

STORAGE NAME: h3711.go

DATE: March 27, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3711

RELATING TO: Private Prisons

SPONSOR(S): Representative Lacasa

COMPANION BILL(S): SB 2112(s), HB 4411(c) and SB 1968(c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CORRECTIONS YEAS 7 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

This bill requires a contract, for the private operation of a correctional facility entered into on or after January 1, 1998, to provide for the operation of private facilities under the same conditions as publicly operated facilities with regard to:

air conditioning of inmate housing;
use and acquisition of recreational facilities;
permitted reading materials;
use of televisions; and
use of inmate labor for chain gangs and other public works.

Additionally, this bill prohibits such a contract from imposing a maximum on the cost of individual inmate health care.

HB 3711, additionally, requires the Florida Corrections Commission to monitor and document compliance with the cooperative transfer agreement between the Department of Corrections and the Correctional Privatization Commission, mediate disputes and make recommendations to the Governor for final resolution.

This bill prohibits private correctional facilities from housing certain violent inmates from other states.

This bill will become effective on July 1, 1998 and has no fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The History of the Five Private Prisons in Florida

In 1989 the legislature authorized the Department of Corrections (DOC) to enter into contracts with private corrections firms for the construction and operation of private prisons in order to realize cost savings, speedy construction, and efficient management. (See Chapter 89-526, Laws of Florida) Despite multiple appropriations by the legislature in subsequent years, the DOC did not progress toward the selection of successful bidders and any contractual agreement. Implementation of the law was predominantly thwarted and delayed by a series of bid protests, legal challenges, budget reductions, inability of bidders to meet the 10 percent cost savings, and disagreements on cost estimates produced by the DOC.

In 1990 and 1991 the legislature again appropriated funds for a private prison. (See Chapters 90-209 and 91-193, Laws of Florida) These funds were appropriated to the Board of County Commissioners of Gadsden County to develop a request for proposals and to enter into a lease purchase agreement and private management agreement with a private vendor for a 768-bed prison. In the summer of 1992, U. S. Corrections Corporation, was selected as the successful bidder and by March of 1995, the state opened its first private prison, housing adult females. The contract with U.S. Corrections Corporation was a five-year, \$80 million contract.

Although Gadsden County was initially charged with procuring the private prison, the DOC was later directed to negotiate and manage the contract. This private facility is the only private prison contract managed by the DOC. Sections 944.710-719, Florida Statutes, govern the procurement and operation of the Gadsden Correctional Institution.

To further expedite the progress toward privatization, the 1993 Legislature created Chapter 957, Florida Statutes, which established a five-member Correctional Privatization Commission (CPC) within the Department of Management Services. (See Chapter 93-406, Laws of Florida) The CPC was charged with entering into a contract with vendors for the financing, construction, and management of two 750-bed private correctional facilities. Later, Corrections Corporation of America (CCA) and Wackenhut Corrections Corporation were each awarded a contract. The two 750-bed facilities (Moore Haven Correctional Facility and Bay Correctional Facility) were opened in July and August of 1995.

In 1994, the legislature directed the CPC to solicit contracts for additional privatized facilities: an adult 1,318-bed facility and three 350-bed youthful offender facilities. (See Chapter 94-209, Laws of Florida) Later, but prior to their opening, two of the 350-bed facilities were redesignated to house juveniles. (See Chapter 96-422, Laws of Florida) The CPC awarded the contract for the 1,318-bed facility to Wackenhut Corrections Corporation and the facility (South Bay Correctional Facility) opened in February of 1996. Corrections Corporation of America was awarded the remaining contract for a 350-bed facility (Lake City Correctional Facility) which opened in October of 1996. Currently, the state contracts for a total of 3,936 privatized beds.

Applicability of Laws Governing the Private Correctional Facilities

In 1993, Section 957.09, Florida Statutes, was enacted. This section deals with the applicability of certain provisions of law to private correctional facilities:

Applicability of chapter to other provisions of law.--

(1)(a) Any offense that if committed at a state correctional facility would be a crime shall be a crime if committed by or with regard to inmates at 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 shall apply to inmates incarcerated in a private correctional facility operated pursuant to a contract entered into under this chapter.

(2) The provisions of this chapter are supplemental to the provisions of ss. 944.105 and 944.710-944.719. However, in any conflict between a provision of this chapter and a provision of such other sections, the provision of this chapter shall prevail.

(3) The provisions of law governing the participation of minority business enterprises are applicable to this chapter.

