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604-05988-08

Proposed Committee Substitute by the Committee on Criminal and
Civil Justice Appropriations

1 A bill to be entitled

2 An act relating to the transfer of inmates; authorizing
3 the Department of Corrections to contract with county and
4 municipal entities to house inmates committed to the
5 department; authorizing the department to enter into
6 contractual agreements with another state, a political
7 subdivision of another state, or a vendor in another state
8 to transfer and confine Florida inmates within that state;
9 requiring the reclassification of inmates before a
10 transfer occurs; providing for the contents of the
11 contract; providing that a transferred inmate remains
12 subject to the rules of the Florida Parole Commission;
13 requiring that contracts for the transfer of inmates be
14 procured according to state law; requiring that additional
15 beds authorized under a contract be added to the total
16 capacity of the state correctional system; authorizing the
17 department to adopt rules; providing for future expiration
18 of provisions authorizing the transfer of inmates;
19 amending s. 957.09, F.S.; providing that the provisions
20 governing private correctional facilities do not apply to
21 contracts between the department and county and municipal
22 entities, other states, political subdivisions of another
23 state, or correctional management service vendors in
24 another state for the transfer and confinement of state
25 inmates; providing for future expiration of such
26 exemption; providing an effective date.



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

29 Section 1. (1) (a) Effective July 1, 2008, notwithstanding
30 the provisions of s. 944.17, Florida Statutes, to the contrary,
31 the Department of Corrections may contract with county or
32 municipal facilities for the purpose of housing inmates committed
33 to the department.

34 (b) Notwithstanding the provisions of ss. 944.17 and
35 944.1905, Florida Statutes, to the contrary, before transferring
36 a state inmate to another facility as authorized under this
37 section, the inmate shall be reclassified and scored as to
38 custody risk based on the current offense and not on prior
39 criminal history. Upon return to a state correctional
40 institution, the inmate shall be reclassified based on the
41 provisions of ss. 944.17 and 944.1905, Florida Statutes.

42 (c) Any inmate placed in another facility under this
43 section remains under the jurisdiction of the department.

44 (2) (a) Effective July 1, 2008, notwithstanding the
45 provisions of s. 944.17, Florida Statutes, to the contrary, the
46 Department of Corrections may enter into contracts with another
47 state, a political subdivision of another state, or a
48 correctional management services vendor in another state for the
49 transfer and confinement in that state of inmates who have been
50 committed to the custody of the department. Any such contract
51 must include:

52 1. A termination date.

53 2. Provisions concerning the costs of inmate maintenance,
54 extraordinary medical and dental expenses, and any participation
55 in or receipt by inmates of rehabilitative or correctional
56 services, facilities, programs, or treatment, including those
57 costs not reasonably included as part of normal maintenance.



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58 3. Provisions concerning participation in programs of
59 inmate employment, if any, the disposition or crediting of any
60 payments received by inmates on account of employment, and the
61 crediting of proceeds or disposal of any products resulting from
62 employment.

63 4. Provisions for the delivery and retaking of inmates.

64 5. A waiver of extradition by this state and the state to
65 which the inmates are transferred.

66 6. Retention of jurisdiction of the inmates transferred by
67 Florida.

68 7. Regular reporting procedures concerning Florida inmates
69 by officials of the state, political subdivision, or correctional
70 management services vendor with which the department is
71 contracting.

72 8. Provisions concerning procedures for community
73 supervision, including probation, parole, conditional release,
74 and discharge.

75 9. The same standards of reasonable and humane care as the
76 inmates would receive in an appropriate institution in this
77 state.

78 10. Any other matters that are necessary and appropriate to
79 establish the obligations, responsibilities, and rights of
80 Florida and the state, political subdivision, or correctional
81 management services vendor with which the department is
82 contracting.

83 (b) Inmates from Florida state prisons while in an
84 institution in another state are subject to all provisions of law
85 and rules concerning the confinement of persons committed for
86 violations of the laws of that state, except as otherwise
87 provided for by any contract entered into under this section.



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88 (c) The Florida Parole Commission shall conduct any parole
89 hearing for an inmate confined under a contract pursuant to this
90 section according to the rules of the commission.

91 (d) Contracts under this section shall be procured in
92 accordance with s. 287.057, Florida Statutes.

93 (3) Any beds contracted under this section shall be added
94 to the total capacity of the correctional system as defined in
95 section 944.023, Florida Statutes, notwithstanding any law to the
96 contrary.

97 (4) In making placements authorizes by this section, the
98 department shall consider, to the extent possible, the proximity
99 of the receiving facility to the inmate's family, consistent with
100 s. 944.8031, Florida Statutes.

101 (5) The Department of Corrections may adopt rules to
102 administer this section.

103 (6) This section expires June 30, 2009.

104 Section 2. Section 957.09, Florida Statutes, is amended to
105 read:

106 957.09 Applicability of chapter to other provisions of
107 law.--

108 (1) (a) Any offense that if committed at a state
109 correctional facility would be a crime shall be a crime if
110 committed by or with regard to inmates at private correctional
111 facilities operated pursuant to a contract entered into under
112 this chapter.

113 (b) All laws relating to commutation of sentences, release
114 and parole eligibility, and the award of sentence credits shall
115 apply to inmates incarcerated in a private correctional facility
116 operated pursuant to a contract entered into under this chapter.



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117 (2) The provisions of this chapter are supplemental to the
118 provisions of ss. 944.105 and 944.710-944.719. However, in any
119 conflict between a provision of this chapter and a provision of
120 such other sections, the provision of this chapter shall prevail.

121 (3) The provisions of law governing the participation of
122 minority business enterprises are applicable to this chapter.

123 (4) The provisions of this chapter do not apply to
124 contracts between the department and county and municipal
125 entities, other states, political subdivisions of another state,
126 or correctional management service vendors in another state for
127 the transfer and confinement of state inmates, as provided in ss.
128 944.171 and 944.1055. This subsection expires June 30, 2009.

129 Section 3. This act shall take effect July 1, 2008.