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1 A bill to be entitled

2 An act relating to the state correctional system;  
3 repealing ss. 945.601, 945.602, 945.603, 945.6031,  
4 945.6032, 945.6035, 945.6036, and 945.6037, F.S., relating  
5 to the State of Florida Correctional Medical Authority;  
6 repealing ss. 957.01-957.16, F.S., relating to the  
7 Correctional Privatization Commission; amending ss.  
8 381.90, 394.9151, 395.002, 408.036, 766.101, 784.078,  
9 943.053, 943.13, 943.133, 943.325, 944.02, and 944.023,  
10 F.S., to conform; amending s. 944.10, F.S.; requiring the  
11 Department of Corrections to assume certain correctional  
12 facilities leases and lease-related obligations of the  
13 commission; amending s. 944.105, F.S.; requiring the  
14 department to assume certain contractual obligations of  
15 the commission for certain private correctional  
16 facilities; requiring the department to provide a contract  
17 monitor for certain purposes; providing monitor duties;  
18 authorizing the monitor to have unlimited access to  
19 correctional facilities; creating s. 944.1054, F.S.;  
20 requiring the Office of Program Policy and Government  
21 Accountability to develop and implement an evaluation of  
22 the costs and benefits of certain contracts and private  
23 contractor performance; requiring a report to the  
24 Legislature; amending ss. 944.115 and 944.17, F.S., to  
25 conform; amending s. 944.516, F.S.; authorizing the  
26 department to charge inmates a monthly administrative  
27 processing fee for banking services; specifying a maximum  
28 amount; providing for deposit and use of such fees;  
29 amending s. 944.7031, F.S., to conform; amending s.

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30 944.717, F.S.; prohibiting bidders or potential bidders on  
 31 private correctional facility contracts from contacting  
 32 certain persons regarding any part of the proposal  
 33 process; providing exceptions; amending ss. 944.72,  
 34 944.8041, 945.215, 945.35, 945.6034, 946.5025, 946.503,  
 35 and 951.27, F.S., to conform; providing effective dates.  
 36

37 Be It Enacted by the Legislature of the State of Florida:  
 38

39 Section 1. (1) Sections 945.601, 945.602, 945.603,  
 40 945.6031, 945.6032, 945.6035, 945.6036, 945.6037, Florida  
 41 Statutes, are repealed.

42 (2) Effective July 1, 2005, sections 957.01, 957.02,  
 43 957.03, 957.04, 957.05, 957.06, 957.07, 957.08, 957.09, 957.11,  
 44 957.12, 957.125, 957.13, 957.14, 957.15, and 957.16, Florida  
 45 Statutes, are repealed.

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

48 381.90 Health Information Systems Council; legislative  
 49 intent; creation, appointment, duties.--

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

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

53 (b) The secretary of the Department of Business and  
 54 Professional Regulation;

55 (c) The secretary of the Department of Children and Family  
 56 Services;

57 (d) The Secretary of Health Care Administration;

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

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- 59 (f) The Attorney General;
- 60 ~~(g) The executive director of the Correctional Medical~~
- 61 ~~Authority;~~
- 62 (g)~~(h)~~ Two members representing county health departments,
- 63 one from a small county and one from a large county, appointed
- 64 by the Governor;
- 65 (h)~~(i)~~ A representative from the Florida Association of
- 66 Counties;
- 67 (i)~~(j)~~ The Chief Financial Officer;
- 68 (j)~~(k)~~ A representative from the Florida Healthy Kids
- 69 Corporation;
- 70 (k)~~(l)~~ A representative from a school of public health
- 71 chosen by the Board of Regents;
- 72 (l)~~(m)~~ The Commissioner of Education;
- 73 (m)~~(n)~~ The secretary of the Department of Elderly Affairs;
- 74 and
- 75 (n)~~(o)~~ The secretary of the Department of Juvenile
- 76 Justice.

77  
 78 Representatives of the Federal Government may serve without  
 79 voting rights.

80 Section 3. Effective July 1, 2005, section 394.9151,  
 81 Florida Statutes, is amended to read:

82 394.9151 Contract authority.--The Department of Children  
 83 and Family Services may contract with a private entity or state  
 84 agency for use of and operation of facilities to comply with the  
 85 requirements of this act. ~~The Department of Children and Family~~  
 86 ~~Services may also contract with the Correctional Privatization~~

CODING: Words **stricken** are deletions; words **underlined** are additions.

