

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
6 contractor-operated correctional facilities; amending
7 s. 944.710, F.S.; replacing the term "private
8 correctional facility" with "contractor-operated
9 correctional facility"; replacing the term "private
10 correctional officer" with "contractor-employed
11 correctional officer"; conforming provisions to
12 changes made by the act; amending s. 957.04, F.S.;
13 providing that correctional privatization contracts
14 are not exempt from specified state contracting
15 provisions unless otherwise specified; providing
16 construction; conforming provisions to changes made by
17 the act; amending s. 957.07, F.S.; revising
18 terminology; removing provisions concerning
19 development of consensus per diem rates by the Prison
20 Per-Diem Workgroup; conforming a provision to changes
21 made by the act; amending s. 957.12, F.S.; revising
22 provisions concerning contact with the department by
23 specified persons; conforming a provision to changes
24 made by the act; amending s. 957.15, F.S.; removing a
25 provision concerning department control over certain

26 funds appropriated for contractor-operated
 27 correctional facilities; conforming a provision to
 28 changes made by the act; amending ss. 330.41, 553.865,
 29 633.218, 775.21, 775.261, 784.078, 800.09, 943.0435,
 30 943.13, 943.325, 944.105, 944.151, 944.17, 944.35,
 31 944.40, 944.605, 944.606, 944.607, 944.608, 944.609,
 32 944.7031, 944.714, 944.715, 944.716, 944.717, 944.718,
 33 944.719, 944.72, 944.801, 944.803, 945.10, 945.215,
 34 945.6041, 946.5025, 946.503, 951.062, 951.063, 957.05,
 35 957.06, 957.08, 957.09, 957.13, 957.14, 960.001,
 36 985.481, and 985.4815, F.S.; conforming provisions to
 37 changes made by the act; providing an effective date.

38

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

40

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

43 944.31 Inspector general; inspectors; power and duties.—

44 (1) The inspector general shall be responsible for prison
 45 inspection and investigation, internal affairs investigations,
 46 and management reviews. The office of the inspector general
 47 shall be charged with the duty of inspecting the penal and
 48 correctional systems of the state.

49 (2) The office of the inspector general shall inspect each
 50 correctional institution or any place in which state prisoners

51 are housed, worked, or kept within the state, with reference to
52 its physical conditions, cleanliness, sanitation, safety, and
53 comfort; the quality and supply of all bedding; the quality,
54 quantity, and diversity of food served and the manner in which
55 it is served; the number and condition of the prisoners confined
56 therein; and the general conditions of each institution.

57 (3) The office of inspector general shall see that all the
58 rules and regulations issued by the department are strictly
59 observed and followed by all persons connected with the
60 correctional systems of the state. The office of the inspector
61 general shall coordinate and supervise the work of inspectors
62 throughout the state.

63 (4) The inspector general and inspectors may enter any
64 place where prisoners in this state are kept and shall be
65 immediately admitted to such place as they desire and may
66 consult and confer with any prisoner privately and without
67 molestation.

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

71 (b) The secretary may designate persons within the office
72 of the inspector general as law enforcement officers to conduct
73 any criminal investigation that occurs on property owned or
74 leased by the department or involves matters over which the
75 department has jurisdiction. All criminal investigations

76 involving matters over which the department has jurisdiction at
 77 contractor-operated correctional facilities, as defined in s.
 78 944.710, may be conducted by the law enforcement officers of the
 79 office of the inspector general.

80 (c) A person designated as a law enforcement officer must
 81 be certified pursuant to s. 943.1395 and must have a minimum of
 82 3 years' experience as an inspector in the inspector general's
 83 office or as a law enforcement officer.

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

89 (e) During investigations, the inspector general and
 90 inspectors may consult and confer with any prisoner or staff
 91 member privately and without molestation. ~~and~~

92 (f) For matters over which the department has
 93 jurisdiction, persons designated as law enforcement officers
 94 under this subsection ~~section~~ shall have the same arrest
 95 authority as provided for law enforcement officers generally in
 96 chapter 901, and may make arrests consistent with such authority
 97 in the following circumstances, including an arrest of: ~~to~~
 98 arrest, with or without a warrant,

99 1. Any prisoner of or visitor to a state correctional
 100 institution or a contractor-operated correctional facility, for

101 a violation of the criminal laws of the state involving an
 102 offense ~~classified as a felony~~ that occurs on property owned or
 103 leased by the department or on the property of a contractor-
 104 operated correctional facility; ~~and may arrest~~

105 2. Offenders who have escaped or absconded from custody;~~—~~
 106 ~~Persons designated as law enforcement officers have the~~
 107 ~~authority to arrest with or without a warrant~~

108 3. A staff member of the department, including any
 109 contract employee, subcontractor, or volunteer, for a violation
 110 of the criminal laws of the state that occurs ~~involving an~~
 111 ~~offense classified as a felony under this chapter or chapter 893~~
 112 ~~on property owned or leased by the department, or any~~
 113 contractor-operated correctional facility staff member, contract
 114 employee, subcontractor, or volunteer at any contractor-operated
 115 correctional facility for a violation of the criminal laws of
 116 the state that occurs on the property of a contractor-operated
 117 correctional facility; ~~or . A person designated as a law~~
 118 ~~enforcement officer under this section may make arrests of~~

119 4. Persons against whom arrest warrants have been issued,~~—~~
 120 ~~including arrests of offenders who have escaped or absconded~~
 121 ~~from custody.~~

122 (g) For any arrest made by a person designated as a law
 123 enforcement officer under this subsection, the arrested person
 124 shall be surrendered without delay to the sheriff of the county
 125 in which the arrest is made, with a formal complaint

126 subsequently made against her or him in accordance with law.

127 Section 2. Section 944.710, Florida Statutes, is amended
 128 to read:

129 944.710 Definitions of terms relating to contractor-
 130 operated ~~private operation of~~ state correctional facilities and
 131 s. 944.105.—As used with respect to contractor-operated ~~private~~
 132 ~~operation of~~ state correctional facilities and s. 944.105, the
 133 term:

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

138 ~~(2)-(4)~~ "Contractor-employed ~~Private~~ correctional officer"
 139 means any full-time or part-time employee of a private vendor
 140 whose primary responsibility is the supervision, protection,
 141 care, and control of prisoners within a contractor-operated
 142 ~~private~~ correctional facility.

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

147 ~~(4)-(2)~~ "Department" means the Department of Corrections.

148 (5) "Private vendor" means any individual, partnership,
 149 corporation, or unincorporated association bound by contract
 150 with the department to construct, lease, or operate a

151 contractor-operated ~~private~~ correctional facility.

152 Section 3. Subsections (1), (2), and (3) of section
153 957.04, Florida Statutes, are amended to read:

154 957.04 Contract requirements.—

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

158 (a) Unless otherwise specified in this chapter, is not
159 exempt from chapter 287, including the competitive solicitation
160 requirements thereof. However, if there is a direct conflict
161 between this chapter and chapter 287, this chapter shall
162 control. Contracts entered into under this chapter for the
163 operation of contractor-operated correctional facilities are not
164 considered to be outsourced as defined in s. 287.012. The
165 specific outsourcing requirements of s. 287.0571 are not
166 required under this section.

167 (b)-(a) Be executed ~~negotiated~~ with the contractor ~~firm~~
168 found most qualified. However, a contract for contractor-
169 operated ~~private~~ correctional services may not be entered into
170 by the department unless the department determines that the
171 contractor has demonstrated that it has:

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

174 2. The ability to expedite the siting, design, and
175 construction of correctional facilities.

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

178 ~~(c)-(b)~~ Indemnify the state and the department, including
179 their officials and agents, against any and all liability,
180 including, but not limited to, civil rights liability. Proof of
181 satisfactory insurance is required in an amount to be determined
182 by the department.

183 ~~(d)-(e)~~ Require that the contractor seek, obtain, and
184 maintain accreditation by the American Correctional Association
185 for the facility under that contract. Compliance with amendments
186 to the accreditation standards of the association is required
187 upon the approval of such amendments by the department.

188 ~~(e)-(d)~~ Require that the proposed facilities and the
189 management plans for the inmates meet applicable American
190 Correctional Association standards and the requirements of all
191 applicable court orders and state law.

192 ~~(f)-(e)~~ Establish operations standards for correctional
193 facilities subject to the contract. However, if the department
194 and the contractor disagree with an operations standard, the
195 contractor may propose to waive any rule, policy, or procedure
196 of the department related to the operations standards of
197 correctional facilities which is inconsistent with the mission
198 of the contractor to establish cost-effective, contractor-
199 operated ~~privately operated~~ correctional facilities. The
200 department shall be responsible for considering all requests

201 ~~proposals~~ from the contractor to waive any rule, policy, or
 202 procedure and shall render a final decision granting or denying
 203 such request.

204 (g)~~(f)~~ Require the contractor to be responsible for a
 205 range of dental, medical, and psychological services; diet;
 206 education; and work programs at least equal to those provided by
 207 the department in comparable facilities. The work and education
 208 programs must be designed to reduce recidivism, and include
 209 opportunities to participate in such work programs as authorized
 210 pursuant to s. 946.523.

211 (h)~~(g)~~ Require the selection and appointment of a full-
 212 time contract monitor. The contract monitor shall be appointed
 213 and supervised by the department. The contractor is required to
 214 reimburse the department for the salary and expenses of the
 215 contract monitor. It is the obligation of the contractor to
 216 provide suitable office space for the contract monitor at the
 217 correctional facility. The contract monitor shall have unlimited
 218 access to the correctional facility.

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

223 (2) Each contract entered into for the design and
 224 construction of a contractor-operated ~~private~~ correctional
 225 facility or juvenile commitment facility must include:

226 (a) Notwithstanding any provision of chapter 255 to the
227 contrary, a specific provision authorizing the use of tax-exempt
228 financing through the issuance of tax-exempt bonds, certificates
229 of participation, lease-purchase agreements, or other tax-exempt
230 financing methods. Pursuant to s. 255.25, approval is hereby
231 provided for the lease-purchase of up to two contractor-operated
232 ~~private~~ correctional facilities and any other facility
233 authorized by the General Appropriations Act.

234 (b) A specific provision requiring the design and
235 construction of the proposed facilities to meet the applicable
236 standards of the American Correctional Association and the
237 requirements of all applicable court orders and state law.

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

242 (d) A specific provision stating that the state is not
243 obligated for any payments that exceed the amount of the current
244 annual appropriation.

245 (3)(a) Each contract for the designing, financing,
246 acquiring, leasing, constructing, and operating of a contractor-
247 operated ~~private~~ correctional facility shall be subject to ss.
248 255.2502 and 255.2503.

249 (b) Each contract for the designing, financing, acquiring,
250 leasing, and constructing of a contractor-operated ~~private~~

251 juvenile commitment facility shall be subject to ss. 255.2502
252 and 255.2503.

