

By Senators Saunders, Kurth, Dyer, Mitchell and Geller

25-609-99

1 A bill to be entitled
2 An act relating to state correctional
3 facilities; creating s. 957.19, F.S.;
4 authorizing the Department of Corrections to
5 submit a bid to the Correctional Privatization
6 Commission to finance, construct, and operate a
7 correctional facility; providing for the
8 department to operate such a facility under the
9 same conditions allowed for a private vendor;
10 requiring that the commission select the lowest
11 cost-responsive bid for such a facility;
12 providing for the department to have sole
13 authority over the operation of the facility if
14 awarded the contract; amending s. 957.03, F.S.,
15 relating to the Correctional Privatization
16 Commission; providing additional duties of the
17 commission; providing requirements for the
18 invitations to bid issued by the commission;
19 prohibiting a private vendor, the Department of
20 Corrections, or a state political subdivision
21 from housing out-of-state inmates who have been
22 convicted of certain felonies involving the use
23 or threat of violence; providing an effective
24 date.

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

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28 Section 1. Section 957.19, Florida Statutes, is
29 created to read:

30 957.19 Bids by the department; funding for inmate per
31 diem.--

1 (1) Whenever the commission is authorized by the
2 Legislature to enter into a contract, or whenever the
3 commission renews an existing contract, for the designing,
4 acquiring, financing, leasing, constructing, or operating of a
5 correctional facility pursuant to this chapter, and
6 notwithstanding any other law to the contrary, the department
7 may submit a bid to the commission in accordance with chapter
8 287. The commission shall give the department's bid and
9 proposal the same consideration afforded to any private firm
10 or contractor as required under this chapter.

11 (2) Notwithstanding chapter 944, chapter 945, or
12 chapter 946, the department may develop a bid and proposal to
13 operate a facility with the same management tools and
14 operating conditions that are allowed for private vendors
15 under contract with the commission, including, but not limited
16 to, the air conditioning of inmate housing areas, the purchase
17 of recreational equipment and facilities, permitted reading
18 materials for inmates, the use of televisions, the use of
19 inmate labor for chain gangs and other public works, the
20 limitations on inmate transportation and health care costs,
21 and the types of inmates received at the facility.

22 (3) In evaluating bids and proposals, the commission
23 must select the lowest cost-responsive bid.

24 (4) If the department's bid is the lowest
25 cost-responsive bid, all funds and control of the project
26 shall be under the sole authority of the department following
27 the award of the contract. The bid submitted by the department
28 shall be the basis for the inmate per diem requested to be
29 funded by the Legislature, and the department shall include in
30 its bid and inmate per diem all costs, including salaries and
31 benefits for the staff at the facility. Any adjustment in

1 payments for inmate per-diem costs must be approved by the
2 Legislature.

3 Section 2. Subsections (1) and (4) of section 957.03,
4 Florida Statutes, are amended to read:

5 957.03 Correctional Privatization Commission.--

6 (1) COMMISSION.--

7 (a) The Correctional Privatization Commission is
8 created for the purpose of:

9 1. Entering into contracts with contractors for the
10 designing, financing, acquiring, leasing, constructing, and
11 operating of private correctional facilities; and

12 2. Evaluating and determining the lowest
13 cost-responsive bids submitted by private vendors or the
14 department to finance, construct, and operate correctional
15 facilities authorized by the Legislature.

16 (b) For administrative purposes, the commission is
17 created within the Department of Management Services.

18 (c) The commission may enter into contracts with
19 contractors for the designing, financing, acquiring, leasing,
20 and constructing of private juvenile commitment facilities.

21 (4) DUTIES.--

22 (a) The commission shall enter into a contract or
23 contracts with one contractor per facility for the designing,
24 acquiring, financing, leasing, constructing, and operating of
25 that facility or, if specifically authorized by the
26 Legislature, separately contract for any such services. The
27 commission shall not enter into any contract to design,
28 acquire, finance, lease, construct, or operate more than two
29 private correctional facilities without specific legislative
30 authorization.

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1 (b) In its request for proposals, the commission shall
2 invite innovation and shall not require use of prototype
3 designs of state correctional facilities specified or designed
4 by or for the department or of state juvenile facilities
5 specified or designed by or for the Department of Juvenile
6 Justice. The commission shall not require the use of any
7 prototype design that specially advantages any contractor.

8 (c) The invitations to bid issued by the commission
9 must allow the department and private vendors to respond for
10 the financing, construction, and operation of a correctional
11 facility. The commission shall evaluate the responses to the
12 invitation to bid and determine the lowest cost-responsive
13 bid.

14 (d)~~(e)~~ The commission must report to the Speaker of
15 the House of Representatives and the President of the Senate
16 by December 1 each year on the status and effectiveness of the
17 facilities under its management. Each report must also
18 include a comparison of recidivism rates for inmates of
19 private correctional facilities to the recidivism rates for
20 inmates of comparable facilities managed by the department.

21 Section 3. Notwithstanding any other law, a private
22 vendor that operates a private correctional facility under
23 contract with the Correctional Privatization Commission, the
24 department, or a political subdivision of the state may not
25 house any out-of-state inmate who has been convicted of
26 committing, or attempting to commit: escape; murder;
27 manslaughter; sexual battery; carjacking; home-invasion
28 robbery; robbery; burglary; arson; kidnapping; aggravated
29 assault; aggravated battery; aggravated stalking; aircraft
30 piracy; unlawfully throwing, placing, or discharging a
31 destructive device or bomb; treason; or any other felony that

1 involved the use or threat of physical force or violence
2 against any individual.

3 Section 4. This act shall take effect upon becoming a
4 law.

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7 SENATE SUMMARY

8 Authorizes the Department of Corrections to submit bids
9 to the Correctional Privatization Commission to construct
10 and operate correctional facilities. Provides that the
11 department may operate a facility under the same
12 operating conditions that are authorized for a private
13 vendor. Requires that the commission award contracts for
14 the lowest cost-responsive bid. Prohibits a private
15 vendor, the department, or any political subdivision from
16 accepting inmates from out of state who have been
17 convicted of certain felonies that involve the use of
18 physical force or violence.

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