

## House Bill No. 3-D

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:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2003-2004 fiscal year only, if the actual inmate population of the Department of Corrections exceeds ~~by 2 percent for 2 consecutive months or more~~ the inmate population projections of the July 9, 2003, projected by the most recent Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections, with the approval of the Legislative Budget Commission, may then submit a budget amendment requesting the establishment of request positions in excess of the number authorized by the Legislature and additional appropriations sufficient funding from the General Revenue Fund or the Working number authorized by the Legislature and sufficient funding from the Working Capital Fund sufficient to provide for essential staff and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to operate the additional prison bed capacity necessary to accommodate the estimated increase in the actual inmate population. All actions taken pursuant to the authority granted in

this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2004.

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

216.292 Appropriations nontransferable; exceptions.—

(5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor August 14, 2003.

Filed in Office Secretary of State August 14, 2003.