

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; amending  
29          s. 957.04, F.S.; providing for the status of  
30          specified property and leases of the  
31          Correctional Privatization Commission;

1 providing for payment in lieu of taxes from  
2 appropriated funds; providing for preparation  
3 of a reviser's bill to change the term  
4 "superintendent" to "warden"; amending s.  
5 944.09, F.S.; authorizing the department to  
6 take digitized photographs of inmates or  
7 offenders under its supervision; amending s.  
8 944.09, F.S.; providing the department  
9 authority to make rules relating to community  
10 corrections; amending s. 110.205, F.S.;  
11 exempting certain positions in the Department  
12 of Corrections and the Department of Children  
13 and Family Services from membership in the  
14 Career Service System; requiring the Office of  
15 Program Policy Analysis and Government  
16 Accountability to conduct a performance review  
17 of the Department of Corrections'  
18 reorganization efforts; requiring a report;  
19 providing legislative intent regarding the  
20 reorganization of the Department of  
21 Corrections; creating s. 944.8031, F.S.;  
22 relating to inmate's family visitation services  
23 and programs; providing legislative intent;  
24 requiring the department to provide certain  
25 minimum services and programs for persons  
26 visiting inmates; requiring the secretary to  
27 submit legislative budget requests necessary to  
28 improve the quality and frequency of family  
29 visits and improve visitation services and  
30 programs; amending s. 945.215, F.S., relating  
31 to the Inmate Welfare Trust Fund; requiring

1 such funds to be used for visitation and family  
2 programs and services; requiring funds from  
3 vending machines used by visitors to go into  
4 the fund; transferring the contract for the  
5 Gadsden Correctional Institution from the  
6 Department of Corrections to the Correctional  
7 Privatization Commission; creating s. 944.115,  
8 F.S.; providing legislative intent; requiring  
9 the Department of Corrections and private  
10 vendors operating state correctional facilities  
11 to make smoking-cessation assistance available  
12 to inmates; requiring full implementation of  
13 the act by a specified date; providing  
14 definitions; prohibiting an inmate within a  
15 state correctional facility from using tobacco  
16 products in prohibited areas; prohibiting  
17 employees or visitors from using tobacco  
18 products in prohibited areas; providing  
19 penalties; authorizing the department to adopt  
20 rules; providing an effective date.

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

23

24 Section 1. Section 20.315, Florida Statutes, 1998  
25 Supplement, is amended to read:26 20.315 Department of Corrections.--There is created a  
27 Department of Corrections.28 (1) PURPOSE.--The purpose of the Department of  
29 Corrections is to protect the public through the incarceration  
30 and supervision of offenders and to rehabilitate offenders

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1 through the application of work, programs, and services. The  
2 goals of the department shall be:

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

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

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

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

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

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

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

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

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1 (i) To provide the level of security in institutions  
2 commensurate with the custody requirements and management  
3 needs of inmates.

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

9 (2) LEGISLATIVE INTENT.--It is the intent of the  
10 Legislature that:

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

16 (b) The department work in partnership with  
17 communities in the construction of facilities and the  
18 development of programs to offenders.

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

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

27 (3) SECRETARY OF CORRECTIONS.--The head of the  
28 Department of Corrections is the Secretary of Corrections.  
29 The secretary is appointed by the Governor, subject to  
30 confirmation by the Senate, and shall serve at the pleasure of  
31 the Governor. The secretary is responsible for planning,

1 coordinating, and managing the corrections system of the  
2 state. The secretary shall ensure that the programs and  
3 services of the department are administered in accordance with  
4 state and federal laws, rules, and regulations, with  
5 established program standards, and consistent with legislative  
6 intent. The secretary shall identify the need for and  
7 recommend funding for the secure and efficient operation of  
8 the state correctional system.

9 (a) The secretary shall appoint a deputy secretary.  
10 The deputy secretary shall be directly responsible to the  
11 secretary and shall serve at the pleasure of the secretary.

