

By Senator Farmer

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1 A bill to be entitled
2 An act relating to correctional privatization;
3 transferring the duties of the Department of
4 Management Services concerning private correctional
5 facilities to the Department of Corrections by a type
6 two transfer; creating s. 287.0832, F.S.; prohibiting
7 an agency from entering into or renewing a contract
8 with private correctional services after a specified
9 date; providing an exception; amending ss. 287.042,
10 330.41, 633.218, 784.078, 790.251, 800.09, 943.053,
11 943.133, 943.325, 944.023, 944.08, 944.105, 944.115,
12 944.17, 944.35, 945.215, 945.6041, 946.5025, 946.503,
13 957.04, 957.06, 957.07, 957.08, 957.14, 957.15, and
14 957.16, F.S.; conforming provisions to changes made by
15 the act; repealing s. 944.105, F.S., relating to
16 contractual arrangements with private entities for
17 operation and maintenance of correctional facilities
18 and supervision of inmates; repealing s. 944.7031,
19 F.S., relating to eligible inmates released from
20 private correctional facilities; repealing s. 944.710,
21 F.S., relating to definitions of terms relating to
22 private operation of state correctional facilities and
23 s. 944.105; repealing s. 944.72, F.S., relating to the
24 Privately Operated Institutions Inmate Welfare Trust
25 Fund; repealing s. 951.062, F.S., relating to
26 contractual arrangements for the operation and
27 maintenance of county detention facilities; providing
28 for future repeal of ch. 957, F.S., relating to
29 correctional privatization; providing for custody of

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30 inmates after the expiration of correctional facility
31 contracts; providing effective dates.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. All duties of the Department of Management
36 Services relating to private correctional facilities are
37 transferred by a type two transfer, as defined in s. 20.06(2),
38 Florida Statutes, from the Department of Management Services to
39 the Department of Corrections. Any binding contract or
40 interagency agreement entered into and between the Department of
41 Management Services concerning private correctional facilities
42 and any other agency, entity, or person continues as a binding
43 contract or agreement with the Department of Corrections for the
44 remainder of the term of such contract or agreement.

45 Section 2. Section 287.0832, Florida Statutes, is created
46 to read:

47 287.0832 Prohibition on contracts for private correctional
48 services.—On or after July 1, 2022, an agency may not bid on,
49 solicit proposals for, or enter into or renew a contract with a
50 private vendor for the construction, operation, or maintenance
51 of a private correctional facility. This section does not
52 prohibit an agency from managing or enforcing compliance with a
53 contract for private correctional services which was entered
54 into or renewed before July 1, 2022, for the duration of the
55 contract term.

56 Section 3. Subsection (17) of section 287.042, Florida
57 Statutes, is amended to read:

58 287.042 Powers, duties, and functions.—The department shall

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59 have the following powers, duties, and functions:

60 ~~(17)(a) To enter into contracts pursuant to chapter 957 for~~
61 ~~the designing, financing, acquiring, leasing, constructing, or~~
62 ~~operating of private correctional facilities. The department~~
63 ~~shall enter into a contract or contracts with one contractor per~~
64 ~~facility for the designing, acquiring, financing, leasing,~~
65 ~~constructing, and operating of that facility or may, if~~
66 ~~specifically authorized by the Legislature, separately contract~~
67 ~~for any such services.~~

68 ~~(b) To manage and enforce compliance with existing or~~
69 ~~future contracts entered into before July 1, 2022, pursuant to~~
70 ~~chapter 957. The department may not delegate the~~
71 ~~responsibilities conferred by this subsection.~~

72 Section 4. Effective July 1, 2024, paragraph (a) of
73 subsection (2) of section 330.41, Florida Statutes, is amended
74 to read:

75 330.41 Unmanned Aircraft Systems Act.—

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

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

83 1. An electrical power generation or transmission facility,
84 substation, switching station, or electrical control center.

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

86 3. A mining facility.

87 4. A natural gas or compressed gas compressor station,

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88 storage facility, or natural gas or compressed gas pipeline.

89 5. A liquid natural gas or propane gas terminal or storage
90 facility with a capacity of 4,000 gallons or more.

91 6. Any portion of an aboveground oil or gas pipeline.

92 7. A wireless communications facility, including the tower,
93 antennae, support structures, and all associated ground-based
94 equipment.

95 8. A state correctional institution as defined in s. 944.02
96 ~~or a private correctional facility authorized under chapter 957.~~

97 9. A secure detention center or facility, as defined in s.
98 985.03, or a nonsecure residential facility, a high-risk
99 residential facility, or a maximum-risk residential facility, as
100 those terms are described in s. 985.03(44).

