

By the Committee on Criminal Justice and Senator Brown-Waite

307-1877A-99

1                                   A bill to be entitled  
2           An act relating to corrections; amending s.  
3           20.315, F.S.; revising department goals;  
4           revising the organization of the state  
5           correctional system; authorizing the Secretary  
6           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; amending s. 944.10, F.S.;  
19          limiting the services that may be provided by  
20          the department when contracting with  
21          governmental entities for planning and  
22          designing buildings, parks, roads, and other  
23          projects; amending s. 944.40, F.S.; providing  
24          that it is a second-degree felony to escape or  
25          attempt to escape from a private correctional  
26          facility or other correctional facility  
27          operated by a governmental entity or under  
28          contract with a governmental entity; providing  
29          an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

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

3           20.315 Department of Corrections.--There is created a  
4 Department of Corrections.

5           (1) PURPOSE.--The purpose of the Department of  
6 Corrections is to protect the public through the incarceration  
7 and supervision of offenders and to rehabilitate offenders  
8 through the application of work, programs, and services. The  
9 goals of the department shall be:

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

12           (b) To ensure that inmates work while they are  
13 incarcerated and that the department makes every effort to  
14 collect restitution and other monetary assessments from  
15 inmates while they are incarcerated or under supervision.

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

18           (d) To provide a safe and humane environment for  
19 offenders and staff in which rehabilitation is possible. This  
20 should include the protection of the offender from  
21 victimization within the institution and the development of a  
22 system of due process, where applicable.

23           (e) To provide appropriate supervision for offenders  
24 released on community supervision, based on public safety  
25 risks and offender needs, and, in conjunction with the  
26 judiciary, public safety agencies, and local communities,  
27 develop safe, community-based alternatives ~~to traditional~~  
28 ~~incarceration.~~

29           (f) To provide programs, which may include academic,  
30 vocational, ~~and career education~~ and treatment, to  
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1 incarcerated offenders and supervised offenders which will  
2 prepare them for occupations available in the community.

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

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

7 (i) To provide the level of security in institutions  
8 commensurate with the custody requirements and management  
9 needs of inmates.

10 (j) To ensure that the rights and needs of crime  
11 victims are recognized and met, including the need for the  
12 victim to be timely notified of the release or escape of an  
13 inmate utilize advanced technology to accomplish the  
14 responsibilities of the department.

15 (2) LEGISLATIVE INTENT.--It is the intent of the  
16 Legislature that:

17 (a) The department focus its attention on the removal  
18 of barriers that could prevent the inmate's successful return  
19 to society while supervising and incarcerating offenders at a  
20 level of security commensurate with the danger they present to  
21 the public.

22 (b) The department work in partnership with  
23 communities in the construction of facilities and the  
24 development of programs to offenders.

25 (c) The department develop a comprehensive program for  
26 the treatment of youthful offenders and other special needs  
27 offenders committed to the department, including female,  
28 elderly, and disabled offenders.

29 (d) The department pursue partnerships with other  
30 governmental entities and private industry for the purpose of  
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1 furthering mutual goals and expanding work and educational  
2 opportunities for offenders.

3 (3) SECRETARY OF CORRECTIONS.--The head of the  
4 Department of Corrections is the Secretary of Corrections.  
5 The secretary is appointed by the Governor, subject to  
6 confirmation by the Senate, and shall serve at the pleasure of  
7 the Governor. The secretary is responsible for planning,  
8 coordinating, and managing the corrections system of the  
9 state. The secretary shall ensure that the programs and  
10 services of the department are administered in accordance with  
11 state and federal laws, rules, and regulations, with  
12 established program standards, and consistent with legislative  
13 intent. The secretary shall identify the need for and  
14 recommend funding for the secure and efficient operation of  
15 the state correctional system.

16 (a) The secretary shall appoint a deputy secretary.  
17 The deputy secretary shall be directly responsible to the  
18 secretary and shall serve at the pleasure of the secretary.

19 (b) The secretary shall appoint a general counsel and  
20 an inspector general, who are exempt from part II of chapter  
21 110 and are included in the Senior Management Service.

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

27 1. Security and institutional operations, which shall  
28 provide ~~Management responsible for providing~~ inmate work  
29 programs, offender programs, security administration,  
30 emergency operations response, and operational oversight of  
31 ~~technical assistance to the regions.~~

1           ~~2.(d) The secretary shall appoint an Assistant~~  
2 Secretary of Health services, which ~~who~~ shall be headed by a  
3 physician licensed under chapter 458 or an osteopathic  
4 physician licensed under chapter 459, or a professionally  
5 trained health care administrator with progressively  
6 responsible experience in health care administration. This  
7 individual shall be responsible for the delivery of health  
8 services to offenders within the system and shall have direct  
9 professional authority over such services.

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

14           ~~3.(f) The secretary shall appoint an Assistant~~  
15 ~~Secretary for Community corrections, which shall provide~~  
16 ~~responsible~~ for coordination of community alternatives to  
17 incarceration and operational oversight of community  
18 corrections regions.

19           ~~4.(g) Administrative services, which shall provide~~ ~~The~~  
20 ~~secretary shall appoint an Assistant Secretary for~~  
21 ~~Administration, responsible for the budget and accounting~~  
22 ~~services activities~~ within the department, including the  
23 construction and maintenance of correctional institutions,  
24 human-resource management, research, planning and evaluation,  
25 and technology.

26           ~~5.(h) Program services, which shall provide for the~~  
27 direct management and supervision of all departmental  
28 programs, including ~~The secretary shall appoint an Assistant~~  
29 ~~Secretary for Education and Job Training, responsible for the~~  
30 coordination and delivery of education and job training to the  
31 offenders in the custody of the department.

1           (4) REGIONS.--The department shall plan and administer  
2 its program of services for community corrections, security,  
3 and institutional operations through regions ~~through a maximum~~  
4 ~~of five regional offices.~~ ~~The secretary shall establish the~~  
5 ~~geographical boundaries of each region.~~ In establishing each  
6 region, the secretary shall, to the extent possible, follow  
7 the boundaries of the judicial circuits and balance the  
8 regions by geographical size or workload of the department.

9           ~~(a) The secretary shall appoint regional directors who~~  
10 ~~shall serve at the pleasure of the secretary.~~ ~~Though~~  
11 ~~organizationally located within the office of the Assistant~~  
12 ~~Secretary for Security and Institutional Management for~~  
13 ~~administrative purposes, the regional directors are~~  
14 ~~accountable to the secretary for administration of all affairs~~  
15 ~~under their jurisdiction.~~ ~~The secretary shall develop~~  
16 ~~performance agreements with each assistant secretary and~~  
17 ~~regional director each biennium.~~ ~~Such agreements shall~~  
18 ~~evaluate the execution of the agency mission, strategic plan,~~  
19 ~~and performance budget measures and outcomes.~~

20           ~~(b) Each regional director shall appoint, with the~~  
21 ~~advice and consent of the secretary, the following offices~~  
22 ~~within the region.~~ ~~Each shall be headed by a director and~~  
23 ~~shall be classified at a level of division director:~~

24           ~~1. Administration.~~

25           ~~2. Community Corrections.~~

26           ~~3. Executive Services.~~

27           ~~4. Security and Institutional Management.~~

28           ~~5. Health Care Administration.~~

29           ~~6. Education and Job Training.~~

30           (5) ANNUAL REPORTING.--The department shall report  
31 annually to the Governor, the President of the Senate, and the

1 Speaker of the House of Representatives recounting its  
2 activities and making recommendations for improvements to the  
3 performance of the department.

4 (6) FLORIDA CORRECTIONS COMMISSION.--

5 (a)1. The Florida Corrections Commission is hereby  
6 created. The primary focus of the commission shall be on  
7 corrections; however, in those instances in which the policies  
8 of other components of the criminal justice system affect  
9 corrections, the commission shall advise and make  
10 recommendations.

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

28 3. The commission is assigned to the office of the  
29 Secretary of Corrections for administrative and fiscal  
30 accountability purposes, but it shall otherwise function  
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1 independently of the control and direction of the Department  
2 of Corrections.

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

4 1. Recommend major correctional policies for the  
5 Governor's approval, and assure that approved policies and any  
6 revisions thereto are properly executed.

7 2. Periodically review the status of the state  
8 correctional system and recommend improvements therein to the  
9 Governor and the Legislature.

10 3. Annually perform an in-depth review of  
11 community-based intermediate sanctions and recommend to the  
12 Governor and the Legislature intergovernmental approaches  
13 through the Community Corrections Partnership Act for planning  
14 and implementing such sanctions and programs.

15 4. Perform an in-depth evaluation of the annual budget  
16 request of the Department of Corrections, the comprehensive  
17 correctional master plan, and the tentative construction  
18 program for compliance with all applicable laws and  
19 established departmental policies. The commission may not  
20 consider individual construction projects, but shall consider  
21 methods of accomplishing the department's goals in the most  
22 effective, efficient, and businesslike manner.

23 5. Routinely monitor the financial status of the  
24 Department of Corrections to assure that the department is  
25 managing revenue and any applicable bond proceeds responsibly  
26 and in accordance with law and established policy.

27 6. Evaluate, at least quarterly, the efficiency,  
28 productivity, and management of the Department of Corrections,  
29 using performance and production standards developed by the  
30 department under subsection (18).

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1           7. Provide public education on corrections and  
2 criminal justice issues.

3           8. Report to the President of the Senate, the Speaker  
4 of the House of Representatives, and the Governor by November  
5 1 of each year.

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

9           1. The awarding of contracts by the department.

10           2. The selection by the department of a consultant or  
11 contractor or the prequalification by the department of any  
12 individual consultant or contractor. However, the commission  
13 may recommend to the Secretary of Corrections standards and  
14 policies governing the procedure for selection and  
15 prequalification of consultants and contractors.

16           3. The selection by the department of a county for a  
17 specific project.

18           4. The selection by the department of a specific  
19 location for a correctional facility.

20           5. The employment, promotion, demotion, suspension,  
21 transfer, or discharge of any departmental personnel.

22           6. The enforcement of minimum standards for any county  
23 or municipal detention facility.

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

26           2. The commission shall hold a minimum of four regular  
27 meetings annually, and other meetings may be called by the  
28 chair upon giving at least 7 days' notice to all members and  
29 the public pursuant to chapter 120. Meetings may also be held  
30 upon the written request of at least four members, upon at  
31 least 7 days' notice of such meeting being given to all

1 members and the public by the chair pursuant to chapter 120.  
2 Emergency meetings may be held without notice upon the request  
3 of all members. The meetings of the commission shall be held  
4 in the central office of the Department of Corrections in  
5 Tallahassee unless the chair determines that special  
6 circumstances warrant meeting at another location.

7           3. A majority of the membership of the commission  
8 constitutes a quorum at any meeting of the commission. An  
9 action of the commission is not binding unless the action is  
10 taken pursuant to an affirmative vote of a majority of the  
11 members present, but not fewer than four members of the  
12 commission must be present, and the vote must be recorded in  
13 the minutes of the meeting.

14           4. The chair shall cause to be made a complete record  
15 of the proceedings of the commission, which record shall be  
16 open for public inspection.

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

1 the staff for the commission until the commission hires an  
2 executive director.

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

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

10 (h) The commission shall develop a budget pursuant to  
11 chapter 216. The budget is not subject to change by the  
12 department, but such budget shall be submitted to the Governor  
13 along with the budget of the department.

14 (7) DEPARTMENTAL BUDGETS.--

15 (a) The secretary shall develop and submit annually to  
16 the Legislature a comprehensive departmental budget request  
17 ~~document. This summary document shall, for the purpose of~~  
18 ~~legislative appropriation, consist of four distinct budget~~  
19 ~~entities:~~

20 1. ~~Department Administration.~~

21 2. ~~Department Operations.~~

22 3. ~~Health Services.~~

23 4. ~~Education and Job Training.~~

24 (b) The department shall revise its budget entity  
25 designations to conform ~~with the four distinct budget~~  
26 ~~entities, or to the such other budget entities as are~~  
27 designated by the Executive Office of the Governor under  
28 ~~pursuant to~~ s. 216.0235. The department, consistent in  
29 ~~accordance~~ with chapter 216, may shall transfer, as necessary,  
30 funds and positions among budget entities to realign  
31 appropriations with the revised budget entity designations.

1 Such authorized revisions must be consistent with the intent  
2 of the approved operating budget. ~~The various regional budget~~  
3 ~~requests developed shall be included in the comprehensive~~  
4 ~~department budget document.~~ The department shall periodically  
5 review the appropriateness of the budget entity designations  
6 and the adequacy of its delegated authority to transfer funds  
7 between entities and submit the reviews to the Governor's  
8 office of Planning and Budget. To fulfill this  
9 responsibility, the secretary shall have the authority to  
10 review, amend, and approve the annual budget requests of all  
11 departmental activities. ~~Recommendations on departmental~~  
12 ~~budget priorities shall be furnished to the secretary by the~~  
13 ~~deputy secretary, assistant secretaries, and regional~~  
14 ~~directors.~~

15 (c) ~~It is the responsibility of the Assistant~~  
16 ~~Secretary for Administration to promulgate the necessary~~  
17 ~~budget timetables, formats, and data requirements for all~~  
18 ~~departmental budget requests. This shall be done in~~  
19 ~~accordance with statewide budget requirements of the Executive~~  
20 ~~Office of the Governor.~~

21 (d) ~~It is the responsibility of the regional directors~~  
22 ~~to develop an annual budget request to be reviewed, amended,~~  
23 ~~and approved by the secretary and incorporated into the agency~~  
24 ~~budget request.~~

25 (8) PLACEMENT OF OFFENDERS.--The department shall  
26 classify its programs according to the character and range of  
27 services available for its clients. The department shall place  
28 each offender in the program or facility most appropriate to  
29 the offender's needs, subject to budgetary limitations and the  
30 availability of space.

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1           (9) DISCHARGE FROM COMMITMENT.--When the law grants to  
2 an agent, officer, or administrator of the Department of  
3 Corrections the authority to make a discharge from commitment,  
4 such authority shall be vested in the Secretary of Corrections  
5 or in any agent who, in his or her discretion, the secretary  
6 may authorize.

7           (10) FORM OF COMMITMENT; NOTICE OF PAROLE  
8 VIOLATION.--All commitments shall state the statutory  
9 authority therefor. The Secretary of Corrections shall have  
10 the authority to prescribe the form to be used for  
11 commitments. Nothing in this act shall be construed to  
12 abridge the authority and responsibility of the Parole  
13 Commission with respect to the granting and revocation of  
14 parole. The Department of Corrections shall notify the Parole  
15 Commission of all violations of parole conditions and provide  
16 reports connected thereto as may be requested by the  
17 commission. The commission shall have the authority to issue  
18 orders dealing with supervision of specific parolees, and such  
19 orders shall be binding on all parties.

20           (11) SINGLE INFORMATION AND RECORDS SYSTEM.--There  
21 shall be only one offender-based information and records  
22 system maintained by the Department of Corrections for the  
23 joint use of the department and the Parole Commission. This  
24 data system is managed through the Justice Data Center, which  
25 is hereby transferred to the department under this act  
26 pursuant to a type two transfer authorized under s. 20.06(2).  
27 The department shall develop and maintain, in consultation  
28 with the Criminal and Juvenile Justice Information Systems  
29 Council under s. 943.08, such offender-based information  
30 system designed to serve the needs of both the department and  
31 the Parole Commission. The department shall notify the

1 commission of all violations of parole and the circumstances  
2 thereof.

3 (12) TRANSFER OF AUTHORITY.--All statutory functions  
4 of the department not otherwise herein assigned to a specific  
5 unit of the department are assigned generally to the  
6 department and may be allocated and reallocated by the  
7 secretary to an authorized unit of the department.

8 (13) PURCHASE OF SERVICES.--Whenever possible, the  
9 department, in accordance with the established program  
10 objectives and performance criteria, may contract for the  
11 provision of services by counties, municipalities, nonprofit  
12 corporations, and other entities capable of providing needed  
13 services, if services so provided are more cost-efficient,  
14 cost-effective, or timely than those provided by the  
15 department or available to it under existing law.

16 Section 2. Section 944.31, Florida Statutes, is  
17 amended to read:

18 944.31 Inspector general; inspectors; power and  
19 duties.--The inspector general shall be responsible for prison  
20 inspection and investigation, internal affairs investigations,  
21 ~~inmate grievances~~, and management reviews. The office of the  
22 inspector general shall be charged with the duty of inspecting  
23 the penal and correctional systems of the state. The office of  
24 the inspector general shall inspect each correctional  
25 institution or any place in which state prisoners are housed,  
26 worked, or kept within the state, with reference to its  
27 physical conditions, cleanliness, sanitation, safety, and  
28 comfort; the quality and supply of all bedding; the quality,  
29 quantity, and diversity of food served and the manner in which  
30 it is served; the number and condition of the prisoners  
31 confined therein; and the general conditions of each

1 institution. The office of inspector general shall see that  
2 all the rules and regulations issued by the department are  
3 strictly observed and followed by all persons connected with  
4 the correctional systems of the state. The office of the  
5 inspector general shall coordinate and supervise the work of  
6 inspectors throughout the state. The inspector general and  
7 inspectors may enter any place where prisoners in this state  
8 are kept and shall be immediately admitted to such place as  
9 they desire and may consult and confer with any prisoner  
10 privately and without molestation. The inspector general and  
11 inspectors shall be responsible for criminal and  
12 administrative investigation of matters relating to the  
13 Department of Corrections. In such investigations, the  
14 inspector general and inspectors may consult and confer with  
15 any prisoner or staff member privately and without molestation  
16 and shall have the authority to detain any person for  
17 violations of the criminal laws of the state. Such detention  
18 shall be made only on properties owned or leased by the  
19 department, and the detained person shall be surrendered  
20 without delay to the sheriff of the county in which the  
21 detention is made, with a formal complaint subsequently made  
22 against her or him in accordance with law.

23 Section 3. Section 944.331, Florida Statutes, is  
24 amended to read:

25 944.331 Inmate grievance procedure.--The department  
26 shall establish by rule an inmate grievance procedure that  
27 must ~~which shall~~ conform to the Minimum Standards for Inmate  
28 Grievance Procedures as promulgated by the United States  
29 Department of Justice pursuant to 42 U.S.C. s. 1997e. The  
30 department's office of general counsel shall oversee the  
31 grievance procedures established by the department.

1           Section 4. Subsection (7) of section 944.10, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3           944.10 Department of Corrections to provide buildings;  
4 sale and purchase of land; contracts to provide services and  
5 inmate labor.--

6           (7) The department may enter into contracts with  
7 federal, state, or local governmental entities or subdivisions  
8 to provide services and inmate labor for the construction of  
9 buildings, parks, roads, any detention or commitment  
10 facilities, or any other project deemed to be appropriate by  
11 the Department of Corrections, which includes ~~may include, but~~  
12 ~~is not limited to, the planning, design, site acquisition or~~  
13 ~~preparation, management, or construction of such projects.~~ The  
14 department may charge fees for providing such services. All  
15 fees collected must be placed in the Correctional Work Program  
16 Trust Fund.

17           Section 5. Section 944.40, Florida Statutes, is  
18 amended to read:

19           944.40 Escapes; penalty.--Any prisoner confined in any  
20 prison, jail, private correctional facility, road camp, or  
21 other penal institution, whether operated by the state, a  
22 county, or a municipality, or operated under a contract with  
23 the state, a county, or a municipality ~~municipal~~, working upon  
24 the public roads, or being transported to or from a place of  
25 confinement who escapes or attempts to escape from such  
26 confinement commits ~~shall be guilty of~~ a felony of the second  
27 degree, punishable as provided in s. 775.082, s. 775.083, or  
28 s. 775.084. The punishment of imprisonment imposed under this  
29 section shall run consecutive to any former sentence imposed  
30 upon any prisoner.

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1           Section 6. This act shall take effect upon becoming a  
2 law.

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   Senate Bill 1742

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7 - Clarifies that when an inmate escapes from a privatized  
8 correctional facility, it is a second-degree felony.

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9 - Deletes reference to "planning" and "design" as  
10 authorized activities for the Department of Corrections  
11 in providing services and inmate labor for various  
12 projects to governmental entities.

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