At the time of the enactment of this section, the DOC was the only provider or contract manager of state correctional services. Consequently, the bulk of the statutory mandates dealing with prisons were specifically directed to the DOC.¹ Subsequently, several private correctional facilities have begun operation. Since Section 957.09, Florida Statutes, specifically defines which laws are applicable to private correctional facilities, its effect could exempt such facilities from many legal provisions to which the public corrections system is ordinarily subject.

The general result of having such an exemption is twofold. First, the CPC and the private prison contractors are free to establish innovative policies in the area of corrections which may substantially differ from those set by the legislature for the public prisons and by those set by rule by the DOC. Second, the adoption of policies by CPC that are substantially different from policies governing the public policies may accelerate the creation of a dual corrections system which, according to a recent Office of Program Policy Analysis And Government Accountability (OPPAGA) report (Report No. 97-06, September, 1997) may be duplicative and dilute the potential benefits privatization may offer the state.

Prisons With Air Conditioned Housing Units

¹ Prior to the enactment of Chapter 957, Florida Statutes, the three major chapters of law that governed the correctional system were Chapters 944, 945, and 958, Florida Statutes.

There are no provisions in law to either permit or restrict the use of air conditioning in the housing units of either public or private prisons.

Only seven of the 55 major state-managed prisons in Florida have air-conditioning in some portion of the facility, and many of these are located in South Florida. The following institutions have air-conditioning: Brevard C.I., Broward C.I., Dade C.I., Hillsborough C.I., and Lancaster C.I. Four of these institutions were built in the 1970's and one was built by the former Department of Health and Rehabilitative Services (HRS) for their juvenile justice programs. In addition, Union C.I. was built in 1913 and has been renovated with air-conditioning in some areas, such as its hospital. The Corrections Mental Health Institute, which houses mentally ill inmates, is air-conditioned.

All four of the private prisons managed by CPC have constructed air-conditioned housing units for the inmates. Private prison vendors report that air conditioning improves the working environment for the correctional officers supervising the inmates and may help alleviate prison tensions among inmates during hot summer months. Contract vendors additionally report that air-conditioning is necessary to maintain their temperature-sensitive computerized and electronic security systems and equipment.

The Purchase of Recreational Equipment and Televisions

A September, 1996, article in Federal Probation, "No-Frills Prisons and Jails: A Movement in Flux," found that there is a well-defined movement to eliminate or reduce the availability of certain amenities and privileges that inmates have previously enjoyed. Many jurisdictions have restricted or plan to restrict an inmate's access to television and other electronic equipment.² A smaller number of jurisdictions were identified that have restricted recreation opportunities (Alabama's chain gangs are restricted to basketball on weekends, Arizona abolished football and boxing in the mid-1980's, Wisconsin abolished tennis in 1996). Other amenities affected include weight lifting equipment, hot meals, coffee, and phone privileges.

The movement to restrict prison privileges is reflected in the amendment of Section 945.215, Florida Statutes. Prior to 1994, the DOC was permitted to expend inmate welfare trust funds for recreational purposes. These purposes included expenditure for recreational pavilions, basketball courts, handball courts, jogging and running tracks, and the purchase of movie rentals, television sets, cable television service, weight-lifting equipment and other recreational equipment. However, the 1994 legislature significantly amended Section 945.215, Florida Statutes, to require that funds intended for recreational purposes be appropriated annually, to restrict the use of the inmate welfare funds and to eliminate the ability of the DOC to purchase recreational equipment or televisions. The statute specifically states:

² One out of every five wardens surveyed nationally in the summer of 1995 reported that televisions have been restricted. Additionally, some sheriffs in Florida in recent years have removed televisions from their jails. Unlike prisons, however, jails typically keep offenders for a relatively short period of time and house offenders in cells rather than open bay dormitories. Corrections managers typically express opposition to eliminating televisions in part because watching television reduces inmate idleness and can be used as an incentive to reward good behavior.

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Funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase video cassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audiovisual equipment for inmate training or educational programs.

Although the law did not prohibit the DOC from allowing inmates to participate in recreation programs or watch television, the practical effect of this language is to restrict the capacity of the DOC to maintain and replace equipment. At present, the DOC continues to use its existing supply of television sets, relies heavily on inexpensive recreational and leisure activities, and has begun to solicit donations of recreational equipment. Unless the DOC finds funding to replenish existing equipment, some of these recreational programs could eventually be discontinued.

