

By Senator Crist

12-2722C-03

1 A bill to be entitled
2 An act relating to corrections; amending s.
3 216.262, F.S.; providing the Department of
4 Corrections a mechanism for additional
5 positions and operational funds if the inmate
6 population of the department exceeds the
7 projections of the Criminal Justice Estimating
8 Conference; amending s. 216.292, F.S.;
9 permitting the Governor to initiate prison
10 construction under certain circumstances;
11 providing restrictions; providing additional
12 operations and fixed capital outlay
13 appropriations for the 2003-2004 fiscal year;
14 providing purposes for operating
15 appropriations; providing for waiver of certain
16 competitive bid and procurement requirements
17 for specified projects under specified
18 circumstances; providing an appropriation to
19 the Correctional Privatization Commission for
20 the 2003-2004 fiscal year; requiring the
21 Correctional Privatization Commission to issue
22 a request for proposals; requiring the
23 Correctional Privatization Commission to
24 provide the Legislature with a ranked list of
25 proposals by March 1, 2004; authorizing the
26 execution of a contract upon final approval by
27 the Legislature; authorizing the Department of
28 Corrections to contract for the construction of
29 certain beds consistent with s. 216.311, F.S.;
30 providing for the reversion of certain funds
31

1 appropriated in Senate Bill 2A; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (4) of section 216.262, Florida
7 Statutes, as amended by section 35 of Senate Bill 4A, 2003
8 Special Session A, is amended to read:

9 216.262 Authorized positions.--

10 (4) Notwithstanding the provisions of this chapter on
11 increasing the number of authorized positions, and for the
12 2003-2004 ~~2002-2003~~ fiscal year only, if the actual inmate
13 population of the Department of Corrections exceeds ~~by 2~~
14 ~~percent for 2 consecutive months or more~~ the inmate population
15 projections of the July 9, 2003, projected by the most recent
16 Criminal Justice Estimating Conference by 1 percent for 2
17 consecutive months or 2 percent for any month, the Executive
18 Office of the Governor shall immediately notify the Criminal
19 Justice Estimating Conference, which shall convene as soon as
20 possible to revise the estimates. The Department of
21 Corrections may then submit a budget amendment requesting the
22 establishment of request positions in excess of the number
23 authorized by the Legislature and additional appropriations
24 ~~sufficient funding~~ from the General Revenue Fund or the
25 Working Capital Fund sufficient to provide for essential staff
26 and other resources to provide classification, security, food
27 services, health services, and other variable expenses within
28 the institutions to operate the additional prison bed capacity
29 necessary to accommodate the estimated increase in the actual
30 inmate population. Any action taken under this subsection is
31

1 subject to review and approval by the Legislative Budget
2 Commission. ~~This subsection expires July 1, 2004 2003.~~

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

5 216.292 Appropriations nontransferable; exceptions.--

6 (5)

7 (f) Notwithstanding paragraph (d), the Governor may
8 approve fixed capital outlay projects of the Department of
9 Corrections which are necessary to increase the number of
10 prison beds to meet the demand that the Governor certifies is
11 associated with any revised projection of inmate population
12 adopted by the Criminal Justice Estimating Conference under s.
13 216.262(4). The Governor may request additional appropriations
14 from the General Revenue Fund or the Working Capital Fund to
15 fund fixed capital outlay projects that increase the number of
16 prison beds pursuant to this paragraph. Any action taken under
17 this paragraph is subject to review and approval by the
18 Legislative Budget Commission. This paragraph expires March 8,
19 2004.

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

23 (a) The sum of \$17,519,607 from the General Revenue
24 Fund and 512 FTE's for salaries and benefits.

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

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

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

31

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

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

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

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

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

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

17 (k) The sum of \$2 million from the General Revenue
18 Fund for fixed capital outlay for planning and permitting for
19 a new 1,380-bed annex at the Washington Correctional
20 Institution.

21 (2) Operating appropriations provided in subsection
22 (1) are for the following purposes:

23 (a) Increasing staff and other resources necessary to
24 provide supervision and classification to a total of 82,281
25 inmates.

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

29 (c) Providing for operational support staff and other
30 resources to reopen the Hendry Correctional Institution and
31 the South Florida Reception Center.

1 Section 4. Notwithstanding the requirements of section
2 287.057(5)(a), Florida Statutes, the competitive bid and
3 procurement requirements of sections 255.0525(1), 255.29(2)
4 and (3), 287.055(3), (4), (5), and (9), and 287.057(1)(a),
5 Florida Statutes, are waived for the Department of Corrections
6 to expedite the construction of the Santa Rosa Correctional
7 Institution annex and the 14 new 131-bed, open-bay dormitories
8 and the improvements to the Hendry Correctional Institution
9 that are authorized in section 3 of this act if determined
10 necessary by the Secretary of Corrections in order to ensure
11 that adequate space is available to house the projected
12 increase in the inmate population.

13 Section 5. The sum of \$75,000 is appropriated from the
14 General Revenue Fund for the 2003-2004 fiscal year to the
15 Correctional Privatization Commission to issue a request for
16 proposals for the design, construction, and operation of a
17 1,800-bed prison facility. The request for proposals must
18 require each respondent to include an option for financing the
19 initial acquisition and construction costs. The commission
20 shall rank the proposals and forward them to the Legislature
21 by March 1, 2004. The commission may proceed with a contract
22 upon final Legislative approval of the project and method of
23 financing.

24 Section 6. Consistent with section 216.311, Florida
25 Statutes, the Department of Corrections may contract for the
26 construction of a 1,380-bed annex at the Santa Rosa
27 Correctional Institution, for which the initial appropriation
28 is made in section 3 of this act. The total multiyear contract
29 price may not exceed \$48,795,000.

30 Section 7. From the Grants and Donations Trust Fund
31 appropriation contained in Specific Appropriation 660A of

1 Senate Bill 2A from the 2003 Special Session A, the sum of
2 \$8,621,040 shall revert to the Grants and Donations Trust
3 Fund.

4 Section 8. If any law that is amended by this act was
5 also amended by a law enacted at the 2003 Regular Session or a
6 2003 special session of the Legislature, such laws shall be
7 construed as if they had been enacted during the same session
8 of the Legislature, and full effect should be given to each if
9 that is possible.

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

12 *****

13 *****
14 SENATE SUMMARY

15 Authorizes the Department of Corrections to increase
16 personnel and necessary services if the Governor
17 certifies an increase in the prison population, as
18 estimated by the Criminal Justice Estimating Conference.
19 Permits the Governor to approve fixed capital outlay
20 projects under certain circumstances. Provides additional
21 appropriations to the Department of Corrections. Waives
22 certain procurement and bid requirements for specified
23 projects. Requires the Correctional Privatization
24 Commission to issue a request for proposals for the
25 design, construction, and operation of a 1,800-bed
26 prison. Allows the Department of Corrections to contract
27 for the construction of a 1,380-bed prison. Requires that
28 certain funds revert from a specified appropriation to
29 the Grants and Donations Trust Fund.
30
31