

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Stark offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 944.31, Florida Statutes, is amended to
7 read:

8 944.31 Inspector general; inspectors; power and duties.—

9 (1) The inspector general shall be responsible for prison
 10 inspection and investigation, internal affairs investigations,
 11 and management reviews. The office of the inspector general
 12 shall be charged with the duty of inspecting the penal and
 13 correctional systems of the state.

14 (2) The office of the inspector general shall inspect each
 15 correctional institution or any place in which state prisoners
 16 are housed, worked, or kept within the state, with reference to

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17 its physical conditions, cleanliness, sanitation, safety, and
18 comfort; the quality and supply of all bedding; the quality,
19 quantity, and diversity of food served and the manner in which
20 it is served; the number and condition of the prisoners confined
21 therein; and the general conditions of each institution.

22 (3) The office of inspector general shall see that all the
23 rules and regulations issued by the department are strictly
24 observed and followed by all persons connected with the
25 correctional systems of the state. The office of the inspector
26 general shall coordinate and supervise the work of inspectors
27 throughout the state.

28 (4) The inspector general and inspectors may enter any
29 place where prisoners in this state are kept and shall be
30 immediately admitted to such place as they desire and may
31 consult and confer with any prisoner privately and without
32 molestation.

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

36 (b) The secretary may designate persons within the office
37 of the inspector general as law enforcement officers to conduct
38 any criminal investigation that occurs on property owned or
39 leased by the department or involves matters over which the
40 department has jurisdiction. All criminal investigations
41 involving matters over which the department has jurisdiction at

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42 contractor-operated correctional facilities, as defined in s.
43 944.710, may be conducted by the law enforcement officers of the
44 office of the inspector general.

45 (c) A person designated as a law enforcement officer must
46 be certified pursuant to s. 943.1395 and must have a minimum of
47 3 years' experience as an inspector in the inspector general's
48 office or as a law enforcement officer.

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

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

57 (f) For matters over which the department has
58 jurisdiction, persons designated as law enforcement officers
59 under this subsection ~~section~~ shall have the same arrest
60 authority ~~to arrest~~ as provided for law enforcement officers
61 generally in ch. 901, with or without a warrant, and may make
62 arrests consistent with such authority in the following
63 circumstances, including an arrest of:

64 1. Any prisoner of or visitor to a state correctional
65 institution or a contractor-operated correctional facility, for
66 a violation of the criminal laws of the state involving an

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67 ~~offense classified as a felony that occurs on property owned or~~
68 ~~leased by the department or on the property of a contractor-~~
69 ~~operated correctional facility; and may arrest~~

70 2. ~~Offenders who have escaped or absconded from custody; -~~
71 ~~Persons designated as law enforcement officers have the~~
72 ~~authority to arrest with or without a warrant~~

73 3. A staff member of the department, including any
74 contract employee, subcontractor, or volunteer, for a violation
75 of the criminal laws of the state that occurs involving an
76 ~~offense classified as a felony under this chapter or chapter 893~~
77 ~~on property owned or leased by the department, or any~~
78 ~~contractor-operated correctional facility staff member, contract~~
79 ~~employee, subcontractor, or volunteer at any contractor-operated~~
80 ~~correctional facility for a violation of the criminal laws of~~
81 ~~the state that occurs on the property of a contractor-operated~~
82 ~~correctional facility; or ~~. A person designated as a law~~~~
83 ~~enforcement officer under this section may make arrests of~~

84 4. ~~Persons against whom arrest warrants have been issued,~~
85 ~~including arrests of offenders who have escaped or absconded~~
86 ~~from custody.~~

87 (g) For any arrest made by a person designated as a law
88 ~~enforcement officer under this subsection, the arrested person~~
89 ~~shall be surrendered without delay to the sheriff of the county~~
90 ~~in which the arrest is made, with a formal complaint~~
91 ~~subsequently made against her or him in accordance with law.~~

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92 Section 2. Section 944.710, Florida Statutes, is amended
93 to read:

94 944.710 Definitions of terms relating to contractor-
95 operated ~~private operation~~ of state correctional facilities and
96 s. 944.105.—As used with respect to contractor-operated ~~private~~
97 ~~operation~~ of state correctional facilities and s. 944.105, the
98 term:

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

103 (2) "Department" means the Department of Corrections.

104 ~~(4)-(3)~~ "Contractor-operated ~~private~~ correctional facility"
105 means any facility, which is not operated by the department, for
106 the incarceration of adults or juveniles who have been sentenced
107 by a court and committed to the custody of the department.

108 ~~(3)-(4)~~ "Contractor-employed ~~Private~~ correctional officer"
109 means any full-time or part-time employee of a private vendor
110 whose primary responsibility is the supervision, protection,
111 care, and control of prisoners within a contractor-operated
112 ~~private~~ correctional facility.

113 (5) "Private vendor" means any individual, partnership,
114 corporation, or unincorporated association bound by contract
115 with the department to construct, lease, or operate a
116 contractor-operated ~~private~~ correctional facility.

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117 Section 3. Subsections (1), (2), and (3) of section
118 957.04, Florida Statutes, are amended to read:

119 957.04 Contract requirements.—

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

123 (a) Unless otherwise specified herein, is not exempt from
124 chapter 287, including the competitive solicitation requirements
125 thereof. However, if there is a direct conflict between this
126 chapter and chapter 287, this chapter shall control. Contracts
127 entered into under this chapter for the operation of contractor-
128 operated correctional facilities are not considered to be
129 outsourced as defined in s. 287.012. The specific outsourcing
130 requirements in s. 287.0571 are not required under this section.

131 (b)-(a) Be executed negotiated with the contractor firm
132 found most qualified. However, a contract for contractor-
133 operated ~~private~~ correctional services may not be entered into
134 by the department unless the department determines that the
135 contractor has demonstrated that it has:

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

138 2. The ability to expedite the siting, design, and
139 construction of correctional facilities.

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

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142 ~~(c)-(b)~~ Indemnify the state and the department, including
143 their officials and agents, against any and all liability,
144 including, but not limited to, civil rights liability. Proof of
145 satisfactory insurance is required in an amount to be determined
146 by the department.

147 ~~(d)-(e)~~ Require that the contractor seek, obtain, and
148 maintain accreditation by the American Correctional Association
149 for the facility under that contract. Compliance with amendments
150 to the accreditation standards of the association is required
151 upon the approval of such amendments by the department.

152 ~~(e)-(d)~~ Require that the proposed facilities and the
153 management plans for the inmates meet applicable American
154 Correctional Association standards and the requirements of all
155 applicable court orders and state law.

156 ~~(f)-(e)~~ Establish operations standards for correctional
157 facilities subject to the contract. However, if the department
158 and the contractor disagree with an operations standard, the
159 contractor may propose to waive any rule, policy, or procedure
160 of the department related to the operations standards of
161 correctional facilities which is inconsistent with the mission
162 of the contractor to establish cost-effective, contractor-
163 operated ~~privately operated~~ correctional facilities. The
164 department shall be responsible for considering all requests
165 ~~proposals~~ from the contractor to waive any rule, policy, or

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166 procedure and shall render a final decision granting or denying
167 such request.

168 ~~(g)-(f)~~ Require the contractor to be responsible for a
169 range of dental, medical, and psychological services; diet;
170 education; and work programs at least equal to those provided by
171 the department in comparable facilities. The work and education
172 programs must be designed to reduce recidivism, and include
173 opportunities to participate in such work programs as authorized
174 pursuant to s. 946.523.

175 ~~(h)-(g)~~ Require the selection and appointment of a full-
176 time contract monitor. The contract monitor shall be appointed
177 and supervised by the department. The contractor is required to
178 reimburse the department for the salary and expenses of the
179 contract monitor. It is the obligation of the contractor to
180 provide suitable office space for the contract monitor at the
181 correctional facility. The contract monitor shall have unlimited
182 access to the correctional facility.

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

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

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190 (a) Notwithstanding any provision of chapter 255 to the
191 contrary, a specific provision authorizing the use of tax-exempt
192 financing through the issuance of tax-exempt bonds, certificates
193 of participation, lease-purchase agreements, or other tax-exempt
194 financing methods. Pursuant to s. 255.25, approval is hereby
195 provided for the lease-purchase of up to two contractor-operated
196 ~~private~~ correctional facilities and any other facility
197 authorized by the General Appropriations Act.

198 (b) A specific provision requiring the design and
199 construction of the proposed facilities to meet the applicable
200 standards of the American Correctional Association and the
201 requirements of all applicable court orders and state law.

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

206 (d) A specific provision stating that the state is not
207 obligated for any payments that exceed the amount of the current
208 annual appropriation.

209 (3)(a) Each contract for the designing, financing,
210 acquiring, leasing, constructing, and operating of a contractor-
211 operated ~~private~~ correctional facility shall be subject to ss.
212 255.2502 and 255.2503.

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

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215 juvenile commitment facility shall be subject to ss. 255.2502
216 and 255.2503.

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

219 957.07 Cost-saving requirements.—

220 (4) The department shall provide a report detailing the
221 state cost to design, finance, acquire, lease, construct, and
222 operate a facility similar to the contractor-operated ~~private~~
223 correctional facility on a per diem basis. This report shall be
224 provided to the Auditor General in sufficient time that it may
225 be certified to be included in the competitive solicitation
226 ~~request for proposals.~~

227 ~~(5)(a) At the request of the Speaker of the House of~~
228 ~~Representatives or the President of the Senate, the Prison Per-~~
229 ~~Diem Workgroup shall develop consensus per diem rates for use by~~
230 ~~the Legislature. The Office of Program Policy Analysis and~~
231 ~~Government Accountability and the staffs of the appropriations~~
232 ~~committees of both the Senate and the House of Representatives~~
233 ~~are the principals of the workgroup. The workgroup may consult~~
234 ~~with other experts to assist in the development of the consensus~~
235 ~~per diem rates. All meetings of the workgroup shall be open to~~
236 ~~the public as provided in chapter 286.~~

237 ~~(b) When developing the consensus per diem rates, the~~
238 ~~workgroup must:~~

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239 ~~1. Use data provided by the department from the most~~
240 ~~recent fiscal year to determine per diem costs for the following~~
241 ~~activities:~~

- 242 ~~a. Custody and control;~~
243 ~~b. Health services;~~
244 ~~c. Substance abuse programs; and~~
245 ~~d. Educational programs;~~

246 ~~2. Include the cost of departmental, regional,~~
247 ~~institutional, and program administration and any other fixed~~
248 ~~costs of the department;~~

249 ~~3. Calculate average per diem rates for the following~~
250 ~~offender populations: adult male, youthful offender male, and~~
251 ~~female; and~~

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

254 ~~(c) The consensus per diem rates determined by the~~
255 ~~workgroup may be used to assist the Legislature in determining~~
256 ~~the level of funding provided to privately operated prisons to~~
257 ~~meet the 7-percent savings required of private prisons by this~~
258 ~~chapter.~~

