

House Bill No. 69-C

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

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

Section 1. Paragraph (f) of subsection (1) of section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1) INMATE WELFARE TRUST FUND; DEPARTMENT OF CORRECTIONS.—

(f) Notwithstanding any other provision of law, inmates with sufficient balances in their individual inmate bank trust fund accounts, after all debts against the account are satisfied, shall be allowed to request a weekly draw of up to an amount set by the Secretary of Corrections, not to exceed \$100, ~~\$45~~ to be expended for personal use on canteen and vending machine items.

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

(2) Reasonable projections of payments of any kind to the state or any political subdivision thereof for which the private entity would be liable because of its status as private rather than a public entity, including, but not limited to, corporate income and sales tax payments, shall be included as cost savings in all such determinations. In addition, the costs associated

with the appointment and activities of each contract monitor shall be included in such determination.

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

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

(5)(a) By February 1, 2002, and each year thereafter, the Prison Per-Diem Workgroup shall develop consensus per-diem rates to be used when determining per-diem rates of privately operated prisons. The Office of Program Policy Analysis and Government Accountability, the Office of the Auditor General, and the staffs of the appropriations committees of both the Senate and the House of Representatives are the principals of the workgroup. The workgroup may consult with other experts to assist in the development of the consensus per-diem rates. All meetings of the workgroup shall be open to the public as provided in chapter 286.

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

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

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

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

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

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

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

(d) If a private vendor chooses not to renew the contract at the appropriated level, the commission shall terminate the contract as provided in s. 957.14.

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

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor December 17, 2001.

Filed in Office Secretary of State December 17, 2001.