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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
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The Appropriations Committee on Criminal and Civil Justice  
(Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 944.31, Florida Statutes, is amended to  
read:

944.31 Inspector general; inspectors; power and duties.—

(1) The inspector general shall be responsible for prison  
inspection and investigation, internal affairs investigations,  
and management reviews. The office of the inspector general



11 shall be charged with the duty of inspecting the penal and  
12 correctional systems of the state.

13       (2) The office of the inspector general shall inspect each  
14 correctional institution or any place in which state prisoners  
15 are housed, worked, or kept within the state, with reference to  
16 its physical conditions, cleanliness, sanitation, safety, and  
17 comfort; the quality and supply of all bedding; the quality,  
18 quantity, and diversity of food served and the manner in which  
19 it is served; the number and condition of the prisoners confined  
20 therein; and the general conditions of each institution.

21       (3) The office of inspector general shall see that all the  
22 rules and regulations issued by the department are strictly  
23 observed and followed by all persons connected with the  
24 correctional systems of the state. The office of the inspector  
25 general shall coordinate and supervise the work of inspectors  
26 throughout the state.

27       (4) The inspector general and inspectors may enter any  
28 place where prisoners in this state are kept and shall be  
29 immediately admitted to such place as they desire and may  
30 consult and confer with any prisoner privately and without  
31 molestation.

32       (5) (a) The inspector general and inspectors shall be  
33 responsible for criminal and administrative investigation of  
34 matters relating to the Department of Corrections.

35       (b) The secretary may designate persons within the office  
36 of the inspector general as law enforcement officers to conduct  
37 any criminal investigation that occurs on property owned or  
38 leased by the department or involves matters over which the  
39 department has jurisdiction. All criminal investigations,



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40 involving matters over which the department has jurisdiction at  
41 contractor-operated correctional facilities, as defined in s.  
42 944.710, may be conducted by the law enforcement officers of the  
43 office of the inspector general.

44 (c) A person designated as a law enforcement officer must  
45 be certified pursuant to s. 943.1395 and must have a minimum of  
46 3 years' experience as an inspector in the inspector general's  
47 office or as a law enforcement officer.

48 (d) The department shall maintain a memorandum of  
49 understanding with the Department of Law Enforcement for the  
50 notification and investigation of mutually agreed-upon predicate  
51 events that shall include, but are not limited to, suspicious  
52 deaths and organized criminal activity.

53 (e) During investigations, the inspector general and  
54 inspectors may consult and confer with any prisoner or staff  
55 member privately and without molestation and persons designated  
56 as law enforcement officers under this section shall have the  
57 authority to arrest, with or without a warrant, any prisoner of  
58 or visitor to a state correctional institution for a violation  
59 of the criminal laws of the state. Law enforcement officers  
60 under this section shall have the authority to arrest, with or  
61 without a warrant, any prisoner of or visitor to any state  
62 correctional institution, as defined in s. 944.02, including all  
63 contractor-operated correctional facilities, for any violation  
64 of the criminal laws of the state involving matters over which  
65 the department has jurisdiction, ~~involving an offense classified~~  
66 as a felony that occurs on property owned or leased by the  
67 department and may arrest offenders who have escaped or  
68 absconded from custody.



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69           (f) Persons designated as law enforcement officers have the  
70 authority to arrest with or without a warrant a staff member of  
71 the department, including any contract employee, subcontractor,  
72 or volunteer, for a violation of the criminal laws of the state  
73 that occurs involving an offense classified as a felony under  
74 this chapter or chapter 893 on property owned or leased by the  
75 department, or any contractor-operated correctional facility  
76 staff member, contract employee, subcontractor, or volunteer,  
77 for a violation of the criminal laws of the state involving  
78 matters over which the department has jurisdiction at any  
79 contractor-operated correctional facility. A person designated  
80 as a law enforcement officer under this section may make arrests  
81 of persons against whom arrest warrants have been issued,  
82 including arrests of offenders who have escaped or absconded  
83 from custody. The arrested person shall be surrendered without  
84 delay to the sheriff of the county in which the arrest is made,  
85 with a formal complaint subsequently made against her or him in  
86 accordance with law.

87           Section 2. Section 944.710, Florida Statutes, is amended to  
88 read:

89           944.710 Definitions of terms relating to contractor-  
90 operated ~~private operation of~~ state correctional facilities and  
91 s. 944.105.—As used with respect to contractor-operated ~~private~~  
92 ~~operation of~~ state correctional facilities and s. 944.105, the  
93 term:

94           (1) "Bidder" means any individual, partnership,  
95 corporation, or unincorporated association that submits a  
96 proposal with the department to construct, lease, or operate a  
97 contractor-operated ~~private~~ correctional facility.



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98 (2) "Department" means the Department of Corrections.

99 ~~(4)-(3)~~ "Contractor-operated ~~private~~ correctional facility"  
100 means any facility, which is not operated by the department, for  
101 the incarceration of adults or juveniles who have been sentenced  
102 by a court and committed to the custody of the department.

103 ~~(3)-(4)~~ "Contractor-employed ~~Private~~ correctional officer"  
104 means any full-time or part-time employee of a private vendor  
105 whose primary responsibility is the supervision, protection,  
106 care, and control of prisoners within a contractor-operated  
107 ~~private~~ correctional facility.

108 (5) "Private vendor" means any individual, partnership,  
109 corporation, or unincorporated association bound by contract  
110 with the department to construct, lease, or operate a  
111 contractor-operated ~~private~~ correctional facility.

112 Section 3. Subsections (1), (2), and (3) of section 957.04,  
113 Florida Statutes, are amended to read:

114 957.04 Contract requirements.—

115 (1) A contract entered into under this chapter for the  
116 operation of contractor-operated ~~private~~ correctional facilities  
117 shall maximize the cost savings of such facilities and ~~shall~~:

118 (a) Unless otherwise specified herein, is not exempt from  
119 chapter 287, including the competitive solicitation requirements  
120 thereof. However, to the extent of a direct conflict between  
121 this chapter and chapter 287, this chapter shall control.

122 Contracts entered into under this chapter for the operation of  
123 contractor-operated correctional facilities are not considered  
124 to be outsourced as defined in s. 287.012. The specific  
125 outsourcing requirements in s. 287.0571 are not required under  
126 this section.



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127           **(b)**~~(a)~~ Be executed ~~negotiated~~ with the contractor firm  
128 found most qualified. However, a contract for contractor-  
129 operated ~~private~~ correctional services may not be entered into  
130 by the department unless the department determines that the  
131 contractor has demonstrated that it has:

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

134           2. The ability to expedite the siting, design, and  
135 construction of correctional facilities.

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

138           **(c)**~~(b)~~ Indemnify the state and the department, including  
139 their officials and agents, against any and all liability,  
140 including, but not limited to, civil rights liability. Proof of  
141 satisfactory insurance is required in an amount to be determined  
142 by the department.

143           **(d)**~~(c)~~ Require that the contractor seek, obtain, and  
144 maintain accreditation by the American Correctional Association  
145 for the facility under that contract. Compliance with amendments  
146 to the accreditation standards of the association is required  
147 upon the approval of such amendments by the department.

148           **(e)**~~(d)~~ Require that the proposed facilities and the  
149 management plans for the inmates meet applicable American  
150 Correctional Association standards and the requirements of all  
151 applicable court orders and state law.

152           **(f)**~~(e)~~ Establish operations standards for correctional  
153 facilities subject to the contract. However, if the department  
154 and the contractor disagree with an operations standard, the  
155 contractor may propose to waive any rule, policy, or procedure



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156 of the department related to the operations standards of  
157 correctional facilities which is inconsistent with the mission  
158 of the contractor to establish cost-effective, contractor-  
159 operated ~~privately operated~~ correctional facilities. The  
160 department shall be responsible for considering all requests  
161 ~~proposals~~ from the contractor to waive any rule, policy, or  
162 procedure and shall render a final decision granting or denying  
163 such request.

164 (g) ~~(f)~~ Require the contractor to be responsible for a range  
165 of dental, medical, and psychological services; diet; education;  
166 and work programs at least equal to those provided by the  
167 department in comparable facilities. The work and education  
168 programs must be designed to reduce recidivism, and include  
169 opportunities to participate in such work programs as authorized  
170 pursuant to s. 946.523.

171 (h) ~~(g)~~ Require the selection and appointment of a full-time  
172 contract monitor. The contract monitor shall be appointed and  
173 supervised by the department. The contractor is required to  
174 reimburse the department for the salary and expenses of the  
175 contract monitor. It is the obligation of the contractor to  
176 provide suitable office space for the contract monitor at the  
177 correctional facility. The contract monitor shall have unlimited  
178 access to the correctional facility.

179 (i) ~~(h)~~ Be for a period of 3 years and may be renewed for  
180 successive 2-year periods thereafter. However, the state is not  
181 obligated for any payments to the contractor beyond current  
182 annual appropriations.

183 (2) Each contract entered into for the design and  
184 construction of a contractor-operated ~~private~~ correctional



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185 facility or juvenile commitment facility must include:

186 (a) Notwithstanding any provision of chapter 255 to the  
187 contrary, a specific provision authorizing the use of tax-exempt  
188 financing through the issuance of tax-exempt bonds, certificates  
189 of participation, lease-purchase agreements, or other tax-exempt  
190 financing methods. Pursuant to s. 255.25, approval is hereby  
191 provided for the lease-purchase of up to two contractor-operated  
192 ~~private~~ correctional facilities and any other facility  
193 authorized by the General Appropriations Act.

194 (b) A specific provision requiring the design and  
195 construction of the proposed facilities to meet the applicable  
196 standards of the American Correctional Association and the  
197 requirements of all applicable court orders and state law.

198 (c) A specific provision requiring the contractor, and not  
199 the department, to obtain the financing required to design and  
200 construct the contractor-operated ~~private~~ correctional facility  
201 or juvenile commitment facility built under this chapter.

202 (d) A specific provision stating that the state is not  
203 obligated for any payments that exceed the amount of the current  
204 annual appropriation.

205 (3) (a) Each contract for the designing, financing,  
206 acquiring, leasing, constructing, and operating of a contractor-  
207 operated ~~private~~ correctional facility shall be subject to ss.  
208 255.2502 and 255.2503.

209 (b) Each contract for the designing, financing, acquiring,  
210 leasing, and constructing of a contractor-operated ~~private~~  
211 juvenile commitment facility shall be subject to ss. 255.2502  
212 and 255.2503.

