 255 to
14 the contrary, a specific provision authorizing the use of
15 tax-exempt financing through the issuance of tax-exempt bonds,
16 certificates of participation, lease-purchase agreements, or
17 other tax-exempt financing methods. Pursuant to s. 255.25,
18 approval is hereby provided for the lease-purchase of up to
19 two private correctional facilities and any other facility
20 authorized by the General Appropriations Act.

21 (b) A specific provision requiring the design and
22 construction of the proposed facilities to meet the applicable
23 standards of the American Correctional Association and the
24 requirements of all applicable court orders and state law.

25 (c) A specific provision requiring the contractor, and
26 not the Department of Management Services ~~commission~~, to
27 obtain the financing required to design and construct the
28 private correctional facility or juvenile commitment facility
29 built under this chapter.

30 (d) A specific provision stating that the state is not
31 obligated for any payments that exceed the amount of the

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1 current annual appropriation.

2 (3)(a) Each contract for the designing, financing,
 3 acquiring, leasing, constructing, and operating of a private
 4 correctional facility shall be subject to ss. 255.2502 and
 5 255.2503.

6 (b) Each contract for the designing, financing,
 7 acquiring, leasing, and constructing of a private juvenile
 8 commitment facility shall be subject to ss. 255.2502 and
 9 255.2503.

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

13 (5) Each contract entered into by the Department of
 14 Management Services ~~commission~~ must include substantial
 15 minority participation unless demonstrated by evidence, after
 16 a good faith effort, as impractical and must also include any
 17 other requirements the Department of Management Services
 18 ~~commission~~ considers necessary and appropriate for carrying
 19 out the purposes of this chapter.

20 (6) Notwithstanding s. 253.025(7), the Board of
 21 Trustees of the Internal Improvement Trust Fund need not
 22 approve a lease-purchase agreement negotiated by the
 23 Department of Management Services ~~commission~~ if the Department
 24 of Management Services ~~commission~~ finds that there is a need
 25 to expedite the lease-purchase.

26 (7)(a) Notwithstanding s. 253.025 or s. 287.057,
 27 whenever the Department of Management Services ~~commission~~
 28 finds it to be in the best interest of timely site
 29 acquisition, it may contract without the need for competitive
 30 selection with one or more appraisers whose names are
 31 contained on the list of approved appraisers maintained by the

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1 Division of State Lands of the Department of Environmental
2 Protection in accordance with s. 253.025(6)(b). In those
3 instances when the Department of Management Services
4 ~~commission~~ directly contracts for appraisal services, it shall
5 also contract with an approved appraiser who is not employed
6 by the same appraisal firm for review services.

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

12 (8) The Department of Management Services shall be the
13 successor agency for the Correctional Privatization Commission
14 in all contracts entered into pursuant to this chapter which
15 are in effect on July 1, 2004. Buildings and other
16 improvements to real property which are financed under
17 paragraph (2)(a) and which are leased to the Correctional
18 Privatization Commission are considered to be owned by the
19 Correctional Privatization Commission for the purposes of this
20 section whereby the terms of the lease, the buildings, and
21 other improvements will become the property of the state at
22 the expiration of the lease. For any facility that is bid and
23 built under the authority of requests for proposals made by
24 the Correctional Privatization Commission between December
25 1993 and October 1994 and that is operated by a private
26 vendor, a payment in lieu of taxes, from funds appropriated
27 for the Correctional Privatization Commission, shall be paid
28 until the expiration of the lease to local taxing authorities
29 in the local government in which the facility is located in an
30 amount equal to the ad valorem taxes assessed by counties,
31 municipalities, school districts, and special districts.