253 Section 4. Subsections (4) and (5) of section 957.07,
254 Florida Statutes, are amended to read:

255 957.07 Cost-saving requirements.—

256 (4) The department shall provide a report detailing the
257 state cost to design, finance, acquire, lease, construct, and
258 operate a facility similar to the contractor-operated ~~private~~
259 correctional facility on a per diem basis. This report shall be
260 provided to the Auditor General in sufficient time that it may
261 be certified to be included in the competitive solicitation
262 ~~request for proposals.~~

263 ~~(5)(a) At the request of the Speaker of the House of~~
264 ~~Representatives or the President of the Senate, the Prison Per-~~
265 ~~Diem Workgroup shall develop consensus per diem rates for use by~~
266 ~~the Legislature. The Office of Program Policy Analysis and~~
267 ~~Government Accountability and the staffs of the appropriations~~
268 ~~committees of both the Senate and the House of Representatives~~
269 ~~are the principals of the workgroup. The workgroup may consult~~
270 ~~with other experts to assist in the development of the consensus~~
271 ~~per diem rates. All meetings of the workgroup shall be open to~~
272 ~~the public as provided in chapter 286.~~

273 ~~(b) When developing the consensus per diem rates, the~~
274 ~~workgroup must:~~

275 ~~1. Use data provided by the department from the most~~

276 ~~recent fiscal year to determine per diem costs for the following~~
 277 ~~activities:~~

- 278 ~~a. Custody and control;~~
- 279 ~~b. Health services;~~
- 280 ~~c. Substance abuse programs; and~~
- 281 ~~d. Educational programs;~~

282 ~~2. Include the cost of departmental, regional,~~
 283 ~~institutional, and program administration and any other fixed~~
 284 ~~costs of the department;~~

285 ~~3. Calculate average per diem rates for the following~~
 286 ~~offender populations: adult male, youthful offender male, and~~
 287 ~~female; and~~

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

290 ~~(c) The consensus per diem rates determined by the~~
 291 ~~workgroup may be used to assist the Legislature in determining~~
 292 ~~the level of funding provided to privately operated prisons to~~
 293 ~~meet the 7-percent savings required of private prisons by this~~
 294 ~~chapter.~~

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

298 Section 5. Section 957.12, Florida Statutes, is amended to
 299 read:

300 957.12 Prohibition on contact.—Except in writing to the

301 procurement office or as provided in the solicitation documents,
 302 a bidder or potential bidder is not permitted to have any
 303 contact with any member or employee of or consultant to the
 304 department regarding a competitive solicitation ~~request for~~
 305 ~~proposal,~~ a proposal, or the evaluation or selection process
 306 from the time a request for proposals for a contractor-operated
 307 ~~private~~ correctional facility is issued until the time a
 308 notification of intent to award is announced, ~~except if such~~
 309 ~~contact is in writing or in a meeting for which notice was~~
 310 ~~provided in the Florida Administrative Register.~~

311 Section 6. Section 957.15, Florida Statutes, is amended to
 312 read:

313 957.15 Funding of contracts for operation, maintenance,
 314 and lease-purchase of contractor-operated ~~private~~ correctional
 315 facilities.—The request for appropriation of funds to make
 316 payments pursuant to contracts entered into by the department
 317 for the operation, maintenance, and lease-purchase of the
 318 contractor-operated ~~private~~ correctional facilities authorized
 319 by this chapter shall be included in its budget request to the
 320 Legislature as a separately identified item. ~~After an~~
 321 ~~appropriation has been made by the Legislature to the department~~
 322 ~~for the private correctional facilities, the department shall~~
 323 ~~have no authority over such funds other than to pay from such~~
 324 ~~appropriation to the appropriate private vendor such amounts as~~
 325 ~~are certified for payment by the department.~~

326 Section 7. Paragraph (a) of subsection (2) of section
 327 330.41, Florida Statutes, is amended to read:
 328 330.41 Unmanned Aircraft Systems Act.—
 329 (2) DEFINITIONS.—As used in this act, the term:
 330 (a) "Critical infrastructure facility" means any of the
 331 following, if completely enclosed by a fence or other physical
 332 barrier that is obviously designed to exclude intruders, or if
 333 clearly marked with a sign or signs which indicate that entry is
 334 forbidden and which are posted on the property in a manner
 335 reasonably likely to come to the attention of intruders:
 336 1. A power generation or transmission facility,
 337 substation, switching station, or electrical control center.
 338 2. A chemical or rubber manufacturing or storage facility.
 339 3. A water intake structure, water treatment facility,
 340 wastewater treatment plant, or pump station.
 341 4. A mining facility.
 342 5. A natural gas or compressed gas compressor station,
 343 storage facility, or natural gas or compressed gas pipeline.
 344 6. A liquid natural gas or propane gas terminal or storage
 345 facility.
 346 7. Any portion of an aboveground oil or gas pipeline.
 347 8. A refinery.
 348 9. A gas processing plant, including a plant used in the
 349 processing, treatment, or fractionation of natural gas.
 350 10. A wireless communications facility, including the

351 tower, antennae, support structures, and all associated ground-
 352 based equipment.

353 11. A seaport as listed in s. 311.09(1), which need not be
 354 completely enclosed by a fence or other physical barrier and
 355 need not be marked with a sign or signs indicating that entry is
 356 forbidden.

357 12. An inland port or other facility or group of
 358 facilities serving as a point of intermodal transfer of freight
 359 in a specific area physically separated from a seaport.

360 13. An airport as defined in s. 330.27.

361 14. A spaceport territory as defined in s. 331.303(18).

362 15. A military installation as defined in 10 U.S.C. s.
 363 2801(c)(4) and an armory as defined in s. 250.01.

364 16. A dam as defined in s. 373.403(1) or other structures,
 365 such as locks, floodgates, or dikes, which are designed to
 366 maintain or control the level of navigable waterways.

367 17. A state correctional institution as defined in s.
 368 944.02 or a contractor-operated ~~private~~ correctional facility
 369 authorized under chapter 957.

370 18. A secure detention center or facility as defined in s.
 371 985.03, or a nonsecure residential facility, a high-risk
 372 residential facility, or a maximum-risk residential facility as
 373 those terms are described in s. 985.03(44).

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

375 20. A critical infrastructure facility as defined in s.

376 692.201.

377 Section 8. Paragraph (b) of subsection (3) of section
378 553.865, Florida Statutes, is amended to read:

379 553.865 Private spaces.—

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

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

384 Section 9. Paragraph (e) of subsection (1) of section
385 633.218, Florida Statutes, is amended to read:

386 633.218 Inspections of state buildings and premises; tests
387 of firesafety equipment; building plans to be approved.—

388 (1)

389 (e) For purposes of this section:

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

392 (I) That contains combustible or explosive matter or
393 flammable conditions dangerous to the safety of life or
394 property;

395 (II) At which persons receive educational instruction;

396 (III) At which persons reside, excluding private
397 dwellings; or

398 (IV) Containing three or more floor levels.

399 b. As used in this subparagraph, the phrase "building or
400 structure":

401 (I) Includes, but is not limited to, all hospitals and
 402 residential health care facilities, nursing homes and other
 403 adult care facilities, correctional or detention facilities,
 404 public schools, public lodging establishments, migrant labor
 405 camps, residential child care facilities, and self-service
 406 gasoline stations.

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

410 2. The term "state-owned building" includes contractor-
 411 operated ~~private~~ correctional facilities as defined under s.
 412 944.710 ~~s. 944.710(3)~~.

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

416 775.21 The Florida Sexual Predators Act.—

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

418 (e) "Conviction" means a determination of guilt which is
 419 the result of a trial or the entry of a plea of guilty or nolo
 420 contendere, regardless of whether adjudication is withheld. A
 421 conviction for a similar offense includes, but is not limited
 422 to, a conviction by a federal or military tribunal, including
 423 courts-martial conducted by the Armed Forces of the United
 424 States, and includes a conviction or entry of a plea of guilty
 425 or nolo contendere resulting in a sanction in any state of the

426 United States or other jurisdiction. A sanction includes, but is
427 not limited to, a fine, probation, community control, parole,
428 conditional release, control release, or incarceration in a
429 state prison, federal prison, contractor-operated ~~private~~
430 correctional facility, or local detention facility.

431 (6) REGISTRATION.—

432 (b) If the sexual predator is in the custody or control
433 of, or under the supervision of, the Department of Corrections,
434 or is in the custody of a contractor-operated ~~private~~
435 correctional facility, the sexual predator shall register with
436 the Department of Corrections. A sexual predator who is under
437 the supervision of the Department of Corrections but who is not
438 incarcerated shall register with the Department of Corrections
439 within 3 business days after the court finds the offender to be
440 a sexual predator. The Department of Corrections shall provide
441 to the department registration information and the location of,
442 and local telephone number for, any Department of Corrections
443 office that is responsible for supervising the sexual predator.
444 In addition, the Department of Corrections shall notify the
445 department if the sexual predator escapes or absconds from
446 custody or supervision or if the sexual predator dies.

447 (e)1. If the sexual predator is not in the custody or
448 control of, or under the supervision of, the Department of
449 Corrections or is not in the custody of a contractor-operated
450 ~~private~~ correctional facility, the sexual predator shall

451 register in person:

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

455 b. At the sheriff's office in the county where he or she
456 was designated a sexual predator by the court within 48 hours
457 after such finding is made.

458 2. Any change that occurs after the sexual predator
459 registers in person at the sheriff's office as provided in
460 subparagraph 1. in any of the following information related to
461 the sexual predator must be reported as provided in paragraphs
462 (g), (i), and (j): permanent, temporary, or transient residence;
463 name; vehicles owned; electronic mail addresses; Internet
464 identifiers and each Internet identifier's corresponding website
465 homepage or application software name; home and cellular
466 telephone numbers; employment information; and change in status
467 at an institution of higher education. When a sexual predator
468 registers with the sheriff's office, the sheriff shall take a
469 photograph, a set of fingerprints, and palm prints of the
470 predator and forward the photographs, palm prints, and
471 fingerprints to the department, along with the information that
472 the predator is required to provide pursuant to this section.

473 (10) PENALTIES.—

474 (g) Any person who has reason to believe that a sexual
475 predator is not complying, or has not complied, with the

476 requirements of this section and who, with the intent to assist
477 the sexual predator in eluding a law enforcement agency that is
478 seeking to find the sexual predator to question the sexual
479 predator about, or to arrest the sexual predator for, his or her
480 noncompliance with the requirements of this section:

481 1. Withholds information from, or does not notify, the law
482 enforcement agency about the sexual predator's noncompliance
483 with the requirements of this section, and, if known, the
484 whereabouts of the sexual predator;

485 2. Harbors, or attempts to harbor, or assists another
486 person in harboring or attempting to harbor, the sexual
487 predator;

488 3. Conceals or attempts to conceal, or assists another
489 person in concealing or attempting to conceal, the sexual
490 predator; or

491 4. Provides information to the law enforcement agency
492 regarding the sexual predator which the person knows to be false
493 information,

494
495 commits a felony of the third degree, punishable as provided in
496 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
497 apply if the sexual predator is incarcerated in or is in the
498 custody of a state correctional facility, a contractor-operated
499 ~~private~~ correctional facility, a local jail, or a federal
500 correctional facility.

