

1                   A bill to be entitled  
2           An act relating to corrections; amending s. 944.704, F.S.;  
3           providing for specified positions for inmate transition  
4           assistance to be created at state correctional facilities;  
5           providing duties; providing that certain positions should  
6           not be filled by correctional officers or correctional  
7           probation officers; requiring organization and funding of  
8           reentry coalition coordinators; amending s. 944.705, F.S.;  
9           requiring the Department of Corrections to include  
10          specified behavioral programming within release  
11          orientation programs; amending s. 944.707, F.S.; providing  
12          that funding for technology enhancements should be sought  
13          for specified purposes; requiring the Agency for Workforce  
14          Innovation to designate specialists to provide services to  
15          ex-offenders; amending s. 946.502, F.S.; revising  
16          legislative intent concerning management of correctional  
17          work programs; creating s. 946.5023, F.S.; exempting the  
18          Department of Corrections from specified contracting  
19          requirements when it enters into contracts or leases with  
20          private businesses for operation of correctional work  
21          programs; amending s. 946.5025, F.S.; revising terminology  
22          to conform to changes made by the act; deleting a  
23          provision relating to powers of the former corrections  
24          corporation; amending s. 946.5026, F.S.; revising  
25          terminology to conform to changes made by the act;  
26          amending s. 946.503, F.S.; creating and revising  
27          definitions; repealing s. 946.504, F.S., relating to  
28          organization of a corporation to operate correctional work

29 | programs and leasing of facilities; creating s. 946.5045,  
30 | F.S.; providing for the Department of Corrections to  
31 | contract with correctional industries to operate  
32 | correctional work programs; providing for leases;  
33 | providing for contracts; providing criteria for review of  
34 | contract proposals; requiring development of criteria for  
35 | termination of contracts; providing for lease obligations  
36 | under repealed provisions; amending s. 946.505, F.S.;  
37 | including correctional industries within provisions  
38 | relating to ownership of property relating to correctional  
39 | works programs when the operator of such program is  
40 | dissolved or a lease for a program expires or is  
41 | terminated; providing for transfer of specified existing  
42 | correctional work programs; repealing s. 946.506, F.S.,  
43 | relating to modification or termination of correctional  
44 | work programs; amending s. 946.509, F.S.; revising  
45 | provisions relating to insurance on property leased or  
46 | acquired by correctional industries; providing for  
47 | reversion to state ownership of certain property in  
48 | certain circumstances; amending s. 946.5095, F.S.;  
49 | revising requirements concerning the duty to eliminate  
50 | hazardous conditions; repealing s. 946.510, F.S., relating  
51 | to insurance by the Division of Risk Management; amending  
52 | s. 946.511, F.S.; revising the priority of assigning  
53 | inmates to include assignment to correctional work  
54 | programs; revising the definition of the term "revenue-  
55 | generating contracts"; providing for revenue-generating  
56 | contracts between the department and correctional

57 | industries; providing for specified deductions from sales;  
58 | providing for deposit and use of such funds; amending s.  
59 | 946.512, F.S.; providing for development of inmate  
60 | compensation plans by the advisory board, in consultation  
61 | with the department; amending s. 946.515, F.S.; conforming  
62 | terminology to changes made by the act; deleting a  
63 | requirement that certain contracts contain specified  
64 | language; amending ss. 946.516 and 946.517, F.S.;  
65 | conforming terminology to changes made by the act;  
66 | amending s. 946.518, F.S.; revising certain exceptions to  
67 | limitations on the sale of goods by prisoners; amending s.  
68 | 946.520, F.S.; conforming terminology to changes made by  
69 | the act; amending s. 946.522, F.S.; providing for  
70 | disposition of specified funds deposited in the Prison  
71 | Industries Trust Fund; creating s. 946.5225, F.S.;  
72 | creating an advisory board of directors to coordinate an  
73 | overall correctional work program, certify individual  
74 | programs proposed for Federal Prison Industry Enhancement  
75 | compliance, and perform other required duties; amending s.  
76 | 946.523, F.S.; conforming terminology to changes made by  
77 | the act; adding victim restitution as a goal of prison  
78 | industry enhancement programs; providing for wages rates  
79 | for programs established as prison industry enhancement  
80 | (PIE) programs; providing for wage deductions; requiring  
81 | inmate participation in the prison industry enhancement  
82 | (PIE) program to be voluntary; repealing s. 946.524, F.S.,  
83 | relating to work camps; creating s. 946.526, F.S.;  
84 | requiring periodic review of correctional work programs;

85 requiring reports; amending s. 212.08, F.S.; conforming  
 86 provisions to changes made by the act; deleting obsolete  
 87 language; amending ss. 255.25001 and 985.682, F.S.;  
 88 conforming provisions to changes made by the act;  
 89 providing an effective date.

90

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

92

93 Section 1. Section 944.704, Florida Statutes, is amended  
 94 to read:

95 944.704 Staff who provide transition assistance; duties.--

96 (1) The following positions should be established and  
 97 funded on a recurring basis at state correctional facilities  
 98 ~~department shall provide a transition assistance specialist at~~  
 99 ~~each of the major institutions whose duties include, but are not~~  
 100 ~~limited to:~~

101 (a) (1) Transition assistant specialists, whose duties  
 102 include, but are not limited to: Coordinating delivery of  
 103 ~~transition assistance program services at the institution and at~~  
 104 ~~the community correctional centers authorized pursuant to s.~~  
 105 ~~945.091(1)(b).~~

106 1. Administering in-depth needs assessments for returning  
 107 offenders.

108 2. (2) Assisting in the development of each inmate's  
 109 postrelease plan.

110 3. (3) Obtaining job placement information.

111 4. (4) Providing a written medical discharge plan and  
 112 referral to a county health department.

HB 1213

2008

113        5.~~(5)~~ For an inmate who is known to be HIV positive,  
114 providing a 30-day supply of all HIV/AIDS-related medication  
115 that the inmate is taking prior to release, if required under  
116 protocols of the department ~~of Corrections~~ and treatment  
117 guidelines of the United States Department of Health and Human  
118 Services.