Shortly after the passage of the 1994 law, OPPAGA conducted an audit (Report # 94-21) which examined the role of recreation programs within the Department of Corrections. Generally, the audit found that all 50 states provide inmates with recreation programs and generally regard these programs as low cost tools to reduce inmate assaults on staff, inmate assaults on other inmates, and inmate destruction of prison facilities. The audit also concluded that allowing inmates to participate in recreation programs permits institution officials to supervise large numbers of inmates with relatively few corrections officers.

Section 945.215, Florida Statutes, is not specifically applicable to the private prisons. The original contracts with the Bay Correctional Facility and Moore Haven Correctional Facility vendors stated that the commissary would be operated in accordance with Section 945.215, Florida Statutes. However, after the legislature amended the provision of law in 1994, preventing the department from spending commissary profits independent of legislative appropriation, the commission amended its contracts with the vendors to allow the vendors to retain possession of the inmate welfare funds and to not be restricted in the same manner as the public prisons.

Permitted Reading Materials

Section 944.11, Florida Statutes, regulates and restricts pornography in the state prison system by authorizing the DOC to prohibit the admission of reading materials that depict sexual conduct in a certain way. This law is not applicable to the private prisons and such authorization to restrict reading material is not provided to CPC or to the private prisons.

In the absence of specific authority, however, the Department of Management Services and the CPC have developed proposed rules governing a wide variety of corrections issues under its rulemaking authority cited in Section 957.03 (5), Florida Statutes, which states:

"...the commission may adopt rules necessary to carry out its contracting and monitoring duties..."

These rules, published in the Florida Administrative Weekly, January 9, 1998, include a rule on the admissibility of reading materials that states:

60AA-3.012 Admissible Reading Material.

Commission-approved policy, procedure and practice will provide guidelines for admissible reading material.

At present, there is no formal policy, procedure and practice approved by the commission. Nevertheless, the private prisons have regulated the admission of materials and publications depicting certain sexual conduct or nudity in the same manner as the department. These types of materials which are prohibited by both the department and the commission are closely reviewed. An appeal process for inmates to challenge rejections of publications is afforded.

A proposed rule recently published by the DOC (Florida Administrative Weekly, January 16, 1998), appears to govern the types of reading materials in both the public and private prisons. The proposed rule change states:

33-3.012 Admissible Reading Material.

(2) Inmates shall be permitted to receive publications except when the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution or community facility of the department, or privately operated institution under contract with the department or the Correctional Privatization Commission, or when it is determined that the publication might facilitate criminal activity.....

Chain Gangs

Passage of Chapter 95-283, Laws of Florida, required the DOC to implement a plan for selected inmates to perform labor wearing leg irons in chain-gang work groups. The plan, implemented in 1995, intended the work groups to be labor intensive, productive and cost effective.

Depending on institutional needs, inmates are assigned to a chain gang as direct punishment for a rule infraction or as an alternative to confinement and/or loss of gaintime. While working on the chain gang, inmates wear the regular inmate uniform (blue); however, each pant leg includes a white, vertical stripe to clearly identify them as inmates. The leg restraints worn by the inmates consist of a 45 inch chain covered at each end by protective plastic tubing. An "O" ring is attached to each end of the length of chain. This leg restraint is placed around each ankle and then padlocked in place. Inmates have approximately 24 inches of chain controlling their stride.

Seven institutions operate chain gangs, with each squad comprised of up to 30 inmates supervised by one unarmed correctional officer and two armed correctional officers.

Inmate Public Work Programs

Chapter 946, Florida Statutes, relates to inmate labor and the operation of correctional work programs. It provides that all able-bodied prisoners work according to rules prescribed by the DOC. The statutory goal is to work all inmates at least 40 hours a

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week, except for those who are a serious security risk or who are unable to work. Until this goal is accomplished, the DOC is directed to maximize its use of inmates within existing resources.

Section 957.06, Florida Statutes, specifies that contractors are not permitted to develop or implement requirements that inmates engage in work, except to the extent that those requirements are accepted by the commission. The commission has published the following proposed rule relating to work programs:

60AA-3.003 Inmate Work Program.

(1) Commission-approved policy, procedure, and practice will provide for inmate work programs.

(2) Each able-bodied inmate will be required to work and to perform the work to which he is assigned in a satisfactory and acceptable manner.

(3) No inmate will be authorized to leave the grounds of a facility for reasons other than a transfer or for medical treatment without the written authorization of the Executive Director.

