

1 A bill to be entitled
 2 An act relating to correctional privatization;
 3 creating s. 957.17, F.S.; requiring the Department of
 4 Management Services, in consultation with the
 5 Department of Corrections, to competitively procure
 6 management and operation of the correctional
 7 facilities and assigned correctional units for certain
 8 counties; providing an exception; specifying time
 9 periods; requiring responsive proposals to include
 10 specified cost savings; requiring adherence to
 11 specified laws; providing for operational capacities;
 12 specifying disposition of certain funds; providing for
 13 inmate classification; providing requirements for
 14 certain population figures; providing for specific
 15 performance measures and levels of expected
 16 performance for a contractor; requiring reports by the
 17 Department of Corrections; requiring development and
 18 submission of a transition plan and recommended
 19 operating budget revisions and a cost-benefit analysis
 20 to the Legislative Budget Commission by a specified
 21 date; providing requirements for such submissions;
 22 providing an employment preference for current
 23 employees of affected facilities; requiring the
 24 Department of Corrections to make reasonable efforts
 25 to find suitable job placements for certain of those
 26 employees; providing an effective date.

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

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Section 1. Section 957.17, Florida Statutes, is created to read:

957.17 South Florida Region; privatization of correctional facilities.-

(1) (a) The Department of Management Services, in consultation with the Department of Corrections, shall competitively procure by single or multiple solicitations the management and operation, exclusive of inmate health services, of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons, reentry centers, and work release centers, currently operated by the Department of Corrections in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe Counties, excluding the South Florida Reception Center and any correctional facility or assigned correctional unit that has been closed or scheduled for closure before June 30, 2012. The Department of Corrections shall continue to operate the South Florida Reception Center.

(b) The Department of Management Services shall issue its competitive solicitation or competitive solicitations no later than 60 days after the effective date of this act. The Department of Management Services shall require that any proposal submitted in response to a competitive solicitation be submitted no later than 60 days after the issuance of the competitive solicitation.

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56 (2) Notwithstanding s. 957.07, the competitive
57 solicitation document issued by the Department of Management
58 Services must provide that the total cost of a responsive
59 proposal to the Department of Management Services during the
60 first year of the contract must result in actual cost savings to
61 the state of at least 7 percent of the costs incurred by the
62 state for the 2010-2011 fiscal year for the provision of the
63 services at the correctional facilities and assigned
64 correctional units included in the competitive solicitation. For
65 each correctional facility and assigned correctional unit
66 included in the competitive solicitation, the Department of
67 Management Services shall determine the costs incurred by the
68 state for the 2010-2011 fiscal year using the average daily
69 population of each correctional facility and assigned
70 correctional unit during the 2010-2011 fiscal year and the
71 direct and distributed inmate per diem cost for each
72 correctional facility and assigned correctional unit during the
73 2010-2011 fiscal year, reduced for the 3 percent retirement
74 contribution now required by state employees under chapter 121,
75 by inmate medical costs, by the Department of Corrections'
76 direct and personnel costs associated with inmate
77 classification, and by \$57,223,895, which is the South Florida
78 facilities' share of the pertinent 2011-2012 fiscal year
79 reductions to the Department of Corrections. The total costs to
80 be incurred by the state in the second or subsequent years of
81 the contract resulting from the competitive procurement may
82 increase by not more than the percentage increase in the per

83 diem of state-operated facilities; however, any such increase is
 84 contingent upon appropriation by the Legislature.

85 (3) (a) At a minimum, except as provided in this section,
 86 the contract must require adherence to all applicable federal,
 87 state, and local laws, as well as all rules adopted by the
 88 Department of Corrections. The contract must also specifically
 89 provide that the contract is contingent upon Legislative Budget
 90 Commission approval.

91 (b) Facilities operated under contract as provided in this
 92 section shall continue to operate at capacities set forth in s.
 93 944.023.

94 (c) Funds received for facilities operated under contract
 95 as provided in this section from canteens, subsistence payments,
 96 and any other participation accounts shall continue to be
 97 remitted to the General Revenue Fund.

98 (d) All activities regarding the classification of inmates
 99 shall remain under the supervision and direction of the
 100 Department of Corrections as required by current law.

