

1                   A bill to be entitled  
2           An act relating to correctional facilities; amending  
3           s. 944.35, F.S.; providing definitions; prohibiting  
4           sexual misconduct by any volunteer in, or any employee  
5           of a contractor or subcontractor of, the Department of  
6           Corrections or a private correctional facility;  
7           providing criminal penalties; providing applicability;  
8           transferring all powers, duties, functions, records,  
9           offices, personnel, associated administrative support  
10          positions, property, pending issues and existing  
11          contracts, administrative authority, trust funds, and  
12          unexpended balances of appropriations, allocations,  
13          and other funds of the Bureau of Private Prison  
14          Monitoring to the Department of Corrections;  
15          prohibiting a specified transfer from affecting  
16          specified agreements and instruments in existence;  
17          providing that specified obligations are valid and  
18          binding; amending s. 287.042, F.S.; deleting  
19          provisions relating to powers and duties of the  
20          Department of Management Services concerning private  
21          correctional facilities; amending s. 394.9151, F.S.;  
22          authorizing the Department of Children and Families to  
23          contract with the Department of Corrections, rather  
24          than the Department of Management Services, for the  
25          operation of facilities for sexually violent

26 predators; amending s. 943.13, F.S.; conforming  
 27 provisions to changes made by the act; amending ss.  
 28 944.02, 944.115, 944.72, 944.8041, and 945.215, F.S.;  
 29 requiring the Department of Corrections to assume  
 30 specified duties and responsibilities of the  
 31 Department of Management Services; amending ss.  
 32 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, and  
 33 957.16, F.S.; conforming provisions to changes made by  
 34 the act; providing an effective date.

35

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

37

38 Section 1. Paragraph (b) of subsection (3) of section  
 39 944.35, Florida Statutes, is amended to read:

40 944.35 Authorized use of force; malicious battery and  
 41 sexual misconduct prohibited; reporting required; penalties.—

42 (3)

43 (b)1. As used in this paragraph, the term:

44 a. "Female genitals" includes the labia minora, labia  
 45 majora, clitoris, vulva, hymen, and vagina.

46 b. "Private correctional facility" has the same meaning as  
 47 in s. 944.710.

48 ~~c.b.~~ "Sexual misconduct" means the oral, anal, or female  
 49 genital penetration by, or union with, the sexual organ of  
 50 another or the anal or female genital penetration of another by

51 any other object, but does not include an act done for a bona  
52 fide medical purpose or an internal search conducted in the  
53 lawful performance of the employee's duty.

54 d. "Volunteer" means a person registered with the  
55 department or a private correctional facility who is engaged in  
56 specific voluntary service activities on an ongoing or continual  
57 basis.

58 2. Any employee of the department or a private  
59 correctional facility or any volunteer in, or any employee of a  
60 contractor or subcontractor of, the department or a private  
61 correctional facility as defined in s. 944.710 who engages in  
62 sexual misconduct with an inmate or an offender supervised by  
63 the department in the community, without committing the crime of  
64 sexual battery, commits a felony of the third degree, punishable  
65 as provided in s. 775.082, s. 775.083, or s. 775.084.

66 3. The consent of the inmate or offender supervised by the  
67 department in the community to any act of sexual misconduct may  
68 not be raised as a defense to a prosecution under this  
69 paragraph.

70 4. This paragraph does not apply to any employee,   
71 volunteer, or employee of a contractor or subcontractor of the  
72 department or any employee, volunteer, or employee of a  
73 contractor or subcontractor of a private correctional facility  
74 who is legally married to an inmate or an offender supervised by  
75 the department in the community, nor does it apply to any

76 | employee, volunteer, or employee of a contractor or  
 77 | subcontractor who has no knowledge, and would have no reason to  
 78 | believe, that the person with whom the employee, volunteer, or  
 79 | employee of a contractor or subcontractor has engaged in sexual  
 80 | misconduct is an inmate or an offender under community  
 81 | supervision of the department.

82 |       Section 2. (1) All powers; duties; functions; records;  
 83 | offices; personnel; associated administrative support positions;  
 84 | property; pending issues and existing contracts; administrative  
 85 | authority; trust funds; and unexpended balances of  
 86 | appropriations, allocations, and other funds of the Bureau of  
 87 | Private Prison Monitoring are transferred by a type two transfer  
 88 | pursuant to s. 20.06(2), Florida Statutes, to the Department of  
 89 | Corrections.

90 |       (2) In no way shall the transfer under this act affect any  
 91 | existing agreements, bonds, certificates of participation, or  
 92 | other instruments of indebtedness entered into by the Department  
 93 | of Management Services. All undertakings of the Department of  
 94 | Management Services in connection with the issuance of  
 95 | certificates of participation and the obligations to make rent  
 96 | payments thereunder to the Florida Correctional Financing  
 97 | Corporation are validated and shall continue to be valid and  
 98 | binding on the Department of Corrections in accordance with  
 99 | their respective terms, conditions, and covenants.

100 |       Section 3. Subsection (17) of section 287.042, Florida

101 Statutes, is amended to read:

102       287.042 Powers, duties, and functions.—The department  
103 shall have the following powers, duties, and functions:

104       ~~(17) (a) To enter into contracts pursuant to chapter 957~~  
105 ~~for the designing, financing, acquiring, leasing, constructing,~~  
106 ~~or operating of private correctional facilities. The department~~  
107 ~~shall enter into a contract or contracts with one contractor per~~  
108 ~~facility for the designing, acquiring, financing, leasing,~~  
109 ~~constructing, and operating of that facility or may, if~~  
110 ~~specifically authorized by the Legislature, separately contract~~  
111 ~~for any such services.~~

112       ~~(b) To manage and enforce compliance with existing or~~  
113 ~~future contracts entered into pursuant to chapter 957.~~

114  
115 ~~The department may not delegate the responsibilities conferred~~  
116 ~~by this subsection.~~

117       Section 4. Section 394.9151, Florida Statutes, is amended  
118 to read:

119       394.9151 Contract authority.—The Department of Children  
120 and Families may contract with a private entity or state agency  
121 for use of and operation of facilities to comply with the  
122 requirements of this act. The Department of Children and  
123 Families may also contract with the Department of Corrections  
124 ~~Management Services~~ to issue a request for proposals and monitor  
125 contract compliance for these services.

126 Section 5. Section 943.13, Florida Statutes, is amended to  
 127 read:

128 943.13 Officers' minimum qualifications for employment or  
 129 appointment.—On or after October 1, 1984, any person employed or  
 130 appointed as a full-time, part-time, or auxiliary law  
 131 enforcement officer or correctional officer; on or after October  
 132 1, 1986, any person employed as a full-time, part-time, or  
 133 auxiliary correctional probation officer; and on or after  
 134 October 1, 1986, any person employed as a full-time, part-time,  
 135 or auxiliary correctional officer by a private entity under  
 136 contract to the Department of Corrections or to a county  
 137 commission, ~~or to the Department of Management Services~~ shall:

138 (1) Be at least 19 years of age, except that any person  
 139 employed as a full-time, a part-time, or an auxiliary  
 140 correctional officer must be at least 18 years of age.

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

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

145 (4) Not have been convicted of any felony or of a  
 146 misdemeanor involving perjury or a false statement, or have  
 147 received a dishonorable discharge from any of the Armed Forces  
 148 of the United States. Any person who, after July 1, 1981, pleads  
 149 guilty or nolo contendere to or is found guilty of any felony or  
 150 of a misdemeanor involving perjury or a false statement is not

151 eligible for employment or appointment as an officer,  
152 notwithstanding suspension of sentence or withholding of  
153 adjudication. Notwithstanding this subsection, any person who  
154 has pled nolo contendere to a misdemeanor involving a false  
155 statement, prior to December 1, 1985, and has had such record  
156 sealed or expunged shall not be deemed ineligible for employment  
157 or appointment as an officer.

158 (5) Have documentation of his or her processed  
159 fingerprints on file with the employing agency or, if a private  
160 correctional officer, have documentation of his or her processed  
161 fingerprints on file with the Department of Corrections or the  
162 Criminal Justice Standards and Training Commission. The  
163 department shall retain and enter into the statewide automated  
164 biometric identification system authorized by s. 943.05 all  
165 fingerprints submitted to the department as required by this  
166 section. Thereafter, the fingerprints shall be available for all  
167 purposes and uses authorized for arrest fingerprints entered in  
168 the statewide automated biometric identification system pursuant  
169 to s. 943.051. The department shall search all arrest  
170 fingerprints received pursuant to s. 943.051 against the  
171 fingerprints retained in the statewide automated biometric  
172 identification system pursuant to this section and report to the  
173 employing agency any arrest records that are identified with the  
174 retained employee's fingerprints. These fingerprints must be  
175 forwarded to the department for processing and retention.

