

## Committee on Criminal Justice

### **CS/CS/SB 7016 — Department of Corrections**

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Criminal Justice Committee

The bill amends s. 944.35, F.S., to provide criminal penalties for any volunteer in or employee of a contractor or subcontractor of the Department of Corrections (DOC) or a private corrections facility who engages in sexual misconduct with an inmate or offender supervised by the DOC. A person who commits this offense commits a third degree felony. The bill defines “volunteer” to mean a person registered with the DOC or a private correctional facility who is engaged in specific voluntary service activities on an ongoing or continual basis.

The bill provides the following exceptions for:

- Any employee, volunteer, contractor or subcontractor, of the department or private correctional facility who is legally married to an inmate or offender under supervision.
- Any employee, volunteer, or employee of a contractor or subcontractor who has no knowledge, and would have no reason to believe, that the person with whom the employee, volunteer, or employee of a contractor or subcontractor has engaged in sexual misconduct is an inmate or offender under supervision.

The bill transfers all power, duties, functions, records, personnel, associated administrative support positions, property, administrative authority, and administrative rules relating to private correctional facilities by a type two transfer, as defined in s. 20.06(2), F.S., from the Department of Management Services (DMS) to the DOC.

The bill provides that the type two transfer shall not affect any existing agreements, bonds, certificates, or other instruments of indebtedness entered into by the DMS and provides provisions related to such undertakings by the DMS.

The bill amends s. 287.042, F.S., to remove the ability of the DMS to enter into contracts for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

*Vote: Senate 40-0; House 116-0*