



Appropriations Committee

**Denise Grimsley, Chair
Paige Kreegel, Vice Chair**

AMENDMENTS AS FILED ON MONDAY, MARCH 28, 2011 by 12:00 P.M.

PCB APC 11-02
Implementing Bill

CS/HB 5005 – Deregulation of Professions and Occupations
HB 5101- Prekindergarten through Grade 12 Education Funding
HB 5311- Medicaid Services
HB 5403- Department of Corrections

NO AMENDMENTS FILED TO:

Conforming Bills: PCB APC 11-03, PCB APC 11-04, PCB APC 11-05, PCB APC 11-06, PCB APC 11-07, CS/CS/HB 1405, CS/HB 5007, HB 5201, HB 5301, HB 5303, HB 5305, HB 5307, HB 5309, HB 5401, HB 5405, HB 5407, HB 5409, HB 5501, HB 5601, HB 5603, HB 5605, HB 5701

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB APC 11-02 (2011)

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WITHDRAWN	___	(Y/N)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 PCB: Appropriations Committee
2 Representative(s) Grimsley offered the following:

3
4 **Amendment (with directory amendment)**

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6 **D I R E C T O R Y A M E N D M E N T**

7 Remove line 591 and insert:

8 Section 25. In order to implement section 72 of the 2011-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5005 (2011)

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WITHDRAWN	___	(Y/N)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: Appropriations Committee
2 Representative(s) Abruzzo offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 154-190 and insert:

6 Section 2. Paragraph (e) of subsection (1) of section
7 212.06, Florida Statutes, is amended to read:

8 212.06 Sales, storage, use tax; collectible from dealers;
9 "dealer" defined; dealers to collect from purchasers;
10 legislative intent as to scope of tax.-

11 (1)

12 (e)1. Notwithstanding any other provision of this chapter,
13 tax shall not be imposed on any vessel registered under s.
14 328.52 by a vessel dealer or vessel manufacturer with respect to
15 a vessel used solely for demonstration, sales promotional, or
16 testing purposes. The term "promotional purposes" shall include,
17 but not be limited to, participation in fishing tournaments. For
18 the purposes of this paragraph, "promotional purposes" means the
19 entry of the vessel in a marine-related event where prospective

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Bill No. CS/HB 5005 (2011)

Amendment No. 1

20 purchasers would be in attendance, where the vessel is entered
21 in the name of the dealer or manufacturer, and where the vessel
22 is clearly marked as for sale, on which vessel the name of the
23 dealer or manufacturer is clearly displayed, and which vessel
24 has never been transferred into the dealer's or manufacturer's
25 accounting books from an inventory item to a capital asset for
26 depreciation purposes.

27 2. The provisions of this paragraph do not apply to any
28 vessel when used for transporting persons or goods for
29 compensation; when offered, let, or rented to another for
30 consideration; when offered for rent or hire as a means of
31 transportation for compensation; or when offered or used to
32 provide transportation for persons solicited through personal
33 contact or through advertisement on a "share expense" basis.

34 3. Notwithstanding any other provision of this chapter,
35 tax may not be imposed on any vessel imported into this state
36 for the sole purpose of being offered for sale at retail by a
37 registered dealer acting as a broker ~~yacht broker or yacht~~
38 ~~dealer registered in this state~~ if the vessel remains under the
39 care, custody, and control of the registered dealer acting as a
40 broker ~~registered broker or dealer~~ and the owner of the vessel
41 may ~~does not~~ make personal use of the vessel during that time.
42 The provisions of this chapter govern the taxability of any sale
43 or use of the vessel subsequent to its importation under this
44 provision.

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Amendment No. 1

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

Remove lines 4-8 and insert:
establishing the Florida Board of Auctioneers; amending s.
212.06, F.S., to expand the applicability of a tax exemption on
the sale of vessels; repealing part VI of chapter 468, F.S.,
relating

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5005 (2011)

Amendment No. 2

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: Appropriations Committee
2 Representative(s) Abruzzo offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 1273-1295
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10 **T I T L E A M E N D M E N T**

11 Remove lines 64-67 and insert:
12 repealing s. 501.143, F.S., relating to the Dance

Amendment No. 1

20 d. Has the same governing board; and

21 e. Does not contract with a for-profit service provider for
22 management of school operations.