176           (6) Have passed a physical examination by a licensed  
177 physician, physician assistant, or licensed advanced practice  
178 registered nurse, based on specifications established by the  
179 commission. In order to be eligible for the presumption set  
180 forth in s. 112.18 while employed with an employing agency, a  
181 law enforcement officer, correctional officer, or correctional  
182 probation officer must have successfully passed the physical  
183 examination required by this subsection upon entering into  
184 service as a law enforcement officer, correctional officer, or  
185 correctional probation officer with the employing agency, which  
186 examination must have failed to reveal any evidence of  
187 tuberculosis, heart disease, or hypertension. A law enforcement  
188 officer, correctional officer, or correctional probation officer  
189 may not use a physical examination from a former employing  
190 agency for purposes of claiming the presumption set forth in s.  
191 112.18 against the current employing agency. The employing  
192 agency must maintain records of the physical examination for at  
193 least 5 years after the employee's separation from the employing  
194 agency. If the employing agency fails to maintain the records of  
195 the physical examination for the 5-year period after the  
196 employee's separation, it is presumed that the employee has met  
197 the requirements of this subsection.

198           (7) Have a good moral character as determined by a  
199 background investigation under procedures established by the  
200 commission.



201           (8) Execute and submit to the employing agency or, if a  
202 private correctional officer, submit to the appropriate  
203 governmental entity an affidavit-of-applicant form, adopted by  
204 the commission, attesting to his or her compliance with  
205 subsections (1)-(7). The affidavit shall require the applicant  
206 to disclose any pending investigation by a local, state, or  
207 federal agency or entity for criminal, civil, or administrative  
208 wrongdoing and whether the applicant separated or resigned from  
209 previous criminal justice employment while he or she was under  
210 investigation. The affidavit shall be executed under oath and  
211 constitutes an official statement within the purview of s.  
212 837.06. The affidavit shall include conspicuous language that  
213 the intentional false execution of the affidavit constitutes a  
214 misdemeanor of the second degree. The affidavit shall be  
215 retained by the employing agency.

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

219           (a) Completed a comparable basic recruit training program  
220 for the applicable criminal justice discipline in another state  
221 or for the Federal Government and served as a full-time sworn  
222 officer in another state or for the Federal Government for at  
223 least 1 year, provided there is no more than an 8-year break in  
224 employment, as measured from the separation date of the most  
225 recent qualifying employment to the time a complete application

226 | for an exemption under this subsection is submitted; or  
 227 |       (b) Served in the special operations forces for a minimum  
 228 | of 5 years, provided there is no more than a 4-year break from  
 229 | the applicant's special operations forces experience, as  
 230 | measured from the separation date from the special operations  
 231 | forces to the time a complete application for an exemption under  
 232 | this subsection is submitted,

233 |  
 234 | is exempt in accordance with s. 943.131(2) from completing the  
 235 | commission-approved basic recruit training program.

236 |       (10) Achieve an acceptable score on the officer  
 237 | certification examination for the applicable criminal justice  
 238 | discipline.

239 |       (11) Comply with the continuing training or education  
 240 | requirements of s. 943.135.

241 |       Section 6. Subsection (4) of section 944.02, Florida  
 242 | Statutes, is amended to read:

243 |       944.02 Definitions.—The following words and phrases used  
 244 | in this chapter shall, unless the context clearly indicates  
 245 | otherwise, have the following meanings:

246 |       (4) "Elderly offender" means a prisoner age 50 or older in  
 247 | a state correctional institution or facility operated by the  
 248 | Department of Corrections ~~or the Department of Management~~  
 249 | ~~Services.~~

250 |       Section 7. Paragraph (b) of subsection (2) of section

251 944.115, Florida Statutes, is amended to read:

252 944.115 Smoking prohibited inside state correctional  
253 facilities.—

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

255 (b) "Employee" means an employee of the department or a  
256 private vendor in a contractual relationship with ~~either the~~  
257 ~~department of Corrections or the Department of Management~~  
258 ~~Services~~, and includes persons such as contractors, volunteers,  
259 or law enforcement officers who are within a state correctional  
260 facility to perform a professional service.