101 10. A county detention facility, as defined in s. 951.23.

102 Section 5. Effective July 1, 2024, paragraph (e) of
103 subsection (1) of section 633.218, Florida Statutes, is amended
104 to read:

105 633.218 Inspections of state buildings and premises; tests
106 of firesafety equipment; building plans to be approved.—

107 (1)

108 (e)1. For purposes of this section,±

109 ~~1.a.~~ the term "high-hazard occupancy" means any building or
110 structure:

111 ~~a.-(I)~~ That contains combustible or explosive matter or
112 flammable conditions dangerous to the safety of life or
113 property;

114 ~~b.-(II)~~ At which persons receive educational instruction;

115 ~~c.-(III)~~ At which persons reside, excluding private
116 dwellings; or

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117 ~~d.(IV)~~ Containing three or more floor levels.

118 ~~2.b.~~ As used in this paragraph ~~subparagraph~~, the phrase
119 "building or structure":

120 ~~a.(I)~~ Includes, but is not limited to, all hospitals and
121 residential health care facilities, nursing homes and other
122 adult care facilities, correctional or detention facilities,
123 public schools, public lodging establishments, migrant labor
124 camps, residential child care facilities, and self-service
125 gasoline stations.

126 ~~b.(II)~~ Does not include any residential condominium where
127 the declaration of condominium or the bylaws provide that the
128 rental of units shall not be permitted for less than 90 days.

129 ~~2. The term "state-owned building" includes private~~
130 ~~correctional facilities as defined under s. 944.710(3).~~

131 Section 6. Effective July 1, 2024, subsection (1) of
132 section 784.078, Florida Statutes, is amended to read:

133 784.078 Battery of facility employee by throwing, tossing,
134 or expelling certain fluids or materials.—

135 (1) As used in this section, the term "facility" means a
136 state correctional institution defined in s. 944.02(8); ~~a~~
137 ~~private correctional facility defined in s. 944.710 or under~~
138 ~~chapter 957~~; a county, municipal, or regional jail or other
139 detention facility of local government under chapter 950 or
140 chapter 951; or a secure facility operated and maintained by the
141 Department of Corrections or the Department of Juvenile Justice.

142 Section 7. Effective July 1, 2024, paragraph (b) of
143 subsection (7) of section 790.251, Florida Statutes, is amended
144 to read:

145 790.251 Protection of the right to keep and bear arms in

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146 motor vehicles for self-defense and other lawful purposes;
147 prohibited acts; duty of public and private employers; immunity
148 from liability; enforcement.—

149 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
150 apply to:

151 (b) Any correctional institution regulated under s. 944.47
152 ~~or chapter 957.~~

153 Section 8. Effective July 1, 2024, paragraph (b) of
154 subsection (1) of section 800.09, Florida Statutes, is amended
155 to read:

156 800.09 Lewd or lascivious exhibition in the presence of an
157 employee.—

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

159 (b) "Facility" means a state correctional institution as
160 defined in s. 944.02, ~~a private correctional facility as defined~~
161 ~~in s. 944.710,~~ or a county detention facility as defined in s.
162 951.23.

163 Section 9. Effective July 1, 2024, subsection (9) of
164 section 943.053, Florida Statutes, is amended to read:

165 943.053 Dissemination of criminal justice information;
166 fees.—

167 (9) Notwithstanding s. 943.0525, and any user agreements
168 adopted pursuant thereto, and notwithstanding the
169 confidentiality of sealed records as provided for in s. 943.059
170 and juvenile records as provided for in paragraph (3)(b), the
171 Department of Corrections shall provide, in a timely manner,
172 copies of the Florida criminal history records for inmates
173 housed in a private state correctional facility to the private
174 entity under contract to operate the facility pursuant to former

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175 s. 944.105. The department may assess a charge for the Florida
176 criminal history records pursuant to chapter 119. Sealed records
177 and confidential juvenile records received by the private entity
178 under this section remain confidential and exempt from s.
179 119.07(1).