The community work squads currently existing in the Florida correctional system are operated under either of two categories of agreements. One category includes inter-agency agreements between the DOC and the Department of Transportation. A second category includes local agreements between correctional institutions and other entities such as the Division of Forestry, cities, counties, municipalities, and non-profit corporations.

The DOC is a party to both categories of agreements, either at-large through inter-agency agreements, or through local agreements entered into by a DOC operated prison. The Moore Haven Correctional Facility, operated by Wackenhut Corrections Corporation is the only private prison operating an inmate work program in which inmates perform work in the community and off the prison grounds.

The common types of work performed by these squads include roadway and right-of-way work for cities and counties; grounds and building maintenance (mowing, painting, litter removal); construction projects and structure repair; and office moving and cleaning of the state's forests. The work squads also assist state and local governments in removing debris after natural disasters.

Limitations on Inmate Health Services Care Costs in Contracts

Limitations on inpatient hospitalization costs are contained within four of the private vendors' contracts. If, in the opinion of the on-site Chief Health officer, the inmate cannot be treated in the institution, a referral is made to a medical facility that can provide treatment. The private prison contractor is not responsible for costs incurred after 5 days of hospitalization, including surgery and specialty services, in amounts greater than \$7,500 per inmate per admission. Costs in excess of \$7,500 are assumed by DOC. If an inmate is considered to be medically, physically or mentally incapable of

participating in programmatic activities for a time greater than two weeks, the vendor may request a transfer to DOC.

Cooperative Transfer Agreement/Mediation of Disputes

Chapter 94-148, Laws of Florida, mandated that inmate transfers to and from private correctional facilities be accomplished through a cooperative agreement between the department, the contractor and the commission. This provision of law went into effect May 11, 1994, and was codified in Section 957.06 (2), Florida Statutes. In a November, 1995, report done by OPPAGA on the review of correctional privatization, OPPAGA made several recommendations to the legislature, as well as to the DOC and to the CPC. OPPAGA suggested the legislature direct the DOC to assign inmates to private prisons for the duration of their sentence and direct the commission to transfer inmates out of private prisons if, and only if, the inmate requires excessive medical treatment or is a threat to public safety, institutions, staff or other inmates.

Three and one half years after enactment of Chapter 94-148, Laws of Florida, there is no cooperative agreement. According to OPPAGA, (report # 97-06) there is no cooperative transfer agreement because the DOC and CPC have been unable to cooperate to resolve issues surrounding the transfer of inmates to and from private prisons. OPPAGA reported that the lack of cooperation between the DOC and the CPC is preventing the maximizing of potential benefits privatization may offer the state. Instead of using privatization as a tool to increase the efficiency of today's corrections services, the DOC and the CPC have moved towards operating a dual corrections system which may be duplicative.

To solve this problem, OPPAGA made the recommendation that the governor authorize an independent body within the executive branch, such as the Florida Corrections Commission (FCC), to mediate the disputes between the DOC and the commission, and make recommendations to the Governor for final resolution. The primary functions of the FCC, as authorized in Section 20.315(6), Florida Statutes, are, among other things, to: recommend correctional policies; review the correctional system and recommend improvements; and evaluate the annual budget request by the department. The FCC currently is not authorized to perform any function that is non-advisory in nature relating to the operations of the CPC or the DOC.

Out-of-State Inmates Housed in Private Correctional Facilities

According to the March, 1997, *Private Adult Correctional Facility Census*, twelve states contract with privately operated prisons in five states. These five states are Texas, Arizona, Minnesota, Oklahoma and Tennessee.

Concerns regarding recent disturbances and escapes by private prison inmates in Texas and Arizona prompted a review by the FCC which documented the following incidents:

Texas

- In 1996, Texas experienced five separate incidents of escape and/or riots where state and local law enforcement intervention was necessary to capture escaped

inmates or suppress disturbances caused by out-of-state inmates at private correctional facilities.

- A private vendor of correctional services in Texas was not required to notify the state that it had contracted with another state to fill excess bed space. As a result, Texas officials were not aware that there was excess bed space which had been contracted to another state and that 240 sex offenders from another state were housed in the minimum custody facility.
- In an August, 1996, incident, two Oregon sex offenders escaped from a Houston facility. After being recaptured, authorities found that the offenders could not be prosecuted for the escape under either Oregon or Texas statutes.
- Legislation passed in 1997 which addressed the issue of who should bear the costs of apprehending out-of-state escapees and responding to riots.

