

CHAPTER 2024-84

Committee Substitute for Committee Substitute for House Bill No. 1337

An act relating to Department of Corrections; amending s. 944.31, F.S.; providing additional authority for law enforcement officers of the office of the inspector general concerning department and contractor-operated correctional facilities; amending s. 944.710, F.S.; replacing the term “private correctional facility” with “contractor-operated correctional facility”; replacing the term “private correctional officer” with “contractor-employed correctional officer”; conforming provisions to changes made by the act; amending s. 957.04, F.S.; providing that correctional privatization contracts are not exempt from specified state contracting provisions unless otherwise specified; providing construction; conforming provisions to changes made by the act; amending s. 957.07, F.S.; revising terminology; removing provisions concerning development of consensus per diem rates by the Prison Per-Diem Workgroup; conforming a provision to changes made by the act; amending s. 957.12, F.S.; revising provisions concerning contact with the department by specified persons; conforming a provision to changes made by the act; amending s. 957.15, F.S.; removing a provision concerning department control over certain funds appropriated for contractor-operated correctional facilities; conforming a provision to changes made by the act; amending ss. 330.41, 553.865, 633.218, 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13, 943.325, 944.105, 944.151, 944.17, 944.35, 944.40, 944.605, 944.606, 944.607, 944.608, 944.609, 944.7031, 944.714, 944.715, 944.716, 944.717, 944.718, 944.719, 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041, 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06, 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and 985.4815, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

944.31 Inspector general; inspectors; power and duties.—

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

(2) The office of the inspector general shall inspect each correctional institution or any place in which state prisoners are housed, worked, or kept within the state, with reference to its physical conditions, cleanliness, sanitation, safety, and comfort; the quality and supply of all bedding; the quality, quantity, and diversity of food served and the manner in which it is

served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

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

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

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

(b) The secretary may designate persons within the office of the inspector general as law enforcement officers to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction. All criminal investigations involving matters over which the department has jurisdiction at contractor-operated correctional facilities, as defined in s. 944.710, may be conducted by the law enforcement officers of the office of the inspector general.

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

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

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

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

1. Any prisoner of or visitor to a state correctional institution or a contractor-operated correctional facility, for a violation of the criminal laws of the state involving an offense classified as a felony that occurs on property

owned or leased by the department or on the property of a contractor-operated correctional facility; and ~~may arrest~~

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

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

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

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

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

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

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

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

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

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

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

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

957.04 Contract requirements.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

957.07 Cost-saving requirements.—

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

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

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

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

~~a. Custody and control;~~

~~b. Health services;~~

~~c. Substance abuse programs; and~~

~~d. Educational programs;~~

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

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

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

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

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

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

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

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

957.15 Funding of contracts for operation, maintenance, and lease-purchase of contractor-operated private correctional facilities.—The request for appropriation of funds to make payments pursuant to contracts entered into by the department for the operation, maintenance, and lease-purchase of the contractor-operated private correctional facilities authorized by this chapter shall be included in its budget request to the Legislature as a separately identified item. ~~After an appropriation has been made by the Legislature to the department for the private correctional facilities, the department shall have no authority over such funds other than to pay from such appropriation to the appropriate private vendor such amounts as are certified for payment by the department.~~

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

330.41 Unmanned Aircraft Systems Act.—

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

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

1. A power generation or transmission facility, substation, switching station, or electrical control center.
2. A chemical or rubber manufacturing or storage facility.
3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
4. A mining facility.
5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
6. A liquid natural gas or propane gas terminal or storage facility.
7. Any portion of an aboveground oil or gas pipeline.
8. A refinery.
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
10. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
13. An airport as defined in s. 330.27.
14. A spaceport territory as defined in s. 331.303(18).
15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.
16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.
17. A state correctional institution as defined in s. 944.02 or a contractor-operated ~~private~~ correctional facility authorized under chapter 957.
18. A secure detention center or facility as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).
19. A county detention facility as defined in s. 951.23.

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

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

553.865 Private spaces.—

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

(b) “Correctional institution” means any state correctional institution as defined in s. 944.02 or contractor-operated private correctional facility as defined in s. 944.710.

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

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

(1)

(e) For purposes of this section:

1.a. The term “high-hazard occupancy” means any building or structure:

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

(II) At which persons receive educational instruction;

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

(IV) Containing three or more floor levels.

b. As used in this subparagraph, the phrase “building or structure”:

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

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

2. The term “state-owned building” includes contractor-operated private correctional facilities as defined under s. 944.710 ~~s. 944.710(3)~~.