180 Section 10. Effective July 1, 2024, subsection (4) of
181 section 943.133, Florida Statutes, is amended to read:

182 943.133 Responsibilities of employing agency, commission,
183 and program with respect to compliance with employment
184 qualifications and the conduct of background investigations;
185 injunctive relief.—

186 ~~(4) When the employing agency is a private entity under~~
187 ~~contract to the county or the state pursuant to s. 944.105, s.~~
188 ~~951.062, or chapter 957, the contracting agency shall be~~
189 ~~responsible for meeting the requirements of subsections (1),~~
190 ~~(2), and (3).~~

191 Section 11. Effective July 1, 2024, paragraph (g) of
192 subsection (2) of section 943.325, Florida Statutes, is amended
193 to read:

194 943.325 DNA database.—

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

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

198 1.a. Committed to a county jail;

199 b. Committed to or under the supervision of the Department
200 of Corrections, ~~including persons incarcerated in a private~~
201 ~~correctional institution operated under contract pursuant to s.~~
202 ~~944.105;~~

203 c. Committed to or under the supervision of the Department

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204 of Juvenile Justice;

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

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

209 2.a. Convicted of any felony offense or attempted felony
210 offense in this state or of a similar offense in another
211 jurisdiction;

212 b. Convicted of a misdemeanor violation of s. 784.048, s.
213 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
214 offense that was found, pursuant to s. 874.04, to have been
215 committed for the purpose of benefiting, promoting, or
216 furthering the interests of a criminal gang as defined in s.
217 874.03; or

218 c. Arrested for any felony offense or attempted felony
219 offense in this state.

220 Section 12. Effective July 1, 2024, paragraph (b) of
221 subsection (1) of section 944.023, Florida Statutes, is amended
222 to read:

223 944.023 Comprehensive correctional master plan.—

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

225 (b) "Total capacity" of the state correctional system means
226 the total design capacity of all institutions and facilities in
227 the state correctional system, ~~which may include those~~
228 ~~facilities authorized and funded under chapter 957,~~ increased by
229 one-half, with the following exceptions:

230 1. Medical and mental health beds must remain at design
231 capacity.

232 2. Community-based contracted beds must remain at design

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233 capacity.

234 3. The one-inmate-per-cell requirement at Florida State
235 Prison and other maximum security facilities must be maintained
236 pursuant to paragraph (7) (a).

237 4. Community correctional centers and drug treatment
238 centers must be increased by one-third.

239 5. A housing unit may not exceed its maximum capacity
240 pursuant to paragraphs (7) (a) and (b).

241 6. A number of beds equal to 5 percent of total capacity
242 shall be deducted for management beds at institutions.

243 Section 13. Effective July 1, 2024, subsection (1) of
244 section 944.08, Florida Statutes, is amended to read:

245 944.08 Commitment to custody of department; venue of
246 institutions.-

247 (1) The words "penitentiary," "state prison," or "state
248 prison farm," whenever the same are used in any of the laws of
249 this state, as a place of confinement or punishment for a crime,
250 shall be construed to mean and refer to the custody of the
251 Department of Corrections within the state correctional system,
252 ~~which shall include facilities operated by private entities with~~
253 ~~which the department enters into contracts pursuant to s.~~
254 ~~944.105.~~

255 Section 14. Section 944.105, Florida Statutes, is amended
256 to read:

257 944.105 Contractual arrangements with private entities for
258 operation and maintenance of correctional facilities and
259 supervision of inmates.-

260 (1) ~~The Department of Corrections is authorized to enter~~
261 ~~into contracts with private vendors for the provision of the~~

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262 ~~operation and maintenance of correctional facilities and the~~
263 ~~supervision of inmates. However, no such contract shall be~~
264 ~~entered into or renewed unless:~~

265 ~~(a) The contract offers a substantial savings to the~~
266 ~~department, as determined by the department. In determining the~~
267 ~~cost savings, the department, after consultation with the~~
268 ~~Auditor General, shall calculate all the cost components that~~
269 ~~contribute to the inmate per diem, including all administrative~~
270 ~~costs associated with central and regional office~~
271 ~~administration. Services which are provided to the department by~~
272 ~~other government agencies without any direct cost to the~~
273 ~~department shall be assigned an equivalent cost and included in~~
274 ~~the per diem. The private firm shall be assessed the total~~
275 ~~annual cost to the state of monitoring the contract;~~

276 ~~(b) The contract provides for the same quality of services~~
277 ~~as that offered by the department; and~~

278 ~~(c) The Legislature has given specific appropriation for~~
279 ~~the contract.~~

280 ~~(2)~~ Any private vendor who entered ~~entering~~ into a contract
281 with the department pursuant to this section before July 1,
282 2022, is ~~shall be~~ liable in tort with respect to the care and
283 custody of inmates under its supervision and for any breach of
284 contract with the department.

285 ~~(2)(3)~~ In the case of an inmate's willful failure to remain
286 within the supervisory control of the private entity, such
287 action constitutes ~~shall constitute~~ an escape punishable as
288 provided in s. 944.40.