119        6.~~(6)~~ Facilitating placement in a private transition  
120 housing program, if requested by any eligible inmate. If an  
121 inmate who is nearing his or her date of release requests  
122 placement in a contracted substance abuse transition housing  
123 program, the transition assistance specialist shall inform the  
124 inmate of program availability and assess the inmate's need and  
125 suitability for transition housing assistance. If an inmate is  
126 approved for placement, the specialist shall assist the inmate  
127 and coordinate the release of the inmate with the selected  
128 program. If an inmate requests and is approved for placement in  
129 a contracted faith-based substance abuse transition housing  
130 program, the specialist must consult with the chaplain prior to  
131 such placement. In selecting inmates who are nearing their date  
132 of release for placement in a faith-based program, the  
133 department shall ensure that an inmate's faith orientation, or  
134 lack thereof, will not be considered in determining admission to  
135 the program and that the program does not attempt to convert an  
136 inmate toward a particular faith or religious preference.

137        7.~~(7)~~ Providing a photo identification card to all inmates  
138 prior to their release.

139        (b) 100-hour transition instructors, whose duties include,  
 140 but are not limited to, implementing the 100-hour transition  
 141 training program.

142        (c) Regional coordinators, whose duties include, but are  
 143 not limited to, ensuring effective program delivery of the 100-  
 144 hour transition training program throughout the state.

145        (2) The transition assistance specialists, 100-hour  
 146 transition instructors, and regional coordinators ~~specialist~~ may  
 147 not be a correctional officers ~~officer~~ or correctional probation  
 148 officers ~~officer~~ as defined in s. 943.10.

149        (3) The department shall organize and fund reentry  
 150 coalition coordinators in each of the judicial circuits in the  
 151 state. Funding should be provided to the department to contract  
 152 by judicial circuit with community organizations to offer  
 153 temporary housing to those offenders without immediate housing  
 154 options upon release. Restrictions on eligible participants  
 155 should only apply to individuals who are prohibited by law from  
 156 securing such housing assistance.

157        Section 2. Subsection (7) is added to section 944.705,  
 158 Florida Statutes, to read:

159        944.705 Release orientation program.--

160        (7) The department shall provide comprehensive programming  
 161 that addresses an offender's criminal thinking as determined by  
 162 the offender's level or risk. Transition programming shall  
 163 incorporate a cognitive behavioral approach, span 18 to 24  
 164 months from release, and involve 4 to 6 months of curriculum.

165        Section 3. Subsections (3) and (4) are added to section  
 166 944.707, Florida Statutes, to read:

167 944.707 Postrelease special services; job placement  
 168 services.--

169 (3) Funding for technology enhancements should be sought  
 170 to establish computer labs at each correctional institution. The  
 171 technology will be used for various applications such as  
 172 community service linkages, programming, job interviews, meeting  
 173 with probation officers, visitation to aid in family  
 174 reunification, telemedicine, parole hearings, and legal  
 175 proceedings.

176 (4) The Agency for Workforce Innovation shall designate  
 177 specialists dedicated solely to providing services to ex-  
 178 offenders.

179 Section 4. Section 946.502, Florida Statutes, is amended  
 180 to read:

181 946.502 Legislative intent with respect to operation of  
 182 correctional work programs.--

183 (1) It is the intent of the Legislature that the  
 184 Department of Corrections may contract a nonprofit corporation  
 185 lease and manage the correctional work programs of the  
 186 department to correctional industries of Corrections. These  
 187 correctional industries may manage the operation of correctional  
 188 work programs. It is the intent of the Legislature that these  
 189 correctional industries shall be retained as managers of  
 190 correctional work programs through an open and competitive  
 191 process.

192 (2) It is further the intent of the Legislature that an  
 193 independent advisory board, as created in this part, shall  
 194 oversee the operation of correctional work programs of the

195 ~~department, once one such nonprofit corporation is organized, no~~  
 196 ~~other nonprofit corporation be organized for the purpose of~~  
 197 ~~carrying out this part. In carrying out this part, the~~  
 198 ~~corporation is not an "agency" within the meaning of s.~~  
 199 ~~20.03(11).~~

200 ~~(3) It is further the intent of the Legislature that the~~  
 201 ~~corporation shall lease all correctional work programs from the~~  
 202 ~~department.~~

203 (3)~~(4)~~ It is further the intent of the Legislature that  
 204 the state shall have a continuing interest in ensuring ~~assuring~~  
 205 continuity and stability in the operation of correctional work  
 206 programs and that this part be construed in furtherance of such  
 207 goals.

208 (4)~~(5)~~ It is further the intent of the Legislature that,  
 209 although the state has a continuing interest in correctional  
 210 work programs, such programs can best operate independently of  
 211 state government.

212 (5)~~(6)~~ It is further the intent of the Legislature that  
 213 the advisory board shall oversee the operation of ~~corporation~~  
 214 ~~will devise and operate~~ correctional work programs to use  
 215 ~~utilize~~ inmates of all custody levels, with specific emphasis on  
 216 reducing idleness among close custody inmates.

217 Section 5. Section 946.5023, Florida Statutes, is created  
 218 to read:

219 946.5023 Exemption from chapter 287.--The department is  
 220 exempt from the requirements of chapter 287 when it enters into  
 221 contracts or leases with private businesses for operation of  
 222 correctional work programs.



HB 1213

2008

223 Section 6. Section 946.5025, Florida Statutes, is amended  
 224 to read:

225 946.5025 Authorization of the department ~~corporation~~ to  
 226 enter into contracts.--The advisory board ~~corporation~~  
 227 established under this part may authorize the department to  
 228 enter into contracts to operate correctional work programs with  
 229 any county or municipal authority that operates a correctional  
 230 facility or with a contractor authorized under chapter 944 or  
 231 chapter 957 to operate a private correctional facility. ~~The~~  
 232 ~~corporation has the same powers, privileges, and immunities in~~  
 233 ~~carrying out such contracts as it has under this chapter.~~

234 Section 7. Section 946.5026, Florida Statutes, is amended  
 235 to read:

236 946.5026 Sovereign immunity in tort actions.--The  
 237 provisions of s. 768.28 shall be applicable to the advisory  
 238 board ~~corporation~~ established under this part, which is deemed  
 239 to be ~~a corporation~~ primarily acting as an instrumentality of  
 240 the state.