213 Section 4. Subsections (4) and (5) of section 957.07,





214 Florida Statutes, are amended to read:

215 957.07 Cost-saving requirements.—

216 (4) The department shall provide a report detailing the  
217 state cost to design, finance, acquire, lease, construct, and  
218 operate a facility similar to the contractor-operated private  
219 correctional facility on a per diem basis. This report shall be  
220 provided to the Auditor General in sufficient time that it may  
221 be certified to be included in the competitive solicitation  
222 ~~request for proposals.~~

223 ~~(5) (a) At the request of the Speaker of the House of~~  
224 ~~Representatives or the President of the Senate, the Prison Per-~~  
225 ~~Diem Workgroup shall develop consensus per diem rates for use by~~  
226 ~~the Legislature. The Office of Program Policy Analysis and~~  
227 ~~Government Accountability and the staffs of the appropriations~~  
228 ~~committees of both the Senate and the House of Representatives~~  
229 ~~are the principals of the workgroup. The workgroup may consult~~  
230 ~~with other experts to assist in the development of the consensus~~  
231 ~~per diem rates. All meetings of the workgroup shall be open to~~  
232 ~~the public as provided in chapter 286.~~

233 ~~(b) When developing the consensus per diem rates, the~~  
234 ~~workgroup must:~~

235 ~~1. Use data provided by the department from the most recent~~  
236 ~~fiscal year to determine per diem costs for the following~~  
237 ~~activities:~~

- 238 ~~a. Custody and control;~~
- 239 ~~b. Health services;~~
- 240 ~~c. Substance abuse programs; and~~
- 241 ~~d. Educational programs;~~

242 ~~2. Include the cost of departmental, regional,~~



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243 ~~institutional, and program administration and any other fixed~~  
244 ~~costs of the department;~~

245 ~~3. Calculate average per diem rates for the following~~  
246 ~~offender populations: adult male, youthful offender male, and~~  
247 ~~female; and~~

248 ~~4. Make per diem adjustments, as appropriate, to account~~  
249 ~~for variations in size and location of correctional facilities.~~

250 ~~(c) The consensus per diem rates determined by the~~  
251 ~~workgroup may be used to assist the Legislature in determining~~  
252 ~~the level of funding provided to privately operated prisons to~~  
253 ~~meet the 7-percent savings required of private prisons by this~~  
254 ~~chapter.~~

255 ~~(d) If a private vendor chooses not to renew the contract~~  
256 ~~at the appropriated level, the department shall terminate the~~  
257 ~~contract as provided in s. 957.14.~~

258 Section 5. Section 957.12, Florida Statutes, is amended to  
259 read:

260 957.12 Prohibition on contact.—Except in writing to the  
261 procurement office or as provided in the solicitation documents,  
262 a bidder or potential bidder is not permitted to have any  
263 contact with any member or employee of or consultant to the  
264 department regarding a competitive solicitation request for  
265 ~~proposal~~, a proposal, or the evaluation or selection process  
266 from the time a request for proposals for a contractor-operated  
267 ~~private~~ correctional facility is issued until the time a  
268 notification of intent to award is announced, ~~except if such~~  
269 ~~contact is in writing or in a meeting for which notice was~~  
270 ~~provided in the Florida Administrative Register.~~

271 Section 6. Section 957.15, Florida Statutes, is amended to



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272 read:

273           957.15 Funding of contracts for operation, maintenance, and  
274 lease-purchase of contractor-operated ~~private~~ correctional  
275 facilities.—The request for appropriation of funds to make  
276 payments pursuant to contracts entered into by the department  
277 for the operation, maintenance, and lease-purchase of the  
278 contractor-operated ~~private~~ correctional facilities authorized  
279 by this chapter shall be included in its budget request to the  
280 Legislature as a separately identified item. ~~After an~~  
281 ~~appropriation has been made by the Legislature to the department~~  
282 ~~for the private correctional facilities, the department shall~~  
283 ~~have no authority over such funds other than to pay from such~~  
284 ~~appropriation to the appropriate private vendor such amounts as~~  
285 ~~are certified for payment by the department.~~

286           Section 7. Paragraph (a) of subsection (2) of section  
287 330.41, Florida Statutes, is amended to read:

288           330.41 Unmanned Aircraft Systems Act.—

289           (2) DEFINITIONS.—As used in this act, the term:

290           (a) "Critical infrastructure facility" means any of the  
291 following, if completely enclosed by a fence or other physical  
292 barrier that is obviously designed to exclude intruders, or if  
293 clearly marked with a sign or signs which indicate that entry is  
294 forbidden and which are posted on the property in a manner  
295 reasonably likely to come to the attention of intruders:

296           1. A power generation or transmission facility, substation,  
297 switching station, or electrical control center.

298           2. A chemical or rubber manufacturing or storage facility.

299           3. A water intake structure, water treatment facility,  
300 wastewater treatment plant, or pump station.



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- 301           4. A mining facility.
- 302           5. A natural gas or compressed gas compressor station,  
303 storage facility, or natural gas or compressed gas pipeline.
- 304           6. A liquid natural gas or propane gas terminal or storage  
305 facility.
- 306           7. Any portion of an aboveground oil or gas pipeline.
- 307           8. A refinery.
- 308           9. A gas processing plant, including a plant used in the  
309 processing, treatment, or fractionation of natural gas.
- 310           10. A wireless communications facility, including the  
311 tower, antennae, support structures, and all associated ground-  
312 based equipment.
- 313           11. A seaport as listed in s. 311.09(1), which need not be  
314 completely enclosed by a fence or other physical barrier and  
315 need not be marked with a sign or signs indicating that entry is  
316 forbidden.
- 317           12. An inland port or other facility or group of facilities  
318 serving as a point of intermodal transfer of freight in a  
319 specific area physically separated from a seaport.
- 320           13. An airport as defined in s. 330.27.
- 321           14. A spaceport territory as defined in s. 331.303(18).
- 322           15. A military installation as defined in 10 U.S.C. s.  
323 2801(c)(4) and an armory as defined in s. 250.01.
- 324           16. A dam as defined in s. 373.403(1) or other structures,  
325 such as locks, floodgates, or dikes, which are designed to  
326 maintain or control the level of navigable waterways.
- 327           17. A state correctional institution as defined in s.  
328 944.02 or a contractor-operated ~~private~~ correctional facility  
329 authorized under chapter 957.



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330           18. A secure detention center or facility as defined in s.  
331 985.03, or a nonsecure residential facility, a high-risk  
332 residential facility, or a maximum-risk residential facility as  
333 those terms are described in s. 985.03(44).

334           19. A county detention facility as defined in s. 951.23.

335           20. A critical infrastructure facility as defined in s.  
336 692.201.

337           Section 8. Paragraph (b) of subsection (3) of section  
338 553.865, Florida Statutes, is amended to read:

339           553.865 Private spaces.—

340           (3) As used in this section, the term:

341           (b) "Correctional institution" means any state correctional  
342 institution as defined in s. 944.02 or contractor-operated  
343 ~~private~~ correctional facility as defined in s. 944.710.

344           Section 9. Paragraph (e) of subsection (1) of section  
345 633.218, Florida Statutes, is amended to read:

346           633.218 Inspections of state buildings and premises; tests  
347 of firesafety equipment; building plans to be approved.—

348           (1)

349           (e) For purposes of this section:

350           1.a. The term "high-hazard occupancy" means any building or  
351 structure:

352           (I) That contains combustible or explosive matter or  
353 flammable conditions dangerous to the safety of life or  
354 property;

355           (II) At which persons receive educational instruction;

356           (III) At which persons reside, excluding private dwellings;  
357 or

358           (IV) Containing three or more floor levels.



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359           b. As used in this subparagraph, the phrase "building or  
360 structure":

361           (I) Includes, but is not limited to, all hospitals and  
362 residential health care facilities, nursing homes and other  
363 adult care facilities, correctional or detention facilities,  
364 public schools, public lodging establishments, migrant labor  
365 camps, residential child care facilities, and self-service  
366 gasoline stations.

367           (II) Does not include any residential condominium where the  
368 declaration of condominium or the bylaws provide that the rental  
369 of units shall not be permitted for less than 90 days.

370           2. The term "state-owned building" includes contractor-  
371 operated ~~private~~ correctional facilities as defined under s.  
372 944.710 ~~s. 944.710(3)~~.

373           Section 10. Paragraph (e) of subsection (2), paragraphs (b)  
374 and (e) of subsection (6), and paragraph (g) of subsection (10)  
375 of section 775.21, Florida Statutes, are amended to read:

376           775.21 The Florida Sexual Predators Act.—

377           (2) DEFINITIONS.—As used in this section, the term:

378           (e) "Conviction" means a determination of guilt which is  
379 the result of a trial or the entry of a plea of guilty or nolo  
380 contendere, regardless of whether adjudication is withheld. A  
381 conviction for a similar offense includes, but is not limited  
382 to, a conviction by a federal or military tribunal, including  
383 courts-martial conducted by the Armed Forces of the United  
384 States, and includes a conviction or entry of a plea of guilty  
385 or nolo contendere resulting in a sanction in any state of the  
386 United States or other jurisdiction. A sanction includes, but is  
387 not limited to, a fine, probation, community control, parole,



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388 conditional release, control release, or incarceration in a  
389 state prison, federal prison, contractor-operated ~~private~~  
390 correctional facility, or local detention facility.

391 (6) REGISTRATION.—

392 (b) If the sexual predator is in the custody or control of,  
393 or under the supervision of, the Department of Corrections, or  
394 is in the custody of a contractor-operated ~~private~~ correctional  
395 facility, the sexual predator shall register with the Department  
396 of Corrections. A sexual predator who is under the supervision  
397 of the Department of Corrections but who is not incarcerated  
398 shall register with the Department of Corrections within 3  
399 business days after the court finds the offender to be a sexual  
400 predator. The Department of Corrections shall provide to the  
401 department registration information and the location of, and  
402 local telephone number for, any Department of Corrections office  
403 that is responsible for supervising the sexual predator. In  
404 addition, the Department of Corrections shall notify the  
405 department if the sexual predator escapes or absconds from  
406 custody or supervision or if the sexual predator dies.

407 (e)1. If the sexual predator is not in the custody or  
408 control of, or under the supervision of, the Department of  
409 Corrections or is not in the custody of a contractor-operated  
410 ~~private~~ correctional facility, the sexual predator shall  
411 register in person:

412 a. At the sheriff's office in the county where he or she  
413 establishes or maintains a residence within 48 hours after  
414 establishing or maintaining a residence in this state; and

415 b. At the sheriff's office in the county where he or she  
416 was designated a sexual predator by the court within 48 hours



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417 after such finding is made.

418         2. Any change that occurs after the sexual predator  
419 registers in person at the sheriff's office as provided in  
420 subparagraph 1. in any of the following information related to  
421 the sexual predator must be reported as provided in paragraphs  
422 (g), (i), and (j): permanent, temporary, or transient residence;  
423 name; vehicles owned; electronic mail addresses; Internet  
424 identifiers and each Internet identifier's corresponding website  
425 homepage or application software name; home and cellular  
426 telephone numbers; employment information; and change in status  
427 at an institution of higher education. When a sexual predator  
428 registers with the sheriff's office, the sheriff shall take a  
429 photograph, a set of fingerprints, and palm prints of the  
430 predator and forward the photographs, palm prints, and  
431 fingerprints to the department, along with the information that  
432 the predator is required to provide pursuant to this section.

433         (10) PENALTIES.—

434         (g) Any person who has reason to believe that a sexual  
435 predator is not complying, or has not complied, with the  
436 requirements of this section and who, with the intent to assist  
437 the sexual predator in eluding a law enforcement agency that is  
438 seeking to find the sexual predator to question the sexual  
439 predator about, or to arrest the sexual predator for, his or her  
440 noncompliance with the requirements of this section:

441             1. Withholds information from, or does not notify, the law  
442 enforcement agency about the sexual predator's noncompliance  
443 with the requirements of this section, and, if known, the  
444 whereabouts of the sexual predator;

445             2. Harbors, or attempts to harbor, or assists another





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446 person in harboring or attempting to harbor, the sexual  
447 predator;

448 3. Conceals or attempts to conceal, or assists another  
449 person in concealing or attempting to conceal, the sexual  
450 predator; or

451 4. Provides information to the law enforcement agency  
452 regarding the sexual predator which the person knows to be false  
453 information,

454  
455 commits a felony of the third degree, punishable as provided in  
456 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not  
457 apply if the sexual predator is incarcerated in or is in the  
458 custody of a state correctional facility, a contractor-operated  
459 ~~private~~ correctional facility, a local jail, or a federal  
460 correctional facility.

461 Section 11. Paragraph (a) of subsection (3) and paragraph  
462 (a) of subsection (4) of section 775.261, Florida Statutes, are  
463 amended to read:

464 775.261 The Florida Career Offender Registration Act.—

465 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

466 (a) A career offender released on or after July 1, 2002,  
467 from a sanction imposed in this state must register as required  
468 under subsection (4) and is subject to community and public  
469 notification as provided under subsection (5). For purposes of  
470 this section, a sanction imposed in this state includes, but is  
471 not limited to, a fine, probation, community control, parole,  
472 conditional release, control release, or incarceration in a  
473 state prison, contractor-operated ~~private~~ correctional facility,  
474 or local detention facility, and:



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475           1. The career offender has not received a pardon for any  
476 felony or other qualified offense that is necessary for the  
477 operation of this paragraph; or

478           2. A conviction of a felony or other qualified offense  
479 necessary to the operation of this paragraph has not been set  
480 aside in any postconviction proceeding.