289 ~~(3)(4)~~ A private correctional officer may use force only
290 while on the grounds of a facility, while transporting inmates,

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291 and while pursuing escapees from a facility. A private
292 correctional officer may use nondeadly force in the following
293 situations:

294 (a) To prevent the commission of a felony or a misdemeanor,
295 including escape.

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

297 (c) To prevent serious damage to property.

298 (d) To enforce institutional regulations and orders.

299 (e) To prevent or quell a riot.
300

301 Private correctional officers may carry and use firearms and may
302 use deadly force only as a last resort, and then only to prevent
303 an act that could result in death or serious bodily injury to
304 oneself or to another person.

305 (4)~~(5)~~ Private correctional officers must ~~shall~~ be trained
306 in the use of force and the use of firearms and must ~~shall~~ be
307 trained at the private firm's expense~~7~~, at the facilities that
308 train correctional officers employed by the department.

309 (5)~~(6)~~ Sections ~~The provisions of ss.~~ 216.311 and 287.057
310 ~~shall~~ apply to all contracts between the department and any
311 private vendor providing such services. The department shall
312 promulgate rules pursuant to chapter 120 specifying criteria for
313 such contractual arrangements.

314 (6)~~(7)~~ The department shall require the certification of
315 private correctional officers at the private vendor's expense
316 under s. 943.1395, and all such officers must meet the minimum
317 qualifications established in s. 943.13. All other employees of
318 the private vendor that perform their duties at the private
319 correctional facility shall receive, at a minimum, the same

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320 quality and quantity of training as that required by the state
321 for employees of state-operated correctional facilities. All
322 training expenses are ~~shall be~~ the responsibility of the private
323 vendor. The department shall provide and receive ~~be the~~
324 ~~contributor and recipient~~ of all criminal background information
325 necessary for certification by the Criminal Justice Standards
326 and Training Commission.

327 (7) ~~(8)~~ As used in this section, the term:

328 (a) "Nondeadly force" means force that normally would
329 neither cause death nor serious bodily injury.

330 (b) "Deadly force" means force which would likely cause
331 death or serious bodily injury.

332 Section 15. Effective July 1, 2024, subsections (1), (2),
333 and (5) of section 944.115, Florida Statutes, are amended to
334 read:

335 944.115 Smoking prohibited inside state correctional
336 facilities.—

337 (1) The purpose of this section is to protect the health,
338 comfort, and environment of employees of the Department of
339 Corrections, ~~employees of privately operated correctional~~
340 ~~facilities~~, and inmates by prohibiting inmates from using
341 tobacco products inside any office or building within state
342 correctional facilities, and by ensuring that employees and
343 visitors do not use tobacco products inside any office or
344 building within state correctional facilities. Scientific
345 evidence links the use of tobacco products with numerous
346 significant health risks. The use of tobacco products by
347 inmates, employees, or visitors is contrary to efforts by the
348 Department of Corrections to reduce the cost of inmate health

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349 care and to limit unnecessary litigation. The Department of
350 Corrections ~~and the private vendors operating correctional~~
351 ~~facilities~~ shall make available to inmates smoking-cessation
352 assistance ~~available to inmates in order to implement this~~
353 ~~section.~~

354 (2) As used in this section, the term:

355 (a) "Department" means the Department of Corrections.

356 (b) "Employee" means an employee of the department ~~or a~~
357 ~~private vendor in a contractual relationship with either the~~
358 ~~Department of Corrections or the Department of Management~~
359 ~~Services,~~ and includes persons such as contractors, volunteers,
360 or law enforcement officers who are within a state correctional
361 facility to perform a professional service.

362 (c) "State correctional facility" means a state ~~or~~
363 ~~privately operated~~ correctional institution as defined in s.
364 944.02, ~~or a correctional institution or facility operated under~~
365 ~~s. 944.105 or chapter 957.~~

366 (d) "Tobacco products" means items such as cigars,
367 cigarettes, snuff, loose tobacco, or similar goods made with any
368 part of the tobacco plant, which are prepared or used for
369 smoking, chewing, dipping, sniffing, or other personal use.

370 (e) "Visitor" means any person other than an inmate or
371 employee who is within a state correctional facility for a
372 lawful purpose and includes, but is not limited to, persons who
373 are authorized to visit state correctional institutions pursuant
374 to s. 944.23 and persons authorized to visit as prescribed by
375 departmental rule or vendor policy.

376 (f) "Prohibited areas" means any indoor areas of any
377 building, portable, or other enclosed structure within a state

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378 correctional facility. The secretary of the department may, by
379 rule, designate other areas, including vehicles, as "prohibited
380 areas" to be regulated under this section. Neither employee
381 housing on the grounds of a state correctional facility nor
382 maximum security inmate housing areas may be designated as
383 prohibited areas under this section.