12 (b) The secretary shall appoint a general counsel and  
13 an inspector general, who are exempt from part II of chapter  
14 110 and are included in the Senior Management Service.

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

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

25 ~~2.(d) The secretary shall appoint an Assistant~~  
26 ~~Secretary of Health services, which~~ who shall be headed by a  
27 physician licensed under chapter 458 or an osteopathic  
28 physician licensed under chapter 459, or a professionally  
29 trained health care administrator with progressively  
30 responsible experience in health care administration. This  
31 individual shall be responsible for the delivery of health

1 services to offenders within the system and shall have direct  
2 professional authority over such services.

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

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

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

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

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

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1 ~~the boundaries of the judicial circuits and balance the~~  
2 ~~regions by geographical size or workload of the department.~~

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

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

18 ~~1. Administration.~~

19 ~~2. Community Corrections.~~

20 ~~3. Executive Services.~~

21 ~~4. Security and Institutional Management.~~

22 ~~5. Health Care Administration.~~

23 ~~6. Education and Job Training.~~

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

29 (6) FLORIDA CORRECTIONS COMMISSION.--

30 (a)1. The Florida Corrections Commission is hereby  
31 created. The primary focus of the commission shall be on



1 corrections; however, in those instances in which the policies  
2 of other components of the criminal justice system affect  
3 corrections, the commission shall advise and make  
4 recommendations.

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

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

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

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

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1           2. Periodically review the status of the state  
2 correctional system and recommend improvements therein to the  
3 Governor and the Legislature.

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

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

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

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

25           7. Provide public education on corrections and  
26 criminal justice issues.

27           8. Report to the President of the Senate, the Speaker  
28 of the House of Representatives, and the Governor by November  
29 1 of each year.

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

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

11 3. The selection by the department of a county for a  
12 specific project.

13 4. The selection by the department of a specific  
14 location for a correctional facility.

15 5. The employment, promotion, demotion, suspension,  
16 transfer, or discharge of any departmental personnel.

17 6. The enforcement of minimum standards for any county  
18 or municipal detention facility.

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

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

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

10           4. The chair shall cause to be made a complete record  
11 of the proceedings of the commission, which record shall be  
12 open for public inspection.

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

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

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

6 (h) The commission shall develop a budget pursuant to  
7 chapter 216. The budget is not subject to change by the  
8 department, but such budget shall be submitted to the Governor  
9 along with the budget of the department.

10 (7) DEPARTMENTAL BUDGETS.--

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

16 1. ~~Department Administration.~~

17 2. ~~Department Operations.~~

18 3. ~~Health Services.~~

19 4. ~~Education and Job Training.~~

20 (b) The department shall revise its budget entity  
21 designations to conform ~~with the four distinct budget~~  
22 ~~entities, or to the such other budget entities as are~~  
23 designated by the Executive Office of the Governor under  
24 ~~pursuant to s. 216.0235. The department, consistent in~~  
25 ~~accordance with chapter 216, may shall transfer, as necessary,~~  
26 funds and positions among budget entities to realign  
27 appropriations with the revised budget entity designations.  
28 Such authorized revisions must be consistent with the intent  
29 of the approved operating budget. ~~The various regional budget~~  
30 ~~requests developed shall be included in the comprehensive~~  
31 ~~department budget document. The department shall periodically~~

1 review the appropriateness of the budget entity designations  
2 and the adequacy of its delegated authority to transfer funds  
3 between entities and submit the reviews to the Governor's  
4 office of Planning and Budget. To fulfill this  
5 responsibility, the secretary shall have the authority to  
6 review, amend, and approve the annual budget requests of all  
7 departmental activities. ~~Recommendations on departmental~~  
8 ~~budget priorities shall be furnished to the secretary by the~~  
9 ~~deputy secretary, assistant secretaries, and regional~~  
10 ~~directors.~~

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

17 ~~(d) It is the responsibility of the regional directors~~  
18 ~~to develop an annual budget request to be reviewed, amended,~~  
19 ~~and approved by the secretary and incorporated into the agency~~  
20 ~~budget request.~~

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

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

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

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

30 (12) TRANSFER OF AUTHORITY.--All statutory functions  
31 of the department not otherwise herein assigned to a specific

1 unit of the department are assigned generally to the  
2 department and may be allocated and reallocated by the  
3 secretary to an authorized unit of the department.

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

12 Section 2. Section 944.31, Florida Statutes, is  
13 amended to read:

14 944.31 Inspector general; inspectors; power and  
15 duties.--The inspector general shall be responsible for prison  
16 inspection and investigation, internal affairs investigations,  
17 ~~inmate grievances~~, and management reviews. The office of the  
18 inspector general shall be charged with the duty of inspecting  
19 the penal and correctional systems of the state. The office of  
20 the inspector general shall inspect each correctional  
21 institution or any place in which state prisoners are housed,  
22 worked, or kept within the state, with reference to its  
23 physical conditions, cleanliness, sanitation, safety, and  
24 comfort; the quality and supply of all bedding; the quality,  
25 quantity, and diversity of food served and the manner in which  
26 it is served; the number and condition of the prisoners  
27 confined therein; and the general conditions of each  
28 institution. The office of inspector general shall see that  
29 all the rules and regulations issued by the department are  
30 strictly observed and followed by all persons connected with  
31 the correctional systems of the state. The office of the



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

19 Section 3. Section 944.331, Florida Statutes, is  
20 amended to read:

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

28 Section 4. Subsection (7) of section 944.10, Florida  
29 Statutes, 1998 Supplement, is amended to read:  
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1           944.10 Department of Corrections to provide buildings;  
2 sale and purchase of land; contracts to provide services and  
3 inmate labor.--

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

15           Section 5. Section 944.40, Florida Statutes, is  
16 amended to read:

17           944.40 Escapes; penalty.--Any prisoner confined in any  
18 prison, jail, private correctional facility, road camp, or  
19 other penal institution, whether operated by the state, a  
20 county, or a municipality, or operated under a contract with  
21 the state, a county, or a municipality ~~municipal~~, working upon  
22 the public roads, or being transported to or from a place of  
23 confinement who escapes or attempts to escape from such  
24 confinement commits ~~shall be guilty of~~ a felony of the second  
25 degree, punishable as provided in s. 775.082, s. 775.083, or  
26 s. 775.084. The punishment of imprisonment imposed under this  
27 section shall run consecutive to any former sentence imposed  
28 upon any prisoner.

29           Section 6. Subsection (8) of section 957.04, Florida  
30 Statutes, is amended to read:

31           957.04 Contract requirements.--

1           (8) ~~For the 1996-1997 fiscal year only, the~~  
2 ~~Correctional Privatization Commission may expend appropriated~~  
3 ~~funds to assist in defraying impact costs that are incurred by~~  
4 ~~a municipality or county and are associated with the opening~~  
5 ~~and operating of a facility under the authority of the~~  
6 ~~commission and within that municipality or county. The amount~~  
7 ~~that may be paid under this subsection for any facility may~~  
8 ~~not exceed 1 percent of the facility construction cost, less~~  
9 ~~any building and construction impact fees imposed during the~~  
10 ~~permitting process for the facility. This subsection applies~~  
11 ~~only to facilities contracted under the authority of the~~  
12 ~~1996-1997 General Appropriations Act. This subsection is~~  
13 ~~repealed on July 1, 1997.~~Buildings and other improvements to  
14 real property which are financed under paragraph (2)(a) and  
15 which are leased to the Correctional Privatization Commission  
16 are considered to be owned by the Correctional Privatization  
17 Commission for the purposes of this section whereby the terms  
18 of the lease, the buildings, and other improvements will  
19 become the property of the state at the expiration of the  
20 lease. For any facility that is bid and built under the  
21 authority of requests for proposals made by the Correctional  
22 Privatization Commission between December 1993 and October  
23 1994 and that is operated by a private vendor, a payment in  
24 lieu of taxes, from funds appropriated for the Correctional  
25 Privatization Commission, shall be paid until the expiration  
26 of the lease to local taxing authorities in the local  
27 government in which the facility is located in an amount equal  
28 to the ad valorem taxes assessed by counties, municipalities,  
29 school districts, and special districts.

30           Section 7. The Division of Statutory Revision is  
31 requested to prepare a reviser's bill that changes the term

1 "superintendent" to "warden" wherever it appears in sections  
2 110.205, 112.531, 121.0515(2)(c), 790.001, 922.052, 922.11,  
3 922.12, and 922.15, and chapters 944, 945, 946, and 947,  
4 Florida Statutes, and the term "superintendent" in section  
5 112.3145(1)(b)4., Florida Statutes, as it related to  
6 corrections, training, treatment, or rehabilitation.

7 Section 8. Subsection (7) is added to section 944.09,  
8 Florida Statutes, 1998 Supplement, to read:

9 944.09 Rules of the department; offenders,  
10 probationers, and parolees.--

11 (7) The department may take a digitized photograph of  
12 any inmate or offender under its supervision.

13 Section 9. Paragraph (r) is added to subsection (1) of  
14 section 944.09, Florida Statutes, 1998 Supplement, to read:

15 944.09 Rules of the department; offenders,  
16 probationers, and parolees.--

17 (1) The department has authority to adopt rules  
18 pursuant to ss. 120.536(1) and 120.54 to implement its  
19 statutory authority. The rules must include rules relating to:

20 (r) The function and duties of employees working in  
21 the area of community corrections and the operations of  
22 probation field and administrative offices.

23 Section 10. Paragraph (1) of subsection (2) of section  
24 110.205, Florida Statutes, is amended to read:

25 110.205 Career service; exemptions.--

26 (2) EXEMPT POSITIONS.--The exempt positions which are  
27 not covered by this part include the following, provided that  
28 no position, except for positions established for a limited  
29 period of time pursuant to paragraph (h), shall be exempted if  
30 the position reports to a position in the career service:  
31

1           (1) All assistant division director, deputy division  
2 director, and bureau chief positions in any department, and  
3 those positions determined by the department to have  
4 managerial responsibilities comparable to such positions,  
5 which positions include, but are not limited to, positions in  
6 the Department of Children and Family Health and  
7 ~~Rehabilitative~~ Services and the Department of Corrections that  
8 are assigned primary duties of serving as the superintendent  
9 or assistant superintendent of an institution; positions in  
10 the Department of Corrections that are assigned primary duties  
11 of serving as the circuit administrator or deputy circuit  
12 administrator; positions in the Department of Transportation  
13 that are assigned primary duties of serving as regional toll  
14 managers and managers of offices as defined in s.  
15 20.23(3)(d)3. and (4)(d); positions in the Department of  
16 Environmental Protection that are assigned the duty of an  
17 Environmental Administrator or program administrator; and  
18 positions in the Department of Health and Rehabilitative  
19 Services that are assigned the duty of an Environmental  
20 Administrator. Unless otherwise fixed by law, the department  
21 shall set the salary and benefits of these positions in  
22 accordance with the rules established for the Selected Exempt  
23 Service.

24           Section 11. (1) The Office of Program Policy Analysis  
25 and Government Accountability shall conduct a performance  
26 review of the Department of Corrections' reorganization  
27 efforts pursuant to the passage of HB 2161 or any similar  
28 legislation passed in the 1999 Legislative session.

29           (2) The review shall describe the methods and goals of  
30 the department's reorganization efforts and determine  
31 immediate and long term effects of such efforts upon

1 department personnel and, to the extent possible, the  
2 operational effectiveness and accountability of the department  
3 anticipated by reorganization efforts.

4 (3) The Office of Program Policy Analysis and  
5 Governmental Accountability shall conduct the review in  
6 consultation with staff from the Governor's Office of Planning  
7 and Budgeting, the Florida Corrections Commission, the  
8 Correctional Medical Authority, and appropriate substantive  
9 and fiscal committees of the Senate and House of  
10 Representatives.