501 Section 11. Paragraph (a) of subsection (3) and paragraph
 502 (a) of subsection (4) of section 775.261, Florida Statutes, are
 503 amended to read:

504 775.261 The Florida Career Offender Registration Act.—

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

506 (a) A career offender released on or after July 1, 2002,
 507 from a sanction imposed in this state must register as required
 508 under subsection (4) and is subject to community and public
 509 notification as provided under subsection (5). For purposes of
 510 this section, a sanction imposed in this state includes, but is
 511 not limited to, a fine, probation, community control, parole,
 512 conditional release, control release, or incarceration in a
 513 state prison, contractor-operated ~~private~~ correctional facility,
 514 or local detention facility, and:

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

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

521 (4) REGISTRATION.—

522 (a) A career offender must register with the department by
 523 providing the following information to the department, or to the
 524 sheriff's office in the county in which the career offender
 525 establishes or maintains a permanent or temporary residence,

526 within 2 working days after establishing permanent or temporary
527 residence in this state or within 2 working days after being
528 released from the custody, control, or supervision of the
529 Department of Corrections or from the custody of a contractor-
530 operated ~~private~~ correctional facility:

531 1. Name, social security number, age, race, gender, date
532 of birth, height, weight, hair and eye color, photograph,
533 address of legal residence and address of any current temporary
534 residence within the state or out of state, including a rural
535 route address or a post office box, date and place of any
536 employment, date and place of each conviction, fingerprints, and
537 a brief description of the crime or crimes committed by the
538 career offender. A career offender may not provide a post office
539 box in lieu of a physical residential address. If the career
540 offender's place of residence is a motor vehicle, trailer,
541 mobile home, or manufactured home, as defined in chapter 320,
542 the career offender shall also provide to the department written
543 notice of the vehicle identification number; the license tag
544 number; the registration number; and a description, including
545 color scheme, of the motor vehicle, trailer, mobile home, or
546 manufactured home. If a career offender's place of residence is
547 a vessel, live-aboard vessel, or houseboat, as defined in
548 chapter 327, the career offender shall also provide to the
549 department written notice of the hull identification number; the
550 manufacturer's serial number; the name of the vessel, live-

551 aboard vessel, or houseboat; the registration number; and a
 552 description, including color scheme, of the vessel, live-aboard
 553 vessel, or houseboat.

554 2. Any other information determined necessary by the
 555 department, including criminal and corrections records;
 556 nonprivileged personnel and treatment records; and evidentiary
 557 genetic markers when available.

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

560 784.078 Battery of facility employee by throwing, tossing,
 561 or expelling certain fluids or materials.—

562 (1) As used in this section, the term "facility" means a
 563 state correctional institution defined in s. 944.02(8); a
 564 contractor-operated ~~private~~ correctional facility defined in s.
 565 944.710 or under chapter 957; a county, municipal, or regional
 566 jail or other detention facility of local government under
 567 chapter 950 or chapter 951; or a secure facility operated and
 568 maintained by the Department of Corrections or the Department of
 569 Juvenile Justice.

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

572 800.09 Lewd or lascivious exhibition in the presence of an
 573 employee.—

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

575 (a) "Employee" means:

576 1. Any person employed by or performing contractual
 577 services for a public or private entity operating a state
 578 correctional institution or contractor-operated ~~private~~
 579 correctional facility;

580 2. Any person employed by or performing contractual
 581 services for the corporation operating the prison industry
 582 enhancement programs or the correctional work programs under
 583 part II of chapter 946;

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

586 4. Any person employed at or performing contractual
 587 services for a county detention facility.

588 (b) "Facility" means a state correctional institution as
 589 defined in s. 944.02, a contractor-operated ~~private~~ correctional
 590 facility as defined in s. 944.710, or a county detention
 591 facility as defined in s. 951.23.

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

595 943.0435 Sexual offenders required to register with the
 596 department; penalty.—

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

598 (b) "Convicted" means that there has been a determination
 599 of guilt as a result of a trial or the entry of a plea of guilty
 600 or nolo contendere, regardless of whether adjudication is

601 withheld, and includes an adjudication of delinquency of a
602 juvenile as specified in this section. Conviction of a similar
603 offense includes, but is not limited to, a conviction by a
604 federal or military tribunal, including courts-martial conducted
605 by the Armed Forces of the United States, and includes a
606 conviction or entry of a plea of guilty or nolo contendere
607 resulting in a sanction in any state of the United States or
608 other jurisdiction. A sanction includes, but is not limited to,
609 a fine, probation, community control, parole, conditional
610 release, control release, or incarceration in a state prison,
611 federal prison, contractor-operated ~~private~~ correctional
612 facility, or local detention facility.

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

616 a.(I) Has been convicted of committing, or attempting,
617 soliciting, or conspiring to commit, any of the criminal
618 offenses proscribed in the following statutes in this state or
619 similar offenses in another jurisdiction: s. 393.135(2); s.
620 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
621 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
622 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
623 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
624 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
625 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;

626 s. 895.03, if the court makes a written finding that the
627 racketeering activity involved at least one sexual offense
628 listed in this sub-sub-subparagraph or at least one offense
629 listed in this sub-sub-subparagraph with sexual intent or
630 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
631 committed in this state which has been redesignated from a
632 former statute number to one of those listed in this sub-sub-
633 subparagraph; and

634 (II) Has been released on or after October 1, 1997, from a
635 sanction imposed for any conviction of an offense described in
636 sub-sub-subparagraph (I) and does not otherwise meet the
637 criteria for registration as a sexual offender under chapter 944
638 or chapter 985. For purposes of this sub-sub-subparagraph, a
639 sanction imposed in this state or in any other jurisdiction
640 means probation, community control, parole, conditional release,
641 control release, or incarceration in a state prison, federal
642 prison, contractor-operated ~~private~~ correctional facility, or
643 local detention facility. If no sanction is imposed, the person
644 is deemed to be released upon conviction;

645 b. Establishes or maintains a residence in this state and
646 who has not been designated as a sexual predator by a court of
647 this state but who has been designated as a sexual predator, as
648 a sexually violent predator, or by another sexual offender
649 designation in another state or jurisdiction and was, as a
650 result of such designation, subjected to registration or

651 community or public notification, or both, or would be if the
 652 person were a resident of that state or jurisdiction, without
 653 regard to whether the person otherwise meets the criteria for
 654 registration as a sexual offender;

655 c. Establishes or maintains a residence in this state who
 656 is in the custody or control of, or under the supervision of,
 657 any other state or jurisdiction as a result of a conviction for
 658 committing, or attempting, soliciting, or conspiring to commit,
 659 any of the criminal offenses proscribed in the following
 660 statutes or similar offense in another jurisdiction: s.
 661 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 662 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 663 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 664 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 665 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
 666 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
 667 s. 847.0145; s. 895.03, if the court makes a written finding
 668 that the racketeering activity involved at least one sexual
 669 offense listed in this sub-subparagraph or at least one offense
 670 listed in this sub-subparagraph with sexual intent or motive; s.
 671 916.1075(2); or s. 985.701(1); or any similar offense committed
 672 in this state which has been redesignated from a former statute
 673 number to one of those listed in this sub-subparagraph; or

674 d. On or after July 1, 2007, has been adjudicated
 675 delinquent for committing, or attempting, soliciting, or

676 conspiring to commit, any of the criminal offenses proscribed in
677 the following statutes in this state or similar offenses in
678 another jurisdiction when the juvenile was 14 years of age or
679 older at the time of the offense:

680 (I) Section 794.011, excluding s. 794.011(10);

681 (II) Section 800.04(4)(a)2. where the victim is under 12
682 years of age or where the court finds sexual activity by the use
683 of force or coercion;

684 (III) Section 800.04(5)(c)1. where the court finds
685 molestation involving unclothed genitals;

686 (IV) Section 800.04(5)(d) where the court finds the use of
687 force or coercion and unclothed genitals; or

688 (V) Any similar offense committed in this state which has
689 been redesignated from a former statute number to one of those
690 listed in this sub-subparagraph.

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

694

695 For each violation of a qualifying offense listed in this
696 subsection, except for a violation of s. 794.011, the court
697 shall make a written finding of the age of the victim at the
698 time of the offense. For a violation of s. 800.04(4), the court
699 shall also make a written finding indicating whether the offense
700 involved sexual activity and indicating whether the offense

701 involved force or coercion. For a violation of s. 800.04(5), the
 702 court shall also make a written finding that the offense did or
 703 did not involve unclothed genitals or genital area and that the
 704 offense did or did not involve the use of force or coercion.

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

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

707 1. In the county in which the offender establishes or
 708 maintains a permanent, temporary, or transient residence within
 709 48 hours after:

710 a. Establishing permanent, temporary, or transient
 711 residence in this state; or

712 b. Being released from the custody, control, or
 713 supervision of the Department of Corrections or from the custody
 714 of a contractor-operated ~~private~~ correctional facility; or

715 2. In the county where he or she was convicted within 48
 716 hours after being convicted for a qualifying offense for
 717 registration under this section if the offender is not in the
 718 custody or control of, or under the supervision of, the
 719 Department of Corrections, or is not in the custody of a
 720 contractor-operated ~~private~~ correctional facility.

721
 722 Any change in the information required to be provided pursuant
 723 to paragraph (b), including, but not limited to, any change in
 724 the sexual offender's permanent, temporary, or transient
 725 residence; name; electronic mail addresses; Internet identifiers

726 and each Internet identifier's corresponding website homepage or
727 application software name; home telephone numbers and cellular
728 telephone numbers; employment information; and any change in
729 status at an institution of higher education after the sexual
730 offender reports in person at the sheriff's office must be
731 reported in the manner provided in subsections (4), (7), and
732 (8).

733

734 When a sexual offender reports at the sheriff's office, the
735 sheriff shall take a photograph, a set of fingerprints, and palm
736 prints of the offender and forward the photographs, palm prints,
737 and fingerprints to the department, along with the information
738 provided by the sexual offender. The sheriff shall promptly
739 provide to the department the information received from the
740 sexual offender.

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

743 943.13 Officers' minimum qualifications for employment or
744 appointment.—On or after October 1, 1984, any person employed or
745 appointed as a full-time, part-time, or auxiliary law
746 enforcement officer or correctional officer; on or after October
747 1, 1986, any person employed as a full-time, part-time, or
748 auxiliary correctional probation officer; and on or after
749 October 1, 1986, any person employed as a full-time, part-time,
750 or auxiliary correctional officer by a private entity under

751 contract to the Department of Corrections or to a county
752 commission shall:

753 (5) Have documentation of his or her processed
754 fingerprints on file with the employing agency or, if a
755 contractor-employed ~~private~~ correctional officer, have
756 documentation of his or her processed fingerprints on file with
757 the Department of Corrections or the Criminal Justice Standards
758 and Training Commission. The department shall retain and enter
759 into the statewide automated biometric identification system
760 authorized by s. 943.05 all fingerprints submitted to the
761 department as required by this section. Thereafter, the
762 fingerprints shall be available for all purposes and uses
763 authorized for arrest fingerprints entered in the statewide
764 automated biometric identification system pursuant to s.
765 943.051. The department shall search all arrest fingerprints
766 received pursuant to s. 943.051 against the fingerprints
767 retained in the statewide automated biometric identification
768 system pursuant to this section and report to the employing
769 agency any arrest records that are identified with the retained
770 employee's fingerprints. These fingerprints must be forwarded to
771 the department for processing and retention.

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

776 with subsections (1)-(7). The affidavit shall require the
 777 applicant to disclose any pending investigation by a local,
 778 state, or federal agency or entity for criminal, civil, or
 779 administrative wrongdoing and whether the applicant separated or
 780 resigned from previous criminal justice employment while he or
 781 she was under investigation. The affidavit shall be executed
 782 under oath and constitutes an official statement within the
 783 purview of s. 837.06. The affidavit shall include conspicuous
 784 language that the intentional false execution of the affidavit
 785 constitutes a misdemeanor of the second degree. The affidavit
 786 shall be retained by the employing agency.