384 (5) The department may adopt rules to implement and
385 administer ~~and the private vendors operating correctional~~
386 ~~facilities may adopt policies and procedures for the~~
387 ~~implementation of this section, to designate the designation of~~
388 ~~prohibited areas and smoking areas, to impose disciplinary~~
389 ~~action on inmates and employees and for the imposition of the~~
390 ~~following penalties:~~

391 ~~(a) Inmates who violate this section, and to penalize will~~
392 ~~be subject to disciplinary action as provided by rule and in~~
393 ~~accordance with this section.~~

394 ~~(b) Employees who violate this section will be subject to~~
395 ~~disciplinary action as provided by rule.~~

396 ~~(c) visitors who violate this section, who are will be~~
397 ~~subject to losing their authorization removal of authorization~~
398 ~~to enter a correctional facility as provided by rule.~~

399 Section 16. Effective July 1, 2024, paragraph (b) of
400 subsection (3) of section 944.17, Florida Statutes, is amended
401 to read:

402 944.17 Commitments and classification; transfers.—

403 (3)

404 (b) Notwithstanding paragraph (a), any prisoner
405 incarcerated in the state correctional system ~~or private~~
406 ~~correctional facility operated pursuant to chapter 957~~ who is

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407 convicted in circuit or county court of a crime committed during
408 that incarceration shall serve the sentence imposed for that
409 crime within the state correctional system regardless of the
410 length of sentence or classification of the offense.

411 Section 17. Effective July 1, 2024, paragraph (b) of
412 subsection (3) of section 944.35, Florida Statutes, is amended
413 to read:

414 944.35 Authorized use of force; malicious battery and
415 sexual misconduct prohibited; reporting required; penalties.—

416 (3)

417 (b)1. As used in this paragraph, the term "sexual
418 misconduct" means the oral, anal, or vaginal penetration by, or
419 union with, the sexual organ of another or the anal or vaginal
420 penetration of another by any other object, but does not include
421 an act done for a bona fide medical purpose or an internal
422 search conducted in the lawful performance of the employee's
423 duty.

424 2. Any employee of the department ~~or a private correctional~~
425 ~~facility as defined in s. 944.710~~ who engages in sexual
426 misconduct with an inmate or an offender supervised by the
427 department in the community, without committing the crime of
428 sexual battery, commits a felony of the third degree, punishable
429 as provided in s. 775.082, s. 775.083, or s. 775.084.

430 3. The consent of the inmate or offender supervised by the
431 department in the community to any act of sexual misconduct may
432 not be raised as a defense to a prosecution under this
433 paragraph.

434 4. This paragraph does not apply to any employee of the
435 department ~~or any employee of a private correctional facility~~

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436 who is legally married to an inmate or an offender supervised by
437 the department in the community, nor does it apply to any
438 employee who has no knowledge, and would have no reason to
439 believe, that the person with whom the employee has engaged in
440 sexual misconduct is an inmate or an offender under community
441 supervision of the department.

442 Section 18. Paragraph (a) of subsection (3) of section
443 945.215, Florida Statutes, is amended to read:

444 945.215 Inmate welfare and employee benefit trust funds.—

445 (3) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST
446 FUND; PRIVATE CORRECTIONAL FACILITIES.—

447 (a) For purposes of this subsection, privately operated
448 institutions or private correctional facilities are those
449 correctional facilities under contract with the department
450 pursuant to chapter 944 or ~~the Department of Management Services~~
451 ~~pursuant to~~ chapter 957.

452 Section 19. Effective July 1, 2024, subsection (3) of
453 section 945.215, Florida Statutes, is amended to read:

454 945.215 Inmate welfare and employee benefit trust funds.—

455 ~~(3) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST~~
456 ~~FUND; PRIVATE CORRECTIONAL FACILITIES.—~~

457 ~~(a) For purposes of this subsection, privately operated~~
458 ~~institutions or private correctional facilities are those~~
459 ~~correctional facilities under contract with the department~~
460 ~~pursuant to chapter 944 or the Department of Management Services~~
461 ~~pursuant to~~ chapter 957.

