

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Martin

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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. 957.04, F.S.; providing that correctional
8 privatization contracts are not exempt from specified
9 state contracting provisions unless otherwise
10 specified; providing construction; conforming
11 provisions to changes made by the act; amending s.
12 944.710, F.S.; renaming the term "private correctional
13 facility" as "contractor-operated correctional
14 facility"; renaming the term "private correctional
15 officer" as "contractor-employed correctional
16 officer"; conforming provisions to changes made by the
17 act; amending s. 957.07, F.S.; revising terminology;
18 deleting provisions concerning development of
19 consensus per diem rates by the Prison Per-Diem
20 Workgroup; conforming a provision to changes made by
21 the act; amending s. 957.12, F.S.; revising provisions
22 concerning contact with the department by specified
23 persons; conforming a provision to changes made by the
24 act; amending s. 957.15, F.S.; deleting a provision
25 concerning department control over certain funds
26 appropriated for contractor-operated correctional
27 facilities; conforming a provision to changes made by
28 the act; amending ss. 330.41, 553.865, 633.218,
29 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13,

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30 943.325, 944.105, 944.151, 944.17, 944.35, 944.40,
31 944.605, 944.606, 944.607, 944.608, 944.609, 944.7031,
32 944.714, 944.715, 944.716, 944.717, 944.718, 944.719,
33 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041,
34 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06,
35 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and
36 985.4815, F.S.; conforming provisions to changes made
37 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

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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

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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 persons designated
92 as law enforcement officers under this section shall have the
93 authority to arrest, with or without a warrant, any prisoner of
94 or visitor to a state correctional institution for a violation
95 of the criminal laws of the state. Law enforcement officers
96 under this section shall have the authority to arrest, with or
97 without a warrant, any prisoner of or visitor to any state
98 correctional institution, as defined in s. 944.02, including all
99 contractor-operated correctional facilities, for any violation
100 of the criminal laws of the state involving matters over which
101 the department has jurisdiction, involving an offense classified
102 as a felony that occurs on property owned or leased by the
103 department and may arrest offenders who have escaped or
104 absconded from custody.

105 (f) Persons designated as law enforcement officers have the
106 authority to arrest with or without a warrant a staff member of
107 the department, including any contract employee, subcontractor,
108 or volunteer, for a violation of the criminal laws of the state
109 that occurs involving an offense classified as a felony under
110 this chapter or chapter 893 on property owned or leased by the
111 department, or any contractor-operated correctional facility
112 staff member, contract employee, subcontractor, or volunteer,
113 for a violation of the criminal laws of the state involving
114 matters over which the department has jurisdiction at any
115 contractor-operated correctional facility. A person designated
116 as a law enforcement officer under this section may make arrests

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117 of persons against whom arrest warrants have been issued,
118 including arrests of offenders who have escaped or absconded
119 from custody. The arrested person shall be surrendered without
120 delay to the sheriff of the county in which the arrest is made,
121 with a formal complaint subsequently made against her or him in
122 accordance with law.

123 Section 2. Section 944.710, Florida Statutes, is amended to
124 read:

125 944.710 Definitions of terms relating to contractor-
126 operated private operation of state correctional facilities and
127 s. 944.105.—As used with respect to contractor-operated private
128 operation of state correctional facilities and s. 944.105, the
129 term:

130 (1) “Bidder” means any individual, partnership,
131 corporation, or unincorporated association that submits a
132 proposal with the department to construct, lease, or operate a
133 contractor-operated private correctional facility.

134 (2) “Department” means the Department of Corrections.

135 (4)-(3) “Contractor-operated private correctional facility”
136 means any facility, which is not operated by the department, for
137 the incarceration of adults or juveniles who have been sentenced
138 by a court and committed to the custody of the department.

139 (3)-(4) “Contractor-employed Private correctional officer”
140 means any full-time or part-time employee of a private vendor
141 whose primary responsibility is the supervision, protection,
142 care, and control of prisoners within a contractor-operated
143 private correctional facility.

144 (5) “Private vendor” means any individual, partnership,
145 corporation, or unincorporated association bound by contract

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146 with the department to construct, lease, or operate a
147 contractor-operated private correctional facility.

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

150 957.04 Contract requirements.—

151 (1) A contract entered into under this chapter for the
152 operation of contractor-operated private correctional facilities
153 shall maximize the cost savings of such facilities and shall:

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

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

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

170 2. The ability to expedite the siting, design, and
171 construction of correctional facilities.

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

174 (c) ~~(b)~~ Indemnify the state and the department, including

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175 their officials and agents, against any and all liability,
176 including, but not limited to, civil rights liability. Proof of
177 satisfactory insurance is required in an amount to be determined
178 by the department.

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

184 (e) ~~(d)~~ Require that the proposed facilities and the
185 management plans for the inmates meet applicable American
186 Correctional Association standards and the requirements of all
187 applicable court orders and state law.

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

200 (g) ~~(f)~~ Require the contractor to be responsible for a range
201 of dental, medical, and psychological services; diet; education;
202 and work programs at least equal to those provided by the
203 department in comparable facilities. The work and education

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204 programs must be designed to reduce recidivism, and include
205 opportunities to participate in such work programs as authorized
206 pursuant to s. 946.523.

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

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

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

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

230 (b) A specific provision requiring the design and
231 construction of the proposed facilities to meet the applicable
232 standards of the American Correctional Association and the

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233 requirements of all applicable court orders and state law.

234 (c) A specific provision requiring the contractor, and not
235 the department, to obtain the financing required to design and
236 construct the contractor-operated private correctional facility
237 or juvenile commitment facility built under this chapter.

238 (d) A specific provision stating that the state is not
239 obligated for any payments that exceed the amount of the current
240 annual appropriation.

241 (3) (a) Each contract for the designing, financing,
242 acquiring, leasing, constructing, and operating of a contractor-
243 operated private correctional facility shall be subject to ss.
244 255.2502 and 255.2503.

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

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

251 957.07 Cost-saving requirements.—

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

259 (5) (a) At the request of the Speaker of the House of
260 Representatives or the President of the Senate, the Prison Per-
261 Diem Workgroup shall develop consensus per diem rates for use by

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262 the Legislature. The Office of Program Policy Analysis and
263 Government Accountability and the staffs of the appropriations
264 committees of both the Senate and the House of Representatives
265 are the principals of the workgroup. The workgroup may consult
266 with other experts to assist in the development of the consensus
267 per diem rates. All meetings of the workgroup shall be open to
268 the public as provided in chapter 286.

269 (b) When developing the consensus per diem rates, the
270 workgroup must:

271 1. Use data provided by the department from the most recent
272 fiscal year to determine per diem costs for the following
273 activities:

274 a. Custody and control;
275 b. Health services;
276 c. Substance abuse programs; and
277 d. Educational programs;

278 2. Include the cost of departmental, regional,
279 institutional, and program administration and any other fixed
280 costs of the department;

281 3. Calculate average per diem rates for the following
282 offender populations: adult male, youthful offender male, and
283 female; and

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

286 (c) The consensus per diem rates determined by the
287 workgroup may be used to assist the Legislature in determining
288 the level of funding provided to privately operated prisons to
289 meet the 7 percent savings required of private prisons by this
290 chapter.

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291 (d) If a private vendor chooses not to renew the contract
292 at the appropriated level, the department shall terminate the
293 contract as provided in s. 957.14.

294 Section 5. Section 957.12, Florida Statutes, is amended to
295 read:

296 957.12 Prohibition on contact.—Except in writing to the
297 procurement office or as provided in the solicitation documents,
298 a bidder or potential bidder is not permitted to have any
299 contact with any member or employee of or consultant to the
300 department regarding a competitive solicitation request for
301 proposal, a proposal, or the evaluation or selection process
302 from the time a request for proposals for a contractor-operated
303 private correctional facility is issued until the time a
304 notification of intent to award is announced, ~~except if such~~
305 ~~contact is in writing or in a meeting for which notice was~~
306 ~~provided in the Florida Administrative Register.~~

307 Section 6. Section 957.15, Florida Statutes, is amended to
308 read:

309 957.15 Funding of contracts for operation, maintenance, and
310 lease-purchase of contractor-operated ~~private~~ correctional
311 facilities.—The request for appropriation of funds to make
312 payments pursuant to contracts entered into by the department
313 for the operation, maintenance, and lease-purchase of the
314 contractor-operated ~~private~~ correctional facilities authorized
315 by this chapter shall be included in its budget request to the
316 Legislature as a separately identified item. ~~After an~~
317 ~~appropriation has been made by the Legislature to the department~~
318 ~~for the private correctional facilities, the department shall~~
319 ~~have no authority over such funds other than to pay from such~~

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320 appropriation to the appropriate private vendor such amounts as
321 are certified for payment by the department.

322 Section 7. Paragraph (a) of subsection (2) of section
323 330.41, Florida Statutes, is amended to read:

324 330.41 Unmanned Aircraft Systems Act.—

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

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

332 1. A power generation or transmission facility, substation,
333 switching station, or electrical control center.

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

335 3. A water intake structure, water treatment facility,
336 wastewater treatment plant, or pump station.

337 4. A mining facility.

338 5. A natural gas or compressed gas compressor station,
339 storage facility, or natural gas or compressed gas pipeline.

340 6. A liquid natural gas or propane gas terminal or storage
341 facility.

