

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Bean offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. (1) Sections 945.601, 945.602, 945.603,
6 945.6031, 945.6032, 945.6035, 945.6036, 945.6037, Florida
7 Statutes, are repealed.

8 (2) Effective January 1, 2005, sections 957.01, 957.02,
9 957.03, 957.04, 957.05, 957.06, 957.07, 957.08, 957.09, 957.11,
10 957.12, 957.125, 957.13, 957.14, 957.15, and 957.16, Florida
11 Statutes, are repealed.

12 Section 2. Subsection (3) of section 381.90, Florida
13 Statutes, is amended to read:

14 381.90 Health Information Systems Council; legislative
15 intent; creation, appointment, duties.--

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16 (3) The council shall be composed of the following members
17 or their senior executive-level designees:

18 (a) The secretary of the Department of Health;

19 (b) The secretary of the Department of Business and
20 Professional Regulation;

21 (c) The secretary of the Department of Children and Family
22 Services;

23 (d) The Secretary of Health Care Administration;

24 (e) The secretary of the Department of Corrections;

25 (f) The Attorney General;

26 ~~(g) The executive director of the Correctional Medical
27 Authority;~~

28 (g)~~(h)~~ Two members representing county health departments,
29 one from a small county and one from a large county, appointed
30 by the Governor;

31 (h)~~(i)~~ A representative from the Florida Association of
32 Counties;

33 (i)~~(j)~~ The Chief Financial Officer;

34 (j)~~(k)~~ A representative from the Florida Healthy Kids
35 Corporation;

36 (k)~~(l)~~ A representative from a school of public health
37 chosen by the Board of Regents;

38 (l)~~(m)~~ The Commissioner of Education;

39 (m)~~(n)~~ The secretary of the Department of Elderly Affairs;
40 and

41 (n)~~(o)~~ The secretary of the Department of Juvenile
42 Justice.
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44 Representatives of the Federal Government may serve without
45 voting rights.

46 Section 3. Effective January 1, 2005, section 394.9151,
47 Florida Statutes, is amended to read:

48 394.9151 Contract authority.--The Department of Children
49 and Family Services may contract with a private entity or state
50 agency for use of and operation of facilities to comply with the
51 requirements of this act. ~~The Department of Children and Family~~
52 ~~Services may also contract with the Correctional Privatization~~
53 ~~Commission as defined in chapter 957 to issue a request for~~
54 ~~proposals and monitor contract compliance for these services.~~

55 Section 4. Effective January 1, 2005, subsection (22) of
56 section 395.002, Florida Statutes, is amended to read:

57 395.002 Definitions.--As used in this chapter:

58 (22) "Mobile surgical facility" is a mobile facility in
59 which licensed health care professionals provide elective
60 surgical care under contract with the Department of Corrections
61 ~~or a private correctional facility operating pursuant to chapter~~
62 ~~957~~ and in which inmate patients are admitted to and discharged
63 from said facility within the same working day and are not
64 permitted to stay overnight. However, mobile surgical facilities
65 may only provide health care services to the inmate patients of
66 the Department of Corrections, or inmate patients of a private
67 correctional facility operating pursuant to chapter 957, and not
68 to the general public.

69 Section 5. Effective January 1, 2005, paragraph (j) of
70 subsection (3) of section 408.036, Florida Statutes, is amended
71 to read:

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72 408.036 Projects subject to review; exemptions.--

73 (3) EXEMPTIONS.--Upon request, the following projects are
74 subject to exemption from the provisions of subsection (1):

75 (j) For mobile surgical facilities and related health care
76 services provided under contract with the Department of
77 Corrections ~~or a private correctional facility operating~~
78 ~~pursuant to chapter 957.~~

79 Section 6. Paragraph (a) of subsection (1) of section
80 766.101, Florida Statutes, is amended to read:

81 766.101 Medical review committee, immunity from
82 liability.--

83 (1) As used in this section:

84 (a) The term "medical review committee" or "committee"
85 means:

86 1.a. A committee of a hospital or ambulatory surgical
87 center licensed under chapter 395 or a health maintenance
88 organization certificated under part I of chapter 641,

89 b. A committee of a physician-hospital organization, a
90 provider-sponsored organization, or an integrated delivery
91 system,

92 c. A committee of a state or local professional society of
93 health care providers,

94 d. A committee of a medical staff of a licensed hospital
95 or nursing home, provided the medical staff operates pursuant to
96 written bylaws that have been approved by the governing board of
97 the hospital or nursing home,

98 e. A committee of the Department of Corrections ~~or the~~
99 ~~Correctional Medical Authority as created under s. 945.602, or~~

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100 employees, agents, or consultants of ~~either~~ the department ~~or~~
101 ~~the authority or both,~~

102 f. A committee of a professional service corporation
103 formed under chapter 621 or a corporation organized under
104 chapter 607 or chapter 617, which is formed and operated for the
105 practice of medicine as defined in s. 458.305(3), and which has
106 at least 25 health care providers who routinely provide health
107 care services directly to patients,

108 g. A committee of a mental health treatment facility
109 licensed under chapter 394 or a community mental health center
110 as defined in s. 394.907, provided the quality assurance program
111 operates pursuant to the guidelines which have been approved by
112 the governing board of the agency,

113 h. A committee of a substance abuse treatment and
114 education prevention program licensed under chapter 397 provided
115 the quality assurance program operates pursuant to the
116 guidelines which have been approved by the governing board of
117 the agency,

118 i. A peer review or utilization review committee organized
119 under chapter 440,

120 j. A committee of the Department of Health, a county
121 health department, healthy start coalition, or certified rural
122 health network, when reviewing quality of care, or employees of
123 these entities when reviewing mortality records, or

124 k. A continuous quality improvement committee of a
125 pharmacy licensed pursuant to chapter 465,

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127 which committee is formed to evaluate and improve the quality of
128 health care rendered by providers of health service or to
129 determine that health services rendered were professionally
130 indicated or were performed in compliance with the applicable
131 standard of care or that the cost of health care rendered was
132 considered reasonable by the providers of professional health
133 services in the area; or

134 2. A committee of an insurer, self-insurer, or joint
135 underwriting association of medical malpractice insurance, or
136 other persons conducting review under s. 766.106.

137 Section 7. Effective January 1, 2005, subsection (1) of
138 section 784.078, Florida Statutes, is amended to read:

139 784.078 Battery of facility employee by throwing, tossing,
140 or expelling certain fluids or materials.--

141 (1) As used in this section, the term "facility" means a
142 state correctional institution defined in s. 944.02(6); a
143 private correctional facility defined in s. 944.710 ~~or under~~
144 ~~chapter 957~~; a county, municipal, or regional jail or other
145 detention facility of local government under chapter 950 or
146 chapter 951; or a secure facility operated and maintained by the
147 Department of Corrections or the Department of Juvenile Justice.

148 Section 8. Effective January 1, 2005, subsection (8) of
149 section 943.053, Florida Statutes, is amended to read:

150 943.053 Dissemination of criminal justice information;
151 fees.--

152 (8) Notwithstanding the provisions of s. 943.0525, and any
153 user agreements adopted pursuant thereto, and notwithstanding
154 the confidentiality of sealed records as provided for in s.

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155 943.059, the Department of Corrections shall provide, in a
156 timely manner, copies of the Florida criminal history records
157 for inmates housed in a private state correctional facility to
158 the private entity under contract to operate the facility
159 pursuant to the provisions of s. 944.105 ~~or s. 957.03~~. The
160 department may assess a charge for the Florida criminal history
161 records pursuant to the provisions of chapter 119. Sealed
162 records received by the private entity under this section remain
163 confidential and exempt from the provisions of s. 119.07(1).