787 Section 16. Paragraph (g) of subsection (2) of section
 788 943.325, Florida Statutes, is amended to read:

789 943.325 DNA database.—

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

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

793 1.a. Committed to a county jail;

794 b. Committed to or under the supervision of the Department
 795 of Corrections, including persons incarcerated in a contractor-
 796 operated ~~private~~ correctional institution operated under
 797 contract pursuant to s. 944.105;

798 c. Committed to or under the supervision of the Department
 799 of Juvenile Justice;

800 d. Transferred to this state under the Interstate Compact

801 on Juveniles, part XIII of chapter 985; or
 802 e. Accepted under Article IV of the Interstate Corrections
 803 Compact, part III of chapter 941; and who is:
 804 2.a. Convicted of any felony offense or attempted felony
 805 offense in this state or of a similar offense in another
 806 jurisdiction;
 807 b. Convicted of a misdemeanor violation of s. 784.048, s.
 808 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 809 offense that was found, pursuant to s. 874.04, to have been
 810 committed for the purpose of benefiting, promoting, or
 811 furthering the interests of a criminal gang as defined in s.
 812 874.03;
 813 c. Arrested for any felony offense or attempted felony
 814 offense in this state; or
 815 d. In the custody of a law enforcement agency and is
 816 subject to an immigration detainer issued by a federal
 817 immigration agency.
 818 Section 17. Subsections (4), (5), and (7) of section
 819 944.105, Florida Statutes, are amended to read:
 820 944.105 Contractual arrangements with contractor-operated
 821 ~~private~~ entities for operation and maintenance of correctional
 822 facilities and supervision of inmates.—
 823 (4) A contractor-employed ~~private~~ correctional officer may
 824 use force only while on the grounds of a facility, while
 825 transporting inmates, and while pursuing escapees from a

826 facility. A contractor-employed ~~private~~ correctional officer may
 827 use nondeadly force in the following situations:

828 (a) To prevent the commission of a felony or a
 829 misdemeanor, including escape.

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

831 (c) To prevent serious damage to property.

832 (d) To enforce institutional regulations and orders.

833 (e) To prevent or quell a riot.

834

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

839 (5) Contractor-employed ~~Private~~ correctional officers
 840 shall be trained in the use of force and the use of firearms and
 841 shall be trained at the contractor-operated ~~private~~ firm's
 842 expense, at the facilities that train correctional officers
 843 employed by the department.

844 (7) The department shall require the certification of
 845 contractor-employed ~~private~~ correctional officers at the private
 846 vendor's expense under s. 943.1395, and all such officers must
 847 meet the minimum qualifications established in s. 943.13. All
 848 other employees of the private vendor that perform their duties
 849 at the contractor-operated ~~private~~ correctional facility shall
 850 receive, at a minimum, the same quality and quantity of training

851 as that required by the state for employees of state-operated
 852 correctional facilities. All training expenses shall be the
 853 responsibility of the private vendor. The department shall be
 854 the contributor and recipient of all criminal background
 855 information necessary for certification by the Criminal Justice
 856 Standards and Training Commission.

857 Section 18. Subsections (1) through (4) of section
 858 944.151, Florida Statutes, are amended to read:

859 944.151 Safe operation and security of correctional
 860 institutions and facilities.—It is the intent of the Legislature
 861 that the Department of Corrections shall be responsible for the
 862 safe operation and security of the correctional institutions and
 863 facilities. The safe operation and security of the state's
 864 correctional institutions and facilities are critical to ensure
 865 public safety and the safety of department employees and
 866 offenders, and to contain violent and chronic offenders until
 867 offenders are otherwise released from the department's custody
 868 pursuant to law. The Secretary of Corrections shall, at a
 869 minimum:

870 (1) Appoint appropriate department staff to a safety and
 871 security review committee that shall evaluate new safety and
 872 security technology, review and discuss current issues impacting
 873 state and contractor-operated ~~private~~ correctional institutions
 874 and facilities, and review and discuss other issues as requested
 875 by department management.

876 (2) Direct appropriate department staff to establish a
877 periodic schedule for the physical inspection of buildings and
878 structures of each state and contractor-operated ~~private~~
879 correctional institution and facility to determine safety and
880 security deficiencies. In scheduling the inspections, priority
881 shall be given to older institutions and facilities;
882 institutions and facilities that house a large proportion of
883 violent offenders; institutions and facilities that have
884 experienced a significant number of inappropriate incidents of
885 use of force on inmates, assaults on employees, or inmate sexual
886 abuse; and institutions and facilities that have experienced a
887 significant number of escapes or escape attempts in the past.

888 (3) Direct appropriate department staff to conduct or
889 cause to be conducted announced and unannounced comprehensive
890 security audits of all state and contractor-operated ~~private~~
891 correctional institutions and facilities. Priority shall be
892 given to those institutions and facilities that have experienced
893 a significant number of inappropriate incidents of use of force
894 on inmates, assaults on employees, or sexual abuse. At a
895 minimum, the audit must include an evaluation of the physical
896 plant, landscaping, fencing, security alarms and perimeter
897 lighting, and confinement, arsenal, key and lock, and entrance
898 and exit policies. The evaluation of the physical plant policies
899 must include the identification of blind spots or areas where
900 staff or inmates may be isolated and the deployment of video

901 monitoring systems and other appropriate monitoring technologies
902 in such spots or areas. Each correctional institution and
903 facility shall be audited at least annually. The secretary shall
904 annually report the audit findings to the Governor and the
905 Legislature.

906 (4) Direct appropriate department staff to investigate and
907 evaluate the usefulness and dependability of existing safety and
908 security technology at state and contractor-operated ~~private~~
909 correctional institutions and facilities, investigate and
910 evaluate new available safety and security technology, and make
911 periodic written recommendations to the secretary on the
912 discontinuation or purchase of various safety and security
913 devices.

914 Section 19. Paragraph (b) of subsection (3) of section
915 944.17, Florida Statutes, is amended to read:

916 944.17 Commitments and classification; transfers.—

917 (3)

918 (b) Notwithstanding paragraph (a), any prisoner
919 incarcerated in the state correctional system or contractor-
920 operated ~~private~~ correctional facility operated pursuant to
921 chapter 957 who is convicted in circuit or county court of a
922 crime committed during that incarceration shall serve the
923 sentence imposed for that crime within the state correctional
924 system regardless of the length of sentence or classification of
925 the offense.

926 Section 20. Paragraph (b) of subsection (3) of section
 927 944.35, Florida Statutes, is amended to read:

928 944.35 Authorized use of force; malicious battery and
 929 sexual misconduct prohibited; reporting required; penalties.—

930 (3)

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

932 ~~a.b.~~ "Contractor-operated ~~Private~~ correctional facility"
 933 has the same meaning as in s. 944.710.

934 ~~b.a.~~ "Female genitals" includes the labia minora, labia
 935 majora, clitoris, vulva, hymen, and vagina.

936 c. "Sexual misconduct" means the oral, anal, or female
 937 genital penetration by, or union with, the sexual organ of
 938 another or the anal or female genital penetration of another by
 939 any other object, but does not include an act done for a bona
 940 fide medical purpose or an internal search conducted in the
 941 lawful performance of the employee's duty.

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

946 2. Any employee of the department or a contractor-operated
 947 ~~private~~ correctional facility or any volunteer in, or any
 948 employee of a contractor or subcontractor of, the department or
 949 a contractor-operated ~~private~~ correctional facility who engages
 950 in sexual misconduct with an inmate or an offender supervised by

951 the department in the community, without committing the crime of
 952 sexual battery, commits a felony of the third degree, punishable
 953 as provided in s. 775.082, s. 775.083, or s. 775.084.

954 3. The consent of the inmate or offender supervised by the
 955 department in the community to any act of sexual misconduct may
 956 not be raised as a defense to a prosecution under this
 957 paragraph.

958 4. This paragraph does not apply to any employee,
 959 volunteer, or employee of a contractor or subcontractor of the
 960 department or any employee, volunteer, or employee of a
 961 contractor or subcontractor of a contractor-operated ~~private~~
 962 correctional facility who is legally married to an inmate or an
 963 offender supervised by the department in the community, nor does
 964 it apply to any employee, volunteer, or employee of a contractor
 965 or subcontractor who has no knowledge, and would have no reason
 966 to believe, that the person with whom the employee, volunteer,
 967 or employee of a contractor or subcontractor has engaged in
 968 sexual misconduct is an inmate or an offender under community
 969 supervision of the department.

970 Section 21. Section 944.40, Florida Statutes, is amended
 971 to read:

972 944.40 Escapes; penalty.—Any prisoner confined in, or
 973 released on furlough from, any prison, jail, contractor-operated
 974 ~~private~~ correctional facility, road camp, or other penal
 975 institution, whether operated by the state, a county, or a

976 municipality, or operated under a contract with the state, a
 977 county, or a municipality, working upon the public roads, or
 978 being transported to or from a place of confinement who escapes
 979 or attempts to escape from such confinement commits a felony of
 980 the second degree, punishable as provided in s. 775.082, s.
 981 775.083, or s. 775.084. The punishment of imprisonment imposed
 982 under this section shall run consecutive to any former sentence
 983 imposed upon any prisoner.

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

986 944.605 Inmate release; notification; identification
 987 card.—

988 (1) Within 6 months before the release of an inmate from
 989 the custody of the Department of Corrections or a contractor-
 990 operated ~~private~~ correctional facility by expiration of sentence
 991 under s. 944.275, any release program provided by law, or parole
 992 under chapter 947, or as soon as possible if the offender is
 993 released earlier than anticipated, notification of such
 994 anticipated release date shall be made known by the Department
 995 of Corrections to the chief judge of the circuit in which the
 996 offender was sentenced, the appropriate state attorney, the
 997 original arresting law enforcement agency, the Department of Law
 998 Enforcement, and the sheriff as chief law enforcement officer of
 999 the county in which the inmate plans to reside. In addition,
 1000 unless otherwise requested by the victim, the victim's parent or

CS/CS/HB 1337

2024

1001 guardian if the victim is a minor, the lawful representative of
1002 the victim or of the victim's parent or guardian if the victim
1003 is a minor, the victim's next of kin in the case of a homicide,
1004 the state attorney or the Department of Corrections, whichever
1005 is appropriate, shall notify such person within 6 months before
1006 the inmate's release, or as soon as possible if the offender is
1007 released earlier than anticipated, when the name and address of
1008 such victim, or the name and address of the parent, guardian,
1009 next of kin, or lawful representative of the victim has been
1010 furnished to the agency. The state attorney shall provide the
1011 latest address documented for the victim, or for the victim's
1012 parent, guardian, next of kin, or lawful representative, as
1013 applicable, to the sheriff with the other documents required by
1014 law for the delivery of inmates to those agencies for service of
1015 sentence. Upon request, within 30 days after an inmate is
1016 approved for community work release, the state attorney, the
1017 victim, the victim's parent or guardian if the victim is a
1018 minor, the victim's next of kin in the case of a homicide, or
1019 the lawful representative of the victim or of the victim's
1020 parent or guardian if the victim is a minor shall be notified
1021 that the inmate has been approved for community work release.
1022 This section does not imply any repeal or modification of any
1023 provision of law relating to notification of victims.