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87 ~~Commission as defined in chapter 957 to issue a request for~~  
 88 ~~proposals and monitor contract compliance for these services.~~

89 Section 4. Effective July 1, 2005, subsection (22) of  
 90 section 395.002, Florida Statutes, is amended to read:

91 395.002 Definitions.--As used in this chapter:

92 (22) "Mobile surgical facility" is a mobile facility in  
 93 which licensed health care professionals provide elective  
 94 surgical care under contract with the Department of Corrections  
 95 ~~or a private correctional facility operating pursuant to chapter~~  
 96 ~~957~~ and in which inmate patients are admitted to and discharged  
 97 from said facility within the same working day and are not  
 98 permitted to stay overnight. However, mobile surgical facilities  
 99 may only provide health care services to the inmate patients of  
 100 the Department of Corrections, or inmate patients of a private  
 101 correctional facility operating pursuant to chapter 957, and not  
 102 to the general public.

103 Section 5. Effective July 1, 2005, paragraph (j) of  
 104 subsection (3) of section 408.036, Florida Statutes, is amended  
 105 to read:

106 408.036 Projects subject to review; exemptions.--

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

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

113 Section 6. Paragraph (a) of subsection (1) of section  
 114 766.101, Florida Statutes, is amended to read:

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115 766.101 Medical review committee, immunity from  
 116 liability.--

117 (1) As used in this section:

118 (a) The term "medical review committee" or "committee"  
 119 means:

120 1.a. A committee of a hospital or ambulatory surgical  
 121 center licensed under chapter 395 or a health maintenance  
 122 organization certificated under part I of chapter 641,

123 b. A committee of a physician-hospital organization, a  
 124 provider-sponsored organization, or an integrated delivery  
 125 system,

126 c. A committee of a state or local professional society of  
 127 health care providers,

128 d. A committee of a medical staff of a licensed hospital  
 129 or nursing home, provided the medical staff operates pursuant to  
 130 written bylaws that have been approved by the governing board of  
 131 the hospital or nursing home,

132 e. A committee of the Department of Corrections ~~or the~~  
 133 ~~Correctional Medical Authority as created under s. 945.602,~~ or  
 134 employees, agents, or consultants of ~~either~~ the department ~~or~~  
 135 ~~the authority or both,~~

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

142 g. A committee of a mental health treatment facility  
 143 licensed under chapter 394 or a community mental health center

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144 as defined in s. 394.907, provided the quality assurance program  
 145 operates pursuant to the guidelines which have been approved by  
 146 the governing board of the agency,

147 h. A committee of a substance abuse treatment and  
 148 education prevention program licensed under chapter 397 provided  
 149 the quality assurance program operates pursuant to the  
 150 guidelines which have been approved by the governing board of  
 151 the agency,

152 i. A peer review or utilization review committee organized  
 153 under chapter 440,

154 j. A committee of the Department of Health, a county  
 155 health department, healthy start coalition, or certified rural  
 156 health network, when reviewing quality of care, or employees of  
 157 these entities when reviewing mortality records, or

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

160  
 161 which committee is formed to evaluate and improve the quality of  
 162 health care rendered by providers of health service or to  
 163 determine that health services rendered were professionally  
 164 indicated or were performed in compliance with the applicable  
 165 standard of care or that the cost of health care rendered was  
 166 considered reasonable by the providers of professional health  
 167 services in the area; or

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

171 Section 7. Effective July 1, 2005, subsection (1) of  
 172 section 784.078, Florida Statutes, is amended to read:

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173 784.078 Battery of facility employee by throwing, tossing,  
 174 or expelling certain fluids or materials.--

175 (1) As used in this section, the term "facility" means a  
 176 state correctional institution defined in s. 944.02(6); a  
 177 private correctional facility defined in s. 944.710 ~~or under~~  
 178 ~~chapter 957~~; a county, municipal, or regional jail or other  
 179 detention facility of local government under chapter 950 or  
 180 chapter 951; or a secure facility operated and maintained by the  
 181 Department of Corrections or the Department of Juvenile Justice.