261 Section 8. Subsection (1) of section 944.72, Florida  
262 Statutes, is amended to read:

263 944.72 Privately Operated Institutions Inmate Welfare  
264 Trust Fund.—

265 (1) There is hereby created in the department ~~of~~  
266 ~~Corrections~~ the Privately Operated Institutions Inmate Welfare  
267 Trust Fund. The purpose of the trust fund shall be the benefit  
268 and welfare of inmates incarcerated in private correctional  
269 facilities under contract with the department pursuant to this  
270 chapter or ~~the Department of Management Services pursuant to~~  
271 chapter 957. Moneys shall be deposited in the trust fund and  
272 expenditures made from the trust fund as provided in s. 945.215.

273 Section 9. Section 944.8041, Florida Statutes, is amended  
274 to read:

275 944.8041 Elderly offenders; annual review.—For the purpose

276 of providing information to the Legislature on elderly offenders  
 277 within the correctional system, the department and the  
 278 Correctional Medical Authority shall each submit annually a  
 279 report on the status and treatment of elderly offenders in the  
 280 state-administered and private state correctional systems and  
 281 the department's geriatric facilities and dorms. In order to  
 282 adequately prepare the reports, the department ~~and the~~  
 283 ~~Department of Management Services~~ shall grant access to the  
 284 Correctional Medical Authority that includes access to the  
 285 facilities, offenders, and any information the agencies require  
 286 to complete their reports. The review shall also include an  
 287 examination of promising geriatric policies, practices, and  
 288 programs currently implemented in other correctional systems  
 289 within the United States. The reports, with specific findings  
 290 and recommendations for implementation, shall be submitted to  
 291 the President of the Senate and the Speaker of the House of  
 292 Representatives on or before December 31 of each year.

293 Section 10. Paragraphs (a) and (c) of subsection (3) of  
 294 section 945.215, Florida Statutes, are amended to read:

295 945.215 Inmate welfare and employee benefit trust funds.—

296 (3) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST  
 297 FUND; PRIVATE CORRECTIONAL FACILITIES.—

298 (a) For purposes of this subsection, privately operated  
 299 institutions or private correctional facilities are those  
 300 correctional facilities under contract with the department

301 pursuant to chapter 944 or ~~the Department of Management Services~~  
302 ~~pursuant to~~ chapter 957.

303 (c) The department ~~of Management Services~~ shall annually  
304 compile a report that documents Privately Operated Institutions  
305 Inmate Welfare Trust Fund receipts and expenditures at each  
306 private correctional facility. This report must specifically  
307 identify receipt sources and expenditures. The department ~~of~~  
308 ~~Management Services~~ shall compile this report for the prior  
309 fiscal year and shall submit the report by September 1 of each  
310 year to the chairs of the appropriate substantive and fiscal  
311 committees of the Senate and House of Representatives and to the  
312 Executive Office of the Governor.

313 Section 11. Paragraphs (a), (b), (e), and (g) of  
314 subsection (1), paragraph (c) of subsection (2), and subsections  
315 (5), (6), and (7) of section 957.04, Florida Statutes, are  
316 amended to read:

317 957.04 Contract requirements.—

318 (1) A contract entered into under this chapter for the  
319 operation of private correctional facilities shall maximize the  
320 cost savings of such facilities and shall:

321 (a) Be negotiated with the firm found most qualified.  
322 However, a contract for private correctional services may not be  
323 entered into by the department ~~of Management Services~~ unless the  
324 department ~~of Management Services~~ determines that the contractor  
325 has demonstrated that it has:

326 1. The qualifications, experience, and management  
 327 personnel necessary to carry out the terms of the contract.

328 2. The ability to expedite the siting, design, and  
 329 construction of correctional facilities.

330 3. The ability to comply with applicable laws, court  
 331 orders, and national correctional standards.

332 (b) Indemnify the state and the department, including  
 333 their officials and agents, against any and all liability,  
 334 including, but not limited to, civil rights liability. Proof of  
 335 satisfactory insurance is required in an amount to be determined  
 336 by the department ~~of Management Services~~.

337 (e) Establish operations standards for correctional  
 338 facilities subject to the contract. However, if the department  
 339 and the contractor disagree with an operations standard, the  
 340 contractor may propose to waive any rule, policy, or procedure  
 341 of the department related to the operations standards of  
 342 correctional facilities which is inconsistent with the mission  
 343 of the contractor to establish cost-effective, privately  
 344 operated correctional facilities. The department ~~of Management~~  
 345 ~~Services~~ shall be responsible for considering all proposals from  
 346 the contractor to waive any rule, policy, or procedure and shall  
 347 render a final decision granting or denying such request.