101 (e) Each facility's average daily population (ADP), as
 102 well as medical and psychological grade population percentages,
 103 shall remain substantially unchanged from the ADP calculated for
 104 the 2010-2011 fiscal year.

105 (4) Any contract resulting from a competitive solicitation
 106 must include specific performance measures and levels of
 107 expected performance for the contractor in order to ensure
 108 contractor performance and accountability, and require the
 109 contractor to provide the Department of Management Services with
 110 information concerning each performance measure for each

111 separate correctional facility and assigned correctional unit
 112 for each month, calendar quarter, and year during the term of
 113 the contract in the format specified by that department.

114 (a) The required performance measures must include, but
 115 are not limited to:

116 1. The number of batteries committed by inmates on one or
 117 more persons.

118 2. The number of reportable incidents sent to the Office
 119 of the Inspector General of the Department of Corrections for
 120 investigation.

121 3. The number and percent of random inmate drug tests that
 122 are negative.

123 4. The percent of inmate work squad slots vacant.

124 5. The number of escapes.

125 6. The number of inmates assessed as needing substance
 126 abuse treatment.

127 7. The number of transition checklists completed.

128 8. The number of release plans completed, including
 129 confirmed placement of released inmates.

130 9. The number of appropriately assessed inmates enrolled
 131 in substance abuse treatment.

132 10. The number of inmates who successfully complete drug
 133 abuse education or treatment programs.

134 11. The number of inmates enrolled in substance abuse
 135 programs.

136 12. The number of appropriately assessed inmates enrolled
 137 in literacy programs.

138 13. The number of inmates who successfully complete

139 literacy programs.

140 14. The number of appropriately assessed inmates enrolled
 141 in General Education Development (GED) programs.

142 15. The number of inmates receiving a GED.

143 16. The number of appropriately assessed inmates enrolled
 144 in special education programs.

145 17. The number of appropriately assessed inmates enrolled
 146 in vocational education programs.

147 18. The number of inmates completing vocational education
 148 programs.

149 19. The average increase in grade level achieved by
 150 inmates participating in education programs per 3-month
 151 instructional period.

152 20. The average increase in grade level achieved by
 153 inmates participating in educational programs per 3-month
 154 instructional period.

155 21. The number of inmates released who completed the
 156 required 100-hour transition course.

157 (b) For work release centers, the required performance
 158 measures must also include, but are not limited to:

159 1. The percent of employment of inmates.

160 2. The illegal substance use by inmates.

161 3. The victim restitution paid by inmates.

162 4. Compliance by inmates without contact orders.

163 (5) The Department of Corrections shall provide reports to
 164 the chairs of the legislative appropriations committees
 165 regarding the performance of each contractor which include, but
 166 are not limited to, information regarding each required

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167 performance measure in each contract resulting from the
168 competitive solicitation for each contractor and for each
169 correctional facility and assigned correctional unit.

170 (6) If after engaging in the competitive solicitation
171 process the Department of Management Services determines that
172 the process has yielded responses that meet all the requirements
173 of this section, the department may execute the contract. The
174 contract must specifically provide that the contract is
175 contingent upon Legislative Budget Commission approval. The
176 Department of Corrections shall develop and submit a transition
177 plan and recommended revisions to its operating budget to the
178 Legislative Budget Commission. The Department of Corrections
179 must also submit a cost-benefit analysis that delineates its
180 current costs of providing the services and the savings that
181 would be generated by the transition plan yielding a minimum
182 annual savings of 7 percent. Upon approval by the Legislative
183 Budget Commission, any contract previously executed by the
184 Department of Management Services pursuant to this section shall
185 commence as provided in the contract. Additional budget
186 amendments may be submitted during the 2012-2013 fiscal year as
187 necessary for the proper alignment of budget and positions.

188 (7) Each current employee of the Department of Corrections
189 at the designated correctional facility and assigned
190 correctional unit who is affected by the privatization must be
191 given first preference for continued employment by the
192 contractor selected as a result of a competitive solicitation.
193 The Department of Corrections shall make reasonable efforts to

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194 | find suitable job placements for those employees who wish to
195 | continue to be employed by the state.

196 | Section 2. This act shall take effect July 1, 2012.