182 Section 8. Effective July 1, 2005, subsection (8) of  
 183 section 943.053, Florida Statutes, is amended to read:

184 943.053 Dissemination of criminal justice information;  
 185 fees.--

186 (8) Notwithstanding the provisions of s. 943.0525, and any  
 187 user agreements adopted pursuant thereto, and notwithstanding  
 188 the confidentiality of sealed records as provided for in s.  
 189 943.059, the Department of Corrections shall provide, in a  
 190 timely manner, copies of the Florida criminal history records  
 191 for inmates housed in a private state correctional facility to  
 192 the private entity under contract to operate the facility  
 193 pursuant to the provisions of s. 944.105 ~~or s. 957.03~~. The  
 194 department may assess a charge for the Florida criminal history  
 195 records pursuant to the provisions of chapter 119. Sealed  
 196 records received by the private entity under this section remain  
 197 confidential and exempt from the provisions of s. 119.07(1).

198 Section 9. Effective July 1, 2005, section 943.13, Florida  
 199 Statutes, is amended to read:

200 943.13 Officers' minimum qualifications for employment or  
 201 appointment.--On or after October 1, 1984, any person employed

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202 or appointed as a full-time, part-time, or auxiliary law  
 203 enforcement officer or correctional officer; on or after October  
 204 1, 1986, any person employed as a full-time, part-time, or  
 205 auxiliary correctional probation officer; and on or after  
 206 October 1, 1986, any person employed as a full-time, part-time,  
 207 or auxiliary correctional officer by a private entity under  
 208 contract to the Department of Corrections or to a county  
 209 commission, ~~or to the Correctional Privatization Commission~~  
 210 shall:

- 211 (1) Be at least 19 years of age.
- 212 (2) Be a citizen of the United States, notwithstanding any  
 213 law of the state to the contrary.
- 214 (3) Be a high school graduate or its "equivalent" as the  
 215 commission has defined the term by rule.
- 216 (4) Not have been convicted of any felony or of a  
 217 misdemeanor involving perjury or a false statement, or have  
 218 received a dishonorable discharge from any of the Armed Forces  
 219 of the United States. Any person who, after July 1, 1981, pleads  
 220 guilty or nolo contendere to or is found guilty of any felony or  
 221 of a misdemeanor involving perjury or a false statement is not  
 222 eligible for employment or appointment as an officer,  
 223 notwithstanding suspension of sentence or withholding of  
 224 adjudication. Notwithstanding this subsection, any person who  
 225 has pled nolo contendere to a misdemeanor involving a false  
 226 statement, prior to December 1, 1985, and has had such record  
 227 sealed or expunged shall not be deemed ineligible for employment  
 228 or appointment as an officer.
- 229 (5) Have documentation of his or her processed  
 230 fingerprints on file with the employing agency or, if a private



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231 correctional officer, have documentation of his or her processed  
 232 fingerprints on file with the Department of Corrections or the  
 233 Criminal Justice Standards and Training Commission. If  
 234 administrative delays are caused by the department or the  
 235 Federal Bureau of Investigation and the person has complied with  
 236 subsections (1)-(4) and (6)-(9), he or she may be employed or  
 237 appointed for a period not to exceed 1 calendar year from the  
 238 date he or she was employed or appointed or until return of the  
 239 processed fingerprints documenting noncompliance with  
 240 subsections (1)-(4) or subsection (7), whichever occurs first.

241 (6) Have passed a physical examination by a licensed  
 242 physician or physician assistant, based on specifications  
 243 established by the commission.

244 (7) Have a good moral character as determined by a  
 245 background investigation under procedures established by the  
 246 commission.

247 (8) Execute and submit to the employing agency or, if a  
 248 private correctional officer, submit to the appropriate  
 249 governmental entity an affidavit-of-applicant form, adopted by  
 250 the commission, attesting to his or her compliance with  
 251 subsections (1)-(7). The affidavit shall be executed under oath  
 252 and constitutes an official statement within the purview of s.  
 253 837.06. The affidavit shall include conspicuous language that  
 254 the intentional false execution of the affidavit constitutes a  
 255 misdemeanor of the second degree. The affidavit shall be  
 256 retained by the employing agency.