481           (4) REGISTRATION.—

482           (a) A career offender must register with the department by  
483 providing the following information to the department, or to the  
484 sheriff's office in the county in which the career offender  
485 establishes or maintains a permanent or temporary residence,  
486 within 2 working days after establishing permanent or temporary  
487 residence in this state or within 2 working days after being  
488 released from the custody, control, or supervision of the  
489 Department of Corrections or from the custody of a contractor-  
490 operated private correctional facility:

491           1. Name, social security number, age, race, gender, date of  
492 birth, height, weight, hair and eye color, photograph, address  
493 of legal residence and address of any current temporary  
494 residence within the state or out of state, including a rural  
495 route address or a post office box, date and place of any  
496 employment, date and place of each conviction, fingerprints, and  
497 a brief description of the crime or crimes committed by the  
498 career offender. A career offender may not provide a post office  
499 box in lieu of a physical residential address. If the career  
500 offender's place of residence is a motor vehicle, trailer,  
501 mobile home, or manufactured home, as defined in chapter 320,  
502 the career offender shall also provide to the department written  
503 notice of the vehicle identification number; the license tag



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504 number; the registration number; and a description, including  
505 color scheme, of the motor vehicle, trailer, mobile home, or  
506 manufactured home. If a career offender's place of residence is  
507 a vessel, live-aboard vessel, or houseboat, as defined in  
508 chapter 327, the career offender shall also provide to the  
509 department written notice of the hull identification number; the  
510 manufacturer's serial number; the name of the vessel, live-  
511 aboard vessel, or houseboat; the registration number; and a  
512 description, including color scheme, of the vessel, live-aboard  
513 vessel, or houseboat.

514 2. Any other information determined necessary by the  
515 department, including criminal and corrections records;  
516 nonprivileged personnel and treatment records; and evidentiary  
517 genetic markers when available.

518 Section 12. Subsection (1) of section 784.078, Florida  
519 Statutes, is amended to read:

520 784.078 Battery of facility employee by throwing, tossing,  
521 or expelling certain fluids or materials.—

522 (1) As used in this section, the term "facility" means a  
523 state correctional institution defined in s. 944.02(8); a  
524 contractor-operated ~~private~~ correctional facility defined in s.  
525 944.710 or under chapter 957; a county, municipal, or regional  
526 jail or other detention facility of local government under  
527 chapter 950 or chapter 951; or a secure facility operated and  
528 maintained by the Department of Corrections or the Department of  
529 Juvenile Justice.

530 Section 13. Subsection (1) of section 800.09, Florida  
531 Statutes, is amended to read:

532 800.09 Lewd or lascivious exhibition in the presence of an



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533 employee.-

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

535 (a) "Employee" means:

536 1. Any person employed by or performing contractual  
537 services for a public or private entity operating a state  
538 correctional institution or contractor-operated ~~private~~  
539 correctional facility;

540 2. Any person employed by or performing contractual  
541 services for the corporation operating the prison industry  
542 enhancement programs or the correctional work programs under  
543 part II of chapter 946;

544 3. Any person who is a parole examiner with the Florida  
545 Commission on Offender Review; or

546 4. Any person employed at or performing contractual  
547 services for a county detention facility.

548 (b) "Facility" means a state correctional institution as  
549 defined in s. 944.02, a contractor-operated ~~private~~ correctional  
550 facility as defined in s. 944.710, or a county detention  
551 facility as defined in s. 951.23.

552 Section 14. Paragraphs (b) and (h) of subsection (1) and  
553 paragraph (a) of subsection (2) of section 943.0435, Florida  
554 Statutes, are amended to read:

555 943.0435 Sexual offenders required to register with the  
556 department; penalty.-

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

558 (b) "Convicted" means that there has been a determination  
559 of guilt as a result of a trial or the entry of a plea of guilty  
560 or nolo contendere, regardless of whether adjudication is  
561 withheld, and includes an adjudication of delinquency of a



562 juvenile as specified in this section. Conviction of a similar  
563 offense includes, but is not limited to, a conviction by a  
564 federal or military tribunal, including courts-martial conducted  
565 by the Armed Forces of the United States, and includes a  
566 conviction or entry of a plea of guilty or nolo contendere  
567 resulting in a sanction in any state of the United States or  
568 other jurisdiction. A sanction includes, but is not limited to,  
569 a fine, probation, community control, parole, conditional  
570 release, control release, or incarceration in a state prison,  
571 federal prison, contractor-operated ~~private~~ correctional  
572 facility, or local detention facility.

573 (h)1. "Sexual offender" means a person who meets the  
574 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
575 subparagraph c., or sub-subparagraph d., as follows:

576 a.(I) Has been convicted of committing, or attempting,  
577 soliciting, or conspiring to commit, any of the criminal  
578 offenses proscribed in the following statutes in this state or  
579 similar offenses in another jurisdiction: s. 393.135(2); s.  
580 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
581 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former  
582 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.  
583 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
584 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
585 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
586 s. 895.03, if the court makes a written finding that the  
587 racketeering activity involved at least one sexual offense  
588 listed in this sub-sub-subparagraph or at least one offense  
589 listed in this sub-sub-subparagraph with sexual intent or  
590 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense



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591 committed in this state which has been redesignated from a  
592 former statute number to one of those listed in this sub-sub-  
593 subparagraph; and

594 (II) Has been released on or after October 1, 1997, from a  
595 sanction imposed for any conviction of an offense described in  
596 sub-sub-subparagraph (I) and does not otherwise meet the  
597 criteria for registration as a sexual offender under chapter 944  
598 or chapter 985. For purposes of this sub-sub-subparagraph, a  
599 sanction imposed in this state or in any other jurisdiction  
600 means probation, community control, parole, conditional release,  
601 control release, or incarceration in a state prison, federal  
602 prison, contractor-operated ~~private~~ correctional facility, or  
603 local detention facility. If no sanction is imposed, the person  
604 is deemed to be released upon conviction;

605 b. Establishes or maintains a residence in this state and  
606 who has not been designated as a sexual predator by a court of  
607 this state but who has been designated as a sexual predator, as  
608 a sexually violent predator, or by another sexual offender  
609 designation in another state or jurisdiction and was, as a  
610 result of such designation, subjected to registration or  
611 community or public notification, or both, or would be if the  
612 person were a resident of that state or jurisdiction, without  
613 regard to whether the person otherwise meets the criteria for  
614 registration as a sexual offender;

615 c. Establishes or maintains a residence in this state who  
616 is in the custody or control of, or under the supervision of,  
617 any other state or jurisdiction as a result of a conviction for  
618 committing, or attempting, soliciting, or conspiring to commit,  
619 any of the criminal offenses proscribed in the following



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620 statutes or similar offense in another jurisdiction: s.  
621 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
622 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
623 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
624 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
625 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;  
626 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;  
627 s. 847.0145; s. 895.03, if the court makes a written finding  
628 that the racketeering activity involved at least one sexual  
629 offense listed in this sub-subparagraph or at least one offense  
630 listed in this sub-subparagraph with sexual intent or motive; s.  
631 916.1075(2); or s. 985.701(1); or any similar offense committed  
632 in this state which has been redesignated from a former statute  
633 number to one of those listed in this sub-subparagraph; or  
634 d. On or after July 1, 2007, has been adjudicated  
635 delinquent for committing, or attempting, soliciting, or  
636 conspiring to commit, any of the criminal offenses proscribed in  
637 the following statutes in this state or similar offenses in  
638 another jurisdiction when the juvenile was 14 years of age or  
639 older at the time of the offense:  
640 (I) Section 794.011, excluding s. 794.011(10);  
641 (II) Section 800.04(4)(a)2. where the victim is under 12  
642 years of age or where the court finds sexual activity by the use  
643 of force or coercion;  
644 (III) Section 800.04(5)(c)1. where the court finds  
645 molestation involving unclothed genitals;  
646 (IV) Section 800.04(5)(d) where the court finds the use of  
647 force or coercion and unclothed genitals; or  
648 (V) Any similar offense committed in this state which has



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649 been redesignated from a former statute number to one of those  
650 listed in this sub-subparagraph.

651         2. For all qualifying offenses listed in sub-subparagraph  
652 1.d., the court shall make a written finding of the age of the  
653 offender at the time of the offense.

654  
655 For each violation of a qualifying offense listed in this  
656 subsection, except for a violation of s. 794.011, the court  
657 shall make a written finding of the age of the victim at the  
658 time of the offense. For a violation of s. 800.04(4), the court  
659 shall also make a written finding indicating whether the offense  
660 involved sexual activity and indicating whether the offense  
661 involved force or coercion. For a violation of s. 800.04(5), the  
662 court shall also make a written finding that the offense did or  
663 did not involve unclothed genitals or genital area and that the  
664 offense did or did not involve the use of force or coercion.

665         (2) Upon initial registration, a sexual offender shall:

666             (a) Report in person at the sheriff's office:

667                 1. In the county in which the offender establishes or  
668 maintains a permanent, temporary, or transient residence within  
669 48 hours after:

670                     a. Establishing permanent, temporary, or transient  
671 residence in this state; or

672                     b. Being released from the custody, control, or supervision  
673 of the Department of Corrections or from the custody of a  
674 contractor-operated ~~private~~ correctional facility; or

675                 2. In the county where he or she was convicted within 48  
676 hours after being convicted for a qualifying offense for  
677 registration under this section if the offender is not in the





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678 custody or control of, or under the supervision of, the  
679 Department of Corrections, or is not in the custody of a  
680 contractor-operated ~~private~~ correctional facility.

681  
682 Any change in the information required to be provided pursuant  
683 to paragraph (b), including, but not limited to, any change in  
684 the sexual offender's permanent, temporary, or transient  
685 residence; name; electronic mail addresses; Internet identifiers  
686 and each Internet identifier's corresponding website homepage or  
687 application software name; home telephone numbers and cellular  
688 telephone numbers; employment information; and any change in  
689 status at an institution of higher education after the sexual  
690 offender reports in person at the sheriff's office must be  
691 reported in the manner provided in subsections (4), (7), and  
692 (8).

693  
694 When a sexual offender reports at the sheriff's office, the  
695 sheriff shall take a photograph, a set of fingerprints, and palm  
696 prints of the offender and forward the photographs, palm prints,  
697 and fingerprints to the department, along with the information  
698 provided by the sexual offender. The sheriff shall promptly  
699 provide to the department the information received from the  
700 sexual offender.

701 Section 15. Subsections (5) and (8) of section 943.13,  
702 Florida Statutes, are amended to read:

703 943.13 Officers' minimum qualifications for employment or  
704 appointment.—On or after October 1, 1984, any person employed or  
705 appointed as a full-time, part-time, or auxiliary law  
706 enforcement officer or correctional officer; on or after October



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707 1, 1986, any person employed as a full-time, part-time, or  
708 auxiliary correctional probation officer; and on or after  
709 October 1, 1986, any person employed as a full-time, part-time,  
710 or auxiliary correctional officer by a private entity under  
711 contract to the Department of Corrections or to a county  
712 commission shall:

713 (5) Have documentation of his or her processed fingerprints  
714 on file with the employing agency or, if a contractor-employed  
715 ~~private~~ correctional officer, have documentation of his or her  
716 processed fingerprints on file with the Department of  
717 Corrections or the Criminal Justice Standards and Training  
718 Commission. The department shall retain and enter into the  
719 statewide automated biometric identification system authorized  
720 by s. 943.05 all fingerprints submitted to the department as  
721 required by this section. Thereafter, the fingerprints shall be  
722 available for all purposes and uses authorized for arrest  
723 fingerprints entered in the statewide automated biometric  
724 identification system pursuant to s. 943.051. The department  
725 shall search all arrest fingerprints received pursuant to s.  
726 943.051 against the fingerprints retained in the statewide  
727 automated biometric identification system pursuant to this  
728 section and report to the employing agency any arrest records  
729 that are identified with the retained employee's fingerprints.  
730 These fingerprints must be forwarded to the department for  
731 processing and retention.

