

By Senator Brown-Waite

10-1138-99

1 A bill to be entitled
2 An act relating to the Department of
3 Corrections; amending s. 20.315, F.S.; revising
4 department goals; revising the organization of
5 the state correctional system; authorizing the
6 Secretary of Corrections to appoint assistant
7 secretaries, directors, and other persons in
8 specified areas of program responsibility;
9 providing for the administration of department
10 operations through regions; deleting
11 requirements that the regions follow judicial
12 circuits; deleting provisions authorizing the
13 appointment of regional directors; revising
14 requirements for the annual department budget;
15 amending ss. 944.31, 944.331, F.S.; providing
16 for the department's office of general counsel
17 rather than the inspector general to oversee
18 inmate grievances; providing an effective date.

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

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22 Section 1. Section 20.315, Florida Statutes, 1998
23 Supplement, is amended to read:

24 20.315 Department of Corrections.--There is created a
25 Department of Corrections.

26 (1) PURPOSE.--The purpose of the Department of
27 Corrections is to protect the public through the incarceration
28 and supervision of offenders and to rehabilitate offenders
29 through the application of work, programs, and services. The
30 goals of the department shall be:

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1 (a) To protect society by providing incarceration that
2 will support the intentions of established criminal law.

3 (b) To ensure that inmates work while they are
4 incarcerated and that the department makes every effort to
5 collect restitution and other monetary assessments from
6 inmates while they are incarcerated or under supervision.

7 (c) To work in partnerships with local communities to
8 further efforts toward crime prevention.

9 (d) To provide a safe and humane environment for
10 offenders and staff in which rehabilitation is possible. This
11 should include the protection of the offender from
12 victimization within the institution and the development of a
13 system of due process, where applicable.

14 (e) To provide appropriate supervision for offenders
15 released on community supervision, based on public safety
16 risks and offender needs, and, in conjunction with the
17 judiciary, public safety agencies, and local communities,
18 develop safe, community-based alternatives ~~to traditional~~
19 incarceration.

20 (f) To provide programs, which may include academic,
21 vocational, ~~and career education~~ and treatment, to
22 incarcerated offenders and supervised offenders which will
23 prepare them for occupations available in the community.

24 (g) To provide library services at correctional
25 institutions, which includes general and law library services.

26 (h) To provide judges with effective evaluative tools
27 and information for use in sentencing decisions.

28 (i) To provide the level of security in institutions
29 commensurate with the custody requirements and management
30 needs of inmates.

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1 (j) To ensure that the rights and needs of crime
2 victims are recognized and met, including the need for the
3 victim to be timely notified of the release or escape of an
4 inmate utilize advanced technology to accomplish the
5 responsibilities of the department.

6 (2) LEGISLATIVE INTENT.--It is the intent of the
7 Legislature that:

8 (a) The department focus its attention on the removal
9 of barriers that could prevent the inmate's successful return
10 to society while supervising and incarcerating offenders at a
11 level of security commensurate with the danger they present to
12 the public.

13 (b) The department work in partnership with
14 communities in the construction of facilities and the
15 development of programs to offenders.

16 (c) The department develop a comprehensive program for
17 the treatment of youthful offenders and other special needs
18 offenders committed to the department, including female,
19 elderly, and disabled offenders.

20 (d) The department pursue partnerships with other
21 governmental entities and private industry for the purpose of
22 furthering mutual goals and expanding work and educational
23 opportunities for offenders.

24 (3) SECRETARY OF CORRECTIONS.--The head of the
25 Department of Corrections is the Secretary of Corrections.
26 The secretary is appointed by the Governor, subject to
27 confirmation by the Senate, and shall serve at the pleasure of
28 the Governor. The secretary is responsible for planning,
29 coordinating, and managing the corrections system of the
30 state. The secretary shall ensure that the programs and
31 services of the department are administered in accordance with

1 state and federal laws, rules, and regulations, with
2 established program standards, and consistent with legislative
3 intent. The secretary shall identify the need for and
4 recommend funding for the secure and efficient operation of
5 the state correctional system.

6 (a) The secretary shall appoint a deputy secretary.
7 The deputy secretary shall be directly responsible to the
8 secretary and shall serve at the pleasure of the secretary.

9 (b) The secretary shall appoint a general counsel and
10 an inspector general, who are exempt from part II of chapter
11 110 and are included in the Senior Management Service.