462 ~~(b)1. The net proceeds derived from inmate canteens,~~
463 ~~vending machines used primarily by inmates, telephone~~
464 ~~commissions, and similar sources at private correctional~~

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465 ~~facilities shall be deposited in the Privately Operated~~
466 ~~Institutions Inmate Welfare Trust Fund.~~

467 ~~2. Funds in the Privately Operated Institutions Inmate~~
468 ~~Welfare Trust Fund shall be expended only pursuant to~~
469 ~~legislative appropriation.~~

470 ~~(c) The Department of Management Services shall annually~~
471 ~~compile a report that documents Privately Operated Institutions~~
472 ~~Inmate Welfare Trust Fund receipts and expenditures at each~~
473 ~~private correctional facility. This report must specifically~~
474 ~~identify receipt sources and expenditures. The Department of~~
475 ~~Management Services shall compile this report for the prior~~
476 ~~fiscal year and shall submit the report by September 1 of each~~
477 ~~year to the chairs of the appropriate substantive and fiscal~~
478 ~~committees of the Senate and House of Representatives and to the~~
479 ~~Executive Office of the Governor.~~

480 Section 20. Effective July 1, 2024, subsections (2) and (3)
481 of section 945.6041, Florida Statutes, are amended to read:

482 945.6041 Inmate medical services.—

483 (2) Compensation to a health care provider to provide
484 inmate medical services may not exceed 110 percent of the
485 Medicare allowable rate if the health care provider does not
486 have a contract to provide services with the department that ~~or~~
487 ~~the private correctional facility, as defined in s. 944.710,~~
488 ~~which~~ houses the inmate. However, compensation to a health care
489 provider may not exceed 125 percent of the Medicare allowable
490 rate if:

491 (a) The health care provider does not have a contract to
492 provide services with the department that ~~or the private~~
493 ~~correctional facility, as defined in s. 944.710, which houses~~

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494 the inmate; and

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

498 (3) Compensation to an entity to provide emergency medical
499 transportation services for inmates may not exceed 110 percent
500 of the Medicare allowable rate if the entity does not have a
501 contract with the department ~~or a private correctional facility,~~
502 ~~as defined in s. 944.710,~~ to provide the services.

503 Section 21. Effective July 1, 2024, section 946.5025,
504 Florida Statutes, is amended to read:

505 946.5025 Authorization of corporation to enter into
506 contracts.—The corporation established under this part may enter
507 into contracts to operate correctional work programs with any
508 county or municipal authority that operates a correctional
509 facility ~~or with a contractor authorized under chapter 944 or~~
510 ~~chapter 957 to operate a private correctional facility.~~ The
511 corporation has the same powers, privileges, and immunities in
512 carrying out such contracts as it has under this chapter.

513 Section 22. Effective July 1, 2024, subsections (5) and (6)
514 of section 946.503, Florida Statutes, are amended to read:

515 946.503 Definitions to be used with respect to correctional
516 work programs.—As used in this part, the term:

517 (5) "Inmate" means any person incarcerated within any
518 state, county, or municipal, ~~or private~~ correctional facility.

519 ~~(6) "Private correctional facility" means a facility~~
520 ~~authorized by chapter 944 or chapter 957.~~

521 Section 23. Paragraphs (a), (b), (e), and (g) of subsection
522 (1), paragraph (c) of subsection (2), and subsections (5), (6),

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523 and (7) of section 957.04, Florida Statutes, are amended to
524 read:

525 957.04 Contract requirements.—

526 (1) A contract entered into under this chapter before July
527 1, 2022, for the operation of private correctional facilities
528 must ~~shall~~ maximize the cost savings of such facilities and must
529 ~~shall~~:

530 (a) Be negotiated with the firm found most qualified.
531 However, a contract for private correctional services may not be
532 entered into by the department ~~of Management Services~~ unless the
533 department ~~of Management Services~~ determines that the contractor
534 has demonstrated that it has:

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

537 2. The ability to expedite the siting, design, and
538 construction of correctional facilities.

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

541 (b) Indemnify the state and the department, including their
542 officials and agents, against any and all liability, including,
543 but not limited to, civil rights liability. Proof of
544 satisfactory insurance is required in an amount to be determined
545 by the department ~~of Management Services~~.

546 (e) Establish operations standards for correctional
547 facilities subject to the contract. However, if the department
548 and the contractor disagree with an operations standard, the
549 contractor may propose to waive any rule, policy, or procedure
550 of the department related to the operations standards of
551 correctional facilities which is inconsistent with the mission

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552 of the contractor to establish cost-effective, privately
553 operated correctional facilities. The department is ~~of~~
554 ~~Management Services~~ shall be responsible for considering all
555 proposals from the contractor to waive any rule, policy, or
556 procedure and shall render a final decision granting or denying
557 such request.