241 Section 8. Section 946.503, Florida Statutes, is amended  
 242 to read:

243 946.503 Definitions to be used with respect to  
 244 correctional work programs.--As used in this part, the term:

245 (1) "Advisory board" means the board created in s.  
 246 946.5225 that oversees correctional work program operations and  
 247 authorizes the department to enter into contracts or leases for  
 248 correctional work programs.

249 (2) ~~(1)~~ "Corporation" means the private nonprofit  
 250 corporation established pursuant to former s. 946.504(1), ~~or a~~

251 ~~private nonprofit corporation whose sole member is the private~~  
 252 ~~nonprofit corporation established pursuant to s. 946.504(1), and~~  
 253 ~~at least 51 percent of the board of which contains members of~~  
 254 ~~the board of directors of the private nonprofit corporation~~  
 255 ~~established pursuant to s. 946.504(1), to carry out this part.~~

256 (3) "Correctional industries" means any private or public  
 257 entity authorized by the advisory board and contracted through  
 258 the department to operate a correctional work program.

259 (4)~~(2)~~ "Correctional work program" means any program that  
 260 is presently a part of the prison industries program operated by  
 261 ~~the department or any other correctional work program carried on~~  
 262 at any state correctional facility presently or in the future,  
 263 but the term does not include any program authorized by s.  
 264 945.091 or s. 946.40.

265 (5)~~(3)~~ "Department" means the Department of Corrections.

266 (6)~~(4)~~ "Facilities" means the buildings and land used in  
 267 the operation of an industry program on state property.

268 (7)~~(5)~~ "Inmate" means any person incarcerated within any  
 269 state, county, municipal, or private correctional facility.

270 (8)~~(6)~~ "Private correctional facility" means a facility  
 271 authorized by chapter 944 or chapter 957.

272 Section 9. Section 946.504, Florida Statutes, is repealed.

273 Section 10. Section 946.5045, Florida Statutes, is created  
 274 to read:

275 946.5045 Contracting to correctional industries.--

276 (1) The department may lease buildings and land to  
 277 correctional industries that are authorized by the advisory  
 278 board to operate correctional work programs.

279       (2) No sublease for land from any other agency of state  
280 government shall be in excess of that amount for which the  
281 department is obligated to pay under any lease agreement with  
282 any other agency of state government.

283       (a) Prior to entering into any lease or other separate  
284 contract or agreement between the department and any  
285 correctional industry for the operation of a correctional work  
286 program, the department shall determine that:

287           1. The members of the advisory board authorized the  
288 correctional work program.

289           2. The bylaws of the advisory board have been approved by  
290 the Governor.

291           3. The bylaws of the advisory board contain a provision  
292 that prohibits any board member from voting on any matter that  
293 comes before the advisory board that would result in a direct  
294 monetary gain to any board member or any entity in which any  
295 board member has an interest.

296       (b) All leases of land shall be subject to the approval of  
297 the Board of Trustees of the Internal Improvement Trust Fund.

298       (3) Upon the formation of the advisory board created in  
299 this part and subsequent to the approval of the bylaws by the  
300 Governor, the advisory board shall authorize the department to  
301 enter into contracts with correctional industries.

302           (a) There shall be a separate contract established for  
303 each correctional work program in existence on July 1, 2008.

304           (b) This section shall be implemented no later than July  
305 1, 2009.

306       (4) The advisory board shall establish procedures for  
307 contract review pursuant to the bylaws established in s.  
308 946.5225 in the following manner:

309       (a) Each contract shall be established for a period of 5  
310 years. The advisory board shall have the option to renew each  
311 contract for up to 3 years.

312       (b) After the initial 5-year period or after completion of  
313 the renewal period, each contract shall be competitively rebid  
314 according to the bylaws.

315       (c) The advisory board shall establish criteria for the  
316 review of proposals. Such criteria shall include, but are not  
317 limited to:

318           1. Projected impact of the proposal on recidivism rates.

319           2. Projected impact of the proposal on disciplinary  
320 reports.

321           3. Number of program slots.

322           4. The proposal's inclusion of job placement and  
323 transition assistance.

324           5. The proposal's inclusion of vocational training  
325 components.

326           6. The proposal's inclusion of educational training  
327 components.

328           7. The proposal's inclusion of training components for  
329 professional certification or licensure.

330           8. Projected impact of the proposal on the payment of  
331 restitution to victims.

332           9. Financial viability of the proposer and the proposal.

333           10. Competition with the private sector.

334 11. Marketing plan for the correctional work program.

335 (d) The advisory board shall establish criteria for the  
 336 termination of contracts.

337 (e) The content review and decisionmaking is entirely the  
 338 responsibility of the advisory board, except that the advisory  
 339 board may contract with a private vendor to provide consultation  
 340 services regarding proposals that are submitted.

341 Section 11. The Board of Trustees of the Internal  
 342 Improvement Trust Fund may fulfill the obligation of any leases  
 343 that were entered into under s. 946.504, Florida Statutes, prior  
 344 to its repeal by this act. Any additional improvements to such  
 345 property leased previously from the Board of Trustees of the  
 346 Internal Improvement Trust Fund under s. 946.504, Florida  
 347 Statutes, must have the prior approval of the Board of Trustees  
 348 of the Internal Improvement Trust Fund.

349 Section 12. Section 946.505, Florida Statutes, is amended  
 350 to read:

351 946.505 Ownership of enhancements ~~Reversion upon~~  
 352 ~~dissolution of corporation or termination of lease.--~~

353 (1) In the event the corporation or any correctional  
 354 industry authorized by this part is dissolved or its lease of  
 355 any correctional work program expires or is otherwise  
 356 terminated, all property relating to such correctional work  
 357 program which ceases to function because of such termination or  
 358 dissolution, including all buildings, land, furnishings,  
 359 equipment, and other chattels originally leased from the  
 360 department, as well as any subsequently constructed or otherwise  
 361 acquired facilities in connection with its continued operation

362 of that program, automatically reverts to full ownership by the  
 363 department unless the corporation or any correctional industry  
 364 authorized by this part intends to use ~~utilize~~ such property in  
 365 another correctional work program. Such a reversionary ownership  
 366 interest of the state in any and all such after-acquired  
 367 facilities by the corporation is in furtherance of the goals  
 368 established in s. 946.502(3)~~(4)~~, and such a present ownership  
 369 interest by the state is a continuing and insurable state  
 370 interest.

371 (2) Notwithstanding any provision of subsection (1), the  
 372 ownership of any permanent enhancements made to facilities or  
 373 work programs is vested in the department.

374 Section 13. Transition of correctional work programs.--

375 (1) Effective July 1, 2009, and subsequent to the  
 376 contracts established between the corporation established  
 377 pursuant to s. 946.504(1), Florida Statutes, and the Department  
 378 of Corrections for operating correctional work programs in  
 379 existence on July 1, 2008, the corporation's leases are  
 380 terminated with regard to the following leases of correctional  
 381 work programs: 2673, 2675, 2670, 2920, 2573, 3532, 3287, 3129,  
 382 3905, 2676, 5331, 3236, 2668, 3014, 2673, 3513, 4284, and 4264.  
 383 In the event the corporation does not wish to enter into a  
 384 contract for a correctional work program in existence on July 1,  
 385 2008, the correctional work program is dissolved and all  
 386 property relating to such correctional work program which ceases  
 387 to function because of such termination, including all  
 388 buildings, land, furnishings, equipment, and other chattels  
 389 originally leased from the department, as well as any

390 subsequently constructed or otherwise acquired facilities in  
 391 connection with its continued operation of that program,  
 392 automatically reverts to full ownership by the department.

393 (2) Notwithstanding any provision of subsection (1), the  
 394 ownership of any permanent enhancements made to facilities or  
 395 work programs is vested in the Department of Corrections as  
 396 provided in s. 946.505, Florida Statutes, as amended by this  
 397 act.

398 (3) This section shall expire upon completion of all  
 399 actions required to implement subsection (1).

400 Section 14. Section 946.506, Florida Statutes, is  
 401 repealed.

402 Section 15. Section 946.509, Florida Statutes, is amended  
 403 to read:

404 946.509 Insurance of property leased or acquired by the  
 405 correctional industries corporation.--

406 ~~(1)~~ A correctional industry that contracts to operate a  
 407 correctional work program ~~The State Risk Management Trust Fund~~  
 408 ~~created under s. 284.30~~ shall insure all property eligible for  
 409 coverage under part I of chapter 284 which is leased by the  
 410 department to such entity ~~the corporation~~ or which is  
 411 subsequently acquired and owned or leased by such entity or the  
 412 corporation and subject to the reversionary ownership interest  
 413 of the state established in s. 946.505. The correctional  
 414 industry shall insure those properties for the full value of the  
 415 property against loss from fire, lightning, sinkholes, and  
 416 hazards customarily insured by extended coverage and loss from  
 417 the removal of person property from such properties when

418 endangered by covered perils. Flood insurance shall be provided  
 419 for those properties to the extent necessary to meet self-  
 420 insurance requirements of the National Flood Insurance Program,  
 421 as prescribed in the rules and regulations of the Federal  
 422 Emergency Management Agency. The advisory board may also require  
 423 reasonable liability insurance, and such other insurance as may  
 424 be appropriate concerning a correctional industries'  
 425 solicitation under s. 946.5045.

426 ~~(2) Coverage under the State Risk Management Trust Fund of~~  
 427 ~~property leased to or otherwise acquired by the corporation~~  
 428 ~~shall be secured and maintained through the existing policy and~~  
 429 ~~account of the Department of Corrections with the Division of~~  
 430 ~~Risk Management of the Department of Financial Services. All~~  
 431 ~~matters, including premium calculations, assessments and~~  
 432 ~~payments, retrospective premium adjustments, reporting~~  
 433 ~~requirements, and other requirements, concerning coverage of~~  
 434 ~~such property under the State Risk Management Trust Fund shall~~  
 435 ~~be conducted as if all such property were owned solely by the~~  
 436 ~~department. Except as required by chapter 284, if the~~  
 437 ~~corporation finds that it is more economical to do so, the~~  
 438 ~~corporation may secure private insurance coverage on all or a~~  
 439 ~~portion of the activities of or properties used by the~~  
 440 ~~corporation. If coverage through the State Risk Management Trust~~  
 441 ~~Fund is not secured, the corporation must present documentation~~  
 442 ~~of insurance coverage to the Division of Risk Management equal~~  
 443 ~~to the coverage that could otherwise be provided by the State~~  
 444 ~~Risk Management Trust Fund.~~



445 Section 16. Section 946.5095, Florida Statutes, is amended  
 446 to read:

447 946.5095 Elimination of hazardous conditions.--Whenever  
 448 there exists on any property leased by the corporation pursuant  
 449 to this part a condition that Pursuant to the applicable  
 450 ~~provisions of part I of chapter 284, whenever state-insured~~  
 451 ~~property leased to or otherwise held by the corporation is~~  
 452 ~~inspected by the Division of Risk Management of the Department~~  
 453 ~~of Financial Services and any condition is found to exist which,~~  
 454 ~~in the opinion of the division,~~ is hazardous from the standpoint  
 455 of destruction by fire or other insurable causes, the  
 456 corporation shall either promptly repair the property to  
 457 eliminate any observed hazard or otherwise promptly remove the  
 458 hazardous condition at its own expense.

459 Section 17. Section 946.510, Florida Statutes, is  
 460 repealed.

461 Section 18. Section 946.511, Florida Statutes, is amended  
 462 to read:

463 946.511 Inmate labor to operate correctional work  
 464 programs.--

465 (1) Inmates shall be evaluated and identified during the  
 466 reception process to determine basic literacy, employment  
 467 skills, academic skills, vocational skills, and remedial and  
 468 rehabilitative needs. The evaluation shall prescribe education,  
 469 work, and work-training for each inmate. Assignment to programs  
 470 shall be based on the evaluation and the length of time the  
 471 inmate will be in the custody of the department. Assignment to  
 472 programs shall be reviewed every 6 months to ensure proper

473 placement based on bed space availability. Assignment of inmates  
 474 shall be governed by the following objectives and priorities:

475 (a) Inmates shall be assigned to meet the needs of the  
 476 work requirements of the Department of Corrections, including  
 477 essential operational functions and revenue-generating  
 478 contracts.

