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1 A bill to be entitled

2 An act relating to corrections; amending s. 216.262, F.S.;
3 providing the Department of Corrections a mechanism for
4 additional positions and operational funds if the inmate
5 population of the department exceeds the projections of
6 the July 9, 2003, Criminal Justice Estimating Conference;
7 amending s. 216.292, F.S.; permitting the Governor to
8 initiate prison construction under certain circumstances;
9 requiring review and approval by the Legislative Budget
10 Commission; providing the Department of Corrections
11 additional operations and fixed capital outlay
12 appropriations for fiscal year 2003-2004 and specifying
13 the purposes of the operations appropriations; providing
14 for waiver of certain competitive bid and procurement
15 requirements for specified projects under certain
16 circumstances; providing an appropriation to the
17 Correctional Privatization Commission for fiscal year
18 2003-2004; requiring the Correctional Privatization
19 Commission to issue a request for proposals for the
20 design, construction, and operation of a specified prison
21 facility and to provide the Governor and Legislature with
22 a ranked list of proposals by a specified date; permitting
23 the execution of a contract upon final approval by the
24 Legislature; authorizing the Department of Corrections to
25 contract for the construction of an annex at the Santa
26 Rosa Correctional Institution; providing for the reversion
27 of certain funds appropriated in the 2003-2004 General
28 Appropriations Act; providing for construction of the act
29 in pari materia with laws enacted during the 2003 Regular



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30 Session or a 2003 special session of the Legislature;
 31 providing an effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

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 35 Section 1. Subsection (4) of section 216.262, Florida
 36 Statutes, as amended by section 35 of chapter 2003-399, Laws of
 37 Florida, is amended to read:

38 216.262 Authorized positions.--

39 (4) Notwithstanding the provisions of this chapter on
 40 increasing the number of authorized positions, and for the 2003-
 41 2004 fiscal year only, if the actual inmate population of the
 42 Department of Corrections exceeds ~~by 2 percent for 2 consecutive~~
 43 ~~months or more~~ the inmate population projections of the July 9,
 44 2003, projected by the most recent Criminal Justice Estimating
 45 Conference by 1 percent for 2 consecutive months or 2 percent
 46 for any month, the Executive Office of the Governor shall
 47 immediately notify the Criminal Justice Estimating Conference,
 48 which shall convene as soon as possible to revise the estimates.
 49 The Department of Corrections, with the approval of the
 50 Legislative Budget Commission, may then submit a budget
 51 amendment requesting the establishment of request positions in
 52 excess of the number authorized by the Legislature and
 53 additional appropriations sufficient funding from the General
 54 Revenue Fund or the Working number authorized by the Legislature
 55 and sufficient funding from the Working Capital Fund sufficient
 56 to provide for essential staff and other resources to provide
 57 classification, security, food services, health services, and
 58 other variable expenses within the institutions to operate the
 59 additional prison bed capacity necessary to accommodate the



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60 estimated increase in the actual inmate population. All actions
 61 taken pursuant to the authority granted in this subsection shall
 62 be subject to review and approval by the Legislative Budget
 63 Commission. This subsection expires July 1, 2004.

64 Section 2. Paragraph (f) is added to subsection (5) of
 65 section 216.292, Florida Statutes, to read:

66 216.292 Appropriations nontransferable; exceptions.--

67 (5)

68 (f) Notwithstanding paragraph (d), the Governor may
 69 approve the initiation of fixed capital outlay projects within
 70 the Department of Corrections to increase the number of prison
 71 beds sufficient to meet the demand that he or she certifies is
 72 associated with any revised projection of inmate population
 73 adopted by the Criminal Justice Estimating Conference pursuant
 74 to s. 216.262(4). The Governor may request additional
 75 appropriations from the General Revenue Fund or the Working
 76 Capital Fund as necessary to fund any fixed capital outlay
 77 projects initiated pursuant to the authority granted by this
 78 paragraph. All actions taken pursuant to the authority granted
 79 in this paragraph shall be subject to review and approval by the
 80 Legislative Budget Commission. This paragraph expires March 8,
 81 2004.