558 (g) Require the selection and appointment of a full-time
559 contract monitor. The contract monitor must ~~shall~~ be appointed
560 and supervised by the department ~~of Management Services~~. The
561 contractor shall ~~is required to~~ reimburse the department ~~of~~
562 ~~Management Services~~ for the salary and expenses of the contract
563 monitor. It is the obligation of the contractor to provide
564 suitable office space for the contract monitor at the
565 correctional facility. The contract monitor must be given ~~shall~~
566 ~~have~~ unlimited access to the correctional facility.

567 (2) Each contract entered into for the design and
568 construction of a private correctional facility or juvenile
569 commitment facility must include:

570 (c) A specific provision requiring the contractor, and not
571 the department ~~of Management Services~~, to obtain the financing
572 required to design and construct the private correctional
573 facility or juvenile commitment facility built under this
574 chapter.

575 (5) Each contract entered into by the department ~~of~~
576 ~~Management Services~~ must include substantial minority
577 participation unless demonstrated by evidence, after a good
578 faith effort, as impractical and must also include any other
579 requirements the department ~~of Management Services~~ considers
580 necessary and appropriate for carrying out the purposes of this

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581 chapter.

582 (6) Notwithstanding s. 253.025(9), the Board of Trustees of
583 the Internal Improvement Trust Fund need not approve a lease-
584 purchase agreement negotiated by the department ~~of Management~~
585 ~~Services~~ if the department ~~of Management Services~~ finds that
586 there is a need to expedite the lease-purchase.

587 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
588 the department ~~of Management Services~~ finds it to be in the best
589 interest of timely site acquisition, it may contract without the
590 need for competitive selection with one or more appraisers whose
591 names are contained on the list of approved appraisers
592 maintained by the Division of State Lands of the Department of
593 Environmental Protection in accordance with s. 253.025(8). In
594 those instances when the department ~~of Management Services~~
595 directly contracts for appraisal services, it must ~~shall~~ also
596 contract with an approved appraiser who is not employed by the
597 same appraisal firm for review services.

598 (b) Notwithstanding s. 253.025(8), the department ~~of~~
599 ~~Management Services~~ may negotiate and enter into lease-purchase
600 agreements before an appraisal is obtained. Any such agreement
601 must state that the final purchase price cannot exceed the
602 maximum value allowed by law.

603 Section 24. Subsection (2) of section 957.06, Florida
604 Statutes, is amended to read:

605 957.06 Powers and duties not delegable to contractor.—A
606 contract entered into under this chapter does not authorize,
607 allow, or imply a delegation of authority to the contractor to:

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

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610 request, in writing, that an inmate be transferred to a facility
611 operated by the department. The ~~Department of Management~~
612 ~~Services, the contractor,~~ and the department shall develop and
613 implement a cooperative agreement for transferring inmates
614 between a correctional facility operated by the department and a
615 private correctional facility. The department, ~~the Department of~~
616 ~~Management Services,~~ and the contractor must comply with the
617 cooperative agreement.

618 Section 25. Subsections (1) and (4) and paragraph (d) of
619 subsection (5) of section 957.07, Florida Statutes, are amended
620 to read:

621 957.07 Cost-saving requirements.—

622 (1) The department ~~of Management Services~~ may not enter
623 into a contract or series of contracts unless the department
624 determines that the contract or series of contracts in total for
625 the facility will result in a cost savings to the state of at
626 least 7 percent over the public provision of a similar facility.
627 Such cost savings as determined by the department ~~of Management~~
628 ~~Services~~ must be based upon the actual costs associated with the
629 construction and operation of similar facilities or services as
630 determined by the department ~~of Corrections~~ and certified by the
631 Auditor General. The department ~~of Corrections~~ shall calculate
632 all of the cost components that determine the inmate per diem in
633 correctional facilities of a substantially similar size, type,
634 and location that are operated by the department ~~of Corrections,~~
635 including administrative costs associated with central
636 administration. Services that are provided to the department ~~of~~
637 ~~Corrections~~ by other governmental agencies at no direct cost to
638 the department must ~~shall~~ be assigned an equivalent cost and

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639 included in the per diem.

640 (4) The department ~~of Corrections~~ shall provide a report
641 detailing the state cost to design, finance, acquire, lease,
642 construct, and operate a facility similar to the private
643 correctional facility on a per diem basis. This report shall be
644 provided to the Auditor General in sufficient time that it may
645 be ~~certified to the Department of Management Services to be~~
646 included in the request for proposals.

647 (5)

648 (d) If a private vendor chooses not to renew the contract
649 at the appropriated level, the department must ~~of Management~~
650 ~~Services shall~~ terminate the contract as provided in s. 957.14.