342 7. Any portion of an aboveground oil or gas pipeline.

343 8. A refinery.

344 9. A gas processing plant, including a plant used in the
345 processing, treatment, or fractionation of natural gas.

346 10. A wireless communications facility, including the
347 tower, antennae, support structures, and all associated ground-
348 based equipment.

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

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

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

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

358 15. A military installation as defined in 10 U.S.C. s.
359 2801(c) (4) and an armory as defined in s. 250.01.

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

363 17. A state correctional institution as defined in s.
364 944.02 or a contractor-operated private correctional facility
365 authorized under chapter 957.

366 18. A secure detention center or facility as defined in s.
367 985.03, or a nonsecure residential facility, a high-risk
368 residential facility, or a maximum-risk residential facility as
369 those terms are described in s. 985.03(44).

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

371 20. A critical infrastructure facility as defined in s.
372 692.201.

373 Section 8. Paragraph (b) of subsection (3) of section
374 553.865, Florida Statutes, is amended to read:

375 553.865 Private spaces.—

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

377 (b) "Correctional institution" means any state correctional

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378 institution as defined in s. 944.02 or contractor-operated
379 ~~private~~ correctional facility as defined in s. 944.710.

380 Section 9. Paragraph (e) of subsection (1) of section
381 633.218, Florida Statutes, is amended to read:

382 633.218 Inspections of state buildings and premises; tests
383 of firesafety equipment; building plans to be approved.—

384 (1)

385 (e) For purposes of this section:

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

388 (I) That contains combustible or explosive matter or
389 flammable conditions dangerous to the safety of life or
390 property;

391 (II) At which persons receive educational instruction;

392 (III) At which persons reside, excluding private dwellings;
393 or

394 (IV) Containing three or more floor levels.

395 b. As used in this subparagraph, the phrase "building or
396 structure":

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

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

406 2. The term "state-owned building" includes contractor-

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407 operated private correctional facilities as defined under s.
408 944.710 s. 944.710(3).

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

412 775.21 The Florida Sexual Predators Act.—

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

414 (e) "Conviction" means a determination of guilt which is
415 the result of a trial or the entry of a plea of guilty or nolo
416 contendere, regardless of whether adjudication is withheld. A
417 conviction for a similar offense includes, but is not limited
418 to, a conviction by a federal or military tribunal, including
419 courts-martial conducted by the Armed Forces of the United
420 States, and includes a conviction or entry of a plea of guilty
421 or nolo contendere resulting in a sanction in any state of the
422 United States or other jurisdiction. A sanction includes, but is
423 not limited to, a fine, probation, community control, parole,
424 conditional release, control release, or incarceration in a
425 state prison, federal prison, contractor-operated private
426 correctional facility, or local detention facility.

427 (6) REGISTRATION.—

428 (b) If the sexual predator is in the custody or control of,
429 or under the supervision of, the Department of Corrections, or
430 is in the custody of a contractor-operated private correctional
431 facility, the sexual predator shall register with the Department
432 of Corrections. A sexual predator who is under the supervision
433 of the Department of Corrections but who is not incarcerated
434 shall register with the Department of Corrections within 3
435 business days after the court finds the offender to be a sexual

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436 predator. The Department of Corrections shall provide to the
437 department registration information and the location of, and
438 local telephone number for, any Department of Corrections office
439 that is responsible for supervising the sexual predator. In
440 addition, the Department of Corrections shall notify the
441 department if the sexual predator escapes or absconds from
442 custody or supervision or if the sexual predator dies.

443 (e)1. If the sexual predator is not in the custody or
444 control of, or under the supervision of, the Department of
445 Corrections or is not in the custody of a contractor-operated
446 private correctional facility, the sexual predator shall
447 register in person:

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

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

454 2. Any change that occurs after the sexual predator
455 registers in person at the sheriff's office as provided in
456 subparagraph 1. in any of the following information related to
457 the sexual predator must be reported as provided in paragraphs
458 (g), (i), and (j): permanent, temporary, or transient residence;
459 name; vehicles owned; electronic mail addresses; Internet
460 identifiers and each Internet identifier's corresponding website
461 homepage or application software name; home and cellular
462 telephone numbers; employment information; and change in status
463 at an institution of higher education. When a sexual predator
464 registers with the sheriff's office, the sheriff shall take a

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465 photograph, a set of fingerprints, and palm prints of the
466 predator and forward the photographs, palm prints, and
467 fingerprints to the department, along with the information that
468 the predator is required to provide pursuant to this section.

469 (10) PENALTIES.—

470 (g) Any person who has reason to believe that a sexual
471 predator is not complying, or has not complied, with the
472 requirements of this section and who, with the intent to assist
473 the sexual predator in eluding a law enforcement agency that is
474 seeking to find the sexual predator to question the sexual
475 predator about, or to arrest the sexual predator for, his or her
476 noncompliance with the requirements of this section:

477 1. Withholds information from, or does not notify, the law
478 enforcement agency about the sexual predator's noncompliance
479 with the requirements of this section, and, if known, the
480 whereabouts of the sexual predator;

481 2. Harbors, or attempts to harbor, or assists another
482 person in harboring or attempting to harbor, the sexual
483 predator;

484 3. Conceals or attempts to conceal, or assists another
485 person in concealing or attempting to conceal, the sexual
486 predator; or

487 4. Provides information to the law enforcement agency
488 regarding the sexual predator which the person knows to be false
489 information,

490

491 commits a felony of the third degree, punishable as provided in
492 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
493 apply if the sexual predator is incarcerated in or is in the

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494 custody of a state correctional facility, a contractor-operated
495 ~~private~~ correctional facility, a local jail, or a federal
496 correctional facility.

497 Section 11. Paragraph (a) of subsection (3) and paragraph
498 (a) of subsection (4) of section 775.261, Florida Statutes, are
499 amended to read:

500 775.261 The Florida Career Offender Registration Act.—

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

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

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

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

517 (4) REGISTRATION.—

518 (a) A career offender must register with the department by
519 providing the following information to the department, or to the
520 sheriff's office in the county in which the career offender
521 establishes or maintains a permanent or temporary residence,
522 within 2 working days after establishing permanent or temporary

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523 residence in this state or within 2 working days after being
524 released from the custody, control, or supervision of the
525 Department of Corrections or from the custody of a contractor-
526 operated private correctional facility:

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

550 2. Any other information determined necessary by the
551 department, including criminal and corrections records;

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552 nonprivileged personnel and treatment records; and evidentiary
553 genetic markers when available.

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

556 784.078 Battery of facility employee by throwing, tossing,
557 or expelling certain fluids or materials.—

558 (1) As used in this section, the term "facility" means a
559 state correctional institution defined in s. 944.02(8); a
560 contractor-operated private correctional facility defined in s.
561 944.710 or under chapter 957; a county, municipal, or regional
562 jail or other detention facility of local government under
563 chapter 950 or chapter 951; or a secure facility operated and
564 maintained by the Department of Corrections or the Department of
565 Juvenile Justice.

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

568 800.09 Lewd or lascivious exhibition in the presence of an
569 employee.—

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

571 (a) "Employee" means:

572 1. Any person employed by or performing contractual
573 services for a public or private entity operating a state
574 correctional institution or contractor-operated private
575 correctional facility;

576 2. Any person employed by or performing contractual
577 services for the corporation operating the prison industry
578 enhancement programs or the correctional work programs under
579 part II of chapter 946;

580 3. Any person who is a parole examiner with the Florida

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581 Commission on Offender Review; or

582 4. Any person employed at or performing contractual
583 services for a county detention facility.

584 (b) "Facility" means a state correctional institution as
585 defined in s. 944.02, a contractor-operated private correctional
586 facility as defined in s. 944.710, or a county detention
587 facility as defined in s. 951.23.

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

591 943.0435 Sexual offenders required to register with the
592 department; penalty.—

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

594 (b) "Convicted" means that there has been a determination
595 of guilt as a result of a trial or the entry of a plea of guilty
596 or nolo contendere, regardless of whether adjudication is
597 withheld, and includes an adjudication of delinquency of a
598 juvenile as specified in this section. Conviction of a similar
599 offense includes, but is not limited to, a conviction by a
600 federal or military tribunal, including courts-martial conducted
601 by the Armed Forces of the United States, and includes a
602 conviction or entry of a plea of guilty or nolo contendere
603 resulting in a sanction in any state of the United States or
604 other jurisdiction. A sanction includes, but is not limited to,
605 a fine, probation, community control, parole, conditional
606 release, control release, or incarceration in a state prison,
607 federal prison, contractor-operated private correctional
608 facility, or local detention facility.

