



# THE FLORIDA PBA CORRECTIONS REVIEW

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KEEPING YOU UP-TO-DATE ON CORRECTIONS ISSUES



## President's Message

Jim Baiardi, South Florida Reception Center

# You Won!

From the bottom of my heart, I thank all of you. If there was ever a time to turn negative and give up, the last few months were it. However, you all stood strong and we went to work on the lawsuit to undo this injustice. We were united.

On September 30, 2011, Judge Jackie Fulford ruled in favor of our lawsuit to stop prison privatization. Shortly after the ruling, the Department suspended the prison privatization bidding process. We have stopped this horrific event in its tracks.

We knew that our only real chance to stop this was taking the Governor and the Legislature to court. PBA attorneys challenged them on the constitutionality and legality of how they handled the whole issue. We remained confident that if a judge saw the evidence, we would win. We did. Judge Fulford ruled it was illegal in less than 24 hours. It is a big victory for Correctional Officers, not only in South Florida, but everywhere.

It shows the Legislature and Governor that we will not be pushed around. They thought we would just roll over and take it, but they underestimated us. They underestimated our resolve to right a

wrong. They underestimated the might of our legal team.

I thank PBA General Counsel Hal Johnson, PBA Assistant General Counsel Stephanie Dobson Webster, PBA Attorney Kelly Overstreet Johnson, PBA Attorney Stephen Turner, and PBA staff member Ken Kopczynski for a job well done.

We struck a blow against the arrogance of the Legislature. Our lawsuit will be used for years to come as a basis for any citizen who questions the authority of an out of control Legislature. The Legislature is not above the law. You can take great pride in that, because you did it.

*“They thought we would just roll over and take it, but they underestimated us. They underestimated our resolve to right a wrong.”*

There are still issues ahead for us. The state is deciding on whether to appeal the decision, which means we will more than likely fight them in a higher court. This is not a surprise to us. Believe me, we are fully prepared to take this legal fight all the way to the Supreme Court.

Yes, there are more battles ahead, but take a moment and enjoy this victory. You have certainly earned it. Let's stay united and keep the fight going until we finish privatization off.

Yours in Corrections,  
James Baiardi

## **Bloomberg Businessweek**

### **Judge strikes South Fla. prison privatization**

“For the record, it appears that the rush to meet deadlines in the proviso has resulted in many shortcomings in the evaluation of whether privatization is in the best public interest as it relates to cost savings and effective service,” Fulford wrote.

Leaders of the Republican-controlled Legislature say it would reduce expenses for the 29 facilities by at least 7

percent. Union officials questioned that assumption and said even if true, it would save only \$12 million in a \$69.1 billion budget.

Fulford found the 23-page privatization proviso violated constitutional provisions that limit all laws to a single subject and the state budget only to the subject of appropriating money for current expenses.

## **The New York Times**

### **Judge Stops Florida's Plan to Privatize 29 State Prisons**

Republican leaders tucked the proposal into the Department of Corrections budget at the end of the session. Gov. Rick Scott supports the privatization plan in general. But even if he had wanted to veto the proposal, he would have had to torpedo the entire prisons budget.

The legislation's supporters said the state would save \$22 million by privatizing 29 prisons in 18 South Florida counties. But the Police Benevolent Association challenged that asser-

tion, saying that it was impossible to know how much would be saved because so little information or analysis was available.

The judge agreed.

“From the record, it appears that the rush to meet the deadlines in the proviso has resulted in many shortcomings in the evaluation of whether privatization is in the best public interest as it relates to cost and effective service,” Judge Fulford wrote

*Promoting democracy since 1905*

## **TALLAHASSEE DEMOCRAT**

### **Prison privatization under fire**

The Department of Corrections was scheduled to open bids this week to operate prisons in its vast Region IV — everything south of Hillsborough, Polk, Osceola and Brevard counties — but a circuit court judge last week stopped the move. The state has not decided whether to appeal Circuit Judge Jackie Fulford's findings that the Legislature illegally slipped the pri-

vatization mandate into proviso language of the budget.

The Florida Police Benevolent Association sued to stop the privatization. The union, which vigorously fought the business-minded Scott in last year's campaign, frankly admits it's looking out for the jobs of nearly 4,000 prison officers in the region — as well as jobs statewide...

## **St. Petersburg Times**

A Times Editorial

### **Court corrects overreach on prison privatization**

A circuit judge's clear-cut ruling in Tallahassee on Friday that Florida's massive plan to privatize state prisons is unconstitutional sent another powerful message to Gov. Rick Scott and the Republican-controlled Legislature. They are not above the law, and they are going to lose in court when they exceed the constitutional restraints on their authority.

Leon County Circuit Judge Jackie Fulford found that

a plan to privatize 29 state prisons in South Florida is unconstitutional because lawmakers wrote the change into the state budget instead of passing separate legislation. Governors from both political parties and legislatures controlled by either Republicans and Democrats similarly have been overruled by the courts over the past 40 years for using the state budget to slip in significant changes to state law.

# The Miami Herald

PRISONS

## Florida judge calls prison outsourcing unconstitutional

A state judge on Friday declared unconstitutional the Legislature's decision to privatize 30 prisons in 18 counties, saying the action violated existing state laws.

Fulford's ruling noted that the Legislature's action violated Article III, sections 6 and 12 of the state Constitution. The provisions require that any law and any budget line item must be limited to one subject.

The language at issue in the case is known as proviso, in which the Legislature specifies how an agency must spend tax dollars. The privatization language was largely the work of Sen. JD Alexander, a Lake Wales Republican who directed the budget-writing of the Senate.

Alexander did not respond to a request for comment Friday. Celebrating the decision was Sen. Mike Fasano, R-New Port Richey, chairman of the Senate budget subcommittee in charge of prison spending.

"This is a perfect example of why we should not be making major policy changes in proviso language that did not go through substantive committees, debated and taken testimony and pro and con," Fasano said.

# This fight ain't over...



## Now is NOT the time to change quarterbacks

By Senior Vice President Danny Witt, Hamilton C.I.

### PBA's Successful Lawsuit is Just the Beginning

As corrections officers across Florida celebrate PBA's landmark court victory over prison privatization, it is important to remember that this battle has really just begun. While the lawsuit stops the profiteers in their tracks, the Legislature convenes in just two months and putting YOU out of a job is going to be their top priority.

They have to get by PBA first.

We are planning to use our political clout like never before. Our lobby team is working, right now, to

line up opposition to ANY attempt to put public safety in the hands of profiteers. We have established relationships and support among legislators stretching back decades and we intend to call in every chit on your behalf.

Now is NOT the time to change representatives!

Remember, the only way PBA can continue its legal efforts is as our OFFICIAL representative. PBA cannot lobby on our behalf if they are not the legal bargaining agent for Florida Correctional Officers. Do we REALLY want a rookie organization to start from SCRATCH at a time like this?

Stay United. Stay Focused. Stay PBA. 🍅



**State Correctional Officers Chapter of the  
Florida Police Benevolent Association, Inc.**

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