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

775.21 The Florida Sexual Predators Act.—

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

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

(6) REGISTRATION.—

(b) If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a contractor-operated ~~private~~ correctional facility, the sexual predator shall register with the Department of Corrections. A sexual predator who is under the supervision of the Department of Corrections but who is not incarcerated shall register with the Department of Corrections within 3 business days after the court finds the offender to be a sexual predator. The Department of Corrections shall provide to the department registration information and the location of, and local telephone number for, any Department of Corrections office that is responsible for supervising the sexual predator. In addition, the Department of Corrections shall notify the department if the sexual predator escapes or absconds from custody or supervision or if the sexual predator dies.

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

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

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

2. Any change that occurs after the sexual predator registers in person at the sheriff’s office as provided in subparagraph 1. in any of the following information related to the sexual predator must be reported as provided in paragraphs (g), (i), and (j): permanent, temporary, or transient residence; name; vehicles owned; electronic mail addresses; Internet identifiers and each Internet identifier’s corresponding website homepage or application

software name; home and cellular telephone numbers; employment information; and change in status at an institution of higher education. When a sexual predator registers with the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the predator and forward the photographs, palm prints, and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

(10) PENALTIES.—

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

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

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

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

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

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

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

775.261 The Florida Career Offender Registration Act.—

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

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

1. The career offender has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph; or
2. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(4) REGISTRATION.—

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

1. Name, social security number, age, race, gender, date of birth, height, weight, hair and eye color, photograph, address of legal residence and address of any current temporary residence within the state or out of state, including a rural route address or a post office box, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the career offender. A career offender may not provide a post office box in lieu of a physical residential address. If the career offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the career offender shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a career offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the career offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.
2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

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

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

(1) As used in this section, the term "facility" means a state correctional institution defined in s. 944.02(8); a contractor-operated private correctional

facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

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

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

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

(a) “Employee” means:

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

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

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

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

(b) “Facility” means a state correctional institution as defined in s. 944.02, a contractor-operated ~~private~~ correctional facility as defined in s. 944.710, or a county detention facility as defined in s. 951.23.

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

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

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

(b) “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or

incarceration in a state prison, federal prison, contractor-operated private correctional facility, or local detention facility.

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

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

(II) Has been released on or after October 1, 1997, from a sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I) and does not otherwise meet the criteria for registration as a sexual offender under chapter 944 or chapter 985. For purposes of this sub-sub-subparagraph, a sanction imposed in this state or in any other jurisdiction means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, contractor-operated private correctional facility, or local detention facility. If no sanction is imposed, the person is deemed to be released upon conviction;

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

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.

847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this sub-subparagraph or at least one offense listed in this sub-subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a contractor-employed private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. The department shall retain and enter into the statewide automated biometric identification system authorized by s. 943.05 all fingerprints submitted to the department as required by this section. Thereafter, the fingerprints shall be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051. The department shall search all arrest fingerprints received pursuant to s. 943.051 against

the fingerprints retained in the statewide automated biometric identification system pursuant to this section and report to the employing agency any arrest records that are identified with the retained employee's fingerprints. These fingerprints must be forwarded to the department for processing and retention.

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

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

943.325 DNA database.—

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

(g) “Qualifying offender” means any person, including juveniles and adults, who is:

1.a. Committed to a county jail;

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

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

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

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

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

b. Convicted of a misdemeanor violation of s. 784.048, s. 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an offense that was found, pursuant to s. 874.04, to have been committed for the purpose of benefiting,

promoting, or furthering the interests of a criminal gang as defined in s. 874.03;

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

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

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

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

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

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

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

(c) To prevent serious damage to property.

(d) To enforce institutional regulations and orders.

(e) To prevent or quell a riot.

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

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

(7) The department shall require the certification of contractor-employed ~~private~~ correctional officers at the private vendor's expense under s. 943.1395, and all such officers must meet the minimum qualifications established in s. 943.13. All other employees of the private vendor that perform their duties at the contractor-operated ~~private~~ correctional facility shall receive, at a minimum, the same quality and quantity of training as that required by the state for employees of state-operated correctional facilities. All training expenses shall be the responsibility of the private vendor. The department shall be the contributor and recipient of all criminal

background information necessary for certification by the Criminal Justice Standards and Training Commission.