11 (4) The Office of Program Policy Analysis and  
12 Governmental Accountability shall submit a report to the  
13 Governor, the President of the Senate and the Speaker of the  
14 House of Representatives with findings and recommendations no  
15 later than December 31, 2000.

16 Section 12. (1) In implementing the reorganization of  
17 the Department of Corrections pursuant to HB 2161 or any  
18 similar legislation passed in the 1999 legislative session, it  
19 is the intent of the Legislature that, to the extent possible,  
20 no employee of the department shall lose their job as a result  
21 of the realignment of job functions anticipated by the  
22 reorganization plan.

23 (2) Furthermore, although no employee of the  
24 department will be required to change job locations due to  
25 reorganization efforts, employees of the department may choose  
26 to be reassigned to another position at their current job  
27 location or accept other opportunities at other locations with  
28 the department.

29 (3) No employee of the department shall receive a  
30 reduction in salary as a result of reorganization efforts and  
31 all personnel actions made as a result of reorganization

1 efforts shall be in accordance with career service rules and  
2 regulations.

3 Section 13. Section 944.8031, Florida Statutes, is  
4 created to read:

5 944.8031 Inmate's family visitation; legislative  
6 intent; minimum services provided to visitors; budget  
7 requests.--

8 (1) The Legislature finds that maintaining an inmate's  
9 family and community relationships through enhancing visitor  
10 services and programs and increasing the frequency and quality  
11 of the visits is an underutilized correctional resource that  
12 can improve an inmate's behavior in the correctional facility  
13 and, upon an inmate's release from a correctional facility,  
14 will help to reduce recidivism.

15 (2) The department shall provide, at a minimum, the  
16 following services at designated visiting areas for approved  
17 visitors in state correctional facilities:

18 (a) Information relating to applicable visiting  
19 regulations, dress codes, and visiting procedures.

20 (b) A sheltered area, outside the security perimeter,  
21 for visitors waiting before and after visiting inmates.

22 (c) Food services with food choices which are  
23 nutritious and acceptable for children and youth visitors.

24 (d) Minimal equipment and supplies which assist staff  
25 and visitors in managing and occupying the time and meeting  
26 the needs of children and youth visitors.

27 (3) Upon determining any deficiencies and barriers to  
28 the effective and efficient operation of the department's  
29 visitation program and services, the secretary shall submit  
30 annual budget requests identifying capital improvements,  
31 staffing, and programmatic needs necessary to improve the

1 quality and frequency of family visits and the visitation  
2 program and services.

3 Section 14. Paragraphs (a), (b), and (c) of subsection  
4 (1) of section 945.215, Florida Statutes, 1998 Supplement, are  
5 amended to read:

6 945.215 Inmate welfare and employee benefit trust  
7 funds.--

8 (1) INMATE WELFARE TRUST FUND; DEPARTMENT OF  
9 CORRECTIONS.--

10 (a) The Inmate Welfare Trust Fund constitutes a trust  
11 held by the department for the benefit and welfare of inmates  
12 incarcerated in correctional facilities operated directly by  
13 the department and for visitation and family programs and  
14 services in such correctional facilities. Funds shall be  
15 credited to the trust fund as follows:

16 1. All funds held in any auxiliary, canteen, welfare,  
17 or similar fund in any correctional facility operated directly  
18 by the department.

19 2. All net proceeds from operating inmate canteens,  
20 vending machines used primarily by inmates and visitors, hobby  
21 shops, and other such facilities; however, funds necessary to  
22 purchase items for resale at inmate canteens and vending  
23 machines must be deposited into local bank accounts designated  
24 by the department.

25 3. All proceeds from contracted telephone commissions.  
26 The department shall develop and update, as necessary,  
27 administrative procedures to verify that:

28 a. Contracted telephone companies accurately record  
29 and report all telephone calls made by inmates incarcerated in  
30 correctional facilities under the department's jurisdiction;

31



1           b. Persons who accept collect calls from inmates are  
2 charged the contracted rate; and

3           c. The department receives the contracted telephone  
4 commissions.