651 Section 26. Section 957.08, Florida Statutes, is amended to
652 read:

653 957.08 Capacity requirements.—The department ~~of Corrections~~
654 shall transfer and assign prisoners to each private correctional
655 facility opened pursuant to this chapter in an amount not less
656 than 90 percent or more than 100 percent of the capacity of the
657 facility pursuant to the contract ~~with the Department of~~
658 ~~Management Services~~. The prisoners transferred by the department
659 must ~~of Corrections shall~~ represent a cross-section of the
660 general inmate population, based on the grade of custody or the
661 offense of conviction, at the most comparable facility operated
662 by the department.

663 Section 27. Section 957.14, Florida Statutes, is amended to
664 read:

665 957.14 Contract termination and control of a correctional
666 facility by the department.—A detailed plan must ~~shall~~ be
667 provided by a private vendor under which the department shall

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668 assume temporary control of a private correctional facility upon
669 termination of the contract. The department ~~of Management~~
670 ~~Services~~ may terminate the contract with cause after written
671 notice of material deficiencies and after 60 workdays in order
672 to correct the material deficiencies. If any event occurs that
673 involves the noncompliance with or violation of contract terms
674 and that presents a serious threat to the safety, health, or
675 security of the inmates, employees, or the public, the
676 department may temporarily assume control of the private
677 correctional facility, ~~with the approval of the Department of~~
678 ~~Management Services~~. A plan must ~~shall~~ also be provided by a
679 private vendor for the purchase and temporary assumption of
680 operations of a correctional facility by the department in the
681 event of bankruptcy or the financial insolvency of the private
682 vendor. The private vendor shall provide an emergency plan to
683 address inmate disturbances, employee work stoppages, strikes,
684 or other serious events in accordance with standards of the
685 American Correctional Association.

686 Section 28. Section 957.15, Florida Statutes, is amended to
687 read:

688 957.15 Funding of contracts for operation, maintenance, and
689 lease-purchase of private correctional facilities.—The
690 department shall request the for appropriation of funds to make
691 payments pursuant to contracts entered into by the department ~~of~~
692 ~~Management Services~~ for the operation, maintenance, and lease-
693 purchase of the private correctional facilities authorized by
694 this chapter ~~shall be made by the department of Management~~
695 ~~Services in a request to the department~~. The department shall
696 include such request in its budget request to the Legislature as

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697 a separately identified item and ~~shall forward the request of~~
698 ~~the Department of Management Services without change. After an~~
699 ~~appropriation has been made by the Legislature to the department~~
700 ~~for the private correctional facilities, the department shall~~
701 ~~have no authority over such funds other than to pay from such~~
702 ~~appropriation to the appropriate private vendor such amounts as~~
703 ~~are certified for payment by the Department of Management~~
704 ~~Services.~~

705 Section 29. Section 957.16, Florida Statutes, is amended to
706 read:

707 957.16 Expanding capacity.—The department may ~~of Management~~
708 ~~Services is authorized to~~ modify and execute agreements with
709 contractors to expand up to the total capacity of contracted
710 correctional facilities. Total capacity means the design
711 capacity of all contracted correctional facilities increased by
712 one-half as described under s. 944.023(1)(b). Any additional
713 beds authorized under this section must comply with the cost-
714 saving requirements set forth in s. 957.07. Any additional beds
715 authorized as a result of expanded capacity under this section
716 are contingent upon specified appropriations.

717 Section 30. Effective July 1, 2024, section 944.105,
718 Florida Statutes, is repealed.

719 Section 31. Effective January 1, 2025, section 944.7031,
720 Florida Statutes, is repealed.

721 Section 32. Effective July 1, 2024, section 944.710,
722 Florida Statutes, is repealed.

723 Section 33. Effective July 1, 2024, section 944.72, Florida
724 Statutes, is repealed.

725 Section 34. Effective July 1, 2024, section 951.062,

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726 Florida Statutes, is repealed.

727 Section 35. Effective July 1, 2024, chapter 957, Florida
728 Statutes, consisting of ss. 957.01, 957.02, 957.04, 957.05,
729 957.06, 957.07, 957.08, 957.09, 957.11, 957.12, 957.13, 957.14,
730 957.15, and 957.16, Florida Statutes, is repealed.

731 Section 36. Upon the expiration of a contract under chapter
732 957, Florida Statutes, all inmates housed pursuant to such
733 contract must be returned to the custody of the Department of
734 Corrections.

735 Section 37. Except as otherwise expressly provided in this
736 act and except for this section, which shall take effect upon
737 this act becoming a law, this act shall take effect July 1,
738 2022.