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24 Such designation shall not apply to other provisions unless
25 specifically provided in law.

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29 **D I R E C T O R Y A M E N D M E N T**

30 Remove lines 107-108 and insert:

31 Section 2. Subsection (19) of section 1002.33, Florida
32 Statutes, is amended, and subsection (25) is added to that
33 section, to read:

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

38 Remove lines 6-7 and insert:

39 F.S.; revising provisions relating to charter school capital
40 outlay funding; authorizing charter schools meeting certain
41 requirements to be considered a local educational agency for the
42 purpose of receiving federal funds; amending s. 1002.45, F.S.,

Amendment No. 2

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: Appropriations Committee
2 Representative(s) Coley offered the following:

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4 **Amendment (with directory and title amendments)**

5 Between lines 1200 and 1201, insert:

6 (q) Calculation of additional full-time equivalent
7 membership for the Florida Virtual School.—The reported full-
8 time equivalent student membership for the Florida Virtual
9 School for students who are also enrolled in a school district
10 shall be multiplied by 0.114, and such value shall be added to
11 the total full-time equivalent student membership.

12 (r)Notwithstanding the provisions of paragraph (p), for
13 the 2011-2012 fiscal year, the reported full-time equivalent
14 student membership for the Florida Virtual School for students
15 who are also enrolled in a school district shall be multiplied
16 by 0.228, and such value shall be added to the total full-time
17 equivalent student membership.

Amendment No. 2

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D I R E C T O R Y A M E N D M E N T

Remove lines 1160-1162 and insert:

Section 24. Paragraph (p) of subsection (1) and paragraph (b) of subsection (6) of section 1011.62, Florida Statutes, are amended, and paragraph (r) is added to subsection (1) of that section, to read:

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

Between lines 81 and 82, insert:
revising provisions relating to the value of student membership for certain students in the Florida Virtual School;

Amendment No. 3

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: Appropriations Committee
2 Representative(s) Coley offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 1284-1285 and insert:

6 Section 27. If the Commissioner of Education determines
7 that a school district acted in good faith, he or she may waive
8 the equal-dollar reduction required, required in s. 1011.71,
9 Florida Statutes, for audit findings during the 2008-2009 and
10 2009-2010 fiscal years which were related to the purchase of
11 software and property and casualty insurance premiums as defined
12 in s. 624.605(1)(d), (f), (h), (g) and (m).

13 Section 28. This act shall take effect July 1, 2011

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

19 Remove lines 88-89 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5101 (2011)

Amendment No. 3

20 districts; providing restrictions; authorizing the Commissioner
21 of Education to waive the equal-dollar reduction requirement for
22 expenditures made during a specified time for property and
23 casualty insurance and for the audit findings for a specified
24 fiscal year related to the purchase of software, if the
25 commissioner determines that a school district acted in good
26 faith; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5101 (2011)

Amendment No. 4

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: Appropriations Committee
2 Representative(s) Fresen offered the following:

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4 **Amendment (with directory and title amendments)**

5 Between lines 1284 and 1285, insert:

6 (5) Effective July 1, 2008, a school district may expend,
7 subject to the provisions of s. 200.065, up to \$200 ~~\$100~~ per
8 unweighted full-time equivalent student from the revenue
9 generated by the millage levy authorized by subsection (2) to
10 fund, in addition to expenditures authorized in paragraphs
11 (2)(a)-(j), expenses for the following:

12 (a) The purchase, lease-purchase, or lease of driver's
13 education vehicles; motor vehicles used for the maintenance or
14 operation of plants and equipment; security vehicles; or
15 vehicles used in storing or distributing materials and
16 equipment.