732 (8) Execute and submit to the employing agency or, if a  
733 contractor-employed ~~private~~ correctional officer, submit to the  
734 appropriate governmental entity an affidavit-of-applicant form,  
735 adopted by the commission, attesting to his or her compliance



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736 with subsections (1)-(7). The affidavit shall require the  
737 applicant to disclose any pending investigation by a local,  
738 state, or federal agency or entity for criminal, civil, or  
739 administrative wrongdoing and whether the applicant separated or  
740 resigned from previous criminal justice employment while he or  
741 she was under investigation. The affidavit shall be executed  
742 under oath and constitutes an official statement within the  
743 purview of s. 837.06. The affidavit shall include conspicuous  
744 language that the intentional false execution of the affidavit  
745 constitutes a misdemeanor of the second degree. The affidavit  
746 shall be retained by the employing agency.

747 Section 16. Paragraph (g) of subsection (2) of section  
748 943.325, Florida Statutes, is amended to read:

749 943.325 DNA database.—

750 (2) DEFINITIONS.—As used in this section, the term:

751 (g) "Qualifying offender" means any person, including  
752 juveniles and adults, who is:

753 1.a. Committed to a county jail;

754 b. Committed to or under the supervision of the Department  
755 of Corrections, including persons incarcerated in a contractor-  
756 operated ~~private~~ correctional institution operated under  
757 contract pursuant to s. 944.105;

758 c. Committed to or under the supervision of the Department  
759 of Juvenile Justice;

760 d. Transferred to this state under the Interstate Compact  
761 on Juveniles, part XIII of chapter 985; or

762 e. Accepted under Article IV of the Interstate Corrections  
763 Compact, part III of chapter 941; and who is:

764 2.a. Convicted of any felony offense or attempted felony



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765 offense in this state or of a similar offense in another  
766 jurisdiction;

767 b. Convicted of a misdemeanor violation of s. 784.048, s.  
768 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
769 offense that was found, pursuant to s. 874.04, to have been  
770 committed for the purpose of benefiting, promoting, or  
771 furthering the interests of a criminal gang as defined in s.  
772 874.03;

773 c. Arrested for any felony offense or attempted felony  
774 offense in this state; or

775 d. In the custody of a law enforcement agency and is  
776 subject to an immigration detainer issued by a federal  
777 immigration agency.

778 Section 17. Subsections (4), (5), and (7) of section  
779 944.105, Florida Statutes, are amended to read:

780 944.105 Contractual arrangements with contractor-operated  
781 ~~private~~ entities for operation and maintenance of correctional  
782 facilities and supervision of inmates.—

783 (4) A contractor-employed ~~private~~ correctional officer may  
784 use force only while on the grounds of a facility, while  
785 transporting inmates, and while pursuing escapees from a  
786 facility. A contractor-employed ~~private~~ correctional officer may  
787 use nondeadly force in the following situations:

788 (a) To prevent the commission of a felony or a misdemeanor,  
789 including escape.

790 (b) To defend oneself or others against physical assault.

791 (c) To prevent serious damage to property.

792 (d) To enforce institutional regulations and orders.

793 (e) To prevent or quell a riot.



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794  
795 Contractor-employed ~~Private~~ correctional officers may carry and  
796 use firearms and may use deadly force only as a last resort, and  
797 then only to prevent an act that could result in death or  
798 serious bodily injury to oneself or to another person.

799 (5) Contractor-employed ~~Private~~ correctional officers shall  
800 be trained in the use of force and the use of firearms and shall  
801 be trained at the contractor-operated ~~private~~ firm's expense, at  
802 the facilities that train correctional officers employed by the  
803 department.

804 (7) The department shall require the certification of  
805 contractor-employed ~~private~~ correctional officers at the private  
806 vendor's expense under s. 943.1395, and all such officers must  
807 meet the minimum qualifications established in s. 943.13. All  
808 other employees of the private vendor that perform their duties  
809 at the contractor-operated ~~private~~ correctional facility shall  
810 receive, at a minimum, the same quality and quantity of training  
811 as that required by the state for employees of state-operated  
812 correctional facilities. All training expenses shall be the  
813 responsibility of the private vendor. The department shall be  
814 the contributor and recipient of all criminal background  
815 information necessary for certification by the Criminal Justice  
816 Standards and Training Commission.

817 Section 18. Subsections (1), (2), (3), and (4) of section  
818 944.151, Florida Statutes, are amended to read:

819 944.151 Safe operation and security of correctional  
820 institutions and facilities.—It is the intent of the Legislature  
821 that the Department of Corrections shall be responsible for the  
822 safe operation and security of the correctional institutions and



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823 facilities. The safe operation and security of the state's  
824 correctional institutions and facilities are critical to ensure  
825 public safety and the safety of department employees and  
826 offenders, and to contain violent and chronic offenders until  
827 offenders are otherwise released from the department's custody  
828 pursuant to law. The Secretary of Corrections shall, at a  
829 minimum:

830 (1) Appoint appropriate department staff to a safety and  
831 security review committee that shall evaluate new safety and  
832 security technology, review and discuss current issues impacting  
833 state and contractor-operated ~~private~~ correctional institutions  
834 and facilities, and review and discuss other issues as requested  
835 by department management.

836 (2) Direct appropriate department staff to establish a  
837 periodic schedule for the physical inspection of buildings and  
838 structures of each state and contractor-operated ~~private~~  
839 correctional institution and facility to determine safety and  
840 security deficiencies. In scheduling the inspections, priority  
841 shall be given to older institutions and facilities;  
842 institutions and facilities that house a large proportion of  
843 violent offenders; institutions and facilities that have  
844 experienced a significant number of inappropriate incidents of  
845 use of force on inmates, assaults on employees, or inmate sexual  
846 abuse; and institutions and facilities that have experienced a  
847 significant number of escapes or escape attempts in the past.

848 (3) Direct appropriate department staff to conduct or cause  
849 to be conducted announced and unannounced comprehensive security  
850 audits of all state and contractor-operated ~~private~~ correctional  
851 institutions and facilities. Priority shall be given to those



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852 institutions and facilities that have experienced a significant  
853 number of inappropriate incidents of use of force on inmates,  
854 assaults on employees, or sexual abuse. At a minimum, the audit  
855 must include an evaluation of the physical plant, landscaping,  
856 fencing, security alarms and perimeter lighting, and  
857 confinement, arsenal, key and lock, and entrance and exit  
858 policies. The evaluation of the physical plant policies must  
859 include the identification of blind spots or areas where staff  
860 or inmates may be isolated and the deployment of video  
861 monitoring systems and other appropriate monitoring technologies  
862 in such spots or areas. Each correctional institution and  
863 facility shall be audited at least annually. The secretary shall  
864 annually report the audit findings to the Governor and the  
865 Legislature.

866 (4) Direct appropriate department staff to investigate and  
867 evaluate the usefulness and dependability of existing safety and  
868 security technology at state and contractor-operated ~~private~~  
869 correctional institutions and facilities, investigate and  
870 evaluate new available safety and security technology, and make  
871 periodic written recommendations to the secretary on the  
872 discontinuation or purchase of various safety and security  
873 devices.

874 Section 19. Paragraph (b) of subsection (3) of section  
875 944.17, Florida Statutes, is amended to read:

876 944.17 Commitments and classification; transfers.—

877 (3)

878 (b) Notwithstanding paragraph (a), any prisoner  
879 incarcerated in the state correctional system or contractor-  
880 operated ~~private~~ correctional facility operated pursuant to



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881 chapter 957 who is convicted in circuit or county court of a  
882 crime committed during that incarceration shall serve the  
883 sentence imposed for that crime within the state correctional  
884 system regardless of the length of sentence or classification of  
885 the offense.

886 Section 20. Paragraph (b) of subsection (3) of section  
887 944.35, Florida Statutes, is amended to read:

888 944.35 Authorized use of force; malicious battery and  
889 sexual misconduct prohibited; reporting required; penalties.—

890 (3)

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

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

894 b. "Contractor-operated ~~Private~~ correctional facility" has  
895 the same meaning as in s. 944.710.

896 c. "Sexual misconduct" means the oral, anal, or female  
897 genital penetration by, or union with, the sexual organ of  
898 another or the anal or female genital penetration of another by  
899 any other object, but does not include an act done for a bona  
900 fide medical purpose or an internal search conducted in the  
901 lawful performance of the employee's duty.

902 d. "Volunteer" means a person registered with the  
903 department or a contractor-operated ~~private~~ correctional  
904 facility who is engaged in specific voluntary service activities  
905 on an ongoing or continual basis.

906 2. Any employee of the department or a contractor-operated  
907 ~~private~~ correctional facility or any volunteer in, or any  
908 employee of a contractor or subcontractor of, the department or  
909 a contractor-operated ~~private~~ correctional facility who engages





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910 in sexual misconduct with an inmate or an offender supervised by  
911 the department in the community, without committing the crime of  
912 sexual battery, commits a felony of the third degree, punishable  
913 as provided in s. 775.082, s. 775.083, or s. 775.084.

914 3. The consent of the inmate or offender supervised by the  
915 department in the community to any act of sexual misconduct may  
916 not be raised as a defense to a prosecution under this  
917 paragraph.

918 4. This paragraph does not apply to any employee,  
919 volunteer, or employee of a contractor or subcontractor of the  
920 department or any employee, volunteer, or employee of a  
921 contractor or subcontractor of a contractor-operated ~~private~~  
922 correctional facility who is legally married to an inmate or an  
923 offender supervised by the department in the community, nor does  
924 it apply to any employee, volunteer, or employee of a contractor  
925 or subcontractor who has no knowledge, and would have no reason  
926 to believe, that the person with whom the employee, volunteer,  
927 or employee of a contractor or subcontractor has engaged in  
928 sexual misconduct is an inmate or an offender under community  
929 supervision of the department.

930 Section 21. Section 944.40, Florida Statutes, is amended to  
931 read:

932 944.40 Escapes; penalty.—Any prisoner confined in, or  
933 released on furlough from, any prison, jail, contractor-operated  
934 ~~private~~ correctional facility, road camp, or other penal  
935 institution, whether operated by the state, a county, or a  
936 municipality, or operated under a contract with the state, a  
937 county, or a municipality, working upon the public roads, or  
938 being transported to or from a place of confinement who escapes



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939 or attempts to escape from such confinement commits a felony of  
940 the second degree, punishable as provided in s. 775.082, s.  
941 775.083, or s. 775.084. The punishment of imprisonment imposed  
942 under this section shall run consecutive to any former sentence  
943 imposed upon any prisoner.

944 Section 22. Subsections (1) and (2) of section 944.605,  
945 Florida Statutes, are amended to read:

946 944.605 Inmate release; notification; identification card.—

947 (1) Within 6 months before the release of an inmate from  
948 the custody of the Department of Corrections or a contractor-  
949 operated private correctional facility by expiration of sentence  
950 under s. 944.275, any release program provided by law, or parole  
951 under chapter 947, or as soon as possible if the offender is  
952 released earlier than anticipated, notification of such  
953 anticipated release date shall be made known by the Department  
954 of Corrections to the chief judge of the circuit in which the  
955 offender was sentenced, the appropriate state attorney, the  
956 original arresting law enforcement agency, the Department of Law  
957 Enforcement, and the sheriff as chief law enforcement officer of  
958 the county in which the inmate plans to reside. In addition,  
959 unless otherwise requested by the victim, the victim's parent or  
960 guardian if the victim is a minor, the lawful representative of  
961 the victim or of the victim's parent or guardian if the victim  
962 is a minor, the victim's next of kin in the case of a homicide,  
963 the state attorney or the Department of Corrections, whichever  
964 is appropriate, shall notify such person within 6 months before  
965 the inmate's release, or as soon as possible if the offender is  
966 released earlier than anticipated, when the name and address of  
967 such victim, or the name and address of the parent, guardian,



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968 next of kin, or lawful representative of the victim has been  
969 furnished to the agency. The state attorney shall provide the  
970 latest address documented for the victim, or for the victim's  
971 parent, guardian, next of kin, or lawful representative, as  
972 applicable, to the sheriff with the other documents required by  
973 law for the delivery of inmates to those agencies for service of  
974 sentence. Upon request, within 30 days after an inmate is  
975 approved for community work release, the state attorney, the  
976 victim, the victim's parent or guardian if the victim is a  
977 minor, the victim's next of kin in the case of a homicide, or  
978 the lawful representative of the victim or of the victim's  
979 parent or guardian if the victim is a minor shall be notified  
980 that the inmate has been approved for community work release.  
981 This section does not imply any repeal or modification of any  
982 provision of law relating to notification of victims.

