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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:

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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:

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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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