164 Section 9. Effective January 1, 2005, section 943.13,
165 Florida Statutes, is amended to read:

166 943.13 Officers' minimum qualifications for employment or
167 appointment.--On or after October 1, 1984, any person employed
168 or appointed as a full-time, part-time, or auxiliary law
169 enforcement officer or correctional officer; on or after October
170 1, 1986, any person employed as a full-time, part-time, or
171 auxiliary correctional probation officer; and on or after
172 October 1, 1986, any person employed as a full-time, part-time,
173 or auxiliary correctional officer by a private entity under
174 contract to the Department of Corrections or, to a county
175 commission, ~~or to the Correctional Privatization Commission~~
176 shall:

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

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

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

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182 (4) Not have been convicted of any felony or of a
183 misdemeanor involving perjury or a false statement, or have
184 received a dishonorable discharge from any of the Armed Forces
185 of the United States. Any person who, after July 1, 1981, pleads
186 guilty or nolo contendere to or is found guilty of any felony or
187 of a misdemeanor involving perjury or a false statement is not
188 eligible for employment or appointment as an officer,
189 notwithstanding suspension of sentence or withholding of
190 adjudication. Notwithstanding this subsection, any person who
191 has pled nolo contendere to a misdemeanor involving a false
192 statement, prior to December 1, 1985, and has had such record
193 sealed or expunged shall not be deemed ineligible for employment
194 or appointment as an officer.

195 (5) Have documentation of his or her processed
196 fingerprints on file with the employing agency or, if a private
197 correctional officer, have documentation of his or her processed
198 fingerprints on file with the Department of Corrections or the
199 Criminal Justice Standards and Training Commission. If
200 administrative delays are caused by the department or the
201 Federal Bureau of Investigation and the person has complied with
202 subsections (1)-(4) and (6)-(9), he or she may be employed or
203 appointed for a period not to exceed 1 calendar year from the
204 date he or she was employed or appointed or until return of the
205 processed fingerprints documenting noncompliance with
206 subsections (1)-(4) or subsection (7), whichever occurs first.

207 (6) Have passed a physical examination by a licensed
208 physician or physician assistant, based on specifications
209 established by the commission.

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210 (7) Have a good moral character as determined by a
211 background investigation under procedures established by the
212 commission.

213 (8) Execute and submit to the employing agency or, if a
214 private correctional officer, submit to the appropriate
215 governmental entity an affidavit-of-applicant form, adopted by
216 the commission, attesting to his or her compliance with
217 subsections (1)-(7). The affidavit shall be executed under oath
218 and constitutes an official statement within the purview of s.
219 837.06. The affidavit shall include conspicuous language that
220 the intentional false execution of the affidavit constitutes a
221 misdemeanor of the second degree. The affidavit shall be
222 retained by the employing agency.

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

226 (a) Completed a comparable basic recruit training program
227 for the applicable criminal justice discipline in another state
228 or for the Federal Government; and

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

235
236 is exempt in accordance with s. 943.131(2) from completing the
237 commission-approved basic recruit training program.

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238 (10) Achieve an acceptable score on the officer
239 certification examination for the applicable criminal justice
240 discipline.

241 (11) Comply with the continuing training or education
242 requirements of s. 943.135.

243 Section 10. Effective January 1, 2005, subsection (4) of
244 section 943.133, Florida Statutes, is amended to read:

245 943.133 Responsibilities of employing agency, commission,
246 and program with respect to compliance with employment
247 qualifications and the conduct of background investigations;
248 injunctive relief.--

249 (4) When the employing agency is a private entity under
250 contract to the county or the state pursuant to s. 944.105 or
251 s. 951.062, ~~or chapter 957~~, the contracting agency shall be
252 responsible for meeting the requirements of subsections (1),
253 (2), and (3).

254 Section 11. Effective January 1, 2005, paragraph (c) of
255 subsection (1) of section 943.325, Florida Statutes, is amended
256 to read:

257 943.325 Blood or other biological specimen testing for DNA
258 analysis.--

259 (1)

260 (c) As used in this section, the term "any person"
261 includes both juveniles and adults committed to a county jail or
262 committed to or under the supervision of the Department of
263 Corrections or the Department of Juvenile Justice, including
264 persons incarcerated in a private correctional institution
265 operated under contract pursuant to s. 944.105 ~~or s. 957.03~~.