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

3 957.06 Powers and duties not delegable to
4 contractor.--A contract entered into under this chapter does
5 not authorize, allow, or imply a delegation of authority to
6 the contractor to:

7 (2) Choose the facility to which an inmate is
8 initially assigned or subsequently transferred. The contractor
9 may request, in writing, that an inmate be transferred to a
10 facility operated by the department. The Department of
11 Management Services ~~commission~~, the contractor, and a
12 ~~representative~~ of the department shall develop and implement a
13 cooperative agreement for transferring inmates between a
14 correctional facility operated by the department and a private
15 correctional facility. The department, the Department of
16 Management Services ~~commission~~, and the contractor must comply
17 with the cooperative agreement.

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

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

24 957.07 Cost-saving requirements.--

25 (1) The Department of Management Services ~~commission~~
26 may not enter into a contract or series of contracts unless
27 the department ~~commission~~ determines that the contract or
28 series of contracts in total for the facility will result in a
29 cost savings to the state of at least 7 percent over the
30 public provision of a similar facility. Such cost savings as
31 determined by the Department of Management Services ~~commission~~

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1 must be based upon the actual costs associated with the
2 construction and operation of similar facilities or services
3 as determined by the Department of Corrections and certified
4 by the Auditor General. The Department of Corrections shall
5 calculate all of the cost components that determine the inmate
6 per diem in correctional facilities of a substantially similar
7 size, type, and location that are operated by the Department
8 of Corrections, including administrative costs associated with
9 central administration. Services that are provided to the
10 Department of Corrections by other governmental agencies at no
11 direct cost to the department shall be assigned an equivalent
12 cost and included in the per diem.

13 (5)

14 (d) If a private vendor chooses not to renew the
15 contract at the appropriated level, the Department of
16 Management Services ~~commission~~ shall terminate the contract as
17 provided in s. 957.14.

18 Section 16. Section 957.08, Florida Statutes, is
19 amended to read:

20 957.08 Capacity requirements.--The Department of
21 Corrections shall transfer and assign prisoners, ~~at a rate to~~
22 ~~be determined by the commission~~, to each private correctional
23 facility opened pursuant to this chapter in an amount not less
24 than 90 percent or more than 100 percent of the capacity of
25 the facility pursuant to the contract with the Department of
26 Management Services ~~commission~~. The prisoners transferred by
27 the Department of Corrections shall represent a cross section
28 of the general inmate population, based on the grade of
29 custody or the offense of conviction, at the most comparable
30 facility operated by the department.

31 Section 17. Subsection (2) of section 957.13, Florida

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1 Statutes, is amended to read:

2 957.13 Background checks.--

3 (2) The Florida Department of Law Enforcement may, to
4 the extent provided for by federal law, provide for the
5 exchange of state, multistate, and federal criminal history
6 records of individuals who apply for employment at a private
7 correctional facility ~~with the Correctional Privatization~~
8 ~~Commission~~ for the purpose of conducting background checks as
9 required by law or contract ~~the commission~~.

10 Section 18. Section 957.14, Florida Statutes, is
11 amended to read:

12 957.14 Contract termination and control of a
13 correctional facility by the department.--A detailed plan
14 shall be provided by a private vendor under which the
15 department shall assume temporary control of a private
16 correctional facility upon termination of the contract. The
17 Department of Management Services ~~commission~~ may terminate the
18 contract with cause after written notice of material
19 deficiencies and after 60 workdays in order to correct the
20 material deficiencies. If any event occurs that involves the
21 noncompliance with or violation of contract terms and that
22 presents a serious threat to the safety, health, or security
23 of the inmates, employees, or the public, the department may
24 temporarily assume control of the private correctional
25 facility, with the approval of the Department of Management
26 Services ~~commission~~. A plan shall also be provided by a
27 private vendor for the purchase and temporary assumption of
28 operations of a correctional facility by the department in the
29 event of bankruptcy or the financial insolvency of the private
30 vendor. The private vendor shall provide an emergency plan to
31 address inmate disturbances, employee work stoppages, strikes,

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1 or other serious events in accordance with standards of the
 2 American Correctional Association.