609 (h)1. "Sexual offender" means a person who meets the

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610 criteria in sub-subparagraph a., sub-subparagraph b., sub-
611 subparagraph c., or sub-subparagraph d., as follows:

612 a.(I) Has been convicted of committing, or attempting,
613 soliciting, or conspiring to commit, any of the criminal
614 offenses proscribed in the following statutes in this state or
615 similar offenses in another jurisdiction: s. 393.135(2); s.
616 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
617 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
618 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
619 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
620 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
621 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
622 s. 895.03, if the court makes a written finding that the
623 racketeering activity involved at least one sexual offense
624 listed in this sub-sub-subparagraph or at least one offense
625 listed in this sub-sub-subparagraph with sexual intent or
626 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
627 committed in this state which has been redesignated from a
628 former statute number to one of those listed in this sub-sub-
629 subparagraph; and

630 (II) Has been released on or after October 1, 1997, from a
631 sanction imposed for any conviction of an offense described in
632 sub-sub-subparagraph (I) and does not otherwise meet the
633 criteria for registration as a sexual offender under chapter 944
634 or chapter 985. For purposes of this sub-sub-subparagraph, a
635 sanction imposed in this state or in any other jurisdiction
636 means probation, community control, parole, conditional release,
637 control release, or incarceration in a state prison, federal
638 prison, contractor-operated private correctional facility, or

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639 local detention facility. If no sanction is imposed, the person
640 is deemed to be released upon conviction;

641 b. Establishes or maintains a residence in this state and
642 who has not been designated as a sexual predator by a court of
643 this state but who has been designated as a sexual predator, as
644 a sexually violent predator, or by another sexual offender
645 designation in another state or jurisdiction and was, as a
646 result of such designation, subjected to registration or
647 community or public notification, or both, or would be if the
648 person were a resident of that state or jurisdiction, without
649 regard to whether the person otherwise meets the criteria for
650 registration as a sexual offender;

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

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668 in this state which has been redesignated from a former statute
669 number to one of those listed in this sub-subparagraph; or

670 d. On or after July 1, 2007, has been adjudicated
671 delinquent for committing, or attempting, soliciting, or
672 conspiring to commit, any of the criminal offenses proscribed in
673 the following statutes in this state or similar offenses in
674 another jurisdiction when the juvenile was 14 years of age or
675 older at the time of the offense:

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

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

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

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

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

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

690
691 For each violation of a qualifying offense listed in this
692 subsection, except for a violation of s. 794.011, the court
693 shall make a written finding of the age of the victim at the
694 time of the offense. For a violation of s. 800.04(4), the court
695 shall also make a written finding indicating whether the offense
696 involved sexual activity and indicating whether the offense

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

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

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

703 1. In the county in which the offender establishes or
704 maintains a permanent, temporary, or transient residence within
705 48 hours after:

706 a. Establishing permanent, temporary, or transient
707 residence in this state; or

708 b. Being released from the custody, control, or supervision
709 of the Department of Corrections or from the custody of a
710 contractor-operated private correctional facility; or

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

717
718 Any change in the information required to be provided pursuant
719 to paragraph (b), including, but not limited to, any change in
720 the sexual offender's permanent, temporary, or transient
721 residence; name; electronic mail addresses; Internet identifiers
722 and each Internet identifier's corresponding website homepage or
723 application software name; home telephone numbers and cellular
724 telephone numbers; employment information; and any change in
725 status at an institution of higher education after the sexual

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726 offender reports in person at the sheriff's office must be
727 reported in the manner provided in subsections (4), (7), and
728 (8).

729

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

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

739 943.13 Officers' minimum qualifications for employment or
740 appointment.—On or after October 1, 1984, any person employed or
741 appointed as a full-time, part-time, or auxiliary law
742 enforcement officer or correctional officer; on or after October
743 1, 1986, any person employed as a full-time, part-time, or
744 auxiliary correctional probation officer; and on or after
745 October 1, 1986, any person employed as a full-time, part-time,
746 or auxiliary correctional officer by a private entity under
747 contract to the Department of Corrections or to a county
748 commission shall:

749 (5) Have documentation of his or her processed fingerprints
750 on file with the employing agency or, if a contractor-employed
751 private correctional officer, have documentation of his or her
752 processed fingerprints on file with the Department of
753 Corrections or the Criminal Justice Standards and Training
754 Commission. The department shall retain and enter into the

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755 statewide automated biometric identification system authorized
756 by s. 943.05 all fingerprints submitted to the department as
757 required by this section. Thereafter, the fingerprints shall be
758 available for all purposes and uses authorized for arrest
759 fingerprints entered in the statewide automated biometric
760 identification system pursuant to s. 943.051. The department
761 shall search all arrest fingerprints received pursuant to s.
762 943.051 against the fingerprints retained in the statewide
763 automated biometric identification system pursuant to this
764 section and report to the employing agency any arrest records
765 that are identified with the retained employee's fingerprints.
766 These fingerprints must be forwarded to the department for
767 processing and retention.

768 (8) Execute and submit to the employing agency or, if a
769 contractor-employed private correctional officer, submit to the
770 appropriate governmental entity an affidavit-of-applicant form,
771 adopted by the commission, attesting to his or her compliance
772 with subsections (1)-(7). The affidavit shall require the
773 applicant to disclose any pending investigation by a local,
774 state, or federal agency or entity for criminal, civil, or
775 administrative wrongdoing and whether the applicant separated or
776 resigned from previous criminal justice employment while he or
777 she was under investigation. The affidavit shall be executed
778 under oath and constitutes an official statement within the
779 purview of s. 837.06. The affidavit shall include conspicuous
780 language that the intentional false execution of the affidavit
781 constitutes a misdemeanor of the second degree. The affidavit
782 shall be retained by the employing agency.

783 Section 16. Paragraph (g) of subsection (2) of section

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784 943.325, Florida Statutes, is amended to read:

785 943.325 DNA database.—

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

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

789 1.a. Committed to a county jail;

790 b. Committed to or under the supervision of the Department
791 of Corrections, including persons incarcerated in a contractor-
792 operated private correctional institution operated under
793 contract pursuant to s. 944.105;

794 c. Committed to or under the supervision of the Department
795 of Juvenile Justice;

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

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

800 2.a. Convicted of any felony offense or attempted felony
801 offense in this state or of a similar offense in another
802 jurisdiction;

803 b. Convicted of a misdemeanor violation of s. 784.048, s.
804 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
805 offense that was found, pursuant to s. 874.04, to have been
806 committed for the purpose of benefiting, promoting, or
807 furthering the interests of a criminal gang as defined in s.
808 874.03;

809 c. Arrested for any felony offense or attempted felony
810 offense in this state; or

811 d. In the custody of a law enforcement agency and is
812 subject to an immigration detainer issued by a federal

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813 immigration agency.

814 Section 17. Subsections (4), (5), and (7) of section
815 944.105, Florida Statutes, are amended to read:

816 944.105 Contractual arrangements with contractor-operated
817 ~~private~~ entities for operation and maintenance of correctional
818 facilities and supervision of inmates.—

819 (4) A contractor-employed ~~private~~ correctional officer may
820 use force only while on the grounds of a facility, while
821 transporting inmates, and while pursuing escapees from a
822 facility. A contractor-employed ~~private~~ correctional officer may
823 use nondeadly force in the following situations:

824 (a) To prevent the commission of a felony or a misdemeanor,
825 including escape.

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

827 (c) To prevent serious damage to property.

828 (d) To enforce institutional regulations and orders.

829 (e) To prevent or quell a riot.

830
831 Contractor-employed ~~Private~~ correctional officers may carry and
832 use firearms and may use deadly force only as a last resort, and
833 then only to prevent an act that could result in death or
834 serious bodily injury to oneself or to another person.

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

840 (7) The department shall require the certification of
841 contractor-employed ~~private~~ correctional officers at the private

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842 vendor's expense under s. 943.1395, and all such officers must
843 meet the minimum qualifications established in s. 943.13. All
844 other employees of the private vendor that perform their duties
845 at the contractor-operated private correctional facility shall
846 receive, at a minimum, the same quality and quantity of training
847 as that required by the state for employees of state-operated
848 correctional facilities. All training expenses shall be the
849 responsibility of the private vendor. The department shall be
850 the contributor and recipient of all criminal background
851 information necessary for certification by the Criminal Justice
852 Standards and Training Commission.

853 Section 18. Subsections (1), (2), (3), and (4) of section
854 944.151, Florida Statutes, are amended to read:

855 944.151 Safe operation and security of correctional
856 institutions and facilities.—It is the intent of the Legislature
857 that the Department of Corrections shall be responsible for the
858 safe operation and security of the correctional institutions and
859 facilities. The safe operation and security of the state's
860 correctional institutions and facilities are critical to ensure
861 public safety and the safety of department employees and
862 offenders, and to contain violent and chronic offenders until
863 offenders are otherwise released from the department's custody
864 pursuant to law. The Secretary of Corrections shall, at a
865 minimum:

866 (1) Appoint appropriate department staff to a safety and
867 security review committee that shall evaluate new safety and
868 security technology, review and discuss current issues impacting
869 state and contractor-operated private correctional institutions
870 and facilities, and review and discuss other issues as requested

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871 by department management.

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

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

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900 annually report the audit findings to the Governor and the
901 Legislature.

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

910 Section 19. Paragraph (b) of subsection (3) of section
911 944.17, Florida Statutes, is amended to read:

912 944.17 Commitments and classification; transfers.—

913 (3)

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

922 Section 20. Paragraph (b) of subsection (3) of section
923 944.35, Florida Statutes, is amended to read:

924 944.35 Authorized use of force; malicious battery and
925 sexual misconduct prohibited; reporting required; penalties.—

926 (3)

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

928 a. "Female genitals" includes the labia minora, labia

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929 majora, clitoris, vulva, hymen, and vagina.

930 b. "Contractor-operated Private correctional facility" has
931 the same meaning as in s. 944.710.

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

938 d. "Volunteer" means a person registered with the
939 department or a contractor-operated private correctional
940 facility who is engaged in specific voluntary service activities
941 on an ongoing or continual basis.

