



A bill to be entitled

An act relating to corrections; amending s. 216.262, F.S.; providing the Department of Corrections a mechanism for additional positions and operational funds if the inmate population of the department exceeds the projections of the July 9, 2003, Criminal Justice Estimating Conference; amending s. 216.292, F.S.; permitting the Governor to initiate prison construction under certain circumstances; requiring review and approval by the Legislative Budget Commission; providing the Department of Corrections additional operations and fixed capital outlay appropriations for fiscal year 2003-2004 and specifying the purposes of the operations appropriations; providing for waiver of certain competitive bid and procurement requirements for specified projects under certain circumstances; requiring a report under certain circumstances; authorizing the Department of Corrections to contract for the construction of an annex at the Santa Rosa Correctional Institution; providing for the reversion of certain funds appropriated in the 2003-2004 General Appropriations Act; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or a 2003 special session of the Legislature; providing an effective date.

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

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



HB 0003D, Engrossed 1

2003

31 216.262 Authorized positions.--

32 (4) Notwithstanding the provisions of this chapter on  
33 increasing the number of authorized positions, and for the 2003-  
34 2004 fiscal year only, if the actual inmate population of the  
35 Department of Corrections exceeds ~~by 2 percent for 2 consecutive~~  
36 ~~months or more~~ the inmate population projections of the July 9,  
37 2003, projected by the most recent Criminal Justice Estimating  
38 Conference by 1 percent for 2 consecutive months or 2 percent  
39 for any month, the Executive Office of the Governor shall  
40 immediately notify the Criminal Justice Estimating Conference,  
41 which shall convene as soon as possible to revise the estimates.  
42 The Department of Corrections, with the approval of the  
43 Legislative Budget Commission, may then submit a budget  
44 amendment requesting the establishment of request positions in  
45 excess of the number authorized by the Legislature and  
46 additional appropriations sufficient funding from the General  
47 Revenue Fund or the Working number authorized by the Legislature  
48 and sufficient funding from the Working Capital Fund sufficient  
49 to provide for essential staff and other resources to provide  
50 classification, security, food services, health services, and  
51 other variable expenses within the institutions to operate the  
52 additional prison bed capacity necessary to accommodate the  
53 estimated increase in the actual inmate population. All actions  
54 taken pursuant to the authority granted in this subsection shall  
55 be subject to review and approval by the Legislative Budget  
56 Commission. This subsection expires July 1, 2004.

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

59 216.292 Appropriations nontransferable; exceptions.--

60 (5)



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

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

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

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

82 (c) The sum of \$423,117 from the General Revenue Fund for  
83 operating capital outlay.

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

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

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

90 (g) The sum of \$4,696,278 from the General Revenue Fund



HB 0003D, Engrossed 1

2003

91 for inmate health services.

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

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

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

102 (k) The sum of \$2,000,000 from the General Revenue Fund  
103 for fixed capital outlay for planning and permitting for a new  
104 1,380-bed annex at the Washington Correctional Institution.

105 (2) Operating appropriations provided in subsection (1)  
106 are for the following purposes:

107 (a) Increasing staff and other resources necessary to  
108 provide supervision and classification to a total of 82,281  
109 inmates.

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

113 (c) Providing for operational support staff and other  
114 resources to reopen the Hendry Correctional Institution and the  
115 South Florida Reception Center.

116 Section 4. Notwithstanding the requirements of s.  
117 287.057(5)(a), Florida Statutes, the competitive bid and  
118 procurement requirements of ss. 255.0525(1), 255.29(2) and (3),  
119 287.055(3), (4), (5), and (9), and 287.057(1)(a), Florida  
120 Statutes, are waived for the Department of Corrections to



HB 0003D, Engrossed 1

2003

121 expedite the construction of the Santa Rosa Correctional  
122 Institution annex and the 14 new 131-bed, open-bay dormitories  
123 and the improvements to the Hendry Correctional Institution that  
124 are authorized in section 3 of this act if determined necessary  
125 by the Secretary of Corrections in order to ensure that adequate  
126 space is available to house the projected increase in the inmate  
127 population.

128 Section 5. If the Secretary of Corrections determines that  
129 waiver of the provisions of the competitive bid and procurement  
130 requirements as authorized in section 4 of this act is  
131 necessary, he or she must provide a report to the Governor, the  
132 President of the Senate, and the Speaker of the House of  
133 Representatives describing the process followed by the  
134 department in any instance in which procurement activities were  
135 undertaken pursuant to this authority. The report must identify  
136 all vendors asked to submit proposals, a summary of each  
137 proposal submitted, pricing information submitted by each  
138 vendor, and justification of the agency's final decision.

139 Section 6. Consistent with the provisions of s. 216.311,  
140 Florida Statutes, the Department of Corrections is authorized to  
141 contract for the construction of the new 1,380-bed annex at the  
142 Santa Rosa Correctional Institution for which the initial  
143 appropriation is made in section 3 of this act. The total  
144 multiyear contract price may not exceed \$48,795,000.

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

149 Section 8. If any law amended by this act was also amended  
150 by a law enacted at the 2003 Regular Session or a 2003 special



HB 0003D, Engrossed 1

2003

151 session of the Legislature, such laws shall be construed as if  
152 they had been enacted at the same session of the Legislature,  
153 and full effect shall be given to each if possible.

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