17 (b) Payment of the cost of premiums, as defined in s.
18 627.403, for property and casualty insurance necessary to insure
19 school district educational and ancillary plants. As used in

Amendment No. 4

20 this section, casualty insurance is as defined in s.
21 624.605(1)(d), (f), (h), (g) and (m). Operating revenues that are
22 made available through the payment of property and casualty
23 insurance premiums from revenues generated under this subsection
24 may be expended only for nonrecurring operational expenditures
25 of the school district.
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30 **D I R E C T O R Y A M E N D M E N T**

31 Remove lines 1231-1233 and insert:

32 Section 26. Paragraph (d) of subsection (2), paragraph (b)
33 of subsection (3), and subsection (5) of section 1011.71,
34 Florida Statutes, are amended to read:
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38 **T I T L E A M E N D M E N T**

39 Remove lines 88-89 and insert:

40 districts; increasing the amount that school districts may
41 expend per unweighted full-time equivalent student from the
42 revenue generated by the levy of local capital improvement
43 millage; clarifying the types of insurance premiums that may be
44 paid from the revenue generated by the levy; providing
45 restrictions; providing an effective date.

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: Appropriations Committee
2 Representative(s) Hudson offered the following:

Amendment (with title amendment)

5 Between lines 264 and 265, insert:

6 Section 5. Subsection (8) of section 409.9083, Florida
7 Statutes, is amended to read:

8 409.9083 Quality assessment on privately operated
9 intermediate care facilities for the developmentally disabled;
10 exemptions; purpose; federal approval required; remedies.-

11 ~~(8) This section is repealed October 1, 2011.~~

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

16 Remove line 25 and insert:

17 with federal law; amending s. 409.9083, F.S.; eliminating the
18 repeal date of the quality assessment on privately operated

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. 5311 (2011)

Amendment No. 1

19 intermediate care facilities for the developmentally disabled;
20 amending 409.911, F.S.; updating the

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: Justice Appropriations
2 Subcommittee

3 Representative(s) Glorioso offered the following:

Amendment (with title amendment)

Between lines 62 and 63, insert:

7 Section 1. Subsections (3) and (19) of section 943.10,
8 Florida Statutes, are amended to read:

9 943.10 Definitions; ss. 943.085-943.255.—The following
10 words and phrases as used in ss. 943.085-943.255 are defined as
11 follows:

12 (3) "Correctional probation officer" means a person who is
13 employed full time by the state, or by any private entity which
14 has contracted with the state pursuant to proviso in PCB APC 11-
15 01, Section 4, in the Department of Corrections budget directing
16 the department procure the provision comprehensive correctional
17 services, and whose primary responsibility is the supervised
18 custody, surveillance, and control of assigned inmates,
19 probationers, parolees, or community controllees within

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5403 (2011)

Amendment No. 1

20 institutions of the Department of Corrections or within the
21 community. The term includes supervisory personnel whose duties
22 include, in whole or in part, the supervision, training, and
23 guidance of correctional probation officers, but excludes
24 management and administrative personnel above, but not
25 including, the probation and parole regional administrator
26 level.

27 (19) "Part-time correctional probation officer" means a
28 person who is employed less than full time by the state, or by
29 any private entity which has contracted with the state pursuant
30 to proviso in PCB APC 11-01, Section 4, in the Department of
31 Corrections budget directing the department procure the
32 provision comprehensive correctional services, and whose primary
33 responsibility is the supervised custody, surveillance, and
34 control of assigned inmates, probationers, parolees, or
35 community controllees within institutions of the Department of
36 Corrections or in the community.