Section 18. Subsections (1) through (4) of section 944.151, Florida Statutes, are amended to read:

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

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

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

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

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

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

944.17 Commitments and classification; transfers.—

(3)

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

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

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

(3)

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

a.b. “Contractor-operated Private correctional facility” has the same meaning as in s. 944.710.

b.a. “Female genitals” includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

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

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

2. Any employee of the department or a contractor-operated ~~private~~ correctional facility or any volunteer in, or any employee of a contractor or subcontractor of, the department or a contractor-operated ~~private~~ correctional facility who engages in sexual misconduct with an inmate or an

offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

4. This paragraph does not apply to any employee, volunteer, or employee of a contractor or subcontractor of the department or any employee, volunteer, or employee of a contractor or subcontractor of a contractor-operated ~~private~~ correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee, volunteer, or employee of a contractor or subcontractor who has no knowledge, and would have no reason to believe, that the person with whom the employee, volunteer, or employee of a contractor or subcontractor has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

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

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

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

944.605 Inmate release; notification; identification card.—

(1) Within 6 months before the release of an inmate from the custody of the Department of Corrections or a contractor-operated ~~private~~ correctional facility by expiration of sentence under s. 944.275, any release program provided by law, or parole under chapter 947, or as soon as possible if the offender is released earlier than anticipated, notification of such anticipated release date shall be made known by the Department of Corrections to the chief judge of the circuit in which the offender was sentenced, the appropriate state attorney, the original arresting law enforcement agency, the Department of Law Enforcement, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. In addition, unless otherwise requested by the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, the victim's next of kin in the case

of a homicide, the state attorney or the Department of Corrections, whichever is appropriate, shall notify such person within 6 months before the inmate's release, or as soon as possible if the offender is released earlier than anticipated, when the name and address of such victim, or the name and address of the parent, guardian, next of kin, or lawful representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim, or for the victim's parent, guardian, next of kin, or lawful representative, as applicable, to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. Upon request, within 30 days after an inmate is approved for community work release, the state attorney, the victim, the victim's parent or guardian if the victim is a minor, the victim's next of kin in the case of a homicide, or the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor shall be notified that the inmate has been approved for community work release. This section does not imply any repeal or modification of any provision of law relating to notification of victims.

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

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

944.606 Sexual offenders; notification upon release.—

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

(a) "Convicted" means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison,

federal prison, contractor-operated ~~private~~ correctional facility, or local detention facility.

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

1. The department shall provide: the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth, height, weight, and hair and eye color; tattoos or other identifying marks; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints, palm prints, and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; all electronic mail addresses and all Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); employment information, if known, provided pursuant to s. 943.0435(4)(e); all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); information about any professional licenses the offender has, if known; and passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a contractor-operated ~~private~~ correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the Department of Corrections and also place it in the sexual offender's file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender's release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. that the Department of Law Enforcement requests.

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

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

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

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

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

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

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court makes a written finding that the racketeering activity involved at least one sexual offense listed in this subparagraph or at least one offense listed in this subparagraph with sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

944.609 Career offenders; notification upon release.—

(1) As used in this section, the term “career offender” means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of a contractor-operated private correctional facility, who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

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

1. The department must provide the career offender’s name, any change in the career offender’s name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the career offender is released; the career offender’s social security number, race, gender, date of birth, height, weight, and hair and eye color; date and county of sentence and each crime for which the career offender was sentenced; a copy of the career offender’s fingerprints and a digitized photograph taken within 60 days before release; the date of release of the career offender; and the career offender’s intended residence address, if known. The department shall notify the Department of Law Enforcement if the career offender escapes, absconds, or dies. If the career offender is in the custody of a

contractor-operated ~~private~~ correctional facility, the facility shall take the digitized photograph of the career offender within 60 days before the career offender's release and provide this photograph to the Department of Corrections and also place it in the career offender's file. If the career offender is in the custody of a local jail, the custodian of the local jail shall notify the Department of Law Enforcement of the career offender's release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. which the Department of Law Enforcement requests.

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

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

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

(1) It is the intent of the Legislature that state inmates nearing release from a contractor-operated ~~private~~ correctional facility managed under chapter 957 are eligible for assistance under ss. 944.701-944.708, and all laws that provide for or mandate transition assistance services to inmates nearing release also apply to inmates who reside in contractor-operated ~~private~~ correctional facilities.

