

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1875 w/CS (PCB AP 04-28A) State Correctional System

SPONSOR(S): Appropriations; Brummer

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	28 Y, 0 N w/CS	Belcher	Baker
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 1875 CS eliminates the State of Florida Correctional Medical Authority effective July 1, 2004, as well as the Correctional Privatization Commission effective July 1, 2005.

The Department of Corrections (DOC) is directed to assume leases and contractual obligations of the Correctional Privatization Commission and to provide a monitor to oversee the contracts. The bill also provides prohibitions against conflicts of interest with respect to bidding.

In addition, the bill authorizes DOC to charge a monthly fee for inmate banking services which were previously provided at no charge.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1875.ap.doc
DATE: March 29, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Correctional Medical Authority:

In response to longstanding litigation¹ with respect to the adequacy of health care in Florida's prison system, the Correctional Medical Authority (CMA) was created in 1986 (section 945.602, Florida Statutes). The CMA was set up to provide independent advice to the Governor, the Legislature, and the Department of Corrections on the conduct of health care and management of costs. In 1993, the federal court relinquished 20 years of oversight of the prison system to the Correctional Medical Authority. Now after 10 years of independent oversight by the CMA, the Department of Corrections believes that it has in place sufficient monitoring and provides the necessary level of health care for Florida's inmates.

The bill eliminates the Correctional Medical Authority by repealing the sections of Florida Statutes that created the commission.

Correctional Privatization Commission:

The Correctional Privatization Commission was created by Chapter 957, Florida Statutes, with the purpose of entering into contracts with vendors for the designing, financing, acquiring, leasing, constructing, and operating of private correctional facilities. The Correctional Privatization Commission is within the Department of Management Services.

The bill eliminates the Correctional Privatization Commission, effective July 1, 2005, by repealing the sections of Florida Statutes that created the commission.

The bill requires the Department of Corrections to assume all leases and contractual obligations of the Correctional Privatization Commission. The department is directed also to provide a contract monitor to oversee the contracts for the operation of the private correctional facilities formerly under the Correctional Privatization Commission. Each correctional facility's contractor is required to provide suitable office space for the contract monitor and unlimited access to the facility by the monitor.

The bill also forbids certain conflicts of interest in the bidding process, namely that from the time a request for proposals for a private correctional facility is issued until the time a notification of intent to award is announced, bidders and potential bidders shall not have any contact with any member of, employee of, or consultant to the department. An exception for contact in writing or in a noticed meeting is provided.

¹ Suit was filed in 1972 by Michael Costello and other inmates in the U. S. District Court for the Middle District of Florida.

Inmate Banking Services:

The bill also allows the Department of Corrections to charge an administrative processing fee of up to \$5 each month to inmates for banking services. If the department charges this fee, it is directed to deposit the fee into the department's Grants and Donations Trust Fund to offset the operations cost of the department and it is also authorized to establish a hold on accounts with zero balances in order to collect the processing fee when available.

Currently, the service is provided by department staff at no charge.

C. SECTION DIRECTORY:

Section 1. Repeals ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, 945.6036, 945.6037, Florida Statutes, relating to the State of Florida Correctional Medical Authority, effective July 1, 2004. Repeals ss. 957.01, 957.02, 957.03, 957.04, 957.05, 957.06, 957.07, 957.08, 957.09, 957.11, 957.12, 957.125, 957.13, 957.14, 957.15, 957.16, Florida Statutes, relating to the Correctional Privatization Commission, effective July 1, 2005.

Section 2. Amends s. 381.90, Florida Statutes, to delete reference to the Correctional Medical Authority.

Section 3. Amends s. 394.9151, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 4. Amends s. 395.002, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 5. Amends s. 408.036, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 6. Amends s. 766.101, Florida Statutes, to delete reference to the Correctional Medical Authority.

Section 7. Amends s. 784.078, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 8. Amends s. 943.053(8), Florida Statutes, effective July 1, 2005, to conform.

Section 9. Amends s. 943.13, Florida Statutes, effective July 1, 2005, to delete reference to the Correctional Privatization Commission.

Section 10. Amends s. 943.133, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 11. Amends s. 943.325 (1)(c), Florida Statutes, effective July 1, 2005, to remove cross reference to Correctional Privatization Commission.

Section 12. Amends s. 944.02, Florida Statutes, effective July 1, 2005, to delete reference to the Correctional Privatization Commission.

Section 13. Amends s. 944.023, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 14. Amends s. 944.10, Florida Statutes, effective July 1, 2005, directing the Department of Corrections to assume leases for certain correctional facilities.

Section 15. Amends s. 944.105, Florida Statutes, effective July 1, 2005, directing the Department of Corrections to assume contractual obligations of the Correctional Privatization Commission and provide a contract monitor to oversee those contracts.

Section 16. Amends s. 944.1054, Florida Statutes, effective July 1, 2005, to conform.

Section 17. Amends s. 944.115, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 18. Amends s. 944.17, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 19. Amends s. 944.516, Florida Statutes, to allow the Department of Corrections to charge an administrative processing fee each month to inmates for banking services and directs disposition of those fees.

Section 20. Amends s. 944.7031, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 21. Adds subsection (3) to s. 944.717, Florida Statutes, effective July 1, 2005, prohibiting conflicts of interest in bidding procedures.

Section 22. Amends s. 944.72, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 23. Amends s. 944.8041, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Medical Authority and the Correctional Privatization Commission.

Section 24. Amends s. 945.215, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 25. Amends s. 945.35, Florida Statutes, to delete references to the Correctional Medical Authority.

Section 26. Amends s. 945.6034, Florida Statutes, to eliminate requirements of DOC relating to the Correctional Medical Authority.

Section 27. Amends s. 946.5025, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 28. Amends s. 946.503, Florida Statutes, effective July 1, 2005, to delete references to the Correctional Privatization Commission.

Section 29. Amends s. 951.27, Florida Statutes, to delete references to the Correctional Medical Authority.

Section 30. The bill is effective July 1, 2004, except as otherwise provided therein.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department of Corrections estimates annual revenues of approximately \$4.4 million, resulting from imposition of a \$5 monthly inmate banking fee.

2. Expenditures:

Beginning in 2005/06, the budget for the Correctional Privatization Commission is eliminated. The total recurring trust fund budget for the Commission is \$859,405. Costs are reimbursement by the private prison providers. The contractual private prison providers are paid from General Revenue by the Department of Corrections.

For Fiscal Year 2004-2005, and on a recurring basis, the Department of Health will have a savings of \$976,293 from repeal of the Correctional Medical Authority.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None

2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Effective July 1, 2005, the private prison providers would no longer reimburse the Department of Management Services for the costs currently incurred by the Correctional Privatization Commission.

D. FISCAL COMMENTS:

This is a conforming bill to the House General Appropriations Act. The proposed General Appropriations Act eliminates funding for the Correctional Privatization Commission effective July 1, 2005.

Funding for the Correctional Medical Authority is eliminated effective July 1, 2004. In addition, there is \$4.4 million appropriated from the Department of Corrections' Grants and Donations Trust Fund that is due to revenue anticipated from inmate bank fees.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not impact municipal or county governments

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES