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2   An act relating to corrections; amending s.

3   945.215, F.S.; revising provisions establishing

4   the amount of the weekly draw inmates are

5   allowed to request from their individual

6   accounts in the Inmate Welfare Trust Fund;

7   amending s. 957.07, F.S.; creating the Prison

8   Per-Diem Workgroup; requiring the development

9   of consensus per-diem rates for privately

10   operated prisons; providing that the provisions

11   regarding such consensus per-diem rates

12   supersede provisions in appropriations acts;

13   providing an effective date.

14

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

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17   Section 1. Paragraph (f) of subsection (1) of section

18   945.215, Florida Statutes, is amended to read:

19   945.215 Inmate welfare and employee benefit trust

20   funds.--

21   (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF

22   CORRECTIONS.--

23   (f) Notwithstanding any other provision of law,

24   inmates with sufficient balances in their individual inmate

25   bank trust fund accounts, after all debts against the account

26   are satisfied, shall be allowed to request a weekly draw of up

27   to an amount set by the Secretary of Corrections, not to

28   exceed $100,$45 to be expended for personal use on canteen

29   and vending machine items.

30   Section 2. Section 957.07, Florida Statutes, is

31   amended to read:

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CODING: Words stricken are deletions; words underlined are additions.

1   957.07 Cost-saving requirements.--

2   (1) The commission may not enter into a contract or

3   series of contracts unless the commission determines that the

4   contract or series of contracts in total for the facility will

5   result in a cost savings to the state of at least 7 percent

6   over the public provision of a similar facility. Such cost

7   savings as determined by the commission must be based upon the

8   actual costs associated with the construction and operation of

9   similar facilities or services as determined by the Department

10   of Corrections and certified by the Auditor General. The

11   Department of Corrections shall calculate all of the cost

12   components that determine the inmate per diem in correctional

13   facilities of a substantially similar size, type, and location

14   that are operated by the department, including administrative

15   costs associated with central administration. Services that

16   are provided to the department by other governmental agencies

17   at no direct cost to the department shall be assigned an

18   equivalent cost and included in the per diem.

19   (2) Reasonable projections of payments of any kind to

20   the state or any political subdivision thereof for which the

21   private entity would be liable because of its status as

22   private rather than a public entity, including, but not

23   limited to, corporate income and sales tax payments, shall be

24   included as cost savings in all such determinations. In

25   addition, the costs associated with the appointment and

26   activities of each contract monitor shall be included in such

27   determination.

28   (3) In counties where the Department of Corrections

29   pays its employees a competitive area differential, the cost

30   for the public provision of a similar correctional facility

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 1 may include the competitive area differential paid by the
 2 department.
 3   (4) The Department of Corrections shall provide a
 4 report detailing the state cost to design, finance, acquire,
 5 lease, construct, and operate a facility similar to the
 6 private correctional facility on a per diem basis. This report
 7 shall be provided to the Auditor General in sufficient time
 8 that it may be certified to the commission to be included in
 9 the request for proposals.
10   (5)(a) By February 1, 2002, and each year thereafter,
11 the Prison Per-Diem Workgroup shall develop consensus per-diem
12 rates to be used when determining per-diem rates of privately
13 operated prisons. The Office of Program Policy Analysis and
14 Government Accountability, the Office of the Auditor General,
15 and the staffs of the appropriations committees of both the
16 Senate and the House of Representatives are the principals of
17 the workgroup. The workgroup may consult with other experts to
18 assist in the development of the consensus per-diem rates. All
19 meetings of the workgroup shall be open to the public as
20 provided in chapter 286.
21   (b) When developing the consensus per-diem rates, the
22 workgroup must:
23   1. Use data provided by the Department of Corrections
24 from the most recent fiscal year to determine per-diem costs
25 for the following activities:
26   a. Custody and control;
27   b. Health services;
28   c. Substance-abuse programs; and
29   d. Educational programs;
30   2. Include the cost of departmental, regional,
31 institutional, and program administration;

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1   3. Calculate average per-diem rates for the following

2   offender populations: adult male; youthful offender male; and

3   female; and

4   4. Make per-diem adjustments, as appropriate, to

5   account for variations in size and location of correctional

6   facilities.

7   (c) It is the intent of the Legislature that the

8   consensus per-diem rates determined by the workgroup shall be

9   used to determine the level of funding provided to privately

10 operated prisons, which must reflect at least a 7-percent

11 savings when compared to the Department of Corrections.

12   (d) If a private vendor chooses not to renew the

13 contract at the appropriated level, the commission shall

14 terminate the contract as provided in s. 957.14.

15   (e) This subsection supersedes the proviso language

16 immediately following Specific Appropriation 570 in the

17 Conference Report Report on CS for SB 2-C.

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

19 law.

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