983 (2) Within 60 days before the anticipated release of an  
984 inmate under subsection (1), a digitized photograph of the  
985 inmate to be released shall be made by the Department of  
986 Corrections or a contractor-operated ~~private~~ correctional  
987 facility, whichever has custody of the inmate. If a contractor-  
988 operated ~~private~~ correctional facility makes the digitized  
989 photograph, this photograph shall be provided to the Department  
990 of Corrections. Additionally, the digitized photograph, whether  
991 made by the Department of Corrections or a contractor-operated  
992 ~~private~~ correctional facility, shall be placed in the inmate's  
993 file. The Department of Corrections shall make the digitized  
994 photograph available electronically to the Department of Law  
995 Enforcement as soon as the digitized photograph is in the  
996 department's database and must be in a format that is compatible



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997 with the requirements of the Florida Crime Information Center.  
998 The department shall provide a copy of the digitized photograph  
999 to a local law enforcement agency upon request.

1000 Section 23. Paragraph (a) of subsection (1) and paragraph  
1001 (a) of subsection (3) of section 944.606, Florida Statutes, are  
1002 amended to read:

1003 944.606 Sexual offenders; notification upon release.—

1004 (1) As used in this section, the term:

1005 (a) "Convicted" means there has been a determination of  
1006 guilt as a result of a trial or the entry of a plea of guilty or  
1007 nolo contendere, regardless of whether adjudication is withheld.  
1008 A conviction for a similar offense includes, but is not limited  
1009 to, a conviction by a federal or military tribunal, including  
1010 courts-martial conducted by the Armed Forces of the United  
1011 States, and includes a conviction or entry of a plea of guilty  
1012 or nolo contendere resulting in a sanction in any state of the  
1013 United States or other jurisdiction. A sanction includes, but is  
1014 not limited to, a fine; probation; community control; parole;  
1015 conditional release; control release; or incarceration in a  
1016 state prison, federal prison, contractor-operated ~~private~~  
1017 correctional facility, or local detention facility.

1018 (3) (a) The department shall provide information regarding  
1019 any sexual offender who is being released after serving a period  
1020 of incarceration for any offense, as follows:

1021 1. The department shall provide: the sexual offender's  
1022 name, any change in the offender's name by reason of marriage or  
1023 other legal process, and any alias, if known; the correctional  
1024 facility from which the sexual offender is released; the sexual  
1025 offender's social security number, race, sex, date of birth,



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1026 height, weight, and hair and eye color; tattoos or other  
1027 identifying marks; address of any planned permanent residence or  
1028 temporary residence, within the state or out of state, including  
1029 a rural route address and a post office box; if no permanent or  
1030 temporary address, any transient residence within the state;  
1031 address, location or description, and dates of any known future  
1032 temporary residence within the state or out of state; date and  
1033 county of sentence and each crime for which the offender was  
1034 sentenced; a copy of the offender's fingerprints, palm prints,  
1035 and a digitized photograph taken within 60 days before release;  
1036 the date of release of the sexual offender; all electronic mail  
1037 addresses and all Internet identifiers required to be provided  
1038 pursuant to s. 943.0435(4)(e); employment information, if known,  
1039 provided pursuant to s. 943.0435(4)(e); all home telephone  
1040 numbers and cellular telephone numbers required to be provided  
1041 pursuant to s. 943.0435(4)(e); information about any  
1042 professional licenses the offender has, if known; and passport  
1043 information, if he or she has a passport, and, if he or she is  
1044 an alien, information about documents establishing his or her  
1045 immigration status. The department shall notify the Department  
1046 of Law Enforcement if the sexual offender escapes, absconds, or  
1047 dies. If the sexual offender is in the custody of a contractor-  
1048 operated ~~private~~ correctional facility, the facility shall take  
1049 the digitized photograph of the sexual offender within 60 days  
1050 before the sexual offender's release and provide this photograph  
1051 to the Department of Corrections and also place it in the sexual  
1052 offender's file. If the sexual offender is in the custody of a  
1053 local jail, the custodian of the local jail shall register the  
1054 offender within 3 business days after intake of the offender for



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1055 any reason and upon release, and shall notify the Department of  
1056 Law Enforcement of the sexual offender's release and provide to  
1057 the Department of Law Enforcement the information specified in  
1058 this paragraph and any information specified in subparagraph 2.  
1059 that the Department of Law Enforcement requests.

1060 2. The department may provide any other information deemed  
1061 necessary, including criminal and corrections records,  
1062 nonprivileged personnel and treatment records, when available.

1063 Section 24. Paragraphs (b) and (f) of subsection (1),  
1064 paragraph (g) of subsection (6), and subsection (12) of section  
1065 944.607, Florida Statutes, are amended to read:

1066 944.607 Notification to Department of Law Enforcement of  
1067 information on sexual offenders.—

1068 (1) As used in this section, the term:

1069 (b) "Conviction" means a determination of guilt which is  
1070 the result of a trial or the entry of a plea of guilty or nolo  
1071 contendere, regardless of whether adjudication is withheld.  
1072 Conviction of a similar offense includes, but is not limited to,  
1073 a conviction by a federal or military tribunal, including  
1074 courts-martial conducted by the Armed Forces of the United  
1075 States, and includes a conviction or entry of a plea of guilty  
1076 or nolo contendere resulting in a sanction in any state of the  
1077 United States or other jurisdiction. A sanction includes, but is  
1078 not limited to, a fine; probation; community control; parole;  
1079 conditional release; control release; or incarceration in a  
1080 state prison, federal prison, contractor-operated ~~private~~  
1081 correctional facility, or local detention facility.

1082 (f) "Sexual offender" means a person who is in the custody  
1083 or control of, or under the supervision of, the department or is



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1084 in the custody of a contractor-operated ~~private~~ correctional  
1085 facility:

1086 1. On or after October 1, 1997, as a result of a conviction  
1087 for committing, or attempting, soliciting, or conspiring to  
1088 commit, any of the criminal offenses proscribed in the following  
1089 statutes in this state or similar offenses in another  
1090 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
1091 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
1092 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
1093 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
1094 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
1095 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
1096 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
1097 makes a written finding that the racketeering activity involved  
1098 at least one sexual offense listed in this subparagraph or at  
1099 least one offense listed in this subparagraph with sexual intent  
1100 or motive; s. 916.1075(2); or s. 985.701(1); or any similar  
1101 offense committed in this state which has been redesignated from  
1102 a former statute number to one of those listed in this  
1103 paragraph; or

1104 2. Who establishes or maintains a residence in this state  
1105 and who has not been designated as a sexual predator by a court  
1106 of this state but who has been designated as a sexual predator,  
1107 as a sexually violent predator, or by another sexual offender  
1108 designation in another state or jurisdiction and was, as a  
1109 result of such designation, subjected to registration or  
1110 community or public notification, or both, or would be if the  
1111 person were a resident of that state or jurisdiction, without  
1112 regard as to whether the person otherwise meets the criteria for



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1113 registration as a sexual offender.

1114 (6) The information provided to the Department of Law  
1115 Enforcement must include:

1116 (g) A digitized photograph of the sexual offender which  
1117 must have been taken within 60 days before the offender is  
1118 released from the custody of the department or a contractor-  
1119 operated ~~private~~ correctional facility by expiration of sentence  
1120 under s. 944.275 or must have been taken by January 1, 1998, or  
1121 within 60 days after the onset of the department's supervision  
1122 of any sexual offender who is on probation, community control,  
1123 conditional release, parole, provisional release, or control  
1124 release or who is supervised by the department under the  
1125 Interstate Compact Agreement for Probationers and Parolees. If  
1126 the sexual offender is in the custody of a contractor-operated  
1127 ~~private~~ correctional facility, the facility shall take a  
1128 digitized photograph of the sexual offender within the time  
1129 period provided in this paragraph and shall provide the  
1130 photograph to the department.

1131  
1132 If any information provided by the department changes during the  
1133 time the sexual offender is under the department's control,  
1134 custody, or supervision, including any change in the offender's  
1135 name by reason of marriage or other legal process, the  
1136 department shall, in a timely manner, update the information and  
1137 provide it to the Department of Law Enforcement in the manner  
1138 prescribed in subsection (2).

1139 (12) Any person who has reason to believe that a sexual  
1140 offender is not complying, or has not complied, with the  
1141 requirements of this section and who, with the intent to assist





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1142 the sexual offender in eluding a law enforcement agency that is  
1143 seeking to find the sexual offender to question the sexual  
1144 offender about, or to arrest the sexual offender for, his or her  
1145 noncompliance with the requirements of this section:

1146 (a) Withholds information from, or does not notify, the law  
1147 enforcement agency about the sexual offender's noncompliance  
1148 with the requirements of this section, and, if known, the  
1149 whereabouts of the sexual offender;

1150 (b) Harbors, or attempts to harbor, or assists another  
1151 person in harboring or attempting to harbor, the sexual  
1152 offender; or

1153 (c) Conceals or attempts to conceal, or assists another  
1154 person in concealing or attempting to conceal, the sexual  
1155 offender; or

1156 (d) Provides information to the law enforcement agency  
1157 regarding the sexual offender which the person knows to be false  
1158 information,

1159  
1160 commits a felony of the third degree, punishable as provided in  
1161 s. 775.082, s. 775.083, or s. 775.084. This subsection does not  
1162 apply if the sexual offender is incarcerated in or is in the  
1163 custody of a state correctional facility, a contractor-operated  
1164 ~~private~~ correctional facility, a local jail, or a federal  
1165 correctional facility.

1166 Section 25. Subsection (1) and paragraph (e) of subsection  
1167 (5) of section 944.608, Florida Statutes, are amended to read:

1168 944.608 Notification to Department of Law Enforcement of  
1169 information on career offenders.—

1170 (1) As used in this section, the term "career offender"



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1171 means a person who is in the custody or control of, or under the  
1172 supervision of, the department or is in the custody or control  
1173 of, or under the supervision of, a contractor-operated ~~private~~  
1174 correctional facility, and who is designated as a habitual  
1175 violent felony offender, a violent career criminal, or a three-  
1176 time violent felony offender under s. 775.084 or as a prison  
1177 releasee reoffender under s. 775.082(9).

1178 (5) The information provided to the Department of Law  
1179 Enforcement must include:

1180 (e) A digitized photograph of the career offender, which  
1181 must have been taken within 60 days before the career offender  
1182 is released from the custody of the department or a contractor-  
1183 operated ~~private~~ correctional facility or within 60 days after  
1184 the onset of the department's supervision of any career offender  
1185 who is on probation, community control, conditional release,  
1186 parole, provisional release, or control release. If the career  
1187 offender is in the custody or control of, or under the  
1188 supervision of, a contractor-operated ~~private~~ correctional  
1189 facility, the facility shall take a digitized photograph of the  
1190 career offender within the time period provided in this  
1191 paragraph and shall provide the photograph to the department.

1192 Section 26. Subsection (1) and paragraph (a) of subsection  
1193 (3) of section 944.609, Florida Statutes, are amended to read:

1194 944.609 Career offenders; notification upon release.-

1195 (1) As used in this section, the term "career offender"  
1196 means a person who is in the custody or control of, or under the  
1197 supervision of, the department or is in the custody or control  
1198 of, or under the supervision of a contractor-operated ~~private~~  
1199 correctional facility, who is designated as a habitual violent



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1200 felony offender, a violent career criminal, or a three-time  
1201 violent felony offender under s. 775.084 or as a prison releasee  
1202 reoffender under s. 775.082(9).