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

262 Section 5. Section 957.12, Florida Statutes, is amended to
263 read:

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264 957.12 Prohibition on contact.—Except in writing to the
265 procurement office or as provided in the solicitation documents,
266 a bidder or potential bidder is not permitted to have any
267 contact with any member or employee of or consultant to the
268 department regarding a competitive solicitation ~~request for~~
269 ~~proposal~~, a proposal, or the evaluation or selection process
270 from the time a request for proposals for a contractor-operated
271 ~~private~~ correctional facility is issued until the time a
272 notification of intent to award is announced, ~~except if such~~
273 ~~contact is in writing or in a meeting for which notice was~~
274 ~~provided in the Florida Administrative Register.~~

275 Section 6. Section 957.15, Florida Statutes, is amended to
276 read:

277 957.15 Funding of contracts for operation, maintenance,
278 and lease-purchase of contractor-operated ~~private~~ correctional
279 facilities.—The request for appropriation of funds to make
280 payments pursuant to contracts entered into by the department
281 for the operation, maintenance, and lease-purchase of the
282 contractor-operated ~~private~~ correctional facilities authorized
283 by this chapter shall be included in its budget request to the
284 Legislature as a separately identified item. ~~After an~~
285 ~~appropriation has been made by the Legislature to the department~~
286 ~~for the private correctional facilities, the department shall~~
287 ~~have no authority over such funds other than to pay from such~~

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288 ~~appropriation to the appropriate private vendor such amounts as~~
289 ~~are certified for payment by the department.~~

290 Section 7. Paragraph (a) of subsection (2) of section
291 330.41, Florida Statutes, is amended to read:

292 330.41 Unmanned Aircraft Systems Act.—

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

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

- 300 1. A power generation or transmission facility,
301 substation, switching station, or electrical control center.
- 302 2. A chemical or rubber manufacturing or storage facility.
- 303 3. A water intake structure, water treatment facility,
304 wastewater treatment plant, or pump station.
- 305 4. A mining facility.
- 306 5. A natural gas or compressed gas compressor station,
307 storage facility, or natural gas or compressed gas pipeline.
- 308 6. A liquid natural gas or propane gas terminal or storage
309 facility.
- 310 7. Any portion of an aboveground oil or gas pipeline.
- 311 8. A refinery.

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

314 10. A wireless communications facility, including the
315 tower, antennae, support structures, and all associated ground-
316 based equipment.

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

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

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

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

326 15. A military installation as defined in 10 U.S.C. s.
327 2801(c)(4) and an armory as defined in s. 250.01.

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

331 17. A state correctional institution as defined in s.
332 944.02 or a contractor-operated ~~private~~ correctional facility
333 authorized under chapter 957.

334 18. A secure detention center or facility as defined in s.
335 985.03, or a nonsecure residential facility, a high-risk

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336 residential facility, or a maximum-risk residential facility as
337 those terms are described in s. 985.03(44).

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

339 20. A critical infrastructure facility as defined in s.
340 692.201.

341 Section 8. Paragraph (b) of subsection (3) of section
342 553.865, Florida Statutes, is amended to read:

343 553.865 Private spaces.—

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

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

348 Section 9. Paragraph (e) of subsection (1) of section
349 633.218, Florida Statutes, is amended to read:

350 633.218 Inspections of state buildings and premises; tests
351 of firesafety equipment; building plans to be approved.—

352 (1)

353 (e) For purposes of this section:

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

356 (I) That contains combustible or explosive matter or
357 flammable conditions dangerous to the safety of life or
358 property;

359 (II) At which persons receive educational instruction;

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360 (III) At which persons reside, excluding private
361 dwellings; or

362 (IV) Containing three or more floor levels.

363 b. As used in this subparagraph, the phrase "building or
364 structure":

365 (I) Includes, but is not limited to, all hospitals and
366 residential health care facilities, nursing homes and other
367 adult care facilities, correctional or detention facilities,
368 public schools, public lodging establishments, migrant labor
369 camps, residential child care facilities, and self-service
370 gasoline stations.

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

374 2. The term "state-owned building" includes contractor-
375 operated ~~private~~ correctional facilities as defined under s.
376 944.710 ~~s. 944.710(3)~~.

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

380 775.21 The Florida Sexual Predators Act.—

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

382 (e) "Conviction" means a determination of guilt which is
383 the result of a trial or the entry of a plea of guilty or nolo
384 contendere, regardless of whether adjudication is withheld. A

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385 conviction for a similar offense includes, but is not limited
386 to, a conviction by a federal or military tribunal, including
387 courts-martial conducted by the Armed Forces of the United
388 States, and includes a conviction or entry of a plea of guilty
389 or nolo contendere resulting in a sanction in any state of the
390 United States or other jurisdiction. A sanction includes, but is
391 not limited to, a fine, probation, community control, parole,
392 conditional release, control release, or incarceration in a
393 state prison, federal prison, contractor-operated ~~private~~
394 correctional facility, or local detention facility.

395 (6) REGISTRATION.—

396 (b) If the sexual predator is in the custody or control
397 of, or under the supervision of, the Department of Corrections,
398 or is in the custody of a contractor-operated ~~private~~
399 correctional facility, the sexual predator shall register with
400 the Department of Corrections. A sexual predator who is under
401 the supervision of the Department of Corrections but who is not
402 incarcerated shall register with the Department of Corrections
403 within 3 business days after the court finds the offender to be
404 a sexual predator. The Department of Corrections shall provide
405 to the department registration information and the location of,
406 and local telephone number for, any Department of Corrections
407 office that is responsible for supervising the sexual predator.
408 In addition, the Department of Corrections shall notify the

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409 department if the sexual predator escapes or absconds from
410 custody or supervision or if the sexual predator dies.

411 (e)1. If the sexual predator is not in the custody or
412 control of, or under the supervision of, the Department of
413 Corrections or is not in the custody of a contractor-operated
414 ~~private~~ correctional facility, the sexual predator shall
415 register in person:

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

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

422 2. Any change that occurs after the sexual predator
423 registers in person at the sheriff's office as provided in
424 subparagraph 1. in any of the following information related to
425 the sexual predator must be reported as provided in paragraphs
426 (g), (i), and (j): permanent, temporary, or transient residence;
427 name; vehicles owned; electronic mail addresses; Internet
428 identifiers and each Internet identifier's corresponding website
429 homepage or application software name; home and cellular
430 telephone numbers; employment information; and change in status
431 at an institution of higher education. When a sexual predator
432 registers with the sheriff's office, the sheriff shall take a
433 photograph, a set of fingerprints, and palm prints of the

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434 predator and forward the photographs, palm prints, and
435 fingerprints to the department, along with the information that
436 the predator is required to provide pursuant to this section.

437 (10) PENALTIES.—

438 (g) Any person who has reason to believe that a sexual
439 predator is not complying, or has not complied, with the
440 requirements of this section and who, with the intent to assist
441 the sexual predator in eluding a law enforcement agency that is
442 seeking to find the sexual predator to question the sexual
443 predator about, or to arrest the sexual predator for, his or her
444 noncompliance with the requirements of this section:

445 1. Withholds information from, or does not notify, the law
446 enforcement agency about the sexual predator's noncompliance
447 with the requirements of this section, and, if known, the
448 whereabouts of the sexual predator;

449 2. Harbors, or attempts to harbor, or assists another
450 person in harboring or attempting to harbor, the sexual
451 predator;

452 3. Conceals or attempts to conceal, or assists another
453 person in concealing or attempting to conceal, the sexual
454 predator; or

455 4. Provides information to the law enforcement agency
456 regarding the sexual predator which the person knows to be false
457 information,

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459 commits a felony of the third degree, punishable as provided in
460 s. 775.082, s. 775.083, or s. 775.084. This paragraph does not
461 apply if the sexual predator is incarcerated in or is in the
462 custody of a state correctional facility, a contractor-operated
463 ~~private~~ correctional facility, a local jail, or a federal
464 correctional facility.

465 Section 11. Paragraph (a) of subsection (3) and paragraph
466 (a) of subsection (4) of section 775.261, Florida Statutes, are
467 amended to read:

468 775.261 The Florida Career Offender Registration Act.—

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

470 (a) A career offender released on or after July 1, 2002,
471 from a sanction imposed in this state must register as required
472 under subsection (4) and is subject to community and public
473 notification as provided under subsection (5). For purposes of
474 this section, a sanction imposed in this state includes, but is
475 not limited to, a fine, probation, community control, parole,
476 conditional release, control release, or incarceration in a
477 state prison, contractor-operated ~~private~~ correctional facility,
478 or local detention facility, and:

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

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

485 (4) REGISTRATION.—

486 (a) A career offender must register with the department by
487 providing the following information to the department, or to the
488 sheriff's office in the county in which the career offender
489 establishes or maintains a permanent or temporary residence,
490 within 2 working days after establishing permanent or temporary
491 residence in this state or within 2 working days after being
492 released from the custody, control, or supervision of the
493 Department of Corrections or from the custody of a contractor-
494 operated ~~private~~ correctional facility:

495 1. Name, social security number, age, race, gender, date
496 of birth, height, weight, hair and eye color, photograph,
497 address of legal residence and address of any current temporary
498 residence within the state or out of state, including a rural
499 route address or a post office box, date and place of any
500 employment, date and place of each conviction, fingerprints, and
501 a brief description of the crime or crimes committed by the
502 career offender. A career offender may not provide a post office
503 box in lieu of a physical residential address. If the career
504 offender's place of residence is a motor vehicle, trailer,
505 mobile home, or manufactured home, as defined in chapter 320,
506 the career offender shall also provide to the department written

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507 notice of the vehicle identification number; the license tag
508 number; the registration number; and a description, including
509 color scheme, of the motor vehicle, trailer, mobile home, or
510 manufactured home. If a career offender's place of residence is
511 a vessel, live-aboard vessel, or houseboat, as defined in
512 chapter 327, the career offender shall also provide to the
513 department written notice of the hull identification number; the
514 manufacturer's serial number; the name of the vessel, live-
515 aboard vessel, or houseboat; the registration number; and a
516 description, including color scheme, of the vessel, live-aboard
517 vessel, or houseboat.

518 2. Any other information determined necessary by the
519 department, including criminal and corrections records;
520 nonprivileged personnel and treatment records; and evidentiary
521 genetic markers when available.

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

524 784.078 Battery of facility employee by throwing, tossing,
525 or expelling certain fluids or materials.—

526 (1) As used in this section, the term "facility" means a
527 state correctional institution defined in s. 944.02(8); a
528 contractor-operated ~~private~~ correctional facility defined in s.
529 944.710 or under chapter 957; a county, municipal, or regional
530 jail or other detention facility of local government under
531 chapter 950 or chapter 951; or a secure facility operated and

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532 maintained by the Department of Corrections or the Department of
533 Juvenile Justice.