1024 (2) Within 60 days before the anticipated release of an
1025 inmate under subsection (1), a digitized photograph of the

1026 inmate to be released shall be made by the Department of
 1027 Corrections or a contractor-operated ~~private~~ correctional
 1028 facility, whichever has custody of the inmate. If a contractor-
 1029 operated ~~private~~ correctional facility makes the digitized
 1030 photograph, this photograph shall be provided to the Department
 1031 of Corrections. Additionally, the digitized photograph, whether
 1032 made by the Department of Corrections or a contractor-operated
 1033 ~~private~~ correctional facility, shall be placed in the inmate's
 1034 file. The Department of Corrections shall make the digitized
 1035 photograph available electronically to the Department of Law
 1036 Enforcement as soon as the digitized photograph is in the
 1037 department's database and must be in a format that is compatible
 1038 with the requirements of the Florida Crime Information Center.
 1039 The department shall provide a copy of the digitized photograph
 1040 to a local law enforcement agency upon request.

1041 Section 23. Paragraph (a) of subsection (1) and paragraph
 1042 (a) of subsection (3) of section 944.606, Florida Statutes, are
 1043 amended to read:

1044 944.606 Sexual offenders; notification upon release.—

1045 (1) As used in this section, the term:

1046 (a) "Convicted" means there has been a determination of
 1047 guilt as a result of a trial or the entry of a plea of guilty or
 1048 nolo contendere, regardless of whether adjudication is withheld.
 1049 A conviction for a similar offense includes, but is not limited
 1050 to, a conviction by a federal or military tribunal, including

1051 courts-martial conducted by the Armed Forces of the United
1052 States, and includes a conviction or entry of a plea of guilty
1053 or nolo contendere resulting in a sanction in any state of the
1054 United States or other jurisdiction. A sanction includes, but is
1055 not limited to, a fine; probation; community control; parole;
1056 conditional release; control release; or incarceration in a
1057 state prison, federal prison, contractor-operated ~~private~~
1058 correctional facility, or local detention facility.

1059 (3)(a) The department shall provide information regarding
1060 any sexual offender who is being released after serving a period
1061 of incarceration for any offense, as follows:

1062 1. The department shall provide: the sexual offender's
1063 name, any change in the offender's name by reason of marriage or
1064 other legal process, and any alias, if known; the correctional
1065 facility from which the sexual offender is released; the sexual
1066 offender's social security number, race, sex, date of birth,
1067 height, weight, and hair and eye color; tattoos or other
1068 identifying marks; address of any planned permanent residence or
1069 temporary residence, within the state or out of state, including
1070 a rural route address and a post office box; if no permanent or
1071 temporary address, any transient residence within the state;
1072 address, location or description, and dates of any known future
1073 temporary residence within the state or out of state; date and
1074 county of sentence and each crime for which the offender was
1075 sentenced; a copy of the offender's fingerprints, palm prints,

1076 and a digitized photograph taken within 60 days before release;
1077 the date of release of the sexual offender; all electronic mail
1078 addresses and all Internet identifiers required to be provided
1079 pursuant to s. 943.0435(4)(e); employment information, if known,
1080 provided pursuant to s. 943.0435(4)(e); all home telephone
1081 numbers and cellular telephone numbers required to be provided
1082 pursuant to s. 943.0435(4)(e); information about any
1083 professional licenses the offender has, if known; and passport
1084 information, if he or she has a passport, and, if he or she is
1085 an alien, information about documents establishing his or her
1086 immigration status. The department shall notify the Department
1087 of Law Enforcement if the sexual offender escapes, absconds, or
1088 dies. If the sexual offender is in the custody of a contractor-
1089 operated ~~private~~ correctional facility, the facility shall take
1090 the digitized photograph of the sexual offender within 60 days
1091 before the sexual offender's release and provide this photograph
1092 to the Department of Corrections and also place it in the sexual
1093 offender's file. If the sexual offender is in the custody of a
1094 local jail, the custodian of the local jail shall register the
1095 offender within 3 business days after intake of the offender for
1096 any reason and upon release, and shall notify the Department of
1097 Law Enforcement of the sexual offender's release and provide to
1098 the Department of Law Enforcement the information specified in
1099 this paragraph and any information specified in subparagraph 2.
1100 that the Department of Law Enforcement requests.

1101 2. The department may provide any other information deemed
 1102 necessary, including criminal and corrections records,
 1103 nonprivileged personnel and treatment records, when available.

1104 Section 24. Paragraphs (b) and (f) of subsection (1),
 1105 paragraph (g) of subsection (6), and subsection (12) of section
 1106 944.607, Florida Statutes, are amended to read:

1107 944.607 Notification to Department of Law Enforcement of
 1108 information on sexual offenders.—

1109 (1) As used in this section, the term:

1110 (b) "Conviction" means a determination of guilt which is
 1111 the result of a trial or the entry of a plea of guilty or nolo
 1112 contendere, regardless of whether adjudication is withheld.
 1113 Conviction of a similar offense includes, but is not limited to,
 1114 a conviction by a federal or military tribunal, including
 1115 courts-martial conducted by the Armed Forces of the United
 1116 States, and includes a conviction or entry of a plea of guilty
 1117 or nolo contendere resulting in a sanction in any state of the
 1118 United States or other jurisdiction. A sanction includes, but is
 1119 not limited to, a fine; probation; community control; parole;
 1120 conditional release; control release; or incarceration in a
 1121 state prison, federal prison, contractor-operated ~~private~~
 1122 correctional facility, or local detention facility.

1123 (f) "Sexual offender" means a person who is in the custody
 1124 or control of, or under the supervision of, the department or is
 1125 in the custody of a contractor-operated ~~private~~ correctional

1126 facility:

1127 1. On or after October 1, 1997, as a result of a
1128 conviction for committing, or attempting, soliciting, or
1129 conspiring to commit, any of the criminal offenses proscribed in
1130 the following statutes in this state or similar offenses in
1131 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1132 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1133 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
1134 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
1135 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
1136 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1137 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1138 makes a written finding that the racketeering activity involved
1139 at least one sexual offense listed in this subparagraph or at
1140 least one offense listed in this subparagraph with sexual intent
1141 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
1142 offense committed in this state which has been redesignated from
1143 a former statute number to one of those listed in this
1144 paragraph; or

1145 2. Who establishes or maintains a residence in this state
1146 and who has not been designated as a sexual predator by a court
1147 of this state but who has been designated as a sexual predator,
1148 as a sexually violent predator, or by another sexual offender
1149 designation in another state or jurisdiction and was, as a
1150 result of such designation, subjected to registration or

1151 community or public notification, or both, or would be if the
1152 person were a resident of that state or jurisdiction, without
1153 regard as to whether the person otherwise meets the criteria for
1154 registration as a sexual offender.

1155 (6) The information provided to the Department of Law
1156 Enforcement must include:

1157 (g) A digitized photograph of the sexual offender which
1158 must have been taken within 60 days before the offender is
1159 released from the custody of the department or a contractor-
1160 operated ~~private~~ correctional facility by expiration of sentence
1161 under s. 944.275 or must have been taken by January 1, 1998, or
1162 within 60 days after the onset of the department's supervision
1163 of any sexual offender who is on probation, community control,
1164 conditional release, parole, provisional release, or control
1165 release or who is supervised by the department under the
1166 Interstate Compact Agreement for Probationers and Parolees. If
1167 the sexual offender is in the custody of a contractor-operated
1168 ~~private~~ correctional facility, the facility shall take a
1169 digitized photograph of the sexual offender within the time
1170 period provided in this paragraph and shall provide the
1171 photograph to the department.

1172
1173 If any information provided by the department changes during the
1174 time the sexual offender is under the department's control,
1175 custody, or supervision, including any change in the offender's

1176 name by reason of marriage or other legal process, the
 1177 department shall, in a timely manner, update the information and
 1178 provide it to the Department of Law Enforcement in the manner
 1179 prescribed in subsection (2).

1180 (12) Any person who has reason to believe that a sexual
 1181 offender is not complying, or has not complied, with the
 1182 requirements of this section and who, with the intent to assist
 1183 the sexual offender in eluding a law enforcement agency that is
 1184 seeking to find the sexual offender to question the sexual
 1185 offender about, or to arrest the sexual offender for, his or her
 1186 noncompliance with the requirements of this section:

1187 (a) Withholds information from, or does not notify, the
 1188 law enforcement agency about the sexual offender's noncompliance
 1189 with the requirements of this section, and, if known, the
 1190 whereabouts of the sexual offender;

1191 (b) Harbors, or attempts to harbor, or assists another
 1192 person in harboring or attempting to harbor, the sexual
 1193 offender; ~~or~~

1194 (c) Conceals or attempts to conceal, or assists another
 1195 person in concealing or attempting to conceal, the sexual
 1196 offender; or

1197 (d) Provides information to the law enforcement agency
 1198 regarding the sexual offender which the person knows to be false
 1199 information,

1200

CS/CS/HB 1337

2024

1201 commits a felony of the third degree, punishable as provided in
1202 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1203 apply if the sexual offender is incarcerated in or is in the
1204 custody of a state correctional facility, a contractor-operated
1205 ~~private~~ correctional facility, a local jail, or a federal
1206 correctional facility.

1207 Section 25. Subsection (1) and paragraph (e) of subsection
1208 (5) of section 944.608, Florida Statutes, are amended to read:

1209 944.608 Notification to Department of Law Enforcement of
1210 information on career offenders.—

1211 (1) As used in this section, the term "career offender"
1212 means a person who is in the custody or control of, or under the
1213 supervision of, the department or is in the custody or control
1214 of, or under the supervision of, a contractor-operated ~~private~~
1215 correctional facility, and who is designated as a habitual
1216 violent felony offender, a violent career criminal, or a three-
1217 time violent felony offender under s. 775.084 or as a prison
1218 releasee reoffender under s. 775.082(9).

1219 (5) The information provided to the Department of Law
1220 Enforcement must include:

1221 (e) A digitized photograph of the career offender, which
1222 must have been taken within 60 days before the career offender
1223 is released from the custody of the department or a contractor-
1224 operated ~~private~~ correctional facility or within 60 days after
1225 the onset of the department's supervision of any career offender

1226 | who is on probation, community control, conditional release,
1227 | parole, provisional release, or control release. If the career
1228 | offender is in the custody or control of, or under the
1229 | supervision of, a contractor-operated ~~private~~ correctional
1230 | facility, the facility shall take a digitized photograph of the
1231 | career offender within the time period provided in this
1232 | paragraph and shall provide the photograph to the department.

1233 | Section 26. Subsection (1) and paragraph (a) of subsection
1234 | (3) of section 944.609, Florida Statutes, are amended to read:

1235 | 944.609 Career offenders; notification upon release.—

1236 | (1) As used in this section, the term "career offender"
1237 | means a person who is in the custody or control of, or under the
1238 | supervision of, the department or is in the custody or control
1239 | of, or under the supervision of a contractor-operated ~~private~~
1240 | correctional facility, who is designated as a habitual violent
1241 | felony offender, a violent career criminal, or a three-time
1242 | violent felony offender under s. 775.084 or as a prison releasee
1243 | reoffender under s. 775.082 (9).