479 (b) Inmates shall be assigned to correctional education.

480 (c) Inmates shall be assigned to meet all other work  
 481 requirements of the department, including remaining operational  
 482 functions and nonrevenue-generating contracts.

483 (d) Inmates shall be assigned to the department's  
 484 correctional work programs.

485  
 486 As used in this subsection, the term "revenue-generating  
 487 contracts" includes contracts between the department and  
 488 federal, state, or local governmental entities or the  
 489 correctional industries operating correctional work programs  
 490 under this part ~~with the Department of Transportation, the~~  
 491 ~~corporation authorized to conduct the correctional work programs~~  
 492 ~~under this part, the corporation and private sector businesses~~  
 493 ~~operating programs authorized under s. 946.523, and federal,~~  
 494 ~~state, or local governmental entities or subdivisions authorized~~  
 495 ~~under s. 944.10(7).~~

496 (2) Revenue-generating contracts, under the authorization  
 497 of the advisory board, shall be established between the  
 498 department and correctional industries. The department shall  
 499 deduct three-quarters of a percent of the sales generated from  
 500 correctional work programs operated by the correctional

501 industries on a quarterly basis in accordance with the state  
 502 fiscal year. These deductions shall be deposited into the Prison  
 503 Industries Trust Fund established in s. 946.522. An amount equal  
 504 to these deductions may be withdrawn from the trust fund by the  
 505 advisory board for the purposes of paying for per diem and  
 506 travel of the advisory board, compensating consultants,  
 507 marketing, and thereafter for purposes of construction or  
 508 renovation of its facilities or for the expansion or  
 509 establishment of correctional work programs.

510 ~~(3)(2)~~ The advisory board ~~corporation~~ shall establish  
 511 policies and procedures relating to the use of inmates in its  
 512 correctional work program, which shall be submitted to the  
 513 department for approval. ~~Any policies and procedures in effect~~  
 514 ~~on the effective date of this act do not require approval.~~

515 Section 19. Section 946.512, Florida Statutes, is amended  
 516 to read:

517 946.512 Inmate compensation plan.--The advisory board, in  
 518 consultation with the department, ~~corporation~~ shall establish a  
 519 compensation plan that provides for a specific amount to be paid  
 520 to the department to be credited to an account for an inmate  
 521 performing labor and a portion to be used to make any court-  
 522 ordered payments, including restitution to the victim, and a  
 523 specific amount to be paid to the Prison Industries Trust Fund  
 524 to be used as provided in s. 946.522. Such funds, excluding  
 525 victim restitution payments, court-ordered payments, and the  
 526 amount credited to the account of the inmate, shall be deposited  
 527 in the Prison Industries Trust Fund to be used as provided in s.  
 528 946.522.

529 Section 20. Section 946.515, Florida Statutes, is amended  
 530 to read:

531 946.515 Use of goods and services produced in correctional  
 532 work programs.--

533 (1) Any service or item manufactured, processed, grown, or  
 534 produced ~~by the corporation~~ in a correctional work program may  
 535 be furnished or sold to any legislative, executive, or judicial  
 536 agency of the state, any political subdivision, any other state,  
 537 any foreign entity or agent thereof, or any agency of the  
 538 Federal Government, to any contract vendor for such agencies or  
 539 any subcontractor of the contract vendor, or to any person,  
 540 firm, or business entity if not prohibited by federal law.

541 (2) No similar product or service of comparable price and  
 542 quality found necessary for use by any state agency may be  
 543 purchased from any source other than a correctional work program  
 544 ~~the corporation~~ if the advisory board ~~corporation~~ certifies that  
 545 the product is manufactured by, or the service is provided by,  
 546 inmates and the product or service meets the comparable  
 547 performance specifications and comparable price and quality  
 548 requirements as specified under s. 287.042(1)(f) or as  
 549 determined by an individual agency as provided in this section.  
 550 The purchasing authority of any such state agency may make  
 551 reasonable determinations of need, price, and quality with  
 552 reference to products or services available from the  
 553 correctional work programs ~~corporation~~. In the event of a  
 554 dispute between a correctional work program ~~the corporation~~ and  
 555 any purchasing authority based upon price or quality under this  
 556 section or s. 287.042(1)(f), either party may request a hearing

557 with the Department of Management Services and if not resolved,  
 558 either party may request a proceeding pursuant to ss. 120.569  
 559 and 120.57, which shall be referred to the Division of  
 560 Administrative Hearings within 60 days after such request, to  
 561 resolve any dispute under this section. No party is entitled to  
 562 any appeal pursuant to s. 120.68.

563 (3) Agricultural commodities, including, but not limited  
 564 to, sugar cane, vegetables, beef, and dairy products, may be  
 565 sold to private entities or may be sold or disposed of as  
 566 provided in subsection ~~subsections~~ (1) and ~~(2)~~.

567 (4) The provisions of part I of chapter 287 do not apply  
 568 to any purchases of commodities or contractual services made by  
 569 any legislative, executive, or judicial agency of the state from  
 570 correctional work programs ~~the corporation~~.

571 (5) In addition, the department, pursuant to the approval  
 572 of the advisory board, ~~corporation~~ may contract to provide  
 573 inmate services or inmate goods to private enterprise, where  
 574 such services or goods are under the direct supervision of the  
 575 department ~~corporation~~ and, further, where it is determined by  
 576 the Governor that the department ~~corporation~~ by the provision of  
 577 such services or goods does not unreasonably seek to compete  
 578 with other businesses in this state.