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

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260 (a) Completed a comparable basic recruit training program  
 261 for the applicable criminal justice discipline in another state  
 262 or for the Federal Government; and

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

269  
 270 is exempt in accordance with s. 943.131(2) from completing the  
 271 commission-approved basic recruit training program.

272 (10) Achieve an acceptable score on the officer  
 273 certification examination for the applicable criminal justice  
 274 discipline.

275 (11) Comply with the continuing training or education  
 276 requirements of s. 943.135.

277 Section 10. Effective July 1, 2005, subsection (4) of  
 278 section 943.133, Florida Statutes, is amended to read:

279 943.133 Responsibilities of employing agency, commission,  
 280 and program with respect to compliance with employment  
 281 qualifications and the conduct of background investigations;  
 282 injunctive relief.--

283 (4) When the employing agency is a private entity under  
 284 contract to the county or the state pursuant to s. 944.105 or  
 285 s. 951.062, ~~or chapter 957~~, the contracting agency shall be  
 286 responsible for meeting the requirements of subsections (1),  
 287 (2), and (3).

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288 Section 11. Effective July 1, 2005, paragraph (c) of  
 289 subsection (1) of section 943.325, Florida Statutes, is amended  
 290 to read:

291 943.325 Blood or other biological specimen testing for DNA  
 292 analysis.--

293 (1)

294 (c) As used in this section, the term "any person"  
 295 includes both juveniles and adults committed to a county jail or  
 296 committed to or under the supervision of the Department of  
 297 Corrections or the Department of Juvenile Justice, including  
 298 persons incarcerated in a private correctional institution  
 299 operated under contract pursuant to s. 944.105 ~~or s. 957.03.~~

300 Section 12. Effective July 1, 2005, subsection (4) of  
 301 section 944.02, Florida Statutes, is amended to read:

302 944.02 Definitions.--The following words and phrases used  
 303 in this chapter shall, unless the context clearly indicates  
 304 otherwise, have the following meanings:

305 (4) "Elderly offender" means a prisoner age 50 or older in  
 306 a state correctional institution or facility operated by the  
 307 Department of Corrections ~~or the Correctional Privatization~~  
 308 ~~Commission.~~

309 Section 13. Effective July 1, 2005, paragraph (b) of  
 310 subsection (1) of section 944.023, Florida Statutes, is amended  
 311 to read:

312 944.023 Comprehensive correctional master plan.--

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

314 (b) "Total capacity" of the state correctional system  
 315 means the total design capacity of all institutions and  
 316 facilities in the state correctional system, ~~which may include~~

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317 ~~those facilities authorized and funded under chapter 957,~~

318 increased by one-half, with the following exceptions:

319 1. Medical and mental health beds must remain at design  
320 capacity.

321 2. Community-based contracted beds must remain at design  
322 capacity.

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

326 4. Community correctional centers and drug treatment  
327 centers must be increased by one-third.

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

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

332 Section 14. Effective July 1, 2005, subsection (8) is  
333 added to section 944.10, Florida Statutes, to read:

334 944.10 Department of Corrections to provide buildings;  
335 sale and purchase of land; contracts to provide services and  
336 inmate labor.--

337 (8) The department shall assume the leases for Bay  
338 Correctional Facility, Gadsden Correctional Facility, Lake City  
339 Correctional Facility, Moore Haven Correctional Facility, and  
340 South Bay Correctional Facility and all obligations related to  
341 those leases of the former Correctional Privatization Commission  
342 for land, buildings, and other improvements, including, but not  
343 limited to, those financed by tax-exempt financing through the  
344 issuance of tax-exempt bonds, certificates of participation,

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345 lease-purchase agreements, or other tax-exempt financing  
 346 methods, as of July 1, 2005.

347 Section 15. Effective July 1, 2005, subsections (9) and  
 348 (10) are added to section 944.105, Florida Statutes, to read:

349 944.105 Contractual arrangements with private entities for  
 350 operation and maintenance of correctional facilities and  
 351 supervision of inmates.--

352 (9) The department shall assume contractual obligations of  
 353 the Correctional Privatization Commission in contracts for the  
 354 operation of private correctional facilities at Bay Correctional  
 355 Institution, Gadsden Correctional Institution, Lake City  
 356 Correctional Institution, Moore Haven Correctional Institution,  
 357 and South Bay Correctional Institution.