1244 | (3)(a) The department must provide information regarding
1245 | any career offender who is being released after serving a period
1246 | of incarceration for any offense, as follows:

1247 | 1. The department must provide the career offender's name,
1248 | any change in the career offender's name by reason of marriage
1249 | or other legal process, and any alias, if known; the
1250 | correctional facility from which the career offender is

1251 released; the career offender's social security number, race,
1252 gender, date of birth, height, weight, and hair and eye color;
1253 date and county of sentence and each crime for which the career
1254 offender was sentenced; a copy of the career offender's
1255 fingerprints and a digitized photograph taken within 60 days
1256 before release; the date of release of the career offender; and
1257 the career offender's intended residence address, if known. The
1258 department shall notify the Department of Law Enforcement if the
1259 career offender escapes, absconds, or dies. If the career
1260 offender is in the custody of a contractor-operated ~~private~~
1261 correctional facility, the facility shall take the digitized
1262 photograph of the career offender within 60 days before the
1263 career offender's release and provide this photograph to the
1264 Department of Corrections and also place it in the career
1265 offender's file. If the career offender is in the custody of a
1266 local jail, the custodian of the local jail shall notify the
1267 Department of Law Enforcement of the career offender's release
1268 and provide to the Department of Law Enforcement the information
1269 specified in this paragraph and any information specified in
1270 subparagraph 2. which the Department of Law Enforcement
1271 requests.

1272 2. The department may provide any other information deemed
1273 necessary, including criminal and corrections records and
1274 nonprivileged personnel and treatment records, when available.

1275 Section 27. Section 944.7031, Florida Statutes, is amended

1276 to read:

1277 944.7031 Eligible inmates released from contractor-
 1278 operated ~~private~~ correctional facilities.-

1279 (1) It is the intent of the Legislature that state inmates
 1280 nearing release from a contractor-operated ~~private~~ correctional
 1281 facility managed under chapter 957 are eligible for assistance
 1282 under ss. 944.701-944.708, and all laws that provide for or
 1283 mandate transition assistance services to inmates nearing
 1284 release also apply to inmates who reside in contractor-operated
 1285 ~~private~~ correctional facilities.

1286 (2) To assist an inmate nearing release from a contractor-
 1287 operated ~~private~~ correctional facility, the department and the
 1288 transition assistance specialist shall coordinate with a
 1289 designated staff person at each contractor-operated ~~private~~
 1290 correctional facility to ensure that a state inmate released
 1291 from the contractor-operated ~~private~~ correctional facility is
 1292 informed of and provided with the same level of transition
 1293 assistance services that are provided by the department for an
 1294 inmate in a state correctional facility. Any inmate released
 1295 from a contractor-operated ~~private~~ correctional facility shall
 1296 also have equal access to placement consideration in a
 1297 contracted substance abuse transition housing program, including
 1298 those programs that have a faith-based component.

1299 Section 28. Section 944.714, Florida Statutes, is amended
 1300 to read:

1301 944.714 Quality assurance and standards of operation.—
 1302 (1) The level and quality of programs provided by a
 1303 private vendor at a contractor-operated ~~private~~ correctional
 1304 facility must be at least equal to programs provided at a
 1305 correctional facility operated by the department that houses
 1306 similar types of inmates and must be at a cost that provides the
 1307 state with a substantial savings, as determined by a private
 1308 accounting firm selected by the Department of Corrections.
 1309 (2) All contractor-employed ~~private~~ correctional officers
 1310 employed by a private vendor must be certified, at the private
 1311 vendor's expense, as having met the minimum qualifications
 1312 established for correctional officers under s. 943.13.
 1313 (3) Pursuant to the terms of the contract, a private
 1314 vendor shall design, construct, and operate a contractor-
 1315 operated ~~private~~ correctional facility in accordance with the
 1316 standards established by the American Correctional Association
 1317 and approved by the department at the time of the contract. In
 1318 addition, a contractor-operated ~~private~~ correctional facility
 1319 shall meet any higher standard mandated in the full or partial
 1320 settlement of any litigation challenging the constitutional
 1321 conditions of confinement to which the department is a named
 1322 defendant. The standards required under a contract for operating
 1323 a contractor-operated ~~private~~ correctional facility may be
 1324 higher than the standards required for accreditation by the
 1325 American Correctional Association. A private vendor shall comply

1326 | with all federal and state constitutional requirements, federal,
 1327 | state, and local laws, department rules, and all court orders.

1328 | Section 29. Section 944.715, Florida Statutes, is amended
 1329 | to read:

1330 | 944.715 Delegation of authority.—

1331 | (1) A private vendor shall incarcerate all inmates
 1332 | assigned to the contractor-operated ~~private~~ correctional
 1333 | facility by the department and as specified in the contract. The
 1334 | department may not exceed the maximum occupancy designated for
 1335 | the facility in the contract.

1336 | (2) Inmates incarcerated in a contractor-operated ~~private~~
 1337 | ~~correctional~~ facility are in the legal custody of the
 1338 | department. A private vendor may not award gain-time or release
 1339 | credits, determine inmate eligibility for furlough or work
 1340 | release, calculate inmate release dates, approve inmate
 1341 | transfers, place inmates in less restrictive custody than that
 1342 | ordered by the department or approve inmate work assignments. A
 1343 | private vendor may not benefit financially from the labor of
 1344 | inmates except to the extent authorized under chapter 946.

1345 | Section 30. Section 944.716, Florida Statutes, is amended
 1346 | to read:

1347 | 944.716 Contract termination and control of a correctional
 1348 | facility by the department.—A detailed plan shall be provided by
 1349 | a private vendor under which the department shall assume control
 1350 | of a contractor-operated ~~private~~ correctional facility upon

1351 termination of the contract. The department may terminate the
1352 contract with cause after written notice of material
1353 deficiencies and after 60 workdays in order to correct the
1354 material deficiencies. If any event occurs that involves the
1355 noncompliance with or violation of contract terms and that
1356 presents a serious threat to the safety, health, or security of
1357 the inmates, employees, or the public, the department may
1358 temporarily assume control of the contractor-operated ~~private~~
1359 correctional facility. A plan shall also be provided by a
1360 private vendor for the purchase and assumption of operations of
1361 a correctional facility by the department in the event of
1362 bankruptcy or the financial insolvency of the private vendor.
1363 The private vendor shall provide an emergency plan to address
1364 inmate disturbances, employee work stoppages, strikes, or other
1365 serious events in accordance with standards of the American
1366 Correctional Association.

1367 Section 31. Subsection (1) of section 944.717, Florida
1368 Statutes, is amended to read:

1369 944.717 Conflicts of interest.—

1370 (1) An employee of the department or any governmental
1371 entity that exercises any functions or responsibilities in the
1372 review or approval of a contractor-operated ~~private~~ correctional
1373 facility contract or the operation of a contractor-operated
1374 ~~private~~ correctional facility, or a member of the immediate
1375 family of any such person, may not solicit or accept, directly

1376 or indirectly, any personal benefit or promise of a benefit from
 1377 a bidder or private vendor.

1378 Section 32. Subsection (1) of section 944.718, Florida
 1379 Statutes, is amended to read:

1380 944.718 Withdrawal of request for proposals.—

1381 (1) When soliciting proposals for the construction, lease,
 1382 or operation of a contractor-operated ~~private~~ correctional
 1383 facility, the department may reserve the right to withdraw the
 1384 request for proposals at any time and for any reason. Receipt of
 1385 proposal materials by the department or submission of a proposal
 1386 to the department does not confer any rights upon the proposer
 1387 or obligations upon the department.

1388 Section 33. Paragraphs (a) and (f) of subsection (1),
 1389 subsection (3), and paragraph (b) of subsection (5) of section
 1390 944.719, Florida Statutes, are amended to read:

1391 944.719 Adoption of rules, monitoring, and reporting.—

1392 (1) The department shall adopt rules pursuant to chapter
 1393 120 specifying criteria for contractual arrangements and
 1394 standards for the operation of correctional facilities by
 1395 private vendors. Such rules shall define:

1396 (a) Various categories of contractor-operated ~~private~~
 1397 correctional facilities.

1398 (f) The characteristics of inmates to be incarcerated in
 1399 contractor-operated ~~private~~ correctional facilities.

1400 (3) The private vendor shall provide a work area at the

1401 contractor-operated ~~private~~ correctional facility for use by the
 1402 contract monitor appointed by the department and shall provide
 1403 the monitor with access to all data, reports, and other
 1404 materials that the monitor, the Auditor General, and the Office
 1405 of Program Policy Analysis and Government Accountability
 1406 determine are necessary to carry out monitoring and auditing
 1407 responsibilities.

1408 (5) The Office of Program Policy Analysis and Government
 1409 Accountability shall conduct a performance audit, including a
 1410 review of the annual financial audit of the private entity and
 1411 shall deliver a report to the Legislature by February 1 of the
 1412 third year following any contract awarded by the department for
 1413 the operation of a correctional facility by a private vendor.

1414 (b) In preparing the report, the office shall consider, in
 1415 addition to other factors it determines are significant:

1416 1. The extent to which the private vendor and the
 1417 department have complied with the terms of the contract and ss.
 1418 944.710-944.719.

1419 2. The wages and benefits that are provided to the staff
 1420 of the contractor-operated ~~private~~ correctional facility as
 1421 compared to wages and benefits provided to employees of the
 1422 department performing comparable tasks.

1423 Section 34. Subsection (1) of section 944.72, Florida
 1424 Statutes, is amended to read:

1425 944.72 Contractor-Operated ~~Privately-Operated~~ Institutions

1426 Inmate Welfare Trust Fund.—

1427 (1) There is hereby created in the Department of
 1428 Corrections the Contractor-Operated ~~Privately Operated~~
 1429 Institutions Inmate Welfare Trust Fund. The purpose of the trust
 1430 fund shall be the benefit and welfare of inmates incarcerated in
 1431 contractor-operated ~~private~~ correctional facilities under
 1432 contract with the department pursuant to this chapter or chapter
 1433 957. Moneys shall be deposited in the trust fund and
 1434 expenditures made from the trust fund as provided in s. 945.215.

1435 Section 35. Subsection (9) of section 944.801, Florida
 1436 Statutes, is amended to read:

1437 944.801 Education for state prisoners.—

1438 (9) Notwithstanding s. 120.81(3), all inmates under 22
 1439 years of age who qualify for special educational services and
 1440 programs pursuant to the Individuals with Disabilities Education
 1441 Act, 20 U.S.C. ss. 1400 et seq., and who request a due process
 1442 hearing as provided by that act shall be entitled to such
 1443 hearing before the Division of Administrative Hearings.
 1444 Administrative law judges shall not be required to travel to
 1445 state or contractor-operated ~~private~~ correctional institutions
 1446 and facilities in order to conduct these hearings.

1447 Section 36. Subsections (1) and (3) of section 944.803,
 1448 Florida Statutes, are amended to read:

1449 944.803 Faith- and character-based programs.—

1450 (1) The Legislature finds and declares that faith- and

1451 character-based programs offered in state and contractor-
1452 operated ~~private~~ correctional institutions and facilities have
1453 the potential to facilitate inmate institutional adjustment,
1454 help inmates assume personal responsibility, and reduce
1455 recidivism.

1456 (3) It is the intent of the Legislature that the
1457 department and the private vendors operating contractor-operated
1458 ~~private~~ correctional facilities continuously:

1459 (a) Measure recidivism rates for inmates who have
1460 participated in faith- and character-based programs.