1203 (3)(a) The department must provide information regarding  
1204 any career offender who is being released after serving a period  
1205 of incarceration for any offense, as follows:

1206 1. The department must provide the career offender's name,  
1207 any change in the career offender's name by reason of marriage  
1208 or other legal process, and any alias, if known; the  
1209 correctional facility from which the career offender is  
1210 released; the career offender's social security number, race,  
1211 gender, date of birth, height, weight, and hair and eye color;  
1212 date and county of sentence and each crime for which the career  
1213 offender was sentenced; a copy of the career offender's  
1214 fingerprints and a digitized photograph taken within 60 days  
1215 before release; the date of release of the career offender; and  
1216 the career offender's intended residence address, if known. The  
1217 department shall notify the Department of Law Enforcement if the  
1218 career offender escapes, absconds, or dies. If the career  
1219 offender is in the custody of a contractor-operated ~~private~~  
1220 correctional facility, the facility shall take the digitized  
1221 photograph of the career offender within 60 days before the  
1222 career offender's release and provide this photograph to the  
1223 Department of Corrections and also place it in the career  
1224 offender's file. If the career offender is in the custody of a  
1225 local jail, the custodian of the local jail shall notify the  
1226 Department of Law Enforcement of the career offender's release  
1227 and provide to the Department of Law Enforcement the information  
1228 specified in this paragraph and any information specified in



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1229 subparagraph 2. which the Department of Law Enforcement  
1230 requests.

1231 2. The department may provide any other information deemed  
1232 necessary, including criminal and corrections records and  
1233 nonprivileged personnel and treatment records, when available.

1234 Section 27. Section 944.7031, Florida Statutes, is amended  
1235 to read:

1236 944.7031 Eligible inmates released from contractor-operated  
1237 ~~private~~ correctional facilities.—

1238 (1) It is the intent of the Legislature that state inmates  
1239 nearing release from a contractor-operated ~~private~~ correctional  
1240 facility managed under chapter 957 are eligible for assistance  
1241 under ss. 944.701-944.708, and all laws that provide for or  
1242 mandate transition assistance services to inmates nearing  
1243 release also apply to inmates who reside in contractor-operated  
1244 ~~private~~ correctional facilities.

1245 (2) To assist an inmate nearing release from a contractor-  
1246 operated ~~private~~ correctional facility, the department and the  
1247 transition assistance specialist shall coordinate with a  
1248 designated staff person at each contractor-operated ~~private~~  
1249 correctional facility to ensure that a state inmate released  
1250 from the contractor-operated ~~private~~ correctional facility is  
1251 informed of and provided with the same level of transition  
1252 assistance services that are provided by the department for an  
1253 inmate in a state correctional facility. Any inmate released  
1254 from a contractor-operated ~~private~~ correctional facility shall  
1255 also have equal access to placement consideration in a  
1256 contracted substance abuse transition housing program, including  
1257 those programs that have a faith-based component.



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1258 Section 28. Section 944.714, Florida Statutes, is amended  
1259 to read:

1260 944.714 Quality assurance and standards of operation.—

1261 (1) The level and quality of programs provided by a private  
1262 vendor at a contractor-operated ~~private~~ correctional facility  
1263 must be at least equal to programs provided at a correctional  
1264 facility operated by the department that houses similar types of  
1265 inmates and must be at a cost that provides the state with a  
1266 substantial savings, as determined by a private accounting firm  
1267 selected by the Department of Corrections.

1268 (2) All contractor-employed ~~private~~ correctional officers  
1269 employed by a private vendor must be certified, at the private  
1270 vendor's expense, as having met the minimum qualifications  
1271 established for correctional officers under s. 943.13.

1272 (3) Pursuant to the terms of the contract, a private vendor  
1273 shall design, construct, and operate a contractor-operated  
1274 ~~private~~ correctional facility in accordance with the standards  
1275 established by the American Correctional Association and  
1276 approved by the department at the time of the contract. In  
1277 addition, a contractor-operated ~~private~~ correctional facility  
1278 shall meet any higher standard mandated in the full or partial  
1279 settlement of any litigation challenging the constitutional  
1280 conditions of confinement to which the department is a named  
1281 defendant. The standards required under a contract for operating  
1282 a contractor-operated ~~private~~ correctional facility may be  
1283 higher than the standards required for accreditation by the  
1284 American Correctional Association. A private vendor shall comply  
1285 with all federal and state constitutional requirements, federal,  
1286 state, and local laws, department rules, and all court orders.



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1287 Section 29. Section 944.715, Florida Statutes, is amended  
1288 to read:

1289 944.715 Delegation of authority.—

1290 (1) A private vendor shall incarcerate all inmates assigned  
1291 to the contractor-operated ~~private~~ correctional facility by the  
1292 department and as specified in the contract. The department may  
1293 not exceed the maximum occupancy designated for the facility in  
1294 the contract.

1295 (2) Inmates incarcerated in a contractor-operated ~~private~~  
1296 ~~correctional~~ facility are in the legal custody of the  
1297 department. A private vendor may not award gain-time or release  
1298 credits, determine inmate eligibility for furlough or work  
1299 release, calculate inmate release dates, approve inmate  
1300 transfers, place inmates in less restrictive custody than that  
1301 ordered by the department or approve inmate work assignments. A  
1302 private vendor may not benefit financially from the labor of  
1303 inmates except to the extent authorized under chapter 946.

1304 Section 30. Section 944.716, Florida Statutes, is amended  
1305 to read:

1306 944.716 Contract termination and control of a correctional  
1307 facility by the department.—A detailed plan shall be provided by  
1308 a private vendor under which the department shall assume control  
1309 of a contractor-operated ~~private~~ correctional facility upon  
1310 termination of the contract. The department may terminate the  
1311 contract with cause after written notice of material  
1312 deficiencies and after 60 workdays in order to correct the  
1313 material deficiencies. If any event occurs that involves the  
1314 noncompliance with or violation of contract terms and that  
1315 presents a serious threat to the safety, health, or security of



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1316 the inmates, employees, or the public, the department may  
1317 temporarily assume control of the contractor-operated ~~private~~  
1318 correctional facility. A plan shall also be provided by a  
1319 private vendor for the purchase and assumption of operations of  
1320 a correctional facility by the department in the event of  
1321 bankruptcy or the financial insolvency of the private vendor.  
1322 The private vendor shall provide an emergency plan to address  
1323 inmate disturbances, employee work stoppages, strikes, or other  
1324 serious events in accordance with standards of the American  
1325 Correctional Association.

1326 Section 31. Subsection (1) of section 944.717, Florida  
1327 Statutes, is amended to read:

1328 944.717 Conflicts of interest.—

1329 (1) An employee of the department or any governmental  
1330 entity that exercises any functions or responsibilities in the  
1331 review or approval of a contractor-operated ~~private~~ correctional  
1332 facility contract or the operation of a contractor-operated  
1333 ~~private~~ correctional facility, or a member of the immediate  
1334 family of any such person, may not solicit or accept, directly  
1335 or indirectly, any personal benefit or promise of a benefit from  
1336 a bidder or private vendor.

1337 Section 32. Subsection (1) of section 944.718, Florida  
1338 Statutes, is amended to read:

1339 944.718 Withdrawal of request for proposals.—

1340 (1) When soliciting proposals for the construction, lease,  
1341 or operation of a contractor-operated ~~private~~ correctional  
1342 facility, the department may reserve the right to withdraw the  
1343 request for proposals at any time and for any reason. Receipt of  
1344 proposal materials by the department or submission of a proposal



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1345 to the department does not confer any rights upon the proposer  
1346 or obligations upon the department.

1347 Section 33. Paragraphs (a) and (f) of subsection (1),  
1348 subsection (3), and paragraph (b) of subsection (5) of section  
1349 944.719, Florida Statutes, are amended to read:

1350 944.719 Adoption of rules, monitoring, and reporting.—

1351 (1) The department shall adopt rules pursuant to chapter  
1352 120 specifying criteria for contractual arrangements and  
1353 standards for the operation of correctional facilities by  
1354 private vendors. Such rules shall define:

1355 (a) Various categories of contractor-operated ~~private~~  
1356 correctional facilities.

1357 (f) The characteristics of inmates to be incarcerated in  
1358 contractor-operated ~~private~~ correctional facilities.

1359 (3) The private vendor shall provide a work area at the  
1360 contractor-operated ~~private~~ correctional facility for use by the  
1361 contract monitor appointed by the department and shall provide  
1362 the monitor with access to all data, reports, and other  
1363 materials that the monitor, the Auditor General, and the Office  
1364 of Program Policy Analysis and Government Accountability  
1365 determine are necessary to carry out monitoring and auditing  
1366 responsibilities.

1367 (5) The Office of Program Policy Analysis and Government  
1368 Accountability shall conduct a performance audit, including a  
1369 review of the annual financial audit of the private entity and  
1370 shall deliver a report to the Legislature by February 1 of the  
1371 third year following any contract awarded by the department for  
1372 the operation of a correctional facility by a private vendor.

1373 (b) In preparing the report, the office shall consider, in





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1374 addition to other factors it determines are significant:

1375 1. The extent to which the private vendor and the  
1376 department have complied with the terms of the contract and ss.  
1377 944.710-944.719.

1378 2. The wages and benefits that are provided to the staff of  
1379 the contractor-operated ~~private~~ correctional facility as  
1380 compared to wages and benefits provided to employees of the  
1381 department performing comparable tasks.

1382 Section 34. Subsection (1) of section 944.72, Florida  
1383 Statutes, is amended to read:

1384 944.72 Contractor-operated ~~Privately Operated~~ Institutions  
1385 Inmate Welfare Trust Fund.-

1386 (1) There is hereby created in the Department of  
1387 Corrections the Contractor-operated ~~Privately Operated~~  
1388 Institutions Inmate Welfare Trust Fund. The purpose of the trust  
1389 fund shall be the benefit and welfare of inmates incarcerated in  
1390 contractor-operated ~~private~~ correctional facilities under  
1391 contract with the department pursuant to this chapter or chapter  
1392 957. Moneys shall be deposited in the trust fund and  
1393 expenditures made from the trust fund as provided in s. 945.215.

1394 Section 35. Subsection (9) of section 944.801, Florida  
1395 Statutes, is amended to read:

1396 944.801 Education for state prisoners.-

1397 (9) Notwithstanding s. 120.81(3), all inmates under 22  
1398 years of age who qualify for special educational services and  
1399 programs pursuant to the Individuals with Disabilities Education  
1400 Act, 20 U.S.C. ss. 1400 et seq., and who request a due process  
1401 hearing as provided by that act shall be entitled to such  
1402 hearing before the Division of Administrative Hearings.



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1403 Administrative law judges shall not be required to travel to  
1404 state or contractor-operated ~~private~~ correctional institutions  
1405 and facilities in order to conduct these hearings.

1406 Section 36. Subsections (1) and (3) of section 944.803,  
1407 Florida Statutes, are amended to read:

1408 944.803 Faith- and character-based programs.—

1409 (1) The Legislature finds and declares that faith- and  
1410 character-based programs offered in state and contractor-  
1411 operated ~~private~~ correctional institutions and facilities have  
1412 the potential to facilitate inmate institutional adjustment,  
1413 help inmates assume personal responsibility, and reduce  
1414 recidivism.

1415 (3) It is the intent of the Legislature that the department  
1416 and the private vendors operating contractor-operated ~~private~~  
1417 correctional facilities continuously:

1418 (a) Measure recidivism rates for inmates who have  
1419 participated in faith- and character-based programs.

1420 (b) Increase the number of volunteers who minister to  
1421 inmates from various faith-based and secular institutions in the  
1422 community.

1423 (c) Develop community linkages with secular institutions as  
1424 well as churches, synagogues, mosques, and other faith-based  
1425 institutions to assist inmates in their release back into the  
1426 community.