358 (10) The department shall provide a contract monitor to  
 359 oversee the contracts for the operation of the private  
 360 correctional facilities. The contractor shall provide suitable  
 361 office space for the contract monitor at each correctional  
 362 facility. The contract monitor shall have unlimited access to  
 363 each correctional facility.

364 Section 16. Section 944.1054, Florida Statutes, is created  
 365 to read:

366 944.1054 Evaluation of costs and benefits of private  
 367 correctional facility contracts.--The Office of Program Policy  
 368 Analysis and Government Accountability shall develop and  
 369 implement an evaluation of the costs and benefits of each  
 370 contract entered into under this chapter. This evaluation must  
 371 include a comparison of the costs and benefits of constructing  
 372 and operating prisons by the state versus by private  
 373 contractors. The Office of Program Policy Analysis and

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374 Government Accountability shall also evaluate the performance of  
 375 the private contractor at the end of the term of each management  
 376 contract and make recommendations to the Speaker of the House of  
 377 Representatives and the President of the Senate on whether to  
 378 continue the contract.

379 Section 17. Effective July 1, 2005, subsection (1) and  
 380 paragraphs (b) and (c) of subsection (2) of section 944.115,  
 381 Florida Statutes, are amended to read:

382 944.115 Smoking prohibited inside state correctional  
 383 facilities.--

384 (1) The purpose of this section is to protect the health,  
 385 comfort, and environment of employees of the Department of  
 386 Corrections, employees of privately operated correctional  
 387 facilities, ~~employees of the Correctional Privatization~~  
 388 ~~Commission~~, and inmates by prohibiting inmates from using  
 389 tobacco products inside any office or building within state  
 390 correctional facilities, and by ensuring that employees and  
 391 visitors do not use tobacco products inside any office or  
 392 building within state correctional facilities. Scientific  
 393 evidence links the use of tobacco products with numerous  
 394 significant health risks. The use of tobacco products by  
 395 inmates, employees, or visitors is contrary to efforts by the  
 396 Department of Corrections to reduce the cost of inmate health  
 397 care and to limit unnecessary litigation. The Department of  
 398 Corrections and the private vendors operating correctional  
 399 facilities shall make smoking-cessation assistance available to  
 400 inmates in order to implement this section. The Department of  
 401 Corrections and the private vendors operating correctional  
 402 facilities shall implement this section as soon as possible, and

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403 all provisions of this section must be fully implemented by  
 404 January 1, 2000.

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

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

412 (c) "State correctional facility" means a state or  
 413 privately operated correctional institution as defined in s.  
 414 944.02, or a correctional institution or facility operated under  
 415 s. 944.105 ~~or chapter 957~~.

416 Section 18. Effective July 1, 2005, paragraph (b) of  
 417 subsection (3) of section 944.17, Florida Statutes, is amended  
 418 to read:

419 944.17 Commitments and classification; transfers.--

420 (3)

421 (b) Notwithstanding paragraph (a), any prisoner  
 422 incarcerated in the state correctional system ~~or private~~  
 423 ~~correctional facility operated pursuant to chapter 957~~ who is  
 424 convicted in circuit or county court of a crime committed during  
 425 that incarceration shall serve the sentence imposed for that  
 426 crime within the state correctional system regardless of the  
 427 length of sentence or classification of the offense.

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

430 944.516 Money or other property received for personal use  
 431 or benefit of inmate; deposit; disposition of unclaimed trust

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432 funds.--The Department of Corrections shall protect the  
 433 financial interest of the state with respect to claims which the  
 434 state may have against inmates in state institutions under its  
 435 supervision and control and shall administer money and other  
 436 property received for the personal benefit of such inmates. In  
 437 carrying out the provisions of this section, the department may  
 438 delegate any of its enumerated powers and duties affecting  
 439 inmates of an institution to the warden or regional director who  
 440 shall personally, or through designated employees of his or her  
 441 personal staff under his or her direct supervision, exercise  
 442 such powers or perform such duties.