37 Section 2. Subsection (4) of section 944.02, Florida
38 Statutes, is amended to read:

39 944.02 Definitions.—The following words and phrases used
40 in this chapter shall, unless the context clearly indicates
41 otherwise, have the following meanings:

42 (4) "Elderly offender" means a prisoner age 50 or older in
43 a state correctional institution or a private correctional
44 ~~facility operated by the Department of Corrections or the~~
45 ~~Department of Management Services.~~

46 Section 3. Section 944.1051, Florida Statutes, is created
47 to read:

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48 944.1051 Contractual arrangements with private entities
49 for the supervision of offenders on community supervision.—

50 (1) Pursuant to proviso in PCB APC 11-01, Section 4, in the
51 Department of Corrections budget directing the department
52 procure the provision comprehensive correctional services, the
53 Department of Corrections is authorized to enter into contracts
54 with a private entity for the provision of the supervision of
55 offenders on community supervision in Broward and Miami-Dade
56 counties. A contract entered into pursuant to this section must:

57 (a) Offer a cost savings to the state of at least 7
58 percent, as determined by the department. In determining the
59 cost savings, the department shall calculate all the cost
60 components that contribute to the offender per diem, including
61 all administrative costs associated with central, regional, and
62 circuit office administration. Services which are provided to
63 the department by other government agencies without any direct
64 cost to the department shall be assigned an equivalent cost and
65 included in the per diem;

66 (b) Require that the private entity comply with all
67 statutes relating to the supervision of offenders on community
68 supervision, all rules of the department, all court orders
69 relating to offenders on community supervision, and all American
70 Correctional Association standards;

71 (c) Require the department, in consultation with the
72 private vendor, to establish high, reasonable, and achievable
73 performance standards that the private entity must meet.

Amendment No. 1

74 (d) Require the private entity to report to the department
75 whether the private entity has met the established performance
76 standards.

77 (e) Require the private entity to provide at least the same
78 quality of services as that offered by the department;

79 (f) Require that correctional probation officers employed
80 by a private entity be certified under 943.1395, at the private
81 entity's expense; and

82 (g) Require the private entity to give first consideration
83 for employment to employees of the department located in Broward
84 and Miami-Dade counties.

85 (2) The private entity entering into a contract with the
86 department pursuant to this section shall be liable in tort with
87 respect to the supervision of offenders under its supervision
88 and for any breach of contract with the department.

89 (3) The provisions of ss. 216.311 and 287.057 shall apply
90 to all contracts between the department and any private entity
91 providing community supervision services. The department shall
92 promulgate rules pursuant to chapter 120 specifying criteria for
93 such contractual arrangements.

94 (4) For purposes of this section, the term "community
95 supervision" means "administrative probation," "community
96 control," "drug offender probation," "probation," and "sex
97 offender probation" as those terms are defined in s. 948.001.
98 The term also includes "conditional release," "control release,"
99 "conditional medical release," "parole," and "addiction-recovery
100 supervision," as provided in ch. 947.

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101 Section 4. Paragraph (b) of subsection (2) of section
102 944.115, Florida Statutes, is amended to read:

103 944.115 Smoking prohibited inside state correctional
104 facilities.—

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

106 (b) "Employee" means an employee of the department or a
107 private vendor in a contractual relationship with the department
108 ~~either the Department of Corrections or the Department of~~
109 ~~Management Services~~, and includes persons such as contractors,
110 volunteers, or law enforcement officers who are within a state
111 correctional facility to perform a professional service.

112 Section 5. Subsection (1) of section 944.72, Florida
113 Statutes, is amended to read:

114 944.72 Privately Operated Institutions Inmate Welfare
115 Trust Fund.—

116 (1) There is hereby created in the Department of
117 Corrections the Privately Operated Institutions Inmate Welfare
118 Trust Fund. The purpose of the trust fund shall be the benefit
119 and welfare of inmates incarcerated in private correctional
120 facilities under contract with the department pursuant to this
121 chapter or ~~the Department of Management Services pursuant to~~
122 chapter 957. Moneys shall be deposited in the trust fund and
123 expenditures made from the trust fund as provided in s. 945.215.