3 Section 19. Section 957.15, Florida Statutes, is
 4 amended to read:

5 957.15 Funding of contracts for operation,
 6 maintenance, and lease-purchase of private correctional
 7 facilities.--The request for appropriation of funds to make
 8 payments pursuant to contracts entered into by the Department
 9 of Management Services ~~commission~~ for the operation,
 10 maintenance, and lease-purchase of the private correctional
 11 facilities authorized by this chapter shall be made by the
 12 Department of Management Services ~~commission~~ in a request to
 13 the department. The department shall include such request in
 14 its budget request to the Legislature as a separately
 15 identified item and shall forward the request of the
 16 Department of Management Services ~~commission~~ without change.
 17 After an appropriation has been made by the Legislature to the
 18 department for the private correctional facilities ~~commission~~,
 19 the department shall have no authority over such funds other
 20 than to pay from such appropriation to the appropriate private
 21 vendor such amounts as are certified for payment by the
 22 Department of Management Services ~~commission~~.

23 Section 20. Section 957.16, Florida Statutes, is
 24 amended to read:

25 957.16 Expanding capacity.--The Department of
 26 Management Services ~~commission~~ is authorized to modify and
 27 execute agreements with contractors to expand up to the total
 28 capacity of contracted correctional facilities. Total
 29 capacity means the design capacity of all contracted
 30 correctional facilities increased by one-half as described
 31 under s. 944.023(1)(b). Any additional beds authorized under

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1 this section must comply with the cost-saving requirements set
2 forth in s. 957.07. Any additional beds authorized as a result
3 of expanded capacity under this section are contingent upon
4 specified appropriations.

5 Section 21. This act shall take effect July 1, 2004.

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7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

13

A bill to be entitled

14

An act relating to the operational authority
15 for state correctional facilities; amending s.
16 20.315, F.S., relating to the Florida

17

Corrections Commission; requiring the
18 commission to resolve certain disputes between
19 the Department of Corrections and a contractor;

20

deleting obsolete provisions concerning the
21 staff of the commission; amending s. 287.042,

22

F.S.; authorizing the Department of Management
23 Services to enter into certain contracts,

24

acquire contractual rights and obligations, and
25 manage and enforce compliance with contracts of

26

the Correctional Privatization Commission;
27 amending s. 394.9151, F.S.; authorizing the

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Department of Children and Family Services to
29 contract with the Department of Management

30

Services for the operation of facilities for
31 sexually violent predators; amending s. 943.13,

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1 F.S., relating to the qualifications for
2 correctional officers; conforming provisions to
3 changes made by the act; amending ss. 944.02,
4 944.115, 944.72, 944.8041, and 945.215, F.S.,
5 relating to the state correctional system;
6 requiring the Department of Management Services
7 to assume the duties and responsibilities of
8 the Correctional Privatization Commission;
9 amending s. 957.01, F.S.; redesignating ch.
10 957, F.S., as the "Correctional Privatization
11 Act"; amending ss. 957.02, 957.04, 957.06,
12 957.07, 957.08, 957.13, 957.14, 957.15, and
13 957.16, F.S., and repealing s. 957.03, F.S.;
14 providing contract requirements for the
15 Department of Management Services with respect
16 to the operation of private correctional
17 facilities; specifying duties of the Florida
18 Corrections Commission; providing for the
19 Department of Management Services to be the
20 successor agency to the Correctional
21 Privatization Commission with respect to
22 contracts under ch. 957, F.S., which are in
23 effect on a specified date; requiring certain
24 cooperative agreements between the Department
25 of Management Services, contractors, and the
26 Department of Corrections; specifying duties of
27 the Department of Management Services with
28 respect to the operation, maintenance, and
29 lease-purchase of private correctional
30 facilities and contract termination; providing
31 for the modification and execution of

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agreements with contractors to conform to
changes made by the act; providing an effective
date.