443 (1) The Department of Corrections may:

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

451 Section 20. Effective July 1, 2005, subsection (1) of  
 452 section 944.7031, Florida Statutes, is amended to read:

453 944.7031 Eligible inmates released from private  
 454 correctional facilities.--

455 (1) It is the intent of the Legislature that state inmates  
 456 nearing release from a private correctional facility ~~managed~~  
 457 ~~under chapter 957~~ are eligible for assistance under ss. 944.701-  
 458 944.708, and all laws that provide for or mandate transition  
 459 assistance services to inmates nearing release also apply to  
 460 inmates who reside in private correctional facilities.



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461 Section 21. Effective July 1, 2005, subsection (3) is  
 462 added to section 944.717, Florida Statutes, to read:

463 944.717 Conflicts of interest.--

464 (3) A bidder or potential bidder may not have any contact  
 465 with any member or employee of or consultant to the department  
 466 regarding a request for proposal, a proposal, or the evaluation  
 467 or selection process from the time a request for proposals for a  
 468 private correctional facility is issued until the time a  
 469 notification of intent to award is announced, except if such  
 470 contact is in writing or in a meeting for which notice was  
 471 provided in the Florida Administrative Weekly.

472 Section 22. Effective July 1, 2005, subsection (1) of  
 473 section 944.72, Florida Statutes, is amended to read:

474 944.72 Privately Operated Institutions Inmate Welfare  
 475 Trust Fund.--

476 (1) There is hereby created in the Department of  
 477 Corrections the Privately Operated Institutions Inmate Welfare  
 478 Trust Fund. The purpose of the trust fund shall be the benefit  
 479 and welfare of inmates incarcerated in private correctional  
 480 facilities under contract with the department pursuant to  
 481 chapter 944 ~~or the Correctional Privatization Commission~~  
 482 ~~pursuant to chapter 957~~. Moneys shall be deposited in the trust  
 483 fund and expenditures made from the trust fund as provided in s.  
 484 945.215.

485 Section 23. Effective July 1, 2005, section 944.8041,  
 486 Florida Statutes, is amended to read:

487 944.8041 Elderly offenders; annual review.--For the  
 488 purpose of providing information to the Legislature on elderly  
 489 offenders within the correctional system, the Florida

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490 Corrections Commission ~~and the Correctional Medical Authority~~  
 491 shall ~~each~~ submit annually a report on the status and treatment  
 492 of elderly offenders in the state-administered and private state  
 493 correctional systems, as well as such information on the River  
 494 Junction Correctional Institution. In order to adequately  
 495 prepare the reports, the Department of Corrections ~~and the~~  
 496 ~~Correctional Privatization Commission~~ shall grant access to the  
 497 Florida Corrections Commission ~~and the Correctional Medical~~  
 498 ~~Authority~~ which includes access to the facilities, offenders,  
 499 and any information the agencies require to complete their  
 500 reports. The review shall also include an examination of  
 501 promising geriatric policies, practices, and programs currently  
 502 implemented in other correctional systems within the United  
 503 States. The reports, with specific findings and recommendations  
 504 for implementation, shall be submitted to the President of the  
 505 Senate and the Speaker of the House of Representatives on or  
 506 before December 31 of each year.

507 Section 24. Effective July 1, 2005, paragraphs (a) and (c)  
 508 of subsection (2) of section 945.215, Florida Statutes, are  
 509 amended to read:

510 945.215 Inmate welfare and employee benefit trust funds.--

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

513 (a) For purposes of this subsection, privately operated  
 514 institutions or private correctional facilities are those  
 515 correctional facilities under contract with the department  
 516 pursuant to chapter 944 ~~or the Correctional Privatization~~  
 517 ~~Commission pursuant to chapter 957.~~

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518           (c) The department ~~Correctional Privatization Commission~~  
 519 shall annually compile a report that documents Privately  
 520 Operated Institutions Inmate Welfare Trust Fund receipts and  
 521 expenditures at each private correctional facility. This report  
 522 must specifically identify receipt sources and expenditures. The  
 523 department ~~Correctional Privatization Commission~~ shall compile  
 524 this report for the prior fiscal year and shall submit the  
 525 report by September 1 of each year to the chairs of the  
 526 appropriate substantive and fiscal committees of the Senate and  
 527 House of Representatives and to the Executive Office of the  
 528 Governor.