124 Section 6. Section 944.8041, Florida Statutes, is amended
125 to read:

126 944.8041 Elderly offenders; annual review.—For the purpose
127 of providing information to the Legislature on elderly offenders
128 within the correctional system, the department and the

Amendment No. 1

129 Correctional Medical Authority shall each submit annually a
130 report on the status and treatment of elderly offenders in the
131 state-administered and private state correctional systems and
132 the department's geriatric facilities and dorms. In order to
133 adequately prepare the reports, the department ~~and the~~
134 ~~Department of Management Services~~ shall grant access to the
135 Correctional Medical Authority that includes access to the
136 facilities, offenders, and any information the agencies require
137 to complete their reports. The review shall also include an
138 examination of promising geriatric policies, practices, and
139 programs currently implemented in other correctional systems
140 within the United States. The reports, with specific findings
141 and recommendations for implementation, shall be submitted to
142 the President of the Senate and the Speaker of the House of
143 Representatives on or before December 31 of each year.

144 Section 7. Paragraphs (a) and (c) of subsection (2) of
145 section 945.215, Florida Statutes, are amended to read:

146 945.215 Inmate welfare and employee benefit trust funds.—

147 (2) PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST
148 FUND; PRIVATE CORRECTIONAL FACILITIES.—

149 (a) For purposes of this subsection, privately operated
150 institutions or private correctional facilities are those
151 correctional facilities under contract with the department
152 pursuant to chapter 944 or ~~the Department of Management Services~~
153 ~~pursuant to~~ chapter 957.

154 (c) The department ~~Department of Management Services~~ shall
155 annually compile a report that documents Privately Operated
156 Institutions Inmate Welfare Trust Fund receipts and expenditures

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157 at each private correctional facility. This report must
158 specifically identify receipt sources and expenditures. The
159 department ~~Department of Management Services~~ shall compile this
160 report for the prior fiscal year and shall submit the report by
161 September 1 of each year to the chairs of the appropriate
162 substantive and fiscal committees of the Senate and House of
163 Representatives and to the Executive Office of the Governor.

164 Section 8. Subsection (4) of section 947.005, Florida
165 Statutes, is amended to read:

166 947.005 Definitions.—As used in this chapter, unless the
167 context clearly indicates otherwise:

168 (4) "Department" means the Department of Corrections or a
169 private entity who has contracted with the Department of
170 Corrections pursuant to s. 944.1051.

171 Section 9. Subsection (14) is added to section 948.001,
172 Florida Statutes, to read:

173 948.001 Definitions.—As used in this chapter, the term:

174 (14) "Department" or "Department of Corrections" includes a
175 private entity who has contracted with the Department of
176 Corrections pursuant to s. 944.1051.

177 Section 10. Subsection (5) of section 948.01, Florida
178 Statutes, is amended to read:

179 948.01 When court may place defendant on probation or into
180 community control.—

181 (5) The imposition of sentence may not be suspended and
182 the defendant thereupon placed on probation or into community
183 control unless the defendant is placed under the custody of the
184 department or another public or private entity. Except as

Amendment No. 1

185 provided in s. 944.1051, a A private entity may not provide
186 probationary or supervision services to felony or misdemeanor
187 offenders sentenced or placed on probation or other supervision
188 by the circuit court.

189 Section 11. Effective July 1, 2011, the statutory powers,
190 duties, and functions, and the records, personnel, property, and
191 unexpended balances of appropriations, allocations, or other
192 funds related to the requirements of chapter 957 that are
193 currently under the Department of Management Services are hereby
194 transferred to the Department of Corrections by a type two
195 transfer, pursuant to s. 20.06. The secretary of the Department
196 of Corrections is authorized to establish units or subunits and
197 to assign administrative authority for the responsibilities and
198 functions transferred pursuant to this section.

199 Section 12. Paragraphs (a), (b), (e), and (g) of
200 subsection (1), paragraph (c) of subsection (2), and subsections
201 (5), (6), and (7) of section 957.04, Florida Statutes, are
202 amended to read:

203 957.04 Contract requirements.—

204 (1) A contract entered into under this chapter for the
205 operation of private correctional facilities shall maximize the
206 cost savings of such facilities and shall:

207 (a) Be negotiated with the firm found most qualified.