Arizona

- Arizona experienced similar problems with escapes of and riots by out-of-state offenders in private correctional facilities. In October, 1996, 6 serious offenders (3 murderers and 3 sex offenders) from Alaska escaped from a private facility.
- Legislation passed in 1997 regulating the housing of such inmates by requiring the notification of the number and type of out-of-state offenders brought into the state and by imposing a penalty in the amount of \$10,000 per escapee or the cost of the actual capture.

Minnesota, Oklahoma and Tennessee have not experienced the same type of problems as in Texas and Arizona. This may be attributed, in part, to the statutory language that regulates their operation.

Florida's private correctional facilities currently house only state inmates and there are no contract provisions permitting the housing of felons from other state jurisdictions. However, no specific statutory provision exists authorizing, regulating or restricting the housing of felons from other state jurisdictions. To date there have been no escapes or major disturbances at the private correctional facilities under contract with either the CPC or the DOC.

B. EFFECT OF PROPOSED CHANGES:

See "Section-By-Section Research."

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, The Florida Corrections Commission is required to mediate disputes between the DOC and the CPC with regard to the cooperative transfer agreement.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

No agency or program is eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends ss. 957.04, and 957.08, F.S.; Creates s. 957.061, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1-- Adds subsection (9) to section 957.04, Florida Statutes, to require the contracts for the operation of a private correctional facility entered into on or after January 1, 1998, to provide for the facility to operate under the same conditions as publicly operated facilities with regard to the air conditioning of inmate housing, use and

acquisition of recreational facilities, permitted reading materials, use of televisions, and the use of inmate labor for chain gangs and other public works. Also prohibits such contracts from imposing a maximum on the cost of individual inmate health care.

Section 2-- Creates section 957.061, Florida Statutes, which reorganizes and republishes a provision of law to require development and implementation of a cooperative transfer agreement for transferring inmates between private and public correctional facilities. Additionally provides that the Florida Corrections Commission must routinely monitor and document compliance with the agreement, mediate disputes between the DOC and the CPC, and make recommendations to the Governor for final resolution.

Section 3-- Amends s. 957.08, F.S., to provide a cross reference and to clarify what is meant by a "cross-section" of the inmate population. The bill expands the factors enumerated which form the basis of the statistical cross-section to include physical and mental health grade and level of education.

Section 4-- Creates an unnumbered section which prohibits a private correctional facility in this state from housing inmates from another state convicted of violent crimes, including murder, rape, child molestation or sexual battery.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

If the practical result of the bill is to require private vendors under contract with the CPC to, upon renegotiation, remove air conditioning and limit the use of recreation equipment, then there may be a negative economic impact on the private sector.

2. Direct Private Sector Benefits:

Economic benefits of the bill are indeterminate, given their direct relationship to the effects that the bill's implementation has on inmate populations.

3. Effects on Competition, Private Enterprise and Employment Markets:

See Fiscal Comments.

D. FISCAL COMMENTS:

There is no fiscal impact on the state.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

Many of the provisions of HB 3711 are applicable to contracts entered into on or after January 1, 1998. Based on the exact language in the bill, it is difficult to ascertain whether the provisions of this bill are intended to apply to contract renewals which may be negotiated after the first three years pursuant to the contractual agreements or if the sponsor's intent is for the provisions to apply only to initial contracts which are entered into on or after January 1, 1998. Since two of the five private correctional facilities are scheduled for renewal consideration during the summer of 1998, an amendment to clarify the intent may be needed.

The bill requires that the private correctional facility "operate under the same conditions" as the publicly operated facilities related to certain items. In the absence of a definition of "same conditions" it is difficult to understand the legal and practical implications of the bill. For example, since air conditioned housing units are available in some of the public prisons and not in others, would this mean that some of the private prisons may have air conditioned housing units? Clarification is needed to fully understand the impact of this bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment # 1 adopted by the Committee on Corrections removes all provisions in the bill and provides for a collaborative study to be conducted by the Correctional Privatization Commission and the Department of Corrections. The purpose of the study is to determine the feasibility of the Department of Corrections submitting a bid and operating its prisons in a similar manner as provided by law in Chapter 957, Florida Statutes, for private firms and contractors. The study is to be submitted to the Speaker of the House of Representatives and the President of the Senate by January 1, 1999.

VII. SIGNATURES:

COMMITTEE ON CORRECTIONS:

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