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

536 800.09 Lewd or lascivious exhibition in the presence of an
537 employee.—

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

539 (a) "Employee" means:

540 1. Any person employed by or performing contractual
541 services for a public or private entity operating a state
542 correctional institution or contractor-operated ~~private~~
543 correctional facility;

544 2. Any person employed by or performing contractual
545 services for the corporation operating the prison industry
546 enhancement programs or the correctional work programs under
547 part II of chapter 946;

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

550 4. Any person employed at or performing contractual
551 services for a county detention facility.

552 (b) "Facility" means a state correctional institution as
553 defined in s. 944.02, a contractor-operated ~~private~~ correctional
554 facility as defined in s. 944.710, or a county detention
555 facility as defined in s. 951.23.

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

559 943.0435 Sexual offenders required to register with the
560 department; penalty.—

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

562 (b) "Convicted" means that there has been a determination
563 of guilt as a result of a trial or the entry of a plea of guilty
564 or nolo contendere, regardless of whether adjudication is
565 withheld, and includes an adjudication of delinquency of a
566 juvenile as specified in this section. Conviction of a similar
567 offense includes, but is not limited to, a conviction by a
568 federal or military tribunal, including courts-martial conducted
569 by the Armed Forces of the United States, and includes a
570 conviction or entry of a plea of guilty or nolo contendere
571 resulting in a sanction in any state of the United States or
572 other jurisdiction. A sanction includes, but is not limited to,
573 a fine, probation, community control, parole, conditional
574 release, control release, or incarceration in a state prison,
575 federal prison, contractor-operated ~~private~~ correctional
576 facility, or local detention facility.

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

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580 a.(I) Has been convicted of committing, or attempting,
581 soliciting, or conspiring to commit, any of the criminal
582 offenses proscribed in the following statutes in this state or
583 similar offenses in another jurisdiction: s. 393.135(2); s.
584 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
585 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
586 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
587 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
588 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
589 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
590 s. 895.03, if the court makes a written finding that the
591 racketeering activity involved at least one sexual offense
592 listed in this sub-sub-subparagraph or at least one offense
593 listed in this sub-sub-subparagraph with sexual intent or
594 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
595 committed in this state which has been redesignated from a
596 former statute number to one of those listed in this sub-sub-
597 subparagraph; and

598 (II) Has been released on or after October 1, 1997, from a
599 sanction imposed for any conviction of an offense described in
600 sub-sub-subparagraph (I) and does not otherwise meet the
601 criteria for registration as a sexual offender under chapter 944
602 or chapter 985. For purposes of this sub-sub-subparagraph, a
603 sanction imposed in this state or in any other jurisdiction
604 means probation, community control, parole, conditional release,

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605 control release, or incarceration in a state prison, federal
606 prison, contractor-operated ~~private~~ correctional facility, or
607 local detention facility. If no sanction is imposed, the person
608 is deemed to be released upon conviction;

609 b. Establishes or maintains a residence in this state and
610 who has not been designated as a sexual predator by a court of
611 this state but who has been designated as a sexual predator, as
612 a sexually violent predator, or by another sexual offender
613 designation in another state or jurisdiction and was, as a
614 result of such designation, subjected to registration or
615 community or public notification, or both, or would be if the
616 person were a resident of that state or jurisdiction, without
617 regard to whether the person otherwise meets the criteria for
618 registration as a sexual offender;

619 c. Establishes or maintains a residence in this state who
620 is in the custody or control of, or under the supervision of,
621 any other state or jurisdiction as a result of a conviction for
622 committing, or attempting, soliciting, or conspiring to commit,
623 any of the criminal offenses proscribed in the following
624 statutes or similar offense in another jurisdiction: s.
625 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
626 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
627 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
628 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
629 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;

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630 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
631 s. 847.0145; s. 895.03, if the court makes a written finding
632 that the racketeering activity involved at least one sexual
633 offense listed in this sub-subparagraph or at least one offense
634 listed in this sub-subparagraph with sexual intent or motive; s.
635 916.1075(2); or s. 985.701(1); or any similar offense committed
636 in this state which has been redesignated from a former statute
637 number to one of those listed in this sub-subparagraph; or
638 d. On or after July 1, 2007, has been adjudicated
639 delinquent for committing, or attempting, soliciting, or
640 conspiring to commit, any of the criminal offenses proscribed in
641 the following statutes in this state or similar offenses in
642 another jurisdiction when the juvenile was 14 years of age or
643 older at the time of the offense:
644 (I) Section 794.011, excluding s. 794.011(10);
645 (II) Section 800.04(4)(a)2. where the victim is under 12
646 years of age or where the court finds sexual activity by the use
647 of force or coercion;
648 (III) Section 800.04(5)(c)1. where the court finds
649 molestation involving unclothed genitals;
650 (IV) Section 800.04(5)(d) where the court finds the use of
651 force or coercion and unclothed genitals; or
652 (V) Any similar offense committed in this state which has
653 been redesignated from a former statute number to one of those
654 listed in this sub-subparagraph.

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

658
659 For each violation of a qualifying offense listed in this
660 subsection, except for a violation of s. 794.011, the court
661 shall make a written finding of the age of the victim at the
662 time of the offense. For a violation of s. 800.04(4), the court
663 shall also make a written finding indicating whether the offense
664 involved sexual activity and indicating whether the offense
665 involved force or coercion. For a violation of s. 800.04(5), the
666 court shall also make a written finding that the offense did or
667 did not involve unclothed genitals or genital area and that the
668 offense did or did not involve the use of force or coercion.

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

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

671 1. In the county in which the offender establishes or
672 maintains a permanent, temporary, or transient residence within
673 48 hours after:

674 a. Establishing permanent, temporary, or transient
675 residence in this state; or

676 b. Being released from the custody, control, or
677 supervision of the Department of Corrections or from the custody
678 of a contractor-operated ~~private~~ correctional facility; or

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679 2. In the county where he or she was convicted within 48
680 hours after being convicted for a qualifying offense for
681 registration under this section if the offender is not in the
682 custody or control of, or under the supervision of, the
683 Department of Corrections, or is not in the custody of a
684 contractor-operated ~~private~~ correctional facility.

685
686 Any change in the information required to be provided pursuant
687 to paragraph (b), including, but not limited to, any change in
688 the sexual offender's permanent, temporary, or transient
689 residence; name; electronic mail addresses; Internet identifiers
690 and each Internet identifier's corresponding website homepage or
691 application software name; home telephone numbers and cellular
692 telephone numbers; employment information; and any change in
693 status at an institution of higher education after the sexual
694 offender reports in person at the sheriff's office must be
695 reported in the manner provided in subsections (4), (7), and
696 (8).

697
698 When a sexual offender reports at the sheriff's office, the
699 sheriff shall take a photograph, a set of fingerprints, and palm
700 prints of the offender and forward the photographs, palm prints,
701 and fingerprints to the department, along with the information
702 provided by the sexual offender. The sheriff shall promptly

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703 provide to the department the information received from the
704 sexual offender.

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

707 943.13 Officers' minimum qualifications for employment or
708 appointment.—On or after October 1, 1984, any person employed or
709 appointed as a full-time, part-time, or auxiliary law
710 enforcement officer or correctional officer; on or after October
711 1, 1986, any person employed as a full-time, part-time, or
712 auxiliary correctional probation officer; and on or after
713 October 1, 1986, any person employed as a full-time, part-time,
714 or auxiliary correctional officer by a private entity under
715 contract to the Department of Corrections or to a county
716 commission shall:

717 (5) Have documentation of his or her processed
718 fingerprints on file with the employing agency or, if a
719 contractor-employed ~~private~~ correctional officer, have
720 documentation of his or her processed fingerprints on file with
721 the Department of Corrections or the Criminal Justice Standards
722 and Training Commission. The department shall retain and enter
723 into the statewide automated biometric identification system
724 authorized by s. 943.05 all fingerprints submitted to the
725 department as required by this section. Thereafter, the
726 fingerprints shall be available for all purposes and uses
727 authorized for arrest fingerprints entered in the statewide

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728 automated biometric identification system pursuant to s.
729 943.051. The department shall search all arrest fingerprints
730 received pursuant to s. 943.051 against the fingerprints
731 retained in the statewide automated biometric identification
732 system pursuant to this section and report to the employing
733 agency any arrest records that are identified with the retained
734 employee's fingerprints. These fingerprints must be forwarded to
735 the department for processing and retention.

736 (8) Execute and submit to the employing agency or, if a
737 contractor-employed ~~private~~ correctional officer, submit to the
738 appropriate governmental entity an affidavit-of-applicant form,
739 adopted by the commission, attesting to his or her compliance
740 with subsections (1)-(7). The affidavit shall require the
741 applicant to disclose any pending investigation by a local,
742 state, or federal agency or entity for criminal, civil, or
743 administrative wrongdoing and whether the applicant separated or
744 resigned from previous criminal justice employment while he or
745 she was under investigation. The affidavit shall be executed
746 under oath and constitutes an official statement within the
747 purview of s. 837.06. The affidavit shall include conspicuous
748 language that the intentional false execution of the affidavit
749 constitutes a misdemeanor of the second degree. The affidavit
750 shall be retained by the employing agency.

751 Section 16. Paragraph (g) of subsection (2) of section
752 943.325, Florida Statutes, is amended to read:

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753 943.325 DNA database.—
754 (2) DEFINITIONS.—As used in this section, the term:
755 (g) "Qualifying offender" means any person, including
756 juveniles and adults, who is:
757 1.a. Committed to a county jail;
758 b. Committed to or under the supervision of the Department
759 of Corrections, including persons incarcerated in a contractor-
760 operated ~~private~~ correctional institution operated under
761 contract pursuant to s. 944.105;
762 c. Committed to or under the supervision of the Department
763 of Juvenile Justice;
764 d. Transferred to this state under the Interstate Compact
765 on Juveniles, part XIII of chapter 985; or
766 e. Accepted under Article IV of the Interstate Corrections
767 Compact, part III of chapter 941; and who is:
768 2.a. Convicted of any felony offense or attempted felony
769 offense in this state or of a similar offense in another
770 jurisdiction;
771 b. Convicted of a misdemeanor violation of s. 784.048, s.
772 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
773 offense that was found, pursuant to s. 874.04, to have been
774 committed for the purpose of benefiting, promoting, or
775 furthering the interests of a criminal gang as defined in s.
776 874.03;

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777 c. Arrested for any felony offense or attempted felony
778 offense in this state; or

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

782 Section 17. Subsections (4), (5), and (7) of section
783 944.105, Florida Statutes, are amended to read:

784 944.105 Contractual arrangements with contractor-operated
785 ~~private~~ entities for operation and maintenance of correctional
786 facilities and supervision of inmates.-

787 (4) A contractor-employed ~~private~~ correctional officer may
788 use force only while on the grounds of a facility, while
789 transporting inmates, and while pursuing escapees from a
790 facility. A contractor-employed ~~private~~ correctional officer may
791 use nondeadly force in the following situations:

792 (a) To prevent the commission of a felony or a
793 misdemeanor, including escape.