12 (c) The secretary may ~~shall~~ appoint assistant
13 secretaries, directors, or other such persons that he or she
14 deems are necessary to accomplish the mission and goals of the
15 department, including, but not limited to, the following areas
16 of program responsibility:~~an Assistant Secretary for~~

17 1. Security and institutional operations, which shall
18 provide ~~Management responsible for providing~~ inmate work
19 programs, offender programs, security administration,
20 emergency operations response, and operational oversight of
21 ~~technical assistance to the regions.~~

22 2.~~(d)~~ ~~The secretary shall appoint an Assistant~~
23 ~~Secretary of Health services, which~~ who shall be headed by a
24 physician licensed under chapter 458 or an osteopathic
25 physician licensed under chapter 459, or a professionally
26 trained health care administrator with progressively
27 responsible experience in health care administration. This
28 individual shall be responsible for the delivery of health
29 services to offenders within the system and shall have direct
30 professional authority over such services.

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1 ~~(e) The secretary shall appoint an Assistant Secretary~~
2 ~~for Executive Services responsible for the provision of~~
3 ~~support to the agency through the management of human~~
4 ~~resources, research, planning and evaluation, and technology.~~

5 3.(f) The secretary shall appoint an Assistant
6 Secretary for Community corrections, which shall provide
7 responsible for coordination of community alternatives to
8 incarceration and operational oversight of community
9 corrections regions.

10 ~~4.(g) Administrative services, which shall provide The~~
11 ~~secretary shall appoint an Assistant Secretary for~~
12 ~~Administration, responsible for the budget and accounting~~
13 ~~services activities within the department, including the~~
14 ~~construction and maintenance of correctional institutions,~~
15 ~~human-resource management, research, planning and evaluation,~~
16 ~~and technology.~~

17 5.(h) Program services, which shall provide for the
18 direct management and supervision of all departmental
19 programs, including ~~The secretary shall appoint an Assistant~~
20 ~~Secretary for Education and Job Training, responsible for the~~
21 ~~coordination and delivery of education and job training to the~~
22 ~~offenders in the custody of the department.~~

23 (4) REGIONS.--The department shall plan and administer
24 its program of services for community corrections, security,
25 and institutional operations through regions ~~through a maximum~~
26 ~~of five regional offices. The secretary shall establish the~~
27 ~~geographical boundaries of each region. In establishing each~~
28 ~~region, the secretary shall, to the extent possible, follow~~
29 ~~the boundaries of the judicial circuits and balance the~~
30 ~~regions by geographical size or workload of the department.~~

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1 ~~(a) The secretary shall appoint regional directors who~~
2 ~~shall serve at the pleasure of the secretary. Though~~
3 ~~organizationally located within the office of the Assistant~~
4 ~~Secretary for Security and Institutional Management for~~
5 ~~administrative purposes, the regional directors are~~
6 ~~accountable to the secretary for administration of all affairs~~
7 ~~under their jurisdiction. The secretary shall develop~~
8 ~~performance agreements with each assistant secretary and~~
9 ~~regional director each biennium. Such agreements shall~~
10 ~~evaluate the execution of the agency mission, strategic plan,~~
11 ~~and performance budget measures and outcomes.~~

12 ~~(b) Each regional director shall appoint, with the~~
13 ~~advice and consent of the secretary, the following offices~~
14 ~~within the region. Each shall be headed by a director and~~
15 ~~shall be classified at a level of division director:~~

16 ~~1. Administration.~~

17 ~~2. Community Corrections.~~

18 ~~3. Executive Services.~~

19 ~~4. Security and Institutional Management.~~

20 ~~5. Health Care Administration.~~

21 ~~6. Education and Job Training.~~

22 (5) ANNUAL REPORTING.--The department shall report
23 annually to the Governor, the President of the Senate, and the
24 Speaker of the House of Representatives recounting its
25 activities and making recommendations for improvements to the
26 performance of the department.

27 (6) FLORIDA CORRECTIONS COMMISSION.--

28 (a)1. The Florida Corrections Commission is hereby
29 created. The primary focus of the commission shall be on
30 corrections; however, in those instances in which the policies
31 of other components of the criminal justice system affect

1 corrections, the commission shall advise and make
2 recommendations.

