

By Senator Argenziano

3-1557-04

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; amending s. 944.091, F.S.;
4 authorizing the department to contract with the
5 Federal Government to house prisoners convicted
6 in federal courts in this state; specifying
7 conditions to be included in, and to be
8 excluded from, such contracts; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 944.091, Florida Statutes, is
14 amended to read:

15 944.091 United States prisoners, board authorized.--

16 (1) The department is authorized upon request to board
17 prisoners of the United States committed to their custody by
18 any agency of the United States if such prisoners have less
19 than 6 months remaining of their federal sentence, and if such
20 prisoners have family relationships or job opportunities in
21 this state, on a space-available basis only. Daily
22 compensation for the board of such prisoners shall be paid at
23 a rate to be mutually agreed upon by the department and the
24 appropriate United States agency. Such compensation is to
25 recover the total maintenance cost of such prisoners which
26 shall be not less than the average cost per inmate per day for
27 all inmates confined by the department.

28 (2) The department, when proper and adequate
29 facilities and personnel are available, may contract with
30 proper officials of the United States to provide custody,
31 care, subsistence, education, treatment, and training for

1 persons convicted of criminal offenses in the federal courts
2 in this state.

3 (a) Any such contract must provide:

4 1. For reimbursing this state in full for all costs or
5 expenses involved;

6 2. For the United States to receive, in exchange,
7 persons convicted of criminal offenses in the courts of this
8 state to serve their sentences in appropriate institutions or
9 facilities of the United States, according to formulas or
10 conditions that are negotiated in the contract; or

11 3. For the United States to compensate this state by
12 means of a combination of monetary payment and of receipt of
13 persons convicted of criminal offenses in the courts of this
14 state, according to formulas or conditions that are negotiated
15 in the contract.

16 (b) Such a contract may not provide for this state to
17 receive more United States prisoners than are transferred to
18 United States custody under the contract.

19 (3) Unless otherwise specifically provided in the
20 contract, a person committed to this state under this section
21 is subject to all the provisions of law and rule applicable to
22 persons committed for violations of laws of this state not
23 inconsistent with the sentence imposed.

24 Section 2. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Authorizes the Department of Corrections to contract with the Federal Government to accept custody of persons convicted in federal court in this state. Such contract may provide for direct compensation, for an exchange of state prisoners for federal prisoners, or for a combination, but, with respect to an exchange, the state may not be required to accept more prisoners than does the United States Government in return. A person accepted into state custody is subject to state law and rule unless the contract provides otherwise.