



**State Budget Conference Chairs  
Senate Budget Committee /  
House Appropriations Committee**

**BUMP ISSUES – New PROVISIO**

**Senate Budget Subcommittee on Criminal and Civil  
Justice Appropriations /  
House Justice Appropriations**

**Senate Offer**

**May 3, 2011**

**412 Knott Building**

## **DOC Health Service Proviso**

From the funds in Specific Appropriations 726 through 741, the Department of Corrections shall issue requests for proposals, as defined in section 287.057(1)(b), F.S., for the provision of comprehensive health care services to inmates in the custody of the department, Comprehensive health care services shall include physical health care services (including utilization management), dental services, and mental health services.

The Department may issue one request for proposals, as defined in section 287.057 (1) (b), F. S. for the provision of comprehensive health care services for all the inmates in the custody throughout Florida. In addition, the Department shall issue requests for proposals, as defined in section 287.057 (1) (b), F. S. for the provision of comprehensive health care services for all the inmates in its custody throughout Florida based on four geographic regions to be determined by the Department.

The department is authorized to award bids to private companies for the provision of services that are comparable to standard Medicaid service levels at a cost of at least 7 percent less than the department's Fiscal Year 2009-2010 health care expenditures only if the award or awards is approved by the Legislative Budget Commission. The department shall award a contract or contracts based on the approval of the Legislative Budget Commission for health care services based on the following criteria: to achieve the greatest savings for the State of Florida, to promote quality and continuity of health care for inmates and to promote competition among vendors for demonstrated savings. The department shall not award more than one regional contract to any one vendor in order to protect the state from the risk of non-performance, cancellation or vendor attempts to re-negotiate the price after a contract is awarded and signed.

In order to achieve these cost savings, the contracts shall be written in a manner that enables the contractors to access the legislatively mandated Medicare plus 10% provider rates available to the Department.

The department shall notify the Governor's Office of Policy and Budget and the chairs of the Senate Budget Committee and House Appropriations Committee of its intent to award any contract so that the award or awards may be scheduled for a hearing and approval or rejection by the Legislative Budget Commission.

The contracts for health services shall be for a term of five years. Contractors shall be responsible for maintaining electronic medical files of each patient's health information in a single, statewide Electronic Health Record system nationally certified by the Credentialing Committee for Health Information Technology (CCHIT), and for providing that information to the department upon request. Contractors shall report utilization and encounter data to the department on a quarterly basis in a format that is acceptable to the department.

In order to implement these privatization efforts, the department shall submit a budget amendment to the Legislative Budget Commission, as well as a plan for transitioning staff and operations. The budget amendment shall place positions in reserve and transfer funds to the proper appropriation categories in accordance with the provisions of chapter 216, Florida Statutes. Additional budget amendments may be submitted during the 2011-2012 fiscal year as necessary for the proper alignment of budget and positions.

## DOC Private Prison Proviso

From the funds in Specific Appropriations 570 through 759, the Department of Corrections shall issue a request for proposal, or multiple requests for proposal, as defined in section 287.057(1)(b), Florida Statutes, for the management and operation of the correctional facilities and assigned correctional units, including annexes, work camps, road prisons 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 Glades Correctional Institution and Hendry Correctional Institution. The request for proposal shall require a contract commencement date of no later than January 1, 2012.

At a minimum, the contract shall require adherence to all applicable federal, state and local laws, as well as all rules adopted by the Department of Corrections for private prison service providers. These facilities shall continue to operate at capacities set forth in section 944.023, Florida Statutes. Funds received for these institutions from canteens, subsistence payments, and any other participation accounts shall continue to be remitted to the General Revenue Fund. All activities regarding the classification of inmates will remain under the Department of Correction's supervision and direction as required by current law. Each facility's average daily population (ADP), as well as medical and psychological grade population percentages, shall remain substantially unchanged from the ADP calculated for FY 2009-2010.

The contract between the Department of Corrections and the private provider must specify performance measures and levels of expected performance by the contracts for each performance measure to ensure contractor performance and accountability. The required performance measures shall include, but are not limited to: the number of batteries committed by inmates on one or more persons per 1,000 inmates; number of inmates receiving major disciplinary reports per 1,000 inmates; percentage of random inmate drug tests that are negative; percentage of reported criminal incidents investigated by the proper authorities; number of escapes from the secure perimeter of major institutions; percentage of inmates placed in a facility that provides at least one of the inmate's primary program needs; number of transition plans completed for inmates released from prison; number of release plans completed for inmates released from prison; percentage of release plans completed for inmates released from prison; percentage of inmates needing programs who successfully complete drug abuse education or treatment programs; number of inmates who are receiving substance abuse services; percentage of inmates completing mandatory literacy programs who score at or above 6<sup>th</sup> grade level on next Tests of Adult Basic Education; percentage of inmates who successfully complete mandatory literacy programs; percentage of inmates who successfully complete GED education programs; percentage of inmates needing special education programs who participate in special education (federal law) programs; percentage of inmates who successfully complete vocational education programs; average increase in grade level achieved by inmates participating in educational programs per 3-month instructional period; and percentage of inmates who successfully complete transition, rehabilitation, or support programs without subsequent recommitment to community supervision or prison for 24 months after release. The Department of Corrections shall provide quarterly reports to the chairs of the Senate Budget Committee and the House Appropriations Committee on the performance of the private prison provider under contract with the department using the required performance measures and other performance measures contained in the contracts. For work

release centers, the required performance measures shall include, but are not limited to: percent employment of supervised individuals; illegal substance use by supervised individuals; victim restitution paid by supervised individuals; compliance with no contact orders by supervised individuals; number of serious incidents occurring at the facility; and the number of absconders.

The contract or contracts between the Department of Corrections and the private provider shall specifically require adherence to the requirements set forth in section 119.01, Florida Statutes, to ensure that any nongovernmental entity contracting with the Department of Corrections for the management and operations of correctional facilities and services shall have the same duty to release information about the management and operation of a correctional facility and services as a state agency managing and operating such a facility and services would have under section 119.01, Florida Statutes. The contract between the Department of Corrections and the private provider shall be required to adhere to the provisions provided in section 287.0571, Florida Statutes, regardless of any exemptions

If after engaging in the competitive solicitation process, the Department of Corrections determines that the process has yielded responses that meet all current statutory requirements, the department shall develop and remit a transition plan and recommended revisions to its operating budget to the Legislative Budget Commission by December 1, 2011. The department also must submit a cost-benefit analysis which delineates the department's current costs of providing the services and the savings that would be generated by the transition plan yielding a minimum annual savings of 7 percent. Upon approval by the commission, the department may award the contract. Additional budget amendments may be submitted during the 2011-2012 fiscal year as necessary for the proper alignment of budget and positions.