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266 Section 12. Effective January 1, 2005, subsection (4) of
267 section 944.02, Florida Statutes, is amended to read:

268 944.02 Definitions.--The following words and phrases used
269 in this chapter shall, unless the context clearly indicates
270 otherwise, have the following meanings:

271 (4) "Elderly offender" means a prisoner age 50 or older in
272 a state correctional institution or facility operated by the
273 Department of Corrections ~~or the Correctional Privatization~~
274 ~~Commission.~~

275 Section 13. Effective January 1, 2005, paragraph (b) of
276 subsection (1) of section 944.023, Florida Statutes, is amended
277 to read:

278 944.023 Comprehensive correctional master plan.--

279 (1) As used in this section, the term:

280 (b) "Total capacity" of the state correctional system
281 means the total design capacity of all institutions and
282 facilities in the state correctional system, ~~which may include~~
283 ~~those facilities authorized and funded under chapter 957,~~
284 increased by one-half, with the following exceptions:

285 1. Medical and mental health beds must remain at design
286 capacity.

287 2. Community-based contracted beds must remain at design
288 capacity.

289 3. The one-inmate-per-cell requirement at Florida State
290 Prison and other maximum security facilities must be maintained
291 pursuant to paragraph (7)(a).

292 4. Community correctional centers and drug treatment
293 centers must be increased by one-third.

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294 5. A housing unit may not exceed its maximum capacity
295 pursuant to paragraphs (7)(a) and (b).

296 6. A number of beds equal to 5 percent of total capacity
297 shall be deducted for management beds at institutions.

298 Section 14. Effective January 1, 2005, subsection (8) is
299 added to section 944.10, Florida Statutes, to read:

300 944.10 Department of Corrections to provide buildings;
301 sale and purchase of land; contracts to provide services and
302 inmate labor.--

303 (8) The department shall assume the leases for Bay
304 Correctional Facility, Gadsden Correctional Facility, Lake City
305 Correctional Facility, Moore Haven Correctional Facility, and
306 South Bay Correctional Facility and all obligations related to
307 those leases of the former Correctional Privatization Commission
308 for land, buildings, and other improvements, including, but not
309 limited to, those financed by tax-exempt financing through the
310 issuance of tax-exempt bonds, certificates of participation,
311 lease-purchase agreements, or other tax-exempt financing
312 methods, as of January 1, 2005.

313 Section 15. Effective January 1, 2005, subsections (9) and
314 (10) are added to section 944.105, Florida Statutes, to read:

315 944.105 Contractual arrangements with private entities for
316 operation and maintenance of correctional facilities and
317 supervision of inmates.--

318 (9) The department shall assume contractual obligations of
319 the Correctional Privatization Commission in contracts for the
320 operation of private correctional facilities at Bay Correctional
321 Institution, Gadsden Correctional Institution, Lake City

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322 Correctional Institution, Moore Haven Correctional Institution,
323 and South Bay Correctional Institution.

324 (10) The department shall provide a contract monitor to
325 oversee the contracts for the operation of the private
326 correctional facilities. The contractor shall provide suitable
327 office space for the contract monitor at each correctional
328 facility. The contract monitor shall have unlimited access to
329 each correctional facility.

330 Section 16. Section 944.1054, Florida Statutes, is created
331 to read:

332 944.1054 Evaluation of costs and benefits of private
333 correctional facility contracts.--The Office of Program Policy
334 Analysis and Government Accountability shall develop and
335 implement an evaluation of the costs and benefits of each
336 contract entered into under this chapter. This evaluation must
337 include a comparison of the costs and benefits of constructing
338 and operating prisons by the state versus by private contractors
339 that will result in a cost savings of at least 7 percent over
340 the public provision of a similar facility. The Office of
341 Program Policy Analysis and Government Accountability shall also
342 evaluate the performance of the private contractor at the end of
343 the term of each management contract and make recommendations to
344 the Speaker of the House of Representatives and the President of
345 the Senate on whether to continue the contract. The Office of
346 Program Policy Analysis and Government Accountability may not
347 recommend continuing any contract that does not show a cost
348 savings of at least 7 percent over the public provision of a
349 similar facility.