1427 Section 37. Paragraphs (a) and (b) of subsection (2) of  
1428 section 945.10, Florida Statutes, are amended to read:

1429 945.10 Confidential information.—

1430 (2) The records and information specified in paragraphs  
1431 (1) (a)-(i) may be released as follows unless expressly



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1432 prohibited by federal law:

1433 (a) Information specified in paragraphs (1)(b), (d), and  
1434 (f) to the Executive Office of the Governor, the Legislature,  
1435 the Florida Commission on Offender Review, the Department of  
1436 Children and Families, a contractor-operated ~~private~~  
1437 correctional facility or program that operates under a contract,  
1438 the Department of Legal Affairs, a state attorney, the court, or  
1439 a law enforcement agency. A request for records or information  
1440 pursuant to this paragraph need not be in writing.

1441 (b) Information specified in paragraphs (1)(c), (e), and  
1442 (i) to the Executive Office of the Governor, the Legislature,  
1443 the Florida Commission on Offender Review, the Department of  
1444 Children and Families, a contractor-operated ~~private~~  
1445 correctional facility or program that operates under contract,  
1446 the Department of Legal Affairs, a state attorney, the court, or  
1447 a law enforcement agency. A request for records or information  
1448 pursuant to this paragraph must be in writing and a statement  
1449 provided demonstrating a need for the records or information.

1450  
1451 Records and information released under this subsection remain  
1452 confidential and exempt from the provisions of s. 119.07(1) and  
1453 s. 24(a), Art. I of the State Constitution when held by the  
1454 receiving person or entity.

1455 Section 38. Subsection (3) of section 945.215, Florida  
1456 Statutes, is amended to read:

1457 945.215 Inmate welfare and employee benefit trust funds.—

1458 (3) CONTRACTOR-OPERATED ~~PRIVATELY OPERATED~~ INSTITUTIONS  
1459 INMATE WELFARE TRUST FUND; CONTRACTOR-OPERATED ~~PRIVATE~~  
1460 CORRECTIONAL FACILITIES.—



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1461 (a) For purposes of this subsection, contractor-operated  
1462 ~~privately operated~~ institutions or contractor-operated ~~private~~  
1463 correctional facilities are those correctional facilities under  
1464 contract with the department pursuant to chapter 944 or chapter  
1465 957.

1466 (b)1. The net proceeds derived from inmate canteens,  
1467 vending machines used primarily by inmates, telephone  
1468 commissions, and similar sources at contractor-operated ~~private~~  
1469 correctional facilities shall be deposited in the Contractor-  
1470 Operated ~~Privately Operated~~ Institutions Inmate Welfare Trust  
1471 Fund.

1472 2. Funds in the Contractor-Operated ~~Privately Operated~~  
1473 Institutions Inmate Welfare Trust Fund shall be expended only  
1474 pursuant to legislative appropriation.

1475 (c) The department shall annually compile a report that  
1476 documents Contractor-Operated ~~Privately Operated~~ Institutions  
1477 Inmate Welfare Trust Fund receipts and expenditures at each  
1478 contractor-operated ~~private~~ correctional facility. This report  
1479 must specifically identify receipt sources and expenditures. The  
1480 department shall compile this report for the prior fiscal year  
1481 and shall submit the report by September 1 of each year to the  
1482 chairs of the appropriate substantive and fiscal committees of  
1483 the Senate and House of Representatives and to the Executive  
1484 Office of the Governor.

1485 Section 39. Subsections (2) and (3) of section 945.6041,  
1486 Florida Statutes, are amended to read:

1487 945.6041 Inmate medical services.—

1488 (2) Compensation to a health care provider to provide  
1489 inmate medical services may not exceed 110 percent of the



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1490 Medicare allowable rate if the health care provider does not  
1491 have a contract to provide services with the department or the  
1492 contractor-operated ~~private~~ correctional facility, as defined in  
1493 s. 944.710, which houses the inmate. However, compensation to a  
1494 health care provider may not exceed 125 percent of the Medicare  
1495 allowable rate if:

1496 (a) The health care provider does not have a contract to  
1497 provide services with the department or the contractor-operated  
1498 ~~private~~ correctional facility, as defined in s. 944.710, which  
1499 houses the inmate; and

1500 (b) The health care provider reported a negative operating  
1501 margin for the previous year to the Agency for Health Care  
1502 Administration through hospital-audited financial data.

1503 (3) Compensation to an entity to provide emergency medical  
1504 transportation services for inmates may not exceed 110 percent  
1505 of the Medicare allowable rate if the entity does not have a  
1506 contract with the department or a contractor-operated ~~private~~  
1507 correctional facility, as defined in s. 944.710, to provide the  
1508 services.

1509 Section 40. Section 946.5025, Florida Statutes, is amended  
1510 to read:

1511 946.5025 Authorization of corporation to enter into  
1512 contracts.—The corporation established under this part may enter  
1513 into contracts to operate correctional work programs with any  
1514 county or municipal authority that operates a correctional  
1515 facility or with a contractor authorized under chapter 944 or  
1516 chapter 957 to operate a contractor-operated ~~private~~  
1517 correctional facility. The corporation has the same powers,  
1518 privileges, and immunities in carrying out such contracts as it



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1519 has under this chapter.

1520 Section 41. Subsections (5) and (6) of section 946.503,  
1521 Florida Statutes, are amended to read:

1522 946.503 Definitions to be used with respect to correctional  
1523 work programs.—As used in this part, the term:

1524 (5) "Inmate" means any person incarcerated within any  
1525 state, county, municipal, or contractor-operated ~~private~~  
1526 correctional facility.

1527 (6) "Contractor-operated ~~Private~~ correctional facility"  
1528 means a facility authorized by chapter 944 or chapter 957.

1529 Section 42. Subsection (6) of section 951.062, Florida  
1530 Statutes, is amended to read:

1531 951.062 Contractual arrangements for operation and  
1532 maintenance of county detention facilities.—

1533 (6) Contractor-employed ~~Private~~ correctional officers  
1534 responsible for supervising inmates within the facility shall  
1535 meet the requirements necessary for certification by the  
1536 Criminal Justice Standards and Training Commission pursuant to  
1537 s. 943.1395. However, expenses for such training shall be the  
1538 responsibility of the private entity.

1539 Section 43. Section 951.063, Florida Statutes, is amended  
1540 to read:

1541 951.063 Contractor-operated ~~privately-operated~~ county  
1542 correctional facilities.—Each contractor-employed ~~private~~  
1543 correctional officer employed by a private entity under contract  
1544 to a county commission must be certified as a correctional  
1545 officer under s. 943.1395 and must meet the minimum  
1546 qualifications established in s. 943.13. The county shall  
1547 provide to the Criminal Justice Standards and Training



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1548 Commission all necessary fingerprints for Florida Department of  
1549 Law Enforcement and Federal Bureau of Investigation background  
1550 checks. The Criminal Justice Standards and Training Commission  
1551 shall advise the county as to those employees whose  
1552 certification has been denied or revoked. Neither the county nor  
1553 the private entity shall be the direct recipient of criminal  
1554 records.

1555 Section 44. Section 957.05, Florida Statutes, is amended to  
1556 read:

1557 957.05 Requirements for contractors operating contractor-  
1558 operated ~~private~~ correctional facilities.-

1559 (1) Each contractor entering into a contract under this  
1560 chapter is liable in tort with respect to the care and custody  
1561 of inmates under its supervision and for any breach of contract.  
1562 Sovereign immunity may not be raised by a contractor, or the  
1563 insurer of that contractor on the contractor's behalf, as a  
1564 defense in any action arising out of the performance of any  
1565 contract entered into under this chapter or as a defense in  
1566 tort, or any other application, with respect to the care and  
1567 custody of inmates under the contractor's supervision and for  
1568 any breach of contract.

1569 (2) (a) The training requirements, including inservice  
1570 training requirements, for employees of a contractor that  
1571 assumes the responsibility for the operation and maintenance of  
1572 a contractor-operated ~~private~~ correctional facility must meet or  
1573 exceed the requirements for similar employees of the department  
1574 or the training requirements mandated for accreditation by the  
1575 American Correctional Association, whichever of those  
1576 requirements are the more demanding. All employee training



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1577 expenses are the responsibility of the contractor.

1578 (b) Employees of a contractor who are responsible for the  
1579 supervision of inmates shall have the same legal authority to  
1580 rely on nondeadly and deadly force as do similar employees of  
1581 the department.

1582 (3) Any contractor or person employed by a contractor  
1583 operating a correctional or detention facility pursuant to a  
1584 contract executed under this chapter shall be exempt from the  
1585 requirements of chapter 493, relating to licensure of private  
1586 investigators and security officers.

1587 Section 45. Subsection (2) of section 957.06, Florida  
1588 Statutes, is amended to read:

1589 957.06 Powers and duties not delegable to contractor.—A  
1590 contract entered into under this chapter does not authorize,  
1591 allow, or imply a delegation of authority to the contractor to:

1592 (2) Choose the facility to which an inmate is initially  
1593 assigned or subsequently transferred. The contractor may  
1594 request, in writing, that an inmate be transferred to a facility  
1595 operated by the department. The contractor and the department  
1596 shall develop and implement a cooperative agreement for  
1597 transferring inmates between a correctional facility operated by  
1598 the department and a contractor-operated ~~private~~ correctional  
1599 facility. The department and the contractor must comply with the  
1600 cooperative agreement.

1601 Section 46. Section 957.08, Florida Statutes, is amended to  
1602 read:

1603 957.08 Capacity requirements.—The department shall transfer  
1604 and assign prisoners to each contractor-operated ~~private~~  
1605 correctional facility opened pursuant to this chapter in an





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1606 amount not less than 90 percent or more than 100 percent of the  
1607 capacity of the facility pursuant to the contract. The prisoners  
1608 transferred by the department shall represent a cross-section of  
1609 the general inmate population, based on the grade of custody or  
1610 the offense of conviction, at the most comparable facility  
1611 operated by the department.

1612 Section 47. Subsection (1) of section 957.09, Florida  
1613 Statutes, is amended to read:

1614 957.09 Applicability of chapter to other provisions of  
1615 law.—

1616 (1) (a) Any offense that if committed at a state  
1617 correctional facility would be a crime is a crime if committed  
1618 by or with regard to inmates at contractor-operated ~~private~~  
1619 correctional facilities operated pursuant to a contract entered  
1620 into under this chapter.

1621 (b) All laws relating to commutation of sentences, release  
1622 and parole eligibility, and the award of sentence credits apply  
1623 to inmates incarcerated in a contractor-operated ~~private~~  
1624 correctional facility operated pursuant to a contract entered  
1625 into under this chapter.

1626 Section 48. Section 957.13, Florida Statutes, is amended to  
1627 read:

1628 957.13 Background checks.—

1629 (1) The Florida Department of Law Enforcement may accept  
1630 fingerprints of individuals who apply for employment at a  
1631 contractor-operated ~~private~~ correctional facility and who are  
1632 required to have background checks under the provisions of this  
1633 chapter.

1634 (2) The Florida Department of Law Enforcement may, to the



1635 extent provided for by federal law, provide for the exchange of  
1636 state, multistate, and federal criminal history records of  
1637 individuals who apply for employment at a contractor-operated  
1638 ~~private~~ correctional facility for the purpose of conducting  
1639 background checks as required by law or contract.

1640 Section 49. Section 957.14, Florida Statutes, is amended to  
1641 read:

1642 957.14 Contract termination and control of a correctional  
1643 facility by the department.—A detailed plan shall be provided by  
1644 a private vendor under which the department shall assume  
1645 temporary control of a contractor-operated ~~private~~ correctional  
1646 facility upon termination of the contract. The department may  
1647 terminate the contract with cause after written notice of  
1648 material deficiencies and after 60 workdays in order to correct  
1649 the material deficiencies. If any event occurs that involves the  
1650 noncompliance with or violation of contract terms and that  
1651 presents a serious threat to the safety, health, or security of  
1652 the inmates, employees, or the public, the department may  
1653 temporarily assume control of the contractor-operated ~~private~~  
1654 correctional facility. A plan shall also be provided by a  
1655 private vendor for the purchase and temporary assumption of  
1656 operations of a correctional facility by the department in the  
1657 event of bankruptcy or the financial insolvency of the private  
1658 vendor. The private vendor shall provide an emergency plan to  
1659 address inmate disturbances, employee work stoppages, strikes,  
1660 or other serious events in accordance with standards of the  
1661 American Correctional Association.