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

795 (c) To prevent serious damage to property.

796 (d) To enforce institutional regulations and orders.

797 (e) To prevent or quell a riot.

798

799 Contractor-employed ~~Private~~ correctional officers may carry and
800 use firearms and may use deadly force only as a last resort, and

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801 then only to prevent an act that could result in death or
802 serious bodily injury to oneself or to another person.

803 (5) Contractor-employed ~~Private~~ correctional officers
804 shall be trained in the use of force and the use of firearms and
805 shall be trained at the contractor-operated ~~private~~ firm's
806 expense, at the facilities that train correctional officers
807 employed by the department.

808 (7) The department shall require the certification of
809 contractor-employed ~~private~~ correctional officers at the private
810 vendor's expense under s. 943.1395, and all such officers must
811 meet the minimum qualifications established in s. 943.13. All
812 other employees of the private vendor that perform their duties
813 at the contractor-operated ~~private~~ correctional facility shall
814 receive, at a minimum, the same quality and quantity of training
815 as that required by the state for employees of state-operated
816 correctional facilities. All training expenses shall be the
817 responsibility of the private vendor. The department shall be
818 the contributor and recipient of all criminal background
819 information necessary for certification by the Criminal Justice
820 Standards and Training Commission.

821 Section 18. Subsections (1), (2), (3), and (4) of section
822 944.151, Florida Statutes, are amended to read:

823 944.151 Safe operation and security of correctional
824 institutions and facilities.—It is the intent of the Legislature
825 that the Department of Corrections shall be responsible for the

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826 safe operation and security of the correctional institutions and
827 facilities. The safe operation and security of the state's
828 correctional institutions and facilities are critical to ensure
829 public safety and the safety of department employees and
830 offenders, and to contain violent and chronic offenders until
831 offenders are otherwise released from the department's custody
832 pursuant to law. The Secretary of Corrections shall, at a
833 minimum:

834 (1) Appoint appropriate department staff to a safety and
835 security review committee that shall evaluate new safety and
836 security technology, review and discuss current issues impacting
837 state and contractor-operated ~~private~~ correctional institutions
838 and facilities, and review and discuss other issues as requested
839 by department management.

840 (2) Direct appropriate department staff to establish a
841 periodic schedule for the physical inspection of buildings and
842 structures of each state and contractor-operated ~~private~~
843 correctional institution and facility to determine safety and
844 security deficiencies. In scheduling the inspections, priority
845 shall be given to older institutions and facilities;
846 institutions and facilities that house a large proportion of
847 violent offenders; institutions and facilities that have
848 experienced a significant number of inappropriate incidents of
849 use of force on inmates, assaults on employees, or inmate sexual

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850 abuse; and institutions and facilities that have experienced a
851 significant number of escapes or escape attempts in the past.

852 (3) Direct appropriate department staff to conduct or
853 cause to be conducted announced and unannounced comprehensive
854 security audits of all state and contractor-operated ~~private~~
855 correctional institutions and facilities. Priority shall be
856 given to those institutions and facilities that have experienced
857 a significant number of inappropriate incidents of use of force
858 on inmates, assaults on employees, or sexual abuse. At a
859 minimum, the audit must include an evaluation of the physical
860 plant, landscaping, fencing, security alarms and perimeter
861 lighting, and confinement, arsenal, key and lock, and entrance
862 and exit policies. The evaluation of the physical plant policies
863 must include the identification of blind spots or areas where
864 staff or inmates may be isolated and the deployment of video
865 monitoring systems and other appropriate monitoring technologies
866 in such spots or areas. Each correctional institution and
867 facility shall be audited at least annually. The secretary shall
868 annually report the audit findings to the Governor and the
869 Legislature.

870 (4) Direct appropriate department staff to investigate and
871 evaluate the usefulness and dependability of existing safety and
872 security technology at state and contractor-operated ~~private~~
873 correctional institutions and facilities, investigate and
874 evaluate new available safety and security technology, and make

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875 periodic written recommendations to the secretary on the
876 discontinuation or purchase of various safety and security
877 devices.

878 Section 19. Paragraph (b) of subsection (3) of section
879 944.17, Florida Statutes, is amended to read:

880 944.17 Commitments and classification; transfers.—

881 (3)

882 (b) Notwithstanding paragraph (a), any prisoner
883 incarcerated in the state correctional system or contractor-
884 operated ~~private~~ correctional facility operated pursuant to
885 chapter 957 who is convicted in circuit or county court of a
886 crime committed during that incarceration shall serve the
887 sentence imposed for that crime within the state correctional
888 system regardless of the length of sentence or classification of
889 the offense.

890 Section 20. Paragraph (b) of subsection (3) of section
891 944.35, Florida Statutes, is amended to read:

892 944.35 Authorized use of force; malicious battery and
893 sexual misconduct prohibited; reporting required; penalties.—

894 (3)

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

896 a. "Female genitals" includes the labia minora, labia
897 majora, clitoris, vulva, hymen, and vagina.

898 b. "Contractor-operated ~~Private~~ correctional facility" has
899 the same meaning as in s. 944.710.

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900 c. "Sexual misconduct" means the oral, anal, or female
901 genital penetration by, or union with, the sexual organ of
902 another or the anal or female genital penetration of another by
903 any other object, but does not include an act done for a bona
904 fide medical purpose or an internal search conducted in the
905 lawful performance of the employee's duty.

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

910 2. Any employee of the department or a contractor-operated
911 ~~private~~ correctional facility or any volunteer in, or any
912 employee of a contractor or subcontractor of, the department or
913 a contractor-operated ~~private~~ correctional facility who engages
914 in sexual misconduct with an inmate or an offender supervised by
915 the department in the community, without committing the crime of
916 sexual battery, commits a felony of the third degree, punishable
917 as provided in s. 775.082, s. 775.083, or s. 775.084.

918 3. The consent of the inmate or offender supervised by the
919 department in the community to any act of sexual misconduct may
920 not be raised as a defense to a prosecution under this
921 paragraph.

922 4. This paragraph does not apply to any employee,
923 volunteer, or employee of a contractor or subcontractor of the
924 department or any employee, volunteer, or employee of a

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925 contractor or subcontractor of a contractor-operated ~~private~~
926 correctional facility who is legally married to an inmate or an
927 offender supervised by the department in the community, nor does
928 it apply to any employee, volunteer, or employee of a contractor
929 or subcontractor who has no knowledge, and would have no reason
930 to believe, that the person with whom the employee, volunteer,
931 or employee of a contractor or subcontractor has engaged in
932 sexual misconduct is an inmate or an offender under community
933 supervision of the department.

934 Section 21. Section 944.40, Florida Statutes, is amended
935 to read:

936 944.40 Escapes; penalty.—Any prisoner confined in, or
937 released on furlough from, any prison, jail, contractor-operated
938 ~~private~~ correctional facility, road camp, or other penal
939 institution, whether operated by the state, a county, or a
940 municipality, or operated under a contract with the state, a
941 county, or a municipality, working upon the public roads, or
942 being transported to or from a place of confinement who escapes
943 or attempts to escape from such confinement commits a felony of
944 the second degree, punishable as provided in s. 775.082, s.
945 775.083, or s. 775.084. The punishment of imprisonment imposed
946 under this section shall run consecutive to any former sentence
947 imposed upon any prisoner.

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

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950 944.605 Inmate release; notification; identification
951 card.—

952 (1) Within 6 months before the release of an inmate from
953 the custody of the Department of Corrections or a contractor-
954 operated ~~private~~ correctional facility by expiration of sentence
955 under s. 944.275, any release program provided by law, or parole
956 under chapter 947, or as soon as possible if the offender is
957 released earlier than anticipated, notification of such
958 anticipated release date shall be made known by the Department
959 of Corrections to the chief judge of the circuit in which the
960 offender was sentenced, the appropriate state attorney, the
961 original arresting law enforcement agency, the Department of Law
962 Enforcement, and the sheriff as chief law enforcement officer of
963 the county in which the inmate plans to reside. In addition,
964 unless otherwise requested by the victim, the victim's parent or
965 guardian if the victim is a minor, the lawful representative of
966 the victim or of the victim's parent or guardian if the victim
967 is a minor, the victim's next of kin in the case of a homicide,
968 the state attorney or the Department of Corrections, whichever
969 is appropriate, shall notify such person within 6 months before
970 the inmate's release, or as soon as possible if the offender is
971 released earlier than anticipated, when the name and address of
972 such victim, or the name and address of the parent, guardian,
973 next of kin, or lawful representative of the victim has been
974 furnished to the agency. The state attorney shall provide the

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975 latest address documented for the victim, or for the victim's
976 parent, guardian, next of kin, or lawful representative, as
977 applicable, to the sheriff with the other documents required by
978 law for the delivery of inmates to those agencies for service of
979 sentence. Upon request, within 30 days after an inmate is
980 approved for community work release, the state attorney, the
981 victim, the victim's parent or guardian if the victim is a
982 minor, the victim's next of kin in the case of a homicide, or
983 the lawful representative of the victim or of the victim's
984 parent or guardian if the victim is a minor shall be notified
985 that the inmate has been approved for community work release.
986 This section does not imply any repeal or modification of any
987 provision of law relating to notification of victims.

988 (2) Within 60 days before the anticipated release of an
989 inmate under subsection (1), a digitized photograph of the
990 inmate to be released shall be made by the Department of
991 Corrections or a contractor-operated ~~private~~ correctional
992 facility, whichever has custody of the inmate. If a contractor-
993 operated ~~private~~ correctional facility makes the digitized
994 photograph, this photograph shall be provided to the Department
995 of Corrections. Additionally, the digitized photograph, whether
996 made by the Department of Corrections or a contractor-operated
997 ~~private~~ correctional facility, shall be placed in the inmate's
998 file. The Department of Corrections shall make the digitized
999 photograph available electronically to the Department of Law

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1000 Enforcement as soon as the digitized photograph is in the
1001 department's database and must be in a format that is compatible
1002 with the requirements of the Florida Crime Information Center.
1003 The department shall provide a copy of the digitized photograph
1004 to a local law enforcement agency upon request.

1005 Section 23. Paragraph (a) of subsection (1) and paragraph
1006 (a) of subsection (3) of section 944.606, Florida Statutes, are
1007 amended to read:

1008 944.606 Sexual offenders; notification upon release.—

1009 (1) As used in this section, the term:

1010 (a) "Convicted" means there has been a determination of
1011 guilt as a result of a trial or the entry of a plea of guilty or
1012 nolo contendere, regardless of whether adjudication is withheld.
1013 A conviction for a similar offense includes, but is not limited
1014 to, a conviction by a federal or military tribunal, including
1015 courts-martial conducted by the Armed Forces of the United
1016 States, and includes a conviction or entry of a plea of guilty
1017 or nolo contendere resulting in a sanction in any state of the
1018 United States or other jurisdiction. A sanction includes, but is
1019 not limited to, a fine; probation; community control; parole;
1020 conditional release; control release; or incarceration in a
1021 state prison, federal prison, contractor-operated ~~private~~
1022 correctional facility, or local detention facility.