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350 Section 17. Effective January 1, 2005, subsection (1) and
351 paragraphs (b) and (c) of subsection (2) of section 944.115,
352 Florida Statutes, are amended to read:

353 944.115 Smoking prohibited inside state correctional
354 facilities.--

355 (1) The purpose of this section is to protect the health,
356 comfort, and environment of employees of the Department of
357 Corrections, employees of privately operated correctional
358 facilities, ~~employees of the Correctional Privatization~~
359 ~~Commission~~, and inmates by prohibiting inmates from using
360 tobacco products inside any office or building within state
361 correctional facilities, and by ensuring that employees and
362 visitors do not use tobacco products inside any office or
363 building within state correctional facilities. Scientific
364 evidence links the use of tobacco products with numerous
365 significant health risks. The use of tobacco products by
366 inmates, employees, or visitors is contrary to efforts by the
367 Department of Corrections to reduce the cost of inmate health
368 care and to limit unnecessary litigation. The Department of
369 Corrections and the private vendors operating correctional
370 facilities shall make smoking-cessation assistance available to
371 inmates in order to implement this section. The Department of
372 Corrections and the private vendors operating correctional
373 facilities shall implement this section as soon as possible, and
374 all provisions of this section must be fully implemented by
375 January 1, 2000.

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

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377 (b) "Employee" means an employee of the department or a
378 private vendor in a contractual relationship with ~~either~~ the
379 Department of Corrections ~~or the Correctional Privatization~~
380 ~~Commission~~, and includes persons such as contractors,
381 volunteers, or law enforcement officers who are within a state
382 correctional facility to perform a professional service.

383 (c) "State correctional facility" means a state or
384 privately operated correctional institution as defined in s.
385 944.02, or a correctional institution or facility operated under
386 s. 944.105 ~~or chapter 957~~.

387 Section 18. Effective January 1, 2005, paragraph (b) of
388 subsection (3) of section 944.17, Florida Statutes, is amended
389 to read:

390 944.17 Commitments and classification; transfers.--

391 (3)

392 (b) Notwithstanding paragraph (a), any prisoner
393 incarcerated in the state correctional system ~~or private~~
394 ~~correctional facility operated pursuant to chapter 957~~ who is
395 convicted in circuit or county court of a crime committed during
396 that incarceration shall serve the sentence imposed for that
397 crime within the state correctional system regardless of the
398 length of sentence or classification of the offense.

399 Section 19. Paragraph (h) is added to subsection (1) of
400 section 944.516, Florida Statutes, to read:

401 944.516 Money or other property received for personal use
402 or benefit of inmate; deposit; disposition of unclaimed trust
403 funds.--The Department of Corrections shall protect the
404 financial interest of the state with respect to claims which the

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405 state may have against inmates in state institutions under its
406 supervision and control and shall administer money and other
407 property received for the personal benefit of such inmates. In
408 carrying out the provisions of this section, the department may
409 delegate any of its enumerated powers and duties affecting
410 inmates of an institution to the warden or regional director who
411 shall personally, or through designated employees of his or her
412 personal staff under his or her direct supervision, exercise
413 such powers or perform such duties.

414 (1) The Department of Corrections may:

415 (h) Charge an administrative processing fee of up to \$5
416 each month to inmates for banking services. Such fees shall be
417 deposited into the department's Grants and Donations Trust Fund
418 and shall be used to offset the cost of the department's
419 operations. If the inmate account has a zero balance at the end
420 of the billing cycle, a hold will be established to collect the
421 processing fee when available.