942 2. Any employee of the department or a contractor-operated
943 ~~private~~ correctional facility or any volunteer in, or any
944 employee of a contractor or subcontractor of, the department or
945 a contractor-operated private correctional facility who engages
946 in sexual misconduct with an inmate or an offender supervised by
947 the department in the community, without committing the crime of
948 sexual battery, commits a felony of the third degree, punishable
949 as provided in s. 775.082, s. 775.083, or s. 775.084.

950 3. The consent of the inmate or offender supervised by the
951 department in the community to any act of sexual misconduct may
952 not be raised as a defense to a prosecution under this
953 paragraph.

954 4. This paragraph does not apply to any employee,
955 volunteer, or employee of a contractor or subcontractor of the
956 department or any employee, volunteer, or employee of a
957 contractor or subcontractor of a contractor-operated private

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958 correctional facility who is legally married to an inmate or an
959 offender supervised by the department in the community, nor does
960 it apply to any employee, volunteer, or employee of a contractor
961 or subcontractor who has no knowledge, and would have no reason
962 to believe, that the person with whom the employee, volunteer,
963 or employee of a contractor or subcontractor has engaged in
964 sexual misconduct is an inmate or an offender under community
965 supervision of the department.

966 Section 21. Section 944.40, Florida Statutes, is amended to
967 read:

968 944.40 Escapes; penalty.—Any prisoner confined in, or
969 released on furlough from, any prison, jail, contractor-operated
970 private correctional facility, road camp, or other penal
971 institution, whether operated by the state, a county, or a
972 municipality, or operated under a contract with the state, a
973 county, or a municipality, working upon the public roads, or
974 being transported to or from a place of confinement who escapes
975 or attempts to escape from such confinement commits a felony of
976 the second degree, punishable as provided in s. 775.082, s.
977 775.083, or s. 775.084. The punishment of imprisonment imposed
978 under this section shall run consecutive to any former sentence
979 imposed upon any prisoner.

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

982 944.605 Inmate release; notification; identification card.—
983 (1) Within 6 months before the release of an inmate from
984 the custody of the Department of Corrections or a contractor-
985 operated private correctional facility by expiration of sentence
986 under s. 944.275, any release program provided by law, or parole

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987 under chapter 947, or as soon as possible if the offender is
988 released earlier than anticipated, notification of such
989 anticipated release date shall be made known by the Department
990 of Corrections to the chief judge of the circuit in which the
991 offender was sentenced, the appropriate state attorney, the
992 original arresting law enforcement agency, the Department of Law
993 Enforcement, and the sheriff as chief law enforcement officer of
994 the county in which the inmate plans to reside. In addition,
995 unless otherwise requested by the victim, the victim's parent or
996 guardian if the victim is a minor, the lawful representative of
997 the victim or of the victim's parent or guardian if the victim
998 is a minor, the victim's next of kin in the case of a homicide,
999 the state attorney or the Department of Corrections, whichever
1000 is appropriate, shall notify such person within 6 months before
1001 the inmate's release, or as soon as possible if the offender is
1002 released earlier than anticipated, when the name and address of
1003 such victim, or the name and address of the parent, guardian,
1004 next of kin, or lawful representative of the victim has been
1005 furnished to the agency. The state attorney shall provide the
1006 latest address documented for the victim, or for the victim's
1007 parent, guardian, next of kin, or lawful representative, as
1008 applicable, to the sheriff with the other documents required by
1009 law for the delivery of inmates to those agencies for service of
1010 sentence. Upon request, within 30 days after an inmate is
1011 approved for community work release, the state attorney, the
1012 victim, the victim's parent or guardian if the victim is a
1013 minor, the victim's next of kin in the case of a homicide, or
1014 the lawful representative of the victim or of the victim's
1015 parent or guardian if the victim is a minor shall be notified

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1016 that the inmate has been approved for community work release.
1017 This section does not imply any repeal or modification of any
1018 provision of law relating to notification of victims.

1019 (2) Within 60 days before the anticipated release of an
1020 inmate under subsection (1), a digitized photograph of the
1021 inmate to be released shall be made by the Department of
1022 Corrections or a contractor-operated private correctional
1023 facility, whichever has custody of the inmate. If a contractor-
1024 operated private correctional facility makes the digitized
1025 photograph, this photograph shall be provided to the Department
1026 of Corrections. Additionally, the digitized photograph, whether
1027 made by the Department of Corrections or a contractor-operated
1028 private correctional facility, shall be placed in the inmate's
1029 file. The Department of Corrections shall make the digitized
1030 photograph available electronically to the Department of Law
1031 Enforcement as soon as the digitized photograph is in the
1032 department's database and must be in a format that is compatible
1033 with the requirements of the Florida Crime Information Center.
1034 The department shall provide a copy of the digitized photograph
1035 to a local law enforcement agency upon request.

1036 Section 23. Paragraph (a) of subsection (1) and paragraph
1037 (a) of subsection (3) of section 944.606, Florida Statutes, are
1038 amended to read:

1039 944.606 Sexual offenders; notification upon release.—
1040 (1) As used in this section, the term:
1041 (a) "Convicted" means there has been a determination of
1042 guilt as a result of a trial or the entry of a plea of guilty or
1043 nolo contendere, regardless of whether adjudication is withheld.
1044 A conviction for a similar offense includes, but is not limited

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1045 to, a conviction by a federal or military tribunal, including
1046 courts-martial conducted by the Armed Forces of the United
1047 States, and includes a conviction or entry of a plea of guilty
1048 or nolo contendere resulting in a sanction in any state of the
1049 United States or other jurisdiction. A sanction includes, but is
1050 not limited to, a fine; probation; community control; parole;
1051 conditional release; control release; or incarceration in a
1052 state prison, federal prison, contractor-operated private
1053 correctional facility, or local detention facility.

1054 (3) (a) The department shall provide information regarding
1055 any sexual offender who is being released after serving a period
1056 of incarceration for any offense, as follows:

1057 1. The department shall provide: the sexual offender's
1058 name, any change in the offender's name by reason of marriage or
1059 other legal process, and any alias, if known; the correctional
1060 facility from which the sexual offender is released; the sexual
1061 offender's social security number, race, sex, date of birth,
1062 height, weight, and hair and eye color; tattoos or other
1063 identifying marks; address of any planned permanent residence or
1064 temporary residence, within the state or out of state, including
1065 a rural route address and a post office box; if no permanent or
1066 temporary address, any transient residence within the state;
1067 address, location or description, and dates of any known future
1068 temporary residence within the state or out of state; date and
1069 county of sentence and each crime for which the offender was
1070 sentenced; a copy of the offender's fingerprints, palm prints,
1071 and a digitized photograph taken within 60 days before release;
1072 the date of release of the sexual offender; all electronic mail
1073 addresses and all Internet identifiers required to be provided

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1074 pursuant to s. 943.0435(4)(e); employment information, if known,
1075 provided pursuant to s. 943.0435(4)(e); all home telephone
1076 numbers and cellular telephone numbers required to be provided
1077 pursuant to s. 943.0435(4)(e); information about any
1078 professional licenses the offender has, if known; and passport
1079 information, if he or she has a passport, and, if he or she is
1080 an alien, information about documents establishing his or her
1081 immigration status. The department shall notify the Department
1082 of Law Enforcement if the sexual offender escapes, absconds, or
1083 dies. If the sexual offender is in the custody of a contractor-
1084 operated private correctional facility, the facility shall take
1085 the digitized photograph of the sexual offender within 60 days
1086 before the sexual offender's release and provide this photograph
1087 to the Department of Corrections and also place it in the sexual
1088 offender's file. If the sexual offender is in the custody of a
1089 local jail, the custodian of the local jail shall register the
1090 offender within 3 business days after intake of the offender for
1091 any reason and upon release, and shall notify the Department of
1092 Law Enforcement of the sexual offender's release and provide to
1093 the Department of Law Enforcement the information specified in
1094 this paragraph and any information specified in subparagraph 2.
1095 that the Department of Law Enforcement requests.

1096 2. The department may provide any other information deemed
1097 necessary, including criminal and corrections records,
1098 nonprivileged personnel and treatment records, when available.

1099 Section 24. Paragraphs (b) and (f) of subsection (1),
1100 paragraph (g) of subsection (6), and subsection (12) of section
1101 944.607, Florida Statutes, are amended to read:

1102 944.607 Notification to Department of Law Enforcement of

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1103 information on sexual offenders.—

1104 (1) As used in this section, the term:

1105 (b) "Conviction" means a determination of guilt which is
1106 the result of a trial or the entry of a plea of guilty or nolo
1107 contendere, regardless of whether adjudication is withheld.
1108 Conviction of a similar offense includes, but is not limited to,
1109 a conviction by a federal or military tribunal, including
1110 courts-martial conducted by the Armed Forces of the United
1111 States, and includes a conviction or entry of a plea of guilty
1112 or nolo contendere resulting in a sanction in any state of the
1113 United States or other jurisdiction. A sanction includes, but is
1114 not limited to, a fine; probation; community control; parole;
1115 conditional release; control release; or incarceration in a
1116 state prison, federal prison, contractor-operated private
1117 correctional facility, or local detention facility.