208 However, a contract for private correctional services may not be
209 entered into by the department ~~Department of Management Services~~
210 unless the department ~~Department of Management Services~~
211 determines that the contractor has demonstrated that it has:

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

214 2. The ability to expedite the siting, design, and
215 construction of correctional facilities.

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

218 (b) Indemnify the state and the department, including
219 their officials and agents, against any and all liability,
220 including, but not limited to, civil rights liability. Proof of
221 satisfactory insurance is required in an amount to be determined
222 by the department ~~Department of Management Services~~.

223 (e) Establish operations standards for correctional
224 facilities subject to the contract. However, if the department
225 and the contractor disagree with an operations standard, the
226 contractor may propose to waive any rule, policy, or procedure
227 of the department related to the operations standards of
228 correctional facilities which is inconsistent with the mission
229 of the contractor to establish cost-effective, privately
230 operated correctional facilities. The department ~~Department of~~
231 ~~Management Services~~ shall be responsible for considering all
232 proposals from the contractor to waive any rule, policy, or
233 procedure and shall render a final decision granting or denying
234 such request.

235 (g) Require the selection and appointment of a full-time
236 contract monitor. The contract monitor shall be appointed and
237 supervised by the department ~~Department of Management Services~~.
238 The contractor is required to reimburse the department
239 ~~Department of Management Services~~ for the salary and expenses of

Amendment No. 1

240 the contract monitor. It is the obligation of the contractor to
241 provide suitable office space for the contract monitor at the
242 correctional facility. The contract monitor shall have unlimited
243 access to the correctional facility.

244 (2) Each contract entered into for the design and
245 construction of a private correctional facility or juvenile
246 commitment facility must include:

247 (c) A specific provision requiring the contractor, and not
248 the department ~~Department of Management Services~~, to obtain the
249 financing required to design and construct the private
250 correctional facility or juvenile commitment facility built
251 under this chapter.

252 (5) Each contract entered into by the department
253 ~~Department of Management Services~~ must include substantial
254 minority participation unless demonstrated by evidence, after a
255 good faith effort, as impractical and must also include any
256 other requirements the department ~~Department of Management~~
257 ~~Services~~ considers necessary and appropriate for carrying out
258 the purposes of this chapter.

259 (6) Notwithstanding s. 253.025(7), the Board of Trustees
260 of the Internal Improvement Trust Fund need not approve a lease-
261 purchase agreement negotiated by the department ~~Department of~~
262 ~~Management Services~~ if the department ~~Department of Management~~
263 ~~Services~~ finds that there is a need to expedite the lease-
264 purchase.

265 (7) (a) Notwithstanding s. 253.025 or s. 287.057, whenever
266 the department ~~Department of Management Services~~ finds it to be
267 in the best interest of timely site acquisition, it may contract

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268 without the need for competitive selection with one or more
269 appraisers whose names are contained on the list of approved
270 appraisers maintained by the Division of State Lands of the
271 Department of Environmental Protection in accordance with s.
272 253.025(6) (b). In those instances when the department ~~Department~~
273 ~~of Management Services~~ directly contracts for appraisal
274 services, it shall also contract with an approved appraiser who
275 is not employed by the same appraisal firm for review services.

276 (b) Notwithstanding s. 253.025(6), the department
277 ~~Department of Management Services~~ may negotiate and enter into
278 lease-purchase agreements before an appraisal is obtained. Any
279 such agreement must state that the final purchase price cannot
280 exceed the maximum value allowed by law.

281 Section 13. Subsection (2) of section 957.06, Florida
282 Statutes, is amended to read:

283 957.06 Powers and duties not delegable to contractor.—A
284 contract entered into under this chapter does not authorize,
285 allow, or imply a delegation of authority to the contractor to:

286 (2) Choose the facility to which an inmate is initially
287 assigned or subsequently transferred. The contractor may
288 request, in writing, that an inmate be transferred to a facility
289 operated by the department. The ~~Department of Management~~
290 ~~Services, the contractor,~~ and the department shall develop and
291 implement a cooperative agreement for transferring inmates
292 between a correctional facility operated by the department and a
293 private correctional facility. The department, ~~the Department of~~
294 ~~Management Services,~~ and the contractor must comply with the
295 cooperative agreement.