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

531           945.35 Requirement for education on human immunodeficiency  
 532 virus, acquired immune deficiency syndrome, and other  
 533 communicable diseases.--

534           (3) When there is evidence that an inmate, while in the  
 535 custody of the department, has engaged in behavior which places  
 536 the inmate at a high risk of transmitting or contracting a human  
 537 immunodeficiency disorder or other communicable disease, the  
 538 department may begin a testing program which is consistent with  
 539 guidelines of the Centers for Disease Control and Prevention ~~and~~  
 540 ~~recommendations of the Correctional Medical Authority~~. For  
 541 purposes of this subsection, "high-risk behavior" includes:

- 542           (a) Sexual contact with any person.
- 543           (b) An altercation involving exposure to body fluids.
- 544           (c) The use of intravenous drugs.
- 545           (d) Tattooing.

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546 (e) Any other activity medically known to transmit the  
547 virus.

548 (9) The department shall establish policies consistent  
549 with guidelines of the Centers for Disease Control and  
550 Prevention ~~and recommendations of the Correctional Medical~~  
551 ~~Authority~~ on the housing, physical contact, dining, recreation,  
552 and exercise hours or locations for inmates with  
553 immunodeficiency disorders as are medically indicated and  
554 consistent with the proper operation of its facilities.

555 Section 26. Section 945.6034, Florida Statutes, is amended  
556 to read:

557 945.6034 Minimum health care standards.--

558 (1) The Assistant Secretary for Health Services is  
559 responsible for developing a comprehensive health care delivery  
560 system and promulgating all department health care standards.  
561 Such health care standards shall include, but are not limited  
562 to, rules relating to the management structure of the health  
563 care system and the provision of health care services to  
564 inmates, health care policies, health care plans, quality  
565 management systems and procedures, health service bulletins, and  
566 treatment protocols.

567 ~~(2) The department shall submit all health care standards~~  
568 ~~to the authority for review prior to adoption. The authority~~  
569 ~~shall review all department health care standards to determine~~  
570 ~~whether they conform to the standard of care generally accepted~~  
571 ~~in the professional health community at large.~~

572 ~~(3) The department shall comply with all adopted~~  
573 ~~department health care standards. Failure of the department to~~  
574 ~~comply with the standards may result in a dispute resolution~~

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575 ~~proceeding brought by the authority pursuant to s. 945.6035, but~~  
 576 ~~shall not create a cause of action for any third parties,~~  
 577 ~~including inmates or former inmates.~~

578 Section 27. Effective July 1, 2005, section 946.5025,  
 579 Florida Statutes, is amended to read:

580 946.5025 Authorization of corporation to enter into  
 581 contracts.--The corporation established under this part may  
 582 enter into contracts to operate correctional work programs with  
 583 any county or municipal authority that operates a correctional  
 584 facility or with a contractor authorized under chapter 944 ~~or~~  
 585 ~~chapter 957~~ to operate a private correctional facility. The  
 586 corporation has the same powers, privileges, and immunities in  
 587 carrying out such contracts as it has under this chapter.

588 Section 28. Effective July 1, 2005, subsection (6) of  
 589 section 946.503, Florida Statutes, is amended to read:

590 946.503 Definitions to be used with respect to  
 591 correctional work programs.--As used in this part, the term:

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

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

596 951.27 Blood tests of inmates.--

597 (1) Each county and each municipal detention facility  
 598 shall have a written procedure developed, in consultation with  
 599 the facility medical provider, establishing conditions under  
 600 which an inmate will be tested for infectious disease, including  
 601 human immunodeficiency virus pursuant to s. 775.0877, which  
 602 procedure is consistent with guidelines of the Centers for  
 603 Disease Control and Prevention ~~and recommendations of the~~

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604 ~~Correctional Medical Authority~~. It is not unlawful for the  
605 person receiving the test results to divulge the test results to  
606 the sheriff or chief correctional officer.

607 Section 30. Except as otherwise provided herein, this act  
608 shall take effect July 1, 2004.