1118 (f) "Sexual offender" means a person who is in the custody
1119 or control of, or under the supervision of, the department or is
1120 in the custody of a contractor-operated private correctional
1121 facility:

1122 1. On or after October 1, 1997, as a result of a conviction
1123 for committing, or attempting, soliciting, or conspiring to
1124 commit, any of the criminal offenses proscribed in the following
1125 statutes in this state or similar offenses in another
1126 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
1127 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1128 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
1129 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
1130 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
1131 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.

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1132 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1133 makes a written finding that the racketeering activity involved
1134 at least one sexual offense listed in this subparagraph or at
1135 least one offense listed in this subparagraph with sexual intent
1136 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
1137 offense committed in this state which has been redesignated from
1138 a former statute number to one of those listed in this
1139 paragraph; or

1140 2. Who establishes or maintains a residence in this state
1141 and who has not been designated as a sexual predator by a court
1142 of this state but who has been designated as a sexual predator,
1143 as a sexually violent predator, or by another sexual offender
1144 designation in another state or jurisdiction and was, as a
1145 result of such designation, subjected to registration or
1146 community or public notification, or both, or would be if the
1147 person were a resident of that state or jurisdiction, without
1148 regard as to whether the person otherwise meets the criteria for
1149 registration as a sexual offender.

1150 (6) The information provided to the Department of Law
1151 Enforcement must include:

1152 (g) A digitized photograph of the sexual offender which
1153 must have been taken within 60 days before the offender is
1154 released from the custody of the department or a contractor-
1155 operated private correctional facility by expiration of sentence
1156 under s. 944.275 or must have been taken by January 1, 1998, or
1157 within 60 days after the onset of the department's supervision
1158 of any sexual offender who is on probation, community control,
1159 conditional release, parole, provisional release, or control
1160 release or who is supervised by the department under the

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1161 Interstate Compact Agreement for Probationers and Parolees. If
1162 the sexual offender is in the custody of a contractor-operated
1163 ~~private~~ correctional facility, the facility shall take a
1164 digitized photograph of the sexual offender within the time
1165 period provided in this paragraph and shall provide the
1166 photograph to the department.

1167

1168 If any information provided by the department changes during the
1169 time the sexual offender is under the department's control,
1170 custody, or supervision, including any change in the offender's
1171 name by reason of marriage or other legal process, the
1172 department shall, in a timely manner, update the information and
1173 provide it to the Department of Law Enforcement in the manner
1174 prescribed in subsection (2).

1175 (12) Any person who has reason to believe that a sexual
1176 offender is not complying, or has not complied, with the
1177 requirements of this section and who, with the intent to assist
1178 the sexual offender in eluding a law enforcement agency that is
1179 seeking to find the sexual offender to question the sexual
1180 offender about, or to arrest the sexual offender for, his or her
1181 noncompliance with the requirements of this section:

1182 (a) Withholds information from, or does not notify, the law
1183 enforcement agency about the sexual offender's noncompliance
1184 with the requirements of this section, and, if known, the
1185 whereabouts of the sexual offender;

1186 (b) Harbors, or attempts to harbor, or assists another
1187 person in harboring or attempting to harbor, the sexual
1188 offender; or

1189 (c) Conceals or attempts to conceal, or assists another

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1190 person in concealing or attempting to conceal, the sexual
1191 offender; or

1192 (d) Provides information to the law enforcement agency
1193 regarding the sexual offender which the person knows to be false
1194 information,

1195

1196 commits a felony of the third degree, punishable as provided in
1197 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1198 apply if the sexual offender is incarcerated in or is in the
1199 custody of a state correctional facility, a contractor-operated
1200 private correctional facility, a local jail, or a federal
1201 correctional facility.

1202 Section 25. Subsection (1) and paragraph (e) of subsection
1203 (5) of section 944.608, Florida Statutes, are amended to read:

1204 944.608 Notification to Department of Law Enforcement of
1205 information on career offenders.—

1206 (1) As used in this section, the term "career offender"
1207 means a person who is in the custody or control of, or under the
1208 supervision of, the department or is in the custody or control
1209 of, or under the supervision of, a contractor-operated private
1210 correctional facility, and who is designated as a habitual
1211 violent felony offender, a violent career criminal, or a three-
1212 time violent felony offender under s. 775.084 or as a prison
1213 releasee reoffender under s. 775.082(9).

1214 (5) The information provided to the Department of Law
1215 Enforcement must include:

1216 (e) A digitized photograph of the career offender, which
1217 must have been taken within 60 days before the career offender
1218 is released from the custody of the department or a contractor-

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1219 operated private correctional facility or within 60 days after
1220 the onset of the department's supervision of any career offender
1221 who is on probation, community control, conditional release,
1222 parole, provisional release, or control release. If the career
1223 offender is in the custody or control of, or under the
1224 supervision of, a contractor-operated private correctional
1225 facility, the facility shall take a digitized photograph of the
1226 career offender within the time period provided in this
1227 paragraph and shall provide the photograph to the department.

1228 Section 26. Subsection (1) and paragraph (a) of subsection
1229 (3) of section 944.609, Florida Statutes, are amended to read:

1230 944.609 Career offenders; notification upon release.—
1231 (1) As used in this section, the term "career offender"
1232 means a person who is in the custody or control of, or under the
1233 supervision of, the department or is in the custody or control
1234 of, or under the supervision of a contractor-operated private
1235 correctional facility, who is designated as a habitual violent
1236 felony offender, a violent career criminal, or a three-time
1237 violent felony offender under s. 775.084 or as a prison releasee
1238 reoffender under s. 775.082(9).

1239 (3)(a) The department must provide information regarding
1240 any career offender who is being released after serving a period
1241 of incarceration for any offense, as follows:

1242 1. The department must provide the career offender's name,
1243 any change in the career offender's name by reason of marriage
1244 or other legal process, and any alias, if known; the
1245 correctional facility from which the career offender is
1246 released; the career offender's social security number, race,
1247 gender, date of birth, height, weight, and hair and eye color;

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1248 date and county of sentence and each crime for which the career
1249 offender was sentenced; a copy of the career offender's
1250 fingerprints and a digitized photograph taken within 60 days
1251 before release; the date of release of the career offender; and
1252 the career offender's intended residence address, if known. The
1253 department shall notify the Department of Law Enforcement if the
1254 career offender escapes, absconds, or dies. If the career
1255 offender is in the custody of a contractor-operated private
1256 correctional facility, the facility shall take the digitized
1257 photograph of the career offender within 60 days before the
1258 career offender's release and provide this photograph to the
1259 Department of Corrections and also place it in the career
1260 offender's file. If the career offender is in the custody of a
1261 local jail, the custodian of the local jail shall notify the
1262 Department of Law Enforcement of the career offender's release
1263 and provide to the Department of Law Enforcement the information
1264 specified in this paragraph and any information specified in
1265 subparagraph 2. which the Department of Law Enforcement
1266 requests.

1267 2. The department may provide any other information deemed
1268 necessary, including criminal and corrections records and
1269 nonprivileged personnel and treatment records, when available.

1270 Section 27. Section 944.7031, Florida Statutes, is amended
1271 to read:

1272 944.7031 Eligible inmates released from contractor-operated
1273 private correctional facilities.—

1274 (1) It is the intent of the Legislature that state inmates
1275 nearing release from a contractor-operated private correctional
1276 facility managed under chapter 957 are eligible for assistance

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1277 under ss. 944.701-944.708, and all laws that provide for or
1278 mandate transition assistance services to inmates nearing
1279 release also apply to inmates who reside in contractor-operated
1280 private correctional facilities.

1281 (2) To assist an inmate nearing release from a contractor-
1282 operated private correctional facility, the department and the
1283 transition assistance specialist shall coordinate with a
1284 designated staff person at each contractor-operated private
1285 correctional facility to ensure that a state inmate released
1286 from the contractor-operated private correctional facility is
1287 informed of and provided with the same level of transition
1288 assistance services that are provided by the department for an
1289 inmate in a state correctional facility. Any inmate released
1290 from a contractor-operated private correctional facility shall
1291 also have equal access to placement consideration in a
1292 contracted substance abuse transition housing program, including
1293 those programs that have a faith-based component.

1294 Section 28. Section 944.714, Florida Statutes, is amended
1295 to read:

1296 944.714 Quality assurance and standards of operation.—

1297 (1) The level and quality of programs provided by a private
1298 vendor at a contractor-operated private correctional facility
1299 must be at least equal to programs provided at a correctional
1300 facility operated by the department that houses similar types of
1301 inmates and must be at a cost that provides the state with a
1302 substantial savings, as determined by a private accounting firm
1303 selected by the Department of Corrections.

1304 (2) All contractor-employed private correctional officers
1305 employed by a private vendor must be certified, at the private

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1306 vendor's expense, as having met the minimum qualifications
1307 established for correctional officers under s. 943.13.

1308 (3) Pursuant to the terms of the contract, a private vendor
1309 shall design, construct, and operate a contractor-operated
1310 ~~private~~ correctional facility in accordance with the standards
1311 established by the American Correctional Association and
1312 approved by the department at the time of the contract. In
1313 addition, a contractor-operated ~~private~~ correctional facility
1314 shall meet any higher standard mandated in the full or partial
1315 settlement of any litigation challenging the constitutional
1316 conditions of confinement to which the department is a named
1317 defendant. The standards required under a contract for operating
1318 a contractor-operated ~~private~~ correctional facility may be
1319 higher than the standards required for accreditation by the
1320 American Correctional Association. A private vendor shall comply
1321 with all federal and state constitutional requirements, federal,
1322 state, and local laws, department rules, and all court orders.