3 2. The commission shall consist of nine members
4 appointed by the Governor subject to confirmation by the
5 Senate. The initial members of the commission shall be
6 appointed by October 1, 1994. Members of the commission shall
7 serve terms of 4 years each, except that four of the initial
8 members shall be appointed for terms of 2 years each. Members
9 must be appointed in such a manner as to equitably represent
10 all geographic areas of the state. Each member of the
11 commission must be a citizen and registered voter of the
12 state. A member of the commission shall represent the public
13 safety needs of the state as a whole and may not subordinate
14 the needs of the state to those of any particular area of the
15 state. The commission's membership should, to the extent
16 possible, contain persons who are knowledgeable about
17 construction, health care, information technology, education,
18 business, food services, law, and inmate and youthful offender
19 rehabilitation and services.

20 3. The commission is assigned to the office of the
21 Secretary of Corrections for administrative and fiscal
22 accountability purposes, but it shall otherwise function
23 independently of the control and direction of the Department
24 of Corrections.

25 (b) The primary functions of the commission are to:

26 1. Recommend major correctional policies for the
27 Governor's approval, and assure that approved policies and any
28 revisions thereto are properly executed.

29 2. Periodically review the status of the state
30 correctional system and recommend improvements therein to the
31 Governor and the Legislature.

1 3. Annually perform an in-depth review of
2 community-based intermediate sanctions and recommend to the
3 Governor and the Legislature intergovernmental approaches
4 through the Community Corrections Partnership Act for planning
5 and implementing such sanctions and programs.

6 4. Perform an in-depth evaluation of the annual budget
7 request of the Department of Corrections, the comprehensive
8 correctional master plan, and the tentative construction
9 program for compliance with all applicable laws and
10 established departmental policies. The commission may not
11 consider individual construction projects, but shall consider
12 methods of accomplishing the department's goals in the most
13 effective, efficient, and businesslike manner.

14 5. Routinely monitor the financial status of the
15 Department of Corrections to assure that the department is
16 managing revenue and any applicable bond proceeds responsibly
17 and in accordance with law and established policy.

18 6. Evaluate, at least quarterly, the efficiency,
19 productivity, and management of the Department of Corrections,
20 using performance and production standards developed by the
21 department under subsection (18).

22 7. Provide public education on corrections and
23 criminal justice issues.

24 8. Report to the President of the Senate, the Speaker
25 of the House of Representatives, and the Governor by November
26 1 of each year.

27 (c) The commission or a member thereof may not enter
28 into the day-to-day operation of the Department of Corrections
29 and is specifically prohibited from taking part in:

30 1. The awarding of contracts by the department.

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1 2. The selection by the department of a consultant or
2 contractor or the prequalification by the department of any
3 individual consultant or contractor. However, the commission
4 may recommend to the Secretary of Corrections standards and
5 policies governing the procedure for selection and
6 prequalification of consultants and contractors.

7 3. The selection by the department of a county for a
8 specific project.

9 4. The selection by the department of a specific
10 location for a correctional facility.

11 5. The employment, promotion, demotion, suspension,
12 transfer, or discharge of any departmental personnel.

13 6. The enforcement of minimum standards for any county
14 or municipal detention facility.

15 (d)1. The chair of the commission shall be selected by
16 the members for a term of 1 year.

17 2. The commission shall hold a minimum of four regular
18 meetings annually, and other meetings may be called by the
19 chair upon giving at least 7 days' notice to all members and
20 the public pursuant to chapter 120. Meetings may also be held
21 upon the written request of at least four members, upon at
22 least 7 days' notice of such meeting being given to all
23 members and the public by the chair pursuant to chapter 120.
24 Emergency meetings may be held without notice upon the request
25 of all members. The meetings of the commission shall be held
26 in the central office of the Department of Corrections in
27 Tallahassee unless the chair determines that special
28 circumstances warrant meeting at another location.

29 3. A majority of the membership of the commission
30 constitutes a quorum at any meeting of the commission. An
31 action of the commission is not binding unless the action is

1 taken pursuant to an affirmative vote of a majority of the
2 members present, but not fewer than four members of the
3 commission must be present, and the vote must be recorded in
4 the minutes of the meeting.

5 4. The chair shall cause to be made a complete record
6 of the proceedings of the commission, which record shall be
7 open for public inspection.