422 Section 20. Effective January 1, 2005, subsection (1) of
423 section 944.7031, Florida Statutes, is amended to read:

424 944.7031 Eligible inmates released from private
425 correctional facilities.--

426 (1) It is the intent of the Legislature that state inmates
427 nearing release from a private correctional facility ~~managed~~
428 ~~under chapter 957~~ are eligible for assistance under ss. 944.701-
429 944.708, and all laws that provide for or mandate transition
430 assistance services to inmates nearing release also apply to
431 inmates who reside in private correctional facilities.

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432 Section 21. Effective January 1, 2005, subsection (3) is
433 added to section 944.717, Florida Statutes, to read:

434 944.717 Conflicts of interest.--

435 (3) A bidder or potential bidder may not have any contact
436 with any member or employee of or consultant to the department
437 regarding a request for proposal, a proposal, or the evaluation
438 or selection process from the time a request for proposals for a
439 private correctional facility is issued until the time a
440 notification of intent to award is announced, except if such
441 contact is in writing or in a meeting for which notice was
442 provided in the Florida Administrative Weekly.

443 Section 22. Effective January 1, 2005, subsection (1) of
444 section 944.72, Florida Statutes, is amended to read:

445 944.72 Privately Operated Institutions Inmate Welfare
446 Trust Fund.--

447 (1) There is hereby created in the Department of
448 Corrections the Privately Operated Institutions Inmate Welfare
449 Trust Fund. The purpose of the trust fund shall be the benefit
450 and welfare of inmates incarcerated in private correctional
451 facilities under contract with the department pursuant to
452 ~~chapter 944 or the Correctional Privatization Commission~~
453 ~~pursuant to chapter 957~~. Moneys shall be deposited in the trust
454 fund and expenditures made from the trust fund as provided in s.
455 945.215.

456 Section 23. Effective January 1, 2005, section 944.8041,
457 Florida Statutes, is amended to read:

458 944.8041 Elderly offenders; annual review.--For the
459 purpose of providing information to the Legislature on elderly

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460 offenders within the correctional system, the Florida
461 Corrections Commission ~~and the Correctional Medical Authority~~
462 shall ~~each~~ submit annually a report on the status and treatment
463 of elderly offenders in the state-administered and private state
464 correctional systems, as well as such information on the River
465 Junction Correctional Institution. In order to adequately
466 prepare the reports, the Department of Corrections ~~and the~~
467 ~~Correctional Privatization Commission~~ shall grant access to the
468 Florida Corrections Commission ~~and the Correctional Medical~~
469 ~~Authority~~ which includes access to the facilities, offenders,
470 and any information the agencies require to complete their
471 reports. The review shall also include an examination of
472 promising geriatric policies, practices, and programs currently
473 implemented in other correctional systems within the United
474 States. The reports, with specific findings and recommendations
475 for implementation, shall be submitted to the President of the
476 Senate and the Speaker of the House of Representatives on or
477 before December 31 of each year.

478 Section 24. Effective January 1, 2005, paragraphs (a) and
479 (c) of subsection (2) of section 945.215, Florida Statutes, are
480 amended to read:

481 945.215 Inmate welfare and employee benefit trust funds.--

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

484 (a) For purposes of this subsection, privately operated
485 institutions or private correctional facilities are those
486 correctional facilities under contract with the department

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487 pursuant to chapter 944 ~~or the Correctional Privatization~~
488 ~~Commission pursuant to chapter 957.~~

489 (c) The department ~~Correctional Privatization Commission~~
490 shall annually compile a report that documents Privately
491 Operated Institutions Inmate Welfare Trust Fund receipts and
492 expenditures at each private correctional facility. This report
493 must specifically identify receipt sources and expenditures. The
494 department ~~Correctional Privatization Commission~~ shall compile
495 this report for the prior fiscal year and shall submit the
496 report by September 1 of each year to the chairs of the
497 appropriate substantive and fiscal committees of the Senate and
498 House of Representatives and to the Executive Office of the
499 Governor.