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296 Section 14. Subsections (1) and (4) and paragraph (d) of
297 subsection (5) of section 957.07, Florida Statutes, are amended
298 to read:

299 957.07 Cost-saving requirements.—

300 (1) The department ~~Department of Management Services~~ may
301 not enter into a contract or series of contracts unless the
302 department determines that the contract or series of contracts
303 in total for the facility will result in a cost savings to the
304 state of at least 7 percent over the public provision of a
305 similar facility. Such cost savings as determined by the
306 department ~~Department of Management Services~~ must be based upon
307 the actual costs associated with the construction and operation
308 of similar facilities or services as determined by the
309 department ~~Department of Corrections~~ and certified by the
310 Auditor General. The department ~~Department of Corrections~~ shall
311 calculate all of the cost components that determine the inmate
312 per diem in correctional facilities of a substantially similar
313 size, type, and location that are operated by the department
314 ~~Department of Corrections~~, including administrative costs
315 associated with central administration. Services that are
316 provided to the department ~~Department of Corrections~~ by other
317 governmental agencies at no direct cost to the department shall
318 be assigned an equivalent cost and included in the per diem.

319 (4) The department ~~Department of Corrections~~ shall provide
320 a report detailing the state cost to design, finance, acquire,
321 lease, construct, and operate a facility similar to the private
322 correctional facility on a per diem basis. ~~This report shall be~~
323 ~~provided to the Auditor General in sufficient time that it may~~

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324 ~~be certified to the Department of Management Services to be~~
325 ~~included in the request for proposals.~~

326 (5)

327 (d) If a private vendor chooses not to renew the contract
328 at the appropriated level, the department ~~Department of~~
329 ~~Management Services~~ shall terminate the contract as provided in
330 s. 957.14.

331 Section 15. Section 957.08, Florida Statutes, is amended
332 to read:

333 957.08 Capacity requirements.—The department ~~Department of~~
334 ~~Corrections~~ shall transfer and assign prisoners to each private
335 correctional facility opened pursuant to this chapter in an
336 amount not less than 90 percent or more than 100 percent of the
337 capacity of the facility pursuant to the contract with the
338 department ~~Department of Management Services~~. The prisoners
339 transferred by the department ~~Department of Corrections~~ shall
340 represent a cross-section of the general inmate population,
341 based on the grade of custody or the offense of conviction, at
342 the most comparable facility operated by the department.

343 Section 16. Section 957.14, Florida Statutes, is amended
344 to read:

345 957.14 Contract termination and control of a correctional
346 facility by the department.—A detailed plan shall be provided by
347 a private vendor under which the department shall assume
348 temporary control of a private correctional facility upon
349 termination of the contract. The department ~~Department of~~
350 ~~Management Services~~ may terminate the contract with cause after
351 written notice of material deficiencies and after 60 workdays in

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352 order to correct the material deficiencies. If any event occurs
353 that involves the noncompliance with or violation of contract
354 terms and that presents a serious threat to the safety, health,
355 or security of the inmates, employees, or the public, the
356 department may temporarily assume control of the private
357 correctional facility, ~~with the approval of the Department of~~
358 ~~Management Services~~. A plan shall also be provided by a private
359 vendor for the purchase and temporary assumption of operations
360 of a correctional facility by the department in the event of
361 bankruptcy or the financial insolvency of the private vendor.
362 The private vendor shall provide an emergency plan to address
363 inmate disturbances, employee work stoppages, strikes, or other
364 serious events in accordance with standards of the American
365 Correctional Association.