348 (g) Require the selection and appointment of a full-time  
 349 contract monitor. The contract monitor shall be appointed and  
 350 supervised by the department ~~of Management Services~~. The

351 contractor is required to reimburse the department ~~of Management~~  
 352 ~~Services~~ for the salary and expenses of the contract monitor. It  
 353 is the obligation of the contractor to provide suitable office  
 354 space for the contract monitor at the correctional facility. The  
 355 contract monitor shall have unlimited access to the correctional  
 356 facility.

357 (2) Each contract entered into for the design and  
 358 construction of a private correctional facility or juvenile  
 359 commitment facility must include:

360 (c) A specific provision requiring the contractor, and not  
 361 the department ~~of Management Services~~, to obtain the financing  
 362 required to design and construct the private correctional  
 363 facility or juvenile commitment facility built under this  
 364 chapter.

365 (5) Each contract entered into by the department ~~of~~  
 366 ~~Management Services~~ must include substantial minority  
 367 participation unless demonstrated by evidence, after a good  
 368 faith effort, as impractical and must also include any other  
 369 requirements the department ~~of Management Services~~ considers  
 370 necessary and appropriate for carrying out the purposes of this  
 371 chapter.

372 (6) Notwithstanding s. 253.025(9), the Board of Trustees  
 373 of the Internal Improvement Trust Fund need not approve a lease-  
 374 purchase agreement negotiated by the department ~~of Management~~  
 375 ~~Services~~ if the department ~~of Management Services~~ finds that

376 | there is a need to expedite the lease-purchase.

377 |       (7)(a) Notwithstanding s. 253.025 or s. 287.057, whenever  
 378 | the department ~~of Management Services~~ finds it to be in the best  
 379 | interest of timely site acquisition, it may contract without the  
 380 | need for competitive selection with one or more appraisers whose  
 381 | names are contained on the list of approved appraisers  
 382 | maintained by the Division of State Lands of the Department of  
 383 | Environmental Protection in accordance with s. 253.025(8). In  
 384 | those instances when the department ~~of Management Services~~  
 385 | directly contracts for appraisal services, it shall also  
 386 | contract with an approved appraiser who is not employed by the  
 387 | same appraisal firm for review services.

388 |       (b) Notwithstanding s. 253.025(8), the department ~~of~~  
 389 | ~~Management Services~~ may negotiate and enter into lease-purchase  
 390 | agreements before an appraisal is obtained. Any such agreement  
 391 | must state that the final purchase price cannot exceed the  
 392 | maximum value allowed by law.

393 |       Section 12. Subsection (2) of section 957.06, Florida  
 394 | Statutes, is amended to read:

395 |       957.06 Powers and duties not delegable to contractor.—A  
 396 | contract entered into under this chapter does not authorize,  
 397 | allow, or imply a delegation of authority to the contractor to:

398 |       (2) Choose the facility to which an inmate is initially  
 399 | assigned or subsequently transferred. The contractor may  
 400 | request, in writing, that an inmate be transferred to a facility



401 operated by the department. The ~~Department of Management~~  
402 ~~Services, the contractor, and the department~~ and the contractor  
403 shall develop and implement a cooperative agreement for  
404 transferring inmates between a correctional facility operated by  
405 the department and a private correctional facility. The  
406 ~~department, the Department of Management Services,~~ and the  
407 contractor must comply with the cooperative agreement.

408 Section 13. Subsections (1) and (4) and paragraph (d) of  
409 subsection (5) of section 957.07, Florida Statutes, are amended  
410 to read:

411 957.07 Cost-saving requirements.—

412 (1) The department ~~of Management Services~~ may not enter  
413 into a contract or series of contracts unless the department  
414 determines that the contract or series of contracts in total for  
415 the facility will result in a cost savings to the state of at  
416 least 7 percent over the public provision of a similar facility.  
417 Such cost savings as determined by the department ~~of Management~~  
418 ~~Services~~ must be based upon the actual costs associated with the  
419 construction and operation of similar facilities or services as  
420 determined by the department ~~of Corrections~~ and certified by the  
421 Auditor General. The department ~~of Corrections~~ shall calculate  
422 all of the cost components that determine the inmate per diem in  
423 correctional facilities of a substantially similar size, type,  
424 and location that are operated by the department ~~of Corrections~~,  
425 including administrative costs associated with central

426 administration. Services that are provided to the department ~~of~~  
 427 ~~Corrections~~ by other governmental agencies at no direct cost to  
 428 the department shall be assigned an equivalent cost and included  
 429 in the per diem.