82 Section 3. (1) The following moneys and full-time
 83 equivalent (FTE) positions are appropriated to the Department of
 84 Corrections for fiscal year 2003-2004:

85 (a) The sum of \$17,519,607 from the General Revenue Fund
 86 and 512 FTEs for salaries and benefits.

87 (b) The sum of \$5,341,956 from the General Revenue Fund
 88 for expenses.

89 (c) The sum of \$423,117 from the General Revenue Fund for



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90 operating capital outlay.

91 (d) The sum of \$1,774,790 from the General Revenue Fund
92 for food products.

93 (e) The sum of \$48,871 from the General Revenue Fund for
94 food service and production.

95 (f) The sum of \$445,842 from the General Revenue Fund for
96 salary incentive payments.

97 (g) The sum of \$4,696,278 from the General Revenue Fund
98 for inmate health services.

99 (h) The sum of \$1,269,720 from the General Revenue Fund
100 for fixed capital outlay for the reopening of the Hendry
101 Correctional Institution.

102 (i) The sums of \$10,000,000 from the General Revenue Fund
103 and \$17,545,694 from the Grants and Donations Trust Fund for
104 fixed capital outlay for a new 1,380-bed annex at the Santa Rosa
105 Correctional Institution.

106 (j) The sum of \$4,811,856 from the General Revenue Fund
107 for fixed capital outlay for 14 new 131-bed, open-bay
108 dormitories.

109 (k) The sum of \$2,000,000 from the General Revenue Fund
110 for fixed capital outlay for planning and permitting for a new
111 1,380-bed annex at the Washington Correctional Institution.

112 (2) Operating appropriations provided in subsection (1)
113 are for the following purposes:

114 (a) Increasing staff and other resources necessary to
115 provide supervision and classification to a total of 82,281
116 inmates.

117 (b) Increasing resources for food services, health
118 services, utilities, and other variable expenses for an average
119 daily population of 79,521 inmates.



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120 (c) Providing for operational support staff and other
121 resources to reopen the Hendry Correctional Institution and the
122 South Florida Reception Center.

123 Section 4. Notwithstanding the requirements of s.
124 287.057(5)(a), Florida Statutes, the competitive bid and
125 procurement requirements of ss. 255.0525(1), 255.29(2) and (3),
126 287.055(3), (4), (5), and (9), and 287.057(1)(a), Florida
127 Statutes, are waived for the Department of Corrections to
128 expedite the construction of the Santa Rosa Correctional
129 Institution annex and the 14 new 131-bed, open-bay dormitories
130 and the improvements to the Hendry Correctional Institution that
131 are authorized in section 3 of this act if determined necessary
132 by the Secretary of Corrections in order to ensure that adequate
133 space is available to house the projected increase in the inmate
134 population.

135 Section 5. The sum of \$75,000 is appropriated from the
136 General Revenue Fund for the 2003-2004 fiscal year to the
137 Correctional Privatization Commission to issue a request for
138 proposals for the design, construction, and operation of a new
139 1,800-bed prison facility. The request for proposals shall
140 require each respondent to include an option for financing the
141 initial acquisition and construction costs. The commission shall
142 rank the proposals and forward them to the Governor, the
143 President of the Senate, the Speaker of the House of
144 Representatives, and the chairs of the legislative
145 appropriations committees by March 1, 2004. The commission may
146 proceed with a contract upon final legislative approval of the
147 project and its financing method.

148 Section 6. Consistent with the provisions of s. 216.311,
149 Florida Statutes, the Department of Corrections is authorized to



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150 contract for the construction of the new 1,380-bed annex at the
151 Santa Rosa Correctional Institution for which the initial
152 appropriation is made in section 3 of this act. The total
153 multiyear contract price may not exceed \$48,795,000.

154 Section 7. Of the moneys appropriated from the Grants and
155 Donations Trust Fund of the Department of Corrections in
156 Specific Appropriation 660A of the 2003-2004 General
157 Appropriations Act, \$8,621,040 shall revert to that trust fund.

158 Section 8. If any law amended by this act was also amended
159 by a law enacted at the 2003 Regular Session or a 2003 special
160 session of the Legislature, such laws shall be construed as if
161 they had been enacted at the same session of the Legislature,
162 and full effect shall be given to each if possible.

163 Section 9. This act shall take effect upon becoming a law.