5           4. Any funds that may be assigned by inmates or  
6 donated to the department by the general public or an inmate  
7 service organization; however, the department shall not accept  
8 any donation from, or on behalf of, any individual inmate.

9           5. Repayment of the one-time sum of \$500,000  
10 appropriated in fiscal year 1996-1997 from the Inmate Welfare  
11 Trust Fund for correctional work programs pursuant to s.  
12 946.008.

13           6. All proceeds from:

14           a. The confiscation and liquidation of any contraband  
15 found upon, or in the possession of, any inmate;

16           b. Disciplinary fines imposed against inmates;

17           c. Forfeitures of inmate earnings; and

18           d. Unexpended balances in individual inmate trust fund  
19 accounts of less than \$1.

20           7. All interest earnings and other proceeds derived  
21 from investments of funds deposited in the trust fund. In the  
22 manner authorized by law for fiduciaries, the secretary of the  
23 department, or the secretary's designee, may invest any funds  
24 in the trust fund when it is determined that such funds are  
25 not needed for immediate use.

26           (b) Funds in the Inmate Welfare Trust Fund must be  
27 used exclusively for the following purposes at correctional  
28 facilities operated directly by the department:

29           1. To operate inmate canteens and vending machines,  
30 including purchasing items for resale at inmate canteens and  
31 vending machines; employing personnel and inmates to manage,

1 supervise, and operate inmate canteens and vending machines;  
2 and covering other operating and fixed capital outlay expenses  
3 associated with operating inmate canteens and vending  
4 machines;

5           2. To employ personnel to manage and supervise the  
6 proceeds from telephone commissions;

7           3. To develop, implement, and maintain the medical  
8 copayment accounting system;

9           4. To provide literacy programs, vocational training  
10 programs, and educational programs that comply with standards  
11 of the Department of Education, including employing personnel  
12 and covering other operating and fixed capital outlay expenses  
13 associated with providing such programs;

14           5. To operate inmate chapels, faith-based programs,  
15 visiting pavilions, visiting services and programs, family  
16 services and programs, libraries, and law libraries, including  
17 employing personnel and covering other operating and fixed  
18 capital outlay expenses associated with operating inmate  
19 chapels, faith-based programs, visiting pavilions, visiting  
20 services and programs, family services and programs,  
21 libraries, and law libraries;

22           6. To provide for expenses associated with various  
23 inmate clubs;

24           7. To provide for expenses associated with legal  
25 services for inmates;

26           8. To provide inmate substance abuse treatment  
27 programs and transition and life skills training programs,  
28 including employing personnel and covering other operating and  
29 fixed capital outlay expenses associated with providing such  
30 programs.

31

1           (c) The Legislature shall annually appropriate the  
2 funds deposited in the Inmate Welfare Trust Fund. It is the  
3 intent of the Legislature that total annual expenditures for  
4 providing literacy programs, vocational training programs, and  
5 educational programs exceed the combined total annual  
6 expenditures for operating inmate chapels, faith-based  
7 programs, visiting pavilions, visiting services and programs,  
8 family services and programs, libraries, and law libraries,  
9 covering expenses associated with inmate clubs, and providing  
10 inmate substance abuse treatment programs and transition and  
11 life skills training programs.

12           Section 15. No later than July 1, 1999, the Gadsden  
13 Correctional Institution, currently operated under a contract  
14 between the Department of Corrections and the Corrections  
15 Corporation of America pursuant to sections 944.710-944.72,  
16 Florida Statutes, shall be transferred to the Correctional  
17 Privatization Commission created in chapter 957, Florida  
18 Statutes, to be the sole contract manager and monitor for that  
19 facility.

