

By Senator Thomas

3-1421-99

1                                   A bill to be entitled  
 2           An act relating to county prisoners;  
 3           authorizing a board of county commissioners to  
 4           contract with the Department of Corrections to  
 5           temporarily house county prisoners in a state  
 6           correctional facility; requiring that such  
 7           contract be approved pursuant to an ordinance  
 8           adopted by an extraordinary vote of the board;  
 9           providing for termination of the contract;  
 10          requiring that a county prisoner be transported  
 11          by the county, except in the case of a medical  
 12          emergency; specifying certain limitations with  
 13          respect to the authority granted under a  
 14          contract to house county prisoners; providing  
 15          that the penalty imposed for escape applies to  
 16          a county prisoner who fails to remain within a  
 17          state correctional facility; providing an  
 18          effective date.

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

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 22           Section 1. Contractual arrangements for the short-term  
 23 use and operation of state corrections beds to house county  
 24 prisoners.--

25           (1) After consultation with the sheriff and upon  
 26 adoption of an ordinance by a vote of a majority plus one, the  
 27 board of county commissioners may enter into a contract with  
 28 the Department of Corrections for use and operation of  
 29 available beds at a state correctional facility to temporarily  
 30 house county prisoners who have been convicted and sentenced  
 31 for felonies or misdemeanors. The contract term and

1 compensation by the county to the Department of Corrections  
2 shall be determined by the parties under terms and conditions  
3 acceptable to the Department of Corrections. The Department of  
4 Corrections or the board of county commissioners may terminate  
5 the contract at any time upon 60 days' notice.

6 (2) The county may not transfer any county prisoner to  
7 a contracted state correctional facility if such transfer is  
8 inconsistent with the institutional profile established by the  
9 Department of Corrections. The Department of Corrections may  
10 return a county prisoner at any time.

11 (3) Except in the case of a medical emergency, the  
12 county shall transport any county prisoner to and from the  
13 contracted state correctional facility for any reason. The  
14 county shall compensate the Department of Corrections for the  
15 costs of transporting a county prisoner due to a medical  
16 emergency.

17 (4) A contract entered into under this section does  
18 not authorize, allow, or imply a delegation of authority to  
19 the Department of Corrections to:

20 (a) Make a final determination on the classification  
21 of a county prisoner.

22 (b) Develop or adopt disciplinary rules or penalties  
23 that differ from the disciplinary rules and penalties that  
24 apply to county prisoners housed in facilities operated by the  
25 county.

26 (c) Make a final determination on a disciplinary  
27 action that affects the liberty of a county prisoner. However,  
28 the Department of Corrections may remove a county prisoner  
29 from the general population during an emergency, before final  
30 resolution of a disciplinary hearing, or in response to a  
31 county prisoner's request to be housed in protective custody.

1           (d) Make a decision that affects the sentence imposed  
2 upon or the time served by a county prisoner, including a  
3 decision to award, deny, or forfeit gain-time.

4           (e) Develop and implement requirements that county  
5 prisoners engage in any type of work, except to the extent  
6 that those requirements are accepted by the county.

7           (f) Determine a county prisoner's eligibility for any  
8 form of conditional, temporary, or permanent release from the  
9 contracted facility.

10           (5) In the case of a county prisoner's willful failure  
11 to remain within the supervisory control of the contracted  
12 state correctional facility, such action constitutes an escape  
13 and is punishable as provided in section 944.40, Florida  
14 Statutes.

15           Section 2. This act shall take effect July 1, 1999.

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18           SENATE SUMMARY

19           Authorizes any board of county commissioners to contract  
20 with the Department of Corrections to temporarily house  
21 county prisoners. Requires that the ordinance authorizing  
22 such a contract be approved by an extraordinary vote of  
23 the board. Provides that the county or the department may  
24 terminate the contract upon 60 days' notice. Provides for  
25 the county to be responsible for transporting county  
26 prisoners, except in the case of a medical emergency.  
27 (See bill for details.)  
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