430 (4) The department ~~of Corrections~~ shall provide a report  
 431 detailing the state cost to design, finance, acquire, lease,  
 432 construct, and operate a facility similar to the private  
 433 correctional facility on a per diem basis. This report shall be  
 434 provided to the Auditor General in sufficient time that it may  
 435 be certified ~~to the Department of Management Services~~ to be  
 436 included in the request for proposals.

437 (5)

438 (d) If a private vendor chooses not to renew the contract  
 439 at the appropriated level, the department ~~of Management Services~~  
 440 shall terminate the contract as provided in s. 957.14.

441 Section 14. Section 957.08, Florida Statutes, is amended  
 442 to read:

443 957.08 Capacity requirements.—The department ~~of~~  
 444 ~~Corrections~~ shall transfer and assign prisoners to each private  
 445 correctional facility opened pursuant to this chapter in an  
 446 amount not less than 90 percent or more than 100 percent of the  
 447 capacity of the facility pursuant to the contract ~~with the~~  
 448 ~~Department of Management Services~~. The prisoners transferred by  
 449 the department ~~of Corrections~~ shall represent a cross-section of  
 450 the general inmate population, based on the grade of custody or

451 the offense of conviction, at the most comparable facility  
452 operated by the department.

453 Section 15. Section 957.14, Florida Statutes, is amended  
454 to read:

455 957.14 Contract termination and control of a correctional  
456 facility by the department.—A detailed plan shall be provided by  
457 a private vendor under which the department shall assume  
458 temporary control of a private correctional facility upon  
459 termination of the contract. The department ~~of Management~~  
460 ~~Services~~ may terminate the contract with cause after written  
461 notice of material deficiencies and after 60 workdays in order  
462 to correct the material deficiencies. If any event occurs that  
463 involves the noncompliance with or violation of contract terms  
464 and that presents a serious threat to the safety, health, or  
465 security of the inmates, employees, or the public, the  
466 department may temporarily assume control of the private  
467 correctional facility, ~~with the approval of the Department of~~  
468 ~~Management Services~~. A plan shall also be provided by a private  
469 vendor for the purchase and temporary assumption of operations  
470 of a correctional facility by the department in the event of  
471 bankruptcy or the financial insolvency of the private vendor.  
472 The private vendor shall provide an emergency plan to address  
473 inmate disturbances, employee work stoppages, strikes, or other  
474 serious events in accordance with standards of the American  
475 Correctional Association.

476 Section 16. Section 957.15, Florida Statutes, is amended  
 477 to read:

478 957.15 Funding of contracts for operation, maintenance,  
 479 and lease-purchase of private correctional facilities.—The  
 480 request for appropriation of funds to make payments pursuant to  
 481 contracts entered into by the department ~~of Management Services~~  
 482 for the operation, maintenance, and lease-purchase of the  
 483 private correctional facilities authorized by this chapter shall  
 484 be included ~~made by the Department of Management Services in a~~  
 485 ~~request to the department. The department shall include such~~  
 486 ~~request~~ in its budget request to the Legislature as a separately  
 487 identified item ~~and shall forward the request of the Department~~  
 488 ~~of Management Services without change~~. After an appropriation  
 489 has been made by the Legislature to the department for the  
 490 private correctional facilities, the department shall have no  
 491 authority over such funds other than to pay from such  
 492 appropriation to the appropriate private vendor such amounts as  
 493 are certified for payment by the department ~~of Management~~  
 494 ~~Services~~.

495 Section 17. Section 957.16, Florida Statutes, is amended  
 496 to read:

497 957.16 Expanding capacity.—The department ~~of Management~~  
 498 ~~Services~~ is authorized to modify and execute agreements with  
 499 contractors to expand up to the total capacity of contracted  
 500 correctional facilities. Total capacity means the design

501 capacity of all contracted correctional facilities increased by  
502 one-half as described under s. 944.023(1)(b). Any additional  
503 beds authorized under this section must comply with the cost-  
504 saving requirements set forth in s. 957.07. Any additional beds  
505 authorized as a result of expanded capacity under this section  
506 are contingent upon specified appropriations.

507 Section 18. This act shall take effect October 1, 2023.