

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 4-D

SPONSOR: Senator Crist

SUBJECT: Corrections

DATE: August 7, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Noble</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 4-D authorizes the Department of Corrections, with the approval of the Legislative Budget Commission, to increase personnel and necessary services if the Governor certifies an increase in the prison population, as estimated by the Criminal Justice Estimating Conference (CJEC). The bill allows the Governor to approve fixed capital outlay projects under certain circumstances with the review and approval of the Legislative Budget Commission. The bill directs the Correctional Privatization Commission to issue a request for proposals for the design, construction, and operation of an 1,800-bed prison facility and to provide a ranked list of proposals to the Legislature by March 1, 2004. The Department of Corrections is allowed to contract for the construction of a new 1,380-bed prison annex at Santa Rosa Correctional Institution and 14 dormitories at various existing institutions. Funds are provided for planning and permitting a new 1,380-bed annex at the Washington Correctional Institution.

This bill amends ss. 216.262 and creates 216.292(5)(f), F. S.

II. Present Situation:

In the 2003-2004 General Appropriations Act (Conference Report for SB 2-A), the Legislature appropriated \$42.7 million in General Revenue and \$53.6 million in federal Violent Offender Incarceration and Truth-In-Sentencing (VOITIS) Funds for the operation and construction of 4,148 new prison beds in DOC in response to the September 25, 2002 CJEC estimate of prison population. This level of funding will provide housing and security for an average daily population of 77,553 inmates.

The 2003-2004 implementing bill (Conference Report for SB 4-A) allows the Executive Office of the Governor to request additional positions for the Department of Corrections, if the most

recent CJEC estimate indicates an increase in the inmate population of 2 percent for 2 consecutive months or more and the additional positions are approved by the Legislative Budget Commission.

On July 9, 2003, the CJEC revised the prison population forecast upward from the last forecast held on September 25, 2002. The new inmate population forecast is 2,695 over the September 25, 2002 forecast for June 30, 2004 and 3,740 over for June 30, 2005. The total forecasted increase for these two years is 6,435. In order to manage this increased population, an additional 1,820 new beds (above the current 2003-2004 appropriated level) will need to become operational by the end of the 2003-2004 fiscal year.

III. Effect of Proposed Changes:

Section 1. Amends s. 216.262 (4), F. S., to direct the Executive Office of the Governor to notify the CJEC if the inmate population exceeds the projections of the July 9, 2003 estimating conference by 1 percent for 2 consecutive months or 2 percent for any one month for the purpose of convening the conference to revise the estimates. This section provides the Department of Corrections with a mechanism to establish additional positions and spending authority sufficient to accommodate the estimated increase in the inmate population, with the approval of the LBC. This subsection expires July 1, 2004.

Section 2. Creates s. 216.292(5)(f), F. S., to allow the Governor to initiate prison bed construction to meet the demand of any revised estimates adopted by the CJEC. These actions are subject to review by the Legislative Budget Commission. This paragraph expires on March 8, 2004, the first day of the 2004 legislative session.

(Sections 1 and 2 of the bill provide a process to address estimated increases in inmate population above the July 9, 2003 estimate. Sections 3 and 4 provide the funding necessary to address the July 9, 2003 estimate.)

Section 3. Provides operating appropriations to the Department of Corrections for 512 full-time equivalent positions and \$31,520,181 from the General Revenue Fund, which shall be used for staff needs and resources to supervise an additional 3,168 inmates (increasing the 2003-2004 appropriations to fund the estimated increase in the average daily population from 77,553 to 82,281 inmates). Fixed capital outlay funds of \$10,000,000 from the General Revenue Fund and \$17,545,694 from the Department of Corrections Grants and Donations Trust Fund are provided for a new 1,380-bed annex at Santa Rosa Correctional Institution; \$4,811,856 from the General Revenue Fund is provided for the construction of fourteen 131-bed open-bay dormitories; and \$2 million from the General Revenue Fund is provided for planning and permitting a new 1,380-bed annex at the Washington Correctional Institution.

Section 4. Provides that if the Department of Corrections certifies the need for expediency, the competitive bid and procurement requirements of ss. 287.057 (5)(a), 255.0525, 255.29 (2) and (3), 287.055 (3), (4), (5), and (9) and 287.057 (1)(a), F. S., are waived for the purposes of the appropriations contained in section 3 of the bill.

Section 5. Provides a \$75,000 appropriation from the General Revenue Fund to the Correctional Privatization Commission to issue a request for proposals for the design, construction, and operation of an 1,800-bed prison. The Commission is also directed to provide a ranked list of the proposals to the Legislature by March 1, 2004.

Section 6. Allows the Department of Corrections to enter into a multi-year contract with only the first year appropriation for the construction of the Santa Rosa Correctional Institution annex. This authorization complies with the requirement of s. 216.311, F. S., that no agency may contract to spend moneys in excess of appropriations unless specifically authorized by law. This section also limits the total contract price for construction of the annex.

Section 7. Provides for the reversion of \$8,621,040 from the Department of Corrections Grants and Donations Trust Fund appropriation provided in Specific Appropriation 660A of the Conference Report for SB 2A.

Section 8. Provides that if any law that is amended by this act was also amended by a law enacted at the prior 2003 legislative sessions, such laws must be construed as if they had been enacted during the same session of the Legislature, and full effect, if possible, should be given to each.

Section 9. Provides that the act will become effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The additional prisons, when constructed and operational, will have a significant positive economic impact on the communities in which they are located.

C. Government Sector Impact:

Appropriates \$31,520,181 and authorizes 512 new full-time positions for operations and \$34,357,550 for fixed capital outlay (see sections 3 and 4). Also provides a process for authorizing additional spending and positions during the 2003-2004 fiscal year (see sections 1 and 2).

		Fiscal Year 2003-2004:		Fiscal Year 2004-2005:	
Operating Categories:	FTE	General Revenue Fund	Grants and Donations Trust Fund	General Revenue Fund	Grants and Donations Trust Fund
Salaries and Benefits	512	\$17,519,607		\$20,904,771	
Expenses		5,341,956		7,096,164	
Operating Capital Outlay		423,117			
Food Products/ Food Service		1,823,661		3,393,044	
Salary Incentive Payments		445,842		534,672	
Inmate Health Services		4,696,278		8,849,029	
Fixed Capital Outlay:					
Reopen Hendry Correctional Inst		1,269,720			
New Dormitories – Various Institutions		4,811,856			
Santa Rosa Annex - Construction		10,000,000	17,545,694	12,628,266	8,621,040
Washington Annex- Planning/ Permitting		2,000,000			
Washington Annex- Construction				46,795,000	
Total		\$48,332,037	\$17,545,694	\$100,200,946	\$8,621,040

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.