1461 (b) Increase the number of volunteers who minister to
1462 inmates from various faith-based and secular institutions in the
1463 community.

1464 (c) Develop community linkages with secular institutions
1465 as well as churches, synagogues, mosques, and other faith-based
1466 institutions to assist inmates in their release back into the
1467 community.

1468 Section 37. Paragraphs (a) and (b) of subsection (2) of
1469 section 945.10, Florida Statutes, are amended to read:

1470 945.10 Confidential information.—

1471 (2) The records and information specified in paragraphs
1472 (1)(a)-(i) may be released as follows unless expressly
1473 prohibited by federal law:

1474 (a) Information specified in paragraphs (1)(b), (d), and
1475 (f) to the Executive Office of the Governor, the Legislature,

1476 the Florida Commission on Offender Review, the Department of
 1477 Children and Families, a contractor-operated ~~private~~
 1478 correctional facility or program that operates under a contract,
 1479 the Department of Legal Affairs, a state attorney, the court, or
 1480 a law enforcement agency. A request for records or information
 1481 pursuant to this paragraph need not be in writing.

1482 (b) Information specified in paragraphs (1)(c), (e), and
 1483 (i) to the Executive Office of the Governor, the Legislature,
 1484 the Florida Commission on Offender Review, the Department of
 1485 Children and Families, a contractor-operated ~~private~~
 1486 correctional facility or program that operates under contract,
 1487 the Department of Legal Affairs, a state attorney, the court, or
 1488 a law enforcement agency. A request for records or information
 1489 pursuant to this paragraph must be in writing and a statement
 1490 provided demonstrating a need for the records or information.

1491
 1492 Records and information released under this subsection remain
 1493 confidential and exempt from the provisions of s. 119.07(1) and
 1494 s. 24(a), Art. I of the State Constitution when held by the
 1495 receiving person or entity.

1496 Section 38. Subsection (3) of section 945.215, Florida
 1497 Statutes, is amended to read:

1498 945.215 Inmate welfare and employee benefit trust funds.—

1499 (3) CONTRACTOR-OPERATED ~~PRIVATELY OPERATED~~ INSTITUTIONS
 1500 INMATE WELFARE TRUST FUND; CONTRACTOR-OPERATED ~~PRIVATE~~

1501 CORRECTIONAL FACILITIES.—

1502 (a) For purposes of this subsection, contractor-operated
1503 ~~privately-operated~~ institutions or contractor-operated ~~private~~
1504 correctional facilities are those correctional facilities under
1505 contract with the department pursuant to chapter 944 or chapter
1506 957.

1507 (b)1. The net proceeds derived from inmate canteens,
1508 vending machines used primarily by inmates, telephone
1509 commissions, and similar sources at contractor-operated ~~private~~
1510 correctional facilities shall be deposited in the Contractor-
1511 Operated ~~Privately-Operated~~ Institutions Inmate Welfare Trust
1512 Fund.

1513 2. Funds in the Contractor-Operated ~~Privately-Operated~~
1514 Institutions Inmate Welfare Trust Fund shall be expended only
1515 pursuant to legislative appropriation.

1516 (c) The department shall annually compile a report that
1517 documents Contractor-Operated ~~Privately-Operated~~ Institutions
1518 Inmate Welfare Trust Fund receipts and expenditures at each
1519 contractor-operated ~~private~~ correctional facility. This report
1520 must specifically identify receipt sources and expenditures. The
1521 department shall compile this report for the prior fiscal year
1522 and shall submit the report by September 1 of each year to the
1523 chairs of the appropriate substantive and fiscal committees of
1524 the Senate and House of Representatives and to the Executive
1525 Office of the Governor.

1526 Section 39. Subsections (2) and (3) of section 945.6041,
 1527 Florida Statutes, are amended to read:

1528 945.6041 Inmate medical services.—

1529 (2) Compensation to a health care provider to provide
 1530 inmate medical services may not exceed 110 percent of the
 1531 Medicare allowable rate if the health care provider does not
 1532 have a contract to provide services with the department or the
 1533 contractor-operated ~~private~~ correctional facility, as defined in
 1534 s. 944.710, which houses the inmate. However, compensation to a
 1535 health care provider may not exceed 125 percent of the Medicare
 1536 allowable rate if:

1537 (a) The health care provider does not have a contract to
 1538 provide services with the department or the contractor-operated
 1539 ~~private~~ correctional facility, as defined in s. 944.710, which
 1540 houses the inmate; and

1541 (b) The health care provider reported a negative operating
 1542 margin for the previous year to the Agency for Health Care
 1543 Administration through hospital-audited financial data.

1544 (3) Compensation to an entity to provide emergency medical
 1545 transportation services for inmates may not exceed 110 percent
 1546 of the Medicare allowable rate if the entity does not have a
 1547 contract with the department or a contractor-operated ~~private~~
 1548 correctional facility, as defined in s. 944.710, to provide the
 1549 services.

1550 Section 40. Section 946.5025, Florida Statutes, is amended

1551 to read:

1552 946.5025 Authorization of corporation to enter into
 1553 contracts.—The corporation established under this part may enter
 1554 into contracts to operate correctional work programs with any
 1555 county or municipal authority that operates a correctional
 1556 facility or with a contractor authorized under chapter 944 or
 1557 chapter 957 to operate a contractor-operated ~~private~~
 1558 correctional facility. The corporation has the same powers,
 1559 privileges, and immunities in carrying out such contracts as it
 1560 has under this chapter.

1561 Section 41. Section 946.503, Florida Statutes, is amended
 1562 to read:

1563 946.503 Definitions to be used with respect to
 1564 correctional work programs.—As used in this part, the term:

1565 (1)~~(6)~~ "Contractor-operated ~~Private~~ correctional facility"
 1566 means a facility authorized by chapter 944 or chapter 957.

1567 (2)~~(1)~~ "Corporation" means the private nonprofit
 1568 corporation established pursuant to s. 946.504(1), or a private
 1569 nonprofit corporation whose sole member is the private nonprofit
 1570 corporation established pursuant to s. 946.504(1), and at least
 1571 51 percent of the board of which contains members of the board
 1572 of directors of the private nonprofit corporation established
 1573 pursuant to s. 946.504(1), to carry out this part.

1574 (3)~~(2)~~ "Correctional work program" means any program
 1575 presently a part of the prison industries program operated by

1576 the department or any other correctional work program carried on
 1577 at any state correctional facility presently or in the future,
 1578 but the term does not include any program authorized by s.
 1579 945.091 or s. 946.40.

1580 (4)~~(3)~~ "Department" means the Department of Corrections.

1581 (5)~~(4)~~ "Facilities" means the buildings and land used in
 1582 the operation of an industry program on state property.

1583 (6)~~(5)~~ "Inmate" means any person incarcerated within any
 1584 state, county, municipal, or contractor-operated ~~private~~
 1585 correctional facility.

1586 Section 42. Subsection (6) of section 951.062, Florida
 1587 Statutes, is amended to read:

1588 951.062 Contractual arrangements for operation and
 1589 maintenance of county detention facilities.—

1590 (6) Contractor-employed ~~Private~~ correctional officers
 1591 responsible for supervising inmates within the facility shall
 1592 meet the requirements necessary for certification by the
 1593 Criminal Justice Standards and Training Commission pursuant to
 1594 s. 943.1395. However, expenses for such training shall be the
 1595 responsibility of the private entity.

1596 Section 43. Section 951.063, Florida Statutes, is amended
 1597 to read:

1598 951.063 Contractor-operated ~~privately operated~~ county
 1599 correctional facilities.—Each contractor-employed ~~private~~
 1600 correctional officer employed by a private entity under contract

1601 to a county commission must be certified as a correctional
 1602 officer under s. 943.1395 and must meet the minimum
 1603 qualifications established in s. 943.13. The county shall
 1604 provide to the Criminal Justice Standards and Training
 1605 Commission all necessary fingerprints for Florida Department of
 1606 Law Enforcement and Federal Bureau of Investigation background
 1607 checks. The Criminal Justice Standards and Training Commission
 1608 shall advise the county as to those employees whose
 1609 certification has been denied or revoked. Neither the county nor
 1610 the private entity shall be the direct recipient of criminal
 1611 records.

1612 Section 44. Section 957.05, Florida Statutes, is amended
 1613 to read:

1614 957.05 Requirements for contractors operating contractor-
 1615 operated ~~private~~ correctional facilities.-

1616 (1) Each contractor entering into a contract under this
 1617 chapter is liable in tort with respect to the care and custody
 1618 of inmates under its supervision and for any breach of contract.
 1619 Sovereign immunity may not be raised by a contractor, or the
 1620 insurer of that contractor on the contractor's behalf, as a
 1621 defense in any action arising out of the performance of any
 1622 contract entered into under this chapter or as a defense in
 1623 tort, or any other application, with respect to the care and
 1624 custody of inmates under the contractor's supervision and for
 1625 any breach of contract.

1626 (2) (a) The training requirements, including inservice
1627 training requirements, for employees of a contractor that
1628 assumes the responsibility for the operation and maintenance of
1629 a contractor-operated ~~private~~ correctional facility must meet or
1630 exceed the requirements for similar employees of the department
1631 or the training requirements mandated for accreditation by the
1632 American Correctional Association, whichever of those
1633 requirements are the more demanding. All employee training
1634 expenses are the responsibility of the contractor.

1635 (b) Employees of a contractor who are responsible for the
1636 supervision of inmates shall have the same legal authority to
1637 rely on nondeadly and deadly force as do similar employees of
1638 the department.

1639 (3) Any contractor or person employed by a contractor
1640 operating a correctional or detention facility pursuant to a
1641 contract executed under this chapter shall be exempt from the
1642 requirements of chapter 493, relating to licensure of private
1643 investigators and security officers.

1644 Section 45. Subsection (2) of section 957.06, Florida
1645 Statutes, is amended to read:

1646 957.06 Powers and duties not delegable to contractor.—A
1647 contract entered into under this chapter does not authorize,
1648 allow, or imply a delegation of authority to the contractor to:

1649 (2) Choose the facility to which an inmate is initially
1650 assigned or subsequently transferred. The contractor may

1651 request, in writing, that an inmate be transferred to a facility
1652 operated by the department. The contractor and the department
1653 shall develop and implement a cooperative agreement for
1654 transferring inmates between a correctional facility operated by
1655 the department and a contractor-operated ~~private~~ correctional
1656 facility. The department and the contractor must comply with the
1657 cooperative agreement.

1658 Section 46. Section 957.08, Florida Statutes, is amended
1659 to read:

1660 957.08 Capacity requirements.—The department shall
1661 transfer and assign prisoners to each contractor-operated
1662 ~~private~~ correctional facility opened pursuant to this chapter in
1663 an amount not less than 90 percent or more than 100 percent of
1664 the capacity of the facility pursuant to the contract. The
1665 prisoners transferred by the department shall represent a cross-
1666 section of the general inmate population, based on the grade of
1667 custody or the offense of conviction, at the most comparable
1668 facility operated by the department.

1669 Section 47. Subsection (1) of section 957.09, Florida
1670 Statutes, is amended to read:

1671 957.09 Applicability of chapter to other provisions of
1672 law.—

1673 (1)(a) Any offense that if committed at a state
1674 correctional facility would be a crime is a crime if committed
1675 by or with regard to inmates at contractor-operated ~~private~~

1676 correctional facilities operated pursuant to a contract entered
1677 into under this chapter.