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

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

944.714 Quality assurance and standards of operation.—

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

(2) All contractor-employed ~~private~~ correctional officers employed by a private vendor must be certified, at the private vendor's expense, as having

met the minimum qualifications established for correctional officers under s. 943.13.

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

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

944.715 Delegation of authority.—

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

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

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

944.716 Contract termination and control of a correctional facility by the department.—A detailed plan shall be provided by a private vendor under which the department shall assume control of a contractor-operated ~~private~~ correctional facility upon termination of the contract. The department may terminate the contract with cause after written notice of material deficiencies and after 60 workdays in order to correct the material deficiencies. If any event occurs that involves the noncompliance with or violation of contract terms and that presents a serious threat to the safety, health, or security of the inmates, employees, or the public, the department may temporarily assume control of the contractor-operated ~~private~~ correctional facility. A plan shall also be provided by a private vendor for the purchase and assumption of operations of a correctional facility by the department in the event of bankruptcy or the financial insolvency of the private vendor. The

private vendor shall provide an emergency plan to address inmate disturbances, employee work stoppages, strikes, or other serious events in accordance with standards of the American Correctional Association.

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

944.717 Conflicts of interest.—

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

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

944.718 Withdrawal of request for proposals.—

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

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

944.719 Adoption of rules, monitoring, and reporting.—

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

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

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

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

determine are necessary to carry out monitoring and auditing responsibilities.

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

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

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

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

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

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

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

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

944.801 Education for state prisoners.—

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

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

944.803 Faith- and character-based programs.—

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

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

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

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

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

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

945.10 Confidential information.—

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

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

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

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

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

945.215 Inmate welfare and employee benefit trust funds.—

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

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

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

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

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

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

945.6041 Inmate medical services.—

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

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

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

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

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

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

Section 41. Section 946.503, Florida Statutes, is amended to read:

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

(1)(6) “Contractor-operated Private correctional facility” means a facility authorized by chapter 944 or chapter 957.

(2)(1) “Corporation” means the private nonprofit corporation established pursuant to s. 946.504(1), or a private nonprofit corporation whose sole member is the private nonprofit corporation established pursuant to s. 946.504(1), and at least 51 percent of the board of which contains members of the board of directors of the private nonprofit corporation established pursuant to s. 946.504(1), to carry out this part.

(3)(2) “Correctional work program” means any program presently a part of the prison industries program operated by the department or any other correctional work program carried on at any state correctional facility presently or in the future, but the term does not include any program authorized by s. 945.091 or s. 946.40.

(4)(3) “Department” means the Department of Corrections.

(5)(4) “Facilities” means the buildings and land used in the operation of an industry program on state property.

(6)(5) “Inmate” means any person incarcerated within any state, county, municipal, or contractor-operated ~~private~~ correctional facility.

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

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

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

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

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

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

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

(1) Each contractor entering into a contract under this chapter is liable in tort with respect to the care and custody of inmates under its supervision and for any breach of contract. Sovereign immunity may not be raised by a contractor, or the insurer of that contractor on the contractor's behalf, as a defense in any action arising out of the performance of any contract entered into under this chapter or as a defense in tort, or any other application, with respect to the care and custody of inmates under the contractor's supervision and for any breach of contract.

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

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

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

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

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

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

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

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

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

957.09 Applicability of chapter to other provisions of law.—

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

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

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

957.13 Background checks.—

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

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

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

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

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

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

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

(p) *Information concerning escape from a state correctional institution, county jail, juvenile detention facility, or residential commitment facility.*—

In any case where an offender escapes from a state correctional institution, contractor-operated ~~private~~ correctional facility, county jail, juvenile detention facility, or residential commitment facility, the institution of confinement shall immediately notify the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose and the judge who imposed the sentence of incarceration. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request. When an escaped offender is subsequently captured or is captured and returned to the institution of confinement, the institution of confinement shall again immediately notify the appropriate state attorney and sentencing judge pursuant to this section.

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

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

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

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

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

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

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

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

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

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

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

2. Establishes or maintains a residence in this state and has not been designated as a sexual predator by a court of this state but has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.

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

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

2. The sexual offender's most current address and place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or

has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state; and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor April 11, 2024.

Filed in Office Secretary of State April 11, 2024.