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1023 (3) (a) The department shall provide information regarding
1024 any sexual offender who is being released after serving a period
1025 of incarceration for any offense, as follows:

1026 1. The department shall provide: the sexual offender's
1027 name, any change in the offender's name by reason of marriage or
1028 other legal process, and any alias, if known; the correctional
1029 facility from which the sexual offender is released; the sexual
1030 offender's social security number, race, sex, date of birth,
1031 height, weight, and hair and eye color; tattoos or other
1032 identifying marks; address of any planned permanent residence or
1033 temporary residence, within the state or out of state, including
1034 a rural route address and a post office box; if no permanent or
1035 temporary address, any transient residence within the state;
1036 address, location or description, and dates of any known future
1037 temporary residence within the state or out of state; date and
1038 county of sentence and each crime for which the offender was
1039 sentenced; a copy of the offender's fingerprints, palm prints,
1040 and a digitized photograph taken within 60 days before release;
1041 the date of release of the sexual offender; all electronic mail
1042 addresses and all Internet identifiers required to be provided
1043 pursuant to s. 943.0435(4)(e); employment information, if known,
1044 provided pursuant to s. 943.0435(4)(e); all home telephone
1045 numbers and cellular telephone numbers required to be provided
1046 pursuant to s. 943.0435(4)(e); information about any
1047 professional licenses the offender has, if known; and passport

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1048 information, if he or she has a passport, and, if he or she is
1049 an alien, information about documents establishing his or her
1050 immigration status. The department shall notify the Department
1051 of Law Enforcement if the sexual offender escapes, absconds, or
1052 dies. If the sexual offender is in the custody of a contractor-
1053 operated ~~private~~ correctional facility, the facility shall take
1054 the digitized photograph of the sexual offender within 60 days
1055 before the sexual offender's release and provide this photograph
1056 to the Department of Corrections and also place it in the sexual
1057 offender's file. If the sexual offender is in the custody of a
1058 local jail, the custodian of the local jail shall register the
1059 offender within 3 business days after intake of the offender for
1060 any reason and upon release, and shall notify the Department of
1061 Law Enforcement of the sexual offender's release and provide to
1062 the Department of Law Enforcement the information specified in
1063 this paragraph and any information specified in subparagraph 2.
1064 that the Department of Law Enforcement requests.

1065 2. The department may provide any other information deemed
1066 necessary, including criminal and corrections records,
1067 nonprivileged personnel and treatment records, when available.

1068 Section 24. Paragraphs (b) and (f) of subsection (1),
1069 paragraph (g) of subsection (6), and subsection (12) of section
1070 944.607, Florida Statutes, are amended to read:

1071 944.607 Notification to Department of Law Enforcement of
1072 information on sexual offenders.-

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1073 (1) As used in this section, the term:

1074 (b) "Conviction" means a determination of guilt which is
1075 the result of a trial or the entry of a plea of guilty or nolo
1076 contendere, regardless of whether adjudication is withheld.
1077 Conviction of a similar offense includes, but is not limited to,
1078 a conviction by a federal or military tribunal, including
1079 courts-martial conducted by the Armed Forces of the United
1080 States, and includes a conviction or entry of a plea of guilty
1081 or nolo contendere resulting in a sanction in any state of the
1082 United States or other jurisdiction. A sanction includes, but is
1083 not limited to, a fine; probation; community control; parole;
1084 conditional release; control release; or incarceration in a
1085 state prison, federal prison, contractor-operated ~~private~~
1086 correctional facility, or local detention facility.

1087 (f) "Sexual offender" means a person who is in the custody
1088 or control of, or under the supervision of, the department or is
1089 in the custody of a contractor-operated ~~private~~ correctional
1090 facility:

1091 1. On or after October 1, 1997, as a result of a
1092 conviction for committing, or attempting, soliciting, or
1093 conspiring to commit, any of the criminal offenses proscribed in
1094 the following statutes in this state or similar offenses in
1095 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1096 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1097 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.

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1098 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
1099 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
1100 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1101 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1102 makes a written finding that the racketeering activity involved
1103 at least one sexual offense listed in this subparagraph or at
1104 least one offense listed in this subparagraph with sexual intent
1105 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
1106 offense committed in this state which has been redesignated from
1107 a former statute number to one of those listed in this
1108 paragraph; or

1109 2. Who establishes or maintains a residence in this state
1110 and who has not been designated as a sexual predator by a court
1111 of this state but who has been designated as a sexual predator,
1112 as a sexually violent predator, or by another sexual offender
1113 designation in another state or jurisdiction and was, as a
1114 result of such designation, subjected to registration or
1115 community or public notification, or both, or would be if the
1116 person were a resident of that state or jurisdiction, without
1117 regard as to whether the person otherwise meets the criteria for
1118 registration as a sexual offender.

1119 (6) The information provided to the Department of Law
1120 Enforcement must include:

1121 (g) A digitized photograph of the sexual offender which
1122 must have been taken within 60 days before the offender is

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1123 released from the custody of the department or a contractor-
1124 operated ~~private~~ correctional facility by expiration of sentence
1125 under s. 944.275 or must have been taken by January 1, 1998, or
1126 within 60 days after the onset of the department's supervision
1127 of any sexual offender who is on probation, community control,
1128 conditional release, parole, provisional release, or control
1129 release or who is supervised by the department under the
1130 Interstate Compact Agreement for Probationers and Parolees. If
1131 the sexual offender is in the custody of a contractor-operated
1132 ~~private~~ correctional facility, the facility shall take a
1133 digitized photograph of the sexual offender within the time
1134 period provided in this paragraph and shall provide the
1135 photograph to the department.

1136

1137 If any information provided by the department changes during the
1138 time the sexual offender is under the department's control,
1139 custody, or supervision, including any change in the offender's
1140 name by reason of marriage or other legal process, the
1141 department shall, in a timely manner, update the information and
1142 provide it to the Department of Law Enforcement in the manner
1143 prescribed in subsection (2).

1144 (12) Any person who has reason to believe that a sexual
1145 offender is not complying, or has not complied, with the
1146 requirements of this section and who, with the intent to assist
1147 the sexual offender in eluding a law enforcement agency that is

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1148 seeking to find the sexual offender to question the sexual
1149 offender about, or to arrest the sexual offender for, his or her
1150 noncompliance with the requirements of this section:

1151 (a) Withholds information from, or does not notify, the
1152 law enforcement agency about the sexual offender's noncompliance
1153 with the requirements of this section, and, if known, the
1154 whereabouts of the sexual offender;

1155 (b) Harbors, or attempts to harbor, or assists another
1156 person in harboring or attempting to harbor, the sexual
1157 offender; or

1158 (c) Conceals or attempts to conceal, or assists another
1159 person in concealing or attempting to conceal, the sexual
1160 offender; or

1161 (d) Provides information to the law enforcement agency
1162 regarding the sexual offender which the person knows to be false
1163 information,

1164
1165 commits a felony of the third degree, punishable as provided in
1166 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
1167 apply if the sexual offender is incarcerated in or is in the
1168 custody of a state correctional facility, a contractor-operated
1169 ~~private~~ correctional facility, a local jail, or a federal
1170 correctional facility.

1171 Section 25. Subsection (1) and paragraph (e) of subsection
1172 (5) of section 944.608, Florida Statutes, are amended to read:

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1173 944.608 Notification to Department of Law Enforcement of
1174 information on career offenders.—

1175 (1) As used in this section, the term "career offender"
1176 means a person who is in the custody or control of, or under the
1177 supervision of, the department or is in the custody or control
1178 of, or under the supervision of, a contractor-operated ~~private~~
1179 correctional facility, and who is designated as a habitual
1180 violent felony offender, a violent career criminal, or a three-
1181 time violent felony offender under s. 775.084 or as a prison
1182 releasee reoffender under s. 775.082(9).

1183 (5) The information provided to the Department of Law
1184 Enforcement must include:

1185 (e) A digitized photograph of the career offender, which
1186 must have been taken within 60 days before the career offender
1187 is released from the custody of the department or a contractor-
1188 operated ~~private~~ correctional facility or within 60 days after
1189 the onset of the department's supervision of any career offender
1190 who is on probation, community control, conditional release,
1191 parole, provisional release, or control release. If the career
1192 offender is in the custody or control of, or under the
1193 supervision of, a contractor-operated ~~private~~ correctional
1194 facility, the facility shall take a digitized photograph of the
1195 career offender within the time period provided in this
1196 paragraph and shall provide the photograph to the department.

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1197 Section 26. Subsection (1) and paragraph (a) of subsection
1198 (3) of section 944.609, Florida Statutes, are amended to read:

1199 944.609 Career offenders; notification upon release.—

1200 (1) As used in this section, the term "career offender"
1201 means a person who is in the custody or control of, or under the
1202 supervision of, the department or is in the custody or control
1203 of, or under the supervision of a contractor-operated ~~private~~
1204 correctional facility, who is designated as a habitual violent
1205 felony offender, a violent career criminal, or a three-time
1206 violent felony offender under s. 775.084 or as a prison releasee
1207 reoffender under s. 775.082(9).

1208 (3)(a) The department must provide information regarding
1209 any career offender who is being released after serving a period
1210 of incarceration for any offense, as follows:

1211 1. The department must provide the career offender's name,
1212 any change in the career offender's name by reason of marriage
1213 or other legal process, and any alias, if known; the
1214 correctional facility from which the career offender is
1215 released; the career offender's social security number, race,
1216 gender, date of birth, height, weight, and hair and eye color;
1217 date and county of sentence and each crime for which the career
1218 offender was sentenced; a copy of the career offender's
1219 fingerprints and a digitized photograph taken within 60 days
1220 before release; the date of release of the career offender; and
1221 the career offender's intended residence address, if known. The

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1222 department shall notify the Department of Law Enforcement if the
1223 career offender escapes, absconds, or dies. If the career
1224 offender is in the custody of a contractor-operated ~~private~~
1225 correctional facility, the facility shall take the digitized
1226 photograph of the career offender within 60 days before the
1227 career offender's release and provide this photograph to the
1228 Department of Corrections and also place it in the career
1229 offender's file. If the career offender is in the custody of a
1230 local jail, the custodian of the local jail shall notify the
1231 Department of Law Enforcement of the career offender's release
1232 and provide to the Department of Law Enforcement the information
1233 specified in this paragraph and any information specified in
1234 subparagraph 2. which the Department of Law Enforcement
1235 requests.

1236 2. The department may provide any other information deemed
1237 necessary, including criminal and corrections records and
1238 nonprivileged personnel and treatment records, when available.