8 (e) The commission shall appoint an executive director
9 and an assistant executive director, who shall serve under the
10 direction, supervision, and control of the commission. The
11 executive director, with the consent of the commission, shall
12 employ such staff as are necessary to perform adequately the
13 functions of the commission, within budgetary limitations. All
14 employees of the commission are exempt from part II of chapter
15 110 and serve at the pleasure of the commission. The salaries
16 and benefits of all employees of the commission shall be set
17 in accordance with the Selected Exempt Service rules; however,
18 the commission shall have complete authority for fixing the
19 salaries of the executive director and the assistant executive
20 director. The executive director and staff of the Task Force
21 for Review of the Criminal Justice and Corrections System,
22 created under chapter 93-404, Laws of Florida, shall serve as
23 the staff for the commission until the commission hires an
24 executive director.

25 (f) Members of the commission are entitled to per diem
26 and travel expenses pursuant to s. 112.061.

27 (g) A member of the commission may not have any
28 interest, direct or indirect, in any contract, franchise,
29 privilege, or other benefit granted or awarded by the
30 department during the term of his or her appointment and for 2
31 years after the termination of that appointment.

1 (h) The commission shall develop a budget pursuant to
2 chapter 216. The budget is not subject to change by the
3 department, but such budget shall be submitted to the Governor
4 along with the budget of the department.

5 (7) DEPARTMENTAL BUDGETS.--

6 (a) The secretary shall develop and submit annually to
7 the Legislature a comprehensive departmental budget request
8 ~~document. This summary document shall, for the purpose of~~
9 ~~legislative appropriation, consist of four distinct budget~~
10 ~~entities:~~

11 1. ~~Department Administration.~~

12 2. ~~Department Operations.~~

13 3. ~~Health Services.~~

14 4. ~~Education and Job Training.~~

15 (b) The department shall revise its budget entity
16 designations to conform ~~with the four distinct budget~~
17 ~~entities, or to the~~ such other budget entities ~~as are~~
18 designated by the Executive Office of the Governor under
19 ~~pursuant to~~ s. 216.0235. The department, consistent in
20 ~~accordance~~ with chapter 216, may shall transfer, as necessary,
21 funds and positions among budget entities to realign
22 appropriations with the revised budget entity designations.
23 Such authorized revisions must be consistent with the intent
24 of the approved operating budget. ~~The various regional budget~~
25 ~~requests developed shall be included in the comprehensive~~
26 ~~department budget document.~~ The department shall periodically
27 review the appropriateness of the budget entity designations
28 and the adequacy of its delegated authority to transfer funds
29 between entities and submit the reviews to the Governor's
30 office of Planning and Budget. To fulfill this
31 responsibility, the secretary shall have the authority to

1 review, amend, and approve the annual budget requests of all
2 departmental activities. ~~Recommendations on departmental~~
3 ~~budget priorities shall be furnished to the secretary by the~~
4 ~~deputy secretary, assistant secretaries, and regional~~
5 ~~directors.~~

6 ~~(c) It is the responsibility of the Assistant~~
7 ~~Secretary for Administration to promulgate the necessary~~
8 ~~budget timetables, formats, and data requirements for all~~
9 ~~departmental budget requests. This shall be done in~~
10 ~~accordance with statewide budget requirements of the Executive~~
11 ~~Office of the Governor.~~

12 ~~(d) It is the responsibility of the regional directors~~
13 ~~to develop an annual budget request to be reviewed, amended,~~
14 ~~and approved by the secretary and incorporated into the agency~~
15 ~~budget request.~~

16 (8) PLACEMENT OF OFFENDERS.--The department shall
17 classify its programs according to the character and range of
18 services available for its clients. The department shall place
19 each offender in the program or facility most appropriate to
20 the offender's needs, subject to budgetary limitations and the
21 availability of space.

22 (9) DISCHARGE FROM COMMITMENT.--When the law grants to
23 an agent, officer, or administrator of the Department of
24 Corrections the authority to make a discharge from commitment,
25 such authority shall be vested in the Secretary of Corrections
26 or in any agent who, in his or her discretion, the secretary
27 may authorize.