1323 Section 29. Section 944.715, Florida Statutes, is amended
1324 to read:

1325 944.715 Delegation of authority.—

1326 (1) A private vendor shall incarcerate all inmates assigned
1327 to the contractor-operated ~~private~~ correctional facility by the
1328 department and as specified in the contract. The department may
1329 not exceed the maximum occupancy designated for the facility in
1330 the contract.

1331 (2) Inmates incarcerated in a contractor-operated ~~private~~
1332 ~~correctional~~ facility are in the legal custody of the
1333 department. A private vendor may not award gain-time or release
1334 credits, determine inmate eligibility for furlough or work

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1335 release, calculate inmate release dates, approve inmate
1336 transfers, place inmates in less restrictive custody than that
1337 ordered by the department or approve inmate work assignments. A
1338 private vendor may not benefit financially from the labor of
1339 inmates except to the extent authorized under chapter 946.

1340 Section 30. Section 944.716, Florida Statutes, is amended
1341 to read:

1342 944.716 Contract termination and control of a correctional
1343 facility by the department.—A detailed plan shall be provided by
1344 a private vendor under which the department shall assume control
1345 of a contractor-operated private correctional facility upon
1346 termination of the contract. The department may terminate the
1347 contract with cause after written notice of material
1348 deficiencies and after 60 workdays in order to correct the
1349 material deficiencies. If any event occurs that involves the
1350 noncompliance with or violation of contract terms and that
1351 presents a serious threat to the safety, health, or security of
1352 the inmates, employees, or the public, the department may
1353 temporarily assume control of the contractor-operated private
1354 correctional facility. A plan shall also be provided by a
1355 private vendor for the purchase and assumption of operations of
1356 a correctional facility by the department in the event of
1357 bankruptcy or the financial insolvency of the private vendor.
1358 The private vendor shall provide an emergency plan to address
1359 inmate disturbances, employee work stoppages, strikes, or other
1360 serious events in accordance with standards of the American
1361 Correctional Association.

1362 Section 31. Subsection (1) of section 944.717, Florida
1363 Statutes, is amended to read:

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1364 944.717 Conflicts of interest.—
1365 (1) An employee of the department or any governmental
1366 entity that exercises any functions or responsibilities in the
1367 review or approval of a contractor-operated private correctional
1368 facility contract or the operation of a contractor-operated
1369 private correctional facility, or a member of the immediate
1370 family of any such person, may not solicit or accept, directly
1371 or indirectly, any personal benefit or promise of a benefit from
1372 a bidder or private vendor.

1373 Section 32. Subsection (1) of section 944.718, Florida
1374 Statutes, is amended to read:

1375 944.718 Withdrawal of request for proposals.—
1376 (1) When soliciting proposals for the construction, lease,
1377 or operation of a contractor-operated private correctional
1378 facility, the department may reserve the right to withdraw the
1379 request for proposals at any time and for any reason. Receipt of
1380 proposal materials by the department or submission of a proposal
1381 to the department does not confer any rights upon the proposer
1382 or obligations upon the department.

1383 Section 33. Paragraphs (a) and (f) of subsection (1),
1384 subsection (3), and paragraph (b) of subsection (5) of section
1385 944.719, Florida Statutes, are amended to read:

1386 944.719 Adoption of rules, monitoring, and reporting.—

1387 (1) The department shall adopt rules pursuant to chapter
1388 120 specifying criteria for contractual arrangements and
1389 standards for the operation of correctional facilities by
1390 private vendors. Such rules shall define:

1391 (a) Various categories of contractor-operated private
1392 correctional facilities.

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1393 (f) The characteristics of inmates to be incarcerated in
1394 contractor-operated private correctional facilities.

1395 (3) The private vendor shall provide a work area at the
1396 contractor-operated private correctional facility for use by the
1397 contract monitor appointed by the department and shall provide
1398 the monitor with access to all data, reports, and other
1399 materials that the monitor, the Auditor General, and the Office
1400 of Program Policy Analysis and Government Accountability
1401 determine are necessary to carry out monitoring and auditing
1402 responsibilities.

1403 (5) The Office of Program Policy Analysis and Government
1404 Accountability shall conduct a performance audit, including a
1405 review of the annual financial audit of the private entity and
1406 shall deliver a report to the Legislature by February 1 of the
1407 third year following any contract awarded by the department for
1408 the operation of a correctional facility by a private vendor.

1409 (b) In preparing the report, the office shall consider, in
1410 addition to other factors it determines are significant:

1411 1. The extent to which the private vendor and the
1412 department have complied with the terms of the contract and ss.
1413 944.710-944.719.

1414 2. The wages and benefits that are provided to the staff of
1415 the contractor-operated private correctional facility as
1416 compared to wages and benefits provided to employees of the
1417 department performing comparable tasks.

1418 Section 34. Subsection (1) of section 944.72, Florida
1419 Statutes, is amended to read:

1420 944.72 Contractor-operated Privately Operated Institutions
1421 Inmate Welfare Trust Fund.—

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1422 (1) There is hereby created in the Department of
1423 Corrections the Contractor-operated Privately Operated
1424 Institutions Inmate Welfare Trust Fund. The purpose of the trust
1425 fund shall be the benefit and welfare of inmates incarcerated in
1426 contractor-operated private correctional facilities under
1427 contract with the department pursuant to this chapter or chapter
1428 957. Moneys shall be deposited in the trust fund and
1429 expenditures made from the trust fund as provided in s. 945.215.

1430 Section 35. Subsection (9) of section 944.801, Florida
1431 Statutes, is amended to read:

1432 944.801 Education for state prisoners.—

1433 (9) Notwithstanding s. 120.81(3), all inmates under 22
1434 years of age who qualify for special educational services and
1435 programs pursuant to the Individuals with Disabilities Education
1436 Act, 20 U.S.C. ss. 1400 et seq., and who request a due process
1437 hearing as provided by that act shall be entitled to such
1438 hearing before the Division of Administrative Hearings.
1439 Administrative law judges shall not be required to travel to
1440 state or contractor-operated private correctional institutions
1441 and facilities in order to conduct these hearings.

1442 Section 36. Subsections (1) and (3) of section 944.803,
1443 Florida Statutes, are amended to read:

1444 944.803 Faith- and character-based programs.—

1445 (1) The Legislature finds and declares that faith- and
1446 character-based programs offered in state and contractor-
1447 operated private correctional institutions and facilities have
1448 the potential to facilitate inmate institutional adjustment,
1449 help inmates assume personal responsibility, and reduce
1450 recidivism.

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1451 (3) It is the intent of the Legislature that the department
1452 and the private vendors operating contractor-operated private
1453 correctional facilities continuously:

1454 (a) Measure recidivism rates for inmates who have
1455 participated in faith- and character-based programs.

1456 (b) Increase the number of volunteers who minister to
1457 inmates from various faith-based and secular institutions in the
1458 community.

1459 (c) Develop community linkages with secular institutions as
1460 well as churches, synagogues, mosques, and other faith-based
1461 institutions to assist inmates in their release back into the
1462 community.

1463 Section 37. Paragraphs (a) and (b) of subsection (2) of
1464 section 945.10, Florida Statutes, are amended to read:

1465 945.10 Confidential information.—

1466 (2) The records and information specified in paragraphs
1467 (1) (a)-(i) may be released as follows unless expressly
1468 prohibited by federal law:

1469 (a) Information specified in paragraphs (1)(b), (d), and
1470 (f) to the Executive Office of the Governor, the Legislature,
1471 the Florida Commission on Offender Review, the Department of
1472 Children and Families, a contractor-operated private
1473 correctional facility or program that operates under a contract,
1474 the Department of Legal Affairs, a state attorney, the court, or
1475 a law enforcement agency. A request for records or information
1476 pursuant to this paragraph need not be in writing.

1477 (b) Information specified in paragraphs (1)(c), (e), and
1478 (i) to the Executive Office of the Governor, the Legislature,
1479 the Florida Commission on Offender Review, the Department of

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1480 Children and Families, a contractor-operated private
1481 correctional facility or program that operates under contract,
1482 the Department of Legal Affairs, a state attorney, the court, or
1483 a law enforcement agency. A request for records or information
1484 pursuant to this paragraph must be in writing and a statement
1485 provided demonstrating a need for the records or information.

1486

1487 Records and information released under this subsection remain
1488 confidential and exempt from the provisions of s. 119.07(1) and
1489 s. 24(a), Art. I of the State Constitution when held by the
1490 receiving person or entity.

1491 Section 38. Subsection (3) of section 945.215, Florida
1492 Statutes, is amended to read:

1493 945.215 Inmate welfare and employee benefit trust funds.—
1494 (3) CONTRACTOR-OPERATED PRIVATELY OPERATED INSTITUTIONS
1495 INMATE WELFARE TRUST FUND; CONTRACTOR-OPERATED PRIVATE
1496 CORRECTIONAL FACILITIES.—

1497 (a) For purposes of this subsection, contractor-operated
1498 privately operated institutions or contractor-operated private
1499 correctional facilities are those correctional facilities under
1500 contract with the department pursuant to chapter 944 or chapter
1501 957.