1239 Section 27. Section 944.7031, Florida Statutes, is amended
1240 to read:

1241 944.7031 Eligible inmates released from contractor-
1242 operated ~~private~~ correctional facilities.-

1243 (1) It is the intent of the Legislature that state inmates
1244 nearing release from a contractor-operated ~~private~~ correctional
1245 facility managed under chapter 957 are eligible for assistance
1246 under ss. 944.701-944.708, and all laws that provide for or

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1247 mandate transition assistance services to inmates nearing
1248 release also apply to inmates who reside in contractor-operated
1249 ~~private~~ correctional facilities.

1250 (2) To assist an inmate nearing release from a contractor-
1251 operated ~~private~~ correctional facility, the department and the
1252 transition assistance specialist shall coordinate with a
1253 designated staff person at each contractor-operated ~~private~~
1254 correctional facility to ensure that a state inmate released
1255 from the contractor-operated ~~private~~ correctional facility is
1256 informed of and provided with the same level of transition
1257 assistance services that are provided by the department for an
1258 inmate in a state correctional facility. Any inmate released
1259 from a contractor-operated ~~private~~ correctional facility shall
1260 also have equal access to placement consideration in a
1261 contracted substance abuse transition housing program, including
1262 those programs that have a faith-based component.

1263 Section 28. Section 944.714, Florida Statutes, is amended
1264 to read:

1265 944.714 Quality assurance and standards of operation.—

1266 (1) The level and quality of programs provided by a
1267 private vendor at a contractor-operated ~~private~~ correctional
1268 facility must be at least equal to programs provided at a
1269 correctional facility operated by the department that houses
1270 similar types of inmates and must be at a cost that provides the

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1271 state with a substantial savings, as determined by a private
1272 accounting firm selected by the Department of Corrections.

1273 (2) All contractor-employed ~~private~~ correctional officers
1274 employed by a private vendor must be certified, at the private
1275 vendor's expense, as having met the minimum qualifications
1276 established for correctional officers under s. 943.13.

1277 (3) Pursuant to the terms of the contract, a private
1278 vendor shall design, construct, and operate a contractor-
1279 operated ~~private~~ correctional facility in accordance with the
1280 standards established by the American Correctional Association
1281 and approved by the department at the time of the contract. In
1282 addition, a contractor-operated ~~private~~ correctional facility
1283 shall meet any higher standard mandated in the full or partial
1284 settlement of any litigation challenging the constitutional
1285 conditions of confinement to which the department is a named
1286 defendant. The standards required under a contract for operating
1287 a contractor-operated ~~private~~ correctional facility may be
1288 higher than the standards required for accreditation by the
1289 American Correctional Association. A private vendor shall comply
1290 with all federal and state constitutional requirements, federal,
1291 state, and local laws, department rules, and all court orders.

1292 Section 29. Section 944.715, Florida Statutes, is amended
1293 to read:

1294 944.715 Delegation of authority.—

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1295 (1) A private vendor shall incarcerate all inmates
1296 assigned to the contractor-operated ~~private~~ correctional
1297 facility by the department and as specified in the contract. The
1298 department may not exceed the maximum occupancy designated for
1299 the facility in the contract.

1300 (2) Inmates incarcerated in a contractor-operated ~~private~~
1301 ~~correctional~~ facility are in the legal custody of the
1302 department. A private vendor may not award gain-time or release
1303 credits, determine inmate eligibility for furlough or work
1304 release, calculate inmate release dates, approve inmate
1305 transfers, place inmates in less restrictive custody than that
1306 ordered by the department or approve inmate work assignments. A
1307 private vendor may not benefit financially from the labor of
1308 inmates except to the extent authorized under chapter 946.

1309 Section 30. Section 944.716, Florida Statutes, is amended
1310 to read:

1311 944.716 Contract termination and control of a correctional
1312 facility by the department.—A detailed plan shall be provided by
1313 a private vendor under which the department shall assume control
1314 of a contractor-operated ~~private~~ correctional facility upon
1315 termination of the contract. The department may terminate the
1316 contract with cause after written notice of material
1317 deficiencies and after 60 workdays in order to correct the
1318 material deficiencies. If any event occurs that involves the
1319 noncompliance with or violation of contract terms and that

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1320 presents a serious threat to the safety, health, or security of
1321 the inmates, employees, or the public, the department may
1322 temporarily assume control of the contractor-operated ~~private~~
1323 correctional facility. A plan shall also be provided by a
1324 private vendor for the purchase and assumption of operations of
1325 a correctional facility by the department in the event of
1326 bankruptcy or the financial insolvency of the private vendor.
1327 The private vendor shall provide an emergency plan to address
1328 inmate disturbances, employee work stoppages, strikes, or other
1329 serious events in accordance with standards of the American
1330 Correctional Association.

1331 Section 31. Subsection (1) of section 944.717, Florida
1332 Statutes, is amended to read:

1333 944.717 Conflicts of interest.—

1334 (1) An employee of the department or any governmental
1335 entity that exercises any functions or responsibilities in the
1336 review or approval of a contractor-operated ~~private~~ correctional
1337 facility contract or the operation of a contractor-operated
1338 ~~private~~ correctional facility, or a member of the immediate
1339 family of any such person, may not solicit or accept, directly
1340 or indirectly, any personal benefit or promise of a benefit from
1341 a bidder or private vendor.

1342 Section 32. Subsection (1) of section 944.718, Florida
1343 Statutes, is amended to read:

1344 944.718 Withdrawal of request for proposals.—

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1345 (1) When soliciting proposals for the construction, lease,
1346 or operation of a contractor-operated ~~private~~ correctional
1347 facility, the department may reserve the right to withdraw the
1348 request for proposals at any time and for any reason. Receipt of
1349 proposal materials by the department or submission of a proposal
1350 to the department does not confer any rights upon the proposer
1351 or obligations upon the department.

1352 Section 33. Paragraphs (a) and (f) of subsection (1),
1353 subsection (3), and paragraph (b) of subsection (5) of section
1354 944.719, Florida Statutes, are amended to read:

1355 944.719 Adoption of rules, monitoring, and reporting.—

1356 (1) The department shall adopt rules pursuant to chapter
1357 120 specifying criteria for contractual arrangements and
1358 standards for the operation of correctional facilities by
1359 private vendors. Such rules shall define:

1360 (a) Various categories of contractor-operated ~~private~~
1361 correctional facilities.

1362 (f) The characteristics of inmates to be incarcerated in
1363 contractor-operated ~~private~~ correctional facilities.

1364 (3) The private vendor shall provide a work area at the
1365 contractor-operated ~~private~~ correctional facility for use by the
1366 contract monitor appointed by the department and shall provide
1367 the monitor with access to all data, reports, and other
1368 materials that the monitor, the Auditor General, and the Office
1369 of Program Policy Analysis and Government Accountability

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1370 determine are necessary to carry out monitoring and auditing
1371 responsibilities.

1372 (5) The Office of Program Policy Analysis and Government
1373 Accountability shall conduct a performance audit, including a
1374 review of the annual financial audit of the private entity and
1375 shall deliver a report to the Legislature by February 1 of the
1376 third year following any contract awarded by the department for
1377 the operation of a correctional facility by a private vendor.

1378 (b) In preparing the report, the office shall consider, in
1379 addition to other factors it determines are significant:

1380 1. The extent to which the private vendor and the
1381 department have complied with the terms of the contract and ss.
1382 944.710-944.719.

1383 2. The wages and benefits that are provided to the staff
1384 of the contractor-operated ~~private~~ correctional facility as
1385 compared to wages and benefits provided to employees of the
1386 department performing comparable tasks.

1387 Section 34. Subsection (1) of section 944.72, Florida
1388 Statutes, is amended to read:

1389 944.72 Contractor-Operated ~~Privately-Operated~~ Institutions
1390 Inmate Welfare Trust Fund.-

1391 (1) There is hereby created in the Department of
1392 Corrections the Contractor-Operated ~~Privately-Operated~~
1393 Institutions Inmate Welfare Trust Fund. The purpose of the trust
1394 fund shall be the benefit and welfare of inmates incarcerated in

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1395 contractor-operated ~~private~~ correctional facilities under
1396 contract with the department pursuant to this chapter or chapter
1397 957. Moneys shall be deposited in the trust fund and
1398 expenditures made from the trust fund as provided in s. 945.215.

1399 Section 35. Subsection (9) of section 944.801, Florida
1400 Statutes, is amended to read:

1401 944.801 Education for state prisoners.—

1402 (9) Notwithstanding s. 120.81(3), all inmates under 22
1403 years of age who qualify for special educational services and
1404 programs pursuant to the Individuals with Disabilities Education
1405 Act, 20 U.S.C. ss. 1400 et seq., and who request a due process
1406 hearing as provided by that act shall be entitled to such
1407 hearing before the Division of Administrative Hearings.

1408 Administrative law judges shall not be required to travel to
1409 state or contractor-operated ~~private~~ correctional institutions
1410 and facilities in order to conduct these hearings.

1411 Section 36. Subsections (1) and (3) of section 944.803,
1412 Florida Statutes, are amended to read:

1413 944.803 Faith- and character-based programs.—

1414 (1) The Legislature finds and declares that faith- and
1415 character-based programs offered in state and contractor-
1416 operated ~~private~~ correctional institutions and facilities have
1417 the potential to facilitate inmate institutional adjustment,
1418 help inmates assume personal responsibility, and reduce
1419 recidivism.

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1420 (3) It is the intent of the Legislature that the
1421 department and the private vendors operating contractor-operated
1422 ~~private~~ correctional facilities continuously:

1423 (a) Measure recidivism rates for inmates who have
1424 participated in faith- and character-based programs.

1425 (b) Increase the number of volunteers who minister to
1426 inmates from various faith-based and secular institutions in the
1427 community.

1428 (c) Develop community linkages with secular institutions
1429 as well as churches, synagogues, mosques, and other faith-based
1430 institutions to assist inmates in their release back into the
1431 community.

1432 Section 37. Paragraphs (a) and (b) of subsection (2) of
1433 section 945.10, Florida Statutes, are amended to read:

1434 945.10 Confidential information.—

1435 (2) The records and information specified in paragraphs
1436 (1)(a)-(i) may be released as follows unless expressly
1437 prohibited by federal law:

1438 (a) Information specified in paragraphs (1)(b), (d), and
1439 (f) to the Executive Office of the Governor, the Legislature,
1440 the Florida Commission on Offender Review, the Department of
1441 Children and Families, a contractor-operated ~~private~~
1442 correctional facility or program that operates under a contract,
1443 the Department of Legal Affairs, a state attorney, the court, or

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1444 a law enforcement agency. A request for records or information
1445 pursuant to this paragraph need not be in writing.

1446 (b) Information specified in paragraphs (1)(c), (e), and
1447 (i) to the Executive Office of the Governor, the Legislature,
1448 the Florida Commission on Offender Review, the Department of
1449 Children and Families, a contractor-operated ~~private~~
1450 correctional facility or program that operates under contract,
1451 the Department of Legal Affairs, a state attorney, the court, or
1452 a law enforcement agency. A request for records or information
1453 pursuant to this paragraph must be in writing and a statement
1454 provided demonstrating a need for the records or information.

