

Bill No. HB 69-C

Amendment No. Barcode 612146

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Rossin and Villalobos moved the following substitute for amendment (411712):

Senate Amendment (with title amendment)

On page 1, between lines 23 and 24,

insert:

Section 2. Section 957.07, Florida Statutes, is amended to read:

957.07 Cost-saving requirements.--

(1) The commission may not enter into a contract or series of contracts unless the commission determines that the contract or series of contracts in total for the facility will result in a cost savings to the state of at least 7 percent over the public provision of a similar facility. Such cost savings as determined by the commission must be based upon the actual costs associated with the construction and operation of similar facilities or services as determined by the Department of Corrections and certified by the Auditor General. The Department of Corrections shall calculate all of the cost components that determine the inmate per diem in correctional

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1 facilities of a substantially similar size, type, and location
2 that are operated by the department, including administrative
3 costs associated with central administration. Services that
4 are provided to the department by other governmental agencies
5 at no direct cost to the department shall be assigned an
6 equivalent cost and included in the per diem.

7 (2) Reasonable projections of payments of any kind to
8 the state or any political subdivision thereof for which the
9 private entity would be liable because of its status as
10 private rather than a public entity, including, but not
11 limited to, corporate income and sales tax payments, shall be
12 included as cost savings in all such determinations. In
13 addition, the costs associated with the appointment and
14 activities of each contract monitor shall be included in such
15 determination.

16 (3) In counties where the Department of Corrections
17 pays its employees a competitive area differential, the cost
18 for the public provision of a similar correctional facility
19 may include the competitive area differential paid by the
20 department.

21 (4) The Department of Corrections shall provide a
22 report detailing the state cost to design, finance, acquire,
23 lease, construct, and operate a facility similar to the
24 private correctional facility on a per diem basis. This report
25 shall be provided to the Auditor General in sufficient time
26 that it may be certified to the commission to be included in
27 the request for proposals.

28 (5)(a) By February 1, 2002, and each year thereafter,
29 the Prison Per-Diem Workgroup shall develop consensus per-diem
30 rates to be used when determining per-diem rates of privately
31 operated prisons. The Office of Program Policy Analysis and

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1 Government Accountability, the Office of the Auditor General,
2 and the staffs of the appropriations committees of both the
3 Senate and the House of Representatives are the principals of
4 the workgroup. The workgroup may consult with other experts to
5 assist in the development of the consensus per-diem rates. All
6 meetings of the workgroup shall be open to the public as
7 provided in chapter 286.

8 (b) When developing the consensus per-diem rates, the
9 workgroup must:

10 1. Use data provided by the Department of Corrections
11 from the most recent fiscal year to determine per-diem costs
12 for the following activities:

- 13 a. Custody and control;
- 14 b. Health services;
- 15 c. Substance-abuse programs; and
- 16 d. Educational programs;

17 2. Include the cost of departmental, regional,
18 institutional, and program administration;

19 3. Calculate average per-diem rates for the following
20 offender populations: adult male; youthful offender male; and
21 female; and

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

25 (c) It is the intent of the Legislature that the
26 consensus per-diem rates determined by the workgroup shall be
27 used to determine the level of funding provided to privately
28 operated prisons, which must reflect at least a 7-percent
29 savings when compared to the Department of Corrections.

30 (d) If a private vendor chooses not to renew the
31 contract at the appropriated level, the commission shall

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1 terminate the contract as provided in s. 957.14.

2 (e) This subsection supersedes the proviso language
3 immediately following Specific Appropriation 570 in the
4 Conference Report Report on CS for SB 2-C.

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6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 1, lines 2 through 6, delete those lines

12

13 and insert:

14 An act relating to corrections; amending s.
15 945.215, F.S.; revising provisions establishing
16 the amount of the weekly draw inmates are
17 allowed to request from their individual
18 accounts in the Inmate Welfare Trust Fund;
19 amending s. 957.07, F.S.; creating the Prison
20 Per-Diem Workgroup; requiring the development
21 of consensus per-diem rates for privately
22 operated prisons; providing that the provisions
23 regarding such consensus per-diem rates
24 supersede provisions in appropriations acts;

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