28 (10) FORM OF COMMITMENT; NOTICE OF PAROLE
29 VIOLATION.--All commitments shall state the statutory
30 authority therefor. The Secretary of Corrections shall have
31 the authority to prescribe the form to be used for

1 commitments. Nothing in this act shall be construed to
2 abridge the authority and responsibility of the Parole
3 Commission with respect to the granting and revocation of
4 parole. The Department of Corrections shall notify the Parole
5 Commission of all violations of parole conditions and provide
6 reports connected thereto as may be requested by the
7 commission. The commission shall have the authority to issue
8 orders dealing with supervision of specific parolees, and such
9 orders shall be binding on all parties.

10 (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There
11 shall be only one offender-based information and records
12 system maintained by the Department of Corrections for the
13 joint use of the department and the Parole Commission. This
14 data system is managed through the Justice Data Center, which
15 is hereby transferred to the department under this act
16 pursuant to a type two transfer authorized under s. 20.06(2).
17 The department shall develop and maintain, in consultation
18 with the Criminal and Juvenile Justice Information Systems
19 Council under s. 943.08, such offender-based information
20 system designed to serve the needs of both the department and
21 the Parole Commission. The department shall notify the
22 commission of all violations of parole and the circumstances
23 thereof.

24 (12) TRANSFER OF AUTHORITY.--All statutory functions
25 of the department not otherwise herein assigned to a specific
26 unit of the department are assigned generally to the
27 department and may be allocated and reallocated by the
28 secretary to an authorized unit of the department.

29 (13) PURCHASE OF SERVICES.--Whenever possible, the
30 department, in accordance with the established program
31 objectives and performance criteria, may contract for the

1 provision of services by counties, municipalities, nonprofit
2 corporations, and other entities capable of providing needed
3 services, if services so provided are more cost-efficient,
4 cost-effective, or timely than those provided by the
5 department or available to it under existing law.

6 Section 2. Section 944.31, Florida Statutes, is
7 amended to read:

8 944.31 Inspector general; inspectors; power and
9 duties.--The inspector general shall be responsible for prison
10 inspection and investigation, internal affairs investigations,
11 ~~inmate grievances~~, and management reviews. The office of the
12 inspector general shall be charged with the duty of inspecting
13 the penal and correctional systems of the state. The office of
14 the inspector general shall inspect each correctional
15 institution or any place in which state prisoners are housed,
16 worked, or kept within the state, with reference to its
17 physical conditions, cleanliness, sanitation, safety, and
18 comfort; the quality and supply of all bedding; the quality,
19 quantity, and diversity of food served and the manner in which
20 it is served; the number and condition of the prisoners
21 confined therein; and the general conditions of each
22 institution. The office of inspector general shall see that
23 all the rules and regulations issued by the department are
24 strictly observed and followed by all persons connected with
25 the correctional systems of the state. The office of the
26 inspector general shall coordinate and supervise the work of
27 inspectors throughout the state. The inspector general and
28 inspectors may enter any place where prisoners in this state
29 are kept and shall be immediately admitted to such place as
30 they desire and may consult and confer with any prisoner
31 privately and without molestation. The inspector general and

1 inspectors shall be responsible for criminal and
2 administrative investigation of matters relating to the
3 Department of Corrections. In such investigations, the
4 inspector general and inspectors may consult and confer with
5 any prisoner or staff member privately and without molestation
6 and shall have the authority to detain any person for
7 violations of the criminal laws of the state. Such detention
8 shall be made only on properties owned or leased by the
9 department, and the detained person shall be surrendered
10 without delay to the sheriff of the county in which the
11 detention is made, with a formal complaint subsequently made
12 against her or him in accordance with law.

13 Section 3. Section 944.331, Florida Statutes, is
14 amended to read:

15 944.331 Inmate grievance procedure.--The department
16 shall establish by rule an inmate grievance procedure that
17 must ~~which shall~~ conform to the Minimum Standards for Inmate
18 Grievance Procedures as promulgated by the United States
19 Department of Justice pursuant to 42 U.S.C. s. 1997e. The
20 department's office of general counsel shall oversee the
21 grievance procedures established by the department.

22 Section 4. This act shall take effect upon becoming a
23 law.

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SENATE SUMMARY

Revises the internal organization of the Department of Corrections. Authorizes the Secretary of Corrections to appoint assistant secretaries, directors, and other persons to administer various areas of program responsibility. Deletes a limitation on the maximum number of departmental regions. Deletes a requirement that the regions conform to judicial circuits. Revises requirements for the department's annual budget. Requires that the department's office of general counsel rather than the inspector general oversee inmate grievance procedures. (See bill for details.)