1502 (b) 1. The net proceeds derived from inmate canteens,
1503 vending machines used primarily by inmates, telephone
1504 commissions, and similar sources at contractor-operated private
1505 correctional facilities shall be deposited in the Contractor-
1506 Operated Privately Operated Institutions Inmate Welfare Trust
1507 Fund.

1508 2. Funds in the Contractor-Operated Privately Operated

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1509 Institutions Inmate Welfare Trust Fund shall be expended only
1510 pursuant to legislative appropriation.

1511 (c) The department shall annually compile a report that
1512 documents Contractor-Operated ~~Privately Operated~~ Institutions
1513 Inmate Welfare Trust Fund receipts and expenditures at each
1514 contractor-operated private correctional facility. This report
1515 must specifically identify receipt sources and expenditures. The
1516 department shall compile this report for the prior fiscal year
1517 and shall submit the report by September 1 of each year to the
1518 chairs of the appropriate substantive and fiscal committees of
1519 the Senate and House of Representatives and to the Executive
1520 Office of the Governor.

1521 Section 39. Subsections (2) and (3) of section 945.6041,
1522 Florida Statutes, are amended to read:

1523 945.6041 Inmate medical services.—

1524 (2) Compensation to a health care provider to provide
1525 inmate medical services may not exceed 110 percent of the
1526 Medicare allowable rate if the health care provider does not
1527 have a contract to provide services with the department or the
1528 contractor-operated private correctional facility, as defined in
1529 s. 944.710, which houses the inmate. However, compensation to a
1530 health care provider may not exceed 125 percent of the Medicare
1531 allowable rate if:

1532 (a) The health care provider does not have a contract to
1533 provide services with the department or the contractor-operated
1534 private correctional facility, as defined in s. 944.710, which
1535 houses the inmate; and

1536 (b) The health care provider reported a negative operating
1537 margin for the previous year to the Agency for Health Care

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1538 Administration through hospital-audited financial data.

1539 (3) Compensation to an entity to provide emergency medical
1540 transportation services for inmates may not exceed 110 percent
1541 of the Medicare allowable rate if the entity does not have a
1542 contract with the department or a contractor-operated private
1543 correctional facility, as defined in s. 944.710, to provide the
1544 services.

1545 Section 40. Section 946.5025, Florida Statutes, is amended
1546 to read:

1547 946.5025 Authorization of corporation to enter into
1548 contracts.—The corporation established under this part may enter
1549 into contracts to operate correctional work programs with any
1550 county or municipal authority that operates a correctional
1551 facility or with a contractor authorized under chapter 944 or
1552 chapter 957 to operate a contractor-operated private
1553 correctional facility. The corporation has the same powers,
1554 privileges, and immunities in carrying out such contracts as it
1555 has under this chapter.

1556 Section 41. Subsections (5) and (6) of section 946.503,
1557 Florida Statutes, are amended to read:

1558 946.503 Definitions to be used with respect to correctional
1559 work programs.—As used in this part, the term:

1560 (5) "Inmate" means any person incarcerated within any
1561 state, county, municipal, or contractor-operated private
1562 correctional facility.

1563 (6) "Contractor-operated Private correctional facility"
1564 means a facility authorized by chapter 944 or chapter 957.

1565 Section 42. Subsection (6) of section 951.062, Florida
1566 Statutes, is amended to read:

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1567 951.062 Contractual arrangements for operation and
1568 maintenance of county detention facilities.—

1569 (6) Contractor-employed ~~Private~~ correctional officers
1570 responsible for supervising inmates within the facility shall
1571 meet the requirements necessary for certification by the
1572 Criminal Justice Standards and Training Commission pursuant to
1573 s. 943.1395. However, expenses for such training shall be the
1574 responsibility of the private entity.

1575 Section 43. Section 951.063, Florida Statutes, is amended
1576 to read:

1577 951.063 Contractor-operated ~~privately operated~~ county
1578 correctional facilities.—Each contractor-employed ~~private~~
1579 correctional officer employed by a private entity under contract
1580 to a county commission must be certified as a correctional
1581 officer under s. 943.1395 and must meet the minimum
1582 qualifications established in s. 943.13. The county shall
1583 provide to the Criminal Justice Standards and Training
1584 Commission all necessary fingerprints for Florida Department of
1585 Law Enforcement and Federal Bureau of Investigation background
1586 checks. The Criminal Justice Standards and Training Commission
1587 shall advise the county as to those employees whose
1588 certification has been denied or revoked. Neither the county nor
1589 the private entity shall be the direct recipient of criminal
1590 records.

1591 Section 44. Section 957.05, Florida Statutes, is amended to
1592 read:

1593 957.05 Requirements for contractors operating contractor-
1594 operated ~~private~~ correctional facilities.—

1595 (1) Each contractor entering into a contract under this

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1596 chapter is liable in tort with respect to the care and custody
1597 of inmates under its supervision and for any breach of contract.
1598 Sovereign immunity may not be raised by a contractor, or the
1599 insurer of that contractor on the contractor's behalf, as a
1600 defense in any action arising out of the performance of any
1601 contract entered into under this chapter or as a defense in
1602 tort, or any other application, with respect to the care and
1603 custody of inmates under the contractor's supervision and for
1604 any breach of contract.

1605 (2) (a) The training requirements, including inservice
1606 training requirements, for employees of a contractor that
1607 assumes the responsibility for the operation and maintenance of
1608 a contractor-operated private correctional facility must meet or
1609 exceed the requirements for similar employees of the department
1610 or the training requirements mandated for accreditation by the
1611 American Correctional Association, whichever of those
1612 requirements are the more demanding. All employee training
1613 expenses are the responsibility of the contractor.

1614 (b) Employees of a contractor who are responsible for the
1615 supervision of inmates shall have the same legal authority to
1616 rely on nondeadly and deadly force as do similar employees of
1617 the department.

1618 (3) Any contractor or person employed by a contractor
1619 operating a correctional or detention facility pursuant to a
1620 contract executed under this chapter shall be exempt from the
1621 requirements of chapter 493, relating to licensure of private
1622 investigators and security officers.

1623 Section 45. Subsection (2) of section 957.06, Florida
1624 Statutes, is amended to read:

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1625 957.06 Powers and duties not delegable to contractor.—A
1626 contract entered into under this chapter does not authorize,
1627 allow, or imply a delegation of authority to the contractor to:

1628 (2) Choose the facility to which an inmate is initially
1629 assigned or subsequently transferred. The contractor may
1630 request, in writing, that an inmate be transferred to a facility
1631 operated by the department. The contractor and the department
1632 shall develop and implement a cooperative agreement for
1633 transferring inmates between a correctional facility operated by
1634 the department and a contractor-operated private correctional
1635 facility. The department and the contractor must comply with the
1636 cooperative agreement.

1637 Section 46. Section 957.08, Florida Statutes, is amended to
1638 read:

1639 957.08 Capacity requirements.—The department shall transfer
1640 and assign prisoners to each contractor-operated private
1641 correctional facility opened pursuant to this chapter in an
1642 amount not less than 90 percent or more than 100 percent of the
1643 capacity of the facility pursuant to the contract. The prisoners
1644 transferred by the department shall represent a cross-section of
1645 the general inmate population, based on the grade of custody or
1646 the offense of conviction, at the most comparable facility
1647 operated by the department.

1648 Section 47. Subsection (1) of section 957.09, Florida
1649 Statutes, is amended to read:

1650 957.09 Applicability of chapter to other provisions of
1651 law.—

1652 (1) (a) Any offense that if committed at a state
1653 correctional facility would be a crime is a crime if committed

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1654 by or with regard to inmates at contractor-operated private
1655 correctional facilities operated pursuant to a contract entered
1656 into under this chapter.

1657 (b) All laws relating to commutation of sentences, release
1658 and parole eligibility, and the award of sentence credits apply
1659 to inmates incarcerated in a contractor-operated private
1660 correctional facility operated pursuant to a contract entered
1661 into under this chapter.

1662 Section 48. Section 957.13, Florida Statutes, is amended to
1663 read:

1664 957.13 Background checks.—

1665 (1) The Florida Department of Law Enforcement may accept
1666 fingerprints of individuals who apply for employment at a
1667 contractor-operated private correctional facility and who are
1668 required to have background checks under the provisions of this
1669 chapter.

1670 (2) The Florida Department of Law Enforcement may, to the
1671 extent provided for by federal law, provide for the exchange of
1672 state, multistate, and federal criminal history records of
1673 individuals who apply for employment at a contractor-operated
1674 private correctional facility for the purpose of conducting
1675 background checks as required by law or contract.

1676 Section 49. Section 957.14, Florida Statutes, is amended to
1677 read:

1678 957.14 Contract termination and control of a correctional
1679 facility by the department.—A detailed plan shall be provided by
1680 a private vendor under which the department shall assume
1681 temporary control of a contractor-operated private correctional
1682 facility upon termination of the contract. The department may

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1683 terminate the contract with cause after written notice of
1684 material deficiencies and after 60 workdays in order to correct
1685 the material deficiencies. If any event occurs that involves the
1686 noncompliance with or violation of contract terms and that
1687 presents a serious threat to the safety, health, or security of
1688 the inmates, employees, or the public, the department may
1689 temporarily assume control of the contractor-operated private
1690 correctional facility. A plan shall also be provided by a
1691 private vendor for the purchase and temporary assumption of
1692 operations of a correctional facility by the department in the
1693 event of bankruptcy or the financial insolvency of the private
1694 vendor. The private vendor shall provide an emergency plan to
1695 address inmate disturbances, employee work stoppages, strikes,
1696 or other serious events in accordance with standards of the
1697 American Correctional Association.