1455
1456 Records and information released under this subsection remain
1457 confidential and exempt from the provisions of s. 119.07(1) and
1458 s. 24(a), Art. I of the State Constitution when held by the
1459 receiving person or entity.

1460 Section 38. Subsection (3) of section 945.215, Florida
1461 Statutes, is amended to read:

1462 945.215 Inmate welfare and employee benefit trust funds.—

1463 (3) CONTRACTOR-OPERATED ~~PRIVATELY-OPERATED~~ INSTITUTIONS
1464 INMATE WELFARE TRUST FUND; CONTRACTOR-OPERATED ~~PRIVATE~~
1465 CORRECTIONAL FACILITIES.—

1466 (a) For purposes of this subsection, contractor-operated
1467 ~~privately-operated~~ institutions or contractor-operated ~~private~~
1468 correctional facilities are those correctional facilities under

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1469 contract with the department pursuant to chapter 944 or chapter
1470 957.

1471 (b)1. The net proceeds derived from inmate canteens,
1472 vending machines used primarily by inmates, telephone
1473 commissions, and similar sources at contractor-operated ~~private~~
1474 correctional facilities shall be deposited in the Contractor-
1475 Operated ~~Privately Operated~~ Institutions Inmate Welfare Trust
1476 Fund.

1477 2. Funds in the Contractor-Operated ~~Privately Operated~~
1478 Institutions Inmate Welfare Trust Fund shall be expended only
1479 pursuant to legislative appropriation.

1480 (c) The department shall annually compile a report that
1481 documents Contractor-Operated ~~Privately Operated~~ Institutions
1482 Inmate Welfare Trust Fund receipts and expenditures at each
1483 contractor-operated ~~private~~ correctional facility. This report
1484 must specifically identify receipt sources and expenditures. The
1485 department shall compile this report for the prior fiscal year
1486 and shall submit the report by September 1 of each year to the
1487 chairs of the appropriate substantive and fiscal committees of
1488 the Senate and House of Representatives and to the Executive
1489 Office of the Governor.

1490 Section 39. Subsections (2) and (3) of section 945.6041,
1491 Florida Statutes, are amended to read:

1492 945.6041 Inmate medical services.—

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1493 (2) Compensation to a health care provider to provide
1494 inmate medical services may not exceed 110 percent of the
1495 Medicare allowable rate if the health care provider does not
1496 have a contract to provide services with the department or the
1497 contractor-operated ~~private~~ correctional facility, as defined in
1498 s. 944.710, which houses the inmate. However, compensation to a
1499 health care provider may not exceed 125 percent of the Medicare
1500 allowable rate if:

1501 (a) The health care provider does not have a contract to
1502 provide services with the department or the contractor-operated
1503 ~~private~~ correctional facility, as defined in s. 944.710, which
1504 houses the inmate; and

1505 (b) The health care provider reported a negative operating
1506 margin for the previous year to the Agency for Health Care
1507 Administration through hospital-audited financial data.

1508 (3) Compensation to an entity to provide emergency medical
1509 transportation services for inmates may not exceed 110 percent
1510 of the Medicare allowable rate if the entity does not have a
1511 contract with the department or a contractor-operated ~~private~~
1512 correctional facility, as defined in s. 944.710, to provide the
1513 services.

1514 Section 40. Section 946.5025, Florida Statutes, is amended
1515 to read:

1516 946.5025 Authorization of corporation to enter into
1517 contracts.—The corporation established under this part may enter

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1518 into contracts to operate correctional work programs with any
1519 county or municipal authority that operates a correctional
1520 facility or with a contractor authorized under chapter 944 or
1521 chapter 957 to operate a contractor-operated ~~private~~
1522 correctional facility. The corporation has the same powers,
1523 privileges, and immunities in carrying out such contracts as it
1524 has under this chapter.

1525 Section 41. Subsections (5) and (6) of section 946.503,
1526 Florida Statutes, are amended to read:

1527 946.503 Definitions to be used with respect to
1528 correctional work programs.—As used in this part, the term:

1529 (5) "Inmate" means any person incarcerated within any
1530 state, county, municipal, or contractor-operated ~~private~~
1531 correctional facility.

1532 (6) "Contractor-operated ~~Private~~ correctional facility"
1533 means a facility authorized by chapter 944 or chapter 957.

1534 Section 42. Subsection (6) of section 951.062, Florida
1535 Statutes, is amended to read:

1536 951.062 Contractual arrangements for operation and
1537 maintenance of county detention facilities.—

1538 (6) Contractor-employed ~~Private~~ correctional officers
1539 responsible for supervising inmates within the facility shall
1540 meet the requirements necessary for certification by the
1541 Criminal Justice Standards and Training Commission pursuant to

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1542 s. 943.1395. However, expenses for such training shall be the
1543 responsibility of the private entity.

1544 Section 43. Section 951.063, Florida Statutes, is amended
1545 to read:

1546 951.063 Contractor-operated ~~privately-operated~~ county
1547 correctional facilities.—Each contractor-employed ~~private~~
1548 correctional officer employed by a private entity under contract
1549 to a county commission must be certified as a correctional
1550 officer under s. 943.1395 and must meet the minimum
1551 qualifications established in s. 943.13. The county shall
1552 provide to the Criminal Justice Standards and Training
1553 Commission all necessary fingerprints for Florida Department of
1554 Law Enforcement and Federal Bureau of Investigation background
1555 checks. The Criminal Justice Standards and Training Commission
1556 shall advise the county as to those employees whose
1557 certification has been denied or revoked. Neither the county nor
1558 the private entity shall be the direct recipient of criminal
1559 records.

1560 Section 44. Section 957.05, Florida Statutes, is amended
1561 to read:

1562 957.05 Requirements for contractors operating contractor-
1563 operated ~~private~~ correctional facilities.—

1564 (1) Each contractor entering into a contract under this
1565 chapter is liable in tort with respect to the care and custody
1566 of inmates under its supervision and for any breach of contract.

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1567 Sovereign immunity may not be raised by a contractor, or the
1568 insurer of that contractor on the contractor's behalf, as a
1569 defense in any action arising out of the performance of any
1570 contract entered into under this chapter or as a defense in
1571 tort, or any other application, with respect to the care and
1572 custody of inmates under the contractor's supervision and for
1573 any breach of contract.

1574 (2) (a) The training requirements, including inservice
1575 training requirements, for employees of a contractor that
1576 assumes the responsibility for the operation and maintenance of
1577 a contractor-operated ~~private~~ correctional facility must meet or
1578 exceed the requirements for similar employees of the department
1579 or the training requirements mandated for accreditation by the
1580 American Correctional Association, whichever of those
1581 requirements are the more demanding. All employee training
1582 expenses are the responsibility of the contractor.

1583 (b) Employees of a contractor who are responsible for the
1584 supervision of inmates shall have the same legal authority to
1585 rely on nondeadly and deadly force as do similar employees of
1586 the department.

1587 (3) Any contractor or person employed by a contractor
1588 operating a correctional or detention facility pursuant to a
1589 contract executed under this chapter shall be exempt from the
1590 requirements of chapter 493, relating to licensure of private
1591 investigators and security officers.

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1592 Section 45. Subsection (2) of section 957.06, Florida
1593 Statutes, is amended to read:

1594 957.06 Powers and duties not delegable to contractor.—A
1595 contract entered into under this chapter does not authorize,
1596 allow, or imply a delegation of authority to the contractor to:

1597 (2) Choose the facility to which an inmate is initially
1598 assigned or subsequently transferred. The contractor may
1599 request, in writing, that an inmate be transferred to a facility
1600 operated by the department. The contractor and the department
1601 shall develop and implement a cooperative agreement for
1602 transferring inmates between a correctional facility operated by
1603 the department and a contractor-operated ~~private~~ correctional
1604 facility. The department and the contractor must comply with the
1605 cooperative agreement.

1606 Section 46. Section 957.08, Florida Statutes, is amended
1607 to read:

1608 957.08 Capacity requirements.—The department shall
1609 transfer and assign prisoners to each contractor-operated
1610 ~~private~~ correctional facility opened pursuant to this chapter in
1611 an amount not less than 90 percent or more than 100 percent of
1612 the capacity of the facility pursuant to the contract. The
1613 prisoners transferred by the department shall represent a cross-
1614 section of the general inmate population, based on the grade of
1615 custody or the offense of conviction, at the most comparable
1616 facility operated by the department.

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1617 Section 47. Subsection (1) of section 957.09, Florida
1618 Statutes, is amended to read:

1619 957.09 Applicability of chapter to other provisions of
1620 law.—

1621 (1)(a) Any offense that if committed at a state
1622 correctional facility would be a crime is a crime if committed
1623 by or with regard to inmates at contractor-operated ~~private~~
1624 correctional facilities operated pursuant to a contract entered
1625 into under this chapter.

1626 (b) All laws relating to commutation of sentences, release
1627 and parole eligibility, and the award of sentence credits apply
1628 to inmates incarcerated in a contractor-operated ~~private~~
1629 correctional facility operated pursuant to a contract entered
1630 into under this chapter.

1631 Section 48. Section 957.13, Florida Statutes, is amended
1632 to read:

1633 957.13 Background checks.—

1634 (1) The Florida Department of Law Enforcement may accept
1635 fingerprints of individuals who apply for employment at a
1636 contractor-operated ~~private~~ correctional facility and who are
1637 required to have background checks under the provisions of this
1638 chapter.

1639 (2) The Florida Department of Law Enforcement may, to the
1640 extent provided for by federal law, provide for the exchange of
1641 state, multistate, and federal criminal history records of

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1642 individuals who apply for employment at a contractor-operated
1643 ~~private~~ correctional facility for the purpose of conducting
1644 background checks as required by law or contract.

1645 Section 49. Section 957.14, Florida Statutes, is amended
1646 to read:

1647 957.14 Contract termination and control of a correctional
1648 facility by the department.—A detailed plan shall be provided by
1649 a private vendor under which the department shall assume
1650 temporary control of a contractor-operated ~~private~~ correctional
1651 facility upon termination of the contract. The department may
1652 terminate the contract with cause after written notice of
1653 material deficiencies and after 60 workdays in order to correct
1654 the material deficiencies. If any event occurs that involves the
1655 noncompliance with or violation of contract terms and that
1656 presents a serious threat to the safety, health, or security of
1657 the inmates, employees, or the public, the department may
1658 temporarily assume control of the contractor-operated ~~private~~
1659 correctional facility. A plan shall also be provided by a
1660 private vendor for the purchase and temporary assumption of
1661 operations of a correctional facility by the department in the
1662 event of bankruptcy or the financial insolvency of the private
1663 vendor. The private vendor shall provide an emergency plan to
1664 address inmate disturbances, employee work stoppages, strikes,
1665 or other serious events in accordance with standards of the
1666 American Correctional Association.