579 ~~(6) If, pursuant to a contract between any legislative,~~  
 580 ~~executive, or judicial agency of the state and any private~~  
 581 ~~contract vendor, a product or service is required by the~~  
 582 ~~Department of Management Services or on behalf of any state~~  
 583 ~~agency, is certified by or is available from the corporation~~  
 584 ~~identified in this chapter, and has been approved in accordance~~

585 ~~with subsection (2), the contract must contain the following~~  
 586 ~~language.~~

587  
 588 ~~IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANY ARTICLES WHICH~~  
 589 ~~ARE THE SUBJECT OF, OR REQUIRED TO CARRY OUT, THIS CONTRACT~~  
 590 ~~SHALL BE PURCHASED FROM THE CORPORATION IDENTIFIED UNDER CHAPTER~~  
 591 ~~946, F.S., IN THE SAME MANNER AND UNDER THE SAME PROCEDURES SET~~  
 592 ~~FORTH IN SECTION 946.515(2), AND (4), F.S.; AND FOR PURPOSES OF~~  
 593 ~~THIS CONTRACT THE PERSON, FIRM, OR OTHER BUSINESS ENTITY~~  
 594 ~~CARRYING OUT THE PROVISIONS OF THIS CONTRACT SHALL BE DEEMED TO~~  
 595 ~~BE SUBSTITUTED FOR THIS AGENCY INSOFAR AS DEALINGS WITH SUCH~~  
 596 ~~CORPORATION ARE CONCERNED.~~

597 ~~(6)(7)~~ The provisions of s. 946.518 do not apply to this  
 598 section.

599 Section 21. Section 946.516, Florida Statutes, is amended  
 600 to read:

601 946.516 Advisory board ~~Corporation~~ status report and  
 602 annual financial audit report.--

603 (1) The advisory board ~~corporation~~ shall submit to the  
 604 Governor and the Legislature, on or before July 1 of each year,  
 605 a report on the status of the correctional work programs,  
 606 including, but not limited to, the proposed use of the profits  
 607 from such programs, a breakdown of the amount of noninmate labor  
 608 used, work subcontracted to other vendors, use of consultants,  
 609 finished goods purchased for resale, and the number of inmates  
 610 working in the correctional work programs at the time of such  
 611 report. In addition, the advisory board ~~corporation~~ shall submit  
 612 to the department, the Governor, the Legislature, and the

HB 1213

2008

613 Auditor General an annual financial audit report and such other  
614 information as may be requested by the Legislature, together  
615 with recommendations relating to provisions for reasonable tax  
616 incentives to private enterprises which employ inmates,  
617 parolees, or former inmates who have participated in  
618 correctional work programs.

619 (2) The department shall include, as a portion of its  
620 annual report, a report on postrelease job placement and the  
621 rate of subsequent contact with the correctional system for  
622 those inmates who have participated in the correctional work  
623 programs overseen by the advisory board and contracted through  
624 the department ~~operated by the corporation and by the~~  
625 ~~department.~~

626 (3) ~~The corporation shall have an annual financial audit~~  
627 ~~of its accounts and records by an independent certified public~~  
628 ~~accountant retained by it and paid from its funds.~~ The Auditor  
629 General or the director of the Office of Program Policy Analysis  
630 and Government Accountability may, pursuant to his or her own  
631 authority or at the direction of the Joint Legislative Auditing  
632 Committee, conduct an audit of the advisory board ~~corporation.~~

633 (4) The advisory board ~~corporation~~ shall be governed by  
634 the generally accepted accounting principles as established by  
635 the Financial Accounting Standards Board (FASB) in order to  
636 carry out the intent of s. 946.502(2) and (4) ~~(5)~~.

637 Section 22. Section 946.517, Florida Statutes, is amended  
638 to read:

639 946.517 Advisory board ~~Corporation~~ records.--Advisory  
640 board ~~Corporation~~ records are public records; however,

641 proprietary confidential business information shall be  
 642 confidential and exempt from the provisions of s. 119.07(1) and  
 643 s. 24(a), Art. I of the State Constitution. However, the  
 644 Legislature, the Chief Financial Officer, and the Governor,  
 645 pursuant to their oversight and auditing functions, shall have  
 646 access to all proprietary confidential business information upon  
 647 request to the advisory board and without subpoena and shall  
 648 retain the confidentiality of information so received.

649 "Proprietary confidential business information" means  
 650 information regardless of form or characteristics, that is owned  
 651 or controlled by the advisory board ~~corporation~~; is intended to  
 652 be and is treated by the advisory board ~~corporation~~ as private  
 653 and the disclosure of the information would cause harm to the  
 654 advisory board's ~~corporation's~~ business operations; has not been  
 655 disclosed unless disclosed pursuant to a statutory provision, an  
 656 order of a court or administrative body, a legislative  
 657 proceeding pursuant to s. 5, Art. III of the State Constitution,  
 658 or a private agreement that provides that the information may be  
 659 released to the public; and, which is information regarding:

- 660 (1) Internal auditing controls and reports of internal  
 661 auditors.
- 662 (2) Matters reasonably encompassed in privileged attorney-  
 663 client communications.
- 664 (3) Security measures, systems, or procedures.
- 665 (4) Information concerning bids, proposals, or other  
 666 contractual data, banking records, and credit agreements, the  
 667 disclosure of which would impair the efforts of the advisory



HB 1213

2008

668 board ~~corporation~~ to contract for goods or services on favorable  
669 terms.

670 (5) Information relating to private contractual data, the  
671 disclosure of which would impair the competitive interest of the  
672 provider of the information.

673 (6) Corporate officer, employee personnel, or inmate  
674 worker information unrelated to compensation, duties,  
675 qualifications, or responsibilities.

676 Section 23. Section 946.518, Florida Statutes, is amended  
677 to read:

678 946.518 Sale of goods made by prisoners; when prohibited,  
679 when permitted.--Goods, wares, or merchandise manufactured or  
680 mined in whole or in part by prisoners (except prisoners on  
681 parole or probation) may not be sold or offered for sale in this  
682 state by any person or by any federal authority or state or  
683 political subdivision thereof; however, this section does not  
684 forbid the sale, exchange, or disposition of such goods within  
685 the limitations set forth in ~~s. 946.515, s. 946.523, or s.~~  
686 ~~946.524.~~

687 Section 24. Section 946.520, Florida Statutes, is amended  
688 to read:

689 946.520 Assignment of inmates by Department of  
690 Corrections.--

691 (1) The department shall exert its best efforts to assign  
692 inmates to correctional work programs operated by correctional  
693 industries, the advisory board ~~corporation~~, or the private  
694 sector business authorized under this part, who have not less  
695 than 1 nor more than 5 years remaining before their tentative

696 release dates. ~~Beginning January 1, 1998,~~ The department shall  
 697 maintain the assignment of at least 60 percent of inmates to all  
 698 correctional work programs collectively to the correctional  
 699 industries corporation, or to the private sector business  
 700 authorized under this part, who have less than 10 years  
 701 remaining before their tentative release dates. This 60-percent  
 702 requirement does not apply to any correctional work program, or  
 703 private sector business authorized under this part, within an  
 704 institution for any year in which, as of January 1 of that year,  
 705 the average years remaining before the tentative release date of  
 706 all inmates assigned to that institution exceeds 12 years.