1662 Section 50. Paragraph (p) of subsection (1) of section  
1663 960.001, Florida Statutes, is amended to read:



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1664 960.001 Guidelines for fair treatment of victims and  
1665 witnesses in the criminal justice and juvenile justice systems.—

1666 (1) The Department of Legal Affairs, the state attorneys,  
1667 the Department of Corrections, the Department of Juvenile  
1668 Justice, the Florida Commission on Offender Review, the State  
1669 Courts Administrator and circuit court administrators, the  
1670 Department of Law Enforcement, and every sheriff's department,  
1671 police department, or other law enforcement agency as defined in  
1672 s. 943.10(4) shall develop and implement guidelines for the use  
1673 of their respective agencies, which guidelines are consistent  
1674 with the purposes of this act and s. 16(b), Art. I of the State  
1675 Constitution and are designed to implement s. 16(b), Art. I of  
1676 the State Constitution and to achieve the following objectives:

1677 (p) *Information concerning escape from a state correctional*  
1678 *institution, county jail, juvenile detention facility, or*  
1679 *residential commitment facility.*—In any case where an offender  
1680 escapes from a state correctional institution, contractor-  
1681 operated ~~private~~ correctional facility, county jail, juvenile  
1682 detention facility, or residential commitment facility, the  
1683 institution of confinement shall immediately notify the state  
1684 attorney of the jurisdiction where the criminal charge or  
1685 petition for delinquency arose and the judge who imposed the  
1686 sentence of incarceration. The state attorney shall thereupon  
1687 make every effort to notify the victim, material witness,  
1688 parents or legal guardian of a minor who is a victim or witness,  
1689 or immediate relatives of a homicide victim of the escapee. The  
1690 state attorney shall also notify the sheriff of the county where  
1691 the criminal charge or petition for delinquency arose. The  
1692 sheriff shall offer assistance upon request. When an escaped



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1693 offender is subsequently captured or is captured and returned to  
1694 the institution of confinement, the institution of confinement  
1695 shall again immediately notify the appropriate state attorney  
1696 and sentencing judge pursuant to this section.

1697 Section 51. Paragraph (a) of subsection (3) of section  
1698 985.481, Florida Statutes, is amended to read:

1699 985.481 Sexual offenders adjudicated delinquent;  
1700 notification upon release.—

1701 (3)(a) The department shall provide information regarding  
1702 any sexual offender who is being released after serving a period  
1703 of residential commitment under the department for any offense,  
1704 as follows:

1705 1. The department shall provide the sexual offender's name,  
1706 any change in the offender's name by reason of marriage or other  
1707 legal process, and any alias, if known; the correctional  
1708 facility from which the sexual offender is released; the sexual  
1709 offender's social security number, race, sex, date of birth,  
1710 height, weight, and hair and eye color; tattoos or other  
1711 identifying marks; the make, model, color, vehicle  
1712 identification number (VIN), and license tag number of all  
1713 vehicles owned; address of any planned permanent residence or  
1714 temporary residence, within the state or out of state, including  
1715 a rural route address and a post office box; if no permanent or  
1716 temporary address, any transient residence within the state;  
1717 address, location or description, and dates of any known future  
1718 temporary residence within the state or out of state; date and  
1719 county of disposition and each crime for which there was a  
1720 disposition; a copy of the offender's fingerprints, palm prints,  
1721 and a digitized photograph taken within 60 days before release;



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1722 the date of release of the sexual offender; all home telephone  
1723 numbers and cellular telephone numbers required to be provided  
1724 pursuant to s. 943.0435(4)(e); all electronic mail addresses and  
1725 Internet identifiers required to be provided pursuant to s.  
1726 943.0435(4)(e); information about any professional licenses the  
1727 offender has, if known; and passport information, if he or she  
1728 has a passport, and, if he or she is an alien, information about  
1729 documents establishing his or her immigration status. The  
1730 department shall notify the Department of Law Enforcement if the  
1731 sexual offender escapes, absconds, or dies. If the sexual  
1732 offender is in the custody of a contractor-operated ~~private~~  
1733 correctional facility, the facility shall take the digitized  
1734 photograph of the sexual offender within 60 days before the  
1735 sexual offender's release and also place it in the sexual  
1736 offender's file. If the sexual offender is in the custody of a  
1737 local jail, the custodian of the local jail shall register the  
1738 offender within 3 business days after intake of the offender for  
1739 any reason and upon release, and shall notify the Department of  
1740 Law Enforcement of the sexual offender's release and provide to  
1741 the Department of Law Enforcement the information specified in  
1742 this subparagraph and any information specified in subparagraph  
1743 2. which the Department of Law Enforcement requests.

1744 2. The department may provide any other information  
1745 considered necessary, including criminal and delinquency  
1746 records, when available.

1747 Section 52. Paragraph (h) of subsection (1), paragraph (a)  
1748 of subsection (6), and subsection (12) of section 985.4815,  
1749 Florida Statutes, are amended to read:

1750 985.4815 Notification to Department of Law Enforcement of



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1751 information on juvenile sexual offenders.-

1752 (1) As used in this section, the term:

1753 (h) "Sexual offender" means a person who is in the care or  
1754 custody or under the jurisdiction or supervision of the  
1755 department or is in the custody of a contractor-operated ~~private~~  
1756 correctional facility and who:

1757 1. Has been adjudicated delinquent as provided in s.  
1758 943.0435(1)(h)1.d.; or

1759 2. Establishes or maintains a residence in this state and  
1760 has not been designated as a sexual predator by a court of this  
1761 state but has been designated as a sexual predator, as a  
1762 sexually violent predator, or by another sexual offender  
1763 designation in another state or jurisdiction and was, as a  
1764 result of such designation, subjected to registration or  
1765 community or public notification, or both, or would be if the  
1766 person were a resident of that state or jurisdiction, without  
1767 regard to whether the person otherwise meets the criteria for  
1768 registration as a sexual offender.

1769 (6) (a) The information provided to the Department of Law  
1770 Enforcement must include the following:

1771 1. The information obtained from the sexual offender under  
1772 subsection (4).

1773 2. The sexual offender's most current address and place of  
1774 permanent, temporary, or transient residence within the state or  
1775 out of state, and address, location or description, and dates of  
1776 any current or known future temporary residence within the state  
1777 or out of state, while the sexual offender is in the care or  
1778 custody or under the jurisdiction or supervision of the  
1779 department in this state, including the name of the county or



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1780 municipality in which the offender permanently or temporarily  
1781 resides, or has a transient residence, and address, location or  
1782 description, and dates of any current or known future temporary  
1783 residence within the state or out of state; and, if known, the  
1784 intended place of permanent, temporary, or transient residence,  
1785 and address, location or description, and dates of any current  
1786 or known future temporary residence within the state or out of  
1787 state upon satisfaction of all sanctions.

1788         3. The legal status of the sexual offender and the  
1789 scheduled termination date of that legal status.

1790         4. The location of, and local telephone number for, any  
1791 department office that is responsible for supervising the sexual  
1792 offender.

1793         5. An indication of whether the victim of the offense that  
1794 resulted in the offender's status as a sexual offender was a  
1795 minor.

1796         6. The offense or offenses at adjudication and disposition  
1797 that resulted in the determination of the offender's status as a  
1798 sex offender.

1799         7. A digitized photograph of the sexual offender, which  
1800 must have been taken within 60 days before the offender was  
1801 released from the custody of the department or a contractor-  
1802 operated ~~private~~ correctional facility by expiration of sentence  
1803 under s. 944.275, or within 60 days after the onset of the  
1804 department's supervision of any sexual offender who is on  
1805 probation, postcommitment probation, residential commitment,  
1806 nonresidential commitment, licensed child-caring commitment,  
1807 community control, conditional release, parole, provisional  
1808 release, or control release or who is supervised by the



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1809 department under the Interstate Compact Agreement for  
1810 Probationers and Parolees. If the sexual offender is in the  
1811 custody of a contractor-operated ~~private~~ correctional facility,  
1812 the facility shall take a digitized photograph of the sexual  
1813 offender within the time period provided in this subparagraph  
1814 and shall provide the photograph to the department.

1815 (12) Any person who has reason to believe that a sexual  
1816 offender is not complying, or has not complied, with the  
1817 requirements of this section and who, with the intent to assist  
1818 the sexual offender in eluding a law enforcement agency that is  
1819 seeking to find the sexual offender to question the sexual  
1820 offender about, or to arrest the sexual offender for, his or her  
1821 noncompliance with the requirements of this section:

1822 (a) Withholds information from, or does not notify, the law  
1823 enforcement agency about the sexual offender's noncompliance  
1824 with the requirements of this section and, if known, the  
1825 whereabouts of the sexual offender;

1826 (b) Harbors, attempts to harbor, or assists another person  
1827 in harboring or attempting to harbor the sexual offender;

1828 (c) Conceals, attempts to conceal, or assists another  
1829 person in concealing or attempting to conceal the sexual  
1830 offender; or

1831 (d) Provides information to the law enforcement agency  
1832 regarding the sexual offender that the person knows to be false  
1833  
1834 commits a felony of the third degree, punishable as provided in  
1835 s. 775.082, s. 775.083, or s. 775.084. This subsection does not  
1836 apply if the sexual offender is incarcerated in or is in the  
1837 custody of a state correctional facility, a contractor-operated





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1838 ~~private~~ correctional facility, a local jail, or a federal  
1839 correctional facility.

1840 Section 53. This act shall take effect July 1, 2024.

1841

1842 ===== T I T L E A M E N D M E N T =====

1843 And the title is amended as follows:

1844 Delete everything before the enacting clause  
1845 and insert:

1846 A bill to be entitled  
1847 An act relating to Department of Corrections; amending  
1848 s. 944.31, F.S.; providing additional authority for  
1849 law enforcement officers of the office of the  
1850 inspector general concerning department and  
1851 contractor-operated correctional facilities; amending  
1852 s. 957.04, F.S.; providing that correctional  
1853 privatization contracts are not exempt from specified  
1854 state contracting provisions unless otherwise  
1855 specified; providing construction; conforming  
1856 provisions to changes made by the act; amending s.  
1857 944.710, F.S.; renaming the term "private correctional  
1858 facility" as "contractor-operated correctional  
1859 facility"; renaming the term "private correctional  
1860 officer" as "contractor-employed correctional  
1861 officer"; conforming provisions to changes made by the  
1862 act; amending s. 957.07, F.S.; revising terminology;  
1863 deleting provisions concerning development of  
1864 consensus per diem rates by the Prison Per-Diem  
1865 Workgroup; conforming a provision to changes made by  
1866 the act; amending s. 957.12, F.S.; revising provisions



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1867 concerning contact with the department by specified  
1868 persons; conforming a provision to changes made by the  
1869 act; amending s. 957.15, F.S.; deleting a provision  
1870 concerning department control over certain funds  
1871 appropriated for contractor-operated correctional  
1872 facilities; conforming a provision to changes made by  
1873 the act; amending ss. 330.41, 553.865, 633.218,  
1874 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13,  
1875 943.325, 944.105, 944.151, 944.17, 944.35, 944.40,  
1876 944.605, 944.606, 944.607, 944.608, 944.609, 944.7031,  
1877 944.714, 944.715, 944.716, 944.717, 944.718, 944.719,  
1878 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041,  
1879 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06,  
1880 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and  
1881 985.4815, F.S.; conforming provisions to changes made  
1882 by the act; providing an effective date.