366 Section 17. Section 957.15, Florida Statutes, is amended
367 to read:

368 957.15 Funding of contracts for operation, maintenance,
369 and lease-purchase of private correctional facilities.—The
370 request for appropriation of funds to make payments pursuant to
371 contracts entered into by the department ~~Department of~~
372 ~~Management Services~~ for the operation, maintenance, and lease-
373 purchase of the private correctional facilities authorized by
374 this chapter shall be made by the ~~Department of Management~~
375 ~~Services in a request to the department~~. The department shall
376 include such request in its budget request to the Legislature as
377 a separately identified item and ~~shall forward the request of~~
378 ~~the Department of Management Services without change~~. After an
379 appropriation has been made by the Legislature to the department

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380 ~~for the private correctional facilities, the department shall~~
381 ~~have no authority over such funds other than to pay from such~~
382 ~~appropriation to the appropriate private vendor such amounts as~~
383 ~~are certified for payment by the Department of Management~~
384 ~~Services.~~

385 Section 18. Section 957.16, Florida Statutes, is amended
386 to read:

387 957.16 Expanding capacity.—The department ~~Department of~~
388 ~~Management Services~~ is authorized to modify and execute
389 agreements with contractors to expand up to the total capacity
390 of contracted correctional facilities. Total capacity means the
391 design capacity of all contracted correctional facilities
392 increased by one-half as described under s. 944.023(1)(b). Any
393 additional beds authorized under this section must comply with
394 the cost-saving requirements set forth in s. 957.07. Any
395 additional beds authorized as a result of expanded capacity
396 under this section are contingent upon specified appropriations.

397
398

399 -----

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

401 Remove line 9 and insert:

402 youthful offender basic training program; amends s. 943.10,
403 F.S.; expanding the definition of "correctional probation
404 officer" and "part-time correctional probation officer";
405 amending s. 944.02, F.S.; redefining the term "elderly offender"
406 to remove a reference to the Department of Management Services;
407 creating s. 944.1051, F.S.; authorizing the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5403 (2011)

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408 Corrections to contract with a private entity to supervise
409 offenders on community supervision in Broward and Miami-Dade
410 counties; providing contract requirements; providing
411 definitions; amending s. 944.115, F.S.; replacing a reference to
412 the Department of Management Services with a reference to the
413 Department of Corrections in the definition of the term
414 "employee"; amending s. 944.72, F.S.; removing a reference to
415 the Department of Management Services in regards to the
416 Privately Operated Institutions Inmate Welfare Trust Fund;
417 amending s. 944.8041, F.S.; removing a reference to the
418 Department of Management Services in regards to granting access
419 to the Correctional Medical Authority; amending s. 945.215,
420 F.S.; replacing references to the Department of Management
421 Services with references to the Department of Corrections in
422 regards to the Privately Operated Institutions Inmate Welfare
423 Trust Fund; amending s. 947.005, F.S.; providing definitions;
424 amending s. 948.001, F.S.; providing definitions; amending s.
425 948.01, F.S.; providing an exception to the prohibition on
426 private entities providing supervision services to certain
427 offenders; providing for a transfer of specified duties,
428 functions, property, and funds from the Department of Management
429 Services to the Department of Corrections; amending s. 957.04,
430 F.S.; replacing references to the Department of Management
431 Services with references to the Department of Corrections in
432 regards to contracting for the operation of private correctional
433 facilities; amending s. 957.06, F.S.; replacing references to
434 the Department of Management Services with references to the
435 Department of Corrections in regards to the transfer of inmates;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5403 (2011)

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436 amending s. 957.07, F.S.; replacing references to the Department
437 of Management Services with references to the Department of
438 Corrections in regards to private prison cost-savings
439 requirements; amending s. 957.08, F.S.; replacing references to
440 the Department of Management Services with references to the
441 Department of Corrections in regards to capacity requirements of
442 private prisons; amending s. 957.14, F.S.; replacing references
443 to the Department of Management Services with references to the
444 Department of Corrections in regards to the termination of
445 private prison contracts; amending s. 957.15, F.S.; replacing
446 references to the Department of Management Services with
447 references to the Department of Corrections in regards to
448 funding private prison contracts; amending s. 957.16, F.S.,
449 replacing a reference to the Department of Management Services
450 with a reference to the Department of Corrections in regards to
451 expanding capacity in private prisons; providing an