

HB 7083

2012

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 exceptions; 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.

27
28 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 7

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

hb7083-00

HB 7083

2012

29
30 Section 1. Section 957.17, Florida Statutes, is created to
31 read:

32 957.17 South Florida Region; privatization of correctional
33 facilities.-

34 (1) (a) The Department of Management Services, in
35 consultation with the Department of Corrections, shall
36 competitively procure by single or multiple solicitations the
37 management and operation, exclusive of inmate health services,
38 of the correctional facilities and assigned correctional units,
39 including annexes, work camps, road prisons, reentry centers,
40 and work release centers, currently operated by the Department
41 of Corrections in Manatee, Hardee, Indian River, Okeechobee,
42 Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades,
43 Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade,
44 and Monroe Counties, excluding any correctional facility or
45 assigned correctional unit that has been closed or scheduled for
46 closure before June 30, 2012. The procurement shall exclude the
47 South Florida Reception Center and the South Florida Reception
48 Center South Unit. The procurement shall include all other
49 correctional units assigned to the South Florida Reception
50 Center.

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

HB 7083

2012

56 submitted no later than 60 days after the issuance of the
57 competitive solicitation.

58 (2) Notwithstanding s. 957.07, any contract awarded shall
59 include pricing that achieves no less than a 7 percent savings
60 for all operations and maintenance of each correctional facility
61 and assigned correctional units, excluding inmate health
62 services, from the 2011-2012 fiscal year expenditures for such
63 facility or facilities. Before the issuance of an intent to
64 award, the Auditor General shall certify that the successful
65 bidder or bidders have achieved the savings set forth in this
66 section. A contract may not be awarded absent such
67 certification. The total costs to be incurred by the state in
68 the second or subsequent years of the contract resulting from
69 the competitive procurement may increase by not more than the
70 percentage increase in the per diem of state-operated
71 facilities; however, any such increase is contingent upon
72 appropriation by the Legislature.

73 (3) (a) At a minimum, except as provided in this section,
74 the contract must require adherence to all applicable federal,
75 state, and local laws, as well as all rules adopted by the
76 Department of Corrections. The contract must also specifically
77 provide that the contract is contingent upon Legislative Budget
78 Commission approval.

79 (b) Facilities operated under contract as provided in this
80 section shall continue to operate at capacities set forth in s.
81 944.023.

82 (c) Funds received for facilities operated under contract
83 as provided in this section from canteens, subsistence payments,

HB 7083

2012

84 and any other participation accounts shall continue to be
85 remitted to the General Revenue Fund.

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

89 (e) Each facility's medical and psychological grade
90 population percentages shall remain substantially unchanged from
91 those calculated for the 2011-2012 fiscal year.

92 (4) Any contract resulting from a competitive solicitation
93 must include specific performance measures and levels of
94 expected performance for the contractor in order to ensure
95 contractor performance and accountability, and require the
96 contractor to provide the Department of Management Services with
97 information concerning each performance measure for each
98 separate correctional facility and assigned correctional unit
99 for each month, calendar quarter, and year during the term of
100 the contract in the format specified by that department.

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

103 1. The number of batteries committed by inmates on one or
104 more persons.

105 2. The number of reportable incidents sent to the Office
106 of the Inspector General of the Department of Corrections for
107 investigation.

108 3. The number and percent of random inmate drug tests that
109 are negative.

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

111 5. The number of escapes.

HB 7083

2012

- 112 6. The number of inmates assessed as needing substance
113 abuse treatment.
- 114 7. The number of transition checklists completed.
- 115 8. The number of release plans completed, including
116 confirmed placement of released inmates.
- 117 9. The number of appropriately assessed inmates enrolled
118 in substance abuse treatment.
- 119 10. The number of inmates who successfully complete drug
120 abuse education or treatment programs.
- 121 11. The number of inmates enrolled in substance abuse
122 programs.
- 123 12. The number of appropriately assessed inmates enrolled
124 in literacy programs.
- 125 13. The number of inmates who successfully complete
126 literacy programs.
- 127 14. The number of appropriately assessed inmates enrolled
128 in General Education Development (GED) programs.
- 129 15. The number of inmates receiving a GED.
- 130 16. The number of appropriately assessed inmates enrolled
131 in special education programs.
- 132 17. The number of appropriately assessed inmates enrolled
133 in vocational education programs.
- 134 18. The number of inmates completing vocational education
135 programs.
- 136 19. The average increase in grade level achieved by
137 inmates participating in education programs per 3-month
138 instructional period.
- 139 20. The average increase in grade level achieved by

HB 7083

2012

140 inmates participating in educational programs per 3-month
141 instructional period.

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

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

146 1. The percent of employment of inmates.

147 2. The illegal substance use by inmates.

148 3. The victim restitution paid by inmates.

149 4. Compliance by inmates without contact orders.

150 (5) The Department of Corrections shall provide reports to
151 the chairs of the legislative appropriations committees
152 regarding the performance of each contractor which include, but
153 are not limited to, information regarding each required
154 performance measure in each contract resulting from the
155 competitive solicitation for each contractor and for each
156 correctional facility and assigned correctional unit.

157 (6) If after engaging in the competitive solicitation
158 process the Department of Management Services determines that
159 the process has yielded responses that meet all the requirements
160 of this section, the department may execute the contract. The
161 contract must specifically provide that the contract is
162 contingent upon Legislative Budget Commission approval. The
163 Department of Corrections shall develop and submit a transition
164 plan and recommended revisions to its operating budget to the
165 Legislative Budget Commission. The Department of Corrections
166 must also submit a cost-benefit analysis that delineates its
167 current costs of providing the services and the savings that

HB 7083

2012

168 would be generated by the transition plan yielding a minimum
169 annual savings of 7 percent. Upon approval by the Legislative
170 Budget Commission, any contract previously executed by the
171 Department of Management Services pursuant to this section shall
172 commence as provided in the contract. Additional budget
173 amendments may be submitted during the 2012-2013 fiscal year as
174 necessary for the proper alignment of budget and positions.

175 (7) Each current employee of the Department of Corrections
176 at the designated correctional facility and assigned
177 correctional unit who is affected by the privatization must be
178 given first preference for continued employment by the
179 contractor selected as a result of a competitive solicitation.
180 The Department of Corrections shall make reasonable efforts to
181 find suitable job placements for those employees who wish to
182 continue to be employed by the state.

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