500 Section 25. Subsections (3) and (9) of section 945.35,
501 Florida Statutes, are amended to read:

502 945.35 Requirement for education on human immunodeficiency
503 virus, acquired immune deficiency syndrome, and other
504 communicable diseases.--

505 (3) When there is evidence that an inmate, while in the
506 custody of the department, has engaged in behavior which places
507 the inmate at a high risk of transmitting or contracting a human
508 immunodeficiency disorder or other communicable disease, the
509 department may begin a testing program which is consistent with
510 guidelines of the Centers for Disease Control and Prevention ~~and~~
511 ~~recommendations of the Correctional Medical Authority.~~ For
512 purposes of this subsection, "high-risk behavior" includes:

- 513 (a) Sexual contact with any person.
514 (b) An altercation involving exposure to body fluids.

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515 (c) The use of intravenous drugs.

516 (d) Tattooing.

517 (e) Any other activity medically known to transmit the
518 virus.

519 (9) The department shall establish policies consistent
520 with guidelines of the Centers for Disease Control and
521 Prevention ~~and recommendations of the Correctional Medical~~
522 ~~Authority~~ on the housing, physical contact, dining, recreation,
523 and exercise hours or locations for inmates with
524 immunodeficiency disorders as are medically indicated and
525 consistent with the proper operation of its facilities.

526 Section 26. Section 945.6034, Florida Statutes, is amended
527 to read:

528 945.6034 Minimum health care standards.--

529 ~~(1)~~ The Assistant Secretary for Health Services is
530 responsible for developing a comprehensive health care delivery
531 system and promulgating all department health care standards.
532 Such health care standards shall include, but are not limited
533 to, rules relating to the management structure of the health
534 care system and the provision of health care services to
535 inmates, health care policies, health care plans, quality
536 management systems and procedures, health service bulletins, and
537 treatment protocols.

538 ~~(2) The department shall submit all health care standards~~
539 ~~to the authority for review prior to adoption. The authority~~
540 ~~shall review all department health care standards to determine~~
541 ~~whether they conform to the standard of care generally accepted~~
542 ~~in the professional health community at large.~~

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543 ~~(3) The department shall comply with all adopted~~
544 ~~department health care standards. Failure of the department to~~
545 ~~comply with the standards may result in a dispute resolution~~
546 ~~proceeding brought by the authority pursuant to s. 945.6035, but~~
547 ~~shall not create a cause of action for any third parties,~~
548 ~~including inmates or former inmates.~~

549 Section 27. Effective January 1, 2005, section 946.5025,
550 Florida Statutes, is amended to read:

551 946.5025 Authorization of corporation to enter into
552 contracts.--The corporation established under this part may
553 enter into contracts to operate correctional work programs with
554 any county or municipal authority that operates a correctional
555 facility or with a contractor authorized under chapter 944 ~~or~~
556 ~~chapter 957~~ to operate a private correctional facility. The
557 corporation has the same powers, privileges, and immunities in
558 carrying out such contracts as it has under this chapter.

559 Section 28. Effective January 1, 2005, subsection (6) of
560 section 946.503, Florida Statutes, is amended to read:

561 946.503 Definitions to be used with respect to
562 correctional work programs.--As used in this part, the term:

563 (6) "Private correctional facility" means a facility
564 authorized by chapter 944 ~~or chapter 957~~.

565 Section 29. Subsection (1) of section 951.27, Florida
566 Statutes, is amended to read:

567 951.27 Blood tests of inmates.--

568 (1) Each county and each municipal detention facility
569 shall have a written procedure developed, in consultation with
570 the facility medical provider, establishing conditions under

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571 | which an inmate will be tested for infectious disease, including
572 | human immunodeficiency virus pursuant to s. 775.0877, which
573 | procedure is consistent with guidelines of the Centers for
574 | Disease Control and Prevention ~~and recommendations of the~~
575 | ~~Correctional Medical Authority~~. It is not unlawful for the
576 | person receiving the test results to divulge the test results to
577 | the sheriff or chief correctional officer.

578 | Section 30. Except as otherwise provided herein, this act
579 | shall take effect July 1, 2004.

580 |

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

582 | Remove line 23, and insert:
583 | contractor performance; specifying a criterion; requiring
584 | a report to the