1698 Section 50. Paragraph (p) of subsection (1) of section
1699 960.001, Florida Statutes, is amended to read:

1700 960.001 Guidelines for fair treatment of victims and
1701 witnesses in the criminal justice and juvenile justice systems.—

1702 (1) The Department of Legal Affairs, the state attorneys,
1703 the Department of Corrections, the Department of Juvenile
1704 Justice, the Florida Commission on Offender Review, the State
1705 Courts Administrator and circuit court administrators, the
1706 Department of Law Enforcement, and every sheriff's department,
1707 police department, or other law enforcement agency as defined in
1708 s. 943.10(4) shall develop and implement guidelines for the use
1709 of their respective agencies, which guidelines are consistent
1710 with the purposes of this act and s. 16(b), Art. I of the State
1711 Constitution and are designed to implement s. 16(b), Art. I of

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1712 the State Constitution and to achieve the following objectives:

1713 (p) *Information concerning escape from a state correctional*
1714 *institution, county jail, juvenile detention facility, or*
1715 *residential commitment facility.*—In any case where an offender
1716 escapes from a state correctional institution, contractor-
1717 operated private correctional facility, county jail, juvenile
1718 detention facility, or residential commitment facility, the
1719 institution of confinement shall immediately notify the state
1720 attorney of the jurisdiction where the criminal charge or
1721 petition for delinquency arose and the judge who imposed the
1722 sentence of incarceration. The state attorney shall thereupon
1723 make every effort to notify the victim, material witness,
1724 parents or legal guardian of a minor who is a victim or witness,
1725 or immediate relatives of a homicide victim of the escapee. The
1726 state attorney shall also notify the sheriff of the county where
1727 the criminal charge or petition for delinquency arose. The
1728 sheriff shall offer assistance upon request. When an escaped
1729 offender is subsequently captured or is captured and returned to
1730 the institution of confinement, the institution of confinement
1731 shall again immediately notify the appropriate state attorney
1732 and sentencing judge pursuant to this section.

1733 Section 51. Paragraph (a) of subsection (3) of section
1734 985.481, Florida Statutes, is amended to read:

1735 985.481 Sexual offenders adjudicated delinquent;
1736 notification upon release.—

1737 (3) (a) The department shall provide information regarding
1738 any sexual offender who is being released after serving a period
1739 of residential commitment under the department for any offense,
1740 as follows:

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1741 1. The department shall provide the sexual offender's name,
1742 any change in the offender's name by reason of marriage or other
1743 legal process, and any alias, if known; the correctional
1744 facility from which the sexual offender is released; the sexual
1745 offender's social security number, race, sex, date of birth,
1746 height, weight, and hair and eye color; tattoos or other
1747 identifying marks; the make, model, color, vehicle
1748 identification number (VIN), and license tag number of all
1749 vehicles owned; address of any planned permanent residence or
1750 temporary residence, within the state or out of state, including
1751 a rural route address and a post office box; if no permanent or
1752 temporary address, any transient residence within the state;
1753 address, location or description, and dates of any known future
1754 temporary residence within the state or out of state; date and
1755 county of disposition and each crime for which there was a
1756 disposition; a copy of the offender's fingerprints, palm prints,
1757 and a digitized photograph taken within 60 days before release;
1758 the date of release of the sexual offender; all home telephone
1759 numbers and cellular telephone numbers required to be provided
1760 pursuant to s. 943.0435(4)(e); all electronic mail addresses and
1761 Internet identifiers required to be provided pursuant to s.
1762 943.0435(4)(e); information about any professional licenses the
1763 offender has, if known; and passport information, if he or she
1764 has a passport, and, if he or she is an alien, information about
1765 documents establishing his or her immigration status. The
1766 department shall notify the Department of Law Enforcement if the
1767 sexual offender escapes, absconds, or dies. If the sexual
1768 offender is in the custody of a contractor-operated private
1769 correctional facility, the facility shall take the digitized

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1770 photograph of the sexual offender within 60 days before the
1771 sexual offender's release and also place it in the sexual
1772 offender's file. If the sexual offender is in the custody of a
1773 local jail, the custodian of the local jail shall register the
1774 offender within 3 business days after intake of the offender for
1775 any reason and upon release, and shall notify the Department of
1776 Law Enforcement of the sexual offender's release and provide to
1777 the Department of Law Enforcement the information specified in
1778 this subparagraph and any information specified in subparagraph
1779 2. which the Department of Law Enforcement requests.

1780 2. The department may provide any other information
1781 considered necessary, including criminal and delinquency
1782 records, when available.

1783 Section 52. Paragraph (h) of subsection (1), paragraph (a)
1784 of subsection (6), and subsection (12) of section 985.4815,
1785 Florida Statutes, are amended to read:

1786 985.4815 Notification to Department of Law Enforcement of
1787 information on juvenile sexual offenders.—

1788 (1) As used in this section, the term:

1789 (h) "Sexual offender" means a person who is in the care or
1790 custody or under the jurisdiction or supervision of the
1791 department or is in the custody of a contractor-operated private
1792 correctional facility and who:

1793 1. Has been adjudicated delinquent as provided in s.
1794 943.0435(1)(h)1.d.; or

1795 2. Establishes or maintains a residence in this state and
1796 has not been designated as a sexual predator by a court of this
1797 state but has been designated as a sexual predator, as a
1798 sexually violent predator, or by another sexual offender

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1799 designation in another state or jurisdiction and was, as a
1800 result of such designation, subjected to registration or
1801 community or public notification, or both, or would be if the
1802 person were a resident of that state or jurisdiction, without
1803 regard to whether the person otherwise meets the criteria for
1804 registration as a sexual offender.

1805 (6)(a) The information provided to the Department of Law
1806 Enforcement must include the following:

1807 1. The information obtained from the sexual offender under
1808 subsection (4).

1809 2. The sexual offender's most current address and place of
1810 permanent, temporary, or transient residence within the state or
1811 out of state, and address, location or description, and dates of
1812 any current or known future temporary residence within the state
1813 or out of state, while the sexual offender is in the care or
1814 custody or under the jurisdiction or supervision of the
1815 department in this state, including the name of the county or
1816 municipality in which the offender permanently or temporarily
1817 resides, or has a transient residence, and address, location or
1818 description, and dates of any current or known future temporary
1819 residence within the state or out of state; and, if known, the
1820 intended place of permanent, temporary, or transient residence,
1821 and address, location or description, and dates of any current
1822 or known future temporary residence within the state or out of
1823 state upon satisfaction of all sanctions.

1824 3. The legal status of the sexual offender and the
1825 scheduled termination date of that legal status.

1826 4. The location of, and local telephone number for, any
1827 department office that is responsible for supervising the sexual

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1828 offender.

1829 5. An indication of whether the victim of the offense that
1830 resulted in the offender's status as a sexual offender was a
1831 minor.

1832 6. The offense or offenses at adjudication and disposition
1833 that resulted in the determination of the offender's status as a
1834 sex offender.

1835 7. A digitized photograph of the sexual offender, which
1836 must have been taken within 60 days before the offender was
1837 released from the custody of the department or a contractor-
1838 operated private correctional facility by expiration of sentence
1839 under s. 944.275, or within 60 days after the onset of the
1840 department's supervision of any sexual offender who is on
1841 probation, postcommitment probation, residential commitment,
1842 nonresidential commitment, licensed child-caring commitment,
1843 community control, conditional release, parole, provisional
1844 release, or control release or who is supervised by the
1845 department under the Interstate Compact Agreement for
1846 Probationers and Parolees. If the sexual offender is in the
1847 custody of a contractor-operated private correctional facility,
1848 the facility shall take a digitized photograph of the sexual
1849 offender within the time period provided in this subparagraph
1850 and shall provide the photograph to the department.

1851 (12) Any person who has reason to believe that a sexual
1852 offender is not complying, or has not complied, with the
1853 requirements of this section and who, with the intent to assist
1854 the sexual offender in eluding a law enforcement agency that is
1855 seeking to find the sexual offender to question the sexual
1856 offender about, or to arrest the sexual offender for, his or her

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1857 noncompliance with the requirements of this section:

1858 (a) Withholds information from, or does not notify, the law
1859 enforcement agency about the sexual offender's noncompliance
1860 with the requirements of this section and, if known, the
1861 whereabouts of the sexual offender;

1862 (b) Harbors, attempts to harbor, or assists another person
1863 in harboring or attempting to harbor the sexual offender;

1864 (c) Conceals, attempts to conceal, or assists another
1865 person in concealing or attempting to conceal the sexual
1866 offender; or

1867 (d) Provides information to the law enforcement agency
1868 regarding the sexual offender that the person knows to be false

1870 commits a felony of the third degree, punishable as provided in
1871 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1872 apply if the sexual offender is incarcerated in or is in the
1873 custody of a state correctional facility, a contractor-operated
1874 private correctional facility, a local jail, or a federal
1875 correctional facility.

1876 Section 53. This act shall take effect July 1, 2024.