

HB 1337

2024

1 A bill to be entitled
2 An act relating to Department of Corrections; amending
3 s. 944.31, F.S.; providing additional authority for
4 law enforcement officers of the office of the
5 inspector general concerning department and private
6 corrections facilities; amending s. 957.04, F.S.;
7 providing that correctional privatization contracts
8 are not exempted from specified state contracting
9 provisions unless otherwise specified; providing
10 construction; amending s. 957.07, F.S.; revising
11 terminology; removing provisions concerning
12 development of consensus per diem rates by the Prison
13 Per-Diem Workgroup; amending s. 957.12, F.S.; revising
14 provisions concerning contact with the department by
15 specified persons; amending s. 957.15, F.S.; removing
16 a provision concerning department control over certain
17 funds appropriated for private correctional
18 facilities; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 944.31, Florida Statutes, is amended to
23 read:

24 944.31 Inspector general; inspectors; power and duties.—
25 (1) The inspector general shall be responsible for prison

26 inspection and investigation, internal affairs investigations,
27 and management reviews. The office of the inspector general
28 shall be charged with the duty of inspecting the penal and
29 correctional systems of the state.

30 (2) The office of the inspector general shall inspect each
31 correctional institution or any place in which state prisoners
32 are housed, worked, or kept within the state, with reference to
33 its physical conditions, cleanliness, sanitation, safety, and
34 comfort; the quality and supply of all bedding; the quality,
35 quantity, and diversity of food served and the manner in which
36 it is served; the number and condition of the prisoners confined
37 therein; and the general conditions of each institution.

38 (3) The office of inspector general shall see that all the
39 rules and regulations issued by the department are strictly
40 observed and followed by all persons connected with the
41 correctional systems of the state. The office of the inspector
42 general shall coordinate and supervise the work of inspectors
43 throughout the state.

44 (4) The inspector general and inspectors may enter any
45 place where prisoners in this state are kept and shall be
46 immediately admitted to such place as they desire and may
47 consult and confer with any prisoner privately and without
48 molestation.

49 (5) (a) The inspector general and inspectors shall be
50 responsible for criminal and administrative investigation of

51 matters relating to the Department of Corrections.

52 (b) The secretary may designate persons within the office
53 of the inspector general as law enforcement officers to conduct
54 any criminal investigation that occurs on property owned or
55 leased by the department or involves matters over which the
56 department has jurisdiction. All criminal investigations,
57 involving matters over which the department has jurisdiction at
58 private correctional facilities, as defined in s. 944.710, may
59 be conducted by the law enforcement officers of the office of
60 the inspector general.

61 (c) A person designated as a law enforcement officer must
62 be certified pursuant to s. 943.1395 and must have a minimum of
63 3 years' experience as an inspector in the inspector general's
64 office or as a law enforcement officer.

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

70 (e) During investigations, the inspector general and
71 inspectors may consult and confer with any prisoner or staff
72 member privately and without molestation and persons designated
73 as law enforcement officers under this section shall have the
74 authority to arrest, with or without a warrant, any prisoner of
75 or visitor to a state correctional institution for a violation

76 | of the criminal laws of the state. Law enforcement officers
 77 | under this section shall have the authority to arrest, with or
 78 | without a warrant, any prisoner of or visitor to any state
 79 | correctional institution, as defined in s. 944.02, including all
 80 | private correctional facilities, for any violation of the
 81 | criminal laws of the state involving matters over which the
 82 | department has jurisdiction, ~~involving an offense classified as~~
 83 | ~~a felony that occurs on property owned or leased by the~~
 84 | ~~department~~ and may arrest offenders who have escaped or
 85 | absconded from custody.

86 | (f) Persons designated as law enforcement officers have
 87 | the authority to arrest with or without a warrant a staff member
 88 | of the department, including any contract employee,
 89 | subcontractor, or volunteer, for a violation of the criminal
 90 | laws of the state that occurs ~~involving an offense classified as~~
 91 | ~~a felony under this chapter or chapter 893~~ on property owned or
 92 | leased by the department, or any private correctional facility
 93 | staff member, contract employee, subcontractor, or volunteer,
 94 | for a violation of the criminal laws of the state involving
 95 | matters over which the department has jurisdiction at any
 96 | private correctional facility. A person designated as a law
 97 | enforcement officer under this section may make arrests of
 98 | persons against whom arrest warrants have been issued, including
 99 | arrests of offenders who have escaped or absconded from custody.
 100 | The arrested person shall be surrendered without delay to the

101 sheriff of the county in which the arrest is made, with a formal
 102 complaint subsequently made against her or him in accordance
 103 with law.

104 Section 2. Paragraphs (a) through (h) of subsection (1) of
 105 section 957.04, Florida Statutes, are redesignated as paragraphs
 106 (b) through (i), respectively, a new paragraph (a) is added to
 107 that subsection, and present paragraphs (a) and (e) of that
 108 subsection are amended, to read:

109 957.04 Contract requirements.—

110 (1) A contract entered into under this chapter for the
 111 operation of private correctional facilities shall maximize the
 112 cost savings of such facilities and ~~shall~~:

113 (a) Unless otherwise specified herein, contracts entered
 114 into under this chapter are not exempt from chapter 287,
 115 including the competitive solicitation requirements thereof.
 116 However, to the extent of a direct conflict between this chapter
 117 and chapter 287, the provisions of this chapter shall control.
 118 Contracts entered into under this chapter for the operation of
 119 private correctional facilities are not considered to be an
 120 outsource, as defined in s. 287.012. The specific outsourcing
 121 requirements in s. 287.0571 are not required under this section.