20           Section 16. Section 944.115, Florida Statutes, is  
21 created to read:

22           944.115 Smoking prohibited inside state correctional  
23 facilities.--

24           (1) The purpose of this section is to protect the  
25 health, comfort, and environment of employees of the  
26 Department of Corrections, employees of privately operated  
27 correctional facilities, employees of the Correctional  
28 Privatization Commission, and inmates by prohibiting inmates  
29 from using tobacco products inside any office or building  
30 within state correctional facilities, and by ensuring that  
31 employees and visitors do not use tobacco products inside any

1 office or building within state correctional facilities.  
2 Scientific evidence links the use of tobacco products with  
3 numerous significant health risks. The use of tobacco products  
4 by inmates, employees, or visitors is contrary to efforts by  
5 the Department of Corrections to reduce the cost of inmate  
6 health care and to limit unnecessary litigation. The  
7 Department of Corrections and the private vendors operating  
8 correctional facilities shall make smoking-cessation  
9 assistance available to inmates in order to implement this  
10 section. The Department of Corrections and the private vendors  
11 operating correctional facilities shall implement this section  
12 as soon as possible, and all provisions of this section must  
13 be fully implemented by January 1, 2000.

14 (2) As used in this section, the term:

15 (a) "Department" means the Department of Corrections.

16 (b) "Employee" means an employee of the department or  
17 a private vendor in a contractual relationship with either the  
18 Department of Corrections or the Correctional Privatization  
19 Commission, and includes persons such as contractors,  
20 volunteers, or law enforcement officers who are within a state  
21 correctional facility to perform a professional service.

22 (c) "State correctional facility" means a state or  
23 privately operated correctional institution as defined in s.  
24 944.02, or a correctional institution or facility operated  
25 under s. 944.105 or chapter 957.

26 (d) "Tobacco products" means items such as cigars,  
27 cigarettes, snuff, loose tobacco, or similar goods made with  
28 any part of the tobacco plant, which are prepared or used for  
29 smoking, chewing, dipping, sniffing, or other personal use.

30 (e) "Visitor" means any person other than an inmate or  
31 employee who is within a state correctional facility for a

1 lawful purpose and includes, but is not limited to, persons  
2 who are authorized to visit state correctional institutions  
3 pursuant to s. 944.23 and persons authorized to visit as  
4 prescribed by departmental rule or vendor policy.

5 (f) "Prohibited areas" means any indoor areas of any  
6 building, portable, or other enclosed structure within a state  
7 correctional facility. The secretary of the department may, by  
8 rule, designate other areas, including vehicles, as  
9 "prohibited areas" to be regulated under this section. Neither  
10 employee housing on the grounds of a state correctional  
11 facility nor maximum security inmate housing areas may be  
12 designated as prohibited areas under this section.

13 (3)(a) An inmate within a state correctional facility  
14 may not use tobacco products in prohibited areas at any time  
15 while in the custody of the department or under the  
16 supervision of a private vendor operating a correctional  
17 facility.

18 (b)1. An employee or visitor may not use any tobacco  
19 products in prohibited areas.

20 2. The superintendent, warden, or supervisor of a  
21 state correctional facility shall take reasonable steps to  
22 ensure that the tobacco prohibition for employees and visitors  
23 is strictly enforced.

24 (4) An inmate who violates this section commits a  
25 disciplinary infraction and is subject to punishment  
26 determined to be appropriate by the disciplinary authority in  
27 the state correctional facility, including, but not limited  
28 to, forfeiture of gain-time or the right to earn gain-time in  
29 the future under s. 944.28.

30 (5) The department may adopt rules and the private  
31 vendors operating correctional facilities may adopt policies

1 and procedures for the implementation of this section, the  
2 designation of prohibited areas and smoking areas, and for the  
3 imposition of the following penalties:

4 (a) Inmates who violate this section will be subject  
5 to disciplinary action as provided by rule and in accordance  
6 with this section.

7 (b) Employees who violate this section will be subject  
8 to disciplinary action as provided by rule.

9 (c) Visitors who violate this section will be subject  
10 to removal of authorization to enter a correctional facility  
11 as provided by rule.

12 Section 17. This act shall take effect upon becoming a  
13 law.

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