1678 (b) All laws relating to commutation of sentences, release
1679 and parole eligibility, and the award of sentence credits apply
1680 to inmates incarcerated in a contractor-operated ~~private~~
1681 correctional facility operated pursuant to a contract entered
1682 into under this chapter.

1683 Section 48. Section 957.13, Florida Statutes, is amended
1684 to read:

1685 957.13 Background checks.—

1686 (1) The Florida Department of Law Enforcement may accept
1687 fingerprints of individuals who apply for employment at a
1688 contractor-operated ~~private~~ correctional facility and who are
1689 required to have background checks under the provisions of this
1690 chapter.

1691 (2) The Florida Department of Law Enforcement may, to the
1692 extent provided for by federal law, provide for the exchange of
1693 state, multistate, and federal criminal history records of
1694 individuals who apply for employment at a contractor-operated
1695 ~~private~~ correctional facility for the purpose of conducting
1696 background checks as required by law or contract.

1697 Section 49. Section 957.14, Florida Statutes, is amended
1698 to read:

1699 957.14 Contract termination and control of a correctional
1700 facility by the department.—A detailed plan shall be provided by

1701 a private vendor under which the department shall assume
1702 temporary control of a contractor-operated ~~private~~ correctional
1703 facility upon termination of the contract. The department may
1704 terminate the contract with cause after written notice of
1705 material deficiencies and after 60 workdays in order to correct
1706 the material deficiencies. If any event occurs that involves the
1707 noncompliance with or violation of contract terms and that
1708 presents a serious threat to the safety, health, or security of
1709 the inmates, employees, or the public, the department may
1710 temporarily assume control of the contractor-operated ~~private~~
1711 correctional facility. A plan shall also be provided by a
1712 private vendor for the purchase and temporary assumption of
1713 operations of a correctional facility by the department in the
1714 event of bankruptcy or the financial insolvency of the private
1715 vendor. The private vendor shall provide an emergency plan to
1716 address inmate disturbances, employee work stoppages, strikes,
1717 or other serious events in accordance with standards of the
1718 American Correctional Association.

1719 Section 50. Paragraph (p) of subsection (1) of section
1720 960.001, Florida Statutes, is amended to read:

1721 960.001 Guidelines for fair treatment of victims and
1722 witnesses in the criminal justice and juvenile justice systems.—

1723 (1) The Department of Legal Affairs, the state attorneys,
1724 the Department of Corrections, the Department of Juvenile
1725 Justice, the Florida Commission on Offender Review, the State

1726 Courts Administrator and circuit court administrators, the
 1727 Department of Law Enforcement, and every sheriff's department,
 1728 police department, or other law enforcement agency as defined in
 1729 s. 943.10(4) shall develop and implement guidelines for the use
 1730 of their respective agencies, which guidelines are consistent
 1731 with the purposes of this act and s. 16(b), Art. I of the State
 1732 Constitution and are designed to implement s. 16(b), Art. I of
 1733 the State Constitution and to achieve the following objectives:

1734 (p) *Information concerning escape from a state*
 1735 *correctional institution, county jail, juvenile detention*
 1736 *facility, or residential commitment facility.*—In any case where
 1737 an offender escapes from a state correctional institution,
 1738 contractor-operated ~~private~~ correctional facility, county jail,
 1739 juvenile detention facility, or residential commitment facility,
 1740 the institution of confinement shall immediately notify the
 1741 state attorney of the jurisdiction where the criminal charge or
 1742 petition for delinquency arose and the judge who imposed the
 1743 sentence of incarceration. The state attorney shall thereupon
 1744 make every effort to notify the victim, material witness,
 1745 parents or legal guardian of a minor who is a victim or witness,
 1746 or immediate relatives of a homicide victim of the escapee. The
 1747 state attorney shall also notify the sheriff of the county where
 1748 the criminal charge or petition for delinquency arose. The
 1749 sheriff shall offer assistance upon request. When an escaped
 1750 offender is subsequently captured or is captured and returned to

1751 the institution of confinement, the institution of confinement
 1752 shall again immediately notify the appropriate state attorney
 1753 and sentencing judge pursuant to this section.

1754 Section 51. Paragraph (a) of subsection (3) of section
 1755 985.481, Florida Statutes, is amended to read:

1756 985.481 Sexual offenders adjudicated delinquent;
 1757 notification upon release.—

1758 (3)(a) The department shall provide information regarding
 1759 any sexual offender who is being released after serving a period
 1760 of residential commitment under the department for any offense,
 1761 as follows:

1762 1. The department shall provide the sexual offender's
 1763 name, any change in the offender's name by reason of marriage or
 1764 other legal process, and any alias, if known; the correctional
 1765 facility from which the sexual offender is released; the sexual
 1766 offender's social security number, race, sex, date of birth,
 1767 height, weight, and hair and eye color; tattoos or other
 1768 identifying marks; the make, model, color, vehicle
 1769 identification number (VIN), and license tag number of all
 1770 vehicles owned; address of any planned permanent residence or
 1771 temporary residence, within the state or out of state, including
 1772 a rural route address and a post office box; if no permanent or
 1773 temporary address, any transient residence within the state;
 1774 address, location or description, and dates of any known future
 1775 temporary residence within the state or out of state; date and

1776 county of disposition and each crime for which there was a
1777 disposition; a copy of the offender's fingerprints, palm prints,
1778 and a digitized photograph taken within 60 days before release;
1779 the date of release of the sexual offender; all home telephone
1780 numbers and cellular telephone numbers required to be provided
1781 pursuant to s. 943.0435(4)(e); all electronic mail addresses and
1782 Internet identifiers required to be provided pursuant to s.
1783 943.0435(4)(e); information about any professional licenses the
1784 offender has, if known; and passport information, if he or she
1785 has a passport, and, if he or she is an alien, information about
1786 documents establishing his or her immigration status. The
1787 department shall notify the Department of Law Enforcement if the
1788 sexual offender escapes, absconds, or dies. If the sexual
1789 offender is in the custody of a contractor-operated ~~private~~
1790 correctional facility, the facility shall take the digitized
1791 photograph of the sexual offender within 60 days before the
1792 sexual offender's release and also place it in the sexual
1793 offender's file. If the sexual offender is in the custody of a
1794 local jail, the custodian of the local jail shall register the
1795 offender within 3 business days after intake of the offender for
1796 any reason and upon release, and shall notify the Department of
1797 Law Enforcement of the sexual offender's release and provide to
1798 the Department of Law Enforcement the information specified in
1799 this subparagraph and any information specified in subparagraph
1800 2. which the Department of Law Enforcement requests.

1801 2. The department may provide any other information
 1802 considered necessary, including criminal and delinquency
 1803 records, when available.

1804 Section 52. Paragraph (h) of subsection (1), paragraph (a)
 1805 of subsection (6), and subsection (12) of section 985.4815,
 1806 Florida Statutes, are amended to read:

1807 985.4815 Notification to Department of Law Enforcement of
 1808 information on juvenile sexual offenders.—

1809 (1) As used in this section, the term:

1810 (h) "Sexual offender" means a person who is in the care or
 1811 custody or under the jurisdiction or supervision of the
 1812 department or is in the custody of a contractor-operated ~~private~~
 1813 correctional facility and who:

1814 1. Has been adjudicated delinquent as provided in s.
 1815 943.0435(1)(h)1.d.; or

1816 2. Establishes or maintains a residence in this state and
 1817 has not been designated as a sexual predator by a court of this
 1818 state but has been designated as a sexual predator, as a
 1819 sexually violent predator, or by another sexual offender
 1820 designation in another state or jurisdiction and was, as a
 1821 result of such designation, subjected to registration or
 1822 community or public notification, or both, or would be if the
 1823 person were a resident of that state or jurisdiction, without
 1824 regard to whether the person otherwise meets the criteria for
 1825 registration as a sexual offender.

1826 (6) (a) The information provided to the Department of Law
1827 Enforcement must include the following:

1828 1. The information obtained from the sexual offender under
1829 subsection (4).

1830 2. The sexual offender's most current address and place of
1831 permanent, temporary, or transient residence within the state or
1832 out of state, and address, location or description, and dates of
1833 any current or known future temporary residence within the state
1834 or out of state, while the sexual offender is in the care or
1835 custody or under the jurisdiction or supervision of the
1836 department in this state, including the name of the county or
1837 municipality in which the offender permanently or temporarily
1838 resides, or has a transient residence, and address, location or
1839 description, and dates of any current or known future temporary
1840 residence within the state or out of state; and, if known, the
1841 intended place of permanent, temporary, or transient residence,
1842 and address, location or description, and dates of any current
1843 or known future temporary residence within the state or out of
1844 state upon satisfaction of all sanctions.

1845 3. The legal status of the sexual offender and the
1846 scheduled termination date of that legal status.

1847 4. The location of, and local telephone number for, any
1848 department office that is responsible for supervising the sexual
1849 offender.

1850 5. An indication of whether the victim of the offense that

1851 resulted in the offender's status as a sexual offender was a
1852 minor.

1853 6. The offense or offenses at adjudication and disposition
1854 that resulted in the determination of the offender's status as a
1855 sex offender.

1856 7. A digitized photograph of the sexual offender, which
1857 must have been taken within 60 days before the offender was
1858 released from the custody of the department or a contractor-
1859 operated ~~private~~ correctional facility by expiration of sentence
1860 under s. 944.275, or within 60 days after the onset of the
1861 department's supervision of any sexual offender who is on
1862 probation, postcommitment probation, residential commitment,
1863 nonresidential commitment, licensed child-caring commitment,
1864 community control, conditional release, parole, provisional
1865 release, or control release or who is supervised by the
1866 department under the Interstate Compact Agreement for
1867 Probationers and Parolees. If the sexual offender is in the
1868 custody of a contractor-operated ~~private~~ correctional facility,
1869 the facility shall take a digitized photograph of the sexual
1870 offender within the timeperiod provided in this subparagraph
1871 and shall provide the photograph to the department.

1872 (12) Any person who has reason to believe that a sexual
1873 offender is not complying, or has not complied, with the
1874 requirements of this section and who, with the intent to assist
1875 the sexual offender in eluding a law enforcement agency that is

1876 seeking to find the sexual offender to question the sexual
 1877 offender about, or to arrest the sexual offender for, his or her
 1878 noncompliance with the requirements of this section:

1879 (a) Withholds information from, or does not notify, the
 1880 law enforcement agency about the sexual offender's noncompliance
 1881 with the requirements of this section and, if known, the
 1882 whereabouts of the sexual offender;

1883 (b) Harbors, attempts to harbor, or assists another person
 1884 in harboring or attempting to harbor the sexual offender;

1885 (c) Conceals, attempts to conceal, or assists another
 1886 person in concealing or attempting to conceal the sexual
 1887 offender; or

1888 (d) Provides information to the law enforcement agency
 1889 regarding the sexual offender that the person knows to be false

1890
 1891 commits a felony of the third degree, punishable as provided in
 1892 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
 1893 apply if the sexual offender is incarcerated in or is in the
 1894 custody of a state correctional facility, a contractor-operated
 1895 ~~private~~ correctional facility, a local jail, or a federal
 1896 correctional facility.

1897 Section 53. This act shall take effect July 1, 2024.