

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 932

SPONSOR: Criminal Justice Committee and Senator Brown-Waite

SUBJECT: Department of Corrections

DATE: March 3, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barrow</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 932 would amend s. 944.10 (7), F.S., by deleting reference to “planning” and “design” as authorized activities for the Department of Corrections in providing services and inmate labor for various projects to governmental entities. The CS would take effect on July 1, 1999.

The practical effect of this CS will be to shift the delivery of planning and design services from the public to the private sector.

This CS substantially amends s. 944.10 of the Florida Statutes.

II. Present Situation:

In 1996, the Legislature codified the authority for the Department of Corrections to engage in construction and public service activities it had been previously engaging in prior to the passage of such authority. *See*, Ch. 96-312, s. 40, 1996 *Fla. Laws* 1413, 1447-1449. This language created in subsection (7) of s. 944.10, F.S., unequivocally allowed the department to be able to charge nominal fees for providing services to be able to recoup costs it incurred in doing so.

The program created by the 1996 statutory authority is called the “Design/Build Program.” According to the department, the focus of the program and statute is to use inmate labor to construct buildings. The department maintains that design services are provided only to support inmate construction. The design services vary from new designs to reusing prototype plans. The department states that, to date, most of the Design/Build projects have been designed by private sector architects when a modest amount of design services are warranted. The department can apparently provide only limited design services due to staffing issues.

Rather than contract for private professional services, the Department of Corrections employs architects, engineers, and draftspersons who use computer-aided drafting systems to prepare

construction and renovation documents for buildings owned or leased by the Department of Corrections. According to the department, it has chosen to employ such personnel rather than contracting with outside architects and engineers because it believes it is much more cost-efficient for the state to do so. The buildings that are subject to such efforts by the department are designed to facilitate the use of inmate labor as much as possible.

According to the Department of Corrections, other state agencies and local governments have, rather than contracting with private architects and engineers, requested assistance by the department for both correctional and other public service projects. The department has also provided inmate labor for these projects.

The Department of Corrections has stated that it has encouraged such projects because it has found the projects to be mutually beneficial for the department and the local and state governments. Some of the benefits cited by the department are as follows:

- a. Strengthens the department’s partnerships with other governmental entities;
- b. Significant cost savings by other agencies and local governments are realized when the department allows such entities to use the department’s designs and inmate labor, which enables them to undertake projects that they would not otherwise be able to afford;
- c. Reduces inmate idleness by providing inmates jobs; and
- d. Provides inmates with skills and training that can be utilized by the inmates after their release from prison.

The Department of Corrections has used inmates to construct prisons for a long time and now ostensibly has one of the largest inmate construction programs in the country. As a result, the department occasionally contracted with other state agencies to use inmates to construct buildings. The department has also always attempted to provide inmate labor for community service purposes to local communities and other state agencies.

The department has provided the following information on completed projects and projects under contract with other state agencies utilizing the Design/Build Program.

COMPLETED Projects	Cost of Project	Location	Agency	Scope	Inmate hours
Hendry Wilderness Camp	\$2,100,000	Hendry County	DJJ	Construct a new multi-building facility	57,247
Tri-County Work Camp Conversion	\$500,000	Marion County	DJJ	Renovate a multi-building DOC work camp to single cell housing for juveniles	Estimated at 8,500

COMPLETED Projects	Cost of Project	Location	Agency	Scope	Inmate hours
McCarty Phase I	\$40,000	Orlando	DMS	Renovation of interior office space	2,000
McCarty Phase II	\$120,000	Orlando	DMS	Renovation of interior office space	4, 079
Wall of Orlando Phase I	\$150,000	Orlando	DJJ	Construction of CMU Wall	17,839
Wall of Orlando Phase II	\$60,000	Orlando	DJJ	Change metal panels to block	2,051
Citrus County Maximum Risk Facility (Level 10)	\$500,000	Citrus County	DJJ	Provide labor to construction manager on a new facility	28,905
TOTAL	\$3,470,000				120,621 hours

Projects UNDER CONTRACT	Cost of Project	Location	Agency	Scope	Inmate hours
Avon Park Phase I	\$1,000,000	Polk County	DJJ	Renovate Air Force housing, medical and ADA compliant	estimated 8,500
Avon Park Phase II	\$2,100,000	Polk County	DJJ	Design and build food service, academic, and administration buildings	estimated 70,000
Sebring Building	\$4,100,000	St. Petersburg	DMS	Design/renovate 5 story office building	estimated 65,000
Marion Assessment Center	\$230,000	Ocala	DJJ	Renovate interior office space	estimated 12,000
110-Bed Juvenile Detention Facility	3,700,000	Santa Rosa County	DJJ	Construct a new multi-building facility	estimated 60,000

Projects UNDER CONTRACT	Cost of Project	Location	Agency	Scope	Inmate hours
TOTAL	\$11,130,000				215,500 hours

III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 932 would delete references to “planning” and “design” as authorized governmental activities for the Department of Corrections in providing services and inmate labor for various projects. The practical effect of this CS will be to shift the delivery of planning and design services from the public to the private sector. Therefore, the Department of Corrections would not be able to utilize its architects and other personnel to assist local, state, federal, or other governmental subdivisions with the planning of any project or the design of any project for which such governmental entities may seek the assistance from the department.

The CS would take effect on July 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private architects, draftspersons, and engineers would financially benefit from the passage of CS/SB 932. The CS would shift the business of planning and design services currently offered or provided by the Department of Corrections to private architects, draftspersons, and engineers.

C. Government Sector Impact:

None anticipated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