707 (2) The department may not remove an inmate once assigned  
 708 to correctional industries ~~the corporation or to the private~~  
 709 ~~sector business~~ authorized under this part, except upon request  
 710 of or consent of the correctional industries ~~such corporation or~~  
 711 ~~private sector business~~ or for the purposes of population  
 712 management, for inmate conduct that may subject the inmate to  
 713 disciplinary confinement or loss of gain-time, or for security  
 714 and safety concerns specifically set forth in writing to the  
 715 correctional industries ~~corporation or private sector business~~.

716 Section 25. Subsections (1), (2), and (5) of section  
 717 946.522, Florida Statutes, are amended to read:

718 946.522 Prison Industries Trust Fund.--

719 (1) The Prison Industries Trust Fund is created, to be  
 720 administered by the Department of Financial Services. The trust  
 721 fund shall consist of moneys authorized to be deducted pursuant  
 722 to 18 U.S.C. s. 1761(c) and the applicable federal guidelines,  
 723 to be appropriated by the Legislature, and moneys deposited by

724 the department as ~~corporation~~ authorized under this part for ~~to~~  
 725 ~~manage and operate~~ correctional work programs. The appropriated  
 726 funds may shall be used by the department to reimburse the  
 727 department for room and board, compensate crime victims, and pay  
 728 for the support of inmates' families. As provided in s.  
 729 946.511(2), the three-quarters of a percent deduction may be  
 730 withdrawn from the trust fund for the purposes of paying for per  
 731 diem and travel of the advisory board, compensating consultants,  
 732 marketing, and thereafter ~~corporation~~ for purposes of  
 733 construction or renovation of its facilities or for the  
 734 expansion or establishment of correctional work programs as  
 735 described in this part or for prison industries enhancement  
 736 (PIE) programs as authorized under s. 946.523.

737 (2) The funds must be deposited in the State Treasury and  
 738 may be paid out only on warrants drawn by the Chief Financial  
 739 Officer upon receipt of a ~~corporate~~  
 740 duly authorized by the advisory board created in s. 946.5225 ~~of~~  
 741 ~~directors of the corporation authorized under this part to~~  
 742 ~~manage and operate correctional work programs. The~~ department  
 743 and the advisory board ~~corporation~~ shall maintain all necessary  
 744 records and accounts relative to such funds.

745 (5) Pursuant to s. 19(f)(3), Art. III of the State  
 746 Constitution, the trust fund consists of assets held by the  
 747 state, in a trustee capacity, as an agent or fiduciary for the  
 748 department ~~corporation~~ authorized under this part, and is not  
 749 subject to termination under s. 19(f)(2), Art. III of the State  
 750 Constitution.

751 Section 26. Section 946.5225, Florida Statutes, is created  
 752 to read:

753 946.5225 Advisory board for correctional work programs.--

754 (1) There is created an advisory board of directors for  
 755 the purposes provided in subsection (2). The advisory board  
 756 shall consist of six members. The Secretary of Corrections and  
 757 the Deputy Assistant Secretary for Institutions of the  
 758 Department of Corrections shall be members. The remaining four  
 759 members shall be appointed by the Governor and confirmed by the  
 760 Senate and shall serve terms of 4 years, except that when the  
 761 board is initially appointed, two of the members shall be  
 762 appointed to 2-year terms.

763 (2) The board of directors of the advisory board shall  
 764 have the following responsibilities:

765 (a) The advisory board shall coordinate an overall  
 766 correctional work program that follows the objectives and  
 767 guidelines set out in this part and any other applicable law.

768 (b) The advisory board shall direct oversight and approval  
 769 for all contracted correctional work programs.

770 (c) The advisory board shall certify individual programs  
 771 proposed for federal Prison Industry Enhancement (PIE)  
 772 compliance. However, the department shall hold the federal  
 773 Prison Industry Enhancement Certificate and shall be the entity  
 774 for all purposes for Prison Industry Enhancement Certification  
 775 by the federal Bureau of Justice Assistance.

776 (d) The advisory board shall provide an annual report to  
 777 the Governor and the Legislature prior to July 1 each year as  
 778 more particularly set out in s. 946.516.

779           (e) Within 60 days after the formation of the advisory  
 780 board, the advisory board shall establish bylaws.

781           (f) The bylaws shall be submitted to the Governor for  
 782 approval.

783           (g) The bylaws shall address the criteria for correctional  
 784 industries to operate correctional work programs, the process  
 785 for contractual review, the termination process of a contract,  
 786 and the guidelines for travel and per diem of the members of the  
 787 advisory board.

788           (h) The advisory board shall meet at least quarterly.

789           (3) The department shall provide the board of directors  
 790 with the staff assistance necessary to carry out its duties.

791           Section 27. Section 946.523, Florida Statutes, is amended  
 792 to read:

793           946.523 Prison industry enhancement (PIE) programs.--

794           (1) Pursuant to the approval of the advisory board, the  
 795 department, as holder of the Prison Industry Enhancement (PIE)  
 796 Certificate, ~~The corporation~~ may operate or contract with the  
 797 private sector for substantial involvement in a prison industry  
 798 enhancement (PIE) program that includes, but is not limited to,  
 799 contracts for the operation of a direct private sector business  
 800 within the correctional system ~~a prison~~ and the hiring of  
 801 inmates. Any contract authorized by this subsection must be in  
 802 compliance with federal law governing inmate work programs and  
 803 must not result in the significant displacement of employed  
 804 workers in the community. The purposes and objectives of this  
 805 program are to:

HB 1213

2008

806 (a) Increase the benefits to the general public by  
807 reimbursing the state for a portion of the costs of  
808 incarceration.

809 (b) Provide purposeful work for inmates.

810 (c) Increase job skills.