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1667 Section 50. Paragraph (p) of subsection (1) of section
1668 960.001, Florida Statutes, is amended to read:

1669 960.001 Guidelines for fair treatment of victims and
1670 witnesses in the criminal justice and juvenile justice systems.—

1671 (1) The Department of Legal Affairs, the state attorneys,
1672 the Department of Corrections, the Department of Juvenile
1673 Justice, the Florida Commission on Offender Review, the State
1674 Courts Administrator and circuit court administrators, the
1675 Department of Law Enforcement, and every sheriff's department,
1676 police department, or other law enforcement agency as defined in
1677 s. 943.10(4) shall develop and implement guidelines for the use
1678 of their respective agencies, which guidelines are consistent
1679 with the purposes of this act and s. 16(b), Art. I of the State
1680 Constitution and are designed to implement s. 16(b), Art. I of
1681 the State Constitution and to achieve the following objectives:

1682 (p) *Information concerning escape from a state*
1683 *correctional institution, county jail, juvenile detention*
1684 *facility, or residential commitment facility.*—In any case where
1685 an offender escapes from a state correctional institution,
1686 contractor-operated ~~private~~ correctional facility, county jail,
1687 juvenile detention facility, or residential commitment facility,
1688 the institution of confinement shall immediately notify the
1689 state attorney of the jurisdiction where the criminal charge or
1690 petition for delinquency arose and the judge who imposed the
1691 sentence of incarceration. The state attorney shall thereupon

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1692 make every effort to notify the victim, material witness,
1693 parents or legal guardian of a minor who is a victim or witness,
1694 or immediate relatives of a homicide victim of the escapee. The
1695 state attorney shall also notify the sheriff of the county where
1696 the criminal charge or petition for delinquency arose. The
1697 sheriff shall offer assistance upon request. When an escaped
1698 offender is subsequently captured or is captured and returned to
1699 the institution of confinement, the institution of confinement
1700 shall again immediately notify the appropriate state attorney
1701 and sentencing judge pursuant to this section.

1702 Section 51. Paragraph (a) of subsection (3) of section
1703 985.481, Florida Statutes, is amended to read:

1704 985.481 Sexual offenders adjudicated delinquent;
1705 notification upon release.—

1706 (3)(a) The department shall provide information regarding
1707 any sexual offender who is being released after serving a period
1708 of residential commitment under the department for any offense,
1709 as follows:

1710 1. The department shall provide the sexual offender's
1711 name, any change in the offender's name by reason of marriage or
1712 other legal process, and any alias, if known; the correctional
1713 facility from which the sexual offender is released; the sexual
1714 offender's social security number, race, sex, date of birth,
1715 height, weight, and hair and eye color; tattoos or other
1716 identifying marks; the make, model, color, vehicle

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1717 identification number (VIN), and license tag number of all
1718 vehicles owned; address of any planned permanent residence or
1719 temporary residence, within the state or out of state, including
1720 a rural route address and a post office box; if no permanent or
1721 temporary address, any transient residence within the state;
1722 address, location or description, and dates of any known future
1723 temporary residence within the state or out of state; date and
1724 county of disposition and each crime for which there was a
1725 disposition; a copy of the offender's fingerprints, palm prints,
1726 and a digitized photograph taken within 60 days before release;
1727 the date of release of the sexual offender; all home telephone
1728 numbers and cellular telephone numbers required to be provided
1729 pursuant to s. 943.0435(4)(e); all electronic mail addresses and
1730 Internet identifiers required to be provided pursuant to s.
1731 943.0435(4)(e); information about any professional licenses the
1732 offender has, if known; and passport information, if he or she
1733 has a passport, and, if he or she is an alien, information about
1734 documents establishing his or her immigration status. The
1735 department shall notify the Department of Law Enforcement if the
1736 sexual offender escapes, absconds, or dies. If the sexual
1737 offender is in the custody of a contractor-operated ~~private~~
1738 correctional facility, the facility shall take the digitized
1739 photograph of the sexual offender within 60 days before the
1740 sexual offender's release and also place it in the sexual
1741 offender's file. If the sexual offender is in the custody of a

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1742 local jail, the custodian of the local jail shall register the
1743 offender within 3 business days after intake of the offender for
1744 any reason and upon release, and shall notify the Department of
1745 Law Enforcement of the sexual offender's release and provide to
1746 the Department of Law Enforcement the information specified in
1747 this subparagraph and any information specified in subparagraph
1748 2. which the Department of Law Enforcement requests.

1749 2. The department may provide any other information
1750 considered necessary, including criminal and delinquency
1751 records, when available.

1752 Section 52. Paragraph (h) of subsection (1), paragraph (a)
1753 of subsection (6), and subsection (12) of section 985.4815,
1754 Florida Statutes, are amended to read:

1755 985.4815 Notification to Department of Law Enforcement of
1756 information on juvenile sexual offenders.—

1757 (1) As used in this section, the term:

1758 (h) "Sexual offender" means a person who is in the care or
1759 custody or under the jurisdiction or supervision of the
1760 department or is in the custody of a contractor-operated ~~private~~
1761 correctional facility and who:

1762 1. Has been adjudicated delinquent as provided in s.
1763 943.0435(1)(h)1.d.; or

1764 2. Establishes or maintains a residence in this state and
1765 has not been designated as a sexual predator by a court of this
1766 state but has been designated as a sexual predator, as a

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1767 sexually violent predator, or by another sexual offender
1768 designation in another state or jurisdiction and was, as a
1769 result of such designation, subjected to registration or
1770 community or public notification, or both, or would be if the
1771 person were a resident of that state or jurisdiction, without
1772 regard to whether the person otherwise meets the criteria for
1773 registration as a sexual offender.

1774 (6) (a) The information provided to the Department of Law
1775 Enforcement must include the following:

1776 1. The information obtained from the sexual offender under
1777 subsection (4).

1778 2. The sexual offender's most current address and place of
1779 permanent, temporary, or transient residence within the state or
1780 out of state, and address, location or description, and dates of
1781 any current or known future temporary residence within the state
1782 or out of state, while the sexual offender is in the care or
1783 custody or under the jurisdiction or supervision of the
1784 department in this state, including the name of the county or
1785 municipality in which the offender permanently or temporarily
1786 resides, or has a transient residence, and address, location or
1787 description, and dates of any current or known future temporary
1788 residence within the state or out of state; and, if known, the
1789 intended place of permanent, temporary, or transient residence,
1790 and address, location or description, and dates of any current

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1791 or known future temporary residence within the state or out of
1792 state upon satisfaction of all sanctions.

1793 3. The legal status of the sexual offender and the
1794 scheduled termination date of that legal status.

1795 4. The location of, and local telephone number for, any
1796 department office that is responsible for supervising the sexual
1797 offender.

1798 5. An indication of whether the victim of the offense that
1799 resulted in the offender's status as a sexual offender was a
1800 minor.

1801 6. The offense or offenses at adjudication and disposition
1802 that resulted in the determination of the offender's status as a
1803 sex offender.

1804 7. A digitized photograph of the sexual offender, which
1805 must have been taken within 60 days before the offender was
1806 released from the custody of the department or a contractor-
1807 operated ~~private~~ correctional facility by expiration of sentence
1808 under s. 944.275, or within 60 days after the onset of the
1809 department's supervision of any sexual offender who is on
1810 probation, postcommitment probation, residential commitment,
1811 nonresidential commitment, licensed child-caring commitment,
1812 community control, conditional release, parole, provisional
1813 release, or control release or who is supervised by the
1814 department under the Interstate Compact Agreement for
1815 Probationers and Parolees. If the sexual offender is in the

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1816 custody of a contractor-operated ~~private~~ correctional facility,
1817 the facility shall take a digitized photograph of the sexual
1818 offender within the time period provided in this subparagraph
1819 and shall provide the photograph to the department.

1820 (12) Any person who has reason to believe that a sexual
1821 offender is not complying, or has not complied, with the
1822 requirements of this section and who, with the intent to assist
1823 the sexual offender in eluding a law enforcement agency that is
1824 seeking to find the sexual offender to question the sexual
1825 offender about, or to arrest the sexual offender for, his or her
1826 noncompliance with the requirements of this section:

1827 (a) Withholds information from, or does not notify, the
1828 law enforcement agency about the sexual offender's noncompliance
1829 with the requirements of this section and, if known, the
1830 whereabouts of the sexual offender;

1831 (b) Harbors, attempts to harbor, or assists another person
1832 in harboring or attempting to harbor the sexual offender;

1833 (c) Conceals, attempts to conceal, or assists another
1834 person in concealing or attempting to conceal the sexual
1835 offender; or

1836 (d) Provides information to the law enforcement agency
1837 regarding the sexual offender that the person knows to be false
1838
1839 commits a felony of the third degree, punishable as provided in
1840 s. 775.082, s. 775.083, or s. 775.084. This subsection does not

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1841 apply if the sexual offender is incarcerated in or is in the
1842 custody of a state correctional facility, a contractor-operated
1843 ~~private~~ correctional facility, a local jail, or a federal
1844 correctional facility.

1845 Section 53. This act shall take effect July 1, 2024.

1846

1847 -----

1848 **T I T L E A M E N D M E N T**

1849 Remove everything before the enacting clause and insert:

1850 An act relating to Department of Corrections; amending
1851 s. 944.31, F.S.; providing additional authority for
1852 law enforcement officers of the office of the
1853 inspector general concerning department and
1854 contractor-operated correctional facilities; amending
1855 s. 957.04, F.S.; providing that correctional
1856 privatization contracts are not exempt from specified
1857 state contracting provisions unless otherwise
1858 specified; providing construction; conforming
1859 provisions to changes made by the act; amending s.
1860 944.710, F.S.; renaming the term "private correctional
1861 facility" as "contractor-operated correctional
1862 facility"; renaming the term "private correctional
1863 officer" as "contractor-employed correctional
1864 officer"; conforming provisions to changes made by the
1865 act; amending s. 957.07, F.S.; revising terminology;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1337 (2024)

Amendment No. 1

1866 deleting provisions concerning development of
1867 consensus per diem rates by the Prison Per-Diem
1868 Workgroup; conforming a provision to changes made by
1869 the act; amending s. 957.12, F.S.; revising provisions
1870 concerning contact with the department by specified
1871 persons; conforming a provision to changes made by the
1872 act; amending s. 957.15, F.S.; deleting a provision
1873 concerning department control over certain funds
1874 appropriated for contractor-operated correctional
1875 facilities; conforming a provision to changes made by
1876 the act; amending ss. 330.41, 553.865, 633.218,
1877 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13,
1878 943.325, 944.105, 944.151, 944.17, 944.35, 944.40,
1879 944.605, 944.606, 944.607, 944.608, 944.609, 944.7031,
1880 944.714, 944.715, 944.716, 944.717, 944.718, 944.719,
1881 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041,
1882 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06,
1883 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and
1884 985.4815, F.S.; conforming provisions to changes made
1885 by the act; providing an effective date.

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