122 (b)-(a) Be executed ~~negotiated~~ with the contractor ~~firm~~
 123 found most qualified. However, a contract for private
 124 correctional services may not be entered into by the department
 125 unless the department determines that the contractor has

126 | demonstrated that it has:

127 | 1. The qualifications, experience, and management
128 | personnel necessary to carry out the terms of the contract.

129 | 2. The ability to expedite the siting, design, and
130 | construction of correctional facilities.

131 | 3. The ability to comply with applicable laws, court
132 | orders, and national correctional standards.

133 | (f)~~(e)~~ Establish operations standards for correctional
134 | facilities subject to the contract. However, if the department
135 | and the contractor disagree with an operations standard, the
136 | contractor may propose to waive any rule, policy, or procedure
137 | of the department related to the operations standards of
138 | correctional facilities which is inconsistent with the mission
139 | of the contractor to establish cost-effective, privately
140 | operated correctional facilities. The department shall be
141 | responsible for considering all requests ~~proposals~~ from the
142 | contractor to waive any rule, policy, or procedure and shall
143 | render a final decision granting or denying such request.

144 | Section 3. Subsections (4) and (5) of section 957.07,
145 | Florida Statutes, are amended to read:

146 | 957.07 Cost-saving requirements.—

147 | (4) The department shall provide a report detailing the
148 | state cost to design, finance, acquire, lease, construct, and
149 | operate a facility similar to the private correctional facility
150 | on a per diem basis. This report shall be provided to the

151 Auditor General in sufficient time that it may be certified to
 152 be included in the competitive solicitation ~~request for~~
 153 ~~proposals.~~

154 ~~(5)(a) At the request of the Speaker of the House of~~
 155 ~~Representatives or the President of the Senate, the Prison Per-~~
 156 ~~Diem Workgroup shall develop consensus per diem rates for use by~~
 157 ~~the Legislature. The Office of Program Policy Analysis and~~
 158 ~~Government Accountability and the staffs of the appropriations~~
 159 ~~committees of both the Senate and the House of Representatives~~
 160 ~~are the principals of the workgroup. The workgroup may consult~~
 161 ~~with other experts to assist in the development of the consensus~~
 162 ~~per diem rates. All meetings of the workgroup shall be open to~~
 163 ~~the public as provided in chapter 286.~~

164 ~~(b) When developing the consensus per diem rates, the~~
 165 ~~workgroup must:~~

166 ~~1. Use data provided by the department from the most~~
 167 ~~recent fiscal year to determine per diem costs for the following~~
 168 ~~activities:~~

- 169 ~~a. Custody and control;~~
- 170 ~~b. Health services;~~
- 171 ~~c. Substance abuse programs; and~~
- 172 ~~d. Educational programs;~~

173 ~~2. Include the cost of departmental, regional,~~
 174 ~~institutional, and program administration and any other fixed~~
 175 ~~costs of the department;~~

176 3. ~~Calculate average per diem rates for the following~~
 177 ~~offender populations: adult male, youthful offender male, and~~
 178 ~~female; and~~

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

181 ~~(c) The consensus per diem rates determined by the~~
 182 ~~workgroup may be used to assist the Legislature in determining~~
 183 ~~the level of funding provided to privately operated prisons to~~
 184 ~~meet the 7-percent savings required of private prisons by this~~
 185 ~~chapter.~~

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

189 Section 4. Section 957.12, Florida Statutes, is amended to
 190 read:

191 957.12 Prohibition on contact.—Except in writing to the
 192 procurement office or as provided in the solicitation documents,
 193 a bidder or potential bidder is not permitted to have any
 194 contact with any member or employee of or consultant to the
 195 department regarding a competitive solicitation ~~request for~~
 196 ~~proposal~~, a proposal, or the evaluation or selection process
 197 from the time a request for proposals for a private correctional
 198 facility is issued until the time a notification of intent to
 199 award is announced, ~~except if such contact is in writing or in a~~
 200 ~~meeting for which notice was provided in the Florida~~

201 ~~Administrative Register.~~

202 Section 5. Section 957.15, Florida Statutes, is amended to
203 read:

204 957.15 Funding of contracts for operation, maintenance,
205 and lease-purchase of private correctional facilities.—The
206 request for appropriation of funds to make payments pursuant to
207 contracts entered into by the department for the operation,
208 maintenance, and lease-purchase of the private correctional
209 facilities authorized by this chapter shall be included in its
210 budget request to the Legislature as a separately identified
211 item. ~~After an appropriation has been made by the Legislature to~~
212 ~~the department for the private correctional facilities, the~~
213 ~~department shall have no authority over such funds other than to~~
214 ~~pay from such appropriation to the appropriate private vendor~~
215 ~~such amounts as are certified for payment by the department.~~

216 Section 6. This act shall take effect July 1, 2024.