811 (d) Provide additional opportunities for rehabilitating  
812 inmates who are otherwise ineligible to work outside the  
813 prisons, such as maximum security inmates.

814 (e) Develop and establish new models for prison-based  
815 businesses that create jobs approximating conditions of private  
816 sector employment.

817 (f) Draw upon the economic base of operations for deposit  
818 into the Crimes Compensation Trust Fund.

819 (g) Substantially involve the private sector and its  
820 capital, management skills, and expertise in the design,  
821 development, and operation of businesses.

822 (h) Provide the financial basis for an inmate to  
823 contribute to the support of his or her family.

824 (i) Make victim restitution payments to the victims of the  
825 inmate's crimes, so that the victim is made whole, to facilitate  
826 the inmate's restoration of his or her civil rights, and to  
827 further the department's reentry mission.

828 ~~(j)-(i)~~ Provide for the payment of state and federal taxes  
829 on an inmate's wages, which are paid at the rate of the  
830 prevailing or minimum wage rate.

831 ~~(k)-(j)~~ Provide savings for the inmate to have available  
832 for his or her use upon the inmate's eventual release from  
833 prison.

HB 1213

2008

834 (2) Notwithstanding any other law to the contrary,  
835 including s. 440.15(8), private sector employers shall provide  
836 workers' compensation coverage to inmates who participate in  
837 prison industry enhancement (PIE) programs under subsection (1).  
838 However, inmates are not entitled to unemployment compensation.

839 (3) In establishing a prison industry enhancement (PIE)  
840 program:

841 (a) The department must pay wages to the inmates at a rate  
842 not less than that paid for similar work in the same locality's  
843 private sector; however, this paragraph shall not apply to  
844 programs that are not established as a prison industry  
845 enhancement (PIE) program.

846 (b) The department may take deductions, not to exceed 80  
847 percent of gross wages, for room and board; federal, state, and  
848 local taxes; family support pursuant to general law or court  
849 order or agreement by the inmate; and contributions of not more  
850 than 20 percent but not less than 5 percent of gross wages to be  
851 paid into the Crimes Compensation Trust Fund established in s.  
852 960.21.

853 (c) The department shall ensure that inmate participation  
854 in the prison industry enhancement program is voluntary.

855 Section 28. Section 946.524, Florida Statutes, is  
856 repealed.

857 Section 29. Section 946.526, Florida Statutes, is created  
858 to read:

859 946.526 Periodic review.--The advisory board and the  
860 department shall cooperate with the Office of Program Policy  
861 Analysis and Government Accountability, which shall conduct a

862 review to determine whether correctional work programs are  
863 appropriately administered and meeting performance measures. In  
864 the course of the review, OPPAGA shall examine the effects of  
865 correctional work programs on recidivism through the provision  
866 of job training, vocational training, education, preparation for  
867 certification or licensure, and transition assistance for soon-  
868 to-be-released inmates. The department shall provide sufficient  
869 data to OPPAGA to conduct this study. OPPAGA shall submit a  
870 report to the President of the Senate and the Speaker of the  
871 House of Representatives by January 1, 2010, and every 3 years  
872 thereafter.

873 Section 30. Paragraph (kk) of subsection (7) of section  
874 212.08, Florida Statutes, is amended to read:

875 212.08 Sales, rental, use, consumption, distribution, and  
876 storage tax; specified exemptions.--The sale at retail, the  
877 rental, the use, the consumption, the distribution, and the  
878 storage to be used or consumed in this state of the following  
879 are hereby specifically exempt from the tax imposed by this  
880 chapter.

881 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
882 entity by this chapter do not inure to any transaction that is  
883 otherwise taxable under this chapter when payment is made by a  
884 representative or employee of the entity by any means,  
885 including, but not limited to, cash, check, or credit card, even  
886 when that representative or employee is subsequently reimbursed  
887 by the entity. In addition, exemptions provided to any entity by  
888 this subsection do not inure to any transaction that is  
889 otherwise taxable under this chapter unless the entity has



HB 1213

2008

890 obtained a sales tax exemption certificate from the department  
 891 or the entity obtains or provides other documentation as  
 892 required by the department. Eligible purchases or leases made  
 893 with such a certificate must be in strict compliance with this  
 894 subsection and departmental rules, and any person who makes an  
 895 exempt purchase with a certificate that is not in strict  
 896 compliance with this subsection and the rules is liable for and  
 897 shall pay the tax. The department may adopt rules to administer  
 898 this subsection.

899 (kk) ~~Nonprofit corporation conducting the~~ Correctional  
 900 work programs.--Products sold pursuant to s. 946.515 by  
 901 correctional work programs ~~the corporation organized~~ pursuant to  
 902 part II of chapter 946 are exempt from the tax imposed by this  
 903 chapter. ~~This exemption applies retroactively to July 1, 1983.~~

904 Section 31. Subsection (1) of section 255.25001, Florida  
 905 Statutes, is amended to read:

906 255.25001 Suspension or delay of specified functions,  
 907 programs, and requirements relating to governmental  
 908 operations.--Notwithstanding the provisions of:

909 ~~(1) Section 946.504(3), as amended by chapter 92-279, Laws~~  
 910 ~~of Florida, the Department of Management Services shall not be~~  
 911 ~~required to participate with the Department of Corrections in~~  
 912 ~~the correctional work program (PRIDE) leasing process.~~

913 Section 32. Paragraph (b) of subsection (15) of section  
 914 985.682, Florida Statutes, is amended to read:

915 985.682 Siting of facilities; study; criteria.--

916 (15)

HB 1213

2008

917 (b) Notwithstanding ss. 255.25(1)(b) and 255.25001(1)~~(2)~~,  
918 the department may enter into lease-purchase agreements to  
919 provide juvenile justice facilities for the housing of committed  
920 youths contingent upon available funds. The facilities provided  
921 through such agreements shall meet the program plan and  
922 specifications of the department. The department may enter into  
923 such lease agreements with private corporations and other  
924 governmental entities. However, notwithstanding the provisions  
925 of s. 255.25(3)(a), no such lease agreement may be entered into  
926 except upon advertisement for the receipt of competitive bids  
927 and award to the lowest and best bidder except when contracting  
928 with other governmental entities.

